



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **COLLECTION AND PRESERVATION
OF EVIDENCE/PROPERTY**

NUMBER: 11.01
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SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

EFFECTIVE: 08/15/2015

REFERENCE: WI State Statutes: Chapter 974;
WI Physical Evidence Handbook

RESCINDS
 AMENDS
WILEAG 4TH EDITION
STANDARDS: 11.1.1, 11.1.2,
11.1.3, 11.1.4, 11.1.5, 11.1.6

INDEX AS: Authorized Personnel (Evidence)
Collecting and Preserving Evidence
Computer/Electronic Evidence
Crime Scene Investigation
DNA Evidence
Evidence and Property Controls
Photographs
Processing Fingerprints
Receipt of Property
Secure Facilities
Transfer of Custody

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines for the collection and preservation of physical evidence. The duties and responsibilities of the Property Officer, investigating officer, and evidence technician will be addressed in this Policy & Procedure.

It is the objective of the Elkhart Lake Police Department that all employees conform to uniform procedures for the collection, preservation and security of physical evidence. The Department shall provide basic training (incorporated into the field training phase) for all officers in evidence management and specialized training for evidence technicians and Property Officers.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. RESPONSIBILITY FOR CRIME SCENE PROCESSING
- III. RESPONSIBILITY OF THE EVIDENCE TECHNICIAN(S)
- IV. PROCEDURES FOR PROCESSING PHYSICAL EVIDENCE IN THE FIELD
- V. RECOVERED STOLEN VEHICLES
- VI. EVIDENCE EQUIPMENT
- VII. PHOTOGRAPHY
- VIII. FINGERPRINTS
- IX. DNA (DEOXYRIBONUCLEIC ACID) Evidence
- X. COMPUTER/ELECTRONIC EVIDENCE

I. DEFINITIONS

- A. Chain of Evidence: The continuity of custody for materials and substances collected as physical evidence.
- B. Crime Laboratory: A laboratory whose function is to assist investigations by examining physical evidence for law enforcement agencies and provide expert testimony. This definition includes all State of Wisconsin Crime Laboratories, FBI Laboratories and other private forensic laboratories.
- C. Crime Scene: Any location where a crime may have occurred or where physical evidence of a crime may be located. The definition includes any location where physical evidence may be gathered during the course of any police investigation to include, but not be limited to, traffic accidents, sudden deaths, suicides, criminal acts and fire scenes.
- D. Evidence Technician: Any officer who has received specialized training in the processing of crime scenes including, but not limited to, recovery of latent fingerprints, photography, crime scene sketches and the collection and preservation of physical evidence.
- E. Physical Evidence: Any substance or material found or recovered in connection with an investigation.
- F. Property Officer: An employee assigned to evidence management and property control that is responsible for providing storage, managing records and disposition of property and evidence.
- G. Biohazard: Any substance or material found or recovered which has been

contaminated with blood or other bodily fluid.

- H. Hazardous material: Any substance or material which by its nature poses a threat to human health, such as chemical waste products and highly combustible products.

II. RESPONSIBILITY FOR CRIME SCENE PROCESSING

- A. The officer assigned to complete an investigation has the primary responsibility for the collection and preservation of physical evidence, as well as gathering, packaging and labeling physical evidence found at a scene.
- B. An Evidence Technician should be consulted on felony cases and serious misdemeanor offense. It shall be the discretion of the Evidence Technician to come in during time off if he/she feels the offense will require their expertise, with approval of the Chief of Police.
- C. The specific responsibilities of the officer assigned to complete an investigation of a crime include but are not limited to:
 - 1. Securing and protecting the crime scene
 - 2. Logging entries of persons into the crime scene, when applicable.
 - 3. Photographing the scene if Evidence Technician not required.
 - 4. Searching the scene.
 - 5. Diagramming and sketching the scene, when applicable if Evidence Technician not required.
 - 6. Collecting and preserving physical evidence if Evidence Technician not required.
- D. A supply of containers will be readily available for collection and preservation of physical evidence such as: small paper and plastic bags, razor blades, and small containers.
- E. Officers assigned an investigation may request assistance from Evidence Technicians to perform procedures such as photography, casting of tire or footprints, latent fingerprint collection or evidence gathering procedures requiring specialized training, skills or equipment.
- F. Evidence Technicians should gather materials and substances, when available, from known sources for submission to the Crime Laboratory for comparison with other physical evidence collected.
- G. When assigned, Evidence Technicians should have the responsibilities of processing the scene with the officer assigned to complete the investigation. The

officer assigned should assist the Evidence Technicians as needed.

