

**FORT MYERS POLICE DEPARTMENT
GENERAL ORDER 14.1**

TITLE: Collection and Preservation of Evidence

INDEXING: Evidence, Collection, Preservation, Crime Scene, Exclusionary Rule

ISSUED: 09/01/95 | **REVISED:** 05/15/2020 | **RESCINDS:** 2/06/2014

C.A.L.E.A. STANDARDS: 83, 84 | **C.F.A. STANDARDS:** 35 | **PAGES:** 12

CONTENTS

This general order contains the following numbered sections:

- I. Crime Scene Processing Responsibilities
- II. Procedures
- III. Evidence Collection Training

PURPOSE

The purpose of this general order is to establish responsibilities for Officers or Investigators processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory, and to consider the legal dimension of the use of physical evidence.

SCOPE

These procedures shall apply to all Fort Myers Police Department personnel.

POLICY

Accurate documentation, careful collection, proper preservation, and correct submission of physical evidence to forensic laboratories are crucial components of any investigation. The crime scene is typically where a criminal investigation begins. The evidence found at the scene can help identify or rule out suspects, provide leads for further investigation, and either support or disprove theories about the crime. Investigators must always be mindful that the physical evidence they collect could eventually be used in court, so it is vital that they process the crime scene thoroughly to prevent overlooking, contaminating, or damaging evidence.

Physical evidence comes in various forms, each requiring different methods for recovery, preservation, and submission. Investigators must be prepared to properly collect, identify, and package evidence in a way that preserves its integrity, ensuring it remains unchanged in form and value when it reaches the laboratory. Additionally, the officer collecting the evidence must maintain an accurate chain of custody, documenting each transfer and handling of the evidence to ensure that it is presented in court in a professional and legally compliant manner.

SECTION I: CRIME SCENE PROCESSING RESPONSIBILITIES (CALEA 83.2.1a)

- A. Uniform Officers and Community Service Aides shall process the crime scenes for the following types of crimes:

1. Burglary of any residence, business, or conveyance where the property taken does not exceed \$5,000.00.
2. Motor vehicle thefts.
3. Property crimes with less than \$5,000.00 in damage or theft.
4. Person crimes where the scene is of a limited nature. (When in doubt, contact a supervisor for direction)
5. A Patrol Supervisor may request a Detective or Crime Scene Unit respond to process the scene, if available, regardless of the theft or damage amount.

B. Additional responsibilities of the first responders on scene include:

1. Respond to the scene promptly and safely and establish a crime scene perimeter where appropriate.
2. Protect the scene to prevent the destruction or contamination of evidence and maintain the crime scene perimeter where appropriate.
3. Prepare the original offense report.
4. Locate items of evidence.
5. Locate witnesses.
6. Photograph and sketch the scene when appropriate.
7. Collect physical evidence.
8. Process scene for latent prints
9. Preserve and package physical evidence.
10. Submit evidence to the forensic lab for analysis.
11. Crash investigation and report.

C. Detectives shall process all other crime scenes except those which are considered major (i.e., homicide, sexual battery, traffic homicide, or extensive physical evidence is present).

D. The Crime Scene Unit and/or Florida Department of Law Enforcement Crime Scene Technicians, and Traffic Homicide Investigators may be utilized to process major crime scenes depending on the circumstances of the crime and scene. These services are available twenty-four (24) hours a day, seven days a week. **(C.A.L.E.A. 83.1.1 & 83.2.4)**

SECTION II: PROCEDURES (C.A.L.E.A. 83.2.1)

A. **Crime Scene Processing Equipment and Kit:** All sworn Officers and Community Service Aides shall maintain a basic processing kit to include fingerprint recovery materials (brushes, tape, cards, and powder), latex gloves, mini fingerprint pads, distilled water and cotton swabs. Replenishment of materials can be accomplished through the Crime Scene Unit or the individuals' supervisor. **(C.A.L.E.A. 83.2.4a)**

