

## **Salisbury University Police Department**

### **CHAPTER 83 – COLLECTION AND PRESERVATION OF EVIDENCE**

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## Salisbury University Police Department

### CHAPTER 83 – COLLECTION AND PRESERVATION OF EVIDENCE

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*This chapter outlines the guidelines and procedures for the collection and preservation of evidence.*

#### **83.1 Administration**

##### **83.1.1 Personnel Availability on 24-hour Basis**

The University Police Department does not maintain a full-time crime scene technician/processor. *The agency does maintain an officer who has received specialized training in evidence processing and collection techniques and who is available, as needed, to process and/or collect evidentiary items.* If a crime scene/traffic collision occurs and involves the prompt collection and preservation of physical evidence, the department will notify the SUPD's Crime Scene Technician to respond to process the scene. If he/she is unavailable, the Maryland State Police, the Salisbury Police Department or the Fruitland Police Department will be contacted for assistance in requesting skilled personnel who are available for crime scene/traffic collision processing on a 24-hour basis.

#### **83.2 Operations**

##### **83.2.1 Collection and Preservation Guidelines and Procedures in the Field**

Collection, proper documentation, preservation and submission of physical evidence to forensic laboratories may provide key ingredients of any investigation. The crime scene is usually the starting point of a criminal investigation. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The initial responding officer or crime scene technician will be prepared to collect, identify and package the evidence so that it will not be changed in form and value. Maintenance of the chain of custody of the evidence is of paramount importance.

Physical evidence includes anything which is found at the crime scene which tends to assist in determining the truth of a matter or provides proof of a fact. This includes anything left at the scene by the suspect, or any instrument used to commit the crime. The proper collection, preservation and documentation of physical evidence found at the crime scene often are the deciding factors when a criminal case is brought before a judge and/or jury. It is imperative, therefore, that officers and crime scene technicians exercise proper care and follow procedures during the processing of crime scenes in order to avoid changing the evidence in any way and to prevent the contamination or destruction of items of evidence.

A. First officer responding to a crime scene will:

1. Respond to the scene promptly and safely;
2. Protect the scene to prevent the destruction or contamination of evidence;
3. Ensure the scene is secured until the crime scene technician arrives;
4. Conduct crime scene processing if the crime lab technician is not utilized;
5. Locating items of evidence and the collection of same;
6. Preservation and packaging of physical evidence;
7. Locating witnesses;
8. Prepare the original Offense/Incident Report.

(Revised 03/01/2013)

B. Arrival at the Crime Scene:

The following procedures should be adhered to by the first officer on the scene:

1. Do not rush into the crime scene as an armed suspect may still be present. Rushing into the scene may also result in the accidental destruction or contamination of evidence;
2. The officer, while en route, must rapidly decide how to best make the approach to the scene in a manner least destructive to potential evidence, and without alerting the suspect (where appropriate);
3. A primary responsibility of the officer at the scene of the crime is to render assistance to the victim through first aid, calling an ambulance, etc. If the victim is deceased, do not disturb the body. The officer's approach route to the injured person should be such that any physical evidence in the vicinity remains untouched or is protected where it lies;
4. If the suspect is found at or near the scene, the officer must protect himself. If he has probable cause to believe that the suspect committed a felony, he should place him under arrest, search him, make note of any spontaneous statements the suspect may make, and advise the suspect of his Miranda rights if he is to be questioned about the crime; and
5. The officer, with the approval of the Squad Supervisor/OIC, must request the PCO to notify all appropriate personnel (on-call Commander, investigators, medical examiner, etc.) and/or determine equipment needs if the crime or incident scene is the type that the officer cannot process alone.

C. Protecting the Scene:

1. The first officer on the scene must secure the initial point of the incident and must extend the area of protection out towards the perimeter. For example, having secured the room in which a crime was committed, the officer should expand coverage to the entire building or outside area.
2. Crime scenes may be secured by the following methods:
  - a. Police Officers;
  - b. Barricades, rope or banner guards used to define area to be protected; and
  - c. Signs used to control access.
3. Access to crime scenes will be available to authorized personnel only. Any officers not needed for a specific purpose will not enter the scene. This includes officers of other police agencies, civilians, family members of victims and/or university staff.