III. RESPONSIBILITY OF THE EVIDENCE TECHNICIAN(S)

- A. Evidence Technicians should be available on a 24 hour basis to process major crime scenes.
- B. If the Chief of Police determines that an Evidence Technician should process a crime scene, that person shall be notified. The Evidence Technician shall respond to the scene as soon as possible. If possible, the Chief will be consulted to determine which Evidence Tech should be called.
- C. The officer assigned to the investigation shall protect the crime scene and refrain from processing the crime scene, absent exigent circumstances, until the arrival of the Evidence Technician. The assigned officer should assist the Evidence Technician with processing the scene.
- D. The Property Officer is responsible for the management, control and disposition of all evidence seized, recovered or accepted by the department and stored in the evidence room.
- E. Evidence Technicians are responsible for recognizing, collecting, and preserving all physical evidence at crime scenes that they are sent to process.
- F. Evidence Technicians will be provided the proper equipment and supplies for detection and collection of physical evidence.

IV. PROCEDURES FOR PROCESSING PHYSICAL EVIDENCE IN THE FIELD

- A. The value of physical evidence depends on the manner/method in which it is collected and the precautions taken to ensure its integrity.
- B. Officers assigned to complete investigations, Evidence Technicians, and Property Officers shall ensure the integrity of physical evidence by properly identifying, collecting and preserving it in accordance with the procedures and guidelines established in the most current Physical Evidence Handbook published by the Wisconsin Department of Justice State Crime Laboratories.
- C. Sketches of crime scene are often essential to an investigation and should supplement any notes and photographs, when applicable.
- D. To maintain a chain of evidence, assure proper identification, and prevent contamination, all physical evidence gathered shall be properly packaged and labeled at the time it is collected, seized or received. At a minimum, the label attached to physical evidence shall contain the report number, date of recovery and the initials of the person that recovered the evidence.
- E. All physical evidence, including digital evidence {photos/videos}, gathered by personnel shall be promptly and accurately inventoried and documented.

1. After physical evidence has been properly gathered, labeled, inventoried, and packaged, it should be secured in the evidence room, or other authorized secure location, as soon as practical.

This shall occur prior to the end of the collecting officer's shift, unless an exception is authorized by a supervisor.

- a) Physical evidence seized as a result of an investigation should be secured in the evidence storage locker(s) located in the evidence intake room.
- b) Other physical evidence, because of its size or weight (bikes, safes, canoes, etc.) that cannot be placed in the evidence lockers, should either be secured in the designated evidence holding garage bay, or an employee with access to the evidence room shall be contacted to secure the item in the evidence room.
- c) Completed sexual assault kits shall be stored in the small refrigerator that is kept in the evidence intake room. The Lieutenant or his authorized designee will then transfer said evidence to the freezer.
- d) Physical evidence of a hazardous nature which may include, but is not limited to, chemicals, waste products, and highly combustible products should be secured in the designated Flammable Storage Cabinet/locker, located in the garage.
- e) Perishable evidence shall be refrigerated in the small refrigerator of the evidence intake and processed as soon as possible.
- f) Officers unsure of how to process a item of evidence should consult with an Evidence Technician and/or the State Crime Lab.

2. After all judicial proceedings have concluded, physical evidence may be returned by the Property Officer; however WI State Statutes, Chapter 974 guidelines shall be adhered to. When returning physical evidence, the Property Officer should complete a property receipt and the original copy shall be retained. A photocopy of the receipt shall be issued to the recipient of the property.

3. The transfer of custody of any physical evidence must be documented.

- F. Physical evidence of a biohazard nature shall be designated as such using a Biohazard sticker.

V. RECOVERED STOLEN VEHICLES

- A. When a vehicle is recovered, the investigating officer is responsible for maintaining the chain of custody. The vehicle may be processed at the scene if

removal of the vehicle to another location might compromise the integrity of the evidence.

An Evidence Technician should be contacted to process a recovered vehicle that was used in the commission of a serious crime to include but not limited to homicide, suicide, sexual assault, robbery, burglary, etc.

- B. The recognition, collection and preservation of physical evidence should be based upon the judgment of the officer assigned to complete the investigation or Evidence Technicians.
- C. If a search warrant is not sought and the recovered stolen vehicle has been processed at the scene, it may be released to the owner after obtaining permission from a supervisor. A property receipt shall be completed by the assigned officer and signed by the recipient of the vehicle. The assigned officer should indicate the disposition of the vehicle in the report.
- D. If contact cannot be made with the owner of a recovered stolen vehicle, the vehicle will be towed to the designated evidence garage bay.
- E. If a stolen vehicle is recovered within the Village of Elkhart Lake but was reported stolen from another jurisdiction, the Dispatch Center should contact the reporting agency and determine if that agency would like the vehicle preserved for processing.

