



EVIDENCE

General Order Number: 7.2

Effective Date: July 25, 2017

POLICY:

The success of any criminal investigation and subsequent prosecution relies upon the availability and admissibility of physical evidence. Physical evidence includes evidence that is likely to be found at the scene of a crime, on or about a suspect, or related to a particular crime, which can be collected and preserved by the police for later presentation in court. The admissibility of physical evidence will often depend upon the manner in which it was collected and the procedures used to ensure its integrity. Testimony may need to be given that the evidence presented in court was not altered or tampered with in any unauthorized way. A “chain of custody” may be established by recording all personnel who possessed such evidence from the time of its discovery to its presentation in court.

It is the policy of the Brookline Police Department to ensure that all evidence is identified, collected, and preserved in such manner that facilitates this objective.

PROCEDURES:

1. GENERAL SECURITY CONSIDERATIONS:

Only the Supervisor assigned to the Identification Unit, the Evidence Officer and the Computer Division will have access to the evidence storage rooms.

A. EXTRA SECURITY MEASURES: Cameras monitor the hallway outside of the general evidence room, including the area where the evidence lockers are located. Additional cameras monitor the armory and the drug evidence area. Additionally, a safe is within the evidence room to secure items or property of exceptional value.

2. RESPONSIBILITIES OF FIRST OFFICER / DETECTIVE ON A CRIME SCENE:

Normally, the first officer on the scene will be the patrol officer. The following steps should be taken until additional assistance arrives:

A. Take necessary action(s) to deal with immediate danger to the officer or others.

B. Provide medical assistance when necessary.

C. Determine the nature of the crime committed.

D. Apprehend the criminal offender if possible (when the right of arrest exists).

- E.** Protect the scene to prevent the destruction or contamination of evidence. No unauthorized persons shall be permitted to enter the crime scene. The officer in charge of the scene should take the following steps after declaring it safe to do so:
 - i. Establish a command post. A cruiser could be used as a temporary command post.
 - ii. Establish an entry point to the crime scene for those responding.
 - iii. Assign a scribe to record anyone who enters the crime scene perimeter
- F.** Request the assistance of a Superior Officer, the Detective Division, and/ or Identification Unit Detective.
- G.** Locate items of evidence.
- H.** Locate and identify witnesses.
- I.** Photograph and sketch the scene when appropriate.
- J.** Collect physical evidence.
- K.** Preservation and packaging of physical evidence.
- L.** Submit evidence for processing (fingerprint, chemical, film, etc.) to the Identification Unit. This will ensure a proper continuity of evidence.

3. RESPONSIBILITIES OF PATROL OFFICER / DETECTIVE COLLECTING EVIDENCE:

A. GENERAL EVIDENCE:

- i. At the discretion of the patrol supervisor, consideration should be given to photographing evidence discovered at crime scenes before collection.
- ii. Once collected, and if its size permits, evidence should be placed in a paper evidence bag.
- iii. Multiple pieces of evidence should be placed into separate paper bags.
- iv. Each evidence bag should be marked with:
 - a. The identity of the evidence
 - b. The name of the officer collecting the evidence
 - c. Date and time of collection

- d. Where the evidence was discovered
 - e. Case number and type of crime
- v. Depending on the nature of the crime, a detective supervisor should consider notification of the Massachusetts State Police Crime Scene Services Section to process crime scenes involving blood or other bodily fluids.

B. CONTROLLED SUBSTANCES:

- i. All controlled substances shall be sealed in tamper-resistant bags of appropriate size. These bags will be available in the Patrol Supervisor's office and the report writing room.
- ii. All countable items shall be counted before being placed into tamper-resistant bags.
- iii. Drug paraphernalia related to the seizure shall be placed in separate evidence bags. Hypodermic syringes shall be placed in a syringe tube.
- iv. Controlled substances seized from different individuals shall be packaged separately.
- v. All controlled substances shall be marked in the same manner as general evidence.
- vi. All controlled substances submitted to the evidence control section shall be processed by the Evidence Officer. The Detective will retrieve the sample, weigh the sample and examine it visually. A presumptive test (field test) will be conducted on the sample unless the Identification Unit Detective believes, based on his/her training and experience, that the sample seized may contain chemicals or substances that are hazardous beyond the scope of drugs commonly seized. If a presumptive test is conducted a supplemental report will be generated by the detective indicating the results of this test, as well as his/her conclusions. Universal precautions should always be followed whenever handling or being exposed to potentially dangerous drugs and substances.

