


<b>NORTHAMPTON POLICE DEPARTMENT</b> <b>Administration &amp; Operations Manual</b>		
<b>Policy: Evidence and Property Identification &amp; Collection</b>		<b>AOM: O-401</b>
Massachusetts Police Accreditation Standards Referenced: [83.2.1], [42.2.2.d], [83.2.4], [83.2.3], [83.2.4.a], [83.2.2], [83.2.4.b], [83.2.4.c], [83.1.2], [83.3.1], [84.1.1.d], [84.1.1.e], [83.3.2], [83.2.2.a], [83.2.2.b], [83.3.2.c], [83.3.2.d], [83.3.2.e], [83.2.6]		Issuing Authority <hr/> John D. Cartledge Chief of Police
<b>Dissemination Date:</b> 11/15/1999  <b>Effective Date:</b> 11/29/1999	<b>Amended:</b> 11/00, 6/02, 7/03, 9/03, 1/04, 10/05, 9/08, 12/08, 1/09, 10/09, 7/11, 7/14, 6/16, 6/18, 2/21, 8/22  <b>Reviewed:</b> 4/04, 10/05, 9/08, 12/08, 1/09, 10/09, 7/11, 12/13, 7/14, 7/15, 6/18, 2/20, 7/20*, 6/21, 6/22, 8/22, 6/23, 6/24, 10/25	

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## I. Introductory Discussion

- A. It has been well established that the success or failure of any criminal investigation and subsequent prosecution often depends upon the availability of pertinent and relevant physical evidence. Physical evidence can be described as any object or substance that connects a suspect to a crime or to the scene of a crime. Physical evidence is not only important for eventual presentation to the court, but it can also provide a valuable investigative aid enabling the police to concentrate on a particular person or persons.

Physical evidence can be clothing, weapons, tools, hair, blood, fibers, paint, glass, drugs, documents, etc. The admissibility of such evidence in court can often provide the necessary or final link leading to the conviction of a criminal offender. When it is available, the potential value of physical evidence is usually greater than eyewitness testimony. The memory of the eyewitness is often vague

or uncertain. An eyewitness can die, forget, or change their mind. Physical evidence is real, tangible, visual, and almost always reliable.

Today's law enforcement officer has learned to look routinely for fingerprints to identify the perpetrator of a crime. That same officer needs to think routinely about evidence that may contain deoxyribonucleic acid, also known as DNA. DNA technology is enabling law enforcement officers to solve cases previously thought to be unsolvable. Investigators with a fundamental knowledge of how to identify, preserve, and collect DNA evidence properly, can now solve cases. Evidence invisible to the naked eye can be the key to solving a residential burglary, sexual assault, or a homicide.

To safeguard its evidentiary value, it must be carefully collected, preserved, secured, and retained. Every person who has handled, examined, transported, or stored the evidence must be accounted for. This chain of custody begins at the moment the evidence is discovered and continues until it is presented to the court. It is important that as few officers as possible be involved in the handling of physical evidence.

- B. The purpose of this directive is to provide officers with the proper procedures regarding the handling, preservation, and security of evidence.

## **II. General Procedures for Identifying and Collecting Property and Evidence** [83.2.1] [42.2.2, d]

- A. The initial opportunity to observe and obtain evidence usually occurs at or near the crime scene. Upon arrival, nothing should be touched or moved unless it is absolutely necessary to ensure its preservation.
  - 1. Officers should physically isolate the outer perimeter by erecting a crime scene barrier. Only authorized personnel/technicians are to be allowed inside the inner perimeter or crime scene. The names of all law enforcement agents allowed into the crime scene should be logged or recorded upon their entry and exit.
  - 2. All activity performed and any crime scene alteration should be noted.
  - 3. Briefly note and record any evidence that may relate to the crime.
  - 4. Do not be misled by first appearances. Examine objects closely and thoroughly. Size does not necessarily determine importance.
  - 5. If necessary, request the services of specialists (i.e. photographers, fingerprint units, etc.) [83.2.4]
    - a. Any evidentiary item(s) needing to be processed for fingerprints shall be logged out to a Crime Scene Technician. Once processed, the item(s) shall be returned to an OIC who shall appropriately secure the item(s) and log them back into the evidence system. The Evidence and Property (EP) Control Officer, and/or Evidence Property (EP) Specialist shall be responsible for the recording and storage of the item(s) in the proper area. [83.2.3] [83.2.4,a]

