
	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 6.04
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Order Title: COLLECTION OF EVIDENCE - OPERATIONS		CALEA Accreditation Standard: 42.2.1; 83.2.1; 83.2.2; 83.2.3; 83.2.4; 83.2.5; 83.2.6; 83.3.2	Section 6
		VLEPSC: Rescinds:	
Section Title: INVESTIGATIVE FUNCTIONS		 Angela M. Greene, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

To establish guidelines and procedures to ensure physical evidence is properly collected, processed, seized, preserved, documented, and photographed, including latent fingerprints; and to further ensure that the department maintains adequate personnel and equipment for crime/traffic collision scene processing.

II. POLICY

It is the policy of the Lexington Police Department to thoroughly investigate crime and traffic collision scenes. Thorough investigations include the collection, processing, handling, preservation, and documentation of physical evidence in an efficient manner. This General Order contains procedural guidelines for processing crime/traffic collision scenes.

III. PROCEDURE

A. Collecting, Processing, and Preserving Physical Evidence at Crime and Traffic Collision Scenes

The scene of any crime is itself evidence and its preservation is vitally important to the successful clearance of the case. Improper protection of the crime scene will usually result in the contamination, loss, or unnecessary movement of physical evidence items, any one of which is likely to render the evidence useless. Therefore, the first officer to

arrive at the scene of the crime automatically incurs the serious and critical responsibility of securing the crime scene from unauthorized intrusions.

While it is entirely possible that the dimensions of a crime scene will be large, it is normally apparent to a trained officer where priority areas are located that require immediate protection. On the other hand, valuable evidence may be discarded or inadvertently deposited by the criminal at some distance from the (apparent) immediate scene of the crime. Thus, the area to be protected may eventually be considerably expanded beyond the area initially considered to have the highest priority.

1. Crime Scene Security

- a. It is imperative that a crime scene be secured in order to preserve the condition of the scene and prevent needless destruction of valuable physical evidence. In order to accomplish this task, it is necessary to restrict access to the scene to those persons who are going to be involved in conducting the on-scene investigation. This restriction applies to police personnel as well as civilians. Therefore, as soon as practical after arriving at a crime scene, responding officers shall take proactive steps to protect physical evidence as well as identifying potential witnesses to the crime. This may be accomplished through the following means:

- 1) Establishing and securing the boundaries of the crime scene
- 2) Keeping unauthorized personnel and civilians out of the secured area
- 3) Identifying, detaining and separating witnesses to the crime
- 4) Establishing an entry/exit point into the scene to minimize impact to physical evidence
- 5) Establishing an inner perimeter consisting of the actual crime scene and areas where evidence has been, or is likely to be found
- 6) Establishing an outer perimeter, which shall be restricted to authorized personnel only
- 7) Establishing a Crime Scene Log, which will include the following information:
 - a) The date and time that scene security was initially established
 - b) The identity, date, time, and reason of anyone (police officers, Office of the County Medical Examiner

investigators, fire and EMS personnel, etc.) entering or leaving the scene

- c) The time that the scene security was released
- b. The officer(s) assigned to scene security shall not allow anyone to enter the scene without authorization from the Supervisor in charge of the scene. No one shall be authorized to enter the inner perimeter until Detectives have processed and cleared the scene, and have given such authorization.
- c. All other personnel shall not disturb, touch, or handle physical evidence prior to collection by a Detective, unless the evidence presents a danger simply by being present, i.e., a loaded firearm in close proximity to a suspect, or there is significant risk that the evidence will be lost, destroyed, or altered if not immediately collected. Should such a situation arise, it becomes the responsibility of the initial responding officer to collect and preserve the evidence until submitted by him/her to the responding Detectives or Property and Evidence Clerk.

