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# THURMONT POLICE DEPARTMENT

<b>GENERAL ORDER</b>	<i>Date Issued:</i> 7/14/2010	<i>Effective Date:</i> 5/18/2011	<i>Order No:</i> Chapter 6.1
<i>Authority: Chief of Police</i> <i>Gregory L. Eyer</i>		<i>Manual Page No:</i>	
<i>Subject:</i> Collection and Preservation of Evidence		<i>Replaces Page No:</i>	
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This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

**PURPOSE:**

Once the preliminary assessment, photographs, initial search and sketches have been completed, the actual recovery and marking of evidence will be conducted in accordance with the following procedures. The General Order should be read in conjunction with General Order Chapter 6 “*Evidence / Property Control.*”

**POLICY:**

It is the policy of the Thurmont Police Department to ensure all evidence is identified, legally obtained, collected, preserved and properly analyzed to ensure proper introduction in a court of law.

**DEFINITIONS:**

**SAFE NURSE** – a nurse who has had special training as a Sexual Assault Forensic Examiner. These nurses have been trained to collect evidence from victims and suspects of sexual assault.

**EVIDENCE TECHNICIAN** – is a Thurmont Police Officer who has received advanced training in crime scene processing and evidence collection. When practical, this officer will respond to crime scenes to process the scene and collect evidence. In circumstances where the Evidence Technician is unavailable, officers will be responsible for collecting evidence and processing their own crime scenes or may request assistance from an outside agency upon Supervisor approval.

**PROCEDURE:**

**1. Chain of Custody:**

“Chain of Custody” refers to a formal record of possession of evidence. Whenever evidence/property is transferred from the custody of one person to another, it will be documented.

**2. General Collection and Marking Procedure:**

The member collecting the evidence will do so in a manner that ensures that no item of evidence contaminates another item. The time of collection will be recorded as each item of evidence is collected. The member collecting the evidence will mark the container (box, paper or plastic bag, etc.) which holds the evidence. Members will wear gloves while handling evidence to be processed. At no time will a member place a mark on, or in any way deface, any item collected as evidence. Members will use their initials, department identification number, and case number as their identifiable markings. These markings will only be applied to the package, tag, or container in which the evidence is placed.

**3. Collection and Marking Certain Evidence:**

**A. Firearms:** Firearms or other weapons will not be touched before photographs and sketches record the exact location. Notes will be taken in detail as to the condition of the weapons and the position of the safety. Members will note the position of each round in the cylinder or breach and render the weapon safe. Members will package all firearms unloaded. Weapons will be packaged and/or tagged appropriately. All weapons will be identified by brand name, model, serial number, and caliber.

**B. Fired Bullets:** Fired bullets will be packed in cotton or similar substance, placed in a container and marked appropriately.

**C. Cartridges:** The cartridge case will be placed in a small cardboard box, an envelope or plastic baggie, preferably packed in cotton or similar substance, and the package in which fired cartridge cases are placed will be marked appropriately.

**D. Live Cartridges:** Live cartridges will be packaged either in a small cardboard box, an envelope or a plastic baggie, or other means that will render them safe from accidental discharge. The package in which live cartridges are placed will be marked appropriately. At no time will live cartridges be packaged loose in the same container with a hard object such as a firearm or other metal object that could cause accidental discharge.

**E. Explosives:** When an officer has reasonable suspicion that he has identified an explosive device, he will photograph the item in place, secure the area, and notify dispatch to contact the Maryland State Fire Marshall’s office. **No type of explosive or chemicals**

