

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 83.1

COLLECTION AND PRESERVATION OF EVIDENCE

ACCREDITATION STANDARDS: CALEA – 83.1.1, 83.2.1, 83.2.4, 83.2.6, 83.3.2; CFA – 27.01, 27.02, 27.03

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POLICY

It shall be the policy of the Winter Haven Police Department to establish specific guidelines for the location, documentation, processing and preservation of evidence from crime scenes.

PURPOSE

The purpose of this General Order is to establish guidelines for the location, documentation, processing and preservation of evidence from crime scenes.

SCOPE

This General Order shall apply to all Department members.

PROCEDURE

- I. **Member assignments at a crime scene**

- A.** The primary responsibility for any crime scene rests with the member who received the call for service or the first member to arrive. The member shall either process the scene for evidence or secure and protect the crime scene until it is turned over to a Detective or Crime Scene Investigator (CSI). (CALEA 83.2.1a)
- B.** If a member responds to a crime scene and determines that minimal processing is needed, the member shall process the scene. (CALEA 83.2.1a)
- C.** If a member processes a crime scene, that member is responsible for, but not limited to:
 - 1. Securing and protecting the scene;
 - 2. Documenting all entries of persons into the scene;
 - 3. Photographing the scene;
 - 4. Protecting, collecting and preserving the evidence; and
 - 5. Collection of latent prints.
 - 6. Collection of any potential deoxyribonucleic acid (DNA) evidence. (CALEA 82.2.1)
 - 7. Once the evidence has been collected the officer will ensure prompt delivery to the Property and Evidence Unit, should any of the evidence require submission to an accredited laboratory the request will be completed.
- D.** If more detailed crime scene processing is needed; the member shall notify their supervisor. The supervisor shall be responsible for requesting assistance from a CSI. (CALEA 83.1.1, 83.2.1a)
 - 1. The supervisor shall evaluate the scene to determine if assistance is needed.
 - 2. A CSI may be assigned if the scene requires an excessive amount of time for basic processing and collection of evidence.
 - 3. A CSI shall be available for call twenty-four hours a day. When immediate services of a CSI are required, the CSI shall be notified as soon as practical, by a supervisor, to respond. (CALEA 83.1.1)
 - 4. A CSI may be assigned if the scene requires detailed processing and collection of physical evidence, such as: hair, fiber, blood, etc.
 - a. The need for specialized photography and crime scene reconstruction shall require the CSI to be summoned.
 - 5. Once a crime scene has been established, it shall not be released until authorized by a Department Supervisor.

II. How to Collect/Process Physical Evidence in the field (CALEA 83.2.1b)

- A.** All nonessential persons should be cleared from a crime scene including agency members not collecting evidence.

- B.** Personal protection equipment (PPE) shall be worn by all members entering a scene where blood and body fluids are present, in accordance with the General Order 96.1. Additionally, the scene should be marked as a biohazard area through the use of barrier tape or signs.
- C.** One or two members shall be designated to collect all evidence.
- D.** Members shall use a systematic approach when searching for evidence. Study the whole scene first since the relationship of different item positions may be important. Search the crime scene area thoroughly so that hidden evidence is not overlooked. Consider what significance the items may have. Members shall obtain sufficient samples of all evidence collected. (CFA 27.01c)
- E.** All aspects of a scene shall be photographed. Evidence shall not be disturbed or moved until it has been photographed in its original position.
 - 1.** Photographs shall be taken without and with a scale when applicable, to define size, injury or damage.
 - 2.** Members shall record the date, location and case number when evidentiary photographs and digital video are taken. If videos are taken, time should be noted and they shall be used as supplements to the still photographs. Videos shall not be taken as sole photographic evidence.
 - a.** Digital camera cards and digital video shall be downloaded to a CD and logged into evidence as prescribed in General Order 84.1.
 - 3.** Investigations involving crimes of homicide, sexual battery, arson, robbery and aggravated assault/battery should have photographs taken of the crime scene, and as needed, of the victim.- If no photographs are taken, or if no physical evidence is recovered from the crime scene during the preliminary and investigative phase of the case, an explanation giving the reason why this was not completed shall be included in a supplemental report.
 - 4.** If necessary, a sketch of the crime scene will be completed by a CSI. Two or more sketches may be made, if there is an excessive amount of evidence to be shown. The following information shall be included in a sketch but not limited to the following:
 - a.** Physical dimensions and measurements;
 - b.** The relation of the crime scene to other buildings, roads (outdoor crime scenes only);
 - c.** The address, floor and apartment/room number;
 - d.** The location of significant features and/or evidence at the scene; including the victim and items of evidence;
 - e.** Date and time of preparation of the sketch;
 - f.** Name, rank and I.D. number of the member preparing the sketch;

