

Chevy Chase Village Police Department

General Order

Subject: EVIDENCE COLLECTION

CALEA: 42.2.1-a-b-c-d, 83.1.1, 83.2.1, 83.2.4-a-b-c-d,
83.2.6, 83.2.7-a-b, 83.3.1

- New
- **Amended 5-26**
- Rescinds

Approved: Roy Gordon Chief of Police		Effective: 10/26/2009	No. Pages: 6	Number: 5-26
---	---	---------------------------------	------------------------	------------------------

I. POLICY

Collection, proper documentation, preservation, and submission of physical evidence to forensic laboratories may provide key ingredients to an investigation. The crime scene is usually the starting point of any investigation. The success of the investigation depends heavily on the initial observations and actions of the first officer on the scene. The circumstances of a particular case will govern the actions taken by the officer to protect and preserve the crime scene to ensure that legal and scientific requirements can be satisfied. Actions taken by the first officer on the scene are perhaps the most important because without a properly handled crime scene (the victim may be the crime scene), may be inadmissible in court.

II. CRIME SCENE PROTECTION

- A. The nature and extent to which a crime scene is protected is determined on a case-by-case basis. The preservation of the crime scene allows the patrol officer or an evidence technician an opportunity to collect the evidence. The following guidelines are for the first officer on the scene, depending on the nature and size of the crime scene: (CALEA 83.2.1)
1. Secure and protect the crime scene. This may be accomplished by cordoning off the area with yellow "Police Line – Do Not Cross" vinyl tape. Observe all conditions, events, remarks. (CALEA 42.2.1-a)
 2. Secure building entrances/exits; utilize additional officers, if needed.
 3. Interview the complainant, witnesses, suspects; (CALEA 42.2.1-d)
 4. Cover areas/items affected by weather elements.

5. If the suspect is still on the scene and a lawful arrest can be made, make the arrest to prevent the suspect from tampering with, disposing, or destroying evidence.
 6. Locate witnesses, identify them, and separate them from each other until an investigator arrives or the scene is secure and their statements can be obtained. (CALEA 42.2.1-b)
 7. Prevent unnecessary walking around at or in the scene, particularly in areas likely to contain physical evidence such as footprints, tire marks, shoe impressions, blood, bullet casings, etc.
 8. Maintain an access log that identifies all persons, including officers, supervisors, etc. entering the crime scene. Only persons directly involved with investigation will be allowed into the crime scene.
- B. The following procedures will be followed by the first officer on the scene unless relieved of the responsibility by an investigator whose agency is responsible for the follow-up investigation.
1. After a crime scene is secured, unnecessary persons will not be permitted into the crime scene, except in extreme cases, e.g. fire/rescue treating a victim or the victim is the crime scene. Arrangements will be made for the collection of evidence. (CALEA 42.2.1-c)
 2. If a body or object(s) must be moved, officers will take a picture of the item before it is moved and record the exact location of where it was originally found and what location it was moved to or where it is stored.
 3. Officers will not permit any items or surfaces to be touched that are likely to yield latent prints.
 4. Officers will not permit any items to be removed from the scene without specific permission from the investigator in charge of the scene.
 5. The notes belonging to the officer who secured the crime scene (usually the first officer on the scene), should be made available to the investigator(s) as soon as possible, indicating:
 - The officer's name, agency address, and phone number;
 - Date and time of arrival on the scene;
 - Weather conditions;
 - What items were touched or moved;
 - Doors that were locked/unlocked, closed/opened upon arrival;

- Lights that were on/off;
- Persons that were observed leaving, if any;
- Any changes in the crime scene;
- Who the first officer on the scene was and what specifically was done by each officer prior to the arrival of the investigator.

6. Determine the need for an evidence technician.

C. Officers requiring the services of the Montgomery County Police Department Technicians will follow the procedures outlined in the MCPD Field Operations Manual, Function Code 726 for requesting their services. (CALEA 83.2.4)

D. On selected crime scenes in conjunction with personnel from the Montgomery County Police Department's Major Crimes Section, the evidence technician will collect and record all evidence from the crime scene and will be responsible for transporting the evidence to the appropriate laboratory for examination. (CALEA 83.2.5)

E. MCPD evidence technicians are either on-duty or available 24 hours per day and will respond to and process the scene for the following crimes as outlined in the MCPD Field Operations Manual, Function Code 726: (CALEA 83.1.1)

1. All homicides;
2. Rapes at the discretion of the investigator;
3. Assaults culminating in serious injury or anticipated death at the discretion of the investigator;
4. Bank robberies
5. Other robberies where serious injury occurs or shots are fired;
6. Burglaries in which losses exceed \$15,000 or in those instances where the collection of evidence would significantly enhance the investigation;
7. Suicides and unattended deaths at the discretion of the investigator;
8. Fatal and possible fatal traffic accidents requiring night photography which exceeds the capabilities of the investigating officer.