**will be brought to the police facility.**

- F. Fireworks:** Firecrackers, rockets, etc. will be photographed and stored in the Sally Port until a member from the Fire Marshall's Office can arrive to dispose of the fireworks.
- G. Documents:** Documents will not be marked in any way by anyone other than the specialist conducting the scientific examination. All documents will be placed into a property envelope and labeled appropriately. If fingerprint processing is required this should be noted on the property held form and the MSP Evidence Submission form.
- H. Fingerprints:** The lifting of latent fingerprints or other methods of preserving fingerprints will be the responsibility of the officer/technician assigned to perform this function. The officer in charge of the scene will evaluate the complexity of recovering the fingerprints and will decide whether to request a technician, submit the item containing the prints to the Crime Scene Unit, or perform the "lifting" process at the scene. Items containing suspected fingerprints that are not processed at the scene will be packaged to protect against friction and the package marked. The property slip will be marked "processing required – fingerprints."
- I. Footprints, Tire Tracks or Tool Marks:** Evidence of this type will be covered and preserved in such a manner so as not to alter them until they have been properly photographed and collected. Ways to preserve this type of evidence is by covering it with a box or cordoning off the area.
- J. Liquor and Fluids:** Liquor and other fluids which are to be submitted to the laboratory for chemical analysis will have a sample taken from the container, poured into a clean collection container and sealed. Open containers of liquor that are not to be submitted to the laboratory, will be photographed and then destroyed (unless the containers are needed for processing). Sealed containers of liquor, not to be submitted to the laboratory for chemical analysis, will be collected and packaged as evidence.
- K. Narcotics:** Narcotics and suspected narcotics will be separated from other evidence, packaged and sealed. Suspected controlled dangerous substance (CDS) to be analyzed, will be submitted and packaged in a heat sealed envelope along with a completed property slip and lab form (MSP 67A). All CDS paraphernalia evidence will be packaged properly and placed on property as evidence. Any CDS or paraphernalia that is to be destroyed must have the property slip marked "To Be Destroyed."
- L. Odorous and Volatile Fluids:** When preserving an odorous or volatile fluid, articles impregnated with the substance will be placed in a clean plastic bottle. The bottle will be placed into a zip lock plastic bag marked with the case number, member's initials and ID number. The bag containing the sample will then be placed into a clean metal collection

can with the lid securely in place. The outside of the lid of the can will be marked with the same information as the inside baggie. A warning will be put on the container that it contains a material impregnated with volatile fluid.

**M. Poisons:** Poisons will be placed in nonmetallic containers, preferably glass, and marked or tagged.

**N. Removable Articles:** Any article which is removable from the crime scene, as evidence will be removed with the utmost caution to prevent any alteration, contamination or destruction. The container will be marked for identification.

**O. Scrapings and Stains:** Blood, semen, and saliva will be removed from the object concerned only by a specialist unless an officer has been assigned to collect the scrapings. The scrapings, especially blood, will not be placed in plastic containers because decomposition will take place. Eighty-five percent of the population secretes their blood group factors through other physiological fluids, including perspiration, saliva, semen and urine. If the officer touches the stain or scraping, contamination will probably occur.

1. Sample size is of great importance. As much of the scraping as possible will be taken.
2. When applicable, a control standard of the object upon which the stain has been found must be taken. As an example, a small portion of the upholstery of a chair or a piece of the woodwork will suffice. The standard should be separately packaged, marked and sent to the laboratory with the section bearing the stain. Care will be taken to ensure that the stained section is not contaminated by the standard sample.
3. Semen stains should be treated the same as blood. If semen is not to be taken directly to the laboratory, then it will be allowed to dry at room temperature. **All wet items, stains or swabs will be air dried before packaging in paper bags or envelopes.**

**P. Glass:** Bits of glass will be gathered, and placed securely in a non-plastic container (preferably a box) to help preserve fingerprints. Glass should be picked up around the outer edges with tweezers, if possible. It is extremely important to obtain all pieces of glass, especially at the scene of a possible vehicular homicide, vehicular assault or other case involving a vehicle with possible damage. Known sample should be collected for possible comparison.

**Q. Hair:** Samples of hair should be taken at the scene of a major crime (if possible). Comparison hairs from the head, body, or genital areas should be taken from the victim and suspect and placed in clean paper containers and marked. Hair will be taken by using clean tweezers or forceps to pull out the entire hair. The whole hair, including roots, will

be taken. Approximately 20-50 whole hairs are needed. Clipped hair is unacceptable. Hair samples will be taken from females either by a female member of the Department or at the hospital by a SAFE (Sexual Assault Forensic Examiner). Male suspects will have samples collected either from a SAFE or by a male member of the Department authorized to do so.

**R. Fibers:** Fiber evidence may be transferred as a result of contact by one person's clothing to another or from articles such as blankets, carpet, upholstery, and so forth. Fibers may be located on clothing, in fingernail scrapings, on hit-and-run vehicles, at points of entry, and on hair from subjects wearing knit hats. Removal of fibers from other objects is best done at the crime laboratory. Fiber evidence can be removed by use of forceps, cellophane tape, or by vacuum sweeping. Fibers collected should be placed in a pharmacy fold and properly marked.

