



# SOUTH MIAMI POLICE DEPARTMENT

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<b>CFA STANDARD:</b> 35 <b>SUBJECT:</b> <i>Collection and Preservation of Evidence - OPERATIONS</i>	<b>NEW (X) RESCINDS ( )</b>  <b>AMENDS (x) OTHER ( )</b>	<b>By Order Of:</b>    <b>Rene Landa, CHIEF OF POLICE</b>	

**CFA STANDARDS:** 27.01M

**SECTIONS:**

- 35.2.1 Guidelines and Procedures
- 35.2.2 Photography and Videotapes
- 35.2.3 Fingerprinting
- 35.2.4 Equipment and Supplies
- 35.2.5 Seizing Computer Equipment
- 35.2.6 Report Preparation

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish uniform operational procedures for collecting and preserving evidence.

**SCOPE:** All departmental personnel.

**POLICY:** It is the policy of the South Miami Police Department to respond to all crime scenes to secure and protect the crime scene or traffic crash scene, and to ensure that once an item of evidence has been identified, steps are taken to ensure that its value is not degraded. The patrol unit, via supervisor, will request a CID detective trained in the preservation of crime scene evidence, who will provide support services in the form of basic crime scene processing, fingerprint identification, and crime scene photography at serious crime scenes, or as requested by a patrol supervisor.

**PROCEDURE:**

**35.2.1 Guidelines and Procedures**

- A. The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

1. Secure the scene. South Miami Police Department recognizes that officer safety is our ultimate concern.
  2. Summon medical assistance and administer first aid as required to prevent further injury or loss of life.
  3. Notify the supervisor to photograph evidence (minor crime scenes).
  4. Arrest of violators.
  5. Protect private and public property.
  6. Protect evidence.
  7. Notify CID, via supervisor, to respond to process the crime scene (serious crime scenes).
- B. The crime scene must be preserved in its original condition. Unauthorized personnel shall not enter the crime scene area. **The officer protecting the scene shall only admit the detectives officially assigned to the incident.**

Other members of the Department shall not be permitted entrance until these members have completed their initial investigation. Supervisors may only be admitted after they have relieved the protecting officer of his responsibilities. The officer in charge of protecting the crime scene shall ensure that written documentation is kept of all persons entering the crime scene using a "Crime Scene Log", which may be kept on a notepad or notebook.

The officer will ensure that only officially assigned personnel will touch or remove objects within the crime scene area. Careless walking about the area of the crime scene may also destroy evidence and will be prevented.

1. At major crime scenes, a second officer shall be assigned to control access and shall require all persons entering the crime scene to personally sign the Crime Scene Log.
2. If rescue or ambulance personnel are first to arrive on the scene, they should be questioned as to what they moved or touched. Those personnel should be identified in the officer's report.

In the following cases, MDFD Rescue personnel should **NOT** enter the scene, and MDPD Homicide notified:

- a. Decapitation
- b. Decomposition / putrefaction
- c. Livor mortis / post-mortem lividity
- d. Algor mortis (cooling of the body to room temperature)
- e. Rigor mortis

If MDFD insists on entering the scene, the officer shall not argue with them, but shall admit one member from MDFD to verify the death; If the

victim is found to be alive, then the officer shall immediately admit MDFD without restriction; the information and identity of the MDFD personnel will be recorded.

3. When the scene of the crime is a place of business, the business shall be closed upon the arrival of the first officer. If the crime took place outside of a building or in a large open area, the first officer on scene shall take steps to secure the area to the fringe of the incident.
4. The ranking detective at the scene will be in charge of the investigation when present. In their absence, the highest-ranking officer shall be in charge.
5. Officers will notify their supervisor of any significant crime scenes. The supervisor will determine and advise if CID is to be notified or if the Miami-Dade Police Department and its Crime Scene Unit will be requested to respond to process the scene. Scenes, minor in scope (such as minor traffic crashes and criminal mischief), may be processed by the investigating officer.
6. The Miami-Dade Police Department is to be contacted when a homicide or a sexual battery has occurred. The Homicide or Sexual Crimes investigator will request the Miami-Dade Police Department Crime Scene Unit.

C. Crime Scene Trained Detective:

1. Reports to the Detective Supervisor.
2. Complies with departmental policies and procedures.
3. Detects, collects, evaluates, and preserves crime scene evidence.

