



# MIDDLETON POLICE DEPARTMENT

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POLICY  
11.1.01

SUBJECT: **Evidence and Property**

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Refer to: [Physical Evidence Handbook](#); [MIPD Evidence Packaging Guide](#); [OP 55.49 Retention/Disposal of Evidence/Property](#)

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**I. Purpose and Policy**

This policy establishes guidelines for the collection and preservation of evidence. It is the policy of the Middleton Police Department to search crime scenes, to collect and preserve evidentiary items when they can be put to use to identify the offender or used to corroborate the identification of an offender identified by other means, and to maintain the chain of custody for presentation of the collected evidence in court. The nature and seriousness of the crime will determine the need for and extent of evidence processing required for a particular crime scene.

**II. 24 Hour Availability**

The Department will provide officers to collect and preserve evidence 24 hours a day, 7 days a week. When investigations, including serious traffic crashes, require crime scene processing, the following options are available:

- A. The investigating officer is expected to process routine crime and accident scenes him/herself if the officer has sufficient skill, equipment, and time, and it is not a major crime (infra). Officers may coordinate aspects of an investigation, including scene processing, with other assisting officers.
- B. An on-duty evidence technician can be called to apply their expertise and obtain the evidence outside the scope of a line officer or assigned the evidence collection task as part of the investigation coordination. Evidence technicians should be utilized for major crimes (infra).
- C. If there is no on-duty Evidence Technician/ Investigator, or in the case of a motor vehicle accident, Technical Accident Investigator, the Shift Commander or Officer In Charge is authorized to call out needed personnel from home on a 24 hour basis.
- D. In the rare event that department personnel are unavailable or insufficient, or if the nature of the crime or crime scene exceeds the technical capability of department personnel, the Chief or designee (Operations Captain or ISB Commander) may authorize a request for assistance from the Dane County or State Crime Laboratory crime scene units. (The State Crime Laboratory 24 hour number is 266-2031, if unable to reach the Crime Lab at any time, call the Time Control Center at 266-7633.)

### **III. Major Crimes**

Officers and Shift Commanders will evaluate crimes and crime scenes to determine if an Evidence Technician or Investigator is needed. The Investigative Services Commander will be notified and Evidence Technician and/or Investigator should be utilized for the following types of major incidents:

- A. Homicides, suspicious deaths.
- B. Felony Sexual Assaults.
- C. Aggravated Assaults.
- D. Arson.
- E. Any situation in which the Shift Commander determines that physical evidence exists and an Evidence Technician or Investigator is needed to properly collect the evidence. However, just as cases should be screened to make sure that investigative effort is not wasted on cases that will fail to result in arrests, so, too, crime scenes should be screened in order to insure that processing crime scenes will not amount to a waste of time. Except for major cases (supra), the criteria for screening crime scenes for use of an Evidence Technician include:
  1. A suspect is arrested at or near the scene and physical evidence from the crime scene will be useful in prosecuting the suspect.
  2. A suspect has been identified but not arrested and physical evidence can be used to corroborate the original identification.
  3. Leads exists that are strong enough to make identifying a suspect possible (i.e., solvability factors), then physical evidence should be collected to corroborate any future identification.
  4. Peculiar circumstances of a crime may indicate that it is part of a pattern or series of offenses so that physical evidence collected in the particular offense may be useful in corroborating the identification of a suspect identified as a result of investigation of other offenses in the series.
  5. Cases that are high-priority or high-profile on their face due to the nature of the crime, victim, or perpetrator.

### **IV. Responsibilities of Those Who Secure, Protect and Process Crime Scenes**

#### **A. Initial Responding Officer**

1. Respond with caution.
2. Follow safety procedures.
3. Provide emergency care.
4. Secure and control people at the crime scene.
5. Identify, establish, protect and secure boundaries.
6. Secure the crime scene.
7. Document all entries of persons into a major crime scene.
8. Notify the Shift Commander of major crimes and, if needed, request an Evidence Technician to process the crime scene.
9. If control of the scene is to be turned over, brief the evidence technician or investigator in charge.
10. Document actions and observations.

## **B. Shift Commander Responsibilities**

1. Coordinate the department's response.
2. Verify that initial response tasks (supra) are accomplished.
3. Notify other department personnel as needed to properly process and investigate the crime or incident.
4. Notify the Chief of Police, Operations Officer, and Investigative Services Commander of major cases.

