

St. Joseph, Missouri Police Department



DIRECTIVE TYPE: GENERAL ORDER		INDEX NUMBER: GO0203
SUBJECT: Collection and Preservation of Evidence		
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I. POLICY:

The St. Joseph Police Department is committed to proper collection and preservation of physical evidence. These guidelines are written to insure that physical evidence is identified, collected, preserved properly and transmitted to a laboratory promptly to enhance its effectiveness in criminal cases.

II. PROCEDURE:

- A. The Missouri State Highway Patrol supplies the St. Joseph Police Department with a manual for collecting/packaging evidence and submitting evidence to them. This manual titled, "Forensic Evidence Handbook" provides guidelines in three areas:
 1. Crime Scenes
 2. Laboratory Submittal Forms
 3. Collection and Preservation of Evidence
- B. Members of this department shall comply with the Forensic Evidence Handbook.
- C. The Handbook will be distributed to all Crime Scene Investigators, and department Evidence Technicians.
- D. A copy of the handbook shall also be placed in the roll call room in the L.E.C.
- E. The Missouri State Highway Patrol Crime Laboratory will be the primary provider of crime lab services to the St. Joseph Police Department in the following areas:
 1. Basic Serology
 2. Firearms, (ballistics comparison)
 3. Trace evidence, (hairs & fibers)
 4. Glass comparisons
 5. Selected drug cases
 6. DNA
- F. Items of evidence will be marked/labeled at the time of collection.
- G. The Physical Evidence Custody Reports will serve as an inventory list and insure the chain of custody is preserved by documenting the transfers of custody of evidence.

- H.** Investigating officers and Detectives shall collect materials and substances from known sources (standards), whenever available. These *known standards* will be packaged separately from collected unknown evidence. The Forensic Evidence Handbook describes the proper method of collecting known standards.
- 1.** DNA Specific Standards:
 - a.** In order to satisfy CODIS requirements for DNA entry Officers and Detectives **shall** gather a victim DNA standard for elimination purposes and will not send evidence to the lab without doing so. If possible, Officers and Detectives should also gather other possible victim standards or other contributing sources of DNA for elimination purposes. Examples would be the husband and wife in a home burglary, all potential drivers of a vehicle on a recovered stolen vehicle or recent consensual sexual partners on a sexual assault case.
 - b.** Patrol Officers should send DNA samples and standards to the lab on property crime cases, drug cases, or DWI's. Other cases may be sent to the lab by a Patrol Officer after consulting with a Detective Supervisor. A Detective assigned to part 1 crime cases will send evidence for lab examination after they evaluate all evidence available and then will only send evidence most likely to yield results that will complete the investigation (i.e. homicide, felony assault, sex crimes).
- I.** The St. Joseph Police Dept. will maintain special Crime Scene Investigators. Crime Scene Investigators will be required to attend specialized training courses in the proper collection and preservation of evidence to provide the following functions:
- 1.** Processing articles for the development of latent fingerprints.
 - 2.** Photographing latent fingerprints, one-to-one.
 - 3.** Preliminary analysis and comparison of latent fingerprints against fingerprint cards of suspects.
 - 4.** Create still photographs from video tape images.
 - 5.** Record and catalogue digital images booked into evidence by patrol officers to create a permanent record.
 - 6.** Properly preparing potential DNA and other evidence for submission to a lab for advanced services. (Patrol officers may, on incidents that do not require a CSI call out, collect DNA and other evidence if they have had related departmentally- approved training.)
- J.** Progression of Crime Scene Processing
- 1.** The processing of major crime scenes is the responsibility of Crime Scene Investigators (CSIs). Their vehicles are equipped to handle the majority of fingerprinting, evidence collection, diagramming, and photographic tasks. CSIs are available (on call) 24 hours a day, seven days a week for crime scene processing.
 - 2.** Crime scene processing shall be carried out in a systematic order. The following guidelines for progression will preserve the condition of evidence during the collection by preventing the introduction of foreign material.
 - a.** Assess the scene and determine the scope of the investigation;

