

SALINA POLICE DEPARTMENT		Number
GENERAL ORDER		P3204
SUBJECT: COLLECTION AND PRESERVATION OF EVIDENCE		
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POLICY

The proper collection and preservation of physical evidence is essential for effective lab analysis and for use of this evidence in a police investigation. The department, through training and policy, will assure the proper handling of physical evidence to guarantee its usefulness.

DEFINITIONS

- D1 **Physical Evidence** - Any tangible object that may connect a subject to a crime or to the scene of a crime.
- D2 **Crime Scene/Evidence Technician** - Person(s) assigned to a crime scene whose primary responsibilities are the identification, collection and custody of evidence.
- D3 **Crime Scene and Evidence Unit Manager** - Person in charge of the Department's property, evidence and lab function.

PROCEDURE

1. **Responsibility of Patrol Officers**
 - 1.1. Patrol officers assigned to an incident are responsible to process the scene unless they determine that the nature of the investigation requires skill or equipment they do not possess to properly process the scene.
 - 1.2. The patrol officer will then notify the Patrol Supervisor and request assistance of Detective Division personnel and/or Evidence Technician(s).
 - 1.3. The requesting patrol officer shall:
 - 1.3.1. Protect the crime scene.
 - 1.3.2. Arrange for crowd control if necessary.
 - 1.3.3. Assist the Evidence Technician(s) as directed.
 - 1.3.4. Document the name of the Evidence Technician(s) and the Detective Division personnel in the narrative of the Standard Offense Report.
 - 1.3.5. Create and maintain a crime scene log.
2. **Assignments and Duties at Crime Scene**
 - 2.1. Crime scene officers will consist of the Evidence Technician(s), Detective Division personnel and assigned officers of the Patrol Division.
 - 2.2. Unless prevailing circumstances prevent it, the Patrol Supervisor will proceed to the crime scene and assess the situation. If it is their opinion that additional help is necessary, the Patrol Supervisor will initiate the call-out procedure for the duty detective and Evidence Technicians.

- 2.3. A Detective or Evidence Technician specially trained to process crime and accident scenes will be available on a twenty-four (24) hour basis.
- 2.4. If additional assistance/equipment is needed, the call-out procedure for the Evidence Technician(s), Detective Division and / or traffic accident specialist shall be initiated.
 - 2.4.1. These individuals possess the expertise, equipment and supplies used for processing scenes for the following purpose:
 - a. Recovery of latent fingerprints
 - b. Photography
 - c. Sketch or a digital rendering of the scene
 - d. Collection and preservation of physical evidence; and
 - e. Serious injury / fatality accident investigation and reconstruction.
- 2.5. The crime scene officer's responsibilities will consist of:
 - 2.5.1. Protecting the crime scene
 - a. The first arriving police officer at the scene is in charge of the scene unless relieved by a supervisor.
 - b. Upon the arrival of detectives, the senior Detective is in charge of the crime scene.
 - c. The officer in charge will initiate security measures to prevent unauthorized persons from entering the crime scene or immediate area to prevent the destruction or contamination of evidence.
 - 2.5.2. Crime scenes shall be photographed, as appropriate. If the crime scene involves a homicide or probable homicide, the scene should be videotaped. At other crime scenes, videotaping is optional at the crime scene officers' and/or Evidence Technician's discretion.
 - a. After securing the crime scene and prior to any other activity undertaken by Evidence Technician(s) or Detectives, there should be a detailed photographic record of the crime scene.
 - b. Photographs to be taken may consist of, but not be limited to:
 - 1. Overall exterior and interior view of crime scene and physical evidence,
 - 2. Suspected points of entry and exit.
 - 3. Interior of room(s) the perpetrator is believed to have occupied.
 - 4. Close-up photographs of items of physical evidence. A photograph will be taken of the evidence as it was found, then a second photo will be taken with a scale of measurement inserted into the field of view.
 - c. Officers shall document in the narrative of their offense report that photos were taken.
 - d. When appropriate (e.g., major crime scenes), a sketch or a digital rendering of the scene will be made noting the direction of north.
 - e. Officers will download digital photos from their camera media storage to the department's computer drive designated for photos only. The photos will be stored under the assigned case number.
 - f. In the event a crime scene is not photographed or processed, the reason should be documented in the Standard Offense Report.

