



MEDFIELD POLICE DEPARTMENT

POLICY NO. 6.01

EVIDENCE COLLECTION

MASSACHUSETTS POLICE ACCREDITATION STANDARDS

**REFERENCED: 83.1.1, 83.2.1, 83.2.2, 83.2.3,
83.2.4, 83.2.5, 83.2.6, 83.2.7, 83.3.1, 83.3.2**

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Chief of Police

BACKGROUND:

Physical evidence is extremely important to the prosecution of criminal cases. Therefore, it is important to have an understanding of what is, and what may potentially be, evidence of a crime. The identification, collection, and preservation of physical evidence are critical functions of law enforcement. The successful prosecution of a criminal case is closely related to the quality of the physical evidence which is identified, documented, collected, and preserved. This is achieved through proper utilization of in-house identification and laboratory equipment (where available), investigative expertise and training, and utilization of services that are available from a wide range of laboratories, both government and private.

POLICY:

The Medfield Police Department will properly protect, document, process, and collect evidence at crime scenes to ensure that evidence is admissible in court.

PROCEDURES:

Initial Response to a Crime/Incident Scene [83.2.1]

The first unit to arrive will be responsible for identifying, securing, and protecting the crime/incident scene as well as conducting the preliminary investigation in accordance with the departmental policy on Patrol Response to a Crime Scene. Contamination of the scene can greatly reduce the effectiveness of the Department in successfully processing the scene. Officer(s) shall ensure that:

1. The scene remains undisturbed by refusing access to unauthorized personnel;
2. No one picks up or places anything in the crime scene; and
3. Evidence is not handled unless health or safety factors require the immediate security or removal of an item.

Upon the arrival of a supervisor, he will assume command of the crime scene until the arrival of a detective, who will then coordinate scene preservation with the supervisor. The supervisor and/or detective will ensure that sufficient personnel are available to secure and protect the scene, deny access to unauthorized persons, and preserve evidence.

The supervisor and/or detective will evaluate the need for special units for search or investigative purposes and make arrangements for those resources.

Processing Evidence at the Scene [83.2.1]

The nature and seriousness of the crime will determine the need and extent of the documentation and processing required for a particular crime scene. Not all crime scenes require processing. Upon review of the circumstances of the crime, the supervisor and/or detectives at the scene will determine the specific needs of the crime scene, and will be responsible for the appropriate crime scene processing.

The Deputy Chief will ensure that detectives or other qualified personnel are available to provide 24-hour coverage for crime scene processing. [83.1.1]

Normally, the crime scene will be processed by a detective. The detective will be responsible for the collection, recording, and preservation of evidence. When the severity or nature of the crime dictates, he shall also be responsible for assuring that any additional investigative agencies are notified.

Equipment to visually document and process most types of evidence is available for use as needed and dictated by each individual case. In addition, each detective will utilize and maintain appropriate crime scene processing equipment. The appropriate crime scene processing equipment should contain, among other things, necessary equipment for securing and processing a crime scene. The appropriate crime scene processing equipment should include equipment necessary for: [83.2.4]

1. Recovering latent fingerprints;

2. Photographing a crime scene;
3. Sketching the scene; and
4. Collecting and preserving physical evidence.

Whenever possible, one detective should be assigned as the collector of the evidence to be responsible for marking or tagging each piece of evidence located for identification and shall be responsible for submitting documentation of all evidence collected.

Evidence shall be collected, packaged, and sealed in a manner so that it is not damaged, destroyed, altered, or contaminated. (The "Handbook of Forensic Science," Department of Justice, Federal Bureau of Investigation, should be consulted for the proper methods.)

The detectives should summon the services of specialists, such as Massachusetts State Police Forensic Service Group, Crime Scene Services Section (CSSS) Troopers or Crime Scene Response Unit (CRSU) civilian personnel when the collection of physical evidence requires greater expertise or special equipment.

Fingerprints [83.2.1] [83.2.3]

Fingerprint impressions (e.g. latent, patent, or plastic) may be recovered from surfaces at the crime scene, or portable items may be collected and processed at the scene and/or a laboratory.

