

## City of Johns Creek Police Department

<i>Subject:</i> Collection of Evidence	<i>Number:</i> 02-36
<i>Reference:</i> See also "Evidence and Property Control"	<i>Amends:</i>
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### **PURPOSE 02-36**

Tremendous value has been placed in court on physical and corroborative evidence. Court decisions have created a demand for a higher degree of technology on the part of the police laboratory. However, frequently improper collection and/or packaging methods destroy valuable evidence. The following procedures are designed to facilitate the recognition, collection, and preservation of physical evidence until it is properly submitted to the GBI Crime Laboratory for analysis and evaluation.

### **POLICY: (02-36)**

The Department will protect crime scenes and ensure that evidence is collected properly to aid in the prosecution of criminals. Criminal Investigation Division will be responsible for overseeing the collection of evidence at all major crime scenes. No portion of a major crime scene will be released without the approval of the CID Lieutenant and/or appropriate supervisor or Crime Scene Investigator.

**Scope:** Applicable to all personnel.

### **PROCEDURES:**

#### **Arrival at the Crime Scene (02-36-01)**

The following procedures should be followed by the first officer on the scene:

1. Do not rush into the crime scene; an armed suspect may still be present. Rushing into the scene may also result in the accidental destruction or contamination of evidence.
2. Protection of the scene and preservation of evidence is paramount. The officer on arrival must rapidly decide how to approach the scene in a manner least destructive to potential evidence.
3. A primary responsibility of the officer at the scene of the crime is to render assistance to the victim. Certain chemicals, such as fentanyl, can be absorbed through the skin and can enter into the bloodstream; therefore protective gloves shall be worn at all times when coming into contact with a body and or suspected/known narcotics and paraphernalia. If the victim is obviously dead, do not disturb the body.

The officer approach route to an injured person should be such that any physical evidence in the vicinity remains untouched or is protected where it lies.

4. If the suspect is found at or near the scene, the officer must protect themselves. If the officer has probable cause to believe that the suspect committed a felony, the officer should place the suspect under arrest, search them, make a note of any spontaneous statements the suspect may make, and advise them of their rights if the suspect is to be questioned further.
5. The officer must request the dispatcher to notify all appropriate personnel and or determine equipment needs, if the crime or incident is the type that the officer can process.

### **Crime Scene Responsibilities (02-36-02)**

#### **A. Responsibilities of First Officer on Scene:**

1. Responds to the scene promptly and safely.
2. Secures and protects the scene to prevent the destruction or contamination of evidence and notes all conditions, events, and remarks.
3. Remains in control/command of the scene until relieved by a superior officer.
4. Notifies the Patrol Supervisor to determine if a detective should be utilized then the following steps should be taken:
  - a. Start and maintain a crime scene access log, WHICH will list all persons entering the scene, the time they entered and the time they departed.
  - b. Locating items of evidence.
  - c. Locating witnesses.
  - d. Photographing and sketching the scene when appropriate.
  - e. Collection of physical evidence.
  - f. Preservation, packaging and logging of physical evidence.
  - g. Submission of evidence to property function.

#### **B. Duties of the Patrol Supervisor at the Scene:**

1. The Patrol Supervisor will assess the situation to determine if any further assistance from CID or additional patrol units is needed to control and/or process the scene.
2. If CID will not be utilized then the Patrol Supervisor shall remain at the scene to oversee the processing of said scene.
3. If CID is to be utilized then the Patrol Supervisor shall have an officer remain at the scene to protect and preserve the scene. The Patrol Supervisor will then have the detective on call respond to the scene.
4. Upon arrival of the responding detective or Patrol Supervisor, he/she shall contact the Crime Scene Investigator if assistance is needed to process the crime scene.

#### **C. Duties of the Investigator at the Crime Scene**

1. A member of the Criminal Investigations Division and Crime Scene Investigators Unit shall be classified as "on call" at times other than normally assigned schedules, or regularly staffed hours, and shall be available for call out on an assigned rotation basis.
2. Once called to the scene, the responding investigator shall assume responsibility for the crime scene, if delegated, and shall direct the activities at the scene until all

available evidence has been collected and the scene can be secured or released to the proper authority or owner.

D. The Investigator will retain control of the scene until it is no longer a crime scene, is relieved by a superior officer or they release the control to another agency with the approval of the CID Supervisor.