C. FIREARMS:

- i. Attempts should be made to make all firearms safe before submission.
- ii. If for evidentiary purposes or other reasons a firearm cannot be made safe, a warning shall be placed in clear view of the officer opening the evidence locker.

D. SEIZURE OF COMPUTER EQUIPMENT:

Technology is often employed by criminals as a means of communication, a tool of theft, and a safe hiding place for incriminating evidence and/ or contraband. As criminal use of technology increases, it is necessary for law enforcement officers to acquaint themselves with procedures that promote safety and the preservation of evidence necessary for successful prosecutions.

The seizure of computer equipment and intellectual property is an emerging area of the law. It is recommended that if there is any doubt about the legality of a seizure that officers seek legal advice and secure appropriate warrants or court orders.

In almost all cases of seizures of computer equipment and intellectual property, evidence is obtained via forensic examination by personnel with computer forensics training. There are almost no circumstances in which a computer should be examined by seizing officers. This policy provides direction on seizure, **not** examination.

Definitions:

- i. Computer Processing Unit (CPU):** The “box” or vertical tower containing the hard drive and processing chip.
- ii. Forensic Examination:** Scientific examination conducted by a qualified examiner, usually through the Mass State Police or other outside agency resource.
- iii. Internet Service Provider (ISP):** Provides subscribers’ access to the Internet. America Online and Verizon are examples of an ISP.
- iv. Passwords:** Any special codes or encryption keys designed to secure computer drives, programs, operating systems, or individual files.
- v. Peripheral Devices:** Include zip drives, CD-writers, and external drives.
- vi. Storage Mediums:** Include floppy disks, CD-ROMs, DVD ROMs, magnetic tapes, and external hard drives.

Procedure:

- i. Probable Cause:** Officers should obtain sufficient information to determine the existence of probable cause for search/ seizure. Search warrants should be obtained for all seizures leading to forensic examination. Consent to search is permissible if the lawful ownership of the computer can be

accurately determined. Written consent via a departmental Consent to Search form is preferred.

- ii.** Once it is determined that computer equipment will be seized and secured for subsequent forensic examination, the scene shall be secured as other crime scenes. Depending on the nature of the call, the Detective Division Supervisor on duty should be notified. If a Detective Division Supervisor is unavailable, the following procedure shall be followed:
 - a.** Photograph the equipment before touching it, including all wiring connections. Do not operate the computer in any way.
 - b.** Determine if the computer is part of a network. If so, call a Department designee with specific training in the seizure of electronic equipment.
 - c.** If the computer is off, leave it off. If it is on (standalone computers), photograph the monitor screen and, **without** turning the computer off, unplug the power cord from the back of the CPU, **not** from the wall outlet.
 - d.** Place tape over all drive slots to protect from foreign objects or substances from being introduced.
 - e.** Label connectors/ cable ends to facilitate re-assembly for forensic examination.
 - f.** Transport as fragile cargo. Seat belted in the back seat of a police vehicle is recommended.
 - g.** Keep equipment away from magnets, radio transmitters (such as the trunk of a police vehicle), and otherwise hostile environments.
- iii.** If possible, obtain passwords for all programs, operating systems, and files. If encryption is used, attempt to obtain encryption key information. Include all obtained information in information report.
- iv.** If possible, obtain any computer or program handbooks. Collect all storage medium.
- v.** Other electronic storage devices include wireless phones, electronic paging devices, facsimile devices, caller ID devices, smart cards, and handheld computers. These devices are also capable of storing electronic information useful to criminal investigations. The same procedures regarding probable cause and seizure are applicable to these devices.

4. SUBMISSION OF EVIDENCE:

- A.** Once property is collected and packaged, all evidence, including fingerprint evidence, is to be given directly to the Evidence Officer. In the event of his/her absence, placed in a general evidence locker.
- B.** “In-wall” lockers adjacent to the evidence preparation room should be utilized first.
- C.** When these lockers are occupied, evidence is to be submitted to the general evidence lockers at the rear of the third floor hallway.
- D.** Any piece of evidence/property that is submitted to an Identification Unit Detective must have a case number assigned, and the property documented in the report writing system.
- E.** If an item needs to be further examined/tested, (i.e. drugs, firearms, DNA, etc), this shall be noted in the property section of the report.
- F.** Officers / Detectives submitting evidence will be held responsible for adhering to these procedures.
- G.** Under no circumstances will evidence be stored in personal lockers, desks or other areas.
- H.** All evidence must be submitted before an officer(s) end of tour of duty.