**S. Fabric:** Fragments of cloth may become evidence in a wide variety of cases. When a fragment of fabric is found during the course of a crime scene search, its location should be noted and photographed. The fabric should be packaged in a clean container and properly marked.

**T. Paint:** Paint chips should be collected and placed in a clean paper container (pharmacy fold) and marked. Collection of chips rather than powder is preferred; as much as possible should be taken from the damaged area of an automobile in major crimes. Comparison paint should be taken from an area away from the damage.

**U. Soil:** Soil specimens on shoes and other objects should be carefully handled. Soil samples should be collected and placed into clean metal cans or small glass jars with proper markings. Known soil samples from the crime scene should be collected from all four sides of the scene, packaged and marked appropriately.

#### **4. Responsibility for Requesting Laboratory Examinations:**

The initial reporting officer will be responsible for requesting a laboratory examination. It must be indicated as to what kind of processing is needed for each piece of evidence.

#### **5. Collection and Preservation of Evidence in Sexual Assault Cases:**

**A. Evidence to Include:** Items of evidence collected from victims in sexual assault cases are extremely important, and include, but are not limited to, the following:

1. a "rape kit" from the hospital where the victim was examined;
2. items such as bed sheets, pillow cases, blankets, rugs or other readily moveable items at the location where the sexual assault occurred;

3. victim's clothing;
4. suspect's clothing, if available; and,
5. any object which the suspect may have touched and left fingerprints.

**B. Rape Kit:** When an officer receives a rape kit from the hospital where the examination of a victim was performed by a SAFE nurse, it should be placed on property and sent to the laboratory for analysis as soon as possible.

**C. Sheets, Pillow Cases, Blankets, Rugs, etc.:** Extreme care should be taken not to shake the items so as to dislodge any foreign hairs that may have been deposited by the suspect. Should any of these items contain bloodstains or semen stains, they should be dry prior to any packaging. If they are not dry at the time they are collected, they should be dried before being packaged for submission for analysis. The items collected can be dried in the forensic drying cabinet or by placing clean brown paper on the floor of the evidence room and spreading out the items. When satisfactorily dry, the items are to be packaged in separate clean paper bags, properly marked and labeled with a biohazard sticker. **Note: victim and suspect items should not be dried in the same room to prevent cross contamination.**

**D. Victim's clothing:** As soon as possible after the assault, the clothing worn by the victim should be taken as evidence and (after drying, if necessary) put in paper bags.

**E. Suspect's clothing:** The clothing of the suspect, if available, should also be taken into evidence and handled in the same manner as the victim's clothing.

**F. Anonymous Reporting Sexual Assault Cases:**

Sexual assault victims OF ALL AGES have the opportunity to have evidence collected via a Sexual Assault Forensic Examination (S.A.F.E.) without reporting the incident to law enforcement at that time. This evidence package will then be given to the appropriate law enforcement agency when completed by a S.A..F.E nurse, even though the victim does not wish to report the alleged sexual assault to law enforcement.

1. The S.A.F.E. nurse will conduct the sexual assault examination and collect / preserve the evidence.
2. The anonymous victim will be assigned a nine (9) digit Frederick Memorial Hospital account number, which will be affixed to the S.A.F.E kit.
3. The victim's name will appear on all paperwork and evidence and sealed to conceal the identity of the victim.

4. The S.A.F.E. nurse will contact Communications to determine which agency is responsible for retrieving the evidence based on the incident location. Communications will enter the nine (9) digit FMH number into ILEADS as a cross-reference to the case, "Anonymous Sexual Assault" into the call type, assign a case number and dispatch a law enforcement officer to the FMH to retrieve the evidence.
5. The officer retrieving the evidence bag(s) from the hospital will be responsible for placing it into the T.P.D property / evidence locker. The evidence bag will remain sealed and unopened and will be placed into a evidence / property locker.
6. If the evidence bag is accompanied by a sealed urinalysis container, officers will place both bags into an evidence / property locker and send an e-mail notification to the Deputy Chief of Police and all supervisors.
7. Sealed urinalysis containers will be placed into the Evidence Room freezer as soon as practical upon notification.
8. "Anonymous Sexual Assault Package" and the nine (9) digit hospital account number will be entered as the description for the item on the TPD Property Sheet.
9. An incident report and TPD property sheet will be completed by the receiving officer with the assigned case number received from Communications.