2. Responsibility for Crime Scene Processing

- a. All officers shall process less serious crime scenes to the extent that their training and experience permits. A Detective should be requested to respond to the scene when any of the following applies:
 - 1) Crime scenes which indicate a serious crime has been committed (See Section D below)
 - 2) The nature of evidence work to be completed is beyond the officer's capabilities
 - 3) The responding officer is unsure as to whether or not physical evidence is present or is unable to determine the value of apparent evidence
 - 4) The responding officer is unsure of proper methods for preserving/collecting evidence
 - 5) The responding officer lacks proper equipment to collect specific evidence
- b. When Detective(s) respond to a scene they will be responsible for processing the entire scene, which may include:
 - 1) Evaluating the scene to determine what evidence is present and will be collected
 - 2) Coordinating the collection of evidence with the assigned Investigator or investigating officer
 - 3) Photographing the scene

- 4) Drawing/sketching the scene
- 5) Taking and recording measurements
- 6) Collecting, preserving, transporting, packaging, and submitting all evidence collected to the property room
- 7) Completion of a detailed report documenting their actions, including evidence collected

3. On-Scene Command

- a. A Detective will assume command of the inner perimeter (actual crime/collision scene) upon arrival, until relieved by the Deputy Chief, or designee. When assistance is needed to process or secure a crime scene from on-duty Patrol Officers or Detectives, other personnel on an overtime basis may be utilized. Such assistance will be coordinated with the Supervisor.
- b. Although larger events may be managed under a formal Incident Command System, Incident Commanders and other personnel in charge of the event must recognize and respect the functional authority and decision-making of subordinates who may have technical expertise in a particular area.

4. Use of Personnel from other Agencies

When assistance is needed from other state and local law enforcement agencies for crime scene processing, the Shift Supervisors shall initiate such requests through the Patrol Commander or the Deputy Chief. Factors to consider include:

- a. The nature, extent, and scope of the crime scene;
- b. The amount of technical expertise and/or equipment required; and
- c. The amount of time that is required.

5. Progression of Investigation

- a. The following guidelines represent the general progression of tasks for processing a crime or collision scene. Depending upon circumstances at each event, it may not be necessary to complete each and every step listed. Those steps that are completed, however, should be done in the following order:
 - 1) Securing a search warrant if appropriate, to enter and search the scene
 - 2) Photographing and/or videotaping the scene
 - 3) Making a sketch and/or diagram of the scene
 - 4) Searching the scene for latent evidence such as

- fingerprints/DNA
- 5) Collect and packaging of evidence
- 6) Releasing the scene

6. Guidelines for Collecting and Marking/Labeling Evidence

- a. For physical evidence to be accepted in court, it is essential that a proper chain of evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected, seized, or received. Items shall be marked so as not to cause unnecessary damage or contamination. All evidence shall be marked in a manner that enables the officer to positively identify the item at a later date. Containers will be sealed and labeled properly, including:
 - (1) date and time of collection;
 - (2) case number;
 - (3) description of item (including make, model number, and serial number if any);
 - (4) source (from whom or where obtained); and
 - (5) initials of the officer packaging the evidence.
- b. Items that cannot be marked, such as hair, blood, fibers, etc., should be placed in an appropriate container and properly sealed. All evidence must be properly labeled for identification purposes, including date recovered or taken into custody; case number, and officer's identity, as provided in Section a above.
- c. Labeling can be accomplished by writing directly on items of evidence, writing directly on packaging (envelopes, paper bags, plastic bags, boxes, etc.) that contain evidence, or affixing a tag or label to the package containing the evidence.

7. Documentation of Evidence Submitted

- a. All items of evidence collected at a crime scene must be properly documented and recorded. Documentation of evidence collected is the responsibility of the person collecting the evidence. Documentation includes completion of a detailed narrative report, Property Report and, when applicable, a Laboratory Submission Form. Requirements for completion of the detailed narrative report are defined in Section F of this General Order.

B. Photographic and Videotape Evidence

1. Photography and Videotaping

- a. Although Detectives generally have the responsibility for photographic

duties, others may be assigned this function depending on the particular investigation or complaint. Circumstances will dictate the type of photographic documentation required, and some cases may result in more than one type of photographic documentation, such as:

- 1) Digital camera
 - 2) Videotaping
 - 3) In-cruiser video cameras
 - 4) Body-worn cameras
- b. When it is determined that photography of a scene is necessary, items of evidence shall be photographed in their original location, position, and condition (to the extent possible) prior to being collected, marked, or otherwise processed.
- c. The following crime scenes/situations/persons should be photographed when physical evidence is present or the likelihood exists that photographs of the scene will be beneficial to the investigation or prosecution at some future time:
- Homicide, suicide, crash, and unknown death scenes
 - Rape, abduction, and kidnapping scenes
 - Investigations of excessive force
 - Injuries to a police officer or citizen during an arrest or use of force incident
 - Injuries to any person which occurred or were alleged to have occurred while in the custody of a Lexington Police Officer
 - Crash or collision, damage, or injury involving City-owned property
 - Fatal or serious injury traffic crashes
 - Serious property damage traffic crashes
 - Burglaries where total loss (damage and/or theft) or other circumstances requires photographs
 - Theft cases involving perishable goods that can be photographed and immediately returned to the owner
 - When evidence may be altered or destroyed due to environmental factors.
 - Arson or suspected arson of any structure or vehicle, or arson resulting in physical injury or death to any person
 - Investigation of discharge of firearms by a police officer
 - Aggravated assaults, felonious assaults, or serious misdemeanor assaults
 - Injury to any Police Department employee sustained while on duty
 - Evidence or contraband recovered or seized pursuant to a search

warrant

- Any other crime scene or incident upon request of the reporting officer, investigating officer, or a Supervisor
- d. All photographs, negatives, and printed digital images are stored in the Evidence Room. CD/DVDs and video cassettes are stored in the Evidence Room. Digital video/photo files are stored on the respective_ server. These items shall be tagged and secured in the same manner as any other evidentiary items. Specific packaging instructions and labeling may be required whenever film is submitted to the lab. It shall be the Property and Evidence Clerk's responsibility to make the necessary arrangements to have the film developed.
 - e. Requests for copies of photographs shall be referred first to the Deputy Chief, who will determine if the items can be copied and released to the requestor. Such requests shall be coordinated with the Deputy Chief for payment.
 - f. Officers and investigators will not use personal phones or cameras to photograph or videotape scenes unless there has been a failure with Department- owned equipment and the evidentiary value of the item will be lost if the officer is required to wait for back-up equipment. Any use of personal cameras or phones will be documented and brought to the attention of the supervisor.

2. Audio Recordings

Audio recordings may be useful in criminal investigations to include victim, witness or suspect interviews. Any such recordings shall be made in compliance with applicable laws and shall be saved to the department server under the corresponding call for service number. The officer(s) making the recording shall complete a case report and include the following information:

- a. Call for Service numberincident type;
- b. date and time of audio recording;
- c. officers involved in making the recording;
- d. the length of the recording; and
- e. a summary of the information contained in the recording.

3. Sketching and Diagrams

When crime /collision scene sketches are made, they will include the following information:

- a. Dimensions
- b. Relation of the scene to other buildings, roads, or other geographical features

- c. Address, floor, room, or apartment number as appropriate
- d. Location of significant features of the scene, including the victim
- e. Date and time sketch was prepared
- f. Name(s) of person(s) preparing the sketch / diagram
- g. Directions of north
- h. Location of items of physical evidence recovered
- i. Additional information needed to enable the officer to complete a final drawing at a later time.

Field sketches and diagrams made by an officer may be required at a later time as evidence in court. As such, they shall be maintained by the officer and should be submitted with the original report.

C. Processing, Developing, Lifting, and Labeling Latent Fingerprints

1. General

- a. Crime scene and evidence processing frequently includes searching for and recovering latent fingerprints. As with any other type of evidence, proper procedures must be employed in order for the evidence to be deemed admissible in a court of law.
- b. The officer collecting the print shall apply their unique identification marking on the print lift to disprove any claim of tampering. The envelope containing the latent print shall be labeled with the appropriate information, to include:
 - 1) Corresponding case number
 - 2) Date lifted
 - 3) Corresponding Lift Number
 - 4) General location (address) of crime scene/incident
 - 5) Specific location where latent print was recovered (i.e., northwest basement window, refrigerator door, clear drinking glass, knife handle, victim's watch face, cash drawer, etc.)
 - 6) Identification of officer who collected latent fingerprint

2. Laboratory Submission of Latent Prints

- a. Latent print cards shall be stored in the Evidence Room and held for future suspect comparisons. When necessary, all latent prints should be sent to the State Crime Lab along with a completed lab submission form. Comparison and/or elimination prints may also be sent, when warranted and available.
- b. If/when electronic transfer becomes available, crime fingerprints will be automatically transferred to the state repository when the process is

completed. A copy of each criminal fingerprint card will be maintained by the Records Manager, in a secure location, as a backup to the electronic system.