5. NON – EVIDENCE ITEMS:

- A.** Whenever any item(s), including contraband and illegal objects, are seized by an officer(s) they shall be turned into the Identification Unit.
- B.** If the item(s) seized is contraband or an illegal object and no charges are being sought in relation to the item(s) the submitting officer / detective should direct the Identification Unit to properly destroy the item(s)
- C.** All seized items including contraband and illegal objects must be submitted to the Identification Unit before an officer(s) / detective(s) end of tour of duty.
- D.** Any piece of property that is submitted to an Identification Unit must have a case number assigned, and the property documented in the report writing system.

6. SERIOUS CRIMES - DETECTIVE DIVISION RESPONSE: The following offenses are of a nature requiring the immediate assignment of a detective to assume the responsibility for the completion of the preliminary investigation, begin the follow-up

investigation, and take control of the crime scene. An identification detective should also be assigned to evaluate, collect, and process evidence at the scene.

- A. Death of a violent or suspicious nature.
- B. Rapes or suspected rapes.
- C. Assaults resulting in serious injury or death to the victim.
- D. Armed robberies of commercial institutions.
- E. Burglaries where there is excessive or unusual loss (high dollar value, negotiables, cash, jewelry, silver, etc.).
- F. Any major disaster (where detectives can assist in identification of victims).
- G. Kidnapping, extortion.
- H. Bombings.
- I. Fires of suspicious origin where arson is suspected.

7. **PROCESSING AND COLLECTION OF PHYSICAL EVIDENCE IN THE FIELD:** To ensure that methods used by all members in the department are those that will preserve the condition of the evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical, officers shall familiarize themselves with the current procedures regarding crime scene investigation.
8. **CRIME SCENE EQUIPMENT:** The Detective Division shall keep the necessary equipment, such as fingerprint kits, digital photographic equipment, sketch/note pad, DNA Collection Kit and evidence bags, readily accessible to them for transport to allow effective and timely processing of a crime scene. Normal response time should average less than one hour.
9. **CRIME SCENE EQUIPMENT – DETECTIVE NOT ON DUTY:** In the event that there are no detectives on duty when a need for their services arises, the Commanding Officer - Platoon on Duty shall contact the Commanding Officer- Detective Division or any lieutenant of the Detective Division by telephone. It shall then be their responsibility to determine what, if any, detective personnel shall be summoned to the crime scene.
10. **REASONS CRIME SCENE NOT PHOTOGRAPHED OR EVIDENCE COLLECTED:** Whenever photographs are not taken or where physical evidence is not recovered from the scene of a serious crime, the investigator assigned shall prepare a report stating the reasons why.

11. RESPONSIBILITIES OF THE IDENTIFICATION UNIT:

- A.** Detectives assigned to the Identification Unit will remove the evidence from the lockers.
- B.** If the evidence came from a general evidence locker in the rear hallway, the evidence will be brought to the evidence preparation room.
- C.** The evidence will be photographed, if applicable.
- D.** Each item of evidence will be entered into the department's evidence tracking system as soon as possible.
- E.** Items of evidence requiring further examination/testing will be brought to the appropriate agency, and shall be documented in the evidence tracking system.
- F.** All monies submitted as evidence shall be counted by an Identification Unit Detective and a supervisor, after removing the item from the locker and noting it in the evidence tracking system. Monies will be sealed in a tamper-resistant bag for proper storage.
- G.** All recovered firearms will be submitted for analysis to the Boston Police or State Police Ballistics Unit.
- H.** General evidence will be assigned to a shelf in the general evidence room. The shelf number will be entered in the evidence tracking system.
- I.** Controlled substances and firearms evidence will be stored in the drug evidence room.