D. Processing the Crime Scene:

1. Refer to 83.2.4
2. The officer responding to a crime scene/traffic collision, not being handled by a certified crime scene technician, will make a determination of equipment needed for processing. In the event the equipment needed is not located in the patrol vehicle, the Squad Supervisor will be responsible for delivering the necessary equipment to the scene. An

evidence collection kit and digital cameras are located in the Squad Room and is readily accessible as necessary.

3. Photography/Preservation of Evidence:

- a. All evidence at major crime scenes will be documented by either photographic and/or video means to preserve a record of its original appearance and location.
  - i. Overall photos should be taken from several different locations;
  - ii. If an interior scene, a wide angle lens should be used;
  - iii. Photograph the surrounding area thoroughly.
  - iv. Evidence, whenever possible, will be photographed as it is found in its location.
  - v. Images should include some form of scale in the photograph.
  - vi. Photographs may also be used to show the relationship of the evidence within the entire scene.
  - vii. Note the lighting available and weather conditions.
  - viii. Provide a log indicating the chronological order in which the photographs were taken and note such things as: date and time, name of photographer, case number, location of where photo was taken, and general description of the photographs' contents.
- b. Crime Scene/Incident/Traffic Collision Photographs:
  - i. Major Crime Scene photographs are to be taken and handled by the Crime Scene Technician; if an Evidence Technician is not needed to take the photographs then the investigating officer can take the photographs (digital only). The investigating officer will then load the digital photographs from the digital media card into the records management system using the appropriate case number. Once photographs have been uploaded into the records management system, printed under the appropriate case number and placed in the case file, images on the digital media card may be destroyed.
  - ii. Photographs taken with 35 mm, or other film, by a Crime Scene Technician employed by another agency will be developed in accordance with the MSP Guidelines for Submitting Physical Evidence. Once developed, the photographs will be returned to this agency with the chain of custody documented.
  - iii. ***Employees may not use their cellular telephones to take photographs at crime scenes, traffic crash scenes or of any evidence unless there is an immediate danger that the scene or evidence may be destroyed. If photographs are taken they will be promptly downloaded into the police department's Records Management System and immediately deleted from the telephone. Under no conditions will it be permissible to email or text photographs for unofficial purposes.***
  - iv. Midrange photography is utilized to orient the viewer as to the exact location of items of evidence in the scene, as well as injuries on a victim.

- If possible, the officer should attempt to include two items of evidence into the field of view. If this is not possible, then a common item, (desk, bed table, etc.) should be included in the midrange photos.
  - Midrange photos should always be taken with a normal lens to prevent distortion.
  - Photos of victims should include the specific injury as well as a photo of the victim's face for identification.
- v. Close-up Photography: Before any item of evidence is removed, a close-up photograph should be taken, as follows:
- Fill field vision with item (without a scale); and
  - Take one close-up shot of item with a scale, the six-inch ruler/tape measure in the evidence collection kit can be used for this purpose, along with marking tape.
  - The officer can place a strip of masking tape across the face of the rule, making sure not to cover the measuring increments. Information to be written on the tape includes:
    - Item number,
    - Case number,
    - Date; and,
    - Officer's initials.
- c. Whenever photographs are not taken or where physical evidence is not recovered from the scene of a serious crime against person or property, the officer/investigator assigned will prepare a report giving the reasons why these things were not done. This may be included in the supplement of the offense report or subsequent follow-ups.
- d. As necessary, a sketch of the scene will also be completed. It shall include the name of the person completing the sketch, the date and time, along with the following information as required:
- i. Dimensions of rooms, furniture, vehicle, etc.
  - ii. Distance of objects from windows, doors, or other fixed objects and/or distance between each object.
  - iii. Location of evidence, fixed and placed, by measurements from two separate fixed objects (triangulation).
  - iv. Indications of any known directions for items moved.
  - v. Any reference point or North indicator.
4. Marking/Labeling/Sealing of Physical Evidence:
- a. In many instances, marking and labeling of evidence may represent a single process. In those instances where the evidence is of such a large size or nature, complete identifying data may be recorded, directly on the evidence. This will include the officer's name, date, time, and location of recovery, item number and case number.
  - b. In other instances, the small size or nature of the item collected will not permit that complete information to be noted directly on the item. In these instances, the container or attached tag/bag should be marked.