Fingerprint impression(s) should be photographed with and without a suitable scale of reference, prior to any attempt to lift the print if possible.

Ideally, the search for latent fingerprints should be undertaken as follows, whenever practical:

1. Begin with a visual search of surfaces for fingerprints that can be seen without any other aid.
2. Use a light source, if available, to expose fingerprints which were not visible without the light source.
3. Porous specimens should be sequentially processed with the appropriate physical and/or chemical methods for the type of material.
4. Non-porous specimens should be sequentially processed.
5. An appropriate dye stain and/or fingerprint powders should be used to process the area after fuming.

Lifted impressions should be identified with the appropriate case number, item number, initials, and date, and location. Lifted impressions should be placed in an evidence

container marked with the case number for further documentation, processing, storage, and/ or comparison.

Evidence that is collected for processing for any subsequent laboratory examination must be properly collected and packaged in a manner to minimize damage to existing fingerprint impressions. Appropriate clean disposable gloves should be worn and evidence handling kept to a minimum. The evidentiary item should be placed in an appropriate container. The container must be clearly marked to warn others that it contains fingerprint evidence.

Electronic Storage Media [83.2.1, 83.2.5] (See also the Digital Evidence Guide attached at the end of this policy)

Whenever electronic storage media devices (such as computer, cell phones, flash drives, etc.) are seized the officer making the seizure will take the following steps:

1. If the computer is off, leave it off. Do not turn it on.
2. If the computer is on, photograph the monitor to document what is displayed for evidentiary purposes.
3. Do not make any key strokes or mouse clicks to the computer. If that occurs, document exactly what keystrokes or mouse clicks were made and the results of these actions.
4. Photograph the computer or other electronic media in their original state before anything is touched.
5. If the computer is on, unplug the power cord from the back of the computer, not the wall outlet.
6. Unplug any external hard drives.
7. Photograph the rear of the computer including cables. Photograph any devices connected to the computer.
8. If the computer is connected to a modem, LAN, or router, disconnect it from the computer.
9. Document each step as each cable is disconnected, making notes as to which device was disconnected.
10. Once power has been disconnected from the computer, tags or labels should be applied to all cables on the computer. Corresponding labels should be affixed to the computer connectors, or a diagram created noting each connector and identifying the cable attached, so that the computer can be reconnected to its original configuration for later analysis or court purposes.

11. Do not transport electronic media near antennas or power supplies. Keep electronic media away from electromagnetic fields. Contact with these sources can cause the deletion of data.

12. The employee impounding the electronic media must provide the computer forensics specialist with the background information of the case.

Trace Evidence and Body Fluid Evidence [83.2.1]

A search should begin with a visual examination. The visual examination may be followed up with a search using an alternate light source to expose evidence not visible under normal spectrum light.

The location of evidence items should be marked by circling with a marker for collection under normal light conditions. A diagram should be created of each item from which trace or body fluid evidence is removed.

Officers collecting trace or body fluid evidence must take care to avoid contaminating evidence samples. This is particularly important if DNA testing may be conducted on the evidence item. Appropriate personal protective equipment (PPE) should be worn during the trace evidence collection process.

Care must be taken not to cross contaminate evidence of suspects and victims, or to accidentally introduce such evidence into the crime scene.

Items should be removed, packaged, and marked for further examination and/or storage. Marking should include:

1. Case number;
2. The property number;
3. The case officer's initials; and
4. The date the item was collected and packaged.

Clothing or other items that have body fluid specimens on them, such as blood and semen, should be allowed to air dry thoroughly. Such items must not be placed in plastic as the sample may mold and deteriorate. Paper bags or envelopes should be used until they are completely dry. Then these items should be re-packaged in new paper bags or envelopes.

Whenever possible, comparison samples or exemplars shall be collected, ideally at the scene, or soon thereafter, and submitted. Such comparison sample may include samples of: [83.3.1]

1. Hairs;

2. Fibers;
3. Fabrics;
4. Paint;
5. Glass;
6. Wood;
7. Soil;
8. Tool marks;
9. Wood fractures;
10. Torn ends of tape or rope;
11. Fingerprints; and
12. DNA (buccal swab).