12. EVIDENCE CONTAMINATED WITH BLOOD AND OTHER BODY FLUIDS:

- A.** All blood and bodily fluids should be treated as potentially infectious for HIV, hepatitis or other potentially infectious diseases. All officers should exercise body substance isolation when encountering evidence that may contain these substances.
- B.** If possible, evidence contaminated with blood or bodily fluids should be allowed to dry before being submitted as evidence.
- C.** Such evidence should be placed into paper bags (double bagging may be necessary), and not sealed in plastic or other closed containers.
- D.** Sexual Assault Evidence Collection Kits shall be stored in the secured refrigerator in the third floor hallway next to the evidence lockers.

13. INSPECTION AND INVENTORY OF EVIDENCE ROOMS:

- A.** Whenever an evidence officer is assigned to the Identification Unit, an inventory and audit of evidence shall be conducted. This inventory shall be conducted jointly by the new detective assigned to the Identification Unit and the outgoing officer under the supervision of the Commanding Officer – Detective Division. If there are any discrepancies, a special report shall be submitted to the Chief of Police for review.
- B.** The supervisor of the Identification Unit shall inspect the evidence room on a quarterly basis to ensure adherence to appropriate policies and procedures. He/she shall submit a report to the Office of Professional responsibility upon completion of this audit. If there are any discrepancies, a special report shall be submitted to the Chief of Police for review.
- C.** The Office of Professional Responsibility, or other designee of the Chief of Police, shall conduct an annual audit and inventory of the evidence rooms. If there are any discrepancies, a special report shall be submitted to the Chief of Police for review.
- D.** The Office of Professional Responsibility, or other designee of the Chief of Police, shall conduct unannounced semi-annual inspections of the evidence area. These inspections shall verify that proper accountability and security procedures are being followed. These inspections shall consist primarily of random spot checks matching evidence and records.
- E.** All inspection reports shall be filed with the Office of Professional Responsibility.

14. TRANSFER OF CUSTODY:

- A.** Identification Unit detectives will document all changes in custody of evidence in the evidence tracking system. This documentation shall include the individual or agency maintaining the custody of the evidence transferred to them.
- B.** Officers/Detectives who assume custody of evidence are responsible for ensuring its security, proper storage and maintenance, and the ready retrieval of such evidence upon demand.
- C.** Sealed bags of evidence are not to be opened unless ordered by the court. If a sealed bag is opened, the property bag will be marked and the officer having custody of the evidence will submit a report to the supervisor of the Identification Unit explaining the circumstances.

- D. Upon completion of the case, the officer will return the evidence to an Identification Unit detective, and the evidence tracking system will be updated to reflect the date and time the evidence was received.

15. RETURN/DISPOSAL/DESTRUCTION OF EVIDENCE/PROPERTY:

- A. Final disposition of found, recovered or evidentiary property shall be accomplished within six months after all legal requirements have been satisfied.
- B. When no longer needed, evidence shall be returned to its lawful owner. An Identification Unit Detective will ensure a letter is sent to the owner advising them to pick up their property. This letter will advise the owner that if they do not pick up their property within one month, it will be considered abandoned and may be destroyed.
- C. Whenever property is returned to an owner, the Identification Unit Detective will complete a property receipt, and make an entry into the evidence tracking system.
- D. When monies or other items of value are returned to an owner, a second police officer shall witness the transfer.
- E. Destruction of general evidence:
 - i. Once a determination is made that property has been abandoned, it may be disposed of.
 - ii. The evidence tracking system shall be updated to reflect the destruction.
- F. **DESTRUCTION OF CONTROLLED SUBSTANCES:**
 - i. Any destruction of controlled substances shall be in accordance with applicable laws and the procedures of the State Laboratory.
 - ii. All destruction of controlled substances shall be witnessed by an Identification Unit Detective and one other police officer.
 - iii. After completion of the destruction, the Identification Unit Detective shall submit a report to the supervisor of the Identification Unit detailing the date, time and location of the destruction, and a list of all individuals present for the destruction.
 - iv. The evidence tracking system shall be updated to reflect the destruction.

G. DESTRUCTION OF FIREARMS:

- i. Firearms and other weapons to be destroyed shall be transported to the appropriate State Police facility for destruction. An Identification Unit Detective and one other police officer shall transport the weapons to this facility, and shall submit a report detailing the destruction.
- ii. The evidence tracking system shall be updated to reflect the destruction.

