

# Police Department Policy and Procedure Manual

## Chapter 4 — Operations

**Section Number:** 4-10-7  
**Section Title:** Electronic Evidence  
**Most Recent Update:** 10/02/2018

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### I. Policy

- A. To provide a working definition of Electronic Evidence
- B. To establish policies outlining the collection, storage, examination and disposal of Electronic Evidence.

### II. Definitions

#### A. Electronic Evidence

1. Any information stored or transmitted in digital format that can be of evidentiary value in a criminal proceeding
2. The physical device(s) on which this information is or may be stored.

### III. Procedures

#### A. The following shall establish procedures for the seizure and storage of electronic evidence.

1. As with the collection of any physical evidence, officers conducting searches for electronic evidence must first consider safety factors and control the environment to be searched
2. Officers should exercise caution when seizing electronic evidence so as not to cause severe damage or the loss of valuable data
3. Persons possessing specialized knowledge of computers and computer security should be consulted during the preparation and execution of search warrants when deemed necessary. In addition to departmental personnel with training specific to the

seizure of electronic storage media, available resources may include employees from the following organizations or departments: DCI, FBI, IRS, DPS or any police departments with employees that have this specialized knowledge.

4. Officers should not rely on suspects, even when they are cooperative, for any computer-related assistance
5. When computer equipment is in operation at the time of seizure, the power source should be removed from the computer. It is preferable to remove the power supply cord directly from the computer in lieu of removing the cord from a power outlet. In most cases, conducting a shutdown sequence is not recommended
6. Documenting the scene and evidence prior to its collection is important. Methods by which departmental personnel establish this documentation may include photographing the scene, including images of the computer display, creating a schematic rendering of devices relating to the electronic evidence and their connections, tagging connecting wires, etc
7. Electronic evidence should be considered fragile. Exposure of electronic evidence to magnetic fields, strong electrical currents, static electricity, shock caused by sudden vertical or lateral movement, moisture or other external stimuli may cause the evidence to be lost. Such equipment should be appropriately packaged, handled, and transported.

B. The following shall establish procedures for the examination of electronic evidence

1. Only personnel with training specific to the forensic viewing and / or examination of electronic evidence should engage in this activity
2. In addition to departmental personnel with training specific to the forensic viewing and / or examination of electronic storage media, available resources may include employees from the following organizations or departments: DCI, FBI, IRS, DPS or any police departments with employees that have this specialized knowledge.

C. The following shall establish procedures for the disposal of electronic evidence

1. As with other physical evidence, the investigating officer will, when appropriate, authorize the disposal of electronic evidence
2. Prior to the release of electronic evidence, the investigating officer will coordinate the permanent removal of contraband information from the device(s)
3. In the event the devices are abandoned, forfeited or in any other way allocated for departmental use, it will be cleansed of any contraband material prior to deployment for official use.

4. In the event the devices are auctioned, sold or in any other way released to a member of the general public, it will be cleansed of any contraband material prior to its release.
5. No portion of policy herein precludes compliance with an informed court order commanding action contrary to this policy.

A handwritten signature in blue ink, appearing to read "Michael G. Venema". The signature is fluid and cursive, with a large initial "M" and "V".

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Michael G. Venema  
Chief of Police