

CRIME SCENES

PREAMBLE:

The Omaha Police Department recognizes the importance of proper protection and processing of crime scenes and the evidence which can be gathered from them. Evidence from crime scenes can contribute materially to the apprehension and prosecution of suspects and is a fundamental duty of police work. Anything that leads to the identification of a perpetrator of a crime, or to the manner in which a crime was committed, is evidence and must be treated accordingly. The manner in which evidence was obtained, handled, and recorded often determines the success or failure of an investigation and subsequent prosecution of a criminal suspect. From the time evidence is discovered until its use in court, evidence shall be protected, handled as little as possible, and recorded. Crime scenes and potential evidence must be properly protected from the time the first officer arrives.

POLICY:

It is the policy of the Omaha Police Department (OPD) to secure and process crime scenes as efficiently and carefully as possible. OPD officers will closely coordinate with OPD Forensic Investigations Unit (FIU) employees, employees of outside agencies, and other OPD or non-OPD employees as required to accomplish this task. Officer safety and the safety of others shall be considered at all times.

DEFINITIONS:

Circumstantial Evidence: Circumstantial evidence is one that does not establish a fact directly, but offers other circumstances from which the truth may be inferred.

Direct Evidence: Direct evidence is one that tends to show the existence of the fact in question which a witness has first-hand knowledge of, derived through one or more of the witness's five senses - that is, what the witness saw, heard, touched, tasted, or smelled.

Real Evidence: Real evidence is furnished by objects which speak for themselves and require no explanation, only identification (e.g., bloody shirt, handgun, etc.).

PROCEDURE:

I. Types of Evidence

A. Testimonial Evidence.

1. Testimonial evidence is evidence provided verbally or in writing by a witness or suspect. This evidence can be direct, circumstantial, or real.
2. However, in keeping with a person's rights under the U.S. Constitution, officers shall be aware that no person can be compelled to make statements which would incriminate the person. Statements may be used as evidence only when a person's Constitutional right against self-incrimination is waived knowingly, intelligently, and voluntarily (*Miranda v. Arizona*, 384 U.S. 436, 1966).

B. Non-Testimonial Evidence.

1. Unlike testimonial evidence, non-testimonial evidence is physical evidence which may be taken, even from a suspect's person, without permission.
2. Some examples of non-testimonial evidence include the following:
 - a. Fingerprints.

- b. Tire tracks.
- c. Shoe prints.
- d. Blood.
- e. Soil.
- f. Seminal stains.
- g. Hair.
- h. Fibers.
- i. Clothing.
- j. Toothmarks on discarded foodstuffs.
- k. Photographs.
- l. Handwriting.
- m. Weapons, cartridges, cartridge cases, and/or bullets.
- n. Broken glass.
- o. Controlled substances.

C. Officers shall consider the possible presence of latent or microscopic evidence when handling non-testimonial items. For example, a latent fingerprint on a weapon sometimes is more important than the weapon itself.

D. Items of non-testimonial evidence that have the potential for further analysis by a crime laboratory shall be booked into the OPD Evidence and Property Unit as individual items of evidence in order to prevent cross-contamination or damage to microscopic evidence (i.e., clothing with blood or other bodily fluids on it).

1. Each firearm, cartridge, and cartridge casing at a shooting scene shall be booked into the OPD Forensic Gun Locker or an Evidence and Property Unit (EPU) slam locker as an individual item of evidence, per the OPD "[Evidence and Property Handling](#)" policy. This is in order to make certain the ballistic analysis can be tied to a specific cartridge or cartridge casing. See the OPD "[Evidence and Property Handling](#)" policy for details.

a. The Forensic Investigations Unit (FIU) employees will enter cartridge casings and/or projectiles into the Integrated Ballistics Identification System (IBIS) for analysis, as appropriate per IBIS entry criteria.

NOTE: IBIS allows analysts to determine if the firearm used to discharge casings found at one scene was used to fire casings found at another scene. Officers will be cognizant that multiple firearms may be used at one scene even if all of the casings found are of the same brand and caliber and appear to be from the same weapon.

E. In some cases, an officer who wants to acquire non-testimonial evidence should contact either the City Prosecutor or County Attorney regarding whether or not a court order is needed.

