

<b>Chapter: 83</b>	<b>Collection of Evidence</b>
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## Chapter 83 Collection and Preservation of Evidence

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#### 83.1.1 24 Hour Availability

Personnel assigned to the Forensic Evidence Unit (FEU) will be scheduled on a rotation basis for stand-by status. Patrol Evidence Technicians assigned to the Patrol Teams should be utilized in cases that would not require the response of FEU.

The Traffic Unit Sergeant has a department cellular phone and will be the point of contact for traffic crash assistance for cases involving serious injury or death if there is no traffic unit on duty.

#### 83.2.1 Guidelines and Procedures

All crime/traffic crash scenes should be immediately secured to prevent the loss, contamination or destruction of evidence. Crime scene tape, rope, or other barriers should be used to establish a secure perimeter. The perimeter should begin larger than appears necessary and then contracted as needed.

The officer in charge of the scene shall ensure that a record is made of all persons allowed into the scene, including all police personnel, on Crime Scene Log NBPD Form #130 and that the NBPD Form #130 is attached to the case report. All unauthorized persons should be escorted from the crime/traffic crash scene perimeter and their names recorded on the Crime Scene Log. No unauthorized persons should be allowed into the perimeter. The crime scene log will annotate when crime scene security has transferred from one officer to another.

Upon the arrival of personnel to process the scene and collect evidence, the officer in charge of the scene shall meet with the Patrol Evidence Technician or FEU personnel and inform them of the circumstances of the case and information concerning evidence locations, witnesses, and any items moved or touched prior to their arrival.

Only those personnel officially assigned to collect evidence from the scene shall handle or move any item of evidence unless movement is necessary for the protection of the evidence or scene. No item of evidence should be moved until it has been examined for trace evidence and photographed.

All personnel who move or take custody of an item of evidence shall be responsible for the collection of that evidence and the completion of a property report.

Any person who accepts custody of an item of evidence shall sign and date the transfer both electronically and by hand on a property document as required for documenting the chain of custody. Any transfer of custody of physical evidence shall require an entry into RMS documenting the transfer.

**Vehicle as Evidence:** Vehicles towed as evidence shall remain in the presence and custody of a law enforcement officer until locked in the secure building by the City Contracted Wrecker Service attendant using the locks provided by the NBPd.

The Green Sheet and Physical Evidence Request Form (NBPd #25) shall be turned into FEU.

Once all the evidence has been removed from the vehicle, FEU shall provide the City Contracted Wrecker Service attendant with the Green Sheet and the vehicle shall be released to owner or moved to the secure storage area until final disposition.

Any vehicle held as evidence longer than 30 days shall be brought to the attention of the Services Division Commander by FEU Supervisor.

**Vehicle Inventory:** Prior to being towed, an inventory shall be conducted on all impounded/seized vehicles to identify any property of value in the vehicle. A locked trunk or glove box will be within the scope of an inventory **only** if the keys to those areas are in the officer's possession.

- A. The officer responsible for the seizure/impound will complete a DCI IR 205 Property Sheet (Green Sheet) that will include a description of the vehicle, to include VIN # and a complete inventory of all items of value found in the vehicle.
- B. If items are removed from the vehicle, either for safe keeping or as potential evidence for a criminal case to be stored in FEU, the officer will note on the Green Sheet where the items were placed, i.e. lock box # 15.
- C. The towing service driver will sign and retain a copy of the Green Sheet indicating when he/she has custody of the vehicle and all the contents left in the vehicle.
- D. A vehicle inventory may be completed at a later time or more secure location if weather, crowds, dangerous atmosphere, or possible damage or destruction to forensic evidence may occur. The delay will be noted in the case narrative.
- E. Once a vehicle has been placed within the NBPd secured storage area, officers requiring further access to the vehicle will need to be accompanied by FEU personnel.

### **83.2.2 Photography and Video Tapes**

Photographs should be taken before the scene is altered. The general requirements used in photographing a scene should also be applied when videotaping a scene. The requirements include:

1. Approaches to the scene
2. Surrounding areas
3. Close-ups of entrances and exits
4. A general scenario showing condition of the scene and body
5. All evidence located
6. Mid-range photos of a body from all angles
7. Damaged areas or items
8. Points of entry and exit
9. A ruler in the photo to indicate size of small pieces of evidence

Traffic related incidents should be photographed when the investigating officer deems it necessary. Photographic requirements include:

1. All fatal and serious accidents
2. A minimum of four photographs should be taken
3. Additional daylight photos if the accident happened at night
4. All four directions of travel should be taken
5. All evidence found at the scene should be photographed and then collected.