VI. EVIDENCE EQUIPMENT

- A. All Evidence Technicians will have access to an evidence kit which will contain the basic necessities for processing crime scenes. Kits shall be replenished as needed. All personnel are responsible to notify administration when any inventories are low and a re-order of necessary equipment, materials, etc., is necessary.
- B. Cameras and camera equipment will be made available for evidence technicians and investigating officers.

VII. PHOTOGRAPHY

- A. Investigating officers and Evidence Technicians are responsible for taking photographs or videos at the crime scenes when deemed necessary by circumstances or by the Chief of Police.
- B. All aspects of the scene should be photographed or videoed.
- C. A photo log form must be completed when photographs and videos are taken.
 - 1. Photographs should be obtained in RAW format for major crimes/scenes.
- D. Videos may be used to supplement still photographs.

- E. Investigating officers and/or Evidence Technicians should take photographs of the following incidents:
 - 1. Serious personal injury accidents
 - 2. Extensive property damage/loss
 - 3. Damage to Village owned vehicles
- F. Photographs are to be initially downloaded and stored in the "Picture file" on the S" drive, and subsequently attached to the case file in the Spillman Records Management System.
- G. Videos are to be copied/burnt to a DVD and placed into evidence. Copies are to be saved on the S drive under Video/Audio Recordings.

VIII. FINGERPRINTS

- A. Recruit officers shall receive training during recruit school which includes, but is not limited to, the recovery, marking, and packaging and storing of latent fingerprints. Recruit officers shall also receive training in obtaining fingerprints from known individuals, such as fingerprints taken during a booking process.
- B. Some officers shall receive specialized training as Evidence Technicians.
- C. Generally, Evidence Technicians will assume the responsibility for the recovery, processing, marking and packaging of fingerprint evidence.
- D. These duties shall be performed in accordance with the procedures and guidelines established by the Wisconsin Department of Justice State Crime Laboratories and published in the most current Physical Evidence Handbook.

IX. DNA EVIDENCE

Certain items of evidence require special collection procedures because of physical characteristics or because of special requirements for evidence. Items listed below will be treated as specified. Additional information and direction can be found in the "Physical Evidence Handbook" published by the Wisconsin Department of Justice. Review of the handbook is recommended before collecting certain evidence.

- A. First Responder Precautions and Responsibilities
 - 1. The integrity of any forensic evidence at the scene of a crime has always been the responsibility of the crime scene investigators. This responsibility starts with the first officer or officers on the scene.
 - 2. First responders must be mindful when entering any crime scene that it must be secured, rendered safe, and precautions taken not to contaminate evidence.

3. First responders should be cognizant of the fact that certain biological evidence can contain hazardous pathogens to include the Hepatitis B virus and HIV. The same precautions that are taken to protect the investigator are used to maintain the integrity of the evidence.
4. First responders should recognize possible sources of DNA, protect evidence, and maintain a record of persons entering the scene, and take steps to preserve any items that may be discarded by EMS or the victim.
5. First responders should avoid contamination of DNA evidence by wearing protective gloves and changing gloves often when handling different pieces of evidence. Avoid touching any areas where DNA may exist and avoid talking, sneezing or coughing over evidence.

B. Training for DNA Evidence Collection

1. All Investigators and Evidence Technicians will be trained in the appropriate techniques for the collection and preservation of DNA evidence.
2. Personnel not trained should avoid the collection of DNA evidence.

C. Blood Evidence

1. In addition to identification and comparison testing, the shape and pattern of bloodstaining may provide information concerning how the blood was deposited. If blood spatter patterns exist, it is essential to preserve those patterns until someone trained in their examination can examine them, if possible. Scaled photography is useful but is no substitute for a detailed examination.
2. Gloves should be used when collecting samples. Masks and eye protection may also be necessary depending on the situation.
3. Care should be taken to change and properly dispose of gloves after the collection of each sample.
4. Liquid and coagulated (moist) blood shall be collected using an evidence collection swab.
 - a) If an evidence collection swab is not available, soak the blood on a clean gauze pad or clean white cotton cloth. If more than one area is to be sampled, separate gauze or cotton cloth is to be used. These samples shall be separated to prevent contamination, air dried and packaged separately.
5. If a pool of liquid blood is present, refer to the Physical Evidence Handbook, for directions.