DNA Evidence [83.2.1] [83.2.7]

First responders must protect from contamination the area from which the DNA sample is to be taken. It is important not to introduce suspect or victim DNA into the collection area. [83.2.7(a)]

A detective/investigator responsible for collection of DNA evidence must be properly trained to do so. A recognized crime scene course, which includes DNA collection procedures, shall be completed prior to collecting DNA evidence. The following steps will be taken when collecting DNA evidence: [83.2.7(b)(c)]

1. The collector shall wear Biohazard Barrier Gloves.
2. Lightly moisten cotton swabs with distilled water. Do not over-saturate the swabs.
3. Rub and concentrate the collection area with the swab to transfer the matter to the swab. Use a minimal number of swabs (1-6 maximum).
4. Use a separate swab to swab the area around the collection area. This will be a control swab.
5. Allow the swabs to dry for at least thirty minutes. Be sure to maintain the chain of custody during the drying time.
6. Label and package the sample swab separately from the control swab. The two swabs should never come into contact.

7. Place both swabs into an envelope.
8. Seal the envelope with tape, and initial and date the seal. NEVER MOISTEN THE ENVELOPE SEAL WITH SALIVA OR WATER.

DNA Buccal Swab [83.2.1] [83.2.7(b)(c)]

A Massachusetts State Police Forensic Services Group approved DNA Standard Collection Course shall be completed prior to collecting Buccal swab DNA evidence. The following steps will be taken when collecting DNA evidence:

A DNA Buccal swab may be conducted with the consent of the person being tested, or pursuant to a court order. All consent swabbing must be preceded by the subject's reading, understanding, and signing a Voluntary Submission of DNA Sample for Analysis form.

Whenever possible, use a Massachusetts State Police Forensic Group approved collection kit, or a recognized vendor approved collection kit. Read the entire instruction sheet prior to collection. Do not use a kit if the integrity seal has been broken and/or has expired.

It is critical to avoid touching the pink/white (FTA) collection paper, and to avoid allowing the paper to come into contact with another collection paper during the drying and packaging stage.

The following collection procedures should be used:

1. Remove all components from the kit envelope.
2. Fill out all information requested on the front of the DNA collection card.
3. Put on Biohazard Barrier Gloves.
4. Remove the foam-tipped swab from the sterile package, being careful not to touch the foam tip.
5. Place the swab in the subject's mouth, then thoroughly swab between gum line and cheek, both left and right side, using all sides of the swab, and then swab under the subject's tongue, allowing the foam tip to absorb as much saliva as possible.
6. Remove the applicator from the subject's mouth.
7. Carefully lift the paper cover on the collection card.
8. Press, drag and roll the applicator onto the FTA paper. This technique is wiping the skin cells off the swab onto the FTA paper.
 - A. If there is an immediate change from pink to white, continue. If there is little change, swab again and apply swab to FTA paper.

- B. Discard the applicator.
9. Allow the card to air dry for approximately thirty minutes. Be sure to maintain the chain of custody during the drying process.
10. Place the dry collection card into the ziplock bag provided, seal the bag and return the bag to the kit envelope. NEVER MOISTEN THE ENVELOPE SEAL WITH SALIVA OR WATER.
11. Do not remove the desiccant packet from the ziplock bag.

Submission of DNA Evidence [83.2.7(d)]

DNA swabs kits may be stored at room temperature or refrigerated prior to submission. DNA samples shall be submitted to the Massachusetts State Police Crime Laboratory.

After submission of DNA, a DNA activation form must be completed and the case must be activated in order for lab personnel to process the evidence. Contact the Case Management Unit at 508-358-3152 or 3245.

Visually Recording the Crime/Incident Scene [83.2.2]

When a visual record is required during the processing of a crime scene, appropriate digital photographs of the scene shall be made by an officer trained in the use of the department's digital photography equipment. Digital video recording can also be used to supplement notes, sketches and digital photographs.

