 <b>Kinston Police Department</b>	<b><u>POLICY: Collection Preservation of Evidence</u></b>						<b><u>POLICY #:</u></b>  <b>600-4</b>
	<b><u>NCLEA Standards: 11.01; 11.02; 11.03;</u></b>						
	<b><u>NCLM Standards: I.10; I.11;</u></b>						<b>Effective Date:</b>
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## I. PURPOSE

The Kinston Police Department shall provide employees with guidelines and procedures that incorporate the application of scientific methods for the collection and preservation of physical evidence. The Kinston Police Department recognizes that successful investigations, criminal prosecutions, and other law enforcement related matters are directly linked to a thorough evidence collection and preservation process.

## II. DEFINITIONS


N/A

## III. POLICY


A. Qualified personnel are available on a 24 hour basis to process crime scenes and serious or fatal traffic collisions. Shift identification officers shall be responsible for the processing of all crime scenes except major crime scene and special circumstances as determined by the on-duty supervisor. A crime lab technician shall be available 24 hours a day to respond to major crime scenes and special circumstances. The Investigations Supervisor shall develop and maintain a work schedule and a call out schedule to ensure 24 hour availability of the crime lab technician. The crime lab work schedule and the call duty schedule will be sent via email to the communications center and the team supervisor's office. Responsibilities of the crime lab technician on call include:

1. Ensuring that contact can be made with the crime lab technician by telephone, cellular phone, or by department radio.
2. Ensuring a response time to a crime scene of no more than one hour upon notification.
3. If circumstances exist that cause a delayed response, the crime lab technician shall notify the on-scene supervisor of the circumstances.
4. Refraining from any activity that may hamper the ability to perform any law enforcement duties.

B. If it is determined that there is a need for a shift identification officer or a crime lab technician to respond to a crime scene, the officer should be notified immediately. The on-duty supervisor shall determine when or if a crime lab technician or shift identification officer must be called.

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1. The on-duty supervisor will be responsible for providing notification to the shift identification officer or the crime lab technician. Response to a crime scene by a shift identification officer or a crime lab technician should not exceed one hour from notification. If circumstances exist that may cause a delayed response time:
  2. The on-scene supervisor will take charge of the scene until relieved by the assigned identification officer.
  3. Officers will gather basic investigative information, establish a perimeter, and preserve the crime scene until relieved.
- C. It is the responsibility of the first officer on the scene to provide for the security and protection of a crime scene until relieved of that responsibility. The crime lab technician assigned to conduct the crime scene investigation shall be the officer in charge of the crime scene. However the on-duty supervisor retains the ultimate responsibility as the supervisor for the direction of all personnel on the crime scene. The on-duty unit supervisor, the investigating officer and the crime lab technician should coordinate their efforts to see that all aspects of the investigation are addressed.
1. It shall be the responsibility of the investigating officer to determine if a crime scene is to be processed for physical evidence. When the investigating officer is not a shift identification officer, a shift identification officer or a crime lab technician shall be summoned to advise and assist the investigating officer in processing the crime scene. However, a crime lab technician shall be summoned to all major crime scenes and special circumstances.
  2. The shift identification officer or the crime lab technician is responsible for ensuring that the crime scene is properly and thoroughly processed for physical evidence to include: Photographing the crime scene and videotaping when appropriate; Sketching and diagraming the crime scene when appropriate; Protecting, collecting, and preserving physical evidence; documenting the names of personnel who enter the crime scene and the time they enter and leave.
  3. The shift identification officer or the crime lab technician is responsible for advising the investigating officer in the complete and thorough processing of the crime scene. Other department personnel on the scene shall provide assistance to the investigating officer to include: Scene security; Media relations; Crowd control; other duties as directed.
  4. If a crime scene is not processed, the investigating officer shall indicate on the incident report the reason and circumstances.
- D. Known samples are samples that represent the source of the subject evidence. Crime lab technicians and crime laboratory analysts need known samples to compare suspect evidence with

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evidence found on questioned items. Investigating officers and shift identification officers may contact a crime lab technician for assistance in collecting, packaging, and preserving known samples. Known samples of evidence shall be collected when such samples are available to include: Rolled fingerprint and palm print impressions; Trace evidence performed by hospital personnel; serology performed by hospital personnel; questioned documents; firearms and tools; drug chemistry evidence performed by hospital personnel.