6. Ensure that complete and accurate measurements, if necessary, have been taken and recorded.

B. Photographing The Crime Scene [83.2.2]

1. The entire scene should be photographed prior to the collection of any evidence. In certain circumstances a qualified Crime Scene Technician will be assigned to photograph the crime scene. [83.2.4, b]
  - a. Video recording a crime/incident scene may be used to supplement the still photography, but should not replace it. When executing a search warrant, it is recommended that video recording a crime scene be requested as part of the search warrant application.
2. Objects should not be moved or examined until they have been photographed and/or video recorded from all relevant angles and examined for prints.
3. Photos and video recording from crime scenes shall be tagged as evidence and kept with all other evidence as prescribed below. [83.2.2]
4. When a scale is to be used in the field of view so that the exact size of an object can be determined, a separate photograph will also be taken without the scale.
  - a. The same camera position, lighting, and camera settings will be used.
  - b. Alternately, the dimensions of a fixed object in the scene can be taken to provide a scale of reference.

C. Prior to the collection of evidence, officers should: [83.2.4,c]

1. Make a rough sketch with approximate dimensions and distances noted. Detailed crime scene sketches are normally prepared in major crimes only. The detail to be included in a “detailed crime scene sketch” should include, but not be limited to:
  - 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; and
  - i. A disclaimer as to scale.
2. Examine every item encountered in the order of floors, walls, ceiling, and underneath objects.

3. Officers should give special attention to fragile evidence that may be destroyed or contaminated if it is not collected as soon as it is discovered. All odors should be noted (i.e. gas, smoke, cologne, perfume, etc.).
  4. Officers should treat as evidence, all other items that are foreign to the area in which they are found, such as hair, fiber, and soil particles.
- D. Evidence shall be collected as soon as possible after a search has been completed, photographs taken, and sketches drawn, if any.
1. If several officers are involved, the On-Scene Commander or their designee will serve as the lead evidence collector. This will allow an orderly and professional gathering of items for security and safe handling, and will ensure continuity of evidence. [84.2.3,d]
  2. Officers shall ensure that they are wearing Latex gloves prior to coming in contact with any contaminant evidence. In any major crime scene, when dealing with contaminant evidence, the officer shall wear a separate pair of gloves for each item to be collected.
  3. Evidence should be gathered in such a manner that it is not damaged, altered, or destroyed.
  4. Items shall be handled one at a time.
  5. If possible, only one officer should handle a particular object.
  6. Every effort should be made to collect the entire object. When this is not possible, as large a sample as possible should be obtained, especially if it is likely that there will be scientific or laboratory examination of the object.
    - a. If needed, an article may be cut out of, taken away, or removed from its original environment (i.e. parts of the carpet, upholstery, wall, door, ceiling or other object). However, the whole of the article should be photographed prior to its removal.
    - b. If it is likely that physical evidence will be sent to the lab, materials from a known source shall be collected whenever available, for submission to the laboratory for comparison with the physical evidence collected. This is especially important in the case of the study of hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks. [83.1.2] [83.3.1]
- E. Evidence should be marked as soon as it is removed from its original position.
1. The Departmental personal identification number of the officer controlling, handling, and/or inventorying the item should be written on the outer packaging of the item. This type of identification is preferred.
  2. The date, time, and place of recovery and other similar information shall be noted for future documentation for each item.
  3. Objects which have removable or several parts that can easily be separated, should have each section or piece marked separately.
  4. Consistency should be maintained. Do not vary the method of identification unless absolutely necessary.
  5. Care should be taken to avoid placing an identification mark on an object where evidentiary traces may exist (i.e. on the side of a spent bullet).

F. Property/Evidence shall be properly packaged. [84.1.1,d]

1. Each piece of property/evidence shall be placed in a separate container.
  - a. All wet items must be air dried prior to packaging as evidence (i.e. bloody shirt, semen stained garments, or bedding etc.).
2. Determine the type and size of container that is best suited for storage.
  - a. Paper, plastic, or metal containers are appropriate, depending upon the type of evidence. Envelopes, when used, should be of the “manila” type.
3. Containers shall be clean and dry.
4. Containers must be sealed.
  - a. This must be done in such a way that the container cannot be opened unless the seal is broken.
  - b. The officer’s name and personal identification number shall be written across or on the seal.
5. Items of clothing must be separately maintained and not put together.
6. Large items should be wrapped in manila or “craft” paper, or a large plastic bag, if appropriate.

