

## 2.510 COLLECTING & PRESERVING EVIDENCE

(83.2.1, 83.2.2, 83.2.3, 83.2.5, 83.2.7, 83.3.2, 84.1.1.d)

- A. These publications are adopted as the agency's primary, controlling directives for collecting, preserving, and packaging evidence, transferring evidence custody, and obtaining forensic analysis by accredited laboratories:
1. The MSP Forensic Sciences Division "**Guidelines for Submitting Physical Evidence;**"
  2. The US DOJ FBI "**Handbook of Forensic Science;**" and
  3. The US DOJ "**Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations.**"
- B. The property custodian is responsible for ensuring that printed and/or electronic versions of these publications and any addendums are readily accessible by all officers.

### 2.510.02 Incident Scene Access Control

- A. Incident scenes that require processing must be secured as soon as possible after they have been declared safe by initially responding officers or other officials.
- B. Employees who enter incident scenes will not disturb, touch, or handle physical evidence unless they are actively involved in incident scene processing or entering scenes because evidence:
1. Must be made safe;
  2. May be lost; or
  3. May be destroyed prior to processing.
- C. Primary investigating officers are responsible for ensuring incident scene perimeters are established and maintained as necessary and prudent to:
1. Facilitate processing;
  2. Protect the integrity of evidence; and
  3. Prevent justice from being obstructed.
- D. **Incident Scene Access Records (UPO.038.D)** or other suitable written access records will be used when it is necessary to set up formal, strict control to incident scenes that are being processed.
1. Primary investigating officers will ensure **Incident Scene Access Records** are given to officers who are at incident scene access points. Entries must be made for everyone who goes into incident scenes.
  2. Only essential personnel as required in the performance of their assigned duties applicable to specific incidents will enter, or be permitted to enter, incident scene perimeters.
  3. Everyone who enters secured incident scenes is required to complete reports or statements describing their actions.
  4. Completed **Incident Scene Access Records** will be included in investigative case files.
- E. People who violate the integrity of police lines or perimeters associated with incident scene processing will be apprehended if possible and, if it is determined that their actions were willful, deliberate, or malicious, should be appropriately charged.

### 2.510.04 Processing Functions

(83.3.1)

- A. Physical evidence will be preserved and collected at crime scenes by principle investigating officers unless this or allied agency's investigative function assumes scene control.
- B. Evidentiary functions of employees at incident scenes may include, but are not limited to:
1. Protecting scenes to prevent destruction or contamination of evidence;
  2. Documenting entry of persons into incident scenes;
  3. Locating evidence;
  4. Collecting evidence;
  5. Preserving and packaging evidence;
  6. Preparing or submitting evidence for analysis;
  7. Locating witnesses;

8. Photographing and sketching scenes; and
9. Preparing initial and follow-up reports.
- C. If damage or destruction of evidence by natural or outside sources is not a concern, employees should work through incident scenes collecting evidence in a logical sequence, attempting to avoid disruption of other evidence. Processing requirements will determine the progression of processing tasks, such as photograph, sketch, fingerprint, mark, and collect.
- D. Employees are expected to make reasonable efforts to collect available evidentiary information, materials, and substances for comparison purposes in forensic laboratory analyses.
- E. Employees should avoid touching or contacting articles of evidence with anything that might contaminate or destroy the evidentiary value of the articles.
- F. Perishable evidence should be collected first.
- G. Materials and substances will be collected from known sources whenever possible to facilitate comparison with physical evidence collected.