3. Storage of Fingerprint Records

- a. The Records Manager will maintain latent prints as required, depending on the incident; elimination prints that have been returned to the police department from the crime lab; and fingerprint cards of persons arrested.
- b. All known demographic information and information relative to the charge is to be completed on all arrestee's fingerprint cards, the name of the officer completing the fingerprint process, as well as the signature of the subject being fingerprinted.
- c. When practical, the Deputy Chief will periodically review rolled fingerprint cards to ensure that they are properly and thoroughly completed and that the fingerprints appear to be good quality. Correction forms will be used when fingerprints are sent back to personnel when the fingerprints are determined to be unsatisfactory. In such instances, the fingerprints shall be retaken, if feasible.

D. Access to Personnel, Equipment, and Supplies for Crime Scene Processing

1. General

- a. In an effort to ensure availability of personnel to process crime scenes, the Department shall have a sufficient number of Detectives, equipment, and supplies, so as to be available when needed for the following purposes:
 - 1) Recovery of latent fingerprints;
 - 2) Photography and videography;
 - 3) Sketch of the scene; and
 - 4) Collection and preservation of evidence.
- b. Detectives will have the responsibility of maintaining the in-house crime processing area. The processing area will have the following capabilities:
 - 1) Processing latent fingerprints using established methods
 - 2) Providing presumptive testing of suspected narcotics and drugs.
- c. Detectives will generally be requested to process the more serious crime scenes for physical evidence. For purposes of this order, serious crimes may include, but are not limited to:

- 1) Homicide
- 2) Suicide
- 3) Sexual Assaults
- 4) Arson of any structure or vehicle (may be in cooperation with a Fire Department Arson Investigator)
- 5) Robbery
- 6) Major assaults (especially those with life threatening injuries)
- 7) Burglary (as determined by the Chief of Police)
- 8) Recovered stolen vehicles (as determined by the Chief of Police)
- 9) Serious injury or fatal traffic crashes (in cooperation with an Accident Investigator)
- 10) Any other crime or incident at the discretion of the Chief of Police

2. Access to Equipment and Supplies for Crime Scene Processing

Detectives are authorized to use evidence collection kits and equipment, upon completion of training. It is the Detective's responsibility to maintain their assigned kit and replenish supplies as needed.

3. Evidence Processing Kits

- a. Detectives will maintain equipment designated for use in evidentiary collection and crime scene processing. The equipment will include, but not limited to:
 - Crime Scene Kit – contains equipment and tools necessary to photograph and sketch the scene and collect and preserve physical evidence.
 - Fingerprint (dusting) Kit – contains equipment for the processing and collection of latent fingerprints, using established methods.
 - Camera and Video Equipment
- b. Special equipment needed to process evidence and/or crime/traffic crash scenes is available and may be brought to the scene on an as-needed basis. Examples may include equipment such as portable lights, generators, ladders, and other items available through the Fire Department or other agencies.

E. Seizure of Electronic, Computer Equipment

Improper seizure or shut down of computer equipment can result in severe damage to the equipment or evidence (data) being lost. Officers should seek the assistance of trained experts in this area and consult the [*Department of Homeland Security's Best*](#)

Practices for Seizing Electronic Evidence, A Pocket Guide for First Responders. These guidelines are intended for those circumstances when officers intend to seize a computer as evidence of criminal activity.

1. Search Warrant Application

- a. Generally, prior to any inspection or forensic examination of the contents of computer hardware and software, officers will need to secure a search warrant. When applying for a search warrant to seize a computer or peripheral equipment where it is suspected that a computer is being used in the commission of a crime or where it is suspected that records of criminal activity may be stored electronically on a computer, the search warrant application may include:
 - 1) The computer and monitor
 - 2) Peripheral equipment, such as scanners, zip drives, printers, and accessory components
 - 3) All computer disks and media
 - 4) Any computer associated documentation

2. Scene Search

- a. Searches involving computers, computer software, computer data, etc., should involve a forensic computer specialist, who will work in conjunction with officers. Specialists from the Virginia State Police should be contacted to assist with the evidence collection. Personnel involved in such searches will take no action to seize, operate, disconnect, or connect computers and related equipment without first receiving instruction or advice from the forensic specialist or an experienced officer placed in charge of the search.
- b. Officers shall secure the scene and remove any individuals from the proximity of the computer or power sources. Officer should check for infrared or voice-activated devices in possession of anyone at the scene. Officers shall not allow any unauthorized or untrained personnel to touch the computer or its peripherals (the FBI considers any touching of the computer to be a forensic examination.)
- c. Once the scene has been stabilized, the actual search can be started. The search should begin by determining the computer environment. Determining the environment includes, at a minimum:
 - 1) Number and location of CPU's and peripheral equipment to be seized
 - 2) Operating system