- b. Secure the scene with Crime Scene barrier tape;
 - c. Keep a log of any persons entering or leaving the secured crime scene;
 - d. Search the crime scene to locate evidence;
 - e. Video tape the crime scene (optional);
 - f. Photograph the crime scene and evidence ;
 - g. Process the scene for latent fingerprints;
 - h. Measure the crime scene/evidence and complete a crime scene sketch;
 - i. Collect and remove trace evidence and body fluids;
 - j. Collect larger items of evidence;
 - k. Search crime scene again; and
 - l. Release crime scene.
 - 3. Fatality vehicle accidents are investigated by members of the department's Traffic Unit who are specially trained as accident Reconstructionists. Their vehicles are equipped for photography, measurements and sketches and collection of evidence at accident scenes.
- K. Photographs and video taping:**
- 1. Photographs and videotapes of a crime scene provide a permanent graphic representation of the appearance and position of objects and their relationship to each other. They will be handled as items of evidence.
 - 2. Trained police officers, accident Reconstructionists, and crime scene investigators may take photos and/or video at crime/accident scenes.
 - 3. Digital images, exposed film, and video tape shall be handled as evidence.
 - a. A Physical Evidence Custody Report will be completed.
 - b. Film/video tapes/digital image storage mediums shall be placed into the St. Joseph Police Department evidence room following established procedures.
- L. Fingerprint Evidence:**
- 1. The proper methods for processing, developing, lifting, and labeling fingerprints are outlined in the Missouri Highway Patrol's Forensic Evidence Handbook.
 - 2. Fingerprint comparison standards are not necessary unless there are identifiable latent fingerprints associated with that case.
 - 3. When fingerprint comparison standards are needed, follow the Missouri State Highway Patrol's Forensic Evidence Handbook or arrange for the person to come to the L.E.C. for fingerprinting.
 - 4. The St. Joseph Police Department Records Unit maintains a fingerprint file of persons arrested and finger printed by the department. These files are kept locked and secured inside the office of the Records Unit.
- M. Crime and Accident Scene Reports:**
- 1. Investigators of crime or accident scenes will prepare written reports of their actions to include:
 - a. Report number
 - b. Date and time of arrival at the scene
 - c. Location of the incident
 - d. Name of victim(s) if known
 - e. Name of suspect(s) if known

- f. Action taken at the scene
 - g. Whether measurements were taken
 - h. Listing of recovered physical evidence
2. CSIs and Accident Reconstructionists must also include this information in their reports:
 - a. Date and time requested
 - b. Name of the initial reporting officer
 - c. Disposition of physical evidence
 - d. Crime/Accident scene measurements (if taken)

N. Computer Evidence Procedures:

1. Computers seized by department personnel as fruits of crimes, (e.g. burglary, retail theft), shall be treated as normal evidence and processed accordingly. This type of seizure will not normally require the services of the Electronic Crimes Investigator.
2. In cases where data residing on computer systems, recording devices, and media is being sought as evidence in an investigation, no department member, except those who have been trained and designated as an Electronic Crimes Investigator (ECI), or at the discretion of the ECI, shall power off, disconnect, power on, or access a computer system, recording device, or recording media, that is to be seized.
3. When it is determined that a computer is to be seized and processed, department personnel shall contact the appropriate Electronic Crimes Investigator, who will assist in the seizure of the target system and media.
 - a. Exigent circumstances may cause immediate seizure of computer equipment by officers on scene. A properly trained employee shall be consulted as soon as possible to assist.
4. Whenever possible, the Electronic Crimes Unit shall process seized systems, devices, and media for evidence.
5. Other outside agencies such as the FBI, U.S. Customs, etc. with the proper resources and training can be used in the absence of a department Electronic Crimes Investigator. The electronic crimes investigator may call upon additional assistance from these agencies if needed to assist in a case.
6. All Detective Division personnel shall be trained in the proper methods to seize and properly package a computer system. The Electronic Crimes Unit personnel shall provide this training.