## **C. Evidence Technician/Investigator Responsibilities**

1. Assist in processing the crime scene in accordance with this policy and crime scene search and physical evidence procedures ([Physical Evidence Handbook](#)).
2. Render assistance to the initial officer.
3. Provide guidance as to the evidentiary value of items at a crime scene and provide direction as to specialized processing.
4. Properly collect and preserve evidence by employing the latest techniques and utilizing proper departmental equipment.
5. Properly collect and store evidence in order to preserve it and to maintain the chain of custody by delivering it to the crime lab, delivering it to the department's Evidence/Property Officers, or securing it in a locked evidence locker when appropriate.
6. In consultation with the ISB Commander, determine what evidence shall be sent to the department lab or the State Crime Lab, and ensure that the necessary forms are prepared and forwarded to the Records Bureau and Evidence/Property Officers. When a delay in the submission of evidence could reduce or destroy the value of the evidence, the Evidence Technician/ Investigator will be responsible for delivering the evidence as soon as practical to the appropriate lab.
7. Except as provided in "6" (supra), Evidence/Property Officers or Investigators are responsible for delivering evidence to the crime lab and requesting laboratory analysis. The transfer of custody or transmittal of physical evidence, by any member, shall be documented.
8. Document activities at the crime scene and after, in a supplemental report.
9. Collect known samples whenever possible, for comparison with evidentiary items.
10. A crime scene sketch, when made, will include, but not be limited to, the following:
  - a. dimensions of the scene
  - b. relation of the scene to fixed permanent objects
  - c. address, floor, or room number of the scene
  - d. locations of significant items within the scene such as the victim, the weapon, or disturbed furniture
  - e. location of all evidentiary items with the scene
  - f. date and time of preparation
  - g. sketcher's name
6. Photograph/Video the following at the scenes where items of evidentiary value are found and collected:

- a. Overall scene including an exterior of the building if the scene is indoors (general locations, conditions and surroundings).
  - b. Medium and close-up images of all items to be collected or preserved prior to being moved. For example, for a body lying in the middle of the room, the overall would show where the body is in relation to the room, the medium view would provide details like type of clothing, position of extremities, items close to the body, etc. The close-up views would include items such as a gun in relation to the hand, ejected cartridge cases, etc.
  - c. All items which could be altered or destroyed in collection will be photographed with and without a scale prior to collection.
7. Complete an Evidence Photo Log for all photos taken at the scene. Information relating to all photos, including date, time, location, and incident number shall be noted in the photo log. An audio slate should be recorded on each video audio track to include operator's name, personnel present, date, time, location, incident number and officer in charge.
  8. Mark evidence collected for later identification. The processing officer shall place their initials on all evidentiary items or on the container, in the case of very small items. When possible the incident number, barcode inventory number, date, and name or MI number shall also appear on the item. Marking should be done by pen, marker or scribe.
  9. Complete barcoded Property/Evidence Inventory Tags and attach to evidence items and complete a Property/Evidence Information Worksheet listing all evidentiary items collected.
  10. Act on submitted Evidence Processing Requests as assigned (on a rotating basis).
  11. Properly clean (bleach) drying hoods and lockers to prevent cross contamination.

## **V. Procedures Used for Processing Physical Evidence in the Field**

### **A. General Procedures**

1. It is the responsibility of all officers to lawfully collect any items that may play a substantial role in proving that a specific individual has committed a crime. The term "evidence" may include, among other things: suspected stolen property, instruments of a crime, trace evidence (hair, fibers, etc.), and fragile impressions of identifying marks or prints. Although Evidence Technicians will normally be responsible for major crime scene processing, patrol officers will routinely recover items of evidentiary value. Without regard to the seriousness of the offense, all evidence shall be handled and documented in a similar manner.
2. Officers processing a crime scene will endeavor to collect and package evidence using procedures that maintain the condition of the evidence, as it was discovered. Every effort will be made to collect and package as complete a sampling of evidence material as practical and possible. Standard samples of known materials and substances should also be collected for comparison purposes.
3. All Officers should be proficient in collecting items of evidentiary value which they gather during routine arrests and crime investigations. The Officers shall be able to collect, preserve, and store these items according to Department policy and the