16. PRESERVATION AND SUBMISSION OF EVIDENCE TO THE STATE POLICE LABORATORY;

A. RESPONSIBILITY FOR REQUESTING CRIME LABORATORY EXAMINATIONS:

- i. Under normal circumstances, the responsibility for the request for laboratory examination will lie with the officer or detective who actually processed the scene and took custody of the evidence.
- ii. In those cases where there may be more than one officer processing the scene, the senior officer present shall designate one officer to take custody of all evidence collected.
- iii. In those cases where the detective division has been called to assist the officers, the assigned case detective shall take custody of all evidence collected.

B. SUBMISSION OF EVIDENCE FOR CRIME LABORATORY ANALYSIS:

- i. **NON-PERISHABLE EVIDENCE:** Shall be turned over directly to the Identification Unit Detective. In their absence, all evidence shall be placed in an evidence locker, the locker shall be locked, and a complete report, including requests for analysis, shall also be placed in the evidence locker. The Identification Unit Detective, upon receipt of evidence, shall submit the evidence for analysis as soon as is practicable. All submissions of non-perishable evidence shall be submitted to the State Crime Laboratory with the corresponding report. All non-perishable evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All non-perishable evidence shall be transported to the State Crime Laboratory by an Identification Unit Detective. A receipt will be requested by the Identification Unit Detective at the time of submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory

receipts received from the State Crime Laboratory will be submitted with its corresponding evidence by case number and evidence control number. When a doubt exists as to the proper disposition of evidence, the Identification Unit Detective shall consult with a Department Identification Supervisor and be guided by his/her advice.

ii. SUBMISSION OF PERISHABLE EVIDENCE:

- a.** When an item of evidence has been collected that by its very nature may deteriorate (for example, a liquid sample of semen, etc.), it should be transported to the police station as soon as possible and secured in the evidence refrigerator. In no case should transportation be delayed for more than several hours.
- b.** Any time that a perishable item is to be transported to the crime laboratory for analysis, the laboratory should be called first so that they will be prepared to receive the item.
- c.** Officers shall submit all documentation and a copy of their report to an Identification Unit Detective. All submissions of perishable evidence shall be submitted to the State Crime Laboratory with the corresponding report. All perishable evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All perishable evidence shall be transported to the State Crime Laboratory by the Identification Unit Detective. A receipt will be requested by the Identification Unit Detective at the time of the submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory reports received from the Crime Laboratory will be submitted with its corresponding evidence by case number and evidence control number.

iii. SUBMISSION OF HAZARDOUS, FLAMMABLE EVIDENCE:

- a.** An evidence locker shall be maintained for hazardous and/or flammable evidence.
- b.** Officers placing items in this locker must submit a complete report to the Identification Unit Detective.
- c.** The Identification Unit Detective shall consult with Fire Department officials and the Commanding Officer - Detective Division to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.

- d. All submissions of hazardous or flammable evidence shall be submitted to the State Crime Laboratory with the corresponding report. All hazardous or flammable evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All hazardous or flammable evidence shall be transported to the State Crime Laboratory by the Identification Unit Detective. A receipt will be requested by the Identification Unit Detective at the time of the submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a “Laboratory Receipt File” for all laboratory submissions. All laboratory reports from the State Crime Laboratory will be submitted with its corresponding evidence by case number and evidence control number.

iv. SUBMISSION OF EVIDENCE TO BE FINGERPRINTED:

- a. Officers submitting evidence that they believe may contain fingerprints of evidentiary value must note this on their report.
- b. An incident report or special report shall be placed inside of any locker containing fingerprint evidence.
- c. Officers should refer to Special Order 2007-13, Procedure For Handling Latent Fingerprints, for further information.

v. SUBMITTING ITEMS WITH POTENTIAL DNA EVIDENCE FOR ANALYSIS: Because extremely small samples can yield DNA evidence, officers and detectives should pay great attention to contamination issues when collecting possible DNA evidence. DNA evidence may be contaminated when DNA from another source gets mixed with DNA relevant to the crime scene. This could happen when someone sneezes or coughs over the evidence or touches his/her mouth, nose or other parts of the face, and then touches the area that may contain the DNA to be tested. To avoid contamination, officers/detectives collecting potential DNA evidence should take the following precautions:

- a. Wear double gloves, and change the outer pair of gloves in-between evidence collections.
- b. Collect evidence using disposable instruments such as disposable tweezers.
- c. Avoid touching the area where DNA evidence may exist.