G. Each container must be labeled or tagged. [84.1.1,d]

1. The tag shall be attached to the outside surface of the container.
2. Each tag shall contain the following information:
  - a. The evidence tag should have a department computer system generated bar coded label.
  - b. On the reverse side of the evidence tag, the offense information should include the date reported, suspect’s name, victim’s name, and the offenses (case label).

H. Comparison Collections Whenever available, materials and substances should be collected from known sources for submission to the laboratory for comparison with physical evidence collected.

I. Recording Evidence

1. Officers are required to complete all evidence/property related screens on the Department’s Internal Computer System, including but not limited to full descriptions of all items, all owners information, and all defendants information (including all defendants in each case).
2. Once evidence is properly labeled and packaged it shall be turned over to the Officer-in-Charge, who shall be responsible for proper storage.

### III. General Handling Guidelines

- A. Handling of Evidence/Property: The following are general guidelines and department regulations regarding the handling of evidence/property:
1. **Store in Authorized Locations Only**: No evidence will be stored by any member of the Department in their office, desk, or locker without prior authorization from the E/P Control Supervisor or the E/P Control Officer.
  2. **Do Not Leave Unattended/Unsecured**: To ensure the continuity of the custody, evidence, property, or contraband shall not be left unattended or unsecured at any time.
  3. **Handle with Care**: Evidence, property, or contraband shall be handled with care so as to protect any evidentiary value of the item(s).
  4. **Maintain Chain of Custody**: The chain of custody shall be carefully maintained with as few persons as possible handling the evidence, property, or contraband. Any evidence transferred from one officer or another, prior to being logged in with the agency, must be documented by the officer transferring said evidence [83.2.1].
  5. **Utilize for Legitimate Department Purposes Only**: No member of the Department shall take, use, or possess any item that has been recovered or confiscated by the Department, other than for those purposes sanctioned by the Department.
- B. Submission of Evidence or Property: The following are general guidelines and department regulations regarding the submission of evidence/property:
1. **Complete Proper Records**: All evidence, property, or contraband, which comes under the control of this Department, shall be properly recorded in the departmental computer database, consistent with the procedures outlined in this directive.
  2. **Follow Proper Storage Procedures**: All evidence, property, or contraband must be properly tagged, packaged, and/or sealed prior to being submitted for storage. The location of each evidentiary item must be noted in the computer database or Evidence/Property Tracking Log.
  3. **Maintain Possession**: Evidence, property, or contraband shall remain in the possession of the single officer initially handling it, until such time that it will be turned over to the OIC for storage.
  4. **Be Accurate and Complete**: Accuracy and completeness is important. Items not properly submitted will be returned to the officer or their Shift Commander for reprocessing and resubmission.

### IV. Special Collection and Handling Requirements [84.1.1, e]

- A. Firearms: Firearms are considered to be extremely dangerous wherever they are kept. All firearms coming into custody or control of the Department will be handled with the strictest safety considerations in mind.
1. **Bring Directly to Station**: All seized/recovered firearms will be brought directly to the station. At no time will firearms be left unattended in a cruiser

unless secured in a cruiser gun vault. The officer(s) shall make every attempt not to disturb the potential fingerprint evidence that may be located on the firearm and its ammunition.