II. Preservation of Crime Scenes – General

- A. When officers are dispatched to a crime scene, they will:
1. Plan the best route to the scene, and proceed safely and quickly.
 2. Shut off the emergency equipment prior to their arrival at the scene if they are dispatched on an "Expedite" status. This will minimize attention drawn to officers' arrival.
 3. Stop their vehicle a short distance away when the crime scene is a type where officers should have some additional visual information prior to arrival. Officers will then be able to approach the scene unobserved and conduct a quick observation of the scene.
 4. Position their vehicles carefully, whenever possible, in a manner that allows the flow of traffic to continue in a normal manner.
 5. Position their vehicles to help protect the scene from other vehicle traffic, if the street is part of the scene. The rotating and flashing lights on the vehicle may be used to alert other traffic. When the scene requires illumination, officers will use the vehicle headlights and/or spotlights.
- B. The first officers to arrive at a crime scene are responsible for protecting the scene. Upon arriving at the scene, they will:
1. Quickly evaluate the scene. If there is a need for additional emergency equipment, officers, resources, or medical assistance, the responding officers will advise the 911 Dispatcher immediately, prior to leaving the vehicle.
 - a. All additional emergency personnel (including OFD rescue squads, Life Flight helicopters etc.) will be dispatched via 911 as appropriate.

NOTE: Officers shall not attempt to direct or give instructions to a Life Flight helicopter. The OFD is responsible for communicating with the Life Flight helicopter.
 2. Provide care and protection to the injured and request a rescue squad as needed.
 - a. To protect the safety of injured parties and/or rescue squad personnel, officers may direct OFD rescue squads to remove a patient from the scene to continue treatment elsewhere when appropriate (i.e., hostile crowd forming etc.).
 3. Take charge of the scene.
 4. Apprehend any suspects who may still be at the scene.
 5. Secure and identify any witnesses and attempt to get them to remain at the scene for subsequent interviewing, whenever possible.
 - a. Officers will separate all witnesses. Witnesses' names, dates of birth (DOB), addresses, and telephone numbers will be documented. Officers will complete an OPD Supplementary Report (OPD Form 200) to document what each witness observed.
 - b. Officers will advise CIB detectives of witnesses and their statements.
 - c. If officers determine that a witness needs to be transported to another location to be interviewed, such as an OPD Precinct or Headquarters, then officers shall

obtain voluntary consent from the witness and/or probable cause that the witness has committed a crime before transporting them. See the [“Transportation of Persons”](#) policy for more details.

6. Position themselves and other officers so they can observe all entrances and exits and/or points of ingress and egress.
 7. Immediately notify the Criminal Investigations Bureau (CIB) personnel through the officer's sergeant or precinct lieutenant.
 - a. Uniform Patrol Bureau (UPB) officers should be prepared to handle the investigation themselves if CIB detectives are not available.
 - b. If UPB officers conduct the investigation, they will advise their sergeant or precinct lieutenant of the results of their investigation.
- C. Officers who initially arrive on the scene will not:
1. Allow any person to leave the scene without first establishing reliable identification, e.g., driver's license, birth certificate, etc. Officers will document the name, date of birth, and contact information of all persons on the scene.
 2. Allow unauthorized persons, including law enforcement personnel, into the crime scene if they are not involved in the investigation.
- D. Only one officer (the ranking officer) is in charge of the scene.
1. In cases where there is no ranking officer at the scene, the most senior officer is in charge. When a CIB detective arrives, they will take charge of the crime scene.
- E. When the officer in charge of the scene is not a CIB detective, it is important that this officer closely supports the CIB detective(s). The officer will coordinate with the other officers at the scene in a manner that will assist the CIB detective in the speedy and thorough completion of a proper investigation.
- F. In order to handle the crime scene, officers should look, listen, and think. They should evaluate the situation and proceed carefully.
1. Officers will remain alert to gather whatever information may be available by talking to persons at the scene. Officers should be tactful and persuasive to attempt to get the cooperation of witnesses.
- G. When victims of violent crimes or felony arrestees are taken to the hospital, an officer shall accompany them to protect and/or gather any evidence that may be available (i.e., clothes, knife, bullet, witness excited utterances, etc.), to document attending medical personnel's comments and findings, etc.
1. Officers may accompany misdemeanor arrestees as necessary for the safety of OFD personnel.
- H. Officers will make certain the crime scene is not contaminated. Officers will respect the integrity of the crime scene and WILL NOT:
1. Smoke within the perimeter.
 2. Bring food or drink into the perimeter.

