1.0 PURPOSE

It is the purpose of this policy to provide officers and other crime scene personnel with guidelines to document, collect, package, and preserve evidence. Documentation, collection, and preservation of evidence are crucial steps in criminal investigation and often provide the basis for effective identification, documentation, prosecution, and conviction of perpetrators, as well as the reconstruction of the events that surrounded the crime. Officers shall take all care reasonably possible to ensure the integrity of evidence collected at crime scenes by adherence to this policy, by on-the-job training, and by associated departmental training.

The procedures outlined in this policy are basic guidelines. Officers should refer to the attached *Crime Scene Processing Guidebook* for detailed information regarding crime scene investigations and evidence-related topics. This policy does not preclude officers from using new techniques based on changes or advances in the field of crime scene investigations or forensic science.

2.0 POLICY

It is the policy of the Department of Public Safety to maintain a high level of proficiency in the field of crime scene investigation. Officers shall take all reasonable care to document the evidence at a crime scene, to maintain the integrity of the evidence collected at a crime scene, and to preserve the evidence to ensure the best opportunity for prosecution.

3.0 APPLICABILITY

This policy is applicable to all employees of the Department of Public Safety who are involved with a crime scene investigation.

4.0 REFERENCES

CALEA Chapter 83 - Collection and Preservation of Evidence

5.0 DEFINITIONS

A. Crime Scene - The location(s) at which a crime has been committed, where evidence of a crime is located or presumed to be located, the site(s) of accidents, and the locations of suspicious incidents where foul play could be involved.

B. Crime Scene Analysis/Crime Scene Reconstruction - The use of scientific methods, physical evidence, deductive and inductive reasoning, and their interrelationships to gain explicit knowledge of the series of events that surround the commission of a crime. The complete sequence of events cannot always be explained. This analysis provides the best explanation for that sequence of events. This analysis is completed by trained personnel in the particular disciplines that are used to establish the sequence of events.

C. **Crime Scene Investigator -** Investigators who have current knowledge and training in the field of crime scene investigations and/or forensic science, and who investigate crime scenes.

D. **Crime Scene Manager -** The crime scene manager is a crime scene investigator, who has sufficient training and experience in the field crime scene investigation, regardless of rank, to understand the forensic needs of that scene investigation. The crime scene manager has the ultimate responsibility of determining how the scene will be investigated, based on that training and experience.

E. **Crime Scene Team (CST) -** A team of crime scene investigators who are utilized throughout the State of New Mexico to investigate, analyze, and reconstruct crime scenes for the New Mexico State Police as well as for other law enforcement agencies. The acronym "CST" will be used for the crime scene team in this policy.

F. **DPS –** Department of Public Safety

G. **Evidence -** Something legally submitted to a competent tribunal as a means of ascertaining the truth of any alleged matter of fact under investigation before it.

H. **Latent Evidence –** Evidence that is present but not visible to the naked eye. Finding this evidence requires specialized methods, including but not limited to; chemical methods or light energy methods, to aid in its detection. This type of evidence includes latent fingerprints, biological fluids, and some forms of trace evidence.

I. **Patent Evidence -** Evidence that is readily visible, that can be seen with the naked eye. This type of evidence does not require any specialized methods for its detection. Patent evidence can be in the form of visible fingerprints, tire impressions, blood or bloodstain patterns, tool marks, damaged property, and any other item or substance that falls under the definition of physical evidence.

J. **Physical Evidence**: Physical evidence can be in the form of a solid, a liquid, or gas. The following is a list of the four categories that make up physical evidence.

1. **Perishable evidence** – Fragile/temporary evidence that can be easily lost.

2. **Impression / pattern evidence** – Impressions or patterns created by an application of force.

3. **Transfer evidence** – Evidence moved from one object to another when the two objects come into contact (or near contact). This evidence can be small, often microscopic, in size (trace evidence).

4. **Conditiona**l **evidence** – Evidence produced by a certain event or action that begs the question, “What does that mean?”

K. **Testimonial Evidence -** Evidence collected through interviews or interrogation.

6.0 PROCEDURE

A. Crime Scene Initial Response (First Responder Duties) - When responding to a report of a crime scene, the first responding officer should keep four primary concerns in mind (officer safety, preservation of life, protection of the crime scene, investigation of the scene):

1. **Officer safety**

   a. Conduct a protective sweep to assist the injured, to prevent further violence, and to secure the scene.

   b. Refer to the *Crime Scene Processing Guidebook* for additional information regarding this section.