E. Items processed for evidence in the field may be released to the owner if they are determined not to be of evidentiary value. Items left at the scene by the suspect shall be seized as evidence if they are determined to be of evidentiary value.

1. Items determined to be of potential evidentiary value, but not processed in the field, shall be collected so as to preserve the evidentiary value, prevent contamination, and ensure that a complete and adequate sample is obtained.
2. Safety considerations and instructions for the collection of bio-hazardous material are contained in the Department Infection Control Plan.
3. Collection of physical evidence shall be accomplished in accordance with related North Carolina General Statutes. Procedural guidelines for the collection of the following types of evidence include:
  - a. **Collection of Liquid Blood Samples and Body Fluids:** A qualified person shall collect liquid blood and/or body fluids. Liquid samples shall be placed in proper containers and delivered to the crime lab.
  - b. **Collection of Wet or Bloody Clothing or Fabric:** The crime lab technician or shift identification officer should be summoned to assist in the collection of wet or bloody clothing or fabric. Bloody or wet clothing should be submitted to the crime lab for drying and marked "Bio-Hazard" on the evidence bag and outside the evidence locker. Wet or bloody clothing or fabric should be packaged in paper containers.
  - c. **Collection of Blood for DWI Investigations:** The process for the collection of blood samples for DWI investigations is outlined in 500-3 Department Policy and Procedure.
  - d. **Collection and Packaging of Drugs:** Drugs collected as found or recovered drugs but are not being sent to the SBI or Department crime lab for analysis should be packaged and sealed. Officers should use extreme caution when dealing with suspicious or unknown drugs, such as fentanyl. They should be submitted to the

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crime lab with a completed evidence sheet. Drugs collected for submission to the SBI or Department crime lab for analysis shall be collected and packaged.

e. **Collecting and Preparing Firearms:** The officer is responsible for handling seized or recovered firearms safely. Firearms shall be processed, collected, and submitted to the crime lab according to the following procedure:


- i. Determine the firearm should be taken into custody.
- ii. Unload the weapon and block the action by inserting and securing a plastic restraint or rolled paper through the cylinder of revolvers; through the magazine well and out the ejection port of semi-automatics; and/or around the receiver of single shot long guns to prevent the breech from closing. Under no circumstances should anything be placed through the barrel.
- iii. Tag the weapon and record the firearm serial number, firearm description, case number on the property tag and complete the evidence sheet and attach a copy of the evidence sheet to the related incident report if applicable. Submit the tagged firearm and related evidence sheet to the crime lab.

f. Firearms that are to be processed for evidence by a crime lab shall be collected, made safe, and tagged according to the guidelines established by the crime lab to which the firearm is to be submitted. Officers collecting firearms of evidentiary value which may require further processing by a crime lab may request a crime lab technician or shift identification officer to the scene for assistance with the collection.

4. **Collecting and Packaging Money:** Seized money shall be counted by the police officer making the seizure. Whenever feasible, money should be listed by denominations on the evidence sheet and other appropriate paperwork. After counting and verification the money shall be sealed in an appropriate container. The container shall be sealed and marked. The container shall also indicate the amount of money and the name or initials of the supervisor verifying the amount. All money shall be packaged separate from other evidence or property. Any money seized shall be verified by a supervisor prior to being entered into evidence.


5. **Other Types of Evidence:** Types of evidence not discussed in this procedure shall be collected in accordance with guidelines established by the crime lab selected to receive the evidence.