O. Responsibilities of Electronic Crimes Unit Investigators:

1. The Electronic Crimes Unit Investigator shall make all efforts to accomplish the following during the examination of the seized system and media:
 - a. Ensure that the original media and data are maintained in their original unaltered state.
 - b. Ensure that no unauthorized writes are made to the media by viruses, booby trap defense schemes, the operating system write back applications, or by other inadvertent means.
 - c. Recover, unlock, and access deleted files, hidden data, password protection files, and encrypted files.
 - d. Examine unallocated and slack space for relevant data.

- e. Provide a report of findings of the examination to the case investigator as soon as possible.
- 2. All examination requests on electronic equipment by the ECU will be made using form SJPD0093.

P. Disposition of Evidence

1. Evidence Destruction Requiring Prosecutor Review

A request for the destruction of evidence will be submitted by the St. Joseph Police Department's Evidence Officer, or his designee, to the Buchanan County Prosecutor's Office for review by the case attorney on the following schedule:

a. Misdemeanors:

- 1) Trial/Guilty: One (1) year from the date of disposition
- 2) Trial/Not Guilty: Thirty (30) days from the date of disposition

b. Felonies:

- 1) Trial/Guilty: Three (3) years from sentencing (both bench and jury trials)
- 2) Trial/Not Guilty: Three (3) years from the date of disposition

2. Evidence Destruction Not Requiring Prosecutor Review

A request for the destruction of evidence will be submitted by the St. Joseph Police Department's Evidence Officer, or his designee, to the Support Services Division Commander for review on the following schedule:

a. Misdemeanors:

- 1) Not filed: One year from the date of occurrence
- 2) Guilty plea: One year from date of disposition

b. Felonies:

- 1) Not filed: Three years from date of occurrence
- 2) Guilty plea: 180 days after the delivery to DOC

Evidence officers will verify the status of the case through Missouri case net or court of record. Destruction of such evidence shall be approved by the Support Services Commander or his designee using SJPD form 0105.

- 3. All items seized per search warrant or items used in trial must be submitted to the Buchanan Co. Prosecutors Office for review. If individual items are requested for release, a letter or email requesting the items must be sent to the Prosecutor's Office for review by the case attorney.

Note: Evidence in all homicide cases, crimes of a sexual nature, or unclassified or Class A Felony felonies likely to yield fingerprints, hair/fiber or DNA evidence useful in identification of involved parties shall be retained indefinitely.

- 4. Found and safekeeping items (defined as items with no obvious link to criminal activity): Retain for ninety (90) days from the date of collection with every effort made to contact the rightful owner (no submission to Prosecutor's Office)
- 5. Suicide (ANY items that could be considered as evidence): Retain for five (5) years from the date of occurrence (no submission to Prosecutor's Office)

6. Unattended deaths: Retain for six (6) months (no submission to Prosecutor's Office)

Q. Disposal of property

1. General property will be disposed of at the landfill, any property with monetary value will be auctioned and the proceeds will be given to the county treasurer's office. The items released to auction will be logged and kept on file.
2. Drugs will be disposed of by an incendiary device approved through the department of natural resources. Currently located at 701 SW Lake Front Lane. This will be witnessed by at least two employees of the St. Joseph Police department. A log will be completed and kept on file.
3. Guns will be disposed of at Advantage metals (750 S. 4th). They will be crushed, then put into a vehicle and the vehicle will then be crushed. This will be witnessed by a minimum of two employees with the St. Joseph Police department. A log will be completed and kept on file.

If individual items are requested for release, a letter in writing must be sent to the St. Joseph Police Department's lead investigator on the case requesting those items (personal items must be cleared by the lead investigator and reviewed by the Investigator's Supervisor prior to release).

Chris Connally, Chief of Police

Date