2. **Preservation of life**

   a. Assure that all reasonable and necessary steps are taken so that a life can be saved.

   b. Refer to the *Crime Scene Processing Guidebook* for additional information this section.

3. **Protection of the crime scene**

   a. Implement the “7 Critical Tasks” found in the Incident Command System (NIMS)

      1. Identify the “kill zone” – if there is an ongoing threat

         a. This is also called the “hot zone” if it is a Hazmat or an incident involving a weapon of mass destruction (WMD).

      2. Establish an Inner Perimeter

         a. This area contains all locations where evidence could possibly be located.

         b. The officer should make this area at least 50% larger than where he/she thinks all of the evidence is located.

         c. Once this area is established, only personnel with a legitimate investigative need enter the inner perimeter.

      3. Establish an Outer Perimeter

         a. This area is an official zone where official business can take place.

         b. No areas of possible evidence are located in the zone established between the inner and outer perimeters.

      4. Secure Communications (clear frequency or use phone)

      5. Establish a Command Post

      6. Establish a Staging Area

7. Identify/Request Additional Resources

    a. Including the notification of supervisors

    b. Immediately remove everyone from the inner perimeter, including witnesses, suspects, and victims (who are alive). Each of these people should be separated, but they may remain within the outer perimeter until such time as they are no longer needed for the investigation.

    c. Start a crime scene log for the INNER perimeter.

    d. Refer to the *Crime Scene Processing Guidebook* for additional information regarding this section.

4. **Investigation of the Crime Scene**

    a. Perishable evidence must be dealt with as soon as possible or it will be lost.

        1. Determine whether or not exigent circumstances exist that makes evidence perishable.

    b. The scope of crime scene investigation is dictated by the seriousness of the crime and complexity of the crime scene. For crimes that do not require the assistance of the Crime Scene Team, or where exigent circumstances demand that immediate steps be taken to preserve evidence, first responders shall be prepared to identify, document, and collect evidence.

    c. Refer to the *Crime Scene Processing Guidebook* for additional information regarding evidence collection.

B. Crime Scene Assessment

1. Many crime scenes can be handled by the first responding officer or other investigators in general; however, some scenes require investigators who have a greater degree of training and experience in the field of crime scene investigation. In cases such as these, the first responders or investigators, regardless of the agency that they work for, may request the assistance of the New Mexico State Police Crime Scene Team (CST).

2. The CST has the discretion to assess each case and may offer assistance based on the complexity and severity of the case.

    a. This policy does not prevent CST members from assisting officers, agents, or other agencies on cases that do not require formal CST involvement.

3. Cases that require CST involvement include, but are not limited to:

    a. Homicides

    b. Suspicious deaths

    c. Officer-involved incidents causing death, great bodily harm, or deadly force.

4. Any investigation being handled by the NMSP Criminal Investigations Section that includes the need for a crime scene investigation must be evaluated by the CST prior to the scene being investigated.

C. Crime Scene Reconstruction – Crime scene reconstruction can be considered as follow-up to the crime scene investigation. However, in order to properly reconstruct the scene, it is often necessary to have the properly trained crime scene investigator at the scene during the scene investigation so the investigator can ensure all the necessary data is collected for the reconstruction.

1. The analytical techniques used in Crime Scene Reconstruction include, but are not limited to; bloodstain pattern analysis, trajectory analysis, or other forensic analysis that is performed in a forensic laboratory.

2. Peer review: Peer review is an important aspect of forensic analysis and is a fundamental part of science. When data is collected in a crime scene investigation for any form of crime scene analysis, such as bloodstain pattern analysis, trajectory analysis, or crime scene reconstruction, a minimum of two (2) crime scene investigators, trained in that discipline, shall be used so the work of one (1) investigator can be checked by another.

3. Refer to the *Crime Scene Processing Guidebook* for additional details regarding Crime Scene Reconstruction.

D. Evidence Collection

1. When conducting a crime scene investigation, the officer or investigator should follow a series of protocols that assist with the search for evidence, the documentation of the evidence, and the collection of the evidence.

   a. The "Crime Scene Cycle," which is located in the *Crime Scene Processing Guidebook,* provides a set of protocols that can assist with the crime scene investigation.