#### **2.510.06 Still & Video Photography** (83.2.2)

- A. Primary officers are responsible for ensuring incident scenes are photographed or video recorded when it is believed that this type of processing will benefit investigations.
  1. Officers will ensure forensic assistance, including crime scene photography, is requested as required by **2.508**.
  2. Photos should be taken before evidence is processed and collected.
  3. Officers will use the agency's digital cameras to capture all evidentiary photographs taken by this agency unless the condition of the evidence is rapidly deteriorating or at significant risk of losing its evidentiary value, in which case officers may use personal photographic equipment, such as cell phones, to take photos. Evidentiary photographs are taken with the intent that they may be presented to a court, jury, or administrative hearing body in proof of facts that are at issue. Evidentiary photographs include, but are not limited to photos of:
    - a. Crime scenes and instruments of crime;
    - b. Traffic collisions;
    - c. Parties to criminal activities;
    - d. Injuries to persons;
    - e. Surveillance and criminal intelligence operations;
    - f. Suspects and suspect vehicles;
    - g. Internal affairs (IA) scenes and instruments;
    - h. Arrest and booking photos and photos of detainees' identifying characteristics, such as scars, marks, and tattoos; and
    - i. Accidental damage to persons or property.
  4. Employees are permitted to use personal photographic equipment to take non-evidentiary photographs when the agency's digital cameras are not readily available. Non-evidentiary photographs are taken for informational purposes without any reasonable expectation that they would be presented to a court, jury, or administrative hearing body in proof of facts that are at issue. Non-evidentiary photographs include, but are not limited to photos of:
    - a. Persons who are routinely advised of the trespass acts or denied access without being accused or charged with criminal violations;
    - b. Suspicious persons or circumstances when no criminal activities are immediately expected;
    - c. Community outreach activities;
    - d. Ceremonies;
    - e. Staff and line inspections;
    - f. Accreditation related proofs of compliance;
    - g. Training materials and activities.

5. Video recording may supplement, but not replace, the use of still photography in the processing of crime and incident scenes.
6. Employees will not, except by permission of their commander through their chain of command or as otherwise described in this directive:
  - a. Copy, duplicate, store, retain, etc. personal copies of images in hard copy or electronic media;
  - b. Release images to others; or
  - c. Post, transmit, or upload images to the internet, social media, etc.
- B. At least three photographs of articles or areas should be made when exact size comparisons are needed.
  1. The first photograph should be taken with nothing introduced in the field of vision to show the location of the item in relation to the scene.
  2. Take one close up photograph of the item as found with nothing introduced into the field of vision.
  3. Take one other close up photograph with a scale placed in the field of vision.
  4. Scales for evidentiary photographs are components of cruiser evidence kits.
  5. Dimensions of fixed objects should be recorded to provide reference scales.
- C. Logistics is responsible for:
  1. Issuing, maintaining, etc. the agency's digital cameras;
  2. Ensuring a reasonable supply of camera batteries and memory cards is maintained in the patrol supply cabinet;
  3. Copying original photos into and maintaining the agency's central repository system for all original, evidentiary photographs except for:
    - a. Arrest and booking related photos that are maintained by Central Records; and
    - b. IA related photos that are maintained separately by the officer responsible for professional standards; and
  4. Serving as the primary point of contact for distributing copies of original evidentiary photographs to persons inside and outside the agency.
- D. Cameras and cases are issued to selected unit supervisors who are responsible for ensuring their subordinates:
  1. Have ready access to their unit's camera; and
  2. Keep the cameras operationally ready for use by replacing spent batteries with a good set and fresh memory card in the camera and a spare set of batteries and spare memory card in the camera case.
- E. Employees will not:
  1. Use the cameras to records videos;
  2. Use the cameras to take arrest and booking (mug shot) photos;
  3. Make any modifications, repairs, etc. to the cameras without permission from Logistics or a commander; or
  4. Alter, tamper with, edit, or delete any original images or their metadata, including any poorly exposed, improperly cropped, blurred, or other "bad" original images from memory cards.
- F. For evidentiary photographs, employees will:
  1. Use the cameras only after, and consistent with, applicable training;
  2. Photograph only one case per memory card. Multiple officers using multiple cameras for one case is acceptable;
  3. Take photos as the largest file size and the finest quality setting available for the camera;
  4. Before submitting memory cards to Logistics, copy evidentiary photos into the appropriate sections of the records management system (RMS) unless the photos are:
    - a. Overly graphic;
    - b. Of private or intimate body parts; or