- d.** Avoid talking, sneezing and coughing over evidence.
- e.** Avoid touching your nose, face, or mouth when collecting and packaging evidence.
- f.** Put evidence into paper bags or envelopes. DO NOT use plastic bags.
- g.** Evidence bags or envelopes should be sealed with evidence tape (available in the Patrol Supervisor's Office or the Detective Division). DO NOT use staples to seal bags or envelopes. Do not use saliva or water to seal bags and envelopes.
- h.** Evidence must stay dry and at room temperature.
- i.** DO NOT expose potential DNA evidence to direct sunlight or warm conditions.
- j.** DO NOT attempt to dry evidence containing potential DNA evidence in the form of blood or body fluids. Evidence with wet blood or body fluids should be carefully placed into paper bags. If possible, keep the wet portions of the evidence facing up inside the bag. The bag should then be taped using evidence tape.
- k.** When encountering significant amounts of blood or body fluids, a Detective Supervisor should be notified.
- l.** When appropriate, officers/detectives who have received training in the collection of potential DNA evidence will collect the evidence using a body fluid collection kit.
- m.** Evidence with lesser amounts of blood or body fluid should be placed into a paper bag and sealed with evidence tape.
- n.** Evidence with blood or body fluids that is to be submitted to an Identification Unit Detective should be locked in the refrigerator next to the evidence lockers. If the refrigerator is not available it may be stored at room temperature in a general evidence locker.
- o.** Officers should refer to Special Order #2004-07, Handling and Preservation of Evidence/Property, and Special Order #2005-10, Collection and Preservation of Potential DNA Evidence, to ensure proper submission of evidence to the Identification Unit.
- p.** All items containing possible DNA evidence shall be transported to the Massachusetts State Police Laboratory by an Identification

Unit Detective. All items containing possible DNA evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All items containing possible DNA evidence shall be submitted with a copy of the corresponding report. A receipt will be requested by the Identification Unit Detective at the time of submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory receipts received from the Crime Laboratory will be submitted with its corresponding evidence by case number and evidence control number.

- C. COLLECTION AND SUBMISSION OF KNOWN SPECIMEN FOR COMPARISON:** Many items submitted to the laboratory must be accompanied by a known specimen so that a comparison can be made. The investigating officer on the case will be responsible for obtaining any required known specimens, when such specimens can be legally obtained, and sending them, along with the items of evidence, to the laboratory for analysis and comparison.
 - D. DOCUMENTATION:** Officers submitting evidence for analysis shall specify in their report what is to be analyzed and what analysis is requested.
- 17. CRIME SCENE SKETCHES:** Detailed crime scene sketches normally are prepared in major crimes only. The detail to be included in a crime scene sketch should include, but not be limited to, the following:
- A.** Dimensions.
 - B.** Relation of scene to other buildings, geographical features, or roads.
 - C.** Address, floor, or room number as appropriate.
 - D.** Location of significant features of the scene, including victim.
 - E.** Date and time of preparation.
 - F.** Name of person preparing sketch.
 - G.** Direction of north.
 - H.** Location of items of physical evidence recovered.
 - I.** Disclaimer as to scale.

18. PHOTOGRAPHING THE CRIME SCENE/EVIDENCE: Photographs of the crime scene or evidence shall be taken by Department personnel. All items of evidence to be collected shall, when practicable, be photographed before being moved. A Department "Photographic Board" shall be maintained and shall be complete as to:

- A. Case Number
- B. Officer's name taking photographs
- C. Date and time
- D. Description
- E. Digital photographs of crime scenes and/or evidence shall be maintained in the appropriate case files. All negatives /original digital files are to be maintained in the Identification Unit.

19. EVIDENCE/ PROPERTY RECORDS:

- A. **EVIDENCE REPORT:** Officers recovering evidence shall complete a report. The case number shall be included with the property when submitted. The report shall include the circumstances by which the evidence/property came into the department's possession and include a description of each item of evidence/property.
- B. **CRIME/ACCIDENT SCENE REPORT:** Officers who process a crime or accident scene shall submit a report that includes, but is not limited to, the following information:
 - i. Date and time of arrival
 - ii. Location of crime
 - iii. Name of victim, if known
 - iv. Name of suspect, if known
 - v. Action taken at the scene, including number of photographs taken, measurements taken (indicate yes or no), and a listing of physical evidence recovered.
 - vi. Case number
- C. **PHOTOGRAPHIC LOG:** Whenever evidentiary photographs are taken at a crime or accident scene, the officer shall complete a "Photographic Board" in its entirety.