6. Dried blood. If possible the blood stained item should be recovered and submitted intact. If not able to recover the object intact, collect samples using an evidence collection swab moistened with distilled water.
7. Package and transport the blood evidence for drying.
8. Packaging of blood samples after drying should be done in a paper container and labeled as a biohazard.

D. Saliva

1. Certain types of evidence frequently contain traces of saliva, such as cigarette butts, stamps, envelopes, bite marks, soda or beer cans, and any other area in which oral contact may have occurred. In many cases the amount of saliva present is sufficient to determine the DNA type from the source person.
2. Transportable objects should be seized as evidence and placed in a paper container and the container should be properly labeled and sealed.
3. Non transportable objects, such as bite marks, should be collected as follows:
 - a) Using an evidence collection swab, moisten it with distilled water or clean tap water and shake to eliminate excess.
 - b) Gently swab the suspected saliva stain area. You may also use a dry swab over the same area to absorb any leftover moisture.
 - c) Allow swabs to thoroughly air dry prior to packaging.
4. Standards for saliva comparison are standard blood samples to be collected from suspect and victim. See the Physical Evidence Handbook, for collection procedure.
 - a) A warrant is often needed and recommended when collecting blood standard samples from a suspect.

E. Seminal Stains

1. Where a sexual offense has occurred, stains may be found on clothing, blankets, sheets, towels, upholstery, and other objects.
2. Carefully recover all suspected stained material, including the clothing and undergarments worn by the victim AND suspect at the time of the offense.
3. Victim and suspect clothing should be packaged separately.
4. Each item of evidence should be packaged separately.

5. Thoroughly air dry all damp stains or items collected.
6. Clean paper should be placed underneath the clothing to catch any debris that may be dislodged during the drying process.
7. All recovered items shall be packaged in paper containers, labeled and sealed with evidence tape.

F. Hair Standards

In order to compare questioned hairs recovered from a scene, it is necessary to obtain standard hair and fiber samples from all possible sources, i.e., suspect, victim, scene.

1. Head hair

- a) Head hair samples should be obtained from various areas of the head.
- b) Hair samples should be pulled, not cut.
- c) Place collected samples into a paper envelope, label and seal.
- d) 40 to 50 standard head hairs should be collected.

2. Pubic hair

- a) Comb the entire area with a new comb. You may allow the suspect to comb the pubic area, but keep under surveillance.
- b) A clean piece of paper should be placed under the pubic area when combing is done.
- c) Hairs should be placed together in a paper envelope along with the comb used.
- d) After combing, collect a standard sample of pubic hair from the skin line by pulling the hairs. At least 20 hairs should be collected.

G. Sexual Offenses

1. Victim

- a) If the possibility exists to collect physical evidence from the victim, the victim shall be taken to the Sexual Assault Nurse Examiner (SANE) at Mercy Hospital.
- b) An officer should accompany the victim to the SANE to photograph injuries and to receive items of evidence recovered from the attending physician and/or nurse.

2. Suspect

- a) DNA and other evidence are often transferred from the victim to the suspect.
 - 1) If the possibility exists to collect physical evidence from the suspect, the victim shall be taken to the Sexual Assault Nurse Examiner (SANE) at Aurora Sheboygan Memorial Medical Center.
 - 2) Collection of evidence from the suspect, such as a penile swabbing, is recommended.
 - 3) Collection of penile swabs from the suspect falls under exigent circumstances and no search warrant is required.
 - 4) If there are questions as to whether a search warrant may be necessary to collect other evidence from the suspect, contact the on duty ADA for Sheboygan County for guidance.

H. Submission of DNA

1. When DNA evidence needs to be processed it will be taken to the Wisconsin State Crime Lab.
2. Other DNA processing centers may be used but only after consulting with the Wisconsin State Crime Lab.

X. COMPUTER/ELECTRONIC EVIDENCE (WILEAG CORE 31-11.1.6.2)

Digital evidence is that evidence which is contained within any form of magnetic or electronic media. Digital evidence is found in, but not limited to, hard drives, USB drives, compact disks (CD), digital versatile disks (DVD), floppy disks, Zip disks, Jaz disks, flash memory cards, magnetic tape, Secure Digital (SD) cards, digital cameras, Subscriber Identity Module (SIM) cards, cellular telephones, Personal Data Assistants (PDA) and any other memory developed for the storage of electronic data or information.