D. Crime Scene Duties and Responsibilities:

1. Discover and collect substances; e.g., fibers, blood, and other trace evidence.
2. Develop and lift latent foot, palm, and fingerprint evidence; Develop, and identify patent prints.
3. Perform latent process on items of physical evidence using various chemicals.
4. Assist in the fingerprint identification of victims of man-made or natural disasters.
5. Prepare castings for shoe and tire impressions.
6. Take photographs of crime scenes including aerial exposures (refer to Miami-Dade Police Department) and special close-ups.
7. Produce crime scene sketches and plats, and record location of evidence.

8. Prepare concise written reports of crime scene investigations and submit findings to the Detective Supervisor.
9. Testify in court on evidence gathered at crime scenes, maintain continuity of evidence, and produce necessary records; offer testimony in courts of law; prepare court exhibits.
10. Perform delegated auxiliary functions, training, inventory, maintenance, and various other functions as directed.
11. Complete all evidentiary impound related tasks.
12. Responsible for care, maintenance, and proper utilization of assigned equipment.
13. Ensure that the Crime Scene Log is maintained on major scenes by responding officer(s).

E. Crime Scene Preservation: The responding officer shall secure the scene. Crime scene tape shall be used to set a perimeter. No one shall enter the scene once the perimeter is set without the express permission of the Detective in Charge.

1. Entering a Scene - In the case of a body which has not been checked for vital signs, only ONE rescue worker, paramedic, or Miami-Dade Fire Department paramedical worker shall enter the scene. The rescue worker shall NOT enter the scene with a stretcher until it is determined that the person has vital signs and is in need of medical attention.
2. In the case of an obviously deceased person, where one or more of the following is present (decapitation, post mortem lividity, rigor mortis, algor mortis, or decomposition) no rescue worker, paramedic, or Miami-Dade Fire Department paramedical worker shall enter the scene.

In the case of a severely mutilated body, a paramedic may enter to make a determination that the person has no vital signs and is beyond medical attention. Miami-Dade Police Department Crime Scene Unit should then immediately be notified and the scene secured. Morbid curiosity is not to be satisfied at the expense of evidence when it is obvious and evident that a person has deceased.

3. At any major crime scene where a detective with training in the preservation of crime scene evidence is present or a has been called out, the responding officer shall keep a Crime Scene Log of any and all persons entering or leaving the scene, and the reason thereof. No person shall enter the scene without the permission of the investigator in charge.

F. Chain of Custody: Documentation will be established as evidence is collected, indicating the following: identification of the item(s); location, date and time located; person (and witnesses) discovering the evidence; and every person taking custody of the evidence. Evidence shall not be touched, unless necessary, until

after it has been accepted in court. There are NO exceptions for other officers, including supervisors (See 35.3.1 and 35.3.2).

- G. Evidence Impound and Storage: Security, documentation, and timely delivery of evidence are essential in crime scene investigations. Evidence that is impounded will be documented on a Property Report for storage in the Property and Evidence Room. Evidentiary material that decompose or evaporate will be kept refrigerated and in the proper container to prevent its destruction or contamination. [CFA27.01M(a)]. Items of evidence will be packaged, sealed, marked, and labeled according to policies set out in general order 36.1. [CFA27.01M(g)]

In order to preserve the integrity of evidence on a scene, care must be taken to keep evidence from being contaminated by people on the scene and/or by other items being impounded. [CFA27.01M(b)] The evidence storage and locker key control are to be utilized according to established departmental procedure.

The following procedures have been established in order to safeguard integrity of the chain of custody of evidence that cannot be immediately impounded:

1. Evidence that must be dried prior to ninhydrin, dust, or other processes shall be secured.
2. Evidence that must be processed using cyanoacrylate shall be secured until arrangements are made for its processing.
3. A sufficient sample of evidence must be taken from the crime scene so there will be enough in its original state, if further testing might damage or destroy the testing sample. [CFA27.01M(c)]
4. Blood and other perishable evidence can be stored in the refrigerated portions of the evidence storage lockers, while pending delivery to a crime scene laboratory for analysis. [CFA27.01M(e)]
5. Once collected from the scene and brought to SMPD headquarters to be impounded, the evidence will be sealed into either a plastic paper bag, depending on its size or composition. The bag will be marked with the case number of the incident. The officer impounding the material will also affix his name to the bag with the date it was impounded. [CFA27.01M(g)]

**Elimination Prints, Documentation, and Evidence:**

1. Elimination Prints: Elimination prints are designed to eliminate latent fingerprints lifted at a crime scene that may belong to the victim, members of the family, friends, or officers.

