

# PALM BEACH GARDENS POLICE DEPARTMENT

## COLLECTION OF EVIDENCE

### POLICY AND PROCEDURE 4.3.9.3

**Effective Date :**

11/01/2011

**Accreditation Standards:**

CALEA 33.6.1, 83.1.1, 83.2.1-4, 83.3.1  
CFA 35.03, 35.04

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10/01/2013

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**PURPOSE:** To ensure the use of established guidelines and procedures developed for collecting, processing, and preserving physical evidence.

**SCOPE:** This policy and procedure applies to all members.

**REVIEW RESPONSIBILITY:** Patrol Operations and Investigations Bureau Majors

**POLICY:** This department requires collected evidence to be properly documented, photographed, marked for identification, and that an authentic chain of custody is maintained. Original digital images and voice recordings will be maintained in a secure environment, in their original state and must not be altered in any manner.

## PROCEDURES

### 1. Physical Evidence Collection and Marking

- a. Upon arrival at a crime scene, the first officer shall give attention to medical emergencies, and then take immediate steps to protect and preserve the scene from contamination prior to processing and collection of evidence. Additional officers may be required and should be requested as needed.
- b. Persons nonessential to the investigation should be cleared from and not be allowed to enter the crime scene.
- c. At crime scenes where blood and body fluids are present, it is required that those members tasked with the collection of evidence shall wear the appropriate personal protection equipment (PPE). The equipment will be changed as needed to prevent cross-contamination of evidence.
- d. Collection of evidence shall be concurrent with its discovery or soon thereafter to prevent contamination.
- e. Collected evidence will be packaged in accordance to department policy 4.3.9, Handling of Acquired Property and Evidence.
- f. Physically marking on the evidence may damage or diminish its evidentiary value; should only be done as the last alternative and in a conspicuous location.
- g. Certain types of evidence\property, where the quantity may become an issue in court, shall be counted and\or weighed:
  - i. Narcotics (marijuana, cocaine, heroin, etc.) shall be weighed prior to packaging by the submitting officer, the weight noted on the evidence\property receipt and label of the evidence\property package.
  - ii. Narcotics (contraband prescription pills) are to be counted prior to packaging by the submitting officer, the

count noted on the evidence\property receipt and label of the evidence\property package.

- iii. The evidence custodian and/or designated backup will weigh all narcotics in submitted packaging and note the packaged weight in their records.
- h. Crime scenes will be photographed, measured, sketched, and a video record taken, when possible, prior to the movement, collection and preservation of any evidence.
- i. Video recordings and/or photographs of crime scenes require notation of the conditions, location, date, time of collection, and photographer's name for validation.
- j. Photographs or images to be treated and considered as evidence include, but are not limited to those documenting:
  - i. a crime scene
  - ii. a victim or subject
  - iii. instruments of a crime
  - iv. items of value for prosecution of a crime
- k. Collected evidence will be stored in secured temporary and permanent locations as designated by department policy 4.3.9, Handling of Acquired Property and Evidence.

## **2. Collecting Evidence Requiring Lab Exam**

Exceptional procedures for items of evidence which may require examination at an outside laboratory are:

- a. Evidence will be collected and submitted to the laboratory for analysis in conformance with the receiving agencies particular requirements. Written results of the findings must be requested.
- b. To prevent cross contamination, all trace evidence items will be packaged individually.
- c. Perishable samples will be refrigerated in a timely manner.
- d. Whenever available, a known source sample will be collected and submitted for comparison to assist in identification of any substance or material.
- e. Crime Scene Investigators will receive and provide training in the collection and preservation of DNA samples by agency members.

## **3. Crime Scene Photography**

- a. Crime Scene Investigators and Traffic Homicide Investigators, will be provided training in the use of all issued photography equipment to include still cameras, video recorders, and digital imaging cameras along with associated computer programs.
- b. On-the-job training for use of digital photography in less serious investigations will be provided to Sergeants, Detectives and Patrol Officers.
- c. Crime Scene photography should support the evidence collection process by presenting a field of vision as close as possible to actual scale. A scale should be used in the field of view to indicate relative size and/or depth. When legal issues forbid the inclusion of indicators in the field of view, then a separate photograph can be taken with all other factors remaining status quo.
- d. A photographic record log should be maintained when photographing major crime scenes (i.e., homicides, sexual batteries, etc.). Information on the photographic record log should include, but not be limited to:
  - i. Camera type and lens description
  - ii. Type of film (ASA speed) or digital
  - iii. Lens setting, lighting.
  - iv. Direction of the photograph.
  - v. Brief description of each photograph.
  - vi. Number of photographs taken
- e. Crime scene reports should indicate photographic information relating to camera positions, lighting conditions, and camera settings.
- f. Physical evidence should be collected and photographs taken by an assigned officer at the scenes of serious crimes against persons or property.