- B. Evidence Collection Materials: All sworn Officers and Community Service Aides shall maintain a supply of evidence collection materials to include paper and plastic bags, a ruler, envelopes, tape, marking tools, evidence tags and latex gloves. A digital camera will be available upon request from a road supervisor. Replenishment of materials can be accomplished through the Crime Scene Unit or the individuals' supervisor. **(C.A.L.E.A. 83.2.4b,d)**
- C. Crime Scene Unit: Crime Scene Technicians shall be equipped with supplies and equipment necessary for processing crime scenes. Crime Scene vehicles shall only be operated by Crime Scene personnel who possess a valid driver's license and have passed the City of Fort Myers defensive driving training program. Crime scene vehicles shall only be used for crime scene investigative purposes unless otherwise approved by a Detective Supervisor. Crime Scene Unit personnel shall be responsible for the care and maintenance of Crime Scene Vehicles and for ensuring their vehicles are stocked with adequate supplies and equipment. Crime scene vehicle equipment shall include, but not be limited to: **(CALEA 41.1.3a,b,c,d)**
1. Supplies for recovery of latent and patent prints.
 2. Photographic supplies and equipment.
 3. Supplies and equipment necessary for taking measurements and making crime scene sketches.
 4. Supplies and equipment for the collection, marking, and preservation of physical evidence.

The Crime Scene Unit shall maintain and arrange transportation of special equipment as needed. Such equipment may include, but is not limited to, the following:

1. Emergency generators
 2. Emergency outdoor lighting
 3. Temporary shelter
- D. Arrival at the Crime Scene: The following procedures should be followed by the first Officer on the scene: **(C.A.L.E.A. 83.2.7a)**
1. Officers shall not rush into the crime scene. Suspects may still be present and rushing into the scene may result in officer safety issues or the accidental destruction or contamination of evidence.
 2. Officers must first render aid to a victim at the scene, unless the Officer must immediately protect himself from a suspect still at the scene. If the Officer has probable cause to believe that a suspect on scene committed a felony, he should place them under arrest, search them, and note any spontaneous statements the suspect may make, and advise them of their constitutional rights if they are to be questioned further. After rendering aid to an injured person and arresting a suspect, if necessary, an Officer will take care to process the crime scene in a manner least destructive to the evidence.
 3. The Officer will assess the crime scene and request assistance if necessary, after consulting with their supervisor. Equipment needs to adequately process the crime scene will be evaluated.

E. Protecting the Crime Scene:

1. The first Officer on scene shall establish a perimeter around the scene and direct assisting Officers to help secure the scene. When sufficient Officers are present, an inner and outer perimeter will be established where appropriate.
2. Crime scenes may be secured by the following methods:
 - a. Police Officer(s).
 - b. Barricades or rope or barrier tape used to define the area to be protected.
 - c. Signs used to control access.

F. Notes and Reports – Valuable Records: (C.A.L.E.A. 83.2.6 & 84.1.1c)

1. The Officer or Investigators original notes are their personal and most readily available record of the crime scene. They must refer to those notes to complete any or all other reports required of actions taken on the scene of the crime. These notes are subject to subpoena during case presentation and/or discovery.
2. Types of information the Officer/Investigator should record at the scene include, but are not limited to:
 - a. Case number.
 - b. Date & time of arrival at scene.
 - c. Location of scene.
 - d. Name of victim.
 - e. Name of suspect, if known.
 - f. Actions taken at scene.
 - g. Whether measurements were taken.
 - h. List of physical evidence recovered.
 - i. Name of collecting officer.
 - j. Names of witnesses; and
 - k. Names of all persons entering the crime scene along with times of arrival and departure (Crime scene log).
3. When crime scene personnel are involved, they should record additional information to include:
 - a. Date and time a request for service was received.
 - b. The name of the investigating officer.
 - c. The disposition of the physical evidence and exposed photographs if any;
 - d. Crime scene measurement information.

G. Preliminary Scene Survey: Officer/Investigator actions at the crime scene should include the following:

1. Observe and record (look but don't touch).
2. Determine nature and extent of crime scene.

3. Determine location of evidence.
4. Determine order of collection.
5. Duplicate movement of perpetrator, and plan search accordingly.
6. Note all existing conditions (lighting, environment).
7. Note items out of place or damaged (i.e., telephone and/or recorder, exterior lights, deadbolts, door chains).
8. Note relationship between items.
9. Initial rough sketch should be made.
10. What lights were on/off.
11. Radio/television, on or off.
12. Neighborhood canvas.

