

Waltham Police Department

CHAPTER 83

EVIDENCE

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Accreditation Standard #'s: 83.1.1, 83.2.1-83.2.7, 83.3.1, 83.3.2

POLICY:

One of the most basic and most important functions of the police is the investigation of criminal offenses. It has for its objective the successful identification, apprehension, and prosecution of criminal offenders. The ultimate success or failure of this police effort is closely related to the quality of the evidence taken at the time that a crime is first brought to police attention.

It is the policy of the Waltham Police Department to ensure that all evidence is identified, collected, and preserved in such a manner that facilitates this objective.

PROCEDURES:

1. RESPONSIBILITIES OF FIRST OFFICER ON A CRIME SCENE:

Normally, the first officer on the scene will be the patrol officer. The following steps should be taken until additional assistance arrives:

- a.** Take necessary action(s) to deal with immediate danger to the officer or others.
- b.** Provide medical assistance when necessary.
- c.** Determine the nature of the crime committed.
- d.** Apprehend the criminal offender if possible (when the right of arrest exists).
- e.** Protect the scene to prevent the destruction or contamination of evidence. No unauthorized persons shall be permitted to enter the crime scene.
- f.** If necessary, request the assistance of a superior officer, the Investigations Division, and/ or evidence technicians.
- g.** Locate and identify witnesses.

- h. Photograph and sketch the scene when appropriate.
- i. Identify and possibly collect physical evidence. [83.2.1-1A]
- j. Officers should take universal precautions when dealing with DNA evidence, such as semen and blood [83.2.1-5B]. First responders shall await the arrival of a trained investigator before collecting such items [83.2.1-5A, B]. DNA evidence, with the exception of Buccal swabs are usually collected by the State Police [83.2.1-4].
- k. Preservation and packaging of physical evidence.
- l. Submit evidence for processing (fingerprint, chemical, film, etc.) through the Property Officer. This will ensure a proper continuity of evidence.

2. SERIOUS CRIMES- INVESTIGATIONS DIVISION RESPONSE:

The following offenses are of a nature requiring the immediate assignment of a detective to assume the responsibility for the completion of the preliminary investigation, begin the follow-up investigation, and take control of the crime scene. An evidence technician may also be assigned to evaluate, collect, and process evidence at the scene. Major crimes usually require the Massachusetts State Police to come in and assist or take control of the investigation (i.e.: murder investigation).

- a. Death of a violent or suspicious nature.
- b. Rapes or suspected rapes.
- c. Assaults resulting in serious injury or death to the victim.
- d. Armed robberies of commercial institutions.
- e. Burglaries where there is excessive or unusual loss (high dollar value, negotiables, cash, jewelry, silver, etc.).
- f. Any major disaster (where detectives can assist in identification of victims).
- g. Kidnapping, extortion.
- h. Bombings.
- i. Fires of suspicious origin where arson is suspected.

3. **PROCESSING AND COLLECTION OF PHYSICAL EVIDENCE IN THE FIELD: [83.2.1-1B, C]**

To ensure that methods used by all members in the department are those that will preserve the condition of the evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical, officers shall familiarize themselves with the proper procedures.

The Massachusetts State Police Crime Scene technicians may be contacted for any incidents or crime scenes requiring extensive crime scene processing.

4. **FINGERPRINTS - COLLECTION AND SUBMISSION OF EVIDENCE TO BE FINGERPRINTED: [82.2.3A-D], [83.2.4A]**

Only Officers that have been trained and certified in the processing, developing, lifting and labeling of fingerprints shall be authorized to take prints.

5. **DNA: COLLECTION AND SUBMISSION: [83.2.1-5F], [83.2.7b, c, d]**

DNA is primarily collected by the State Police when called to a scene requiring DNA Collection. [83.2.1-5C] Detectives are trained in collecting Buccal Swabs by the using the Buccal Swab Kit and are conducted only by specifically trained Detectives who then bring the kit directly to the Waltham Police Department evidence room [83.2.1-5D]. This evidence will then be transported to the Massachusetts State Police Lab by the Evidence Officer. [83.2.1-5E, G]

6. **COMPUTER EQUIPMENT: [83.2.5]**

Computers, cell phones, and any other electronic and storage devices are seized in the same manner as any other evidence at a crime scene or with a warrant in hand. Once the computer or any other electronic device is seized, the assigned investigator will use the best current practices to secure the equipment and transport it to an applicable crime lab if needed for analysis. Waltham Police Department Detectives/Officers sometimes access GPS units, etc. for data and do not bring to lab or bring to lab upon completion of information gathering

7. **CRIME SCENE EQUIPMENT:** The Investigations Division shall keep the necessary crime scene processing equipment, readily accessible to them for transport to allow effective and timely processing of a crime scene. Normal response time should average less than one hour.