- a. All firearms shall be unloaded prior to packaging. The package is to be marked "SAFE" with an orange authorized warning label to denote that the firearm has been made safe and is not loaded.
 - b. At no time shall firearms and ammunition be packaged together. Ammunition must be placed separately in clear bags and sealed. Ammunition packages must have their own ARS barcode label attached to it.
 - c. Firearms which contain blood evidence shall be packaged in a cardboard gun box and a biohazard sticker(s) placed on the outside of the box. The firearm will be secured in the box using cable ties in such a way as the gun will not be able to move in the box. All seams of the box shall be sealed with evidence tape and marked with the member's initials and the date.
 - d. Firearms, which do not contain blood evidence and will not be processed for latent prints, and/or have laboratory analysis performed shall be unloaded with cylinders open, slides back and locked with magazines or ammunition removed. The firearm will be packaged in a cardboard gun box using cable ties in such a way as the gun will not be able to move in the box. All seams of the box shall be sealed with evidence tape and marked with the member's initials and the date.
 - e. A stolen check shall be run on all guns through NCIC/FCIC. A printout of the NCIC/FCIC results shall be attached to the exterior of the gun box.
 - f. If a weapon cannot be unloaded or there are special circumstances as to why the gun will not be unloaded the box must be **boldly marked** with **LOADED GUN**.
5. Plant material:
- a. Dried plant material may be packaged in plastic bags, paper bags or boxes.
 - b. Freshly cut or moist plant material shall be packaged in paper bags. Under no circumstances shall it be packaged in plastic bags, as this can cause mold, which destroys the plant's evidentiary value. Additionally, the inhalation of mold spores may cause respiratory problems.
- I. When available, materials and substances from a known source are to be collected from submission to the laboratory for comparison with the physical evidence collected.
 - J. Crime Scene Investigators shall have the use of a vehicle which has equipment necessary to process scenes for the following purposes: (CALEA 83.2.4)
 - 1. Recovery of latent fingerprints; (CALEA 83.2.4a)
 - 2. Photography and video capabilities at a crime scene; (CALEA 83.2.4b)
 - 3. Sketching of the crime scene; (CALEA 83.2.4c)

4. Collection and preservation of physical evidence; and (CALEA 83.2.4 d)
 5. Accident investigation.
- K. The officer or investigator shall be responsible for ensuring that supplies and equipment are carried and replenished.
 - L. Each uniform patrol officer shall have supplies for recovery of latent prints and will be responsible for maintaining such supplies.

III. Processing Vehicles

- A. Stolen vehicles shall be examined and processed for latent fingerprints and other forms of evidence during the course of criminal investigations.
- B. Vehicles requiring minimal processing shall be processed by the investigating officer at the scene. If more detailed processing is needed, the investigating officer shall contact their supervisor. The supervisor shall determine the need for additional assistance from Crime Scene members.
- C. Vehicles requiring processing to such an extent that an on-scene examination is not practical shall be impounded and removed to a secure area where exposure to the elements is minimal. In these cases, a Crime Scene Investigator will process the vehicle for evidence.
- D. Any items removed from a vehicle shall be treated as evidence and processed accordingly.
- E. In cases involving the recovery of a stolen vehicle, the recovering officer shall contact the Communications Division and request them to cancel any computer entry which reflects that the vehicle is at large. If the case was originally reported to this agency, the officer shall request the Communications Division to notify the owner. If the case was originated elsewhere, the responsible agency shall be notified by the Communications Division that the vehicle has been recovered and request that they contact the owner. This information shall be noted in the officer's report.
- F. Recovered vehicles which originated from another agency will be processed by the recovering officer unless the originating agency makes or requests other arrangements.
- G. Stolen vehicles originating from this agency which are recovered outside this agency's jurisdiction will be processed by the recovering agency at the request of this Department's on duty supervisor. If that agency is unable to fulfill that request, the vehicle will be processed by Winter Haven Police Department members. This will be done with the approval of the on duty supervisor taking into consideration distance, time and the availability of members.
- H. When processing is completed and clearance is given by the investigating officer, the vehicle is then released to the owner or agent.