H. Crime Scene Sketch: Detailed crime scene sketches are normally prepared in major crimes. Minimum details to be contained in the sketch include, but are not limited to:
(C.A.L.E.A. 83.2.4c)

1. Time and date of preparation.
2. Location of offense.
3. Location of items of evidence in the scene.
4. Location and names of victims, witnesses, and possibly suspects.
5. Relationship of the crime scene to other rooms, buildings, or roads.
6. Name of person preparing the sketch.
7. Direction of north.
8. What windows were open.

I. Photographing the Scene: At the end of the preliminary scene survey, overall photographs and/or video of the scene should be taken. Videotapes will not be used as the sole method of photographic evidence, but as a supplement to still photographs. Videotapes will not include a sound recording unless authorized by the lead Investigator. A case Officer may request, however, to narrate or designate a narrator for the videotape.

1. Overall photos should be taken from several different locations;
2. If an interior scene, a wide-angle lens should be used; and
3. Photograph the surrounding area thoroughly to include the location and address of the offense.

- J. Information to be Recorded on Photographs/Video: The individuals processing the scene will maintain a record of each photograph/video taken at the crime scene. Information recorded when taking the photos will include: **(C.A.L.E.A. 83.2.2a-c)**
1. Type of camera used.
 2. Kind of lighting used (existing light or flash).
 3. Date and time of exposure.
 4. Person taking photos.
 5. A brief description of subject in photos.
 6. Report number.
- K. Mid-Range Photography: Mid-range photography is used to orient the viewer as to the exact location of items of evidence in the scene.
1. If possible, attempt to include two items of evidence into the field of view. If this is not possible, then a common item (desk, bed, table, etc.) should be included in all the mid-range photos.
 2. Mid-range photos should always be taken with a normal lens to prevent distortion.
- L. Close-Up Photography: Before any item of evidence is moved, a close-up photograph should be taken as follows:
1. Full field of vision with item.
 2. Take one close-up shot of item with a scale. A ruler in the evidence collection kit can be used for this purpose.
 3. The Officer may place a strip of masking tape across the face of the ruler, making sure not to cover the measuring increments. Information to be written on the tape may include:
 - a. Item number
 - b. Report number
 - c. Date
 - d. Officer's initials
- M. Location of Evidence Measurements: Before collecting any item of evidence, take measurements using triangulation or the coordinate method.
- N. Collection of Evidence: The Florida Department of Law Enforcement has established a Crime Laboratory Evidence Submission Manual which contains information on the collection, packaging and submission of different types of physical evidence to the lab. This guide shall be consulted whenever there are questions pertaining to how to collect and preserve evidence. When collecting items of evidence, the Officer should consider:
(C.A.L.E.A. 83.2.1b, 83.2.2a-c, 83.2.5, 83.2.7b, 84.1.1d)
1. The use of tongs or tweezers where possible. The Officer should avoid touching the item of evidence with their hands or anything that might contaminate the item.

2. Proper order of collection:
 - a. The Officer should collect perishable evidence first.
 - b. If destruction of evidence is not a concern, then the Officer should work their way through the scene, collecting in a logical sequence, trying to avoid disruption of other items of evidence.
3. Collection of known samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as hairs, fibers, blood, saliva, paint, glass, soil, and tool marks. **(C.A.L.E.A. 83.3.1)**
4. Documentation of each item collected: All items of evidence that are collected by the individual processing the crime scene will be listed on a Property Report and Evidence Chain of Custody Form. For each item listed, the following information will be noted:
 - a. A complete description of the item (including make, model, and serial numbers, if any).
 - b. The source (from whom or location from which the item was obtained). This includes in the field transfer of custody of physical evidence.
 - c. The name of the person collecting the item.

O. Marking Evidence: **(CALEA 84.1.1d)**

1. In many instances, marking and labeling of evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence. This will include the individual's name, date, time, location of recovery, item, number, and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information noted directly on the item. In these instances, the container or attached tag should be marked.
3. The crime scene processor should establish the habit of marking similar items in the same location; for example, on the trouser band, or under the right front pocket of the trousers, or on the right hand side of the handgun. This will save time and embarrassment in looking for the identifying marks when asked to identify the evidence on the witness stand.
4. Instruments which will be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or, where labels are used, ball point pens.
5. The individual collecting the item of evidence will be the person responsible for marking or labeling the item at the time it first comes into custody.
6. Each Officer/Investigator/Crime Scene Technician/CSA shall use their own identifying mark, that being their initials and identification number.

7. When marking evidence, care should be taken not to damage, contaminate or destroy other possible evidence such as fingerprints or DNA.