F. An officer shall conduct an appropriate preliminary or supplemental investigation for all stolen

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vehicles recovered by the Kinston Police Department. The investigating officer shall ensure that the reporting agency, if other than the Department, is immediately notified of the recovery. The investigating officer shall see that the owner of the vehicle or other appropriate person is notified of the recovery and informed of the circumstances regarding the release of the vehicle from custody.

1. When reasonable, all vehicles reported stolen in the City of Kinston and recovered by the Department should be thoroughly processed for physical evidence within 24 hours of recovery. The officer assigned to conduct the preliminary or supplemental investigation shall be responsible for ensuring that the vehicle is thoroughly processed for physical evidence. The investigating officer may request assistance from a shift identification officer or a crime lab technician in processing recovered stolen vehicles.
2. When a vehicle which was stolen outside the jurisdiction is recovered by the Department:
  - a. The vehicle will be processed for physical evidence by Department personnel if circumstances indicate that the vehicle was involved in other criminal offenses that occurred in Kinston.
  - b. The vehicle will be processed by Department personnel if so requested by the reporting agency.
  - c. The vehicle will remain in custody at the scene or towed and stored at a secured storage facility if reporting agency personnel intend to process the vehicle or otherwise take custody of the vehicle.
3. When a vehicle reported stolen from the jurisdiction of the Kinston Police Department is recovered in another jurisdiction:
  - a. The agency recovering the vehicle can be requested to process the vehicle for physical evidence.
  - b. Upon receiving notification through the DCI computer of the recovery of a vehicle reported stolen from Kinston, the communications center shall assign an officer to complete the supplement to the original Department incident report.
4. Recovered stolen vehicles shall be released to the owner or other appropriate person as soon as possible after recovery. A recovered vehicle shall remain in custody, and the chain of custody shall be maintained as long as the recovered stolen vehicle is of evidentiary value.
5. If the owner or other appropriate person cannot be contacted, and a recovered vehicle is no longer of evidentiary value, the vehicle will be towed and stored as outlined by Department Policy and Procedure.

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- G. Sketches and diagrams made pursuant to the collection and preservation of evidence may include: Dimensions; Geographical relationship of the crime scene; Address or other location description of the crime scene; Location of significant features of the crime scene; Compass orientation of the crime scene; Names of person(s) preparing the sketch or diagram; Date and time of preparation; Documentation of physical evidence in its original location prior to the collection of such evidence; Other significant information so that a final scale drawing may be made later.
- H. Property collected by Kinston Police Department personnel that is of evidentiary value shall be packaged, sealed, and labeled in such a manner to preserve the integrity of the evidence and establish and maintain the chain of custody. Items of physical evidence should not be marked or otherwise defaced or damaged.
1. Items of physical evidence should be packaged or placed in paper bags or other appropriate tamper-proof containers and then sealed. Containers should be sealed with packing tape or transparent tape. The seal shall be marked with the name or other identifiable mark of the officer collecting or submitting the evidence and the date. The mark should be made in such a manner that tampering with the seal would be immediately evident. Items that cannot be packaged in containers should be affixed with an evidence label or tag. Sealed containers shall be affixed with an appropriate evidence label indicating: Case number; Item number; Date and Time; Item description (Including numerical identifiers when available); Investigating officers name and number; Name and address of the owner, victim, suspect or finder at the time of recovery.
  2. Identification of property type as arrest evidence, investigation property, decedent's property and/or other.
- I. Crime lab personnel routinely receive evidence which has been contaminated by or contains human blood or body fluids. All crime lab personnel must be aware of the potential for contracting contagious diseases by improper handling of such materials and must take appropriate steps to avoid infections.
1. It is the policy of the Department that all evidence which has been contaminated by or which contains human blood or body fluids shall be handled as if it carries a contagious disease; such as, hepatitis, tuberculosis, AIDS, etc., and shall be considered contaminated. Any evidence which has been carried in any body cavity shall be considered to be contaminated evidence.
  2. All departmental personnel submitting evidence to the crime lab shall notify the crime lab technician whenever contaminated evidence is being submitted for processing. The notification of such contamination must be properly noted on the Department Evidence



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Sheet and a Haz-Mat tag shall be placed on the evidence locker. If contaminated evidence is crucial to the investigation, the State SBI Crime Lab will be contacted for proper submitting guidelines.