2.5.3. Locate, Identify and Preserve Physical Evidence

- a. The Evidence Technician(s) and Detective Division personnel will conduct a search of the crime scene to locate and identify evidence.
- b. Prior to removing any physical evidence, Evidence Technician(s) and/or Detective Division personnel will assign an identifier (number or letter) to the item, photograph, and complete measurements to document item's location on crime scene sketch/digital rendering.

2.5.4. DNA Evidence – Precautions, Collection, Transportation and Storage

- a. Every officer, from the first responding patrol officer to the Detective and the Evidence Technician, should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence.
- b. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary
- c. Evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his or her mouth, nose or other part of the face and then touches the area of the evidence containing the DNA.
- d. To avoid contamination of evidence that may contain DNA, always take the following precautions
 1. Wear disposable nitrile gloves and change them between samples to prevent sample-to-sample contamination.
 2. Use disposable instruments or clean them thoroughly before and after handling each sample.
 3. Avoid touching the area of the evidence where you believe DNA may exist.
 4. Avoid talking, sneezing, scratching, and/or coughing over evidence.
 5. Avoid touching your face, nose and mouth when collecting and packaging evidence.
 6. Air-dry evidence thoroughly before packaging (not in direct sunlight)
- e. When transporting and storing DNA evidence,
 1. Keep the evidence dry and at room temperature.
 2. Package each piece of evidence separately in clean new paper bags or paper envelopes. Do not use plastic bags, or staples.
 3. Seal, label and transport in a way that ensures proper identification of where it was found and proper chain of custody.
 4. Direct sunlight and hot conditions may be harmful to DNA. Avoid keeping evidence in places that get hot, such as a room or police vehicle without air conditioning.

2.5.5. Handling Fingerprints

- a. The enhanced latent fingerprint and palm print are considered to be evidence and must be preserved and properly documented to maintain a chain of custody acceptable to the criminal courts. Latent fingerprints and palm prints can generally be preserved in one of the following three manners:
 1. Lifting with tape and placing the tape onto a paper card.
 2. Macro or close-up photography.

3. Collection and preservation of the physical object containing the visible, partially visible or invisible fingerprints or palm prints.
 - b. To properly document the fingerprint or palm print as evidence the collector must mark on the back of the card the following information:
 1. Case Number
 2. Item Number
 3. Date of collection
 4. Collector's initials or markings
 5. Location of print lifted
 - c. During the lifting process collectors will sometimes accidentally leave their fingerprint on the lifting tape. In this instance the collector should draw an "X" or place his initials over their fingerprints. This will prevent the examiners from reviewing the collector's fingerprints.
 - d. The cards containing the latent fingerprints, palm prints or the photographs of the actual physical evidence shall be handled and submitted into evidence custody as required by policy.
- 2.5.6. Fingerprints and palm prints may be obtained from a live or deceased person for comparison and or elimination of the latent fingerprints and palm prints. These fingerprints and palm prints are commonly called inked or known fingerprints.
- a. These known fingerprints should be collected on the white and green F.B.I. Fingerprint and palm print cards.
 - b. The person who is being fingerprinted or palm printed should be properly identified and sign each of these cards in the appropriate signature blocks. The personnel obtaining these fingerprints and palm prints should also sign and date the cards in the appropriate blocks. In the case of a deceased person the personnel should note "Deceased" on the person's signature block and print the person's name in the signature blocks.
 - c. These cards containing the known fingerprints and palm prints should be placed into evidence with a request for comparison of crime scene prints lifted.
 - d. The submission of latent and known fingerprints and palm prints for comparison should be submitted to the examiner(s) by the Evidence Technician(s).
- 2.5.7. Draw a crime scene sketch or create a digital rendering of the crime scene when indicated by the nature of the investigation.
- a. The crime scene sketch/digital rendering must be made after the crime scene has been photographed and a preliminary search completed, but before the removal of evidence.
 - b. When objects must be removed before the crime scene sketch/digital rendering is completed, the exact location of those items will be marked with chalk or another marking device.
 - c. Crime scene sketches and/or digital renderings shall contain, but not be limited to, the following basic elements:
 1. Location of incident
 2. Name of victim(s)
 3. Name of person preparing the sketch/digital rendering