III. EVIDENCE COLLECTION

- A. The officer who intends to use the evidence during a trial to satisfy legal requirements must be able to prove to the court that the evidence was collected, processed, and preserved properly. The officer must be able to identify each piece of evidence at trial as well as show its relevance to the case including the documented transfer of custody of physical evidence while in the field. (CALEA 83.2.1)
- B. A crime scene sketch and/or other record will be made **prior** to the collection of evidence to document where it was found so that the officer's Event Report, State's Attorney's Evidence Information Form, and if necessary, the Statement of Charges can accurately reflect this information.
- C. Officers will place evidence in appropriate containers and will complete the information on any labels prior to the submission to the Sergeant/Evidence Custodian.
- D. Whenever available, materials and substances will be collected from known sources for submission to the crime lab or MCP Technical Services Section for comparison with physical evidence collected. (CALEA 83.3.1)

Such materials/substances include, but are not limited to, elimination prints, fibers, toolmarks, paint chips, and pieces of glass and wood.

- E. If a container holds a piece of evidence that is a biological hazard, i.e., body fluids, blood, etc., or needs refrigeration, the submitting officer will so indicate conspicuously on the container.

IV. EVIDENCE PROCESSING

- A. It is the responsibility of the primary officer, unless relieved by an investigator or evidence technician, to determine how a scene is processed and what evidence is to be collected, especially when materials/substances from a known source(s) are to be collected for comparison with the physical evidence collected.
- B. A Montgomery County Evidence Technician is available to assist that Village on a 24-hour basis. The MCP Forensic Services Section personnel have the specialized training and expertise in crime scene processing and evidence collection. (CALEA 83.1.1, 83.2.4)
- C. The MCP Forensic Services Section may be appropriate for the more involved scenes that are beyond the capabilities and resources of the Village Patrol Officer because MCP T.S.S vehicles are equipped for:
 - Recovery of latents

- Photography
- Crime scene sketching
- Evidence collection and preservation
- Accident Investigation. (CALEA 83.2.4-a-b-c-d)

When practical, officers will contact the F.S.S. by phone for most Part I offenses to fully explain the situation to F.S.S. If a telephone is not available, or F.S.S. does not answer their telephone, make the request through E.C.C.

- D. A Village officer who processes a crime scene will submit a detailed record of all the events that transpire at a crime scene. If a Montgomery County police officer processes a crime scene, the Village officer's report will detail his/her participation in the process. A Montgomery County police officer who processes a crime scene in the Village will submit reports in accordance with MCP policies. (CALEA 83.2.6)
- E. In most cases, the patrol officer will be the first officer on the scene and while being cautious about not contaminating the crime scene, will first attend to the victim. Chevy Chase Village Police Officers have 24/7 access to the Montgomery County Forensic Services Section (FSS) and the expertise of its personnel. Village officers are not trained in the collection, storage, and transportation of DNA evidence. MCP FSS personnel have the appropriate DNA evidence collection kits: (CALEA 83.2.7-a-b)
- Buccal and Hair Samples Kits used for swabs involving persons (pubic hair, head air and cheek samples); and
 - Swab Kits (SKIT) used for the recovery of physical evidence involving property (suspected dried or wet blood, semen, saliva stains and objects believed to contain DNA deposits from shed skin cell/perspiration).

V. EVIDENCE PRESERVATION

- A. To ensure that evidence is handled properly after it has been collected, methods must be employed that will preserve the condition of evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible.
- B. Make an attempt to lift latent prints from the evidence before it is packaged.
- C. Clothing that is wet or bloody must be "air-dried" and packaged in **paper bags** unless impractical. The use of plastic bags should be avoided because once sealed they do not allow air in which results in condensation and permits the wet substance to decompose.

Page revised 10/26/2009

- D. Physiological fluids need to be frozen.
- E. Other items, possibly supporting latent prints, must be protected from any movement or action that might destroy or contaminate the prints.
- F. It shall be the primary officer's (officer handling the case) responsibility for requesting lab examinations, unless relieved of that responsibility by an investigator, or F.S.S. technician. The primary officer should contact the lab technicians to ensure that the requested exams can be performed and if the particular exam is appropriate for the circumstances.