2. Latent, patent, and plastic impressions/transfer to be photographed will be marked by investigator.
3. Latent, patent, and plastic impressions to be photographed will include a 1:1 ruler with case number, date, initials of examiner, and alphabetical or ordinal numbering.
4. Evidence will be placed in designated area secured evidence locker along with Property Receipt.
5. If so indicated on the Crime Scene Report, articles processed with negative results may be destroyed or returned to owner.
6. Evidence accompanied by a Property Receipt may be sent to the appropriate section (Chemistry, Firearms, Property Room, etc.) or destroyed if the investigator so directs, in writing; burglary tools processed with negative results may be kept for the use of the unit (hammers, screwdrivers, pry bars, &c.)

#### **Narcotics Evidence Processing:**

1. Normally, the original investigating officer shall take controlled substance into custody as evidence.
2. When large bags or containers holding a controlled substance need to be processed and it is impractical to remove the controlled substance, the person processing the item shall process the container in the presence of the investigating officer. When processing is completed, the officer who is responsible for taking custody of the item shall enter the item into evidence as guided in the Property/Evidence General Orders of this Manual.

#### **Firearms:**

1. General: Every effort will be made to ensure that the firearm is impounded unloaded, and strapped with “zip ties”, when the crime scene allows.
2. In the case of a firearm that has been fired, in the commission of a felony, the firearm should not be unloaded, but instead impounded in its found condition, with a notation made that the firearm is loaded and dangerous. The purpose of this is to not lose valuable trace evidence before a qualified Investigator can preserve this evidence.

3. Processing firearms for latent prints: In the event that the firearm recovered would be returned to the lawful owner, every effort will be made to not destroy or mar said firearm (e.g., through cyanoacrylate, or other methods). If the presence of latent prints on the firearm is material to the case, and the identification of the person who fired the firearm is material, then any method should be used to preserve the evidentiary value of those prints.
4. In the case of an impound of an unloaded firearm, where ammunition is also impounded, then the officer will impound the firearm and ammunition separately, in accordance with accepted procedure.
5. Collected projectiles will be impounded and submitted to the Miami-Dade Police Department for tool marks / rifling when necessary.
6. Collected casings will be impounded and submitted to the Miami-Dade Police Department for tool marks / firing pin marks when necessary. Said casings may also be processed by the assigned detective for latent prints when applicable.

### **35.2.2 Photography and Videotapes**

#### **Digital Evidence:**

1. This section sets forth the guidelines for the collection, processing and preservation of digital evidence (i.e. still cameras, video cameras and computer programs).
  - a. The intent is the use of digital cameras to record and document evidence.
2. General:
  - a. Photographs are one of the most important forms of documentation available to law enforcement. Therefore, it is necessary to ensure the highest degree of efficiency in handling of these photographs as well as to protect the integrity of all evidentiary photographs.
  - b. The department's expressed goal is to use digital imagery as an efficient tool to produce images that are acceptable in court and for other legitimate law enforcement purposes.
  - c. The basis of evidentiary photography requires the photographer to be able to testify that the photo accurately represents what he/she observed and that it has not changed.

3. Digital Images:

- a. Digital images are images captured electronically by a digital camera and are stored on a CD, videotape, or other electronic medium.
- b. Department members working with digital imaging equipment must do so only with the intention of producing clear and accurate representations of those images.

4. Use of Video Recording Equipment on Crime Scene:

- a. The Criminal Investigations Division has a portable digital video recorder.
- b. To protect the video recorder during the rain, a clear plastic bag should be placed over the recorder and pulled close to the lens.
- c. Only one crime scene shall be recorded on each tape. This shall become the “master recording.”
- d. The master recording is evidence and shall be listed on a property receipt and turned into property.
  - (1) It shall not be edited in any manner.
  - (2) A copy of the master can be made for investigative purposes or for the Miami-Dade County State Attorney’s Office.
  - (3) Any additional copies can be made only with the approval of the lead investigator, the State Attorney’s Office, the Courts, any member of the command staff or the Chief of Police.