All crime/traffic crash scenes processed by Evidence Technicians or FEU personnel should be photographed by still photography. Major crime/traffic crash scenes should be recorded on video tape in addition to still photography. Videotaping of crime scenes shall be a function of the Department's FEU.

When officers utilize digital imagery, the following guidelines will be adhered to in order to ensure the integrity of the digital images:

1. Media card should only contain digital images from their cases. Each case will be separated by a laminated placard/sign indicating the case number, date, and officer's name.
2. Image quality setting on the camera will be set to the highest quality settings.

No images shall be deleted or altered during the crime/traffic crash scene photography process. An officer may review the captured digital images via the camera's monitor prior to leaving the crime/traffic crash scene to ensure that all necessary photographs have been obtained. Internet Crimes Against Children (ICAC) and computer related cases (because of their sensitive matter) will be saved to a new, pre-formatted or formatted write-one (read only) media, by the assigned Detective.

#### **Digital Image Transfer and Archive Procedures**

1. In order to preserve and maintain the original image integrity and chain of custody of digital images, all captured digital images shall be archived as soon as practical by FEU.
2. At the end of their shift, officers shall submit their memory cards/stick containing all of their photographs in a sealed envelope. The envelope will reference the incident number obtained to document the submission of all the cases on the media card. The submission will be delivered to FEU via a mail slot in the evidence lockers and documented in the case narrative.
3. FEU will return the media card to the officers' mailbox for reuse.
4. FEU will process all images using current department procedures.

### **83.2.3 Fingerprinting**

A search for latent fingerprint evidence should be made at every crime/traffic crash scene processed by officers or FEU personnel.

Smooth, non-absorbent, non-porous items should be processed at the scene. Rough, porous, absorbent items which may hold fingerprints and are not conducive to on-scene processing should be removed by the officer or FEU personnel, securely packaged, and delivered to FEU for special processing.

Latent print impressions developed with fingerprint powder should be photographed prior to their lifting if a concern exists that the latent print will be destroyed by lifting. These fingerprints shall then be lifted in accordance with established training. The lifted prints shall be placed on a latent fingerprint backer card with the following information listed:

1. Date,
2. Case number,
3. Victim's name,
4. Crime,
5. Offense location,
6. Exact location where latent prints were developed and lifted, and
7. Officer's name lifting the latent print.

Requests for latent print comparisons shall be made to FEU on the Physical Evidence or Latent Print Examination NBPD Form #25.

### **83.2.4 Equipment and Supplies**

Members of FEU and Patrol Evidence Technicians shall be provided specialty equipment to allow effective and timely processing of crime/traffic crash scenes. Every effort should be made to use department issued equipment, but when that is not possible or practical, then personally owned devices can be utilized only if using Axon Capture. Specialty equipment will include:

#### **A. Recovery of latent fingerprints**

Latent fingerprint recovery kit will contain items such as:

1. Assorted fingerprint powders
2. Assorted brushes
3. Lifting cards
4. Other assorted processing equipment/supplies

#### **B. Photography**

Officers utilizing digital imagery will use department issued equipment when available. Using Axon Capture is acceptable with a personal or department issued mobile phone or recording device. Issued equipment will include:

1. Police department camera
2. Minimum of two (2) media cards.

#### **C. Sketch of the scene**

A crime/traffic crash scene sketch is an important investigative step in recording crime/traffic crash scene details. The following information should be included in a crime/traffic crash scene sketch:

1. Dimensions of the scene.
2. Relation of the crime/traffic crash scene to other buildings, geographical features, or roads.
3. Address, floor, or room number as appropriate.
4. Location of significant features of the scene, including the victim.
5. Location of items of physical evidence recovered.
6. Direction of north.
7. Scale of drawing, if to scale.
8. Legend of symbols.
9. Name and rank of preparer.
10. Date and time of preparation, crime/traffic crash classification, and case number.

#### **D. Collection and preservation of physical evidence**

Some items, especially large items, may be processed for evidence in the field and may be released to the owner if they are determined not to be of evidentiary value. All other items shall be collected, preserved and submitted as evidence. Because inclement weather can damage or eliminate physical evidence it is vital for Patrol Evidence Technicians or FEU to collect all evidence available as soon as possible.