- g. Sergeants or Traffic Crash Investigators will direct the need to photograph crime scenes, traffic crashes, vandalism/graffiti, and photography only calls, where no other processing is necessary.

#### **4. Use of Digital Cameras and Video Recorders**

- a. Digital cameras may be used for capturing images of evidence in misdemeanor offences and minor incident documentation. Digital cameras, video recorders and 35mm cameras are the accepted media when photographing major crime scenes.
- b. Examples of major crime scenes are robberies, sexual assaults, homicides, shootings, and any other serious or extensive crime scenes as determined by the on-duty Sergeant.
- c. Extensive crash or crime scenes that involve a death or serious bodily injury should be photographed by a Traffic Homicide or Crime Scene Investigator.

#### **5. Capturing, Submission and Storing Digital Images**

- a. Prior to any photography or the capturing of evidentiary images a photo sheet indicating the case number, date, photographer and offense must be completed and photographed. The purpose of the photo sheet is to indicate the beginning of a series of images and as a separator when more than one case is photographed using the same memory card. Each case must have a separate photo sheet.
- b. Captured images should be previewed via the camera monitor. If the quality of the image is not sufficient, i.e. too dark, too light, or blurred, the appropriate adjustments should be made and the image recaptured.
- c. All evidentiary digital photographs must be preserved regardless of quality. Except in accordance with Florida Statutes or as otherwise directed in this policy, members shall not delete images from their memory cards.
- d. Digital cameras, recorders and storage media must be secured until the original images can be transferred to the Department's secured server.
- e. Prior to the end of the officer's tour of duty, he or she will upload the original images to the Department's secured server via a secured terminal.
- f. An Evidence\Property receipt will be completed, noting the number of images captured and the nature of the images, i.e. injuries, victim, graffiti, etc. for all original images uploaded to the Department's secured server, If a memory card contains multiple case numbers a separate Evidence\Property receipt must be completed for each. The Evidence\Property receipts will be submitted to the Evidence Custodian.
- g. The Officer and/or their Sergeant shall upload the original images to the Department's secure server via a secured terminal. Each image or group of images must be identified with a case number. During times when the Evidence Custodian is not available a Sergeant or designee will verify that the original images have been properly uploaded by initialing the Evidence\Property receipt.
- h. The software program will erase the memory card at the completion of each upload; for future use.
- i. The Evidence Custodian and Crime Scene Investigators are authorized to transmit images electronically to the State Attorney's Office and/or other entities that meet Florida Statute requirements to view such information.
- j. Printed images for the State Attorney's Office, by subpoena or other entities will be obtained from the Evidence Custodian upon request. Images will be printed on copier paper unless photo quality paper is required.
- k. When necessary an officer may print images from the memory card prior to uploading, however, evidentiary images may only be distributed thru the Evidence Section.
- l. Under no circumstances should any digital images be printed, distributed or stored for other than official Police business.
- m. Traffic crash images will be transferred from the memory card to a compact disc by the Evidence Custodian. The memory card will be erased and returned to the Traffic Unit. The compact disc will be stored by the traffic officer.
- n. Editing original digital photography files is not permitted.
- o. Access to digital images stored on the Department's secured server shall be limited to Information

Technology, Crime Scene Investigators and the Evidence Custodian.

## 6. Documented Chain of Custody

- a. All evidence\property collected by Department members will be described on a Department evidence\property receipt, signed by the owner\finder (when applicable) and submitting officer. These signatures originate the documented chain of custody that is to be maintained through final disposition.
- b. Transfer of custody in the field, prior to evidence room submission, must be documented in the chain of custody area of the evidence\property receipt.
- c. Once received by the evidence custodian or the designated backup, the original evidence\property receipt along with authorized attachments shall serve to continue documenting the transfer of custody.
- d. A record of the chain of custody and records reflecting the status of all property\evidence held by the Department will be maintained by the evidence custodian and\or the designated backup in the evidence\property storage room.
- e. At a minimum the following information will be recorded on all custody transfer documents:
  - i. Date and time;
  - ii. Receiving persons signature and ID number;
  - iii. Reason for transfer.
  - iv. Chain of custody for temporary disposition is addressed in policy 4.3.9(5).

## 7. GLOSSARY

**Crime Scene** – The location where the crime occurred or where indications of the crime exist; may include surrounding areas and travel routes.

**Chain of Custody** – The written record of all individuals who have maintained unbroken control and\or custody of evidence\property.

**Digital Images**- images captured electronically by a digital camera and stored on a compact disc or other electronic medium.

**Secure Terminal**- a terminal where access to information stored on a network is gained by password authorization only.

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- COLLECTION OF EVIDENCE
- DIGITAL CAMERAS, USE OF

## RESPONSIBILITY INDEX:

- PATROL OPERATIONS BUREAU
- CRIME SCENE\TRAFFIC HOMICIDE INVESTIGATORS
- EVIDENCE CUSTODIAN

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APPROVED:



Stephen J. Stepp  
Chief of Police

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