- c. Sensitive to ensure successful investigations or prosecutions;
  5. Package and submit memory cards, only one per evidence envelope, to Logistics consistent with **2.506 Property & Evidence Record & Storage**;
  6. For images captured on other electronic media, preserve the images on record-once digital storage media such as CDs or DVDs and submit the media to Logistics consistent with **2.506 Property & Evidence Record & Storage**;
  7. Request forensic photo services photo copies through their supervisors to Logistics;
  8. Ensure the Office of the State's Attorney (OSA) is informed anytime digital images are to be presented as evidence and if images have been enhanced, that original images will also be provided;
  9. Request Logistics make or have made necessary printed or electronic copies of evidentiary photographs.
    - a. Electronic copies will be made on record-once digital storage media such as a CDs or DVDs for investigative or prosecution purposes.
    - b. Investigative copies will be kept and retained in corresponding investigative files. See also **2.306.08 Investigative Case File Maintenance**.
    - c. Prosecution related copies will be managed in the chain of custody system. See also **2.506.12 Evidence for Court**: and
  10. Share image copies with allied agencies during joint investigations only on the approval of the Chief or a commander during regular business hours or the Duty Officer during non-business hours based on emergency or exigent circumstances.
- G. For non-evidentiary photographs, employees:
1. May take photographs from single or multiple events on one memory card;
  2. Should take photos as the largest file size and the finest quality setting available for the camera;
  3. Will, before submitting photos to Logistics, copy all case related photos, such as suspicious persons, vehicles, circumstances, etc. into the appropriate sections of the RMS;
  4. Will package and submit departmental memory cards, only one per evidence envelope, to Logistics consistent with **2.506 Property & Evidence Record & Storage**. Photos taken with personal photographic equipment will be submitted to Logistics in a manner acceptable to Logistics;
  5. May request Logistics make or have made necessary hard copies or electronic copies on Record-once digital storage media such as CDs or DVDs for reasonable and acceptable use; and
  6. May allow allied agencies, other public agencies, or the general public to review or copy images with the approval of the Chief or a commander during normal business hours or the Duty Officer during non-business hours based on emergency or exigent circumstances.

#### **2.510.10 Sketches**

- A. Sketches will be made whenever circumstances indicate that case reports may benefit from sketch information and detail.
- B. Employees processing incident scenes will take measurements, make rough sketches, and include sufficient additional information so that investigations personnel can make scale drawings at a later time.
- C. Rough sketches will be included with related reports and submitted to Central Records.
- D. Some basic elements that should be included in sketches include, but are not limited to:
  1. Case number and incident type;
  2. Dimensions;
  3. Legend of any abbreviations or symbols;
  4. Relation of scenes to other buildings, geographical features, or roads;
  5. Addresses, floors, or room numbers as appropriate;
  6. Locations of significant features of the scene, including victims;
  7. Dates and times of preparation;

8. Names of persons preparing sketches;
9. Direction of north;
10. Location of articles of physical evidence recovered;
11. Notations if drawn to scale or not to scale; and
12. Weather conditions to include indoor and outdoor temperature readings.