3. The potential for accidental sticking by hypodermic needles is significant enough that the danger generally outweighs the possible value of such evidence. Therefore, it is the policy of the Department not to accept hypodermic needles for analysis unless the importance of such evidence can be demonstrated. Approval must be obtained from the Investigations Supervisor to submit such evidence.
  4. If officers having hypodermic needles containing liquid, believe that analysis of the liquid is critical to the case, the needle shall be made safe and then secured in an evidence tube provided for such storage. The outside of the evidence locker shall be marked hazardous and Crime Lab personnel notified of the evidence storage. Either the liquid or the syringe may then be submitted to the SBI Laboratory for analysis.
  5. The officer shall contact the D.A. Office to obtain a letter requesting SBI Crime Lab to analyze the evidence.
  6. It is not possible to define all of the potential means of exposure to infectious diseases. All personnel handling contaminated evidence are required to use good judgement and safety practices to ensure their own safety and the safety of other individuals. Officers should become familiar with the information provided by the Infection Control Plan to further ensure a safe working environment for all concerned.
- J. The North Carolina Law Enforcement Training curriculum required by all Department recruits provides familiarization training in: Rules of evidence; Identification of evidence; Crime scene searches; Preliminary investigations; Crime scene investigations; Collection and preservation of evidence; Fingerprint identification methods; Evidence and property management procedures; Traffic collision scene management; Crime laboratory functions; Chain of custody of evidence.
1. The Department provides additional training in evidence preservation and collection through its Field Training Program. The Field Training Program includes familiarization in:
    - a. Department policy and procedures concerning the role and function of officers involved in the collection and preservation of evidence.
    - b. Potentialities and limitations of the examination of physical evidence.
    - c. Methods and procedures for the collection of evidence including fingerprints, footprints, tire prints and other impressions; tool marks, blood and other body fluids, hair, fibers, and fabric, paint samples, and glass.

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- d. Requirements for collection of materials from a known source for comparison purposes.
  - e. Collection and preservation of evidence.
  - f. Chain of custody.
  - g. Crime or traffic collision scene photography.
  - h. Crime or traffic collision scene sketches.
  - i. Crime or traffic collision scene records.
2. The Crime Lab of the Department shall provide in service training as necessary for investigative personnel in crime scene processing. The in service training shall serve to update investigative personnel concerning laboratory current capabilities and new equipment techniques.
  3. Officers assigned to the Crime Lab and Officers assigned as shift identification officers are responsible for crime scene processing duties. These officers shall receive appropriate specialized training to include:
    - a. Recovery of latent fingerprints and palm prints.
    - b. Recovery of foot, tool and tire impressions.
    - c. Crime or traffic collision scene photography.
    - d. Preparing crime scene or traffic collision scene sketches.
    - e. Collecting, preserving, and transmitting physical evidence, including biological materials.
- K. The shift identification officer, crime lab technician or supervisor is responsible for determining if photographs or video are appropriate to the crime; however, crime scene photos shall be taken at all major crime scenes. Videotapes (muted) may be used to supplement photographs but should not replace still photography.
1. Crime scene photography shall include:
    - a. Photographs of the crime scene in its original state.
    - b. When appropriate, photographs of specific items shall be taken with and without



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a scale placed next to the item.

2. Digital crime scene photographs taken by officers shall be electronically stored and saved on the Departments computer network.
  - a. A computer folder with a designated title will be maintained on the department's computer network system.
  - b. Individual file folders for each shift or unit will be created for storage of all crime scene photographs. All photographs will be stored by the respective assigned OCA number into these designated file folders. All digital photographs pertaining to that case shall be downloaded and saved.
  - c. All digital photographs shall be downloaded and saved in this manner before the end of duty, unless otherwise approved by a supervisor.
  
