

STANDARD OPERATING PROCEDURES

Reference number: 12.01.02

Collection and Preservation of Evidence

I. PROCEDURES FOR EVIDENCE COLLECTION AND PRESERVATION

The intention of this document is to provide procedures for evidence identification, processing, collection, marking, and preservation. Property or evidence which has been discovered, gathered, or received, in connection with departmental responsibilities, will be processed in accordance with established departmental procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

The Cedar Park Police Department recognizes that there will occasionally be instances of evidence that do not fall into recognized categories or are complex in nature. It is the responsibility of members of this department to ensure that in situations where there is a question, the patrol supervisor and/or the evidence technicians will be consulted prior to collection and storage.

II. CLASSIFICATION OF PROPERTY

In all cases, every attempt should be made to secure the item(s) and preserve the chain of custody. Property will be classified in one of the following categories:

1. **Evidence** – This classification encompasses all items or property that will be or may be used in the prosecution of a case.
2. **Seized** – This is an agency specific designation in the Property section of agency software that includes drugs and money that may be used in the prosecution of a case.
 - a. *This classification encompasses all items or property confiscated pursuant to controlled substances investigations intended for authorized forfeiture proceedings.*
3. **Safekeeping** – This classification encompasses all items or property that is to be officially retained by the department and will not be used in the prosecution of a case. The reason for safekeeping must be explained in the narrative of the report. Members of the department shall not accept valuables for safekeeping from individuals who merely desire to check them in for that purpose.
 - a. *This does not apply to firearm storage in cases of family violence or mental illness.*
4. **Found Property** – This classification encompasses all items of property that have been found in the field or are abandoned property.

III. EVIDENCE

- Anything that PROVES or DISPROVES an alleged matter of fact
- Can establish that a crime has been committed, or
- Can provide a link between a crime and its victim and/or crime and its perpetrator

IV. LOCATION AND COLLECTION OF EVIDENCE

Employees are reminded they must have proper authority, such as plain view observation, consent, or court order to search for and collect evidence at a crime scene. **If a question arises, consult a supervisor.**

In general, on a major incident scene, CRIME SCENE personnel will conduct and perform crime scene processing which may include the collection of evidence. However, when there are small transportable items, and/or at times when crime scene personnel are not available and call-out criteria are not met, officers shall collect the evidence.

All officers have a basic knowledge of evidence processing and collection as trained by the Property and Evidence Division or Training Division during the mini-academy.

Additionally, officers/employees understand that if evidence is not properly documented, collected, packaged, and preserved, it will not meet the legal and scientific requirements for admissibility in a court of law.

The following serves as a guide to assist employees when collecting evidence:

1. The first rule of evidence collection is to secure and protect the crime scene. Prior to collection, utilize department equipment to take photographs, sketches, and/or video of the crime scene
2. Employees will then proceed in an orderly progression of tasks:
 - **Observe** - identify the location/nature of evidence;
 - **Note** - take mental or physical notes of the aforementioned, and/or sketch the scene, (rough measurements or estimates of size/distance should be considered);
 - **Collect** - be sure to wear gloves (and/or other Personal Protective Equipment necessary) whenever handling evidence, and keep evidence separated. Mark the packaging of the evidence;
 - **Submit** - ensure all items have a property voucher with the evidence and indicates the locker/location where the evidence was placed;
 - **Report** - all evidence submissions require a report (Incident or Supplemental) providing an accurate description of the evidence, where evidence was collected from, as well as the circumstances by which the evidence came into the employee's possession and verifying that evidence was collected and preserved properly.
 - *Avoid making conclusions and enter evidence with generalized descriptions, per the following: Marijuana = green leafy substance / Cocaine = white powder substance*

3. Care should be taken to prevent the introduction of foreign materials into the process so as not to contaminate potential evidence.
4. Once custody of physical evidence is assumed, the transfer of custody will be recorded. This record should include:
 - Date and time of transfer;
 - Receiving person's name and functional responsibility;
 - Reason for transfer.

V. PACKAGING FOR EVIDENCE

Determine what you are collecting and use the proper packaging required for the evidence. Try to use the smallest evidence bag/container available to you.