2. When the CST is handling a crime scene, it is the responsibility of the Crime Scene Manager, based on his/her training and experience, together with input from the case agent and supervisor, to determine what aspects of the cycle are required. The Manager is ultimately responsible, based on his/her training and experience, for determining how the scene will be investigated.

3. Personnel who have received classroom instruction and/or on-the-job training regarding evidence collection are responsible for collecting and packaging evidence, particularly DNA evidence.

   a. Specific techniques for evidence collection and packaging are included in the Evidence Collection Section (Section 5) in the *Crime Scene Processing Guidebook*, attached to this policy.

   b. DNA is particularly sensitive and subject to contamination. Therefore, personnel must be familiar with situations that will degrade, destroy, or contaminate DNA evidence, and should use proper precautions to collect, package, and store this type of evidence.

1. Refer to the Evidence Collection Section (Section 5) in the *Crime Scene Processing Guidebook* for detailed instruction on how to collect DNA evidence, in addition to other forms of evidence.

4. For a complex scene that requires multiple investigators, an **Evidence Manager** position should be assigned to one of the investigators.

   a. An **Evidence Manager** is responsible for managing the evidence that is collected at the scene.

   b. Refer to the *Crime Scene Processing Guidebook* for details regarding this position.

5. For multiple scenes that require multiple investigators, or when multiple agencies are involved with the investigation, an **Evidence Custodian** position should be assigned at a central location where all of the evidence can be taken from the different scenes.

   a. This location is a secure location where the evidence from all of the scenes can be put together, in order to transport all of the evidence to an evidence storage facility.

   b. Refer to the *Crime Scene Processing Guidebook* for details regarding this position.

E. Transfer of Evidence

1. At the end of the crime scene investigation, all evidence for investigations handled by the DPS will be transferred to a department-approved evidence storage facility.

   a. DNA is particularly sensitive and subject to degradation. This evidence will be transferred to a department-approved evidence storage facility as soon as possible.

   b. Avoid exposing DNA evidence to extreme environmental conditions (e.g. heat, cold, etc.) when transporting so as to prevent degradation.

   c. Refer to DPS evidence policy *OPR: 17 Evidence/Property Handling* for additional details regarding the storage of evidence, including DNA evidence.

2. Personnel shall collect and transfer evidence pursuant to the DPS evidence policy *OPR: 17 Evidence/Property Handling.*

3. DPS personnel will document the collected evidence on an SP-205 Evidence/Property Control Form, which includes an identification number (item number) and a description of the evidence.

   a. The transfer will be recorded on the back of the evidence receipt (Refer to *OPR:17 Evidence/Property Handling*), to include name and function of the receiving party, name and function of the releasing party, with the date and items involved.

4. When transferring evidence between law enforcement agencies, or to a forensic laboratory, an evidence receipt shall be used that allows for the signature of both the person relinquishing the evidence and the person receiving the evidence, regardless of which agency's form is used.

5. The form that documents the chain of custody be kept with the item. The person who transfers custody of the item, and the person who receives the item, should keep a copy of the chain-of-custody form for their records.

6. If personnel need to transfer this evidence from the storage facility to another location, such as a forensic laboratory, they shall transport the evidence in a manner that protects the integrity of the evidence.

   a. DNA evidence must be transferred from one location to another as soon as possible to avoid degradation of the sample.

7. When sending evidence to a forensic laboratory, personnel shall follow Department policy *OPR:17 Evidence/Property Handling* and the evidence submission procedures for the particular forensic lab.

   a. If evidence, including DNA evidence, needs to be sent to a forensic laboratory for further examination, the evidence will be sent to an accredited laboratory.

   b. Personnel may contact the Department of Public Safety Forensic Laboratories for advice on procedures for the submission of evidence to accredited laboratories.

   c. All examination results must be presented in a written report of findings from the laboratory.

7.0 ATTACHMENTS

A. Crime Scene Processing Guidebook

8.0 APPROVAL

APPROVED BY: s/John Denko DATE: February 15, 2008
DPS Cabinet Secretary