Digital media is easily altered and should not be accessed by officers without direct instruction by a Computer Forensic Examiner or Investigator. Officers should not attempt to view or browse photographs on a digital camera, files on cellular telephones, USB drives or other computer media without the direction of a Division of Criminal Investigation (D.C.I) or Investigator.

A. First Responder Precautions and Responsibilities (WILEAG CORE 31-11.1.6.1)

An officer responding to a crime scene must be aware of the possibility of information contained within a computer or other type of digital device at the scene or in a person's possession can contain incriminating evidence. In addition, officers must be cognizant that computer users can devise methods to destroy the data contained within a computer if an unauthorized person attempts

to use the computer system. Therefore, officers shall adhere to the following guidelines when responding to crime scenes containing possible computer evidence.

When an officer discovers a computer, phone, or other electronic device, that may contain evidence of a crime, the officer shall immediately remove person(s) from the area of the possible evidence. Do not allow anybody to have further contact with the item, as a single key stroke may erase information. Officers shall photograph the screen in order to document information displayed on the screen.

Remember that digital evidence may also contain latent, trace, or biological evidence and officers should take the appropriate steps to preserve it. Digital evidence imaging should be done before latent, trace, or biological evidence processes are conducted on the evidence.

B. Desktop / Laptop Computer System

1. Secure the premises and move people away from the computer.
2. Do not touch the keyboard or mouse.
3. Under normal circumstances you would not turn any computer on or off.
4. Photograph what is on the screen and document the time shown on the taskbar.
5. Laptop computers should have the main battery removed prior to transport. The battery should be removed even if the power is on. Do not perform a normal shutdown through Windows. The power cord should be located and transported as well.
6. With prior consult of the Investigator or DCI, remove the power cord from the back of the computer to power it off. Do not, under any circumstances, turn off a computer using the power switch.
7. Officers should seal computer CPU and other evidence using appropriate evidence tape. Seal over power connector, on/off switch, any disc drive slot and cover to ensure that the computer cannot be powered-up and the cover cannot be removed.

C. Networked or Business Computers

1. Officers will consult with the Investigator or DCI anytime they are dealing with networked business computers, a computer network, or a mainframe or mainframe terminal.
2. Do not disconnect the power source as doing so could damage the system and/or disrupt legitimate business.

D. Handheld Electronic Devices

1. Devices such as cellular phones, PDAs, pagers, electronic game devices, and GPS should be handled in much the same way as a standalone computer.
2. If the device is off, leave it off. Never turn one of these devices on or off without consulting an Investigator or member of the DCI.
3. Collect all cords and accessories associated with these devices.
4. The battery shall be removed. The officer shall not turn on or off the device but simply remove the battery.

E. Packaging and Labeling

1. Each item seized must be properly marked, labeled and packaged.
2. Large items such as keyboards, monitors, and computer towers may be tagged or labeled instead of bagged. Every port and/or drive shall be sealed with evidence tape.
3. Small items such as loose media (floppy disks, DVD's, thumb drives, Jaz disks) must be bagged or boxed.
4. Bags used for electronic evidence items should be paper or static free bags.
- 5 . Seized computer evidence will be inventoried and stored securely in the Elkhart Lake Police Department evidence intake room.

F. Transporting Electronic Evidence

1. During transportation and storage of computers and related electronic devices, avoid external magnetic sources such as police radios. Also avoid extreme temperatures and other possible contaminants.
2. When possible, transport computer towers and related electronic evidence in the passenger or rear seat of your vehicle. Make sure the items are secure and won't shift or fall during transport.

G. Submission to other Agencies for Examination: (DCI)

(WILEAG CORE 31-11.1.6.3)

1. The Computer Forensics Unit will initially receive all electronic evidence for forensic examination. All electronic evidence will be inventoried prior to transfer to the Unit.

2. Trained Computer Forensic Examiners within the Unit will determine the priority and necessity of examination for each item submitted.
3. At times, electronic evidence will need to be submitted to secondary agencies for examination.
4. Only authorized personnel will be authorized and responsible for transport and submission to any secondary agency for examination.

G. Training (WILEAG CORE 31-11.1.6.4)

1. All Investigators and Evidence Technicians will be trained in the appropriate techniques for the collection and preservation of computer/electronic evidence.

Comments: All Computer forensic investigations as mentioned in F above will be referred to the State of Wisconsin Department of Criminal Investigation (DCI) in Madison Wisconsin for analysis.

Michael Meeusen
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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