Use the proper packaging required for the evidence:

PAPER:

- Types: Bags, envelopes, rolls of paper, or cardboard boxes
- Can be used with most types of evidence
- Allows evidence to 'breathe'
- REMEMBER--wet or damp items can ruin paper packaging—ALWAYS ALLOW ITEMS TO DRY BEFORE PACKAGING

Example of material that should be stored in paper: any biological material that includes blood or semen stained items, condoms, etc. and any item to be processed for fingerprints.

CARDBOARD BOXES:

- Firearms (long guns/handguns)

PLASTIC:

- Types: Plastic Bag on a Roll or as Individual Plastic Bags
- Plastic is see through, once bag is sealed you can still verify contents at a glance
- Does not allow evidence to 'breathe'
- Provides an effective barrier to outside contamination to items in the package.

Examples of material stored in plastic: non-biological material such as powder drug samples, pills, most narcotics and narcotic paraphernalia, etc.

VI. CHAIN OF CUSTODY

- Always document transfer of custody of physical evidence.
- Limit the number of people to handle the evidence
- Name/date of person handling the evidence is recorded every time (NO EXCEPTIONS)

VII. PRESERVATION OF EVIDENCE

- Always package the evidence properly
- Proper packaging will help prevent:
 - Breakage
 - Loss
 - Contamination
- **All items should be packaged separately in order to avoid the problems listed above**
 - DRUG PARAPHERNALIA AND FOUND PERSONAL PROPERTY ARE EXEMPT FROM THIS REQUIREMENT – THESE ITEMS MAY BE PACKAGED TOGETHER
- A seal must have all three of the following elements:
 - Employee's name or initials;
 - Employee's badge number;
 - Sign and date on the seal and packaging in order to prevent tampering;
 - If using a tape seal, then the writing on the seal should extend onto both the tape and packaging itself whenever possible.
 - If using plastic and creating a heat seal, then the writing should be over the heat seal(s) created.
 - Examples will be posted in the property submission area. If all three elements are not present, it does not constitute a proper seal and is subject to rejection.
- Staples **do not** constitute a proper evidence seal - only evidence tape (packing tape is available) with the employee's initials, employee number and date clearly written on the tape is acceptable;
- If using bags or envelopes, write a brief description on the packaging to clearly distinguish what is inside
- If using plastic and creating a “chain”, a double seal must be created with enough space between the seals to allow evidence personnel to cut & separate the items of evidence if needed
- Write the case number on the packaging

VIII. GUIDELINES FOR COLLECTING INFECTED OR SHARP OBJECTS

- Extreme caution should be used when handling syringes, knives, razor blades, etc.
- If packaging knives, razors or other items in paper, make sure to mark it as SHARP
- Gloves should be worn for added personal safety when handling these objects
- Syringes should be submitted in some type of syringe/sharp_tube
 - If tubes aren't available, syringes can be placed in a bag and that bag placed in bigger bag.
 - Use One-Hand Method when obtaining syringe:
 - Syringe is handled with one hand at all times.
 - Pick up syringe from plunger end and place it into packaging material without holding the packaging material with your free hand.

IX. GUIDELINES FOR COLLECTING LIQUID EVIDENCE

- Often found in arson, alcohol or drug related cases
- Collect in an air tight container, if not already in one
- Mark the outside of container to show liquid level, indicate which way is UP
- Liquid evidence should be weighed before submitting to evidence. Weigh liquid evidence in the container it is in, if safe to do so, and annotate this weight in documentation.
- If dealing with acids, gasoline, explosive or other corrosive liquids, contact Cedar Park Fire Department hazmat team for assistance in rendering the substance safe for storage or disposal, as applicable to the individual substance and situation
- If the liquid is absorbed into another material, it should be placed in a clean air tight container

DO NOT submit evidence containing dangerous materials that have not been rendered safe