3. Touch anything.
 4. Move anything – officers shall leave everything as found. FIU employees and CIB detectives will determine items of evidentiary value and how the evidence will be collected.
 - a. If an item has to be moved in order to treat a victim or for safety reasons, the location of the item will be marked from where it was moved, and officers will advise the CIB detective(s).
 5. Use any telephones or other electronic device(s) at the crime scene until they have been processed by the OPD FIU employees.
- I. Firearms at a crime scene will not be moved unless necessary. General guidelines include but are not limited to the following:
1. Officers will leave the firearm exactly where it is found, unless the firearm poses a threat to officers or others at the scene (by either being accessible to people at the scene or the firearm is in such a position that it might accidentally discharge).
 2. If the firearm must be moved, the officer who moves it will first mark the position of the firearm by an acceptable method and will be certain to handle the firearm in a manner that will avoid contamination.
 3. Immediately after the officer picks up the firearm, it should be placed in a secure location, with extreme care being taken not to eradicate any possible fingerprints, blood, hair, or other fibers.
 4. Officers will not tamper with or unload the firearm.
- J. Knives and/or other weapons/instruments at a crime scene should not be moved unless necessary. General guidelines include but are not limited to the following:
1. Officers will leave the knife and/or other weapon/instrument exactly where it is found unless it poses an immediate threat to the officers or others at the scene.
 2. If the weapon must be moved, the officer who moves it will first mark the position of the weapon by an acceptable method and will be certain to handle the weapon in a manner that will avoid contamination.
 3. Immediately after the officer picks up the weapon, it should be placed in a secure location, with extreme care being taken not to eradicate any possible fingerprints, blood, hair, or other fibers.

III. Follow-up Documentation and Reporting

- A. All officers at the scene will complete a Supplementary Report (OPD Form 200) to document their activities.
- B. When officers record the facts of the crime scene, they will:
 1. Continually study the scene and keep the total scene in perspective.

2. Be patient and thorough. Officers should record even the most minute detail, because often this will be the only opportunity they will have to obtain the information from the scene firsthand, in its original condition.
 3. Turn in all information to the CIB detective and/or officer in command of the crime scene.
- C. Searches of crime scenes must be well-organized and conducted systematically with only one officer in command.
1. When conducting searches of large crime scenes officers may use ropes to define boundaries of areas to be searched and those already searched.
 2. The officer in command will work closely with FIU to determine the best method for searching a crime scene based on the type of scene. Officers may refer to [Appendix F](#) for various methods for searching a crime scene.

NOTE: All searches must be conducted in a legal and reasonable manner so that evidence can be used in the presentation of the case. It is critical that the officer in command consult with FIU to determine the best method for searching the crime scene.

- D. Officers will arrest suspects if probable cause exists and suspects are in the area.
1. If suspects are not in the area, officers will attempt to obtain a consistent suspect description and initiate a broadcast for the suspect and/or vehicle.

NOTE: During the initial response to and/or investigation of a crime scene an officer or detective may determine through probable cause that a victim or a witness has also committed an offense that is eligible for arrest or prosecution. However, victims and/or witnesses of sexual assaults and/or sex trafficking crimes may have immunity from arrest or prosecution of eligible alcohol or drug offenses per NRS §[60-699](#). See the "[Adult Sexual Assaults-Investigations](#)", "[Abuse/Neglect/Injury-Child](#)", and/or "[Adult Protective Services](#)" policies for details.

IV. Handling, Maintaining, and Marking of Evidence

- A. OPD FIU employees are called to all crime scenes when there is a possibility of obtaining latent fingerprints or where photographs or other evidence collection is required. The OPD FIU employees are responsible for taking measurements and documenting all physical evidence found at the scene.
1. When officers find items at a crime scene that have potential evidentiary value, the items will not be moved until the FIU employee(s) or CIB officer arrives; however, officer safety will be considered at all times.

- B. Periodically, a FIU employee will be unable to respond to a crime scene due to a higher priority investigation, workload/pending calls, etc. When this occurs, it is investigating officers' responsibility to collect items of evidentiary value in a manner consistent with their training and to protect any microscopic evidence.

NOTE: If investigating officers have questions regarding what evidence to collect or protect, they will consult with their field supervisor.

- C. When a situation dictates that non-testimonial evidence must be moved and/or recorded for its protection, OPD employees will employ the following methods as warranted:
1. Use of plastic or rubber gloves.

2. Use of sticks, pencils, or tweezers.
3. Use of cellophane tape, rubber tire patches, paper, cotton, etc.
4. Record the name of the person who found the evidence, who was with the person, and the date and time the evidence was found.
5. Attach a tag or label to the evidence indicating Who, What, When, Where, RB Number, and the officer's name or initials and serial number.
6. Place individual items of evidence into appropriate containers.

NOTE: Non-testimonial items of evidence will not be packaged and/or booked together when there is the potential that additional analysis will be done by a crime laboratory. This is especially important when there is a risk of cross-contamination or damage to microscopic evidence.

