



Fitchburg State University Police Department

Subject: EVIDENCE COLLECTION	
Reference: IACLEA: 14.1.1, 14.1.2, 14.1.3, 14.1.4, 14.1.5, 14.1.6, 14.1.7 MPAC: 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.5, 83.2.6, 83.3.2	
Effective Date: January 25, 2021	Review Date:
By Order of: Michael J. Cloutier, Chief of Police	

General Order

14.1

PURPOSE:

The identification, collection, and preservation of physical evidence is a critical function in law enforcement's goal of solving and successfully prosecuting criminal acts. The purpose of this policy is to assist members of the Fitchburg State University Police Department follow procedure; which will ensure the successful identification, collection, and preservation of physical evidence.

POLICY:

All Fitchburg State University Police Department personnel will comply with the following order as it pertains to the identification, collection, and preservation of physical evidence. It is the policy of this department to ensure the admissibility of evidence recovered at the scene of a crime, or incident, in the appropriate court. Crime and incident scenes will be processed as appropriate, with all items of potential evidentiary value properly recovered as soon as practicable, suitably recorded, and preserved.

A precise chain of custody will be maintained for all such items. It shall also be the policy of this department to effectively and efficiently manage and control all found, recovered, and evidentiary property coming into the custody of this department. The department will take the initiative to return property to its rightful owner or owners in the most expedient manner. Property and evidence that is no longer required for a pending court case, or is potentially dangerous, will be disposed of in accordance with law.

14 - Collection and Preservation of Evidence

PROCEDURE:

A. Initial response to a crime/incident scene;

1. The first unit to arrive at a crime/incident scene will be responsible for identifying, securing, and protecting the crime/incident scene as well as conducting the preliminary investigation. The following actions should be taken to ensure the safety of the scene.
2. The officer(s) shall ensure that the scene remains undisturbed by refusing access to all unnecessary personnel. This will include department personnel, university personnel and outside personnel.
3. Securing of a scene can be accomplished by, but is not limited to, the following options:
 - a. In the event that the scene is a room or area that may be physically secured by locking it, lock the area and post the necessary personnel to ensure that unauthorized personnel cannot enter the room or area.
 - b. Placing crime scene tape around the perimeter of a scene to notify personnel where the scene starts and to serve as a warning for those who are not authorized to be in the area.
 - c. Covering objects that may be destroyed by the elements before they are collected. The objects should be covered in such a way that their position is not disturbed.
 - d. Items of evidence shall not be moved prior to the completion of the crime/incident scene processing unless health or safety factors require the immediate security or removal of the object. Any movement and the reasons for the movement will be documented in an arrest/incident report.
4. Upon arriving, the shift supervisor, or the officer in charge, will assume responsibility for the crime/incident scene. He or she will ensure that there is sufficient coverage to secure and protect the scene, deny access to unauthorized personnel, and preserve evidence.
5. The shift supervisor, or the officer in charge will evaluate the need for a specialized officer or unit. If the department has sexual assault investigators, crime scene specialists, or accident re-constructionists available they will be contacted and assigned to the case. If such specialized assistance is not available with the Fitchburg State University Police Department, officers from an outside agency may be utilized. In the case of this department, assistance may be sought from the Massachusetts State Police or the Fitchburg Police Department. The shift supervisor or officer in charge will notify the on-call lieutenant with their recommendation for contacting specialized units or outside agencies prior to contacting any such units. Should the lieutenant not be reachable, the Chief shall be contacted before a call is placed for outside assistance.
 - a. Fitchburg Police Department
 - 1) Detective Bureau: **978-345-9653**
 - 2) Business Line: **978-345-4355**

14 - Collection and Preservation of Evidence

b. Massachusetts State Police

- 1) Leominster Barracks (C4): **978-537-2188**
- 2) Holden Barracks (C6/CHQ): **508-829-8410**

IACLEA 14.1.1 / MPAC 83.1.1

6. Any officer of this department who has been trained and certified as a crime scene specialist, and is actively providing that service will be provided with the equipment necessary to recover latent fingerprints, take photographs, complete sketches of the scene, and for the collection and preservation of physical evidence.

B. Processing of a crime/incident scene;

1. The nature and seriousness of the crime/incident will be a determining factor in how the scene is processed, if at all. Not all scenes will require processing and those that do will require processing to varying degrees. The shift supervisor or officer in charge will determine the specific needs of the scene and will be responsible for the processing or determining who will complete the processing.
2. On scenes of less serious crimes/incidents the scene will be processed by the investigating officer. When any scene of crime, traffic accident, or incident is processed, an incident or arrest report will be generated and completed by the investigating or arresting officer(s). This report will be an accurate record of events as they occurred at the scene in connection with the investigation. At a minimum the report will contain the following;
 - a. The date and time of arrival to the scene;
 - b. The location of the scene;
 - c. The name of any victims, if known;
 - d. The name of any suspect(s), if known;
 - e. The actions taken at the scene, including any video recording, photography, sketches, measurements, or a list of the physical evidence collected;
 - f. The names of witnesses if there were any;
 - g. The case file reference number.