8. **CRIME SCENE EQUIPMENT - TECHNICIAN NOT ON DUTY:**

In the event that there are no detectives on duty when a need for their services arises, the Commanding Officer - Platoon on Duty shall contact the Commanding Officer

– Investigations Division or any lieutenant of the Investigations Division. It shall then be their responsibility to determine what, if any, detective personnel shall be summoned to the crime scene. [42.1.1]

In the event that it is impossible to reach any of the Waltham Police Detectives. The Commanding Officer - Platoon on Duty shall contact the headquarters of the Massachusetts State Police, Crime Laboratory. A state police evidence technician is on call 24 hours a day, and will be summoned. [42.1.1] [83.1.1]

9. **REASONS CRIME SCENE NOT PHOTOGRAPHED OR EVIDENCE COLLECTED:**

Whenever photographs are not taken or where physical evidence is not recovered from the scene of a serious crime, the investigator assigned shall prepare a report stating the reasons why.

10. **PRESERVATION AND SUBMISSION OF EVIDENCE TO THE STATE POLICE LABORATORY:**

a. **RESPONSIBILITY FOR REQUESTING CRIME LABORATORY EXAMINATIONS:**

1. Under normal circumstances, the responsibility for the request for laboratory examination will lie with the officer or detective who actually processed the scene and took custody of the evidence.
2. In those cases where there may be more than one officer processing the scene, the case officer present shall designate one officer to take custody of all evidence collected.

b. **SUBMISSION OF EVIDENCE FOR CRIME LABORATORY ANALYSIS:** [83.3.2], [83.2.1-1F]

All evidence must be submitted to an accredited laboratory by the Waltham Police Department Evidence Officer. [83.2.1-1F], [83.3.2-2A]

In all instances of evidence submission to a Crime Lab, Massachusetts State Police Forensic Service Group Evidence Submission Form (all evidence except drugs) and Form SP295Drug Submission form shall be filled out and brought to the lab by the evidence officer with all evidence. The crime lab will provide a yellow copy of the form to the submitting agency as a receipt. In the case of submitting drug evidence, the gold form will be given as an initial receipt. Upon returning to the lab to pick up processed drugs and certifications, the lab will additionally provide the evidence officer with the

white and yellow receipts, keeping the pink for their records. [83.3.2-2C, D]

1. NON-PERISHABLE EVIDENCE [83.2.1-1D]:

Shall be tagged in accordance with Department adopted manuals listed in Section 3A-C of this Chapter (Appendix 1) and turned over directly to the Property/Evidence Officer. If the Property/Evidence officer is not available, all evidence shall be placed in an evidence locker, the locker shall be locked, and a complete report, including requests for analysis, shall also be placed in the evidence locker. The Property/Evidence Officer, upon receipt of evidence, shall submit the evidence for analysis as soon as is practicable. When a doubt exists as to the proper disposition of evidence, the Property/Evidence Officer shall consult with a Department evidence technician and be guided by their advice.

2. SUBMISSION OF PERISHABLE EVIDENCE:

- a.** When an item of evidence has been collected that by its very nature may deteriorate (for example, a liquid sample of semen, a gasoline-soaked item, etc.), it should be transported to the laboratory as soon as possible and in no case should transportation be delayed for more than several hours. In cases of bodily fluids, the State Police Crime Lab will come and collect. [83.2.1-1E]
- b.** Anytime that a perishable item is to be transported to the crime laboratory for analysis, the laboratory should be called first so that they will be prepared to receive the item.
- c.** Officers shall submit all documentation received from the laboratory and a copy of their report to the Property/Evidence Officer. [83.3.2-2C]
- d.** In those cases where immediate transport to the crime laboratory is not possible, items should be preserved according to Department adopted manuals listed in Section 3A-C of this Chapter.

3. SUBMISSION OF HAZARDOUS, AND/OR FLAMMABLE EVIDENCE:

- a. An evidence locker shall be maintained in the garage for hazardous and/or flammable evidence.
- b. Officers placing items in this locker must submit a complete report to the Property/Evidence Officer.
- c. The Property/Evidence Officer shall consult with Fire Department officials and the Commanding Officer – Investigations Division to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.

4. SUBMISSION OF EVIDENCE TO BE FINGERPRINTED:

- a. Officers submitting evidence that they believe may contain fingerprints of evidentiary value must note this on their report.
- b. An evidence tag shall be affixed to the outside of any locker containing fingerprint evidence to forewarn the Property/Evidence Officer.

5. COLLECTION AND SUBMISSION OF KNOWN SPECIMEN FOR COMPARISON: [83.3.1]

Many items submitted to the laboratory must be accompanied by a known specimen so a comparison can be made. The investigating officer on the case will be responsible for obtaining any required known specimens, when such specimens can be legally obtained, and sending them, along with the items of evidence, to the laboratory for analysis and comparison.

- 6. DOCUMENTATION:** Officers submitting evidence for analysis shall specify in their report or lab paperwork what is to be analyzed and what analysis is requested.

