

Physical Evidence Collection

Index Code: 1605.3

Effective Date: 02/01/10 (Revised 9/6/2022)

I. Purpose

The purpose of this directive is to establish guidelines for the collection of evidence at crime scenes and other serious incidents.

II. Policy

It is the policy of the Queen Anne's County Office of the Sheriff to properly locate, collect, document and preserve physical evidence to maintain its integrity and usefulness for the investigation of criminal offenses. The collection, proper documentation, preservation and submission of physical evidence to forensic laboratories may provide the 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(s) are substantiated or disapproved. Deputies must be prepared to collect, identify and package evidence so that it will not be changed in form and value when it reaches the Property Room. Maintaining the chain of custody of evidence in order to ensure that it is presented to the court professionally and in compliance with the law is of paramount importance.

III. Responsibilities

A. Deputies responding to a crime scene will ensure the following as needed/necessary:

1. Respond promptly and safely
2. Request assistance as needed
3. Provide emergency care if needed
4. Observe all conditions and events
5. Apprehend any suspect(s)
6. Protect the crime scene
7. Preserve and collect evidence
8. Locate and identify witnesses
9. Interview persons involved
10. Interrogate any suspect(s)
11. Complete all required reports

B. If an investigator from the Criminal Investigations Unit (CIU) responds to a crime scene, they may assume the investigation, and the deputy that first responded will complete either the initial report or a supplement report outlining their involvement and observations. When the services of a crime lab are required, it will be the responsibility of the investigating deputy/CIU investigator to ensure notification is made to the Maryland State Police Crime Lab.

IV. 24-Hour Availability

A. An investigator from the Criminal Investigations Unit must be available at all times to assist with the processing of crime scenes and the collection of evidence as needed.

B. A monthly "on-call" schedule will be distributed to all CIU investigators and posted in the Duty Officers' Room. Investigators and supervisors are required to be available on the days they are assigned each month. The on-call investigator will keep the agency issued cellular telephone (or other suitable means of contact) with them and notify their supervisor of any updated contact information for the on-call period. If called out to investigate a crime, the investigator will be appropriately dressed in accordance with policy and respond in a reasonable amount of time.

V. Equipment

Deputies are issued the necessary equipment to process most crime scenes to include at a minimum:

- Digital camera
- Fingerprint kit
- Crime scene tape
- Disposable gloves
- Various size evidence bags
- Blood-Borne Pathogens protection kit

VI. Photographing the Scene

A. Photographs will be taken during the preliminary scene survey before anything is disturbed.

The scene will be photographed beginning with the approach and becoming more detailed from all angles as found.

B. After physical evidence is located and marked the scene will be photographed again.

C. Each piece of individual evidence will be photographed as it is collected.

D. The deputy taking the photographs will submit the photographic evidence via CAD/RMS.

VII Collection and Submission of Evidence

A. Evidence collection will be performed in a logical manner and in accordance with current agency policies, *MSP Guidelines for Submitting Physical Evidence* and methods taught in training.

B. The evidence collection process will start with the collection of fragile and easily lost evidence, or objects that need to be moved immediately. An attempt will be made to collect as much physical evidence as possible, including materials from known sources (hair, fibers, fabrics, glass, etc.). An attempt will be made to collect fingerprints from all crime scenes and from all potential physical evidence, using the agency supplied fingerprint kit.

C. Alcoholic beverages that have been seized, usually in underage alcohol possession investigations, will be handled in the following manner:

- a. All seized alcoholic beverages will be photographed.
- b. Photos will be downloaded into the relevant case as a property (photo) module.
- c. That module will be created as "evidence" with all beverages listed including date/time of seizure.
- d. With a witness present, all containers will be emptied followed by the containers placed into a county recycling bin.
- e. The date and time of the "destroyed" evidence will be noted in the evidence module.
- f. In the narrative section of the evidence module, the location of

the recycling facility will be noted and the witness identified.

D. All non-moveable items at a scene will be processed using agency supplied equipment and supplies. Small transportable items may be collected and submitted to the Crime Lab for processing.

E. Deputies who collect or seize evidence related to an investigation will be responsible for its proper packaging and submission to the Property Management Room to ensure the safety of all who handle it and the integrity of the items. Evidence and recovered property will be packaged in a manner that prevents loss, corruption or damage. All items, unless of such size so great as to prevent doing so, will be sealed with evidence tape, initialed and dated by the submitting deputy. All evidence packages will have a chain of custody form (MSP 67) attached documenting the control and custody of the items including any transfers of custody that occurred in the field.

F. The Property Manager has the authority to refuse acceptance of any item submitted in an unsafe, incomplete or otherwise improper manner. In such cases the Property Manager will notify the employee submitting the property, or their immediate supervisor, who will initiate corrective measures for resubmission of the evidence or recovered property.

G. Evidence and recovered property requiring submission to a laboratory for further analysis (i.e., DNA, fingerprints, etc.) is the responsibility of the deputy in charge of the investigation. All evidence and recovered property will be packaged, marked and submitted in accordance with agency directives and procedures set forth in the most current Maryland State Police Forensic Sciences Division's Guidelines for Submitting Physical Evidence.

H. Evidence and recovered property being sent to the Maryland State Police Laboratory for examination and analysis must clearly indicate what type of examination is requested, and

have it submitted along with a Maryland Department of State Police Request for Laboratory Examination Chain of Custody Log (MSP 67) to ensure maintenance of the chain of custody and serve as a receipt of the property. In addition, the Property Record Module must be appropriately completed in CAD/RMS.

- I. The Maryland State Police Forensic Sciences Division will submit a written report on the analysis of the evidence and return it to the requesting deputy when completed. There may be times when the Forensic Sciences Division may contact the deputy to obtain or provide additional information on the analysis to aid in the investigation prior to the report being completed.

VII. Recovered Vehicles

A. If a recovered vehicle was used in connection with a criminal offense, the investigating deputy will:

1. If feasible arrange for the vehicle to be processed at the scene for evidence.
2. If there is no reason for holding the vehicle, release the vehicle to an authorized person.
3. If the owner or authorized person responsible for the vehicle is not available, and
there is no reason for holding the vehicle, request a tow service for removal and storage.

B. If a vehicle must be retained as evidence, or for further processing, it will be moved to Headquarters or the Drug Task Force and kept secure at that location until such time that it is no longer needed as evidence.

1. When possible, vehicles being retained as evidence or for further processing, should be driven from its place of recovery to the storage facility by the investigating deputy to provide proper safeguarding and chain of custody.

2. When it is not possible to drive the vehicle from its place of recovery to the storage facility, the investigating deputy will arrange for removal by an authorized tow company. The deputy will secure the vehicle prior to towing and follow it to its destination to provide for the proper safeguarding and chain of custody of

evidence.

3. When a vehicle is being towed to a storage facility as evidence, or for further processing, the investigating deputy remains in constructive custody of the vehicle. In addition, the tow truck operator will be advised that the agency will assume the towing cost.

4. Recovered vehicles are to be towed and inventoried in accordance with the agency's Towed Vehicle Policy.

IX. CALEA References: 83.1.1, 83.2.1, 83.2.4a, 83.2.4b, 83.2.4c, 83.2.4d, 83.2.6, 83.3.2a, 83.3.2b, 83.3.2c, 83.3.2d & 83.3.2e.

X. Proponent Unit: Support Services

XI. Cancellation: This directive cancels Index Code 1605.3 dated 11/20/16

Sheriff Gary Hofmann