IACLEA 14.1.6 / MPAC 83.2.6

3. Whenever possible one officer should be assigned to collect and document the evidence at a crime/incident scene. The officer assigned to this duty will be responsible for the following:

14 - Collection and Preservation of Evidence

- a. Collecting the evidence without damaging or destroying said evidence;
- b. Packaging said evidence in such a way that the nature of the evidence is not damaged, destroyed, contaminated or altered in any way;
- c. No evidence, property, or contraband will be stored by any member of the department in his office, desk, or locker;
- d. Evidence or property shall not be left unattended or unsecured at any time;
- e. Evidence or property shall be handled with care so as to protect any evidentiary value of the item;
- f. The chain of custody shall be carefully maintained with as few persons as possible handling the property;
- g. No member of the department shall take, use, or possess any item that has been recovered or confiscated by the department, other than for those purposes sanctioned by the department;
- h. Ensuring that the collected evidence is safely transported back to the Fitchburg State University Police Department;
- i. The Fitchburg State University Police Department will enter all property into the department's property/evidence room. The property receipt, will include the following information:
 - 1) Date;
 - 2) Log/Incident number of the incident;
 - 3) Name of submitting officer;
 - 4) Defendant's name if applicable;
 - 5) Location where submitting officer places the property;
 - 6) Property category;
 - 7) Property owner's information, if known;
 - 8) Description of the property, including manufacturer as well as model and serial numbers if applicable;
 - 9) Shift Supervisor's signature.

14 - Collection and Preservation of Evidence

- j. Officers submitting evidence or property shall follow the following procedures:
- 1) Property seized as evidence shall be delivered to the station and a property receipt will be completed.;
 - 2) All evidence or property which comes under the control of the department shall be properly recorded in the department computer system under property section of the officer's report section;
 - 3) Evidence or property will be tagged and or placed in the appropriate size evidence/property bag and sealed, if appropriate;
 - 4) Items requiring further processing by either the Massachusetts State Police Crime Laboratory, the Federal Bureau of Investigation, or other certified evidence-processing facility shall be accompanied by the appropriate examination request;
 - 5) Items, other than narcotics and controlled substances, requiring further processing by a member of this department shall be clearly marked on the evidence tag and property control form to identify what type of examination or method of examination is requested;
 - 6) Until lab analysis is completed, suspected items should be labeled accordingly. An example would be to label suspected marijuana as "loose vegetable matter" until it has been proved to be marijuana;
 - 7) Accuracy and completeness is important. Items not properly submitted will be returned to the officer or their shift supervisor for reprocessing and resubmission;
 - 8) The shift supervisor will sign the property receipt indicating that it has been filled out completely and correctly and accurately reflects the property to be submitted;
 - 9) The evidence/property being submitted will be placed into the appropriately sized temporary storage locker provided for this use. The shift supervisor will accompany the submitting officer to witness the evidence/property being placed into the storage area.;
 - 10) The officer submitting the evidence/property shall retain a copy of the evidence/property sheet to be filed with the case report;
 - 11) A citizen submitting an item for safekeeping shall be given a detailed and itemized receipt indicating the item(s) was received.
4. Any officer assigned to collect evidence should take great care to collect said evidence without contaminating the items. The shift supervisor should immediately be made aware of any situation where an expert may be required to retrieve the evidence.

14 - Collection and Preservation of Evidence

5. When a piece of evidence has been identified every effort should be made to collect the whole object. However if this is not possible, the officer should collect the largest sample possible and document in their report why they could not collect the entire item.
6. When processing scenes that require photographs, items should only be collected after the photographs have been taken and any measurements taken if required.
7. Whenever possible materials and substances should be collected from a known source for submission to the laboratory for comparison with physical evidence that may have been collected at a crime scene.
8. If, in the event of a serious crime/incident, physical evidence is not collected, photographs are not taken, or sketches are not made, the processing officer will note in their report why this was not done.
9. If photographs are required to process the scene, and special photographic equipment is not required, the processing officer will take the photographs using the equipment supplied by the department. This may include standard photography, digital photography, or videotaping. The following steps will be followed when photographing a crime/incident scene:
 - a. The report will include the date, time, and location of the photograph as well as what the picture represents and the officer's name who took the video or photograph. The officer may also want to take detailed notes in his/her notebook.
 - b. A scale (ruler, tape measure) should be used in a second photo of an object with the scale being in the field of view of the object being photographed. This is done to determine the exact size of the object. A photograph of the same object will also be taken without the scale in the field of view. A fixed object may be used as a scale if more conventional methods are not available.
 - c. All evidence seized will be photographed in the location found prior to removal.
10. If a sketch of the scene is completed, at minimum, the following items will be included in the sketch;
 - a. Measurements;
 - b. Compass direction;
 - c. Scale or proportion;
 - d. Relation of the crime/incident scene to other buildings;
 - e. Geographical features, parking lots, or roads;
 - f. Address, floor, or room numbers as appropriate;