IV. Fingerprint Processing

- A. Members whose duties include the collection of fingerprints from crime scenes shall receive necessary training in the proper procedures for collection of fingerprints to ensure that those members are proficient in the task. The items and areas to be

processed within a crime scene may vary in each instance, requiring different processing methods.

- B.** Visible fingerprints are those that are visible to the naked eye, and are found in blood, ink, grease, or soft substances such as putty, clay, or wax. These should be photographed, to scale, as they appear in their natural state.
- C.** Latent fingerprints are invisible and must be developed. Smooth, non-porous, non-absorbent surfaces are the most desirable to obtain latent fingerprints from. Porous and absorbent items shall be collected for chemical processing.
 - 1. The chemical method used shall be determined by the items and by the person doing the processing.
 - 2. Standard latent fingerprint processing of smooth, non-porous surfaces can be accomplished using Cyanoacrylate Ester Fuming and/or latent powders.
- D.** Latent prints obtained as evidence shall be labeled with the following information on the reverse side of the print card;
 - 1. Case number;
 - 2. Date and time of lift;
 - 3. Type of offense;
 - 4. Victim's name;
 - 5. Location of offense;
 - 6. Location latent print was lifted; and
 - 7. Officer's name and I.D. number.
- E.** Latent prints that are lifted and collected as evidence shall be placed into an evidence locker or the evidence drop box and entered into the evidence log (whpd-130). A crime scene work order will need to be completed to have the latent lifts examined.
- F.** When fingerprints cannot be lifted, the print should be photographed with a measuring device. The measuring device should contain the following information: incident number, date, photographer's initials, location where photograph was taken and member number.
- G.** When possible, elimination prints should be taken for comparison with fingerprints recovered during processing. Elimination prints should be taken from individuals who may have handled the evidence or been in the crime scene before or after the crime was committed.

V. At Scene Evidence Records

- A.** All members who collect evidence shall complete a case or supplement report to document all the evidence they found at the scene of a crime, to include fingerprints and photographs collected during a criminal investigation. The report shall: (CALEA 83.2.1a)

1. Describe the items collected, including make, model number, and serial number, if any;
 2. Identify the person and/or location where the property or evidence was obtained; and
 3. Give the name of the person collecting the item(s).
- B.** Members who process a crime or accident scene shall include in their report; the event number; event location; date and time of arrival; name, I.D. number of reporting member; name of investigating officer if different from reporting member; name of suspect and/or victim if known; any action taken such as photographs and measurements taken and a listing of evidence recovered and its disposition. (CALEA 83.2.6)

VI. Laboratory and other Assisting Agency Submissions (CALEA 83.2.1d)

- A.** The primary responsibility for requesting analysis of evidence shall rest with the investigating officer. This responsibility may shift to persons who assume custody of the evidence at a later time. The Crime Scene section shall have the primary responsibility for preparing and transporting the evidence to the assisting agency. (CALEA 83.3.2) (CFA 27.02e)
- B.** All evidence submitted to an assisting agency shall be in accordance with the assisting agency guidelines. (CALEA 83.2.1, 83.3.2b, c) (CFA 27.02d)
1. FDLE submission shall be in accordance with FDLE Crime Laboratory Evidence Submission Manual and shall be accompanied by a FDLE electronic packing slip and shall require the following: (CALEA 83.2.1 e, f)
 - a. Name of member responsible for submitting evidence; (CALEA 83.3.2a, d)
 - b. Date and time of submission;
 - c. Date and time received in the laboratory; (CALEA 83.2.1d) (CFA 27.02 f)
 - d. Name and signature/initials of person receiving the item(s); (CALEA 83.3.2d)
 - e. Laboratory, name and address; (CALEA 83.2.1d) (CFA 27.02 e)
 - f. Items submitted; (CALEA 83.2.1d)
 - g. Examination requested; and (CALEA 83.2.1d) (CFA 27.02 e)
 - h. Synopsis of event. (CALEA 83.2.1d)
 2. PCSO I.D. submissions shall be accompanied by a PCSO Latent Print Work Order, PCSO form 9029a.
 3. Bureau of Forensic Fire and Explosives Analysis submissions shall be accompanied by BFFEA evidence submission for DFS-K5-1096.