- c. All officers/crime scene technician should establish the habit of marking similar items in the same location, for example, on the trouser band, or under the right front pocket of the trousers, or on the right-hand side of the handgun. This will save time and embarrassment in looking for the identifying marks when asked to identify the evidence on the witness stand.
  - i. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes or, where labels are used, ball point pens.
  - ii. The officer collecting the evidence will be the person responsible for marking or labeling the item at the time it first comes into custody.
  - iii. Items that can be marked should be packaged or placed in an appropriate container and sealed. Items that cannot be marked should also be placed in an appropriate container, sealed and additionally described for identification. All items should be marked when possible.

However, if physical evidence is not tagged or bagged, each officer or investigator should develop his own identifying mark. Normally it should be his initials, but may be some other mark. An adequate and convenient test of the suitability of evidence marking is to ask yourself the following question: "If I do not see this item again until I am seated on the witness stand, will I be able to state that this is the item I collected at a particular location in connection with this particular case, to the exclusion of all other evidence I have handled in this or any other investigation?"

- 5. Officers shall wear latex gloves when collecting evidence by hand. The officer should avoid touching the item of evidence with his bare hands or anything that might contaminate the evidence. The use of tongs or tweezers may assist the officer in some situations.
- 6. Proper Order of Collection:
  - a. The officer should collect perishable evidence first.
  - b. If destruction of evidence is not a concern, then the officer should work his way through the scene, collecting in a logical sequence, trying to avoid disruption of other types of evidence.
- 7. All items of evidence that are collected by the officer processing the crime scene will be listed on the SUPD Property Record. For each item listed, the following information will be noted:
  - a. A complete description of the item (including make, model number, and serial number, if any):
    - i. The source (from whom or location in which the item was obtained).
    - ii. The name of the person collecting the item.
    - iii. The date and time the item was collected.

8. All items packaged for submission to the forensic laboratory will have a red evidence label placed on the seal of the specific container (envelope, box flap, etc.) Officer/investigator will place his initials over the red evidence label which ensures laboratory personnel that the item has not been tampered with in any way.

E. Chain of Custody/Evidence:

The chain of custody is a system of accountability. Officers must be able to account for evidence from the time it is located until it is presented in court so the officer can testify that it has not been tampered with or changed in any way.

The chain of custody is best maintained by limiting control to as few persons as necessary and by documenting each link in the chain. Officers will complete SUPD form 028 – Property Record and attach this record to each item of evidence/property that is taken into custody. Refer to Chapter 84 - Property and Evidence Control.

In most criminal cases, where evidence is required to be analyzed at the Maryland State Police Forensic Sciences Division, a typed and signed MSP Form #67 will be completed by the officer collecting the evidence and submitting it for analysis. This form will be used to capture the chain of custody for each item as well as the type of examination requested.

F. Preservation and Submission of Evidence to the Forensic Laboratory:

1. Responsibility for requesting laboratory examinations

- a. Under normal circumstances, the responsibility for the submission and request for laboratory examination will be the officer/investigator or Crime Scene Technician who actually processed the scene and took custody of the evidence.
- b. In those cases where there may be more than one officer processing the scene, one officer will be appointed by the Squad Supervisor to take custody of all evidence collected and to be responsible for the completion of the chain of custody and required forms prior to submission of the evidence into property.
- c. The Property Custodian, or his/her designee, will be responsible for transporting evidentiary items to the forensics lab.

2. Preservation of perishable or deteriorating items

- a. When an item of evidence has been collected that but its very nature may deteriorate (for example, a liquid sample of semen, a blood-soaked shirt, etc.) it should be transported to the laboratory the same day, if at all possible.
- b. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory should be called first to they will be ready to receive the item.
- c. In those cases where immediate transport to the forensic laboratory is not possible, refrigerate (no more than one week) or air dry (no more than one week) the item and transport to laboratory.