E. The investigator will check the crime scene boundaries to see if they are appropriate.

F. The investigator, with the assistance of the Crime Scene Investigator, will assume the responsibility of processing the crime scene, which will include:

1. Starting and maintaining a crime scene access log that will list all persons entering the scene, the time they enter and the time they departed.
2. Locating items of evidence.
3. Locating and interviewing witnesses.
4. Photographing, maintaining a photo log and sketching the scene when appropriate.
5. Collection of physical evidence and completion of evidence log.
6. Preservation, packaging, and logging of physical evidence.
7. Submission of evidence to the property function /GBI crime lab.

G. When the aid of another agency's Crime Scene Investigator, specialized GBI agent, the state fire marshal, county coroner or forensic specialist is requested, the crime scene shall be relinquished to the technician/specialist by the investigator in command. While assisting this agency the technician/specialist shall be provided the assistance and cooperation of the Department's investigator.

It will be the Department's Crime Scene Investigator's responsibility to submit evidence to the GBI forensic laboratory.

### **Protecting the Scene (02-36-03)**

A. The first officer on the scene must secure the initial point of the incident and must extend the area of protection out towards the perimeter. Having secured the room in which a crime was committed, the officer should expand coverage to the entire building or outside area.

B. Crime scenes may be secured by the following methods:

1. Police officers.
2. Barricades rope or banner guard (crime scene tape) used to define the area to be protected.
3. Signs used to control access.

### **Notes and Reports-Valuable Records (02-36-04)**

A. The officer's original notes are their personal and most readily available record of the crime scene. They must refer to those notes to complete any other finished reports required of actions taken on the scene of the crime.

B. Types of information the officer/investigator should record at the scene and include in their report are:

1. Date and time of arrival at scene;
2. Location of scene;
3. Name of victim;
4. Name of suspect, if known;
5. Actions taken at scene;
6. Name of officer who located, photographed and collected the evidence; and
7. Progression of the command of the scene.

### **Crime Scene Processing Equipment (02-36-05)**

A. Officer/detective responding to a crime scene will make a determination of equipment needed for processing. They will request the Patrol Supervisor and/or Crime Scene Investigator bring any special equipment or packaging needed. The Patrol Supervisor or Crime Scene Investigator will be responsible that all requested equipment is delivered to the scene.

B. The Criminal Scene Investigations Unit and CID will have and maintain a crime scene kit.

1. Photography equipment
2. Sketching equipment
3. Latent fingerprint recovery equipment
4. Footwear or tire impression kit
5. Fingerprint materials (known suspect)
6. Gunshot residue kits

C. Each marked supervisors' vehicle and each unmarked detective vehicle shall have equipment to be used for crime scene processing.

1. General evidence collection and preservation items
2. Sketching equipment
3. Photographic equipment and services:
  - a. CID shall have and maintain one or more cameras in their office to be used on occasions that photographs are required.
  - b. CID shall have and maintain one or more video cameras in their office to be used on occasions that video documentation is required.
  - c. The patrol supervisor shall have and maintain one camera in their office to be used on occasions that photographs are required. All officers are issued a digital camera and should have it available at all times.

D. Preliminary crime scene survey should include the following:

1. Observe and record (look but do not touch).
2. Determine nature and extent of crime scene.
3. Determine location of evidence.
4. Determine order of collection.
5. Establishment of best working route.
6. Duplicate movement of perpetrator, in thought and plan search accordingly.
7. Note all existing conditions.
8. Note all items, both out of place and/or normality.
9. Note relationship between items.
10. Initial rough sketch should be made.

E. Crime scene sketches normally are prepared only in major crime scenes. Minimum details to be contained in the sketch include:

1. Time and date of preparation;
2. Dimensions of items and area;
3. Location of offense;
4. Location of items of evidence in the scene;
5. Location and names of victims, witnesses and suspects;
6. Relationship of the crime scene to other rooms, building, or roads;
7. Name of person preparing sketch;
8. Direction of North; and
9. Mark such items as; what window, doors or items are open. What items are on or off, etc.

### **Photographing the Scene (02-36-06)**

At the end of the preliminary scene survey, overall photographs or imagery of the scene should be taken. Photography, video, and imaging taken by the department is digital. The department does not use conventional (film) photography. All photos, images and video taken will be preserved as evidence and downloaded into the secured RMS and/or placed into evidence on a DVD.

1. Overall photos should be taken from several different locations.
2. If an interior scene, a wide angle lens should be used.
3. Photograph the surrounding area thoroughly.

**Mid-range photography** is used to orient the viewer as to the exact location of items of evidence in the scene.

1. If possible, the officer should attempt to include two items of evidence into the file of view. If this is not possible, then a common line (desk, table, etc.) should be included in all the mid-range photos.
2. Mid-range photos should always be taken with a normal lens to prevent distortion.