4. Case number assigned to the incident
5. Location of significant features of the scene, including victim
6. Relation of the crime scene to other rooms, buildings, geographical features or roads
7. Location (placard number/letter) of physical evidence recovered
8. Date sketch/digital rendering was prepared
9. North direction indicated

2.5.8. Collect and mark evidence/maintain chain of custody

- a. Upon the completion of photographing and sketching or creating a digital rendering of a crime scene, the crime scene officer will begin the process of collecting physical evidence.
- b. The evidence will be collected in a systematic, organized manner.
- c. Assign an item number to the collected items; place items into individual containers and the corresponding location to the item recorded on the crime scene sketch/digital rendering.
- d. The crime scene officer will record on the evidence container:
 1. The case number
 2. Item number
 3. Date
 4. Crime scene officer's initials
- e. Whenever possible, known samples (such as hairs, blood, DNA known elimination samples, fibers, fabrics, paint, glass, wood, soil, tool marks) will be collected to be used for comparison with collected physical evidence. The known samples will be collected and preserved in the same manner as other physical evidence. The samples should be clearly marked and noted on the Evidence Custody Receipt as the "known sample" of a specific item.
- f. All items of evidence will be properly recorded on an Evidence Custody Receipt. All items of evidence and evidence forms will be secured in lockers provided.
- g. Evidence of a perishable nature will be secured inside a refrigerator designated for evidence storage at the department. The key to the locking box, used in the refrigerator, together with the Evidence Custody Receipt, shall be placed in Evidence Locker #29 in the department's evidence room.
- h. The collection officer will transport physical evidence seized by the Department along with a completed Evidence Custody Receipt to the Department. The evidence will be logged into the computer system and a bar code label will be attached to each piece of evidence. The evidence and the Evidence Custody Receipt will be placed in a temporary locker and the evidence logged onto the Evidence Check-In Sheet. A copy of the Evidence Custody Receipt will be attached to the Standard Offense Report/Supplemental Report/Incident Report.

2.5.9. The officer investigating a crime scene or the officer in charge of a crime scene shall submit a Standard Offense Report, which shall contain the following information, or explain the absence of such information:

- a. The case number;
- b. the date and time of the incident (or date and time frame);
- c. the date and time of the officer's arrival;

- d. the location of the crime scene;
- e. the victim's and suspect's names and any other identifying factors known;
- f. all persons present at the scene and their purpose for being there. (This log is not limited to officers but should include everyone, such as EMTs, firemen, coroner, county attorney, etc.);
- g. the actions taken at the scene to include a description of the scene as observed, any oddities, weather or room conditions, point of evidence of merit;
- h. how the crime scene and evidence were documented, i.e. sketches or digital renderings of the scene, photographs, the measuring of item locations;
- i. a listing of physical evidence, correlated to the crime scene sketch/digital rendering, or photographs;
- j. Any statements made by the victims, suspects, or witnesses;
- k. Any assistance provided by other department members, agencies, or private citizens; and,
- l. The condition of the scene upon departure of the officers.

2.5.10. This report should provide an overview of not only what was accomplished but what remains to be accomplished to complete the scene's processing. This may include sending samples of evidence for laboratory processing or requesting fingerprint comparisons. This report is a vital element in the investigation and should be completed and forwarded for review as soon as possible. Attached to the report should be the following items as applicable to the specific scene:

- a. Copy of an Evidence Custody Receipt
- b. Sketch or digital rendering of the scene and evidence

3. Evidence Submitted to Laboratories for Examination

3.1. It shall be the responsibility of the Evidence Technician(s) to ensure proper packaging of physical evidence and to submit the physical evidence to the various laboratories utilized.

3.1.1. Laboratory services commonly utilized by the department are:

- a. The Department's own laboratory
- b. The Kansas Bureau of Investigation- Accredited
- c. The Federal Bureau of Investigation- Accredited

3.1.2. All physical evidence must be collected and packaged according to established procedures outlined as outlined by the Kansas Bureau of Investigation.