5. Procedures for Submission of Evidence:

- a. Members shall transfer images to a secure terminal and record it on to permanent non-volatile media (such as compact disks that are not re-writable) in their original form.
  - (1) This becomes the electronic negative that all copies are made from. **No alteration or deletion of original images will be allowed.**
  - (2) Enhancement will only be performed on a copy of the original image file. This may involve, but not be limited to:

- (a) Sharpness improvement.
- (b) Features for clarity.
- (c) Addition of objects/features, such as; lines, arrows, labels, text, etc.
- (d) **Under NO circumstance will a corrected or enhanced image be substituted for the original.**
- (e) All original images will be maintained on separate storage media for the purpose of backup and security.

6. Use of Digital Images:

- a. Digital images may be used to document, but not be limited to, the following:
  - (1) Child abuse.
  - (2) Crime Scenes.
  - (3) Criminal mischief.
  - (4) Hate crimes.
  - (5) Injuries such as, battery, domestic violence, etc.
  - (6) Property damage.
  - (7) Response to resistance.
  - (8) Service of search warrant.
  - (9) Traffic crashes.
  - (10) Any other deemed necessary.

7. Procedure to Capture Digital Images:

- a. When an image is captured, it should be previewed to judge quality. If the image is not sufficient to present as evidence, adjust for the problem and recapture another image. Do not delete the original

image.

- b. Place images relating to only one case number or incident on each CD or videotape.
- c. Size comparison information (with and without scale) all major crime scene objects, for comparison purposes, are photographed with scale so the exact size can be determined in the photo.
- d. A separate Property Receipt Report shall be completed and the items packaged in conformance with this Regulation for each of the listed items:
  - (1) The original CD or videotape shall be turned over to the Property and Evidence Custodian before the end of the officer's tour of duty.
  - (2) If after hours the items will be placed into an evidence locker and secured.

8. Training:

- a. All members who are issued a digital camera shall receive training in its use which shall consist of reviewing the camera's users guide provided by the manufacturer.

### **35.2.3 Fingerprinting**

No source of fingerprints that may link a crime to a perpetrator will be overlooked, including every person suspected of handling an item of evidence. This could require fingerprinting officers to eliminate fingerprints found on an item of evidence.

- A. Lifted prints will be placed on a latent print card and labeled with the following information listed:
  - 1. Case number;
  - 2. Date processed;
  - 3. Investigator's Name/initials and identification #;
  - 4. Location where prints were found;
  - 5. Name of victim (if applicable); and
  - 6. Offense type.
- B. A Miami-Dade property receipt form will accompany all latent print cards submitted for comparison to the Miami-Dade Police Department lab.
- C. Latent fingerprint processing: Except in major crimes, e.g., homicide, sexual assaults/battery, the departmental detectives will process the crime scene, unless

there are extenuating circumstances as determined by the on-duty patrol supervisor or detective.

1. Detectives trained in the preservation of evidence are authorized to conduct fingerprint processing in investigations, such as:
  - a. Robberies and all property crimes;
  - b. Aggravated Batteries, domestic violence with injuries;
  - c. Other investigations as deemed appropriate by the supervisor in charge.
2. Latent prints should be developed and removed (lifted) from the surface(s) of items with department approved equipment whenever possible, i.e. dusting powders, brushes, fingerprint tape, fingerprint cards, etc.
3. No attempt should be made to brush or apply powder to prints in dust, grease spots, water spots, etc., as this will destroy them. When possible, such prints should be photographed 1:1.
4. Wet objects to be processed for fingerprints should be allowed to dry before processing, or SPR (MOS2) utilized.
5. Latent prints that are chemically developed in the laboratory or field are to be photographed 1:1
6. Evidence will be placed in designated secured evidence locker along with the Property Receipt.

**Latent Print Processing of Vehicles:** Upon notification of a vehicle to be processed, the detective will proceed to the vehicle with a latent processing kit. Latent lifts will be marked for identification in the following manner:

1. The Investigator will record a description of the vehicle.
2. Except for initials, all information on latent backing will be printed.
3. The Investigator shall initial the latent card. Initials will be written across the edge the tape and partially on the backing to insure evidence integrity.
  - a. Enter the case number in the upper left corner and the date in the upper right corner. Place initials below the case number and the identification number below the date.
  - b. Enter the year, make, and tag number of the vehicle on the backing.
  - c. Small sketches are permissible when attempting to highlight a particular area from which a print is recovered.
  - d. The specific area from where the latent was recovered should be described.

#### **35.2.4 Equipment and Supplies**

For crime and crash scene conditions and circumstances that require the use of special equipment such as a portable generator, lighting and/or ladder, the Miami-Dade Fire Department may be asked to assist.