- 3) Size and nature of storage and back-up media
- d. Attempts to interview persons familiar with the system, to gain additional knowledge, should be conducted by officers with sufficient expertise and knowledge to discern truthfulness related to technical information that may be discussed. Detectives shall be familiar with the guidelines for the seizure of computer equipment, including procedures for the following:
 - 1) Photography of the system
 - 2) Powering down the system
 - 3) Marking and labeling the computer system, connections, and plugs
 - 4) Dismantling equipment
 - 5) Documentation and media associated with seized computers
 - 6) Handling and storage of computer equipment
 - 7) Obtaining technical support and forensic examination
- e. In an effort to assist officers in the seizure and examination of computers and related equipment, personnel will reference the guidebooks published by the Computer Forensics Division Department of Emergency Services and Public Protection Division of Scientific Services and the Department of Justice Guidelines for Computer Seizures. These publications will be stored in the Detective Bureau and/or the Report Room.
- f. Transportation: Upon the completion of securing the electronic storage device, transportation shall be done in a vehicle free of unusual magnetic sources and any radio transmitting equipment shall be turned off. Officers shall ensure that all components and media are kept away from two-way radios while being transported to or stored in the evidence room.

F. Reports by Personnel Processing Crime and Collision Scenes

1. Detective's/Accident Investigator's Report

- a. An accurate record of events that transpire at the scene of a crime or traffic collision is critical to investigation and prosecution. Therefore, it is the responsibility of any officer processing the scene of a crime or crash to submit a detailed report on the sequence of events associated with a scene investigation. The report will contain the following applicable information:
 - 1) Case number
 - 2) Location of the incident

- 3) The name of the investigating officer(s)
- 4) The date and time the investigator(s) was summoned to, and arrived at, the scene
- 5) The names of other officers assisting in the processing the scene and their specific involvement
- 6) Name(s) of victim(s) and suspect(s), if known
- 7) Name(s) of witnesses or other persons interviewed by Detectives
- 8) Actions taken at the scene (including number or photos, measurements, prints lifted, etc.)
- 9) A listing and disposition of evidence, property seized photos, videotapes, diagrams, etc.

2. Property Report

Minimal information required on the Property Report includes:

- a. Corresponding case number
- b. Submitting officer's name and ID number
- c. Property classification (evidence or in-custody property)
- d. Date and time property was received or taken into custody
- e. The Complainant/Victim name, address, and telephone number, if known
- f. Defendant or suspect names, address and phone number, if known or applicable
- g. Detailed description of property, including quantity and weight (if feasible) if the property is drugs/narcotics
- h. Appropriate or important comments (i.e., firearm is stolen, taken for safekeeping only, may be returned to owner, etc.)

G. Submissions to Forensic Laboratory

1. All evidence submitted to the State Crime Lab will be processed in accordance with the State Crime Lab guidelines.
2. The Property and Evidence Clerk will coordinate the submittal of evidence for analysis as soon as is practicable.
3. Evidence shall be packaged in a uniform manner consistent with the requirements of the receiving laboratory and the appropriate transmittal documents will be completed for each item.
4. All items sent to the lab will be documented in the property system upon their release and return.
5. Transmittal documents shall accompany all items to the laboratory and chain of custody procedures shall be followed to ensure chain of custody. The results of

all laboratory analysis should be in writing and signed by the analyst. Laboratory documents will be maintained with the evidence and a copy sent to Records. Receipts will be maintained whenever evidence is transferred from one party to another.

6. Officers submitting evidence that they believe may contain fingerprints of evidentiary value will note this in the comments section of the property report and specify in their report what is to be analyzed and what analysis is requested

H. Training

The Department will maintain a high degree of competence and skill in crime scene processing by specialized training, refresher training, and in-service training to include:

- Recovery of latent fingerprints and palm prints;
- Recovery of foot, tools, and tire impressions;
- Photographing crime or accident scenes;
- Preparing crime or accident scene sketches;
- Collecting, preserving, and transmitting physical evidence, including biological materials.