11. CRIME SCENE SKETCHES: [83.2.4C]

Detailed crime scene sketches are rarely used due to the advent of technology in areas of digital photography and videography. Detectives photograph and/or video crime scenes. In the event of a major crime, the State Police are called to the scene

and use detailed videography and photography. In the event that a sketch is done, the detail to be included in a crime scene sketch should include, but not be limited to, the following:

- a. Dimensions.
- b. Relation of scene to other buildings, geographical features, or roads.
- c. Address, floor, or room number as appropriate.
- d. Location of significant features of the scene, including victim.
- e. Date and time of preparation.
- f. Name of person preparing sketch.
- g. Direction of north.
- h. Location of items of physical evidence recovered.
- i. Officers are to be further guided in the preparation of crime scene sketches by Department adopted manuals listed in Section 3A-C of this Chapter.
- j. Disclaimer as to scale.

12. PHOTOGRAPHING/VIDEOING THE CRIME SCENE/EVIDENCE:
[83.2.2]

Department personnel trained in the use of the equipment shall take digital photographs or videotape of the crime scene or evidence. All items of evidence to be collected shall, when practicable, be photographed or videoed before being moved. A Department Digital "Photographic/Video Log" (Form 83-1) shall be maintained and shall be complete as to: **[83.2.2-1, 2A, B], [83.2.4-B]**

- a. Date and Time.
- b. Incident #, Type, Location.
- c. Reporting Officer.
- d. Photographing Officer.

- e. Photo Descriptions.
- f. Camera Use.
- g. The Photo/Identification Detective shall maintain digital photographs and digital “negatives” of crime scenes and/or evidence. Photos should be downloaded into a photo file folder on the H drive.
- h. Officers taking crime scene photographs shall be further guided by Department adopted manuals listed in Section 3A-C of this Chapter.

13. **EVIDENCE/ PROPERTY RECORDS: [83.2.6]**

a. **EVIDENCE REPORT:**

Officers recovering evidence shall complete a report. A copy shall be submitted with the evidence.

b. **CRIME/ACCIDENT SCENE REPORT: [83.2.6-1,2,3]**

Officers who process a crime or accident scene shall submit a report that includes, but is not limited to, the following information:

- 1. Date and time of arrival.
- 2. Location of crime.
- 3. Name of victim, if known.
- 4. Name of suspect, if known.
- 5. Action taken at the scene, including number of photographs taken, measurements taken (yes or no), and a listing of physical evidence recovered, as well as any transfer of evidence in the field. **[83.2.1 - 1G]**
- 6. Incident number.

c. **PHOTOGRAPHIC/VIDEO LOG:**

Whenever evidentiary photographs or videotapes are taken at a crime or accident scene, the Officer taking the photos shall complete a "Photographic/Video Log" (Form 83-1) in its entirety.

d. **EVIDENCE CONTROL LOG:**

The Property/Evidence Officer shall note all transfers of custody of physical evidence in the "Evidence Control Log." [83.2.1-2], [83.3.2-2D]

14. **MARKING AND/OR LABELING OF PHYSICAL EVIDENCE:** [83.3.2-2B], [83.2.4D]

For physical evidence to be accepted by the court at the time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling physical evidence at the time that it first comes into custody. Officers shall comply with the procedures in the Department adopted manuals listed in Section 3A-C of this Chapter as to how an item of evidence is to be marked or labeled.

15. **RESULTS OF LABORATORY ANALYSIS:**

The results of all laboratory analysis shall be in writing, signed by the analyst, and notarized when possible. [83.3.2-2E]

16. **TRAINING:** [83.2.1-3]

a. **RECRUIT TRAINING:** All officers shall receive training in crime scene search techniques and accident scene processing during their basic recruit academy training. The standards for training are established by the Massachusetts Criminal Justice Training Council.

b. **SPECIALIZED TRAINING:** Shall be provided to develop expertise by certain members of the Department in the following areas:

1. Recovery of latent fingerprints and palm prints. [83.2.4A]
2. Recovery of foot, tool, and tire impressions.
3. Photographing crime and accident scenes. [83.2.4B]
4. Preparing crime scene sketches. [83.2.4C]
5. Preparing accident scene sketches. [83.2.4C]
6. Identifying, collecting, preserving, and transmitting physical evidence, including perishable and/or biological materials. [83.2.4D]

c. REFRESHER TRAINING/UPDATED TRAINING:

Because the state of the art in crime scene processing is constantly changing, officers involved in the process shall be provided with in-service training as needed to maintain their skills at the highest possible level. This training shall consist of "in-house training" and training provided by the Massachusetts Criminal Justice Training Council, or other appropriate agency.

17. COORDINATION WITH COURTS:

It will be the responsibility of the Police Prosecutor to ensure that the Judges of the Court are informed of the latest information concerning the abilities of the Department and crime laboratories to develop evidence for prosecution. It will be the responsibility of the Police Prosecutor to report to the Detective Division Commander or designee all investigative and procedural concerns of the District Attorney's Office and the courts.

18. CUSTODY OF VIDEO TAPES FOR OPERATING UNDER INFLUENCE:

The department shall video the booking process of all operating under influence arrests.

- a.** All Arrest will be recorded on the Onyx Case Cracker DVR system. The prosecutors will make a copy of the original recording and will turn it over to the ADA's office.
- b.** The Police Prosecution Unit shall be responsible for obtaining the recordings for presentation in court on the trial date.