



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Property Management		
POLICY & PROCEDURE # 6.01	DATE OF ISSUE: 1/24/2024	EFFECTIVE DATE: 1/31/2024
SUBJECT: COLLECTION AND PRESERVATION OF EVIDENCE	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 42.2.1; 83.1.1; 83.2.1; 83.2.2; 83.2.3; 83.2.5; 83.2.6; 83.2.7; 83.3.1; 83.3.2	___NEW __X__AMENDS ___RESCINDS	

I. PURPOSE

Physical evidence is extremely important to the prosecution of criminal cases. Therefore, it is important to have an understanding of what is, and what may potentially be, evidence. The identification, collection, and preservation of physical evidence is a critical function of law enforcement's efforts toward solving criminal acts. The ultimate success of this effort is closely related to the quality of the physical evidence that is identified, collected, and preserved. This is generally achieved through proper utilization of in-house identification and laboratory equipment (where available); investigative expertise and training; and utilization of services that are available from a wide range of laboratories, both government and private.

II. POLICY

It is the policy of the Acton Police Department to:

- A. Ensure the admissibility of evidence in court recovered at an incident/crime scene;
- B. Protect and process the incident/crime scene as appropriate;
- C. Properly collect, record, and preserve items recovered of potential evidentiary value;
and
- D. Maintain a precise chain of custody for potential evidentiary items.

III. PROCEDURES

A. Initial Response to an Incident/Crime Scene

1. The first officer to arrive at the scene shall be responsible for identifying, securing, maintaining and protecting the crime scene as well as conducting the preliminary investigation. Any contamination of the scene can greatly reduce the effectiveness of the department in successfully processing the scene. **[42.2.1(2C)] [83.2.7(a)]**

- a. Officers shall ensure that the scene remains undisturbed by refusing access to unnecessary personnel;
 - b. No one should be allowed to pick up or place anything in the crime scene area; and
 - c. Items of evidence shall not be handled unless health or safety factors require the immediate security or removal of an item.
2. The Patrol Shift Supervisor upon arrival at the scene shall assume command and arrange for the collection of evidence. The supervisor will ensure that sufficient personnel are available to secure and protect the scene, deny access to unauthorized persons, and preserve evidence. **[42.2.1(2C)(2D)]**
3. The Patrol Shift Supervisor will evaluate the need for Department Detectives, as well as special units, (e.g. Mass State Police Crime Scene) for search or investigative purposes, and will ensure that proper notifications are made to departmental personnel and outside resources. **[83.1.1]**
4. Upon the response of Detectives from the Department they shall assume control of the scene and direct the investigation from that point with the cooperation of the initially responding officers.

B. Processing Evidence at the Scene

1. The nature and seriousness of the crime will determine the need and extent of processing required for a particular crime scene. Upon review of the circumstances of the crime, the supervisor/officer-in-charge and/or Detectives at the scene will determine the specific needs of the crime scene and will be responsible for the appropriate crime scene processing.
2. The Special Services Division Commander (Detective Lieutenant) or his/her designee shall establish a system, either within the department or through an outside agency, to provide 24-hour availability of a crime/accident scene investigator for situations where a crime has been committed that involves physical evidence that must be collected promptly and submitted to a laboratory without delay. **[83.1.1]**
3. Normally the crime scene will be processed by a Detective.
 - a. The Detective will be responsible for photographing, collecting, processing, and preserving of evidence consistent with the level of training they have received. **[83.2.1(3)]**
 - b. Depending upon the severity of the crime and investigation, the investigating Detective will confer with the Patrol Shift Supervisor and/or Detective Sergeant and will be responsible for assuring that other appropriate investigative agencies are notified.