Many items submitted to the laboratory must be accompanied by a known specimen so a comparison to be made. The investigating officer will be responsible for obtaining any required known specimens, following legal procedures.

3. Biohazard Materials

- a. Any items of evidence that may be bio-hazardous such as blood, semen, other biological fluids, etc, must be identified on the packaging with red/orange bio-hazard label in order for the item to be accepted by the laboratory.

4. Any Other Evidentiary Items

- a. Officers shall follow the collection and submission guidelines outlined in the MSP Guidelines for Submitting Physical Evidence for all other items which may be necessary for the investigation of criminal/traffic collision cases.
- b. Specific questions may be referred to the Property Custodian.

G. Processing Recovered Stolen Vehicles:

1. Upon the recovery of a stolen vehicle, the following actions shall occur:

- a. Inspect the vehicle's VIN and registration plates for any sign of tampering or alterations, and to verify that it is the correct vehicle; look for any other evidence of alterations to the vehicle to alter its appearance, such as repainting, replacement body parts, etc.
- b. Contact the agency that took the initial theft report, if it occurred in another jurisdiction. The originating agency has the responsibility to cancel any stolen vehicle broadcasts and any entries into NCIC. Determine whether the originating agency requests the vehicle to be processed for evidence prior to its release.
- c. Contact the owner of the vehicle to arrange for its prompt return. Make a note of any damaged areas, or any missing parts that might have been removed from the vehicle. Also make note of any items that might have been left in the car that do not belong to the owner.
- d. If the vehicle owner is not able to immediately retrieve the vehicle, do a vehicle inventory and tow the vehicle if it poses a traffic hazard. If the vehicle can be towed promptly, allow the vehicle to remain in its location until the owner can retrieve the vehicle.

2. If the vehicle is known/suspected to have been involved in the commission of another crime or if it has had removal or alterations of its identifying numbers or general appearance, the following additional steps should be followed:

- a. Treat the vehicle as a crime scene prior to its release to the owner. Obtain a search warrant if necessary.
- b. Photograph the vehicle.
- c. Tow and/or secure the vehicle according to departmental regulations.



- d. Process the vehicle and its contents for latent fingerprints and/or other evidence.
- e. Vehicle processing and evidence handling can be coordinated with any other agency that might have received the initial theft report, or otherwise might have an interest in the vehicle because of its potential or actual involvement in other crimes within their jurisdiction.
- f. Evidence obtained and information gathered from the vehicle shall be included in the written report on the stolen vehicle recovery. The physical evidence obtained will be itemized in the report and include where it was located in the vehicle.

### **83.2.2 Photography, Imaging and Videotaping Procedures**

Refer to 83.2.1 (D-3)

### **83.2.3 Procedures for Processing, Developing, Lifting and Labeling Fingerprints**

All officers and/or Crime Scene technician(s) will adhere to the following procedures for processing, developing, lifting and labeling fingerprints:

- A. Apply a small amount of fingerprint powder to brush.
- B. Hold brush lightly.
  - a. Use short quick strokes with the tip of brush light over the surface.
  - b. When latent prints develop – stroke tip of brush in direction of ridges.
  - c. Latent fingerprint powder is distributed evenly and smoothly by tip of brush.
  - d. When latent print is fully visible – brush away excess powder.
  - e. Use contrasting latent print powder (light surface use dark powder).
  - f. Place latent fingerprint lifting tape completely over latent print and smooth out any air bubbles.
  - g. Lift the tape from the surface and adhere to a latent lift card.
  - h. If using black powder-use a white latent lift card.
  - i. Document following information on back of latent lift card offense/case number, lift number, victim, location where latent lift was recovered, date, time, officer making the lift.
  - j. Document latent lifts on property record
  - k. Place latent lifts in MSP latent lift envelope and complete required information on the envelope.
  - l. Submit latent lifts to SUPD property room as evidence.
- C. Latent fingerprints that are recovered from any crime scene will be forwarded to the Maryland State Police Forensic Sciences Division for comparison and analysis. Officers will follow the guidelines outlined in the MSP Guidelines for Submitting Physical Evidence manual.
  - 1. Officers will place the latent prints in the envelope designated for the submission of latents and complete a MSP form 67. If an offender or suspect is known, officers will request a comparison of latents obtained from the crime scene to determine if the latents match those of the alleged offender. If a suspect is unknown, the same procedure will follow except that a comparison of the latents through the Maryland Automated Fingerprint System (MAFIS) will be requested in an attempt to identify the suspect.