7. Document the physical location of the evidence with photography, or a rough sketch or diagram in such a way that the exact location where the evidence was found can be referenced while completing reports.
8. When the situation warrants, officers will check for the possibility of latent fingerprints at the scene before moving any evidence and prior to requesting FIU services.

V. Crime Scenes with No Physical Evidence or Photos

- A. On rare occasions, CIB detectives and UPB officers may encounter serious crimes against person or property cases where no crime scene can be found or where no evidence can be collected.
- B. There will be very few cases where photographs will not be taken at the crime scene or of injuries sustained by the victim. In such cases, officers will document in their reports an explanation of why no physical evidence could be collected and/or why no photographs were requested.

VI. Burglary Crime Scenes

- A. Responding officers shall notify the Forensics Investigations Unit (FIU) immediately so that a proper forensic investigative decision can be made.
 1. Officers shall gather relevant information about the scene in preparation for discussions with the FIU.
 2. Officers shall then consult with the FIU about the physical evidence found at the scene, a lack of physical evidence at the scene, or any other pertinent information related to the scene.
 3. The FIU shall cooperate with officers and inquire about the crime scene to determine whether or not formal FIU processing and photographs are required.

VII. Non-Fatal Narcotics Overdose Scenes

- A. Responding officers shall notify CIB immediately so that a proper investigative decision can be made.
- B. CIB detectives shall, in addition to other investigatory tasks:

1. Determine if Narcan (i.e., Naloxone) has been administered.

NOTE: As a reminder, OPD policies and procedures related to documenting and tracking the administration of naloxone are detailed in the OPD "[Naloxone Administration Procedures](#)" policy.

2. Follow any procedures described in the OPD "Death Investigations" policy pertaining to fatal overdoses that may be applicable to the current incident.
 3. Attempt to gain cooperation and statements from the victim and any witnesses, to include a description of events that occurred prior to the overdose, any corroborating evidence from the victim's phone and/or social media accounts, and other relevant details.
 4. Attempt to determine the party that provided the narcotics that led to the overdose.
- C. When officers/detectives determine or suspect a narcotics overdose was intentional by the victim, they shall notify the OPD Behavioral Health and Wellness Unit for potential follow-up with the victim and/or referral to resources.
- D. Details, names, statements, and other relevant information gathered from the investigation shall be documented in OPD Supplementary Reports.
- E. In the event that a CIB detective cannot respond to the overdose scene, UPB officers shall conduct the preliminary investigation and shall:

1. Determine if Narcan (i.e., Naloxone) has been administered.

NOTE: As a reminder, OPD policies and procedures related to documenting and tracking the administration of naloxone are detailed in the OPD "[Naloxone Administration Procedures](#)" and "[Chief's Report](#)" policies.

2. Identify all parties involved at the location and document their biographical information (names, date of birth, address, physical description, etc.) in an OPD Supplementary Report.
 3. Collect any narcotics and/or drug paraphernalia and book the items into the EPU per OPD policies and procedures.
 4. Document and collect any prescription medication, including empty pill vials, per OPD policies and procedures.
 5. Determine through witness and/or victim interviews/statements if the victim has overdosed on prior occasions.
 6. Attempt to gain cooperation and statements from the victim and any witnesses, to include a description of events that occurred prior to the overdose, any corroborating evidence from the victim's phone and/or social media accounts, and other relevant details.
 7. Attempt to determine the party that provided the narcotics that led to the overdose.
- F. Details, names, statements, and other relevant information gathered from the investigation shall be documented in OPD Supplementary Reports.
- G. An OPD command officer ranked sergeant or higher shall complete an Overnight Report.

REFERENCES:

I. Case Law

- A. *Miranda v. Arizona*, 384 U.S. 436 (1966) and *Davis v. Dawson et al.*, 33 F.4th 993 (8th Cir. 2022) are relevant to this policy.

II. Nebraska Revised Statutes

- A. Nebraska Revised Statute [§60-699](#) is referenced in this policy.

III. Previous OPD Orders

- A. Previous General Orders: #60-97, 15-89, 54-89, 55-89, 93-89, 27-14, 38-14, 62-14, 16-15, 64-16, 53-17, 54-17, 101-18, 21-22, and 21-22 Supplement #1.

IV. Accreditation Standards

- A. CALEA Accreditation Standards 1.2.4, 41.2.1, 83.2.1, 83.2.2, and 83.2.6 are relevant to this policy.

V. Other

- A. PPM Monthly Updates: #6-2018.