- C. The Department shall request that all results of work conducted on the analysis of evidence be documented in writing. The results shall be placed in the case file and a copy sent to the investigating officer and to the State Attorney's Office if necessary. (CALEA 83.3.2e)
- D. A record of the transfer of physical evidence will be maintained electronically, on the evidence package and in the Evidence Logout Ledger, which are maintained in the Evidence/Property Office. Information shall include: (CALEA 83.2.1 e)
 - 1. Date and time of transfer;
 - 2. Receiving person's name and/or ID number; and
 - 3. Reason for transfer.
- E. Evidence transfer while in the field shall be documented in the incident report by the receiving member listing the following:
 - 1. Transferring member's first and last name and /or ID number
 - 2. Items transferred
- F. Items that are to be submitted to an assisting agency for further analysis shall be processed in the following manner:
 - 1. All wet items, such as blood and clothing shall be submitted as soon as possible after the material has dried. (CFA 27.01f)
 - 2. All tissues shall be submitted as soon as possible.
 - 3. All other physiological fluids or stains shall be submitted as soon as possible.
 - 4. Perishable items, physiological stains, tissue and biological materials shall be refrigerated as soon as possible after collection. (CFA 27.01e)
 - 5. If there is a delay in the submission of evidence for any reason, the investigating officer shall note the reason in a Supplemental Report.
- G. When any potential DNA evidence is sent to an accredited laboratory for analysis, the Department shall also send known DNA samples (for elimination purposes) or DNA samples from possible suspects (if known).

VII. Collections and Preservation of Computer/Cell Phone Evidence

- A. The following guidelines are for seizing stand-alone computers and computer-related software. Network systems may require supplemental steps before they can be safely shut down.
- B. Special handling is required when seizing computers, peripherals, disks, documents, and related items. Consult and follow the directions listed in the manual titled Best Practices for Seizing Electronic Evidence, or in the Federal manual titled Searching and Seizing Computers and Obtaining Electronic Evidence (Federal Guidelines for Searching and Seizing Computers). If necessary contact FDLE or the Polk County Sheriff's Office, Criminal Intelligence Division for additional support and assistance.
- C. Copies of both manuals are available electronically via PowerDMS.

VIII. Cellular Device(s)

- A.** Upon determining that any cellular device (phone/tablet) is evidence of a crime, the device will be recovered in accordance with G.O. 83.1. Upon receiving the device with consent, officers will attempt to obtain a search waiver if possible and will obtain the passcode as well. If obtained without consent (i.e. seized from a suspect), Miranda will be read and post-Miranda the passcode will be requested.
1. When receiving any cellular device, attempt to locate a charging cable from the giving party to be placed into evidence with the device.
 2. Provide a Property Receipt to the party from whom the device was taken.
 3. Place the phone in AIRPLANE mode and keep the device POWERED ON.
- B.** Bring the device to WHPD Temporary Holding Facility where the Temporary Electronic Device Storage Lockers are located.
1. If no charging cable was obtained with the device, locate a cable from the charging cable box affixed to the lockers.
 2. If there is no cable that matches the device, notify your immediate supervisor of such so that they may purchase, or authorize the officer to purchase, a charging cable using their department issued P-Card.
 - a. Complete a Purchase Request Form (WHPD-239) if used.
 3. Attach charging cable to connection in locker.
 4. Attach cable to device, confirming that the device is actively charging and that it is in AIRPLANE mode.
 5. Place a copy of any Search Waiver obtained in the locker as well as a copy of the passcode if obtained.
- C.** Each cellular device submitted shall have a WHPD barcode completed and put into the locker with the device. The member shall print their name, ID number, date and the locker number on the WHPD barcode.
1. An evidence tag shall be completed in detail, if the system is down.
 2. All members shall submit any newly acquired cellular device to a charging locker, prior to the end of their tour of duty.
- D.** Complete the Temporary Electronic Device Log in Form.
- E.** Place locker key into P & E evidence drop off.