2. **Check for Ammunition:** All firearms will be checked for ammunition as soon as practicable, in a safe area to minimize risk of an accidental discharge.  
Note: If a firearm is evidence, the firearm and the ammunition should be handled with care as both may be fingerprinted at a later date.
3. **Leave in Safe Condition:** All firearms shall be left in a safe, unloaded condition with their action open. Any ammunition removed from the firearm will be placed in a separate evidence/property bag and submitted with the firearm.
4. **Check CJIS/NCIC:** All firearms will be checked through the CJIS/NCIC computer system before being turned into the E/P Control Officer. All guns that qualify as “Crime Guns” shall be entered into CJIS. “Crime Guns” shall be qualified as the following under Massachusetts General Law Chapter 140 section 131Q:
  - a. Massachusetts General Law Chapter 140 section 131Q mandates that all Massachusetts “licensing authorities” reports certain data on all firearms, rifles, shotguns, large capacity weapons, machine guns, or assault weapons used to carry out a criminal act. For reporting purposes only, firearms used to carry out a criminal act should be reported. The reporting criteria is listed below:
    - 1) Firearms etc. utilized in suicides are not to be reported unless the firearm etc. was illegally obtained or utilized by a prohibited person.
    - 2) Firearms seized pursuant to a 209A order issuance are not to be reported unless there is a criminal investigation and the firearms were seized pursuant to a 209A violation or other violation or other criminal act.
    - 3) Firearms obtained in the course of an open (undercover) criminal investigation are not to be reported until the investigation is closed and there is no longer any potential officer/informant safety threat.
    - 4) Firearms obtained in any type of “buyback” program are not to be included, unless it is subsequently discovered that the firearm was utilized in a previous and unrelated criminal act.
    - 5) Ammunition, magazines, and clips are not to be reported.
    - 6) Improper firearms storage, possessing a firearm while intoxicated and illegally carrying a firearm are all reportable criminal acts.
5. **Tag, Package, & Secure Firearms:** Each firearm shall be tagged individually and size permitting, protected by placing it in an evidence/property gun storage box. Each firearm shall then be immediately secured into the Temporary Evidence/Property Locker for later retrieval by the E/P Control Officer and/or EP Specialist.
6. **Storage of Firearms:** The E/P Control Supervisor will ensure that all firearms, rifles, shotguns, machine guns, and ammunition taken as a result of a restraining order or for safe keeping, are secured in the Evidence/Property

Room Gun Locker or sent to a State and Federally licensed firearm dealer for storage in a bonded warehouse, in accordance with M.G.L. Ch. 40 §129D.

- B. Cash: Upon the receipt, discovery or seizure of currency.
1. **Count and Package Money**: The officer will generate a property/evidence tag and both the officer and the OIC will participate in the counting and packaging of money, seal it in a drug/evidence bag, and initial and date over the seal. The OIC will ensure that it is properly and immediately secured in an Evidence/Property locker.
- Note:** Refer to *AOM 0402.a Property Storage Guide* for currency stored as evidence versus property.
- C. Jewelry of High Value: Upon the receipt, discovery, or seizure of jewelry valued in excess of \$100.00; the officer shall immediately notify the OIC.
1. **Tag & Turn Over to OIC**: The officer will generate a property/evidence tag itemizing all jewelry. The OIC shall be responsible for immediately securing the jewelry in an Evidence/Property locker. Refer to *AOM 0402.a Property Storage Guide* for jewelry storage.
- D. Sexual Assault Kits: Completed sexual assault kits brought into the station shall be placed in one of three locations;
1. If there is an E/P Control Officer on duty, the kit should be turned over to the E/P Control Officer so that it can be placed into the refrigerator located in the Evidence Room.
  2. If no E/P Control Officer is on duty, the kit shall be placed in the refrigerator within the temp lockers or cage, or the refrigerator within the Evidence/Property lockers. The Officer in Charge of Evidence shall be notified by electronic mail that a sexual assault kit and related evidence has been stored in the refrigerator.
- E. Perishable Items/Blood and Bodily Fluids: If the recovered property or evidence is perishable, such as blood or a urine sample taken for analysis, it shall be brought directly to the station and stored in the refrigerator located in the temporary cage or the refrigerator within the Evidence/Property lockers. [84.1.1]
- F. Hazardous Items: Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency policy. Such items may include, but are not limited to those which may have been exposed to or contaminated by communicable diseases, hazardous chemicals, waste products, explosives, or highly combustible products.

If such items can be safely handled and transported, the OIC shall be responsible for the storage of the hazardous items in the temporary cage in the lower level of the police station. The OIC shall leave the E/P Control Supervisor a message

advising them of the item and its location.

G. Drugs/Narcotics: Whenever drugs are brought to the station for evidentiary purposes, they must be properly tagged and packaged separately and submitted to the OIC. All drugs brought to the station for evidentiary purposes must be counted and/or weighed by the Shift Commander or Supervisor and the officer who confiscated such drugs. The weight shall be recorded in the evidence data screen under the heading of drugs. Refer to *AOM O402 Evidence and Property Handling Procedures*.