- 20. MARKING AND/OR LABELING OF PHYSICAL EVIDENCE:** For physical evidence to be accepted by the court at the time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling physical evidence at the time that it first comes into custody.
- 21. RESULTS OF LABORATORY ANALYSIS:** The results of all laboratory analysis shall be in writing, signed by the analyst, and notarized when possible.
- 22. TRAINING:**
- A. RECRUIT TRAINING:** All officers shall receive training in crime scene search techniques and accident scene processing during their basic recruit academy training. The standards for this training are established by the Municipal Police Training Committee.
- B. SPECIALIZED TRAINING:** Shall be provided to develop expertise by certain members of the Department in the following areas:
- i. Recovery of latent fingerprints and palm prints.
 - ii. Recovery of foot, tool, and tire impressions.
 - iii. Photographing crime and accident scenes.
 - iv. Preparing crime scene sketches.
 - v. Preparing accident scene sketches.
 - vi. Identifying, collecting, preserving, and transmitting physical evidence, including perishable and or biological materials.
 - vii. Only officers and detectives who have completed a Massachusetts State Police DNA Standard Collection Course are able to collect swabs of blood and other bodily fluids.
 - viii. Only officers and detectives who have been certified by the Massachusetts State Police as having completed the Buccal DNA Collection Training are allowed to collect Buccal DNA samples from potential suspects.
- C. REFRESHER TRAINING/UPDATED TRAINING:** Because the state of the art in crime scene processing is constantly changing, officers involved in the process shall be provided with in-service training as needed to maintain their skills at the highest possible level. This training shall consist of "in-house

training" and training provided by the Municipal Police Training Committee, or other appropriate agency.

- 23. COORDINATION WITH COURTS:** It is essential to ensure that the Judges of the Court are informed of the latest information concerning the abilities of the Department and crime laboratories to develop evidence for prosecution. It is of equal importance that the Department be advised of all investigative and procedural concerns of the District Attorney's Office and the Courts. In order to ensure that lines of communication regarding these matters are maintained, the Commanding Officer of the Detective Division or designee shall attempt to meet with the Judges of the Brookline District Court, the Assistant District Attorneys assigned to the Brookline District Court, and the Department Identification Detectives.
- 24. CUSTODY OF VIDEO RECORDINGS FOR OPERATING UNDER INFLUENCE:** The department shall video the booking process of all operating under influence arrests.
- A. The evidence and property officer will retain all recordings from the booking process.
 - B. All recordings shall be clearly labeled.
 - C. The arresting officer shall be responsible for obtaining the DVD for presentation in court on the trial date.
 - D. The Evidence and Property Officer will maintain custody of the DVD's and tapes as evidence and, when approved by the prosecutors or the Assistant District Attorney, arrange for the viewing of the DVD's and tapes by defense attorneys, defendants, and other approved parties during normal business hours.
- 25. LOST / FOUND PROPERTY:**
- A. When recovering lost / found property, the patrol officer will make every attempt to identify and notify the owner and return the property. If the property is returned, the officer shall obtain a property receipt and make an entry into the computer-aided dispatch system. The property receipt shall be submitted to the Evidence and Property Officer.
 - B. If the patrol officer is not able to identify or notify the owner of the property, the officer will submit the found property to a general evidence locker with the case number assigned from the report generated in the report writing system.
 - C. An Identification Unit Detective will enter the property into the evidence tracking system and will conduct a follow-up investigation in an effort to determine the identity of the owner. An Identification Unit Detective will cause a call to be made and a letter to be sent to the owner advising them to pick up their property.

This letter will advise the owner that if they do not pick up their property within one month, it will be considered unclaimed and may be destroyed.

- D.** If the property is returned, the Identification Unit Detective shall obtain a property receipt, and update the evidence tracking system.
- E.** In accordance with M.G.L. Chapter 134, if the owner of lost money or goods does not appear within one year after its discovery, the item may be returned to the finder.
- F.** If the property cannot be returned to its rightful owner, it will be disposed of in accordance with M.G.L. Chapter 135 as follows:
 - i. Public auction.
 - ii. If monies, submitted to the town's treasury.
 - iii. Destruction.