- F.** Officer completing follow up will contact P & E to coordinate removal of the device from the temporary locker.
 - 1.** Officer completing follow up will fill out the chain of custody from the locker number to the officer and determine if the device will be reviewed on site (i.e. CelleBrite or manual review) with appropriate waiver or be logged into P & E.
 - 2.** The item will be signed for by the officer completing follow up in the Temporary Electronic Device Login Form.
- G.** If the device is to be searched with a search warrant, the device will be packaged in accordance with GO 84.1, logged into the P & E division and written into the Evidence Log Book (WHPD-131a). The device will then be logged out and submitted for forensic examination.
- H.** If the device is manually reviewed or searched on site, post search, the device will be packaged, logged into the P & E division in accordance with GO 84.1 and written back into the Evidence log book (WHPD-131a)
- I.** Once a week, an officer designated by the Investigative Services Bureau Commander will check the temporary locker to determine if any devices are in the lockers that have not been removed or assigned for review. If a device is located with no active follow up assigned, the reviewing member will verify that the device needs to be followed up with and the case will be assigned within 24 hours.
- J.** If the device is no longer needed reference to a criminal investigation, the designee will complete a supplemental report stating such and will coordinate with P & E the removal of the device from the temporary locker.
 - 1.** The designee will log the device in to the P & E division in accordance with G.O. 84.1 and write it in the Evidence log book (WHPD-131a)
 - 2.** The designee will coordinate with the P & E division to have the device returned to the owner.
- K.** Daily inspection of the cables will be completed during the daily cell inspections and any discrepancy will be investigated by the on duty patrol supervisor.
- L.** At no time will non-sworn members remove the device(s) from the locker(s) without the Investigative Services Bureau Commander approval. Any removal of evidence from the temporary locker will be completed by a sworn member.

IX. Training

- A.** Members shall be expected to perform specific functions when responding to a crime scene. Instructions on crime scene processing and evidence collection, including any potential DNA evidence, are received during the Criminal Justice Training Academy for Law Enforcement Officers and during the Department's Field Training and Evaluation

Program. Members shall, at a minimum, receive familiarization training and/or instruction concerning: (CALEA 83.2.1 c)

1. How to evaluate a crime scene to determine the potential and limitations of finding physical evidence.
2. The roles of the member, detective, and the Crime Scene Investigator.
3. The collection methods and procedures for:
 - a. Fingerprints/palm prints;
 - b. Footprints;
 - c. Blood;
 - d. Fibers;
 - e. Weapons;
 - f. Hair;
 - g. Paint;
 - h. Tool marks;
 - i. Any potential DNA evidence; (CALEA 83.2.7c)
 - j. Requirements for the collection of known sources for comparison;
 - k. Preservation methods for various forms of evidence;
 - l. Chain of custody procedures;
 - m. Crime scene sketches;
 - n. Crime scene photography; and
 - o. Crime scene records.

B. Members whose duties include photography, the collection of fingerprints and palm prints, photographing crime or accident scenes, the recovery of foot, tool, and tire impressions, the preparation of crime scene sketches, and/or the collection, preservation, and transmission of physical evidence (to include any potential DNA evidence) from crime scenes shall receive the necessary training to ensure that those members are proficient in the tasks required of them. Refresher training or training on new techniques and equipment shall be provided through in-service training as needed. (CALEA 83.2.1c, 83.2.7c) (CFA 27.03)

C. Crime Scene Investigators shall receive specialized training in the equipment, computer programs, and techniques utilized by the Department and shall demonstrate a level of expertise in all areas addressed in this General Order. (CFA 27.03)

X. Definitions

A. *Crime Scene* – The physical area, which either influenced the crime which has been committed, or the physical area, which has been altered by the crime which has been committed.

B. *Crime Scene Investigator* – A member who has received specialized training in crime scene examination and processing. This person is responsible for performing crime scene tasks in addition to providing support to the Crime Scene Investigator.

C. *Chain of Custody* – The continued link established from one person to another when moving evidence from one place to another.

D. *Evidence* – Any substance or material found or recovered in connection with a criminal incident.



APPROVED

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CHIEF OF POLICE**