#### **2.510.12 Marking Property & Evidence**

- A. Employees taking items into custody are responsible for using the most appropriate sealing, marking, labeling, or tagging method as the items are taken into custody or as soon as practical in order to initiate and maintain chain of custody.
  1. **P&E Tags** and **Stickers** are available from the property custodian and will be used to tag or label articles of evidence or property as appropriate.
  2. Plastic envelopes and a heat sealer are maintained by the agency for appropriately sealing items such as CDS, money, lost and found items, and other items as appropriate.
- B. Physically marking property or evidence will be avoided when other labeling, tagging, etc. methods are available.
  1. Evidentiary articles will not be marked when:
    - a. They bear serial numbers;
    - b. The marking would alter their evidentiary or property value; or
    - c. They are capable of being identified through distinctive markings or other recorded information.
  2. When evidence is marked, marks will be
    - a. Distinctive;
    - b. As small as practical; and
    - c. Made with markers and placed in locations that will not reduce articles' evidentiary or property value.
  3. Employees should establish habits of marking similar articles in similar locations. Instruments that may be used for marking physical evidence include, but are not limited to:
    - a. Permanent markers;
    - b. Felt tip pens;
    - c. Scribes; or
    - d. Where labels are used, ball point pens.

#### **2.510.14 Fingerprint Evidence**

(83.2.3)

- A. Primary officers are responsible for ensuring scenes are processed for fingerprint evidence when processing would benefit investigations.
- B. Latent fingerprints will be affixed to 3" X 5", or larger, index cards. The back sides of latent print cards will be completed consistent with their design.
- C. For latent fingerprints, employees should consider and evaluate:
  1. Size of the articles to be dusted;
  2. Type of surfaces to be dusted; and
  3. If moving or transporting objects will destroy latent fingerprints.
- D. Officers who request latent fingerprint examinations through MSP must:
  1. Complete latent fingerprint card information;
  2. Place latent print cards in evidence envelopes;
  3. Complete MSP 67s; and
  4. Arrange for completed packets to be hand carried to MSP by the property custodian.
- E. Latent fingerprint cards with possible evidentiary value, but not submitted to MSP, will be submitted to the property custodian.

- F. Fingerprints for comparison or elimination purposes may be acquired by obtaining search warrants consistent with 548 A.2d 183, DAVIS v. STATE or by obtaining voluntary consent from individuals to be fingerprinted. Fingerprints collected for comparison purposes will be submitted to Central Records with related reports.
- G. See also **2.610.10 CJIS Central Repository, Fingerprint Unit** and **2.610.12 FBI Special Processing Center**.

#### **2.510.16 CDS Evidence**

- A. CDS articles will be sealed in heat sealed envelopes using plastic envelopes and sealer.
  - 1. Evidence involving wet vegetable matter, such as marijuana, must be dried prior to sealing and submission.
  - 2. Employees will not use plastic bags or envelopes other than those specifically supplied for the heat sealer.
  - 3. Original CDS containers must be submitted in heat sealed envelopes unless the CDS containers have been processed for latent fingerprints.
- B. Hypodermic syringes will be sent for analysis by MSP only after obtaining written requests from OSA personnel stating that the analysis is critical for the successful prosecution of major cases.
  - 1. The MSP Forensic Sciences Division Director must also approve requests prior to evidence being submitted.
  - 2. Hypodermic syringes that will not be analyzed will be photographed and disposed of in a sharps container.
- C. The property custodian, upon receipt of packaged CDS will:
  - 1. Inspect packages for tampering; and
  - 2. Inspect packages to ensure contents were properly packaged, sealed, and labeled.

#### **2.510.18 Currency & Coins**

- A. This section applies to currency and coins that are being held as evidence or for potential asset forfeiture, but not for lost and found or detainee property.
- B. Officers will:
  - 1. Immediately notify their supervisor when currency is seized during an investigation;
  - 2. Count the currency in the presence of a supervisor; and
  - 3. Not seize coins for forfeiture in CDS cases. However, they may be held as evidence if necessary.
- C. Except for biologically contaminated evidence that requires drying and special packaging, when processing currency as evidence:
  - 1. List currency as one item on **P&E Records** with the amount of each denomination in the description section;
  - 2. Photocopy the denomination and serial number using an overlap method **only if** serial numbers are relevant to cases, such as for CDS buy money. Photocopies will be submitted as evidence;
    - a. Only one denomination will be photocopied per sheet in cases where a large number of bills are involved;
    - b. Currency must be handled carefully when photocopying. Photocopying does not damage latent prints on currency;
    - c. Money orders and other negotiable instruments will be processed similar to currency;
  - 3. Stack currency by denomination and rubber band large groups, then photograph;
  - 4. Mark photographs and record them as a separate item on **P&E Records**;
  - 5. Do not place photos or photocopies in heat sealed envelopes;
  - 6. Before heat sealing, recount the currency in the presence of another officer; and
  - 7. Heat seal the currency.

