

# WINTER HAVEN POLICE DEPARTMENT

## GENERAL ORDER 83.1

### COLLECTION AND PRESERVATION OF EVIDENCE

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

**EFFECTIVE DATE:** February 2, 1996

**RESCINDS:** G.O.83.1, January 5, 2018 and all applicable Amended/Temporary Orders prior to December 10, 2019

**LAST REVISED DATE:** December 10, 2019

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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)

- B.** If a member responds to a crime scene and determines that minimal processing is needed, the member shall process the scene.
- 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.
  - 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.
  - 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 83.2.1a)**

- 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. (CALEA 83.2.1)

- 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 crimes 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;
    - g.** Case number and type of investigation; and
    - h.** Direction of north.

5. Members who are authorized to take photographs of crime scenes, crash scenes, property/evidence or other areas to which they have access or are engaged in lawful duty in a lawful place, shall comply with the following:
  - a. All photographs taken shall be in accordance with Department policy.
  - b. Members shall not take photographs using their personal cellular telephone or other personal image capturing device.
  - c. Any photographs taken shall not be shared, posted, transmitted, used or delivered unless for a law enforcement purpose.
  
- F. Evidence shall be collected, labeled, and packaged in a careful manner so the evidence will be preserved and a chain of custody maintained. (CALEA 83.2.1) (CFA 27.01a,g)
  1. Place permanent and distinctive marks of identification directly on items if possible, without damaging them. The item should be marked with the initials of the collecting member. If the item cannot, or should not be marked as in the case of hair, paint, stains, bullets or items being submitted for latent print processing, place in an appropriate container, seal and mark the container with the case number, date and initials of the collecting member. Keep the marking brief and exclude extraneous information or conclusions of the investigating member since these might make the label inadmissible in court.
  2. When evidence is packaged in plastic evidence tape to prevent loss, contamination, or access by unauthorized persons. The member shall initial and date the evidence tape. An ARS barcode label shall be attached to the bag. Plastic bags are for small dry objects not requiring serological or DNA analysis. Do not put damp or biological items in plastic bags as bacteria or fungus may grow. (CFA 27.01b,g)
  3. If evidence is placed in a paper bag, the bag shall be closed and sealed with evidence tape to prevent loss, contamination, or access by unauthorized persons. The member shall initial and date the evidence tape. An ARS barcode label shall be attached to the bag. (CFA 27.01b,g)
    - a. Paper envelopes and paper bags leak at the corners and seams. Therefore they may not be suitable for very small or powdery material. Use of folded paper packet in conjunction with the envelope or bag should be considered.
    - b. Bags or paper are suitable for wrapping garments or large items.
    - c. Paper bags can be sealed around the end or over areas of large items, such as tools, safes and vehicle bumpers to prevent loss of adhering evidence.
    - d. Caution should be used when utilizing staples to close bags as they may tear gloves or puncture the skin.
    - e. If the size of an item prohibits placement into an evidence bag, an ARS barcode label shall be attached directly to the item. The item should be clearly marked if it is to be processed for latent prints or DNA to prevent mishandling.

- G.** Items which are found such as purses, wallets or other personal property should be handled as possible evidence. These items may have been stolen and discarded. They may need to be processed at a later date for trace evidence or latent prints.
- H.** The following safety considerations shall be adhered to by all members:  
(CALEA 83.2.1a)
- 1.** Liquid, blood and urine shall be packaged in a container that will contain all contents and prevent leakage during handling, storage, and transport and then packaged in a cardboard box. The international biohazard symbol and label shall be attached to the exterior packaging. Refrigeration is required for liquid blood collected as a standard directly from subjects. (CFA 27.01d,e)
  - 2.** The exterior of all packages shall be marked with the international biohazard symbol and label if the package contains:
    - a.** Liquid or dry blood;
    - b.** Body-packed contraband;
    - c.** Hands or fingers;
    - d.** Syringes; or
    - e.** Body fluids that may potentially contain DNA evidence such as semen, vaginal fluid and/or urine. (CALEA 83.2.1b)
  - 3.** Sharp objects:
    - a.** Blood or body-fluid contaminated sharp objects shall be packaged in rigid, puncture resistant, leak proof containers and shall contain the international biohazard symbol and label. On the exterior of the packaging the submitting member shall attach an orange authorized warning label.
    - b.** Sharp objects not contaminated with blood or body fluids shall be packaged as follows:
      - 1)** Package glass to prevent breakage;
      - 2)** Secure knives, razor blades, etc. within cardboard or covered by layers of heavy paper;
      - 3)** Attach an orange authorized warning label to the exterior of the package.
  - 4.** Firearms/Ammunition:
    - 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 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. (CALEA 83.2.1)
- 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 originally reported to this agency, the officer shall request 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 applicable, 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 shall complete a case or supplement report to document all evidence found at the scene of a crime, to include fingerprints and photographs collected during a criminal investigation. The report shall: (CALEA 83.2.1)
  - 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 83.2.1c)**

- 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:
    - 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 83.2.1c) (CFA 27.02e)
    - d. Name and signature/initials of person receiving the item(s); (CALEA 83.3.2d)
    - e. Laboratory, name and address; (CALEA 83.2.1) (CFA 27.02d)
    - f. Items submitted; (CALEA 83.2.1)
    - g. Examination requested; and (CALEA 83.2.1) (CFA 27.02d)
    - h. Synopsis of event. (CALEA 83.2.1)
  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 on the yellow Evidence/Property Form and the Evidence Logout Ledger, which are maintained in the Evidence/Property Office. Information shall include: (CALEA 83.2.1d)
  - 1. Date and time of transfer;
  - 2. Receiving person's name; and
  - 3. Reason for transfer.
  
- E. 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.
  
- F. 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). (CALEA 83.2.1c)

## **VII. Collections and Preservation of Computer 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. 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 83.2.1b)

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 on new techniques and equipment shall be provided through in-service training as needed. (CALEA 83.2.1, 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)

## **IX. 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           *Ch E. Bird*            
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