

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 500 - Evidence Control/Records	
	Directive: 510.02 - Collection and Preservation of Evidence	
Authorized by: Chief Brandon Zuidema		Effective Date: October 1, 2015
CALEA Standards: 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.4, 83.2.5, 83.2.6, 83.2.7, and 83.3.1		Last Revision: September 17, 2013

510.2.1 - Purpose

The purpose of this directive is to establish guidelines and procedures for the collection and preservation of evidence that is obtained by the Department.

510.2.2 - Policy

It will be the policy of the Garner Police Department to collect and preserve evidence in a manner designed to preserve its investigative and prosecutorial value and to effectively use resources related to evidence collection.

510.2.3 - Definitions

Chain of Custody - Documentation of persons who have had physical custody of evidence and when the evidence was submitted to the Property Control System.

Evidence / Evidentiary Property - Any item of property seized by an officer that is directly related to a case under investigation. The seizure of this property is intended for use in the identification of suspects and/or in court presentations in that case.

510.2.4 - Preservation of Crime Scenes (83.2.1; 83.2.7)

- A. Officers responding to the scene of any crime are responsible for the preservation of the crime scene and, in limited circumstances, the collection of physical evidence that may be located at the scene.
 - 1. Preservation of the crime scene and any known or potential evidence is the responsibility of all personnel at the scene. Supervisors may assign specific duties to specific personnel at any given time.
 - 2. Supervisors are responsible for planning for ensuring preservation of the crime scene for extended periods whenever necessary.
- B. Officers are to be mindful of the need to protect potential DNA evidence at a crime scene.

510.2.5 - Crime Scene Evidence Processing (83.1.1; 83.2.1; 83.2.4; 83.3.1)

- A. When investigating the scene of a serious crime against person or property (including, but not limited to, arson, felony assault, homicide, rape, and robbery), photographs and/or physical evidence shall be collected unless a supervisor deems it not necessary to do so.
- B. The Department utilizes the City County Bureau of Investigation (CCBI) to process crime scenes for evidentiary purposes except in limited instances involving fingerprinting (as described in 510.2.6).

1. CCBI agents are on-duty and available twenty-four (24) hours a day.
 2. To ensure the proper preservation and collection of evidence, CCBI will be requested as soon as is practical following the initial securing of the crime scene. The only exception to this is if a search warrant will be required to authorize CCBI access to the crime scene; in this case the request for CCBI should be delayed until the search warrant is signed.
 3. Once on the scene, the CCBI agent is in charge of the collection of evidence. Department personnel shall assist the CCBI agent as directed.
 4. The investigating officer or supervisor should, when applicable, note to the CCBI agent the need for the collection of substances from a known source for comparison to substances collected as evidence. This will apply primarily when investigating cases that involve the study of hair, fiber, fabric, paint, glass, wood, soil, and tool marks.
 5. CCBI provides or has access to personnel, equipment, and supplies used for processing scenes for the following purpose:
 - a. Recovery of latent fingerprints;
 - b. Photography;
 - c. Sketch of the scene; and
 - d. Collection and preservation of physical evidence.
- C. Supervision of CCBI agents is the responsibility of the on-duty CCBI field supervisor. Concerns of investigating personnel at the scene should be directed to the agent. Concerns not resolved by the agent should be directed to the on-duty Department supervisor for coordination with the CCBI field supervisor.

510.2.6 – Crime Scene Investigation and Evidence Documentation (83.2.1; 83.2.2; 83.2.3; 83.2.6)

- A. Both Department personnel and CCBI agents are approved by the Wake County District Attorney's Office to gather fingerprint evidence based on the following guidelines:
1. Department personnel who have been trained by CCBI personnel are authorized to process crimes scenes involving larcenies from vending machines and breaking and enterings to motor vehicles for fingerprint evidence.
 2. CCBI agents will process all other crime scenes for fingerprint evidence.
 3. The officer or CCBI agent assigned to the case will be responsible for processing, developing, lifting and labeling all fingerprints pursuant to CCBI procedures.
- B. Any necessary photographs or video recordings of a crime scene, victim, or other subject matter will be completed by the CCBI agent assigned to the case. The case number, time, date and location will be recorded in accordance with CCBI procedures.
- C. Physical evidence collected by Department personnel will be marked or labeled at the time it is collected, seized, or received in accordance with GPD Directive 510.01, *Evidence and Property Submission*.
- D. For all items of evidence gathered at a crime scene, the seizing officer (the investigator and/or the CCBI agent) shall prepare a list containing a description of the item collected (including make, model, and serial number, if any), the source (person or location obtained from), and the name of the person collecting the item.

