

MITCHELL POLICE DIVISION

CHAPTER 32

COLLECTION AND PRESERVATION OF EVIDENCE

PURPOSE: The exercise of the law enforcement responsibility in the investigation of crime frequently requires that evidence be obtained through the application of scientific collection and preservation techniques. Physical evidence must be identified, collected, preserved and properly transported if it is to prove useful to the investigative effort.

32.1 CRIME SCENE EVIDENCE RESPONSIBILITY

- A. The policy of the Mitchell Police Division is to maintain security over property and evidence seized by employees until a disposition through the criminal justice system has been reached and identified owners are established.
- B. The responsibility of the first responding officer is to perform the following duties as appropriate and necessary for each individual crime scene:
 - 1. Protect the scene from destruction, contamination, and alteration.
 - a. Initially consider everything within the crime scene as evidence.
 - b. Ensure that the perimeter of the crime scene is clearly and correctly identified and marked.
 - c. Limit access to the crime scene to only those persons who have a legitimate purpose for being at the scene.
 - d. Quickly identify evidence, which may be lost due to the environment or by the lapse of time (as in the case of a shoe impression in the snow).
 - 2. Provide a written narrative describing the scene at that time.
 - a. Date and time of arrival
 - b. Location of the scene
 - c. Weather and lighting conditions
 - d. Identify everyone at the scene upon arrival, to include:

- (1) Victims
 - (2) Suspects
 - (3) Witnesses
- e. Note the arrival of other officers and their purpose for being at the scene.
- C. Prior to seizing any evidence, employees are to record the exact location of evidence, the time and date of seizure, and who took custody of the evidence. This information is to be included in the case report.
- D. All evidence shall be secured in an evidence room.

32.2 CRIME SCENE PROCESSING PROCEDURES

- A. To be useful in subsequent criminal prosecutions, certain precautions and procedural steps must be followed to ensure the integrity of evidence.
- B. Whenever possible, latent fingerprint evidence will be obtained at the scene by the Investigator. When this is impossible, as much of the evidence should be brought to the Evidence Room for processing as practical.
- C. Chain of Custody
- Once evidence is seized, handling should be kept to a minimum unless otherwise directed. The officer seizing the evidence shall maintain physical control over the evidence until such time as the evidence is properly tagged and secured in the Division evidence room.
- D. Protection of Evidence
- Employees are to take all precautions to prevent contamination, alterations or destruction of evidence.

32.3 CRIME SCENE EVIDENCE REPORTING

- A. Evidence shall be collected and packaged in a manner that best assures that it is not damaged, destroyed, altered, or contaminated. When possible, one officer should be responsible for collecting the evidence.
- B. In every case when there is a serious crime against person or property and photographs are not taken or physical evidence is not collected, the officer

shall indicate in his report the reasons why this was not possible.

- C. In cases of willful concealment of merchandise when retail employee has seized and secured items of evidence, the responsibility to maintain the custody of the evidence shall be with the business.
 - 1. When the evidence is perishable, the investigating officer or the owner/employee may photograph the item for presentation in court.
 - 2. In extenuating circumstances to include when the stolen items are recovered by police outside of the property or the business, the police can retain it in the evidence room.
- D. Packaging Evidence
 - 1. Each item of evidence will be packaged separately using suitable containers.
 - 2. Each container will be sealed and marked with identifying information.
 - 3. Wet or bloody items will be air dried before packaging, with the exception of arson evidence.
 - 4. Items requiring refrigeration will be stored in the Evidence Room refrigerator.
- E. Every effort should be made to request an analysis of biological samples, sexual assault kits and the like as soon as possible after the collection of the evidence sample.

32.4 REQUESTING LABORATORY EXAMINATIONS

- A. The responsibility of the Shift Supervisor is to insure that all evidence submitted by their shift is properly packaged and labeled.
- B. The responsibility of the Investigator assigned is to insure that all items are properly submitted prior to being delivered for analysis and that the appropriate examination request is made. Blood, biological materials or other perishable evidence shall be submitted and maintained in refrigerated storage pending transport for analysis. Transport shall be accomplished expeditiously, generally on the next business day.
- C. All requests for laboratory examination submitted will be reviewed by the Investigator assigned for the most appropriate laboratory to process the evidence.

1. The Investigator assigned will be responsible for proper packaging of evidence for transmittal to an outside laboratory.