- D. Money that is not rare, collectable, or needed as evidence will be deposited by the property custodian in the designated university account without unreasonable delay.
- E. Coins will be listed on **P&E Records** according to the face value of the coins. Old or rare coins or currency and any corresponding mint dates, if readable by ordinary methods, will be listed individually on **P&E Records**.
- F. Money from different people will not be co-mingled in single envelopes or containers.

#### **2.510.20 Hazardous Substances**

- A. An on-duty commander or Duty Officer will be contacted for guidance when it becomes apparent that the agency must deal with the potential storage of hazardous materials (HAZMATs) as evidence during criminal investigations. Information provided to commanders should include the nature of the incidents and the details of the hazardous materials in question.
  - 1. Employees will not handle, transport, or store any hazardous materials without authorization from a commander.
  - 2. Commanders will ensure that all reasonable efforts are made to provide safe dispositions of the HAZMATs.
  - 3. HAZMATs will not be stored in agency facilities. Appropriate assistance will be requested from:
    - a. Environmental Health and Safety (EHS);
    - b. The Baltimore County Fire Department;
    - c. The Hazardous Waste Division, Waste Management Administration, Office of Environmental Programs, Department of Health and Mental Hygiene;
    - d. The Maryland State Fire Marshal's Office; or
    - e. The distributor of the HAZMAT in question.
- B. All reasonable attempts will be made to release HAZMATs to authorized personnel at incident scenes for storage and/or destruction.
- C. Hazardous substances that do not establish probative value for prosecution purposes will not be submitted for analyses.
- D. When HAZMATs are necessary as evidence in criminal prosecutions:
  - 1. Photographs will be taken of items such as labels, containers, placards, etc.;
  - 2. The materials are properly disposed of by authorized personnel; and
  - 3. Complete **P&E Records** and have the release signed by the authorized individual taking custody, removing, or disposing of the material.
- E. HAZMATs that are not required as evidence will be documented on **P&E Records** and the release signed by the authorized individual taking custody, removing, or disposing of the material.
- F. The Office of the Attorney General, Environmental Crimes Section, has the responsibility for all investigations and prosecutions dealing with hazardous waste materials.
- G. Fireworks will be processed as described in this section, but will not be stored in agency facilities.
  - 1. Officers who impound fireworks will ensure the Maryland State Fire Marshal's Office is promptly notified and requested to respond and take custody of the fireworks.
  - 2. Fireworks will be photographed for evidentiary purposes and subsequently packed, stored and locked within the appropriate facility within the EHS HAZMAT enclosure.
    - a. Smaller amounts will be placed within the job box in the enclosure.
    - b. Amounts too large for the job box will be stored in the former asbestos storage building.

#### **2.510.22 Vehicles**

- A. Vehicles containing probative evidence will be processed as all other crime scenes.
- B. Vehicles that must be held as evidence will:
  - 1. Be towed by a university or private tow company to the Public Safety Building sally port or other appropriate location for processing as determined by the investigations commander or the Du-

ty Officer. Officers will follow these towed vehicles to maintain the chain of custody for the vehicles and their contents;

2. Have a **P&E Tag** attached to the vehicle so it can be easily seen;
3. Be documented on a **P&E Record**;
4. If necessary to be stored after processing, towed by the university's contracted towing service to their impound yard; and
5. Will not be released without permission of the investigating officer, the officer's supervisor, and respective commander.