Recovered Stolen Vehicle: The following steps will be taken when processing a recovered stolen vehicle:

1. Vehicles reported stolen to the New Bern Police Department and recovered by this department will be processed for physical evidence where found, if possible. The owner's permission to process the vehicle upon its recovery shall be documented in the case report. The officer recovering the stolen vehicle may request the assistance of a Patrol Evidence Technician or FEU.
2. Vehicles reported stolen to the New Bern Police Department and recovered in another jurisdiction may be processed for physical evidence by the agency recovering the vehicle.
3. Vehicles reported stolen to an outside agency and recovered by a New Bern Police Officer may be processed by a Patrol Evidence Technician or FEU upon the request of the reporting agency and pursuant to their instructions. If personnel from the reporting agency intend to process the stolen vehicle or otherwise take custody of it, the vehicle will remain in police custody at the scene or impounded and stored at the secured storage facility of the towing service contracted by the City of New Bern.

Wet or Bloody Clothing: Trained Evidence Technicians will be responsible for responding to the crime scene to assist in the collection of wet or bloody clothing. Should an evidence technician not be available, the FEU sergeant will be contacted to arrange a detective to respond. Wet or bloody clothing will be air dried in one of the department's drying rooms and then packaged in paper containers. Once placed inside the drying room, the door will be secured, and a property entry will be completed along with a copy of the property and evidence report placed on the door. Once the wet or bloody clothing has dried, FEU personnel will package and submit clothing items for evidence.

If both drying rooms are occupied, then the FEU sergeant will be called to make arrangements for the wet or bloody clothing to be stored.

Tool mark impressions, footwear and tire impressions shall be photographed, both with and without a ruler or scale, prior to casting with appropriate casting material.

Perishable evidence requires specific collecting, packaging, and submission procedures. When the investigating officer determines that perishable evidence is present at the crime scene, he/she will request

that FEU respond to collect, package and preserve such evidence. Perishable evidence includes fresh blood, blood-stained objects, and physiological stains and tissues.

### 83.2.5 Procedures, Seizure of Computer Equipment

These procedures shall apply only in those cases where data residing on computer systems, recording devices, and media are being sought as evidence in an investigation. Computers seized by personnel as evidence related to burglary, larceny, or other crimes shall be treated in accordance with General Order 84.1.1 and will not normally require the services of a computer forensic investigator.

Using evidence obtained from a computer in a legal proceeding requires the following:

1. Probable cause for issuance of a warrant or an exception to the warrant requirements. (Caution: If you encounter potential evidence that may be outside the scope of your existing warrant or legal authority, an additional warrant may be necessary).
2. Appropriate collection techniques to avoid altering or destroying evidence.
3. Forensic examination of the system completed by trained personnel in a timely manner with expert testimony available at trial.

Once the computer's role is understood and legal requirements are fulfilled:

1. Secure the Scene
  - a. Officer safety is paramount
  - b. Preserve area for potential latent fingerprints
  - c. Immediately restrict access to computer(s) and attached peripherals. Remember, there are many ways to access the computer remotely.
2. Secure the Computer as Evidence. Officers shall consult the "Best Practices for Seizing Electronic Evidence Guide" issued to them and proceed as follows:
  - a. If the computer is "OFF," Do Not Turn "ON"
  - b. Photograph screen.
  - c. Disconnect all power sources. Unplug from the back of the computer. Interrupting power from the back of the computer will defeat an uninterruptible power supply (UPS).
  - d. Laptops often have battery power supplies, if the laptop does not shut down when the power cord is removed, locate and remove the battery pack. The battery is commonly placed on the bottom, and there is usually a button or switch that allows for the removal of the battery. Once the battery is removed, do not return it to or store it in the laptop. Removing the battery will prevent accidental start-up of the laptop.
  - e. Place evidence tape over each drive slot as well as the computer case.
  - f. Photograph / diagram and label back of computer components with existing connections.
  - g. Label all connectors / cable ends to allow reassembly as needed.
  - h. If transporting is required, package components and transport / store components as fragile cargo.
  - i. Keep away from magnets, radio transmitters and other potentially damaging elements.
  - j. Collect all peripheral devices, cables, keyboards, and monitors.
  - k. Collect instruction manuals, documentation, and notes (User notes may contain passwords).
3. Networked or Business Computers