2. The Property Custodian will be responsible for ensuring that all items are submitted to the laboratory as expeditiously as possible.

#### **83.2.4 Personnel, Equipment and Supplies used for Processing Scenes**

The department provides personnel, equipment and supplies used for processing scenes for the following purposes:

- A. Recovery of latent fingerprints (such as powders, brushes, lifting tape, etc.)
- B. Photography;
- C. Sketch of the crime scene;
- D. Collection and preservation of physical evidence (such as paper bags, evidence tags, markers, gloves, plastic baggies, biohazard labels, etc.)

An evidence processing kit and a digital camera(s) is located in the Squad Room and available to all officers. The Squad Supervisor will inspect this kit during the weekly inspection process to ensure that supplies necessary for evidence processing are readily available.

In serious crimes, the department will request the assistance of the Maryland State Police Crime Scene Unit or the Salisbury Police Department's Crime Scene technician who will handle the recovery of latent prints, photographs, sketch of the crime scene, collection and preservation of evidence.

SUPD officers receive basic training in crime and accident scene processing at the Eastern Shore Criminal Justice Academy. Specialized training at advanced schools is also available which are designed to develop the following skill areas:

- A. Recovery of latent and palm prints;
- B. Recovery of foot, tool and tire impressions;
- C. Photographing crime and accident collision scenes;
- D. Preparing crime or accident collision sketches;
- E. Collecting, preserving and transmitting physical evidence including biological materials.

The Administrative Commander will be responsible for ensuring that sworn personnel receive refresher training courses designed to update their skills, knowledge and abilities in scene processing and evidence collection to acquaint them with new technology and examination techniques. Attendance at advanced schools will be considered based upon the interest and desire of officers to perform this specialized skill/function.

#### **83.2.5 Seizure of Computer Equipment/Electronic Equipment**

The department recognizes the frequent use of computer equipment in criminal activity. All officers shall consider the evidentiary nature of computer related equipment and handle it according to this policy. On-campus Information Technology personnel may be considered for assistance and guidance in additional investigative steps. Analysis of computer/electronic equipment will be completed by a forensic laboratory.

##### **A. Seizure of Computer Equipment**

1. Data contained on computer systems can be damaged, altered, or destroyed if proper procedures are not followed. Additionally, officers should be aware that the seizure of computer equipment is a process at times more complicated than the seizure of typical physical evidence and specialized knowledge and procedures are required.

2. If during the course of an investigation, officers become aware that evidence of a crime may be contained within a computer, computer related system, or another type of digital storage device, they shall whenever possible, seek the advice of a specialist. In all cases, the officer's actions shall be in compliance with applicable State and Federal laws, as well as Department policies. In circumstances where time does not allow consultation with a specialist prior to the incident, the following procedure shall be followed during seizure of computer equipment and peripheral devices:
  - a. Initially, assess what action is necessary to prevent the destruction or alteration of such evidence;
  - b. Prevent the removal, shut down, or start up of the equipment;
  - c. Prevent computer equipment and/or digital storage device from being connected or disconnected from such things as power sources, telephone lines, cable modems, networks, or other peripheral devices;
  - d. Prevent the removal, destruction, or alteration of computer equipment programs or files stored on any type of digital storage media;
  - e. Notify the nearest available computer investigation specialist or forensic examiner.