3.1.3. Evidence of a perishable nature, such as blood, bloodstained objects, etc., shall be submitted to the appropriate laboratory. All sexual assault kits collected by the department shall be submitted to the Kansas Bureau of Investigations lab for examination regardless of the circumstances of the case.

3.1.4. Some evidence will not be accepted by the laboratory without a known comparison standard. This evidence will be stored in the Department's evidence storage facility until known standards are collected or the case is resolved.

3.1.5. Upon transfer of custody of an item of evidence, the Evidence Custody Receipt will be immediately signed and the date recorded for each item affected. A reason for the release by the person receiving the item will also be noted.

- 3.1.6. The authority to request a laboratory review or analysis of evidence rests with the officer in charge of the investigation of the involved incident. This officer should request the appropriate processing of evidence by placing it on the Evidence Custody receipt or, after a review of all information, make an analysis request know to the Evidence Technicians as soon as possible.
- 3.1.7. Upon receipt of a written laboratory report, the Evidence Technician will make a copy for the case officer, a copy for the County Attorney, and a copy will be maintained by Evidence Technician(s). The original written laboratory report will be forwarded to the Records Unit wherein the general case file is maintained. Upon receipt of the written letter from the laboratory, the Evidence Manager will make a timely effort to retrieve the evidence from the laboratory and return it to the Department's evidence storage facilities.
- 3.1.8. All evidence submitted to any laboratory shall reflect on the Evidence Custody Receipt the following:
 - a. Name of officer or Evidence Technician who is submitting the evidence to the laboratory.
 - b. Date of submission by mail and / or other method of transfer.
 - c. The Evidence Technician who submits such evidence to the laboratory shall make a copy of the original Evidence Custody Receipt to be retained with the evidence submitted to the laboratory. This copy shall show the transfer of evidence from department personnel to the receiving laboratory. The original Evidence Custody Receipt will be maintained by the Evidence Technician(s) until:
 - 1. the evidence is returned to the owner;
 - 2. the evidence is turned over to Department use; or,
 - 3. the court has issued a court-ordered destruction.
- 3.2. To maintain the chain of custody, each time the custody of any item of evidence is transferred from one person to another both the recipient and the submitting person shall complete the chain of custody on the Evidence Custody Receipt. The date of the transaction shall also be noted on the sheet.
- 3.3. This same procedure will be followed if evidence is to be mailed. The sending person shall complete the chain of custody on the Evidence Custody Receipt. The receiving person shall also date the evidence sheet and sign it upon receipt of the evidence.
- 3.4. Any transfer of evidence will require a notation of the reason for the transfer. Additionally, when mailing or sending evidence to the laboratory, a notation of the method of transfer must be made on the Evidence Custody Receipt.
 - 3.4.1. All items of evidence shall be properly recorded on a Department Evidence Custody Receipt.
 - 3.4.2. The Evidence Custody Receipt shall be completed as per General Order P3202, Section 3.2.
 - 3.4.3. The Evidence Custody Receipt becomes a critical document in the investigation and prosecution of any case. The document is also important internally for tracking and control of all evidence and found property. For these reasons, it is imperative that the receipt be filled out completely and legibly at the time of the property collection.

4. Processing of Recovered Stolen Vehicles

- 4.1. When an officer recovers a stolen vehicle, if necessary, the officer will contact his Patrol Supervisor and request his assistance in processing the stolen vehicle. Photographs of the vehicle and recovery scene will be taken.
 - 4.1.1. The recovery officer will file a Standard Offense Report of the circumstances of the recovery of the vehicle and ensure that the proper agency or person reporting the stolen vehicle is notified of the recovery. (See General Order P3202.)
 - 4.1.2. If the stolen vehicle cannot be released to the registered owner after being processed, the recovery officer will request the duty wrecker be dispatched to tow the vehicle to its impound lot, where it will be held until claimed by the registered owner.

5. Vehicles Used by Persons Responsible for Processing Scenes

5.1. Patrol Vehicles

- 5.1.1. Each patrol vehicle shall contain an evidence processing kit containing the equipment necessary to recover latent prints.
- 5.1.2. Each patrol officer is responsible for the maintenance and supply of the evidence kit in his assigned vehicle. At the beginning of each shift the patrol officer shall check his unit and ensure that the evidence processing kit is in the vehicle, and that it is properly stocked for his shift.
- 5.1.3. Request of supplies for the evidence kits will be made to the Patrol Supervisor, who shall provide the supplies if available.