X. GUIDELINES FOR COLLECTING FIREARM EVIDENCE

- Make sure to clear the weapon of all ammunition
- Handle firearm by grip or sides, never put finger on trigger
- Never stick anything into barrel – this could destroy trace evidence
- Do not fire or dismantle firearm in any way
- Take notes regarding the following:
 - Physical appearance of weapon before it is moved
 - The position of the bolt, slide or cylinder
 - The position of the exposed hammer, firing pin & safety
- Photographs should also be taken of the firearm
- Firearms can be packaged in a gun box or soft/hard gun case
- Boxes help to protect the gun better and can be stacked for easier storage
- Once firearm has been made safe, it can be processed
- Avoid any areas that may have blood evidence – send to lab before any chemical/powder processing is done
 - Sample may be contaminated if chemical/powders are applied
- All firearms will be unloaded and magazines removed. Every effort should be made to package and store the firearm in a safe manner;
- **Ammunition and weapons MUST be in separate packaging.**
- Strong consideration should be made in determining whether or not a firearm should be manipulated at the scene of a potential homicide or other serious crime prior to the arrival of detectives and/or crime scene personnel. For example, if a scene contains a deceased person, and the scene has been cleared of any other potential threats, it may be best to leave the firearm or weapon in place so as to not contaminate any important evidence.

XI. GUIDELINES FOR COLLECTING CONTROLLED SUBSTANCES

- Most illicit drugs come in one of several forms, including but not limited to:
 - Plant
 - Powdered
 - Liquid
 - Tablets/Capsules
 - Solid
- Plant Material
 - If not dry, place in a porous material, such as a paper bag
 - If dry, place in plastic to avoid loss
- Powdered Material
 - Should be packaged in plastic in order to prevent loss
- Liquid Material
 - Should be stored in glass, plastic or metal container (be cautious of corrosive or dangerous materials – if there are any concerns regarding this consult CPFD HAZMAT team)
- Tablets/Capsules
 - Package in clear plastic bag; be sure to include quantity
 - If tablets/capsules are different shapes, sizes, colors or have different markings they must be separated during the packaging process
- All controlled substances should be weighed before submitting to evidence division or the lab
 - Weights should be notated on the packaging and in description field of property voucher
- Avoid using “slang” descriptions
- Drug evidence should be submitted separately from paraphernalia.
- Analyzing labs prefer to have just drugs submitted for testing.
- Do not submit ANY type of drug test kit with your narcotics

XII. GUIDELINES FOR CURRENCY

- Currency includes coins, coin sets, and bills.
- All currency must be counted and a total listed.
- Currency must be verified by a second person.
- Currency should be counted in view of a recording device whenever possible.
- **MUST BE PACKAGED AND SEALED IN CURRENCY ENVELOPE**
 - **Exceptions:**
 - It is not necessary to put into a currency envelope very large quantities of coins, but a count should be made regardless of storage method
 - Counterfeit currency does NOT need to go in a currency envelope

XIII. GUIDELINES FOR COLLECTING PRINTS & IMPRESSIONS

- Prints:
 - Latent
 - Always wear gloves
 - Use a fingerprint brush with black powder/magnetic powder to enhance possible latent prints
 - Latent print kits (including powder, brush, cards, and tape) are provided by the department and restocked by the evidence section when needed
 - Use clear or frosted tape, place tape firmly over the possible fingerprint, remove any air bubbles that may appear, then lift it up (carefully); the print should adhere to the tape. Next, stick the tape to the glossy side of the print card to maintain integrity of the print.
 - On the other side of the card, the following information should be included:
 - Case number, date, offense, location, description of where the print was obtained from, a basic drawing depicting where the print was obtained from, and the name and badge number of the person collecting the print)
 - Other types of print/impression collection may involve a CSI call out
 - Valuable and must be protected at a crime scene
 - Can be damaged very easily
 - Prints may be smeared or wiped away (even when wearing gloves, so handle item(s) as minimally invasive as possible)
 - Heat can damage prints
 - Impressions may be damaged when another surface comes into contact with them
 - Evidence that needs processing should be clearly marked as such onto the outermost evidence packaging

XIV. GUIDELINES FOR COLLECTING TRACE EVIDENCE

Hair and fiber are considered trace evidence, and can be difficult to preserve. The following guidelines regarding collection should be observed:

- They can easily be blown away so they should be protected and preserved by the following methods:
 - It may be necessary to close windows/doors
 - Limit foot traffic in areas – hair/fibers can be carried away on objects or persons that enter area
 - The crime scene should be limited to only those personnel who are directly involved in investigation