14 - Collection and Preservation of Evidence

- g. The location of significant features at the scene, including the victim, date and time of preparation;
 - h. The name of the person(s) preparing the sketch;
 - i. The location of the items/evidence that was recovered;
 - j. A legend.
11. One of the most common forms of physical evidence are objects that bear fingerprints on them. Fingerprints are most common on non-porous surfaces such as glass, bottles, windows and some metal surfaces. Prints may also be lifted from firearms, knives, and tools.
- a. If possible fingerprint evidence will be obtained at the original crime/incident scene by an officer trained in this science. If this is not possible, the object shall be brought to the station for processing.
 - b. Procedures for processing, developing, lifting, and labeling all fingerprints are to be completed in concert with current certification training offered by the Massachusetts Municipal Police Training Council. This training will include the latest methods and equipment as well the requirements of statutory and court law on the topic.

C. Evidence, Inventory and Chain of Custody:

1. After collecting any physical evidence, the processing officer is responsible for the inventorying, labeling, and temporary storage of the evidence. This will be done by utilizing the TriTech/Perform Software property function under the records section of the TriTech/Perform Software computer system used by this department. At a minimum each item of evidence collected will be processed as follows:
 - a. A property or evidence number will be assigned upon entering the item into the Record Management System.
 - b. A description, as thorough as possible will be given;
 - c. The source (from whom or where the property was obtained);
 - d. The name of the person collecting the property and/or the name of the individual turning the property over to the department;
 - e. The location where the evidence or item was stored.
2. If photos were taken, they will be attached electronically to the case via TriTech/Perform Software. Copies will be printed out and attached to the crime/incident report.

14 - Collection and Preservation of Evidence

3. If videos are taken they should be stored on an electronic storage device such as a disc or thumb drive. Two copies should be made and included with the original case folder.
4. Any evidence that is to be submitted for further testing at the Massachusetts State Police Crime Lab will be coordinated by the department's evidence officer. Any submittal to this lab will be accompanied by a Department of State Police Submission Form. (See attached).
5. Maintaining the chain of custody is vital to any case. Whenever evidence is submitted to any outside agency for analysis, examination, or any other reason, a signed receipt shall be obtained by the individual making the delivery to the receiving agency. If a receipt is not available the individual receiving the delivery shall sign and print their name, position within their agency and the current date on the property/evidence chain of custody. At a minimum, the evidence officer will document the following if evidence is to leave his/her control;
 - a. The reason for the transfer;
 - b. The name and location of the laboratory or department where the item is going;
 - c. The type of examination requested;
 - d. A synopsis of the event from which the evidence was obtained; and
 - e. When the evidence is/was returned to his/her control.
6. The results of all laboratory analysis or examinations shall be in writing and signed by the analyst and notarized if possible.
7. Strict accountability will be maintained for all pieces of evidence. Departmental records, both written and electronic shall be complete and accurate for all evidence stored within the department. The chain of custody for evidence in possession of this department will be recorded from the time that it is collected to the time that it is destroyed, released, or other final disposition.

IACLEA 14.1.2, 14.1.3, 14.1.4, 14.1.7 / MPAC 83.2.1, 83.2.2, 83.2.3, MPAC 83.3.2

D. Computer Evidence:

1. No member of the Fitchburg State University Police Department should attempt to gather evidence from a computer unless they have been trained as a computer forensic officer or they are acting on the advice and direction of a computer forensic officer or a computer technology expert.
2. If computer equipment is to be considered evidence in an investigation, the shift supervisor or the officer in charge should contact the Massachusetts State Police

14 - Collection and Preservation of Evidence

assigned to the District Attorney's Office before seizing the computer or any of its accessories. This unit has experts trained as computer forensic investigators.

3. At no time, will an officer attempt to disconnect, turn off, log off, log onto any computer that is going to be potential evidence without first consulting with a computer forensic officer.