- L. Latent fingerprints shall be collected so as to preserve their evidentiary value, prevent contamination, and ensure a complete and adequate sample is obtained.
  1. Latent fingerprints shall be developed and lifted according to established training. Training shall include fingerprint classifications and printing procedures relative to patterns, proper rolling, plain impressions or slaps, dry or wet fingers, and bandaged, missing, or amputees. Training relative to the processing of latent prints shall include types of processing techniques used and addressing potential problems with latent prints.
  2. Latent impressions developed with fingerprint powder may be photographed when conditions allow. If latent prints are lifted, elimination prints should be obtained when possible. The lifted print shall be placed on a latent fingerprint backer card.
  3. All fingerprints shall be documented with the following information: Date and time; Case number; Offense; Victims name; Offense location; Investigating officer's name and badge number; Shift identification officer or crime lab technician's name and badge number; Specific location where the prints are obtained in relation to the crime scene.
  
- M. Rolled fingerprint impressions are taken from known individuals in accordance with North Carolina General Statutes.
  1. There is a fingerprint card file and also an AFIX Tracker computer data base maintained at the Kinston Police Department in the crime lab for comparison purposes.
  
- N. Vehicles assigned to the Department Crime Lab shall be specially equipped to allow effective and timely processing of crime and traffic collision scenes. Department Policy and Procedure, lists the kinds of equipment maintained in the crime scene search vehicles which include: Latent

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Fingerprint Development Kit; Crime Scene Photography Kit; Crime Scene Sketch supplies; Evidence Preservation and Recovery equipment.

1. Shift identification officers shall receive, maintain, and carry with them in the patrol cars, crime scene processing equipment as part of their personally assigned equipment to include: Equipment for latent fingerprint recovery; Photography equipment (If Issued); Equipment for sketching crime scenes; Equipment for the collection and preservation of physical evidence.
- O. The seizure of computer equipment and programs shall be done in accordance with all statutory requirements related to search and seizure of evidence or contraband and in accordance with all Department policies and procedures regarding the processing of evidence.
1. Computer equipment can be severely damaged or data lost due to improper shutdown procedures. Personnel should be conscious of the potential for pre-programming to erase or destroy data that is tampered with in violation of the program's security procedures.
  2. Do not attempt to disconnect or recover any networked computer system or related device prior to consulting with a Forensic Computer Investigator with the North Carolina State Bureau of Investigations. Seize all investigation relevant related computer systems, recording devices, recording media, tapes, CD's, papers, documents, manuals and notes in and around your crime scene (as indicated in search warrant or consent search).
  3. Before seizure is attempted of a personal computer, police personnel should:
    - a. Photograph the computer(s) and the screen(s).
    - b. Unplug power sources from the back of the computer.
    - c. Label all wired connections at both ends.
    - d. Seal the power outlet and all ports on computers and peripherals.
  4. Computer components should not be exposed to extreme temperatures. Personnel should be aware that the computer screen is under high pressure and may implode if dropped or exposed to extreme temperature. The computer hard drive and computer media should not be placed in close proximity to magnetic sources.
  5. Once seized and processed, the equipment should be examined prior to start up by a person skilled in computer operations.
- P. The investigating officer, or other officer assigned to process a crime scene or a traffic collision scene shall complete a report of those activities. The identification/crime scene report shall include: Date and time of arrival at the scene; Location of the crime; Names of victims; Names

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of suspects.

1. If a crime lab technician specialist is summoned to a crime scene, the report should include: the date and time the request is received; the name of the investigating officer; the disposition of the physical evidence; the location or disposition of any photographs or negatives; crime scene measurement information.