4. The Department Detectives shall be responsible for maintaining a kit containing the necessary equipment for securing and processing a crime scene. **[83.2.1(4)]**
5. DNA evidence collection: First responders who collect DNA evidence shall be responsible for taking the necessary health and safety precautions to preserve and protect the scene and their safety. DNA evidence is only to be collected, stored, and transported by officers trained in the collection of DNA evidence. DNA evidence is to be submitted only to accredited laboratories. **[83.2.1 (2)(4)(5A-5G)] [83.2.7(a)(b)(c)(d)]**
6. Whenever possible, one investigating officer should be assigned as the collector of the evidence to be responsible for marking or tagging each piece of evidence located for identification and shall be responsible for submitting a completed evidence/drug log on all evidence collected.
7. Evidence in the field shall be photographed, collected, processed, preserved, stored, and/or transferred in a manner so it is not damaged, altered, contaminated, or destroyed. Particular attention should be given to evidence that may be affected by changing weather conditions, i.e., rain, sleet, snow, temperature change, etc. Evidence collected shall be marked or labeled at the time it is collected, seized, or received. Evidence should be marked so it is not damaged or contaminated. Evidence that cannot be marked should be placed in an appropriate container, sealed, and the container labeled. Officers shall follow the procedures they received in training. Officers shall document the transfer of custody (chain of custody) of physical evidence while in the field. **[83.2.1(1A-1G)(2)]**
8. FINGERPRINTS: The most common form of physical evidence appears as articles bearing fingerprints. Fingerprints are most prevalent on non-porous surfaces (glass, bottles, windows, and some metal surfaces). Prints may also be developed from firearms, knives, and tools. In addition, recent advances make the gathering of fingerprints from other items possible as well (e.g., dead bodies).
 - a. Fingerprints shall be processed, developed, lifted, and labeled consistent with the investigating officers' training. **[83.2.3(1A-1D)]**
 - b. Latent fingerprint evidence will be obtained at the scene by the investigating detective, or State Police investigators assigned to the scene. If this is not possible, as much of the evidence as possible shall be brought to the station, or other appropriate facility for processing.
9. SEIZURE OF ELECTRONIC EQUIPMENT: Electronic equipment can be severely damaged or data lost due to improper shutdown procedures. Equipment should be examined only by a person trained in forensic electronic equipment examination. Improper examination may damage or alter data affecting its admissibility as evidence. **[83.2.5(1)]**
 - a. Other devices capable of storing data in an electronic format, (cell phones, PDA's, diskettes, external drives) and peripheral equipment shall be seized in the same manner as other evidence. **[83.2.5(2)]**

- b. Operating electronic equipment shall be correctly shut down by an officer familiar with the operation of the electronic equipment before being transported.
10. **COLLECTING EVIDENCE FROM A KNOWN SOURCE:** When evidence has been identified, every effort should be made to collect the entire object. If the entire object cannot be collected, the largest possible sample should be obtained for laboratory analysis. Materials and substances should be collected from a known source, whenever available, for submission to the laboratory for comparison with the physical evidence collected. **[83.3.1]**
11. When processing crime scenes that require photographs and/or sketches, evidence should only be collected after it has been photographed, identified on the crime scene sketch, and measured to other items of evidentiary value and fixed objects.
12. Department Detective(s) shall confer with the Patrol Shift Supervisor and/or Detective Sergeant to determine if it is necessary to summon the services of specialists (e.g., lab personnel, latent print specialists, etc.) when the collection of physical evidence requires greater expertise or special equipment.

C. Photographing or Video Recording the Incident/Crime Scene [83.2.2]

1. Responding officers are permitted to photograph incidents and attach them to their initial reports as evidence using department-issued equipment. However, if deemed necessary by the Patrol Shift Supervisor, a detective trained in crime scene photography will be contacted to photograph and/or video record the scene. Responding officers shall not use personally owned equipment or devices to record evidence during an incident. **[83.2.2(1)(4)]**
2. When a visual record is required as part of the processing of a crime scene, digital photographs or a video recorder (with audio) of the scene shall be taken by Departmental personnel trained as crime scene photographers, or by State Police investigators if so determined. **[83.2.2(2)(3)]**
3. A Detective trained as a photographer will be assigned to photograph/video the crime scene. The entire scene should be photographed or video-recorded prior to the collection of any evidence.
4. Detectives will document in their narratives that photographing or video recording of the incident/crime scene was done. **[83.2.2(5)]**
5. For larger, more complex incidents/crime scenes, a photographic/video log will be maintained of each photograph or video taken noting: **[83.2.2(5)]**
 - a. The date, time, and location;
 - b. The incident number;
 - c. The camera used; and

- d. The film and ISO if applicable.
- 6. 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. Alternatively, the dimensions of a fixed object in the scene can be taken to provide a scale of reference.