- a. Secure the scene and do not let anyone touch except personnel trained to handle networked systems.
  - b. Pulling the plug could: Severely damage the system, disrupt legitimate business, and create officer and department liability.
4. Cellular Telephone Evidence: Minus the presence of articulable exigent circumstances, prior to searching cellular telephone devices, officers of the New Bern Police Department will first obtain a search warrant from a judicial official. Reference: Riley v. California, 573 U.S.
5. Other Electronic Storage Devices
- a. Electronic devices may contain viable evidence associated with criminal activity. Unless an emergency exists, do not access the device. Should it be necessary to access the device, note all actions associated with the manipulation of the device in order to document the chain of custody and protect the integrity of the evidence.
  - b. Examples of other electronic devices are as follows; this is only a partial list of what you may encounter while conducting your investigation:
    - Cordless Telephones
    - Wireless Telephones
    - Answering Machines
    - Caller ID Devices
    - Electronic Paging Devices
    - Facsimile Machines
    - Smart Card & Magnetic Stripe Cards
    - ID Card Printers
    - Scanners
    - Printers
    - Copiers
    - Compact Disk Duplicators and Labelers
    - Digital Cameras / Video/Audio
    - Electronic Game Devices
    - Home Electronic Devices
    - Global Positioning System (GPS)
    - Personal Data Assistants / Handheld Computers
    - Security Systems
    - Vehicle Computer Devices
    - Storage Media
    - Skimmers / Parasites and other Criminal Technology
6. When confronted with a crime involving electronic storage devices it is imperative that the above guidelines are followed to ensure that potential evidence is not lost. Many times, people who use computers to facilitate crimes are very knowledgeable about the device they are using; employing booby traps to either hurt the officer or delete potential evidence. If you are uncertain about the system or the proper procedure to follow, contact the FEU Supervisor or a computer specialist to assist you.

### **83.2.6 Report Preparation**

It is the responsibility of the officer who processes the scene to submit detailed reports describing the sequence of events associated with actions taken in collecting and processing evidence. In any crime/traffic crash scene

investigation involving a felony the decision not to process the scene must be approved by a supervisor and documented in the report. **Scene contamination is not in and of itself a reason to forgo processing.**

This crime scene supplemental report shall be included as part of the case report and shall include:

1. Date and time the request is received,
2. Date and time of arrival at the scene,
3. Name of the investigating officer,
4. OCA number,
5. Location of the crime,
6. Names of victims,
7. Names of suspects,
8. Actions taken at the scene (video or photographs taken, measurement made, evidence collected, etc.); and
9. Inventory and disposition of evidence.

### **83.2.7 DNA Evidence Collection**

All officers should be aware of the importance of the identification, proper collection, transportation and preservation of deoxyribonucleic acid, (DNA). Only officers and FEU personnel who have received training related to the collection and preservation of DNA evidence may collect or submit suspected DNA evidence. Officers/personnel should take special precautions to treat a crime/traffic crash scene as if it were the only opportunity to preserve and recover physical evidence.

#### **A. First responder responsibilities and precautions**

The first officer on the scene will secure and protect the scene. (Refer to [83.2.1](#)) It is important to keep the crime/traffic crash scene secure and uncontaminated. Avoid touching or moving any item of evidence or any item which may potentially be evidence prior to the item being processed. While at the scene officers should not eat, drink, smoke, litter or do anything that might contaminate the crime/traffic crash scene.

#### **B. Procedures for the collection, storage, and transportation of DNA evidence**

Only those personnel officially assigned to collect evidence from the scene shall handle or move any item of evidence unless movement is necessary for the protection of the evidence or scene. No item of evidence should be moved until it has been examined for trace evidence and photographed.

All major items of evidence shall be examined, photographed, described, and collected. Items should be taken in logical order to minimize the destruction of other evidence and the unnecessary disturbance of the scene.

DNA evidence can become contaminated when DNA from the crime/traffic crash scene is mingled with DNA from another source. All personnel should take universal precautions, including the use of PPE to protect both themselves and potential DNA evidence. To avoid contamination of DNA evidence the following precautions should be taken:

1. Avoid touching the area where DNA may exist.
2. Wear gloves. Change them prior to collecting and between collections of DNA Evidence.
3. Use disposable instruments or clean them thoroughly before and after handling each sample.
4. When possible, the entire item should be collected and preserved.