P. Packing Items of Evidence: **(CALEA 84.1.1d)**

1. The collecting employee should choose a container suitable to the type of evidence they intend to package. Considerations in choosing the proper container include:
 - a. The size and weight of the item.
 - b. Whether the item is moist (which could rot or deteriorate if packaged in plastic or an airtight container).
 - c. Wet (soaked) items must be dried first and later packaged in paper. Utilize the drying tank for this purpose.
 - d. The F.D.L.E. evidence guide offers tips for handling, inventorying and packaging many different types of evidence. This guide shall be consulted whenever there are questions pertaining to how to collect and preserve evidence.
2. Avoid any contamination of evidence by packaging all items separately.
3. Fluids or stains shouldn't be allowed to touch and should be carefully rolled in paper.
4. Pack the item to minimize interior movement within the package.
5. Seal the package with evidence tape.
6. Initial across the seal, half on the tape and half off the tape.
7. Label the exterior of the package.
8. Whenever possible, the package should be labeled before placing the evidence in it so as not to damage contents while writing on it.

Q. Latent Fingerprinting: When processing the crime scene for latent fingerprints, the processor shall take the following into consideration: **(C.A.L.E.A. 83.2.3)**

1. The size of the item to be dusted.
2. The type of surface. Generally, latent fingerprints on non-porous materials deteriorate rapidly upon prolonged exposure to conditions of high temperature and humidity. Consequently, they should be processed as soon as possible.
3. Potential for destruction if moved. If movement or transporting the object will destroy latent prints, the object should be processed at the scene.
4. Latent Lift Cards: After a print is developed it should be lifted with lifting tape and preserved on a latent lift card. The card shall be labeled as follows:
 - a. Incident/Report number.

- b. Date lifted.
 - c. Print number. (1 of 4, etc)
 - d. Location latent was located. (Inside/Outside)
 - e. Address latent was lifted from.
 - f. Who the latent was lifted by.
 - g. If possible, a diagram showing the location the specific print was lifted from should be drawn on the card. This will assist the prosecution of an identified offender and aid the lifter in later court testimony.
5. All latent lift cards shall be submitted to the Fort Myers Police Department **Property & Evidence Section** prior the end of shift.
6. Comparison/Processing Requests: All fingerprint comparison and processing requests are to be submitted to the **Property & Evidence Section** as follows:
- a. Utilize a **FMPD Identification Unit-** Request for Service Form.
 - b. The date, name of person submitting the request, report/incident number and type of offense shall be entered on the form.
 - c. Indicated the type of request being submitted and enter any suspect information you may have.
 - d. Enter any additional information that may assist the Crime Scene Unit with your request.
 - e. Fingerprints of known individuals obtained for the purpose of comparison shall be submitted to the **Property & Evidence Section** with a Request for Service Form.
- R. Overall Measurements: Obtaining wall, room, and building measurements is one of the last operations to be performed in the processing of the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.
- S. Final Organized Search: A final, thorough search should be conducted at the crime scene in case evidence may have been overlooked. Wherever possible the use of a fresh Officer/Investigator/Technician on a final search is preferred; they may find what you overlooked.
- T. Preservation and Submission of Evidence to the F.D.L.E. Laboratory:
(C.A.L.E.A. 83.2.1d & 83.3.2a,b,c,d,e)
- 1. Responsibility for requesting lab examinations:
 - a. Under normal circumstances, the responsibility for the submission and request for lab examination will lie with the Officer or Investigator who actually processed the scene and took custody of the evidence.
 - b. In those cases where there may be more than one Officer processing the scene, one Officer will be appointed by the sergeant to take custody of all evidence collected and to be responsible for the submission of same to Evidence with the necessary FDLE paperwork requesting specific examinations.