C. See also **2.434 Towing and Impounding Vehicles**.

#### **2.510.24 Computer Equipment** (83.2.5)

- A. Officers who anticipate seizing computers or related equipment as evidence will coordinate the matter through the investigations supervisor to ensure the on-scene presence of computer forensic assistance.
- B. When computer or related forensic assistance is needed in exigent or extenuating circumstances, officers will ensure:
  1. During normal business hours, the MSP Computer Crime Lab is notified and requested to provide assistance; or
  2. During non-business hours, the Duty Officer at MSP Headquarters is called and asked for the on-call computer forensic examiner to be called out.

#### **2.510.26 Firearms**

- A. Firearms:
  1. Must be rendered safe by being completely unloaded before being transported, processed, and submitted as evidence. Officers will ask for assistance as necessary to ensure firearms are rendered safe;
  2. Must be handled minimally to avoid loss or destruction of evidence;
  3. Will be documented on **P&E Records** with a **P&E Tag** wired securely to the trigger guard or grip to the rear of the trigger;
  4. Must not be marked, have any stickers, tape, etc. placed on them, or have objects placed in barrels, cylinder, chambers, magazines or other operating surface by officers; and
  5. That need to be test fired for court purposes will be submitted to appropriate forensic facilities for that testing and typing.
- B. The investigations supervisor is responsible for ensuring recovered firearms are submitted to ATF National Tracing Center as appropriate.

#### **2.510.28 DNA Collection – General** (83.2.7) {Revised 10/1/21}

- A. Officers will request assistance from allied agencies to collect and preserve evidence for DNA analysis except when DNA samples are collected consistent with **2.510.30 Arrestee DNA Collection** or under exigent circumstances approved by a commander.
- B. If necessary to collect DNA related evidence in exigent circumstances, officers will:
  1. Collect the evidence in such a way to prevent contamination;
  2. Wear gloves always and change them frequently, especially if they become contaminated;
  3. Thoroughly clean instruments such as scissors, forceps, and knife blades with alcohol swabs before and after contacting each item;
  4. Presume any type of body fluid or tissue is infectious regardless of the source;
  5. Use universal precautions, such as gloves, eye protection, foot coverings, and disposable gowns or clothing, as appropriate; and
  6. Collect, document, and submit evidence as required.



C. IN ORDER TO REQUEST A DNA FORENSIC GENETIC GENEALOGICAL SEARCH (FGGS), AN INVESTIGATOR MUST DO THE FOLLOWING:

1. NOTIFY THE PATROL COMMANDER FOR THE REQUEST APPROVAL;
2. COMPLETE FORM # 139 AFFIDAVIT FOR FGGS;
3. RECEIVE APPROVAL FROM THE STATE ATTORNEY'S OFFICE;
3. MUST CERTIFY THE INFORMATION BEFORE A COURT; AND
4. HAVE THE COURT AUTHORIZE THE INITIATION OF A CERTAIN FORENSIC GENETIC GENEALOGICAL DNA ANALYSIS.

**2.510.30 Arrestee DNA Collection (83.2.7) {Revised: 10/19/16}**

- A. Consistent with **Public Safety (PS) 2-501, et. seq.**, all adults and juveniles charged as adults for qualifying crimes will have their DNA collected after arrest and processing.
- B. Qualifying crimes are:
1. Abduction;
  2. Arson in the first degree;
  3. Kidnapping;
  4. Manslaughter, except involuntary manslaughter;
  5. Maiming;
  6. Murder;
  7. Rape;
  8. Robbery under **CR § 3-402 or CR § 3-403**;
  9. Carjacking;
  10. Armed carjacking;
  11. Sexual offense in the first degree;
  12. Sexual offense in the second degree;
  13. Use of a handgun in the commission of a felony or other crime of violence;
  14. Child abuse in the first degree under **CR § 3-601**;
  15. Sexual abuse of a minor under **CR § 3-602 if**:
    - a. The victim is under the age of 13 years and the offender is an adult at the time of the offense; and
    - b. The offense involved:
      - (1) Vaginal intercourse, as defined in **CR § 3-301**;
      - (2) A sexual act, as defined in **CR § 3-301**;
      - (3) An act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
      - (4) The intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
  16. An attempt to commit any of the crimes described in items (1) through (16);
  17. Continuing course of conduct with a child under **CR § 3-315**;
  18. Assault in the first degree;
  19. Assault with intent to murder;
  20. Assault with intent to rape;
  21. Assault with intent to rob;
  22. Assault with intent to commit a sexual offense in the first degree;
  23. Assault with intent to commit a sexual offense in the second degree
  24. First degree burglary under **CR § 6-202**;
  25. Second degree burglary under **CR § 6-203**;
  26. Third degree burglary under **CR § 6-204**; and
  27. Attempted first, second, or third degree burglary.
- C. Officers will:

1. Ensure they have completed the training program for DNA collection;
  2. Not collect DNA samples until charging documents have been completed, reviewed and approved by a supervisor;
  3. Complete the appropriate sections for DNA collection in the arrest book maintained in the processing room;
  4. Ensure DNA samples are collected consistent with training and DNA kit instructions, completing the paper / pen form located in the DNA kit;
  5. Ensure arrestees are given copies of the "Notification of Rights;"
  6. Ensure copies of the "Notification of Rights" are included in completed arrest packets and submitted to Central Records;
  7. Place completed DNA collection kits in departmental outgoing mail;
  8. Ensure that DNA collection related information is included in related report narratives. This information is:
    - a. Name of the officer who collected the DNA sample;
    - b. Date and time the DNA sample was taken; and
    - c. Name of the supervisor who approved the charging documents and the authority to collect the DNA;
  9. If arrestees refuse to submit to DNA collection:
    - a. Notify a supervisor of the refusal;
    - b. Complete the DNA collection kit without the swab, noting the refusal on the registration form;
    - c. Ensure the commissioner conducting the initial appearance is told of the arrestee's refusal to submit to DNA collection.
    - d. Document the refusal in the related report narrative.
- D. Supervisors will:
1. Review charging documents to ensure probable cause exists to charge suspects with qualifying crimes;
  2. Indicate their approval of charging documents by initialing and dating the lower right hand corner of each page;
  3. Ensure that DNA samples are collected and collection kits are completed only by officers who are trained to do so;
  4. Ensure required DNA collection related information is included in related report narratives and the arrest book; and
  5. Ensure the commander responsible for the central records function is notified during normal business hours if a person arrested for a qualifying crime refused to submit to DNA sample collection.
- E. The Central Records supervisor will:
1. Ensure a list of qualifying crimes is posted in the processing room;
  2. Ensure arrest book pages are configured to collect required DNA information;
  3. Ensure arrest related documents for qualifying crimes are reviewed for compliance with controlling laws and directives; and
  4. Submit written quarterly lists of DNA collection activities to the property custodian.
- F. The property custodian will:
1. Serve as the agency's liaison to the MSP Forensic Sciences Division;
  2. Ensure the agency has a supply of approved, current DNA collection kits with a reasonable stock in the processing room;
  3. Promptly notify the investigations supervisor of any possible DNA hit confirmations; and
  4. Submit written quarterly lists of DNA collection activities and possible DNA hit confirmations to the property custodian's commander.
- G. The investigations supervisor will, when notified of possible DNA hit confirmations:

1. Ensure timely follow-up investigations are conducted; and
  2. Coordinate any necessary notifications to allied agencies.
- H. The property custodian's commander will:
1. Ensure that all officers are trained in the DNA sample collection process;
  2. Liaison with the Office of the States Attorney when eligible suspects refuse to submit to DNA sample collection;
  3. Review quarterly DNA activity reports from the property custodian and disseminate that information in the form of quarterly and yearly reports to the Chief; and
  4. Report required information to the Governor's Office of Crime Control and Prevention.