Before any item of evidence is moved, a **close up photograph** should be taken, as follows:

1. Fill field of vision with item.
2. Take one close up shot of item with scale and one without a scale using the same camera position, lighting and camera setting, if necessary. The six inch ruler in the evidence collection kit can be used for this purpose along with masking tape or a ABFO scale.
3. The officer can place a strip of masking tape across the face of the ruler, making sure not to cover the measuring increments. Information to be written on the tape should include:
  - A. Item number;
  - B. Case number;
  - C. Date; and
  - D. Officer's initials.

**Video documentation** may be used along with, however will not replace, still photography.

Videotaping procedures will be the same as still photography. All video should contain the following:

1. Overall view of the crime scene including views of landmarks.
2. Mid-range view of the scene to orient viewer to the exact location of items of evidence.
3. Close-up views of specific items of evidence and other areas pertinent to the scene.

### **Information to be recorded on photo/video log:**

The officer or investigator processing the scene will maintain a record of each photo and/or video taken at the crime/incident scene. Information to be recorded when taking the photos/videos will include:

1. Type of Cameras used;
2. Kind of lighting used (existing light, flash, etc.);
3. Date and time of exposure;
4. person taking photo/video;
5. A brief description of subject in photo/video;
6. Case number; and
7. Location.

### **Location Evidence-Measurement (02-36-07)**

Prior to the collection of specific items related to major crime scenes the following procedures should be followed:

1. Take measurement by use of triangulation or coordination method so that the officer can exactly place the item of evidence at the scene.
2. A close visual examination of the items should be conducted by the officer so they know exactly what they're dealing with.

### **Collection of Evidence (02-36-08)**

Though several people assigned to a crime scene may participate in the search for and location of evidence, optimally only one person should collect the items located. Each person that locates an item should not touch or move the item, but should summon the person assigned to collect. There should be an assigned person to log the items found, the location of the find, the person locating the item, the person collecting and the date and times. The collector should collect, mark for identification and properly secure the evidence for transport and/or storage. When collecting evidence, the officer collecting should consider:

1. The use of sterile tongs or tweezers where possible. The officer should avoid touching the item of evidence with their hands or anything that might contaminate the

item or the officer.

2. Proper order of collection:

- a. The officer should collect perishable evidence first.
- b. If destruction of evidence is not a concern, then the officer should work their way through the scene, collecting in a logical sequence trying to avoid disruption of other items of evidence.
- c. Collection of known samples; sufficient specimens or controls must be submitted for comparisons of such items as hairs, fibers, paint, glass, soil, and tool marks.
- d. Documentation of each item collected; all items of evidence that are collected by the officer processing the crime scene will be documented on an evidence/property receipt. In addition, a control log will be maintained which will include the following:

1. A complete description of the item;
2. The source of the item;
3. The name of the person who located the item;
4. The name of the person who photographed the item; and
5. The name of the person who collected the item.

### **DNA Collection (02-36-09)**

Every officer, from the first responding patrol officer to the experienced criminal investigator and crime scene investigator should be aware of important issues involved in the identification, collection, transportation and storage of DNA evidence. Because extremely small samples of DNA can be used as evidence, greater attention to possible contamination is necessary. Evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his/her mouth, nose or other part of the face and then touches the area of the evidence containing the DNA. DNA evidence must be protected from contamination by the public, any other person at the scene and from inclement weather conditions.

The primary responsibility of the first responder is to render the scene safe and then secure all potential evidence. First responders should be aware of the different types of evidence that can contain DNA, such as cigarette butts, combs, brushes, food and drink containers, hair, skin, bodily fluids, etc. The only reason a first responder should handle DNA evidence is to protect it from loss, damage or contamination. If possible, the evidence should be photographed before it is moved, and the exact location noted in the report. The DNA evidence should then be turned over to the Crime Scene Investigator or only those detectives trained in the handling of DNA.

When transporting and storing DNA evidence, it must be kept dry and at room temperature. The evidence must be secured in paper bags or envelopes, sealed, labeled and transported in such a way that ensures proper identification and proper chain of custody. Never place DNA evidence in plastic bags because the moisture contained in the bags can be damaging to the DNA. Direct sunlight and hot conditions, such as a patrol vehicle without air conditioning may also be harmful to the DNA.