- c. In cases involving a major crime scene the detective or Crime Scene Technician handling the case will be responsible for requesting specific lab examinations.
2. Preservation of perishable or deteriorating items:
- a. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt, etc.), it should be prepared appropriately prior to packaging and/or submission to FDLE for analysis.
 - b. Any time a member collects a perishable item they shall:
 - 1. Refrigerate liquid samples such as blood or urine.
 - 2. Air dry (no more than one week) blood-soaked items of clothing and other materials in the drying room. Access to the drying room can be accomplished through Detective Bureau or Crime Scene personnel.
 - 3. Items of evidence collected from water (such as guns or knives) should be packaged in the water they were recovered from. A container may be obtained from Evidence, Detectives or Crime Scene personnel.
 - 4. Perishable food items should be photographed and returned to the owner. (ex. Shoplifting cases)
 - 5. Many items submitted to the lab must be accompanied by a known specimen, when available, so a comparison can be made. The investigating Officer on the case will be responsible for obtaining any available or required known specimens, following legal procedures, and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.
3. The Request for Laboratory Examination (form FDLE 50-001):
- a. Any evidence submitted to any of the Florida Department of Law Enforcement Labs throughout the state, will be accompanied by a completed Request for Examination of Physical Evidence form FDLE 50-001 or current F.D.L.E. required form.
 - b. The investigating Officer/Detective is responsible for completing the request form and including it with the submitted evidence.
 - c. A separate Fort Myers Police Department Evidence/Property Submission Form will be completed and included with the examination request and shall act as the documentation of chain-of-custody. This form must be completed by the relinquishing employee as well as receiving person at the lab.
 - d. For requirements as to maintaining chain of custody see G.O. 14.2, Evidence and Property Section. **(CALEA 83.2.1e, 83.3.2d)**

- e. Evidence personnel will transport evidence to and from the FDLE laboratory. Detectives and Crime Scene personnel may on occasion transport items of evidence to FDLE or other labs or agencies for specific analysis. In these cases, written permission from a Detective Supervisor is necessary.
- f. Mailing evidence for analysis will be the responsibility of Evidence personnel with written permission from a Detective Supervisor.
- g. All laboratory results will be requested in writing by way of a report.
(CALEA 83.3.2e)

U. Special Considerations: **(C.A.L.E.A. 83.2.6)**

1. The individual processing a crime/crash/incident scene shall prepare a report giving an accurate account of events. This information should be placed in the offense/incident report, or separate crime scene report, and will include:
 - a. Date and time they arrived at scene.
 - b. The location of the crime.
 - c. The name of the victim, if any.
 - d. The name of the suspects, if any.
 - e. The Officer's actions at the scene.
 - f. The case number.
2. Inability to Recover Physical Evidence or Photograph Scenes of Serious Offenses: Whenever photographs are not taken or where physical evidence is not recovered from the scene of a serious crime, the Officer/Investigator assigned will prepare a report explaining the circumstances preventing such. This may be included in the offense report or subsequent follow-up reports.
3. Processing Stolen Vehicles: Stolen vehicles shall be treated with the same care in processing for physical evidence as any other crime scene. As with any other recovered property, the owner shall be notified as well as the agency to which it was reported stolen. (See GO 20.7 Stolen Vehicles).

V. Legal Requirements: Anyone processing a crime scene should understand several important legal principles regarding the legal use of physical evidence. As noted above, individuals must exercise a chain-of-custody of all evidence.

1. Chain of Custody: Is the series of documented links between the time the evidence was obtained until presented in court. The links are individuals who handled the evidence, and where and when they did so.
2. The most crucial principle for the collection and handling of evidence is the exclusionary rule. The Exclusionary Rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment Rights is not admissible in court. All employees shall rigorously maintain a chain-of-custody and shall always remain mindful of constitutional safeguards.

SECTION III: EVIDENCE COLLECTION TRAINING (C.A.L.E.A. 83.2.1c)

- A. Basic recruit-training curriculum covers the collection and preservation of evidence at crime and crash scenes. Investigators and Officers are encouraged to increase their skill level by attending career development courses.

- B. It is the policy of the Fort Myers Police Department to encourage participation in career development courses offered by nationally recognized Institutes of Professional Training. Crime Scene Investigators will receive special training in equipment, computer programs, and techniques utilized by the agency. This training will include, but is not limited to the following:
1. Detection and collection of latent fingerprints and palm prints.
 2. Detection and collection of footwear, tool, and tire impressions.
 3. Digital and conventional photography and sketches.
 4. Collection, preservation, and submission of physical evidence, including DNA and biological materials.
- C. It is the policy of the Fort Myers Police Department to provide refresher training for all personnel in crime scene processing. **(CFA 35.03e)**
-

APPROVED:

[DIGITAL SIGNATURE ON FILE]

05/15/2024

Jason Fields, Chief of Police
Fort Myers Police Department

Date