D. Sketching the Incident/Crime Scene

- 1. Because photographs provide only a two-dimensional representation of the crime scene, a sketch may be necessary or beneficial in serious or large-area cases.
- 2. The sketch shall contain the following:
 - a. Measurements;
 - b. Compass direction;
 - c. Scale or proportion;
 - d. Relation of the crime scene to other buildings;
 - e. Geographical features or roads;
 - f. Address, floor, or room number, as appropriate;
 - g. Location of significant features of the scene, including the victim, date, and time of preparation;
 - h. Names of persons preparing the sketch;
 - i. Location of items of physical evidence recovered; and
 - j. A legend.

E. Motor Vehicles

Vehicles recovered and/or seized as evidence are to be considered a crime scene and processed as such. Vehicles held for investigative purposes shall be stored in the garage connected to the PSF carport.

F. Submission of Property and Evidence into the Property and Evidence Control Function [84.1.1]

For further information on the submission of property and evidence into the property and evidence control function, see the Department policy on Property and Evidence Control (6.02).

Note: Any evidence that is not packaged properly and submitted with a detailed incident report will be rejected by the Property and Evidence Officer. The item(s) will have to be correctly packaged and resubmitted to the property and evidence function.

1. Firearms

- a. Firearms shall be submitted to the property and evidence function only after having been unloaded and rendered safe. **No loaded firearm** shall be accepted or stored by the property and evidence function.
- b. No firearm shall be submitted into the property and evidence function with a magazine inserted into the magazine well.
- c. Ammunition submitted into the property and evidence function shall be counted and packaged separately.
- d. All weapons will be secured to a handgun collection storage box with a zip tie, along with the magazine (if appropriate). Long guns that do not fit into a handgun collection storage box will have an evidence tag attached to the firearm. Both the storage box or evidence tag will be completed with the correct information from the incident. Once submitted, the Property and Evidence Officer will secure the handgun collection storage boxes with integrity tape as needed.

2. Sharp Objects

- a. Sharp objects, such as knives, syringes, and razor blades, which do not need to be processed, can be placed in a sharps container. Taser cartridges can also be placed in a sharps container. The sharps containers shall be submitted with a label or property tag attached. The sharps container shall be sealed with integrity tape, and the tape shall be initialed and dated.
- b. Sharp objects that have biohazard on them, such as blood or other bodily fluids, or need to be processed, shall be submitted into the property and evidence function in a knife box. The box shall be sealed with integrity tape and labeled with the information of the incident.

3. Cash

- a. Cash shall be counted by the officer submitting the cash and at least one sworn or civilian employee before submitting to the property and evidence function. The employees' names and amount of cash shall be documented in the officer's narrative.
- b. The results of the count shall be entered in the reporting officer's incident report, and on the evidence bag.
- c. The cash shall be placed in a sealed and completed evidence bag to be submitted to the property and evidence function, along with a copy of the incident report.

4. Jewelry

- a. All jewelry must be submitted to the property and evidence function in a personal property or evidence bag (depending on the reason). The personal property or evidence bags shall be labeled with a detailed description of the jewelry, as well as the incident information.
- b. In the event that there are numerous pieces of jewelry and several owners, one personal property or evidence bag shall be used per owner.

5. Large Evidence (Bulk Items)

- a. Bulk items such as bicycles, safes, and vehicles which will not fit into an evidence locker shall be tagged and placed into the locked garage evidence room.
- b. In the event the item cannot be placed into the locked garage evidence room immediately, the large item may be tagged and the patrol shift supervisor may leave the item in the locked evidence processing room until a Property and Evidence Officer can process and further secure the item.

6. Narcotics and Paraphernalia

- a. All hard plastic and metals shall be bagged separately from the narcotics, and can either be bagged in plastic or paper.
- b. Drugs must be quantified by type, size, or other classification (2 blue pills, 4 red and white tablets, 3 rocks, 10 bindles, 3 baggies, etc.) and bagged in plastic evidence bags to be submitted into the property and evidence function.
- c. Narcotics found or seized already in a container shall not be emptied into an evidence bag. The narcotics shall remain in the container and placed into an evidence bag for submission.