- E. The initial investigating officer will complete an Incident Report to accurately record the the crime scene and initial investigation. The report will include, at a minimum, the following information:
1. Case number;
 2. Date and time of arrival at the scene;
 3. Location of the crime (to include the physical address and, when applicable, the business name);
 4. Name of the victim(s), if known;
 5. Name of the suspect(s), if known;
 6. Name of any witness(es), if known;
 7. Any measurements, photographs, or other actions taken;
 8. Any evidence collected by the investigating officer or other Department personnel;
 9. Date and time CCBI was called, name of the CCBI agent(s) processing the scene, the CCBI report number, and whether or not CCBI seized any evidence; and
 10. In the event photographs and/or physical evidence are not collected, the assigned investigating officer will include as a part of the initial report an explanation of why no evidence collection occurred.
- F. The assigned CCBI agent will complete a CCBI Incident Report to document their investigative actions and any evidence seized related to the investigation.

510.2.7 – Evidentiary Processing of Recovered Stolen Vehicles

- A. Processing of a recovered stolen vehicle will follow the guidelines set forth in this directive.
- B. Once processed, the investigating officer may release the vehicle to the legal owner. If the owner is unable to claim the vehicle within a reasonable amount of time, the vehicle may be impounded for safekeeping.
- C. The investigating officer must ensure and note in the incident report that the reporting agency has been notified of the recovery. This notification will include the condition of the vehicle, and the process that the owner must follow to reclaim the vehicle if the owner has not been reached. It is the responsibility of the reporting agency to notify the legal owner.

510.2.8 - Seizure of Computers / Computer-Related Technology (83.2.5)

- A. In investigations where it is likely a computer and/or computer-related technology will be seized, the investigating officer will notify the Criminal Investigations Division (CID) Lieutenant prior to the search. The CID Lieutenant will arrange for personnel who are experienced in computer technology to conduct or assist with the search.
1. When possible, an officer trained in best practices for search and seizure of computers will be utilized for this function.
 2. If Department personnel with appropriate training are not available, the CID Lieutenant will contact a computer forensic analyst from a local, state, or federal law enforcement agency to assist with this process.

3. The computer forensic analyst should be involved in the planning stages of the seizure of the computer whenever it is practical to do so.
- B. If seizure of a computer and/or computer-related technology is to occur during the service of a search warrant, officers shall immediately separate all persons present from any computer equipment to prevent them from intentionally destroying evidence.
- C. Once the computer and/or computer-related technology is under the Department's control, the computer forensic analyst will provide instructions for the proper collection and storage of the evidence.
- D. In the event that a computer forensic analyst is not available to assist with the seizure of a computer and/or computer-related technology, the following guidelines should be adhered to:
 1. The computer and/or computer-related technology should be left in the state it is found. If it is off it should be left off; if it is on it should be left on unless it requires an external power source and must be removed from that power source in order to be moved.
 2. No attempt shall be made to view, use, or manipulate any files, programs, or other data.
- E. Once any computer-related evidence has been collected, it will be submitted to the Property Control System in accordance with GPD Directive 510.01, *Evidence and Property Submission*.

510.2.9 - Training

- A. Basic training in evidence handling procedures for officers is covered in Basic Law Enforcement Training.
- B. An overview of evidence and property submission procedures is covered by the Quartermaster with all newly hired officers during their initial orientation week.
- C. Field Training Officers (F.T.O.s) will carry out specific training in Departmental procedures and policies during the normal field training period.
- D. CCBI personnel will provide training on fingerprinting to officers selected to collect fingerprint evidence as outlined in this directive.
- E. The Personnel and Training Sergeant will coordinate crime scene refresher training for Departmental personnel, per GPD Directive 330.01, *Training and Development*.