B. Search For Computer Equipment

1. All searches for computer equipment shall be made in accordance with pertinent Federal and State law, as well as other existing Department directives.
2. When initially preparing to search for computer equipment, officers shall:
  - a. Freeze the scene and not allow anyone to manipulate the computer system in any way;
  - b. Photograph, videotape, and/or diagram the entire computer system so that connections, screen settings, etc. may be replicated at a later date and note the computer display of date/time in comparison to actual date/time;
  - c. Disconnect modems and communication devices at their source (NOTE: in some cases, depending on the nature of the investigation, it may be necessary to allow the computer system to remain attached to the network or communication devices to facilitate the investigation);
  - d. Disconnect power sources from their source (see note in 3 above);
  - e. Label all connections in order to replicate the setup of the system;
  - f. Label and package all items in non-static (no plastic bags) containers for transportation;
  - g. Seize all books, manuals, software, diskettes, and other information or storage devices related to the computer system;

- h. Seize any and all information relative to the possible passwords, indicia of ownership, or other items pertinent to the investigation;
- i. Transport all computer related items, *ensuring that they are kept away from electromagnetic sources to include radio transmitters* (i.e. the trunk of a marked patrol car with the radio mounted in the trunk);
- j. Secure all computer evidence as provided in the evidence storage directive with special notations on the items that they are not to be handled, turned on, or “booted” unless by authorized computer forensic personnel.

C. Search Of Computer Equipment

- 1. All searches of computer equipment shall be made in accordance with pertinent Federal and State law, as well as other existing department directives.
- 2. Computer and/or digital storage equipment seized during the course of an investigation shall be examined only by personnel with specialized training.
- 3. Such examinations shall be done in accordance with accepted contemporary computer forensic procedures.
- 4. Initial start up procedures for computer equipment shall include the use of a disc-locking software to ensure the preservation of programs, data, and files on the target machine, as well as prevention of destructive programs from initializing.

D. Wireless Telephones

- 1. Potential evidence contained in wireless devices
  - a. Numbers called
  - b. Numbers stored for speedial
  - c. Caller ID for incoming calls
  - d. Other information contained in the memory of wireless telephones could include:
    - i. Phone/pager numbers
    - ii. Names and addresses
    - iii. PIN numbers
    - iv. Voice Mail access number
    - v. Voice Mail password
    - vi. Debit card numbers
    - vii. Calling card numbers
    - viii. E-mail/Internet accessinformation
    - ix. The on screen image may contain other valuable information
    - x. Pictures/video

E. ON/OFF Rule

1. If the device is “on”, do not turn it “off.”
  - a. Turning it off could activate a lockout feature
  - b. Write down all the information on display (photograph if possible)
  - c. Take any power supply cords, if present.
2. If the device is “off”, leave it “off.”
  - a. Turning it on could alter evidence on the device.
  - b. Upon seizure, get it to an expert as soon as possible or contact a local service provider.
  - c. If an expert is unavailable, **use a different telephone** and contact 1-800-LAWBUST (a 24/7 service provided by the cellular telephone industry).
  - d. Make every effort to locate any instruction manuals for the device and the carrier information.

F. Electronic Paging Devices

1. Potential evidence contained in paging devices:
  - a. Numeric pagers receive only numeric digits; can be used to communicate numbers and codes.
  - b. Alpha numeric pagers receive numbers and letters and can carry full text messages.
  - c. Voice pagers can transmit voice communications sometimes in addition to alpha numeric.
  - d. Two way pagers contain incoming and outgoing messages.
2. Once a pager is no longer in the proximity to the suspect, turn it off. Continued access to electronic communication over the pager without proper authorization can be construed as unlawful interception of electronic communication.
3. An officer can search the stored contents of a pager as an incident to arrest; with probable cause plus exception; or with consent of the owner.

G. Facsimile Machines

1. Fax machines can contain:
  - a. Speed dial lists
  - b. Stored faxes - both incoming and outgoing
  - c. Fax transmission logs – both incoming and outgoing
  - d. Header line
  - e. Clock setting
2. If a fax machine is found “on”, powering it down may cause loss of the last number dialed and/or stored faxes.

3. Search procedures and issues:
  - a. Record the telephone number of the fax line is plugged into.
  - b. Header line should be the same as the phone line; user sets the header line.
  - c. All manuals should be seized with the equipment, if possible.

#### H. Caller ID Devices

1. May contain telephone numbers and subscriber information from incoming telephone calls.
2. Interruption of the power supply to the device may cause loss of data if it is not protected by an internal battery backup.
3. Document all stored data prior to seizure or a loss of data may occur.