### **2.510.32 Packaging Evidence**

- A. Employees will comply with applicable directives established in the MSP Forensic Sciences Division **Guidelines for Submitting Physical Evidence** or the FBI **Handbook of Forensic Science** for evidence packaging depending on the laboratory to which the evidence will be submitted for analysis.
- B. Employees who collect evidence will choose containers suitable to the type of evidence being collected. Considerations include, but are not limited to:
  1. The size and weight of articles; and
  2. Whether the articles are moist and could rot or deteriorate if packaged incorrectly.
- C. Evidentiary articles will be packaged separately in order to avoid contamination.
- D. Fluids or stains will be carefully packaged to prevent cross-contamination.
- E. Items will be packed to minimize interior movement within packages.
- F. Markings or labels will be placed on seals and on packages or containers.
- G. Whenever possible, packages will be labeled before placing evidence in them to prevent damaging evidence when writing on packages.

### **2.510.34 Reporting Requirements**

*(83.2.6, 84.1.1.c)*

- A. Employees who conduct crime scene processing at traffic accident and/or crime scenes are responsible for documenting the results of their processing.
- B. This documentation includes, but is not limited to:
  1. Case number;
  2. Date and time of arrival at the scene;
  3. Location of the incident;
  4. Name of victims, if known;
  5. Name of suspects, if known;
  6. Actions taken at the scene;
  7. Date and time additional or specialist assistance is requested and received;
  8. Name of investigating officer;
  9. Number of photographs taken;
  10. Listings of physical evidence recovered;
  11. Disposition of physical and photographic evidence;
  12. Crime scene measurement information; and, if applicable,
  13. Reasons why photographs were not taken or physical evidence not recovered at scenes of serious crimes against persons or property.

### **2.510.36 Requesting & Obtaining Laboratory Analysis**

*(83.3.2)*

- A. The agency uses only accredited laboratories for forensic analysis and testing.
- B. Submitting evidence and requesting laboratory analysis is normally the responsibility of the officer who actually processed incident scenes and took custody of the evidence.
- C. Only a supervisor or commander may approve requests for forensic laboratory analyses.

1. Except in extreme cases, requests must be approved in writing by supervisors or commanders. Transmittal documents will be reviewed, initialed, and dated by reviewing officials.
  2. Requesting officers will contact the property custodian to ensure evidence is transported for analysis.
- D. In those cases where there may be more than one employee processing scenes, one officer will be designated by the investigations supervisor or a commander to take custody of all evidence collected and be responsible for submitting it for analysis.
- E. Unless exigent circumstances exist, all evidentiary articles needing to be analyzed will be submitted for analyses within 72 hours after being received by the agency.
- F. Written laboratory reports are provided by the MSP Crime Lab and FBI Laboratory as the result of requests filed as part of the MSP 67, MSP 67A, or FBI evidence invoicing procedures.

### **2.510.38 Transferring Custody**

(83.2.1, 83.3.2)

- A. Officers will use **P&E Records** along with forms or invoicing documents required by allied agencies or laboratories to record every time custody of physical evidence takes place.
- B. MSP 67 and 67A will be used as required when submitting evidence to the MSP Crime Lab. List all requested analysis types on the same form.
- C. Transmittal letters signed either by the property custodian's commander or investigations commander will serve as invoices when sending items to the FBI, ATF, etc. These letters will contain evidence descriptions, types of examinations requested, and brief summaries of case investigations. The letters will be placed in envelopes and attached to the outside of sealed evidence boxes.
- D. The property custodian will:
1. Ensure items are packaged according to the standards of receiving laboratories;
  2. Maintain chain of custody on items transported to receiving laboratories;
  3. Be responsible for delivering evidence to, and returning evidence from, the appropriate laboratory for analysis; and
  4. Obtain written permission from the commander responsible for the property and evidence function if necessary to significantly delay submitting evidence to laboratories for analysis.