## Storage and Transportation:

1. Air-dry evidence thoroughly before packaging.
2. Put evidence into new paper bags or envelopes, not into plastic bags. Do not use staples
3. When transporting and storing evidence that may contain DNA:
  - a. Evidence should be kept dry and at room temperature
  - b. Evidence should be placed in paper bags or envelopes and then sealed, labeled, and transported. Plastic bags should not be used as they provide a growth medium for bacteria that may degrade DNA evidence.
4. Evidence should not be stored in an area that can get hot, such as a room or police car without air conditioning. Direct sunlight, heat, and humidity can also harm DNA.

### **C. DNA evidence collection training requirements for persons collecting evidence**

All FEU personnel will be trained in the proper collection and preservation methods of DNA evidence. This training will include, but not be limited to: in service training, certified online courses, and professional college courses. FEU shall be responsible for coordinating the initial eight-hour Basic Crime Scene Processing course of instruction.

### **D. Procedures for the submission of DNA evidence to accredited laboratories**

The responsibility for requesting laboratory examinations of evidence is that of the assigned investigating officer/detective. Arrangements should be made with FEU for evidence transfer to the appropriate laboratory facility.

#### **83.3.1 Collecting from Known Source**

Materials and substances shall be collected from a known source, whenever available, for submission to the laboratory for comparison with physical evidence collected. This procedure is especially important when the evidence consists of hairs, fibers, fabrics, paint, glass, wood, soil and tool marks.

Control Samples are samples that represent the source of known evidence. These samples are needed by FEU personnel and crime lab analysts to compare suspect evidence with evidence found on questioned items. Investigating officers and Patrol Evidence Technicians may contact FEU personnel for assistance in collecting, packaging and preserving control samples.

Control Samples of evidence from known sources shall be collected when such samples are available to include:

1. Latent evidence;
2. Trace evidence;
3. Serology;
4. Questioned documents; and
5. Firearms and tools.

#### **83.3.2 Evidence, Laboratory Submission**

##### **A. Identification of the person responsible for submitting the evidence**

It is the investigating officer's responsibility to ensure that evidence to be submitted to a lab for examination is packaged in accordance with the receiving laboratory's specifications and accompanied by

a properly completed lab sheet. On a routine schedule, FEU will be responsible for the [chain of custody](#), storage, transport and retrieval of evidence submitted for analysis to a forensic laboratory.

## **B. Methods for packaging and transmitting evidence to the laboratory**

Packaging type: All property/evidence collected must be packaged based upon their type or category. Each item collected from a scene must be packaged individually or with items of the same type. The item(s) must be packaged, in the smallest container possible, in regard to the type of item(s) being submitted. Various containers that may be used include paper and plastic bags, pouches, tubes, boxes, cans, envelopes, etc.

1. Biohazards - Any item containing, on or within, a natural or produced pathogen that may be spread/released through human contact.
2. Controlled Substance - Any substance defined within the North Carolina Controlled Substance Act.
3. Firearms - Any portable firearm such as handguns, rifles and shotguns that fire a projectile through means of an explosive ordinance. This shall include mock or BB guns.
4. Jewelry - Objects used for personal adornment such as necklaces, rings, bracelets, or brooches, especially those that are made of precious metals, gems, pearls and/or other organic matter that are considered as fine crafted.
5. Money/Counterfeit Money - Any form of US or foreign currency including counterfeit.
6. Other Property - All other types of evidence/property.

## **C. Types of documentation to accompany evidence when transmitted**

It is the investigating officer's responsibility to request laboratory examination of evidence to the NC State Bureau of Investigation by submitting a request for examination to the NC State Crime Laboratory Website <https://crimelab.ncdoj.gov/FAPortal>

If the website is unavailable, requesting officers will complete a NC State Bureau of Investigation "Request for Examination of Physical Evidence" form (SBI-5).

## **D. Receipts to ensure maintenance of chain of evidence**

ALL persons who come into possession of any item of property/evidence will be identified in the chain of custody section on the Property Sheet and AEGIS entry. The chain of custody will be documented in the evidence module when evidence is sent or delivered to, and received from, the North Carolina State Bureau of Investigation Lab or any other forensic lab.

## **E. Stipulation that laboratory results be submitted in writing.**

The New Bern Police Department FEU and other crime laboratories shall provide a written or electronic report of all laboratory test results. If a crime laboratory does not provide a written report of test results, the investigating officer shall request that a written report of the laboratory test results be provided.