IACLEA 14.1.5 / MPAC83.2.4

E. DNA Evidence:

1. No member of the Fitchburg State University Police Department should attempt to gather DNA evidence unless they have been specifically trained to do so.
2. Officers trained in the collection and preservation of DNA are available to this department through the Massachusetts State Police. If any item is to be considered for collection of DNA evidence in an investigation, the shift supervisor or the officer in charge should contact the Massachusetts State Police after receiving authorization from the Chief of Police.

MPAC 83.2.7

F. Precautions for specific types of evidence/property:

1. Firearms:

- a. All seized/recovered firearms will be brought directly to the station. At no time will firearms be left unattended;
- b. All firearms coming into the custody and control of the police department will be handled with the strictest safety considerations in mind and will be stored in a separate, locked, secure area within the evidence/property room.
- c. All firearms will be checked for ammunition as soon as practicable in a safe area to minimize risk in the case of an accidental discharge. Special attention will be made to the possible evidentiary value of the ammunition. An example of items to note would be the location of any empty cylinders or spent cartridges.
- d. All firearms shall be left in a safe, unloaded condition with their actions open. Any ammunition removed from the firearm will be placed in a separate evidence/property bag and submitted with the firearm.
- e. All firearms will be checked through the DCJIS/NCIC computer system before being turned into the evidence/property control officer. A copy of the computer printout will be attached to the property control form.
- f. Each firearm shall be tagged individually, and size permitting, protected by placing it in an evidence/property bag.

14 - Collection and Preservation of Evidence

2. Cash:
 - a. Upon the discovery or seizure of currency in any significant amount, the officer will notify their supervisor who shall, if possible, respond to the scene and witness the recovery and seizure with the officer.
 - b. At no time will the cash be unsupervised or left
 - c. Both the officer and the supervisor will participate in the counting and packaging of the money and will ensure that is properly and immediately secured.
 - d. Currency will be itemized by denomination on a currency receipt.
 - e. Any cash received as recovered, lost, or abandoned property or seized as evidence will be entered on its own property receipt, separate from any other types of property or evidence seized or recovered as part of the same incident.
 - f. When transferred to the main evidence/property room, all cash will be secured in a separate, locked, secure area within the evidence/property room.
3. Items of High Value and Jewelry:
 - a. Upon transfer to the main evidence/property room, sensitive or high value or items such as expensive jewelry, cash, firearms, and drugs shall be stored in a separate, locked cabinet, within the evidence/property room.
4. Perishable Items:
 - a. If the recovered property or evidence is perishable, such as blood or a urine sample taken for analysis, it shall be brought directly to the State Police Laboratory. If immediate transport of evidence is not possible, or if the perishable property is not of evidentiary value, the items will be stored in a secure, refrigerated storage area.
5. Combustible Liquids:
 - a. Combustible evidence, such as gasoline, toluene, paint thinner, etc... shall be stored in a secure flammable liquids cabinet.
6. Explosive Devices:
 - a. Under no circumstances will explosive devices, such as dynamite, hand grenades, blasting caps etc..., be brought into the station or placed into department vehicles. When an explosive device or suspected explosive device is located, the officer locating the device shall notify dispatch and their supervisor and an appropriate bomb disposal unit will be summoned. Items of evidentiary nature shall, upon being rendered safe be property tagged and packaged.

14 - Collection and Preservation of Evidence

7. Recovered Bicycles:

- a. Bicycles recovered as found property shall be processed in the same manner as other types of found or recovered property.
- b. Bicycles should be secured in the storage room in the cruiser port, until:
 - 1) They are claimed by the owner;
 - 2) Disposed of in accordance to General Order 15 Property and Evidence Control

G. Found Property:

1. Found property being turned into dispatch will be entered into the department's found property log. This entry will list an inventory of all items involved with the property. An example would be a found wallet.
 - a. The inventory property log would list all items including credit cards, driver's license, the amount of cash and all other important items.
 - b. The property will also be logged into the TriTech/Perform Software program with a call number assigned. The call number will include all pertinent information such as who turned in the item, where the item was found, and the owner if known. This entry will also include all attempts to locate the owner.
 - c. The found property will then be entered into the TriTech/Perform Software records property inventory file maintenance section. A property label will be printed and affixed to the property. Property will then be placed in the temporary evidence locker located in the Interview room.
 - d. When an individual claims ownership of found property that is in the possession of the police department, a reasonable inquiry will be made to establish ownership prior to the property being released to the claimant by the officer in charge of evidence.
 - e. An itemized receipt must be signed by the claimant for any property returned.

Approval:

M. A. Clant
Chief of Police

01/25/2021
Date