- A. To facilitate collection of latent fingerprints, detectives shall be issued a crime scene kit containing:
1. Standard fingerprint powders of various colors;
  2. Magnetic powders for specific surfaces;
  3. Camel hair brushes, magnetic wands, fiberglass brushes, and feather brushes;
  4. Latent fingerprint cards (white);
  5. A specialized blue light;
  6. Cyanowand or superglue apparatus;
  7. Cans of Ninhydrin spray;
  8. 3" x 5" white backing cards;
  9. 2", 3" and 4" clear lifting tapes.

**Equipment and Vehicles:**

1. Detectives are responsible for inspection, inventory, and replenishment of all supplies used by the unit for the preservation of crime scene evidence.
2. Each detective will maintain an individual Crime Scene Call-out kit. Each Investigator is responsible for inspection, inventory, and replenishment of all supplies used by the Investigator in the Crime Scene Call-out kit.
3. Detectives will maintain their assigned vehicle and equipment and supplies (when applicable). All equipment will be removed when a vehicle is deadlined. Vehicles will be properly parked and locked when unattended.

**Vehicle Equipment:**

The following equipment may be maintained in the vehicle, in addition to standard equipment:

1. Cones;
2. Crowbar;
3. Evidence Bags Large, Medium, & Small;
4. Gloves (latex);
5. Hand Sanitizer;
6. Miami-Dade Police Department Property Receipts;
7. Sketch pad;
8. Extra crime scene tape;
9. Evidence numbers, cones, or tents

- B. Detectives will have access to photographic equipment consisting of a digital camera;
- C. Detectives will have access to sketch pads, crime scene templates, and writing instruments to make a crime scene or crash scene sketch in order to place the items of evidence in proper perspective.
  - 1. The Investigator of a crime scene will produce crime scene sketches and plats, and record the location of evidence, when necessary. The investigator will make every effort to complete a neat and accurate diagram, when the situation dictates, to further illustrate the location of items in a crime scene.
  - 2. The investigator will note on the diagram that it is not to scale, and include a legend, investigators name and ID number, and a North orientation.
- D. Collection of Evidence: The detectives trained in the preservation of crime scene evidence will also have access to personnel, equipment, and supplies to assist in the collection of evidence. The equipment and supplies are departmentally issued and include:
  - 1. Gripping devices, tweezers, forceps or other instruments necessary for picking up or handling evidence to prevent contamination;
  - 2. Scraping tools (scalpels etc.) for trace evidence collection; and
  - 3. Paper bags, plastic bags, vials, plastic boxes, cardboard boxes, plastic bottles for collection of liquids, etc. [CFA27.01M(d)]

### **35.2.5 Seizing Digital/Computer Equipment**

- A. Care should be taken in the seizure of computer equipment to insure that evidentiary data is not destroyed.
- B. When seizing a computer that is turned off, officers should ensure that they seize all external drives, disks, or other peripheral equipment that may be used to store or retrieve data. The computer should not be turned on.
- C. When seizing a computer that is turned on, the computer should be unplugged rather than turned off through the operating system software. This will prevent possible data loss through the software shutdown process.
- D. Officers should use forensic computer specialists to retrieve and analyze data from seized computers, and will contact a supervisor when necessary. These services are available from the Miami-Dade Police Department Crime Scene Unit FDLE or the FBI.

### **35.2.6 Report Preparation**

- A. In addition to Offense and related reports, evidence will be itemized on a Miami-Dade Property Receipt. All portions of the Property Receipt will be completed. The bottom of the Property Receipt (chain of custody section) will be completed when the evidence is turned in to the Property and Evidence section and each time thereafter that custody changes. Each type of evidence that is to be submitted for laboratory analysis should be entered on a separate property receipt to facilitate change of custody.
- B. When recovered evidence produces a positive “hit” for identifying prints or laboratory analysis, the Investigator who processed the crime scene will prepare a supplementary report containing additional information relevant to the case.
- C. For all general crime scene investigations, the detective will prepare a South Miami Police supplementary report.
- D. The person who investigates a traffic crash scene will prepare a Florida DHSMV Traffic Crash Report form as described in G.O. 29 - Traffic. Said forms are item specific in that each portion is labeled with directions and/or instructions for submitting required information. If necessary, an investigator may prepare a supplementary report to add any pertinent information to the crash report.