#### I. Smart Cards

1. A smart card is a plastic card the size of a standard credit card that holds a microchip which is capable of storing monetary values and other information.
2. Examination of a Smart Card:
  - a. Label and identify the physical characteristics of the card
  - b. Photograph the card
  - c. Features are similar to credit cards/driver's license
  - d. Examine for possible alteration or tampering
3. The uses of Smart Cards:
  - a. Point of sale transactions
  - b. Direct exchange of value between cardholders
  - c. Exchange of value over the Internet
  - d. ATM capabilities
  - e. Capable of storing other data and files similar to a computer
4. Circumstances raising suspicion concerning Smart Cards
  - a. Numerous cards with different names or same issuing vendor
  - b. Signs of tampering
  - c. Cards found in the presence of computer and/or other electronic devices
5. Questions to ask when encountering Smart Cards
  - a. Who is the card issued to? Who is the valid cardholder?
  - b. Who issued the card?
  - c. What are the specific uses of the Smart Card?
  - d. Why does the person have numerous cards?
  - e. Can this computer or electronic device alter the card?
6. Smart Card technology is used in some cellular phones and may be found in or with cellular/wireless devices.

### 83.2.6 Report Preparation

An accurate record of events that transpire at any scene in connection with an investigation is required at the time of trial. Therefore, it is imperative that initial responding officers, CID personnel, crime scene technician(s), etc. document in a written report an accurate account of events. This information will be placed in the original offense/incident report and will include:

- A. Date and time of arrival at the scene;
- B. Location of the crime/traffic collision scene;
- C. Name of the victim(s), if known;
- D. Name of the suspect(s), if known;
- E. Officer's actions at the scene including the number of photographs taken and whether measurements were made;
- F. List of physical evidence items recovered; and
- G. Case number.

In the event a crime scene technician is involved in the processing of the scene, the initial responding officer will note the date and time a request for service to the technician was made and the disposition of all physical evidence collected to include photographs and scene measurement information. The officer will ensure that a copy of any reports concerning the actions of the crime scene technician is obtained from the technician and included in the case file.

Any officer involved in the response to, investigation of or processing, in whole or in part, of a crime/traffic collision scene shall prepare a detailed report (supplement or follow-up) reflecting the functions, observations or actions. This report will become part of the case file.

### 83.2.7 DNA Collection Capabilities

DNA (deoxyribonucleic acid) casework involves both cases in which a suspect has been arrested and is being prosecuted as well as cases in which there is no suspect. A DNA match is a major factor in solving cases where the identity of the offender is unknown. If a case arises in which there is no suspect, the evidence will still be submitted so a profile can be obtained and entered into the CODIS (Combined DNA Index System) database. CODIS enables federal, state, and local crime labs to exchange and compare DNA profiles electronically, thereby linking crimes to each other and to convicted offenders.

- A. First Responder Responsibilities and Precautions: (Also refer to 83.2.1)
  - 1. Contaminated gloves will be changed prior to handling other evidence to avoid cross-contamination.
  - 2. Use disposable instruments or clean them thoroughly before and after handling each sample.
  - 3. Avoid touching the area where you believe DNA may exist.
  - 4. Avoid talking, sneezing, and coughing over evidence.
  - 5. Avoid touching your face, nose, and mouth when collecting and packaging DNA evidence.
  - 6. Air-dry evidence thoroughly before packaging.
  - 7. Put evidence into new paper bags or envelopes, not into plastic bags.

B. Procedures for Collection, Storage and Transportation:

1. Procedures for Collection

Oral, or buccal, swabs are collected by officers as an alternative to the drawing of blood for the collection of DNA standards related to criminal investigations. It is imperative that members follow proper procedures to preserve the viability and evidentiary value of samples collected. DNA evidence must be properly documented, collected, packaged and preserved, to meet legal and scientific requirements for admissibility in a court of law.