7. Perishable Items: Perishable property or evidence, such as blood or a Sexual Assault Kit, shall be refrigerated in a secure area until such time that it is transported for analysis. Larger perishable items that do not fit into the refrigerator locker shall be placed into the spare refrigerator in the evidence processing room and locked. **[83.2.1(5D)]**

G. Laboratory Submission [83.2.1] [83.3.2]

1. General Requirements:

- a. The Property and Evidence Officer(s) shall be responsible for the intake of evidence and submitting the evidence for analysis as soon as practicable. With the approval of the Special Services Division Commander another officer may temporarily perform this function. When a doubt exists as to the proper disposition of evidence, the Property and Evidence Officer(s) shall consult

with a State of Massachusetts Crime Lab technician and be guided through his/her advice. **[83.3.2(2A)(2B)]**

- b. Evidence shall be packaged and transmitted in a uniform manner consistent with the requirements of the State of Massachusetts Crime Lab. **[83.2.1(5G)][83.3.2(2B)]**

2. Non-Perishable Evidence:

Non-perishable items shall be tagged in accordance with departmental procedures and turned over directly to the Property and Evidence Officer. When the Property and Evidence Officer is not on duty, evidence shall be placed in the evidence storage lockers within the Acton Police Department to await proper storage and processing.

3. Submission of Perishable Evidence:

- a. When an item of evidence has been collected that by its very nature may deteriorate (for example, a liquid sample of semen, a gasoline-soaked item, etc.), it may need to be refrigerated in the secure refrigerator at the Acton Police Department while awaiting transport to the State Crime lab. All evidence should be transported to the laboratory as soon as practical.
- b. Any time that a perishable item is to be transported to the crime laboratory for analysis, the laboratory should be called first so that they will be prepared to receive the item.
- c. Officers shall submit all documentation received from the laboratory and a copy of their report to the Property and Evidence Officer so as to maintain the chain of custody of the evidence in question.
- d. In those cases where immediate transport to the crime laboratory is not possible, items should be preserved according to departmental procedures.

4. Submission of Hazardous, Flammable Evidence:

- a. Recovery of hazardous and/or flammable evidence shall be referred to the Massachusetts State Police for processioning as soon as practical.
- b. See the Department policy on Property and Evidence Control (6.02) for further information.

5. Submission of Evidence to be Fingerprinted:

- a. Officers submitting evidence that they believe may contain fingerprints of evidentiary value must note this in their narrative within the incident report to make the Property and Evidence Officer aware.
- b. An incident report shall be placed into the evidence storage locker with the evidence for submission into the Property and Evidence Function.

6. Documentation:

- a. All evidence seized for analysis shall be documented in the officer's incident report.
- b. A Commonwealth of Massachusetts Evidence Submission Form (ESF) and Incident Report shall accompany all items to the laboratory and chain of custody procedures shall be followed. **[83.3.2(2C)]**
- c. The Property and Evidence Officer submitting evidence to the laboratory shall require lab receipts to ensure maintenance of the chain of evidence. **[83.3.2(2D)]**
- d. The results of all laboratory analyses shall be in writing, signed by the analyst, and notarized when possible. **[83.3.2(2E)]**

H. Report

1. The Detective or investigating officer responsible for processing the crime scene, shall submit a detailed written report of the investigation. The report shall include: **[83.2.6(1)(3)]**
 - a. The date and time of arrival to the scene;
 - b. The location of the crime;
 - c. The names of the victims, if known;
 - d. The name of the suspect, if known;
 - e. The Department incident number;
 - f. The actions taken at the scene, including photographs, measurements, and a listing and disposition of physical evidence recovered; and
 - g. The name and location of the State laboratory to which evidence was sent for analysis.
2. In the event photographs are not taken, or physical evidence is not obtained at a crime scene of a serious nature by the Department, the reasons for this will be noted in the crime scene investigation report.

I. Evidence Inventory and Chain of Custody

1. After properly packaging and marking all evidence recovered, the reporting officer will be responsible for compiling a complete inventory list of these items. This list will include:
 - a. A description of the items (including make, model number, and serial number, if any);

- b. A brief description of the condition of the item(s);
 - c. The source (from whom or which location items were obtained);
 - d. The name of the person collecting the item or items; and
 - e. The property number and/or incident number assigned.
2. The complete inventory list shall include a transfer record for chain of custody purposes. The transfer of custody (chain of custody) of physical evidence while in the field is to be documented. This documentation will be recorded on the evidence bag or evidence tags. Each time evidence is transferred to the custody of another party, for whatever lawful purpose, a record of each transfer shall be documented to include:
- a. The date and time of transfer;
 - b. To whom the evidence is transferred to;
 - c. The reason of the transfer; and
 - d. The property and evidence locker storage location.

COLLECTION AND PRESERVATION OF EVIDENCE INFORMATION

History: Manual I, Section III.