1. **Use Proper Packaging Bags/Equipment:** All drugs shall be properly packaged. To ensure that the E/P Control Officer does not have to open any packages, evidence shall be sealed by utilizing sealed plastic bags and equipment available for such use. Drugs confiscated should be reduced to the minimal possible packaging in order to get a true weight. The amounts and/or weights should then be noted and entered into the department's computer system Evidence/Property data screens. For example: if drugs are found in a container that will allow easy transfer to a smaller plastic bag for weighing purposes, this should be done. Once the weight is obtained, the original container should be tagged separately, or attached to the drugs in a separate bag as evidence. Only identical items can be packaged together as 1 piece of property/evidence. To avoid contamination, the drugs should not come in contact with the scale. The scale must be cleaned with an alcohol swab before and after each measure. Refer to *AOM O401.a Instructions for Weighing Drug Evidence* posted near the scale.
2. **Submit to OIC:** All drugs seized by this department shall be submitted to the OIC. The OIC will place the items in the Evidence/Property Drop Safe, if too large for the drop safe the item(s) shall be placed in an evidence locker and all to be logged into *AOM O402.b Evidence/Property Log*.
3. **Responsibility of E/P Control Officer or E/P Specialist:** Inspect the package(s) for tampering prior to transferring it to the evidence room drug safe.

H. Procedures for the seizure of computer equipment and other devices capable of storing data in an electronic format.

1. Electronic storage devices should be handled with care and expertise. Any device collected should be handled by someone with training in the expertise of data forensics and analysis in order to limit the potential of evidence being jeopardized or lost [83.2.5].

I. Motor Vehicles: All motor vehicles taken into custody must be properly tagged and placed into the garage or approved designated secure impound location. [84.1.2]

- J. Found Bicycles: All found bicycles must be properly tagged and placed into the cold storage area in the garage. Bicycles tagged as evidence should be placed into the temporary cage.
- K. Large, Bulky, and/or Oversized Items: All large, bulky, and/or oversized items shall be properly tagged and placed into the temporary cage in the lower level of the police department.
- L. DNA Evidence: DNA evidence can be left at a crime scene in variety of manners, including but not limited to touch DNA evidence, hair, blood, perspiration, saliva and other body fluids. In serious crimes where the presence of DNA evidence is suspected, the investigating officer shall cause a crime scene technician (CST) to be notified. The investigation officer shall secure said evidence until the arrival of the CST. The CST will preserve, photograph, collect and tag this evidence as trained and in accordance with department policies and procedures. If a CST is unavailable, the Massachusetts State Police Crime Laboratory shall be notified instead [83.2.7]

**Note:** For further information regarding storage of evidence/property refer to [\*AOM 0402.a Property Storage Guide\*](#).

## V. Requesting Laboratory Examination [83.3.2]

- A. The Primary Investigator assigned to a case shall be responsible for submitting necessary evidence to the Massachusetts Department of State Police Crime Laboratory, the Federal Bureau of Investigation Laboratory, or other laboratories as deemed appropriate. [83.3.2,a]
  - 1. Requests to send evidence for examination at a laboratory shall be made to the Detective Bureau Commander.
  - 2. The Detective Bureau Commander or their designee shall be responsible for reviewing all evidence, lab forms, and paper work prior to any evidence being submitted.
- B. Evidence shall be packaged in accordance with the procedures set forth above before being transmitted to the laboratory. [83.3.2,b]
  - 1. Perishable items (i.e. blood, bloodstained objects, biological materials, etc.) shall be properly packaged and refrigerated until released for transport to the lab. [84.1.1,e]
- C. The Chain of Custody shall be carefully maintained as prescribed in Section III of this policy. A Commonwealth of Massachusetts Form CL-1, *Request for the Examination of Physical Evidence*, shall be completed and submitted to the laboratory along with all evidence to be examined.[83.3.1] [83.3.2.c]
  - 1. The Evidence Technician receiving the evidence shall sign the form. Included on the form shall be the name and location of the laboratory, the name of

person receiving the evidence, the date and time of transfer, a synopsis of event, and examinations desired [83.2.1] [83.3.2.d]

2. The police department copy of the lab form shall be filed in the Detective Bureau records file. [83.2.1]

- D. All examination results shall be received in writing by this Department. Verbal reports from the laboratory may be accepted, but they must be followed up by a written report. [83.3.2.e]

## **VI. Reporting Procedures** [83.2.6]

Any member involved in processing all or part of a crime or accident scene shall be responsible for preparing a full report reflecting their actions in accordance with proper Investigation Reporting procedures established in ***AOM O400 Criminal Investigations***.