32.5 EVIDENCE COMPARISONS

Whenever appropriate, comparison samples shall be collected for comparison to questioned evidence already collected or evidence that may become available in the future.

32.6 CRIME SCENE SKETCHES

Crime scene sketches will be made on major crime scenes, including homicides and other crimes as determined to be necessary on a case-by-case basis. The sketch will include overall dimensions of the scene, location in reference to permanent points or address, location of articles of evidence collected and location of victim. The sketch will also include date, time, case number, preparer's name and ID number, and direction of north.

32.7 EVIDENCE/RECORDING MEDIA USE, EVIDENCE & STORAGE

The scene of a major crime will be photographed and/or videotaped. These photographs and or videos will show scene locale, all aspects of the scene, and items of evidence. Videotapes will be taken at the discretion of the Investigator assigned.

- A. The 35mm camera, digital camera, and live video recorder shall be used in the following manner:
 1. As a visual investigative tool.
 - a. All three forms of recording media may be used in any investigation as needed regardless of case priority.
 2. As visual evidence in cases where said recording media is the most readily available, and the evidence is fleeting.
 - b. Any crime scene or evidence that must be preserved.
- B. 35mm Camera use/ Evidence Storage
 1. All pictures taken with said camera must be recorded on a photo log along with all the information commonly given in all evidence/photographic files.

2. The exposed film and camera log will be placed in the Mitchell Police Division evidence room. An assigned Investigator will have the negatives developed.
3. The developed negatives will be stored in the film files located in the Mitchell Police Division evidence room until such time as the photos are needed in court. All film evidence will be stored for the period of time required by South Dakota State Law.

C. Digital Camera Use/Evidence Storage

As the specific form of storage may change with the progression of digital photographic technology, for the purpose of this policy the storage method will be referred to as a "Storage Card".

1. No original digital photo images taken in any case investigation shall be altered or enhanced in any way.
2. A copy of said image may be altered or enhanced only if said image is clearly identified in any legal proceeding as an altered copy, and the use of said enhancement is for the legal, ethical, investigation of cases.
3. All pictures taken using a digital camera must be identified and recorded on a photo log along with all the information commonly given in all evidence/photographic files.
4. The Storage Card and photo log will be given to assigned personnel and placed into an assigned computer system within the Investigative Section, where the images will be printed. A copy to the images will be provided to the investigating officer, and/or other officers/agencies as needed.
5. The unaltered data on the Storage card will then be copied to the assigned Mitchell Police Division compact disc photo archive file (CD-R). The unaltered data will be filed by case number (CR#), MPD code number, officer ID#, and date. The CD-R archive will be stored in a secure location within the Investigative Section until such time as the images are needed for court. The CD-R image evidence will be stored for the period of time required by South Dakota State Law.

D. Live Video Camera Use/Evidence Storage

1. Any live video recording or footage that is filmed as evidence must be tagged and labeled with all the information commonly given in all evidence/photographic files.

2. Live video recordings will be stored in the Mitchell Police Division evidence room until such time as the recordings are needed for court. The live video recordings will be stored for the period of time required by South Dakota State Law.

E. Patrol Car Video Camera Use/Evidence Storage

1. Video recordings that are filmed with the patrol car video cameras will be handled according to said policy. 28.14.1

32.8 REQUESTS FOR LABORATORY EXAMINATIONS

- A. The collection of evidence for laboratory analysis shall be the responsibility of the officer in charge of the crime scene or his designee.
- B. When identifying and collecting evidence from a crime scene or subsequent follow-up investigation, consideration shall be given to the types of materials and substances that may be used for comparison analysis by the crime laboratory.
- C. When known standards are collected for analysis and comparison, it is critical to record the location from which these standards are obtained.
- D. When known standards are to be collected, these standards shall be obtained from as near to the damaged area as possible.
- E. If an officer in charge of a crime scene determining that it is beyond their capabilities to determine whether standards should be seized for comparison or is unsure if comparison is possible, the officer shall contact his supervisor.
- F. The Investigator assigned or his designee shall be responsible for submitting evidence for analysis to the appropriate laboratory.