When a visual recording is made the appropriate areas of the scene should be photographed prior to the collection of any evidence. Any officer who photographs a crime scene shall file a report containing;

1. The date, time, and location;
2. The case/incident number;
3. A description of what the visual recording depicts.

When examination quality photographs are taken, a scale of reference is to be used in the field of view so that the exact size of an object can be determined, a separate photograph will also be taken without the scale. The camera position, lighting, and camera settings will be determined by the crime scene photographer. Overall, mid-range, and close-up photographs should be taken of any evidentiary items prior to collection.

All photographs and video recordings shall be downloaded to the Departments dedicated server for photographic evidence. When appropriate, a copy should also be burned to a CD or other electronic media format and stored submitted as evidence.

Because photographs provide only a two-dimensional representation of the crime scene, a sketch may be necessary in serious cases. If a sketch is necessary it shall contain the following:

1. Measurements;
2. Compass direction;
3. Scale or proportion;
4. Relation of the crime scene to other buildings;
5. Geographical features or roads;
6. Address, floor, or room number, as appropriate;
7. Location of significant features of the scene, including the victim, date, and time of preparation;
8. Names of persons preparing the sketch;
9. Location of items of physical evidence recovered; and
10. A legend.

Motor Vehicles

Any vehicle recovered and/or seized as evidence that has been used, or is suspected of having been used in the commission of a felony, may be considered a crime scene and processed as such prior to the release of the vehicle to the owner.

In most cases it will be most practical to tow the vehicle to the police station for processing.

Laboratory Submission

The Evidence Officer, after being notified by the case officer, and upon the receipt of evidence, shall submit the evidence to the appropriate section or laboratory for further analysis as soon as is practicable. When a doubt exists as to the proper disposition of evidence, the Evidence Officer shall consult with the Investigations Commander and be guided by his advice. [83.3.2(a)]

Evidence shall be packaged in a uniform manner consistent with the requirements of the receiving section or laboratory. [83.3.2(b)]

When an item of evidence has been collected, that by its very nature may deteriorate, for example, a liquid sample of semen, a gasoline soaked item, etc., it should be transported to the laboratory as soon as practical.

Any time that a perishable item is to be transported to the crime laboratory for analysis, the laboratory should be consulted first so that they will be prepared to receive the item.

All documentation received from the laboratory shall be forwarded to the Evidence Officer.

In those cases where immediate transport to the crime laboratory is not possible, items should be preserved according to departmental procedures.

Laboratory Documentation

The Evidence Officer shall complete the transmittal and chain of custody documentation in IMC as required by Department policy. The Evidence Officer shall maintain evidence receipts from the laboratory. [83.3.2(c)(d)]

A copy of all written laboratory results and documentation will be submitted to the Court Prosecutor and the original will be retained by the Evidence Officer in evidence. [83.3.2(e)]

Upon adjudication of the court case, the Evidence Officer will forward all original written laboratory results to the Records Division.

In the case of laboratory documents concerning an investigation where no criminal charges have been filed, the original documents shall be forwarded to the Records Division, and a copy to the investigating officer.

Reporting [83.2.6]

The detective responsible for processing the crime scene shall submit a detailed report of the investigation as soon as possible. The report shall include:

1. The location of the crime;
2. The names of the victims, if known;
3. The name of the suspect, if known;
4. The department incident number;
5. The actions taken at the scene, including visual records, measurements, and a listing and disposition of physical evidence recovered; and
6. The name of the laboratory if any evidence was sent to for analysis.

In the event photographs are not taken, or physical evidence is not obtained at a crime scene of a serious nature, the reasons for this will be noted in the crime scene investigation report.

Evidence List and Chain of Custody [83.2.1] [83.3.1]

After properly packaging and marking all evidence recovered, the detective or investigating officer will be responsible for appropriate documentation. A complete list of these items will be included his report. This list will include:

1. A description of the items (including make, model number, and serial number, if any);
2. The source (from whom or which location items were obtained);
3. The name of the person collecting the item or items; and
4. The incident number.

Each time evidence is transferred to the custody of another person, for whatever acceptable purpose, a record of each transfer shall be recorded in the Department's Information Systems (IMC), to include:

1. The date and time of transfer;
2. The receiving person's name;
3. The reason for the transfer; and
4. The name of the laboratory transferred to.

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