- Some circumstances may require immediate photographing and collecting of the hair or fiber (examples include outdoor scenes or where there is fear of possibly losing the evidence prior to crime scene response and/or investigator response)
- When collecting, the following methods can be used:
 - Gloved fingers or tweezers to collect and place in packaging
 - Adhesive tape or sticky note placed on a plastic sheet or bag then placed in an envelope
 - Note: DO NOT place adhesive tape directly onto paper

XV. EVIDENCE REQUIRING REFRIGERATION

- All SANE kits, used dry condoms, blood samples or urine (DWI, vehicular homicide, assault cases), collected as evidence shall be refrigerated and submitted via the evidence refrigerator.
- This refrigerator is located ACROSS FROM THE wall of general use property/evidence lockers, the key to the refrigerator lock is located in the equipment room.
- Ensure all items are MARKED WITH CASE NUMBER and the subject (victim or suspect) from whom the sample was collected from, including name and date of birth or pseudonym if applicable.

XVI. BIOLOGICAL/DNA EVIDENCE

DNA is analyzed in body fluid stains and other biological tissues recovered from items of evidence. DNA may be analyzed in evidence containing blood, semen, saliva, body tissue, hairs, bones, and teeth.

Dry/Stained Biological Evidence

- Wear gloves and/or other personal protective equipment necessary when handling evidence and note such in the report;
- Change gloves between handling new items of evidence to prevent contamination;
- Package each item separately, including each article of clothing, to avoid transference of materials between items;
- Use clean paper bags, envelopes, cardboard boxes, or some other breathable packaging material to package evidence to avoid accumulation of moisture inside the package;
- Seal the package properly (see above) and affix a "Biohazard" sticker on the outer packaging;
- Place in a locker of the EVIDENCE/property side;
- DO NOT USE PLASTIC BAGS OR CONTAINERS. The presence of moisture enhances bacterial growth;
- Do not package evidence pending lab analysis tightly into bags.

Wet/Soaked Biological Evidence

- *During regular staffed hours*
 - CRIME SCENE/EVIDENCE personnel are available to receive evidence that is wet and/or soaked with blood or other bodily fluid/substance and properly dry it;
- *During non-staffed hours*
 - Wear gloves and/or other Personal Protective Equipment necessary when handling evidence and note such in the report;
 - Package the evidence in a red biohazard bag. **DO NOT SEAL.** If necessary, double bag the evidence to avoid leakage and contamination; ***CONTACT ON CALL CRIME SCENE TECH for instructions/guidance***

XVII. GUIDELINES FOR DIGITAL EVIDENCE

Digital Evidence collection is addressed in depth in the SOP [12.10.01 Digital Evidence](#).

XVIII. GUIDELINES FOR SPECIAL ITEMS

- Large, bulky items such as power mowers, bicycles, etc., will be placed in the outside evidence cage.
- Small quantities of consumer fireworks will be placed in the outside evidence cage.
 - Ensure all items ARE MARKED WITH CASE NUMBER and that there is a property report with it.
- All ignition sources (lighter, matches, etc.) should be left in the custody/control of the owner.
- For items that do not currently fit in the outside evidence cage they shall be otherwise secured in compliance with minimum evidence standards and logged as evidence in the appropriate software module.

XIX. PRESERVING EVIDENCE IN BAD WEATHER

- Try to work as fast as you can and collect as much evidence as possible
- Protect shoe/tire impressions from weather by covering with a tarp or box
- Collect the evidence that will suffer the most loss first

XX. EVIDENCE COLLECTION SAFETY GUIDELINES

- Always wear gloves
- Avoid sticking hands in hidden places
- Wash skin/hands immediately if exposed to any type of blood or bodily fluid
- Use 1-hand rule to re-sheath a needle
- DO NOT EAT/DRINK/SMOKE in crime scene

- Wear the following PPE (Personal Protective Equipment) when necessary
 - Gloves
 - Eye protection
 - Shoe covers
 - Respirators or surgical masks
 - Head protection
 - Tyvek suit