32.9 PROCESSING RECOVERED STOLEN VEHICLES

- A. The recovered stolen vehicle may be released to the owner at the recovery scene without being impounded if the vehicle has been processed, does not need to be processed, or otherwise held as evidence.
- B. Whenever possible, stolen vehicles recovered in Mitchell are processed. Vehicles reported stolen in Mitchell and subsequently recovered in other jurisdictions shall be processed in the following instances:

1. When the recovering agency will do the processing.
 2. When there is evidence that the vehicle was used in a serious crime committed in Mitchell. Mitchell investigators may respond to locations adjacent to Mitchell/Davison County or as directed.
- C. Communications shall be notified immediately by the officer whenever a stolen vehicle is recovered so that the vehicle listing can be removed from NCIC, or in order that the agency having jurisdiction of the auto theft can be informed by teletype, of the recovery.
- D. Communications personnel shall send a canceling teletype immediately upon notification that a vehicle stolen in Mitchell has been recovered. If the recovered vehicle was stolen from another jurisdiction, Communications personnel shall notify that jurisdiction by teletype of the recovery. A copy of any teletype message regarding an auto theft or recovery shall be forwarded by Communications to the Lieutenant.
- E. Communications or the investigating officer shall attempt to notify the owner of the stolen vehicle of its recovery.
- F. If the owner cannot be contacted by telephone, Communications personnel shall in the case of a Mitchell resident, take the necessary action to have a patrol officer dispatched to contact the victim at his/her residence.

32.10 EVIDENCE MARKING AND PRESERVATION

- A. The employee seizing evidence shall mark the evidence as follows in order to make later identification:
1. Markings should contain the date, case number, time of seizure and the initials of employee making the seizure.
 2. Evidence which is impossible to mark or when the monetary value of evidence would be destroyed shall be sealed within a protective package and the package marked.

32.11 EVIDENCE INFORMATION RECORDED

- A. All evidence shall be tagged/labeled at the time it is seized and shall have recorded on the evidence tag, attached to the item, the following information:
1. All evidence seized will be listed on the case report in block #'s, or Property Evidence Inventory sheets, listing description, serial number

if any, location seized, and by whom.

2. An Evidence/Property tag must be filled out and affixed to each piece of evidence listed.
3. The signature of the collecting officer, and all persons having custody of the item as well as the date and time the custody was transferred.

B. Disposition of Evidence:

1. When evidence is no longer needed in criminal prosecution, the Investigator assigned will return or dispose of the evidence.
2. When evidence collected under the authority of a court ordered search warrant is no longer needed, the Investigator assigned will request a court order to release or dispose of the evidence.

32.12 CHAIN-OF-CUSTODY MAINTAINED

- A. Each time a transfer of custody of physical evidence takes place, the evidence tag shall be signed as indicated so as to maintain a record of the chain of custody.
1. If the transfer is made to a person outside of this Division, all outside agency information will be documented on the evidence tag.
- B. When submitting evidence to a Crime Laboratory, the Chain of Custody Section is to be filled in at the time of delivery in regard to date, time and signature of person delivering item.

32.13 CUSTODY INFORMATION ON LABORATORY SUBMISSIONS

The written record of physical evidence sent to a laboratory for examination shall include at a minimum:

1. Name of the last officer having custody
2. Date and time of submission, and method of transmission
3. Date and time of receipt and the name of the person receiving the evidence at the laboratory
4. If evidence is sent through U.S. Mail or other carrier, send

Certified/Return Receipt

32.14 CRIME SCENE SPECIALIZED TRAINING

- A. Due to the complexities of some crime scenes, certain Division employees are trained as Evidence Technicians. The Mitchell Police Investigators will perform evidence collection and preservation functions on all major crime scene cases.
- B. The Investigators shall be responsible for:
 - 1. Recovery of latent fingerprints and palm prints
 - 2. Recovery of foot, tool, and tire impressions
 - 3. Photographing crime scenes
 - 4. Preparing crime scene sketches (detailed accident sketches will be prepared by a trained accident re-constructionist from the Patrol Division)
 - 5. Collecting, preserving, and transmitting physical evidence, including biological materials.

32.15 CRIME SCENE SPECIALIST AND INVESTIGATORS

- A. The first responding officer shall assume command and control of an investigation until or unless an officer of higher rank arrives to take control or reassigns.
- B. When an Investigator is called to the scene, the original responding/investigating officer shall assist the Investigator until reassigned. The assigned Investigator shall assume responsibility for the coordination of the investigation.