The procedures for the collection of DNA evidence from buccal swabs include:

- a. Officer collecting swabs will wear protective gloves prior to obtaining swabs from a suspect/offender.
- b. The package containing cotton applicators will be opened and the suspect/offender or the officer will vigorously scrape both cheeks with enough pressure to remove cells from the mouth.
- c. Applicators must then be allowed to dry after which will then be placed into the original package. This package will then be placed into an evidence envelop (labeled with the date/time, suspect's name, location, officer's name and the case number) and sealed with red evidence tape. A biohazard label will also be affixed to the evidence envelop. A MSP form 67 will be completed and submitted with the evidence.
- d. Officers shall obtain written consent from a suspect/offender prior to the collection of buccal swabs. Where consent is not given, officers will need to seek a search warrant to obtain DNA.

2. Storage and Transportation

Whenever storing and transporting evidence that may contain DNA, it is important to keep the evidence dry and at room temperature. Once the evidence has been secured in separate paper bags or envelopes, it should be sealed, labeled, and transported in a way that ensures proper identification of where it was found and proper chain of custody. Never place evidence that may contain DNA in plastic bags because plastic bags will retain damaging moisture. Direct sunlight and warmer conditions also may be harmful to DNA, so avoid keeping evidence in places that may get hot, such as a room or police car without air conditioning. After the proper collection of DNA, items will be placed into the Property Room.

- C. All persons collecting DNA evidence should have completed field training in evidence collection methods. Advanced training in the collection of DNA evidence will be afforded to personnel when available.
- D. All evidentiary items containing possible DNA evidence will be submitted for analysis, in accordance with the MSP Guidelines for Submitting Physical Evidence manual, to the Maryland State Police Forensic Sciences Division; an accredited laboratory in Maryland.



## 83.3 Evidence Handling

### 83.3.1 Collection of Known Source Samples

When available, materials and substances from a known source shall be collected for comparison to physical evidence already collected or evidence that may become available in the future. Examples of known sources include blood, hair, footwear, glass fragments, paint samples, wood or metal.

Refer to 83.2.1

### 83.3.2 Procedures/Responsibilities for Submitting Evidence to Forensic Laboratory

The Salisbury University Police Department does not maintain its own forensic laboratory and therefore, submits all evidence for analysis to the Maryland State Police Forensic Sciences Division. All evidence submitted will be in accordance with the MSP Guidelines for Submitting Physical Evidence.

- A. The Property Custodian will be responsible for ensuring all items to be submitted to the forensic laboratory is properly packaged in accordance with the requirements of the MSP Forensic Sciences Division. When laboratory analysis is required for any item of evidence, the Property Custodian will transport the item(s) to the designated location/laboratory (ie. Berlin Barrack for CDS, Pikesville for firearms, latent fingerprint analysis, etc.) Any change in the custody and location of evidentiary items will be logged on the SUPD property record and appropriate MSP form 67 and/or 67A or other forms as required.
- B. Methods for packaging and transmitting evidence to the laboratory are dictated by the laboratory's guidelines. A copy of these procedures and methods can be found in the MSP Guidelines for Submitting Physical Evidence; copies of which are located in the Squad Room and can be found online at [www.mdsp.org](http://www.mdsp.org).
- C. The types of documentation which will accompany any item to be analyzed include, but is not limited to, the required MSP form depending on the type of evidence to be analyzed. For controlled dangerous substances, the MSP form 67A, completed by the requesting officer, will be attached to the item at the time of submission. For firearms, latent fingerprints, DNA and other items of physical evidence, the MSP form 67 will be completed by the requesting officer and the form will be attached to the item at the time of submission. Changes in the chain of custody will be documented any time the item is transferred to another individual or location.
- D. Upon submission to the laboratory, a receipt to ensure maintenance of the chain of evidence will be completed by the person receiving the evidence, noting the date and time, and a copy will be given to the Property Custodian for filing pending the return of the item from the laboratory.
- E. All results of analyses of evidentiary items by a laboratory will be documented, in writing, and forwarded to the department by the laboratory. A copy of the results will be placed in the case file and forwarded to the Wicomico County State Attorney's Office, as necessary.
- F. If it becomes necessary to submit evidence for analysis at the FBI's forensic laboratory, the Property Custodian will be responsible for ensuring that evidence is transported accordingly.

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Edwin Lashley  
Chief of Police