The following information will be used as a guide by TPD officers involving alleged sexual assault offenses.

1. Victim who are either an **adult or minor (post-puberty)**.
2. Any sexual assault that is up to **fifteen (15) days** of occurrence.
3. Sexual offenses with no vaginal intercourse, taken for S.A.F.E Exam within **24 hours** – a partial kit may be performed for the presence of touch DNA.
4. Sexual offenses with vaginal intercourse, taken for S.A.F.E exam up to fifteen (15) days from occurrence - A partial S.A.F.E. exam can be performed if the timeline is between **five (5) to fifteen (15) days**.
5. Anonymous "Jane Doe" cases are when the victim wishes to remain anonymous and may cooperate at a later time. The retention period for S.A.F.E exams are **one (1) year**.
6. Any cases involving children or minors (pre-puberty) is the same. The window for a SAFE is **72 hours**.

6. **Reporting:** An incident/narrative report will be completed for each crime scene processed, as well as all evidence processed by the crime scene officer. The following information should be included if known: date and time of arrival to the scene, location of crime, name of victims, name of suspects, actions taken at the scene, list of evidence collected and case number.

**7. In-Car Camera DVD Recordings:** All DVD recordings serving as evidence will be removed from the camera system immediately following the incident in which the officer had recorded and selected to preserve as evidence. All requests for a copy of an evidentiary DVD will be directed to a Supervisor or Deputy Chief of Police.

**A. Submission:** All DVD recordings submitted as evidence will be placed in an envelope with an "In-Car Video Evidence Label" completely fill out and affixed to the envelope. Mark the appropriate box on the label to indicate the DVD shall be stored as evidence. Write the case report number, date and time of the incident in the Comments Box of the label. A **TPD Evidence / Property Control** form will also be completed and submitted with the case file with the appropriate copy attached to the envelope. Mark the appropriate box on the ILEADS initial page indicating "**Video Available.**"

**B. Storage:** All DVD recordings marked as evidence will be stored separate from non-evidentiary DVDs. (Note: All non-evidentiary DVDs will be submitted to the Property Room for storage with the "In-Car Video Label" completely filled out and affixed to the envelope.)

**C. Retention Period:** The retention period for evidentiary DVD recordings will be in accordance with General Order Chapter 6 "*Evidence / Property Control,*" Section G – Final Disposition of Evidence / Property.

**8. Photographic Evidence:** The principal requirements to admit a photograph (digital or film-based) into evidence are relevance and authentication. Unless the photograph is admitted by the stipulation of both parties, the party attempting to admit the photograph into evidence must be prepared to offer testimony that the photograph is an accurate representation of the scene. This usually means someone must testify that the photograph accurately portrays the scene as viewed by that witness.

A. Submitting Photographs as evidence:

**Digital Photographs-** Officers will complete a **TPD Photograph Record** (TPD Form 6.1A) for every incident in which photos were taken and place the TPD Photograph Record in the Case File. All TPD digital cameras will be programmed to display the **Date and Time** on each photo taken. Officers will place all memory cards in a designated envelope and submit it to a Property/Evidence Officer by depositing the envelope in the Property/Evidence Mailbox. The Property/Evidence Officer will download all digital photographs onto the Department's "R" Drive in the Photo IR Folder and label them in a sub-folder with the case report number. Once downloaded in the Photo IR Folder, this folder will be a *read-only file* and the only person with rights to override these files will be the Administrative Assistant or an appointed designee. The Property/Evidence Officer will clear the memory cards and return them to the officer. Officers will document in their Incident Report that photographs were taken and a TPD Photograph Record was



completed.

**B. Preservation of Photographs and Release of Copies:**

The photographic images stored on the “R-Drive” will be secured and not altered. The Administrative Assistant or an appointed designee will be the only person authorized to make copies of photographs pursuant to a legal request, copies for the State’s Attorney’s Office, and copies for insertion into the case file.

**ATTACHMENTS :**

TPD Photograph Record (TPD Form 6.1A)

**DOCUMENT DATES :**

*Amended Date:* 12/21/2012

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds:*7/14/2010

*Order Written By:* Lt. P. Allen Droneburg

*Order Edited and Approved By:* Chief Gregory L. Eyer

*Accreditation Standards Included in this Order*  
**CHAPTER 84**