To avoid contamination of evidence that may contain DNA, always take the following precautions:

- Wear gloves, changing them before and after obtaining a sample
- Use disposable instruments or clean instruments thoroughly before and after handling each sample
- Avoid touching the area of evidence where you believe DNA may exist

- Avoid talking, sneezing, scratching and coughing over evidence
- Avoid touching your face, nose and mouth when collecting and packaging evidence
- Air-dry evidence thoroughly before packaging
- Place evidence in new paper bags or envelopes; do not use plastic bags or staples

As with fingerprints, the effective use of DNA evidence may require the collection and analysis of control samples. These samples are necessary to determine whether the evidence came from the suspect or someone else. Control samples are any type of well-known forensic samples used to assure analyses are properly performed so that results are reliable. Control samples are an important part of quality control and assurance procedures that forensic scientists use to eliminate the inaccuracy of laboratory results. Without control samples such scientific results could yield false positives (any result that is true when in reality it is false) and false negatives (any result that is false when in reality it is true).

All evidence, to include DNA, shall be submitted to the Georgia Bureau of Investigations, an accredited laboratory, in accordance with their standard procedures.

All Crime Scene Unit personnel will receive formal training in DNA collection, storage, transportation and submission. This training shall be in accordance with the GBI laboratory standard operating procedures.

### **Marking Evidence (02-36-10)**

1. Complete identifying data shall be recorded on a property receipt which shall be attached onto the evidence. This will include the officer's name, date, time, and location of recovery, item number, and case number.
2. The officer/investigator should establish the habit of marking similar items in the same location. This will save time and embarrassment in looking for the identifying marks when asked to identify the evidence on the witness stand.
3. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes, or where labels are used, ball point pens.
4. The officer collecting the item of evidence will be the person responsible for marking or labeling the item at the time it first comes into custody.
5. Each officer/investigator should develop their own identifying mark. Normally it should be their initials, but may be some other mark.

### **Packaging of Items of Evidence (02-36-11)**

1. The collecting officer should choose a container suitable to the type of evidence they intend to package. Considerations in choosing the proper container include:
  - A. The size and weight of the item.
  - B. Whether the item is moist (which could rot or deteriorate if packaged in plastic or an airtight container).
2. The officer should avoid any contamination of evidence by packaging all items separately.
3. Fluids or stains should not be allowed to touch and should be carefully rolled in paper.
4. Pack the item to minimize interior movement within the package.

5. Seal the package with tape.
6. The collecting officer shall initial across the seal.
7. The officer shall label and identify the exterior of the package as to contents.
8. Whenever possible, the package should be labeled before placing the evidence in it so as not to damage contents while writing on it.

### **Latent Fingerprinting (02-36-12)**

The agency will follow the Latent Fingerprinting Guidelines of the Georgia Bureau of Investigation. Any latent prints that are developed should be lifted with transparent tape and placed on an appropriate index card labeled with the following information: Case number, Incident location, Date lifted, and Name of officer/CSI obtaining lift. When processing the crime scene for latent fingerprints, the officer/investigator should take the following into consideration:

1. The size of the item to be dusted.
2. The type of surface.
3. If movement or transporting the object will destroy latent prints, the object should be processed at the scene.

### **Overall Measurement (02-36-13)**

The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.

### **Final Organized Search (02-36-14)**

A final, thorough search should be conducted at the crime scene in case evidence was overlooked. Wherever possible the use of a fresh officer on a final search is preferred, they may find what you overlooked.

### **Preservation and Submission of Evidence to the Forensic Laboratory (02-36-15)**

1. The responsibility for the submission and request for lab examination shall lie with the officer/investigator that 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, one officer will be appointed by the supervisor to take custody of all evidence collected, if the crime scene investigator is not available.
3. When an item of evidence has been collected, that by its very nature may deteriorate, it should be transported to the forensic laboratory the same day, or air dried away from direct sunlight and heat.
4. Anytime a detective or crimes scene investigator transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so they will be ready to receive the item.
5. In those cases where immediate transport to the forensics lab is not possible:
  - A. Refrigerate (no more than five days) and transport to the lab.
  - B. Avoid contamination and package properly.
6. Many items submitted to the lab 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, following legal procedures, and sending them along with the items of evidence to the forensic lab for analysis and comparison.
7. Under normal conditions, evidence should be submitted to the laboratory within forty-eight (48) hours.
  8. Any evidence submitted to the laboratory will be accompanied by a complete GBI submission form and a copy of the completed incident report.
  9. The GBI submission form serves to notify the laboratory of what services we require and that we request a written report to summarize the results of all lab examinations.
  10. Physical evidence submitted for examination by a laboratory will require a property control receipt with the following information:
    - a. Name of person obtained (if available)
    - b. Case number/Incident date
    - c. Item number and description
    - d. Date of transfer (time date stamp)
    - e. Signature of person transferring
    - f. Status of item transferred
  11. The primary laboratory used for examination of physical evidence shall be as follows:

Georgia Bureau of Investigation (Accredited Laboratory)  
3121 Panthersville Road  
Decatur, GA 30034

### **Special Considerations (02-36-16)**

1. A report by the officer/investigator processing a crime scene will be prepared by giving an accurate account of events. This information shall include:
  - a. Date and time they arrived on scene
  - b. The location of the crime
  - c. The name of victim (if any)
  - d. The name of the suspect (if any)
  - e. The officer/investigator's actions at the scene
2. Each time a crime scene is processed and no evidence is collected or photographs taken the officer/investigator shall reflect the reasons why on a supplemental to the incident report.
3. All department personnel transferring physical evidence in the field will complete a property control receipt which will include:
  - a. Name of person obtained from
  - b. Case number
  - c. Reason for transfer
  - d. Date/time obtained
  - e. Item number and description
  - f. Chain of custody to include:
    - i. Item number to be transferred
    - ii. Date of transfer
    - iii. Documentation of person transporting and receiving
    - iv. Status of items transferred
4. Personnel submitting physical evidence for examination by a laboratory shall complete a property

## **Training (02-36-17)**

The Lieutenant of the Criminal Investigation Division will coordinate with the training officer to ensure that the designated officers assigned to CID will receive specialized training in the following areas, and in-service refresher courses will be afforded to these individuals.

1. Recovery of latent fingerprints and palm prints.
2. Recovery of foot, tool, and tire impressions.
3. Photographing of crime and accident scenes.
4. Preparing crime scene sketches.
5. The collecting, preserving, and transmitting of physical evidence including biological materials.
6. The seizure of computers and/or computer related equipment.

### **Seizure of Computer(s) and/or Computer Related Equipment (02-36-18)**

As computer and related storage, **smart phones, tablets and communication devices** proliferate in our society, so does the use of those devices in conducting criminal activities. Technology is employed by criminals as a means of communication, a tool for theft and extortion, and a repository to hide incriminating evidence or contraband materials.

The computer may be contraband, fruits of the crime, a tool of the offense, or a storage container holding evidence of the offense. Investigation of any criminal activity may produce electronic evidence. Computers and related evidence range from the mainframe computer to the pocket-sized personal data assistant (thumb drives) to the floppy diskette, CD, **smart phone, tablets, cell phones**, or the smallest electronic chip device. Images, audio, text and other data on these media are easily altered or destroyed. It is imperative that police officers recognize, protect, seize, and search such devices in accordance with applicable statutes, policies, and best practices and guidelines.

1. Before handling or moving any equipment, officers shall attempt to photograph or videotape each in their original position, including any information displayed on any monitors or output devices.
2. If any of the items need appropriate processing for physical evidence (latent fingerprints, etc.), it shall be done in accordance with operations manual chapter 02-36-11.
3. The computer could be pre-programmed to erase or destroy data, if start-up or shutdown procedures are not followed, therefore (for a standalone computer only):
  - a. If the computer is "off", do not turn it "on".
  - b. Photograph screen, then disconnect all power sources; unplug from the wall and the back of the computer.
  - c. Do not turn the power off at any power strip or other supplemental power supply.
  - d. Place evidence tape over each drive slot.
4. For a networked or business computers:
  - a. Do not pull the plug. Pulling the plug could severely damage the system, disrupt legitimate business, and/or create officer and department liability.
  - b. The Georgia Bureau of Investigation, computer crimes unit, should be contacted for guidance.
5. Once the power is disconnected, all wires and connections should be labeled so that they can be reconnected later, exactly as they were found.
6. All items connected to the computer being recovered, such as mouse, printers, monitors, scanners, etc., should be recovered as well.

7. Do not remove any disks from any drives.
8. All software, disks, and/or manuals in the area of the equipment being recovered should be secured as evidence.
9. Computers and related items should be placed into evidence as established in operations manual chapter 04-23-02 (G).
10. Computers, smart phones, cell phones, tablets and related items can be designed to incorporate both memory and physical anti-tampering devices. Under no circumstances should any officer, who is not specifically authorized and trained, attempt to access files or operate any computer system that is to be recovered as evidence.
11. All cell phones, smart phones, tablets, etc. will be turned off and if possible the battery removed and all items placed in evidence for processing. Only those employees authorized and trained in Cell Phone Technology and Forensic Data Recovery, or similar training, shall be authorized to recover evidence from these devices.
12. If outside resources are required, the Georgia Bureau of Investigation certified trained employees or other certified processing law enforcement agency shall be responsible for all evidentiary laboratory work.

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