5.2. Patrol Supervisor Vehicle

- 5.2.1. The Patrol Supervisor's vehicle is designated as the Crime Scene Investigation Unit and will be equipped with the necessary supplies to allow effective and timely processing of a crime scene. At the beginning of each shift the Patrol Supervisor shall check their unit to ensure that it is stocked with all the necessary equipment to document and collect evidence from a crime scene.
- 5.2.2. It shall be the responsibility of the Patrol Supervisor to maintain the vehicle and equipment.

5.3. Detective Division Vehicles

- 5.3.1. Each Detective Division vehicle shall contain an evidence processing kit, containing the equipment necessary to recover latent prints. After an investigator has used items from the kit it is his responsibility to replenish supplies used.
- 5.3.2. Requests for replenishing supplies will be made to the Detective Division Commander.
- 5.3.3. All other crime scene processing equipment will be kept within the Detective Division.

5.4. Crime Scene Vehicle

- 5.4.1. The Crime Scene vehicle will be equipped to provide the Evidence and Crime Scene Technician(s) with the essential equipment needed to process a crime scene and to facilitate the collection of all types of evidence.

- 5.4.2. The Crime Scene vehicle is not an emergency vehicle and will be operated accordingly.
- 5.4.3. The Crime Scene vehicle may be used by any officer authorized by the Chief of Police or his designee.
- 5.4.4. The primary function of the Crime Scene vehicle is for crime scene investigation.
- 5.4.5. The Crime Scene vehicle may also be used to transport evidence or other evidentiary and crime lab functions.
- 5.4.6. The Crime Scene vehicle may be used at any crime scene which exceeds the Patrol Supervisor's capability to process the crime scene.
- 5.4.7. The Evidence Technician(s) will ensure that all expendable supplies are adequately stocked and the Crime Scene Vehicle and equipment therein are maintained properly and are in a state of readiness at all times.

6. Training

- 6.1. All newly hired police officers, who are **not** already state certified, are required to attend KLETC. Through this basic training, the officers are exposed and trained in various techniques of evidence collection. This training involves both the conventional crime scene and the accident scene. The training received will include:
 - 6.1.1. Examination of an area for physical evidence.
 - 6.1.2. Role and functions of individual and multi-officer processing of scenes.
 - 6.1.3. Evidence collection methods and procedures.
 - 6.1.4. Methods of evidence marking, packaging and preservation.
 - 6.1.5. Establishment and control of a chain of evidentiary custody.
 - 6.1.6. Appropriate documentation of evidence collection and dispositions.
 - 6.1.7. Capabilities and limitations of available laboratories used for evidence processing.
 - 6.1.8. Appropriate methods of crime/accident scene photography.
 - 6.1.9. Appropriate methods of sketching and creating digital renderings of crime/accident scenes.
- 6.2. In addition to the training received on accident and crime scene processing at the Basic Law Enforcement Academy, each officer will receive in-service training to enhance his expertise and keep him abreast of newly developed accident and crime scene processing techniques including the proper collection and preservation of DNA evidence.
 - 6.2.1. Patrol officers will receive additional specialized training to develop the specific skills necessary to recover latent prints, foot, tool and tire impressions; photography; sketching and/or creating digital renderings of accident and crimes scenes; collecting, preserving and transmitting physical evidence.
 - 6.2.2. Detective Division personnel will receive in-service training to enhance their expertise of processing crime scenes, laboratory abilities and to acquaint them with new equipment and examination techniques.

6.2.3. Members of the Property and Evidence Unit shall be trained in the collection of DNA evidence in accordance with national standards on DNA collection. At a minimum, said training will meet the basic collecting and packaging standards for submission of DNA evidence to an accredited laboratory.

7. Supervision of Crime Scene Officers

- 7.1. Individual crime scenes shall be supervised by the ranking officer available at the time of processing.
- 7.2. When utilizing the Evidence Technician(s) at crime scenes, the crime scene supervisor shall defer to the greater evidentiary knowledge of the Crime Scene and Evidence Technician(s).

BY ORDER OF

CHIEF OF POLICE