Q. An inventory of evidence is an investigative tool to aid in successful prosecution of a case. The inventory of evidence may be included in the identification/crime scene supplementary report. The investigating officer shall be responsible for ensuring that an inventory of evidence is prepared by completing an Evidence Sheet and inventory of seized property, when required. The inventory of evidence shall include: the description of the item (including numerical identifiers when available); the location and/or person from which obtained; the name of the police officer collecting the evidence; the date and time the evidence was collected.


1. When there are no photographs taken or no evidence is recovered from the scene of a major crime, the investigating officer shall indicate the reasons and circumstances for the action on the incident report.

R. The Crime Lab shall maintain a record of the transfer of physical evidence as outlined in Department Policy and Procedure. This record shall include: date and time of transfer; name of the employee releasing the evidence; receiving person's name and functional responsibility; reason for the transfer.

1. When physical evidence is transferred to a laboratory outside the Department, the record of transfer should include: name and location of the laboratory; the examination requested; date and time of transfer.
2. The officer shall properly tag and package evidence and submit it to the Crime Lab with the completed evidence sheet. The police officer shall indicate on the evidence sheet that the evidence is to be submitted to the appropriate laboratory. The transfer of evidence shall be documented using the correct property control forms to establish and maintain the chain of custody.


S. The investigating officer is ultimately responsible for seeing that evidence is submitted in a timely manner to the crime lab for analysis using the established procedures. All latent prints will be submitted to the latent print submission box, located in the processing room with an evidence sheet. Submitted Latent Print Card(s) do not have to be sealed inside of evidence bag(s). All submitted evidence shall only be removed from the designated temporary holding lockers by Crime Lab personnel or Crime Lab Administrative Assistant.

1. The investigating officer may request assistance from the Crime Lab Technician on procedures for submitting evidence to crime laboratories and on completing the

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appropriate laboratory request forms. The Department has access to and uses several laboratories including: the Department Crime Lab; North Carolina State Bureau of Investigation Crime Laboratory; United States Federal Bureau of Investigation Crime Laboratory; other public and private scientific laboratories.

2. Officers may submit evidence to the North Carolina State Bureau of Identification (SBI) laboratory by completing the appropriate SBI physical examination request form, Packaging the evidence according to the instructions in the SBI Evidence Manual, and submitting the evidence to the Crime Lab for delivery.
  3. The investigating officer may be required to hand deliver evidence to the SBI lab or other crime labs under special circumstances to include: Loaded firearms; large quantities of controlled substances; large quantities of money; Bulk items; other evidence of a sensitive nature.
- T. Perishable evidence requires additional specific collecting, packaging and submission procedures. When an investigating officer determines that perishable evidence is present at a crime scene and needs to be collected, it shall be collected according to Department policy. Perishable evidence includes fresh blood, blood-stained objects, other physiological stains and tissues, and biological materials other than controlled substances.
1. When a crime laboratory will not accept perishable evidence without a known sample for comparison, the investigating officer shall submit the evidence to the Crime Lab for storage until such time as a known sample can be obtained and the evidence submitted to the appropriate crime laboratory.
  2. When the submission of perishable evidence to a crime laboratory is delayed, the investigating officer shall indicate the reasons and circumstances on evidence.
- U. When physical evidence is transferred to a laboratory for analysis, records shall be maintained indicating the following:
1. Name of the officer or crime lab technician last having custody of the property and responsible for submitting the evidence to the laboratory.
  2. Date and time of submission or mailing of the property to the laboratory.
  3. Method of submission of property to the laboratory, i.e., mailing or hand delivery.
  4. Date and time of receipt by the laboratory.
  5. Name and signature of the laboratory employee receiving the evidence.

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6. Name of the police officer requesting the examination.
  7. Name of the investigating officer.
- V. The Department Crime Lab and the North Carolina State Bureau of Investigation Crime Laboratory provide a written report of all laboratory test results. If a crime laboratory does not normally provide a written report of test results, the officer submitting the evidence should specifically request a written report of the laboratory test results.