[Physical Evidence Handbook](#) published by the Wisconsin Crime Laboratory (available in evidence processing rooms, online, and in MIPD Sharepoint). All Officers are expected to be proficient in the collection, preservation and storage of evidentiary items from crime scenes to include the following:

- a. Recovery of latent fingerprints and palm prints.
- b. Recovery of DNA and biological materials.
- c. Photographing crime and accident scenes.
- d. Preparing crime or accident scene sketches.
- e. Search for, collect, document, process, package, and enter physical evidence into the evidence system.
- f. Evidence Technicians shall receive specialized training in currently acceptable methods of identifying, collecting, documenting, photographing, & preserving evidence. Evidence Technicians may provide patrol officers refresher and remedial training relating to these topics. The Wisconsin Crime Laboratory [Physical Evidence Handbook](#), MIPD Operating Procedures, and the directions printed in the various types of evidence collection kits supplied by the Crime Laboratory should be used as a reference for how to search for, collect, document, process, and package physical evidence. The [MIPD Evidence Packaging Guide](#) is an illustrated and well organized reference that can be used as a supplement to the Physical Evidence Handbook. If the Physical Evidence Handbook is updated and conflicts with the MIPD guide, the Physical Evidence Handbook will take precedence.

## **B. Photographic Evidence**

Forensic photographs should be taken by trained personnel in a manner consistent with the procedures outlined in the [Physical Evidence Handbook](#) (Chapter 2 – Forensic Photography). All photos taken at the scene should be listed on a photo log, including date, time, location, photographer, incident number, subject description, and direction. When photographs are taken to document what a witness observed, no chain of custody is required. Such digital image files shall be delivered to the Records Bureau or Evidence Custodian to copy the original storage medium in the original file format to the department's evidence server (master) and into the RMS (digital) Incident File for the case, in the image section. For major crimes, a DVD or USB drive should be rendered and entered into the evidence system. A DVD, CD, or USB drive working copy shall be utilized for investigation and to assist in the preparation of the prosecution file. (If a photograph is seized as physical evidence, it must be stored in the same manner as other physical evidence and a chain of custody must be maintained.) With digital cameras, the date and time are usually found in the metadata. Therefore, it is important to routinely check the date and time settings on all digital cameras and on all computers used to process these files.

## **C. Video and Audio Evidence**

1. Procedures for recorded interviews and interrogations, building video, squad video, and wearable video cameras are covered in the Electronic Recording policy. Forensic crime scene video should be taken by trained personnel in a manner consistent with the procedures outlined in the [Physical Evidence Handbook](#) (Chapter 3 – Video and Audio Recordings). An audio slate should be recorded on each recording on the

- audio track to include operator's name, personnel present, date, time, location, incident number and officer in charge. When recordings are taken to document what a witness observed, no chain of custody is required. Such digital recording files shall be delivered to the Records Bureau to copy the original storage medium in the original file format to the department's evidence server (master). For major crimes, a DVD or USB drive should be rendered and entered into the evidence system. A DVD, CD, or USB drive working copy shall be utilized for investigation and to assist in the preparation of the prosecution file. (If a recording is seized as physical evidence, it must be stored in the same manner as other physical evidence and a chain of custody must be maintained.) With digital video cameras, the date and time are usually found in the metadata. Therefore, it is important to routinely check the date and time settings on all digital cameras and on all computers used to process these files.
2. If video evidence is to be transmitted to the State Crime Lab, the assigned member shall complete the Request for Video Processing Form. The assigned member shall document the transmittal of evidence in the evidence tracking system (by use of a Property/Evidence Worksheet submitted to Records or barcode scanner).

#### **D. Fingerprint Processing**

Fingerprints shall be processed, developed, lifted, labeled, and stored in a manner consistent with basic and specialized training and the procedures outlined in the [Physical Evidence Handbook](#) (Chapter 11 – Latent Prints).

Items which contain latent fingerprints will be packaged in such a manner that external conditions will not destroy existing fingerprints or add others. Such items should be handled with forceps or tongs, or picked up by exerting pressure on neutral/interior surfaces.

Latent prints should be developed and removed from the surface(s) of items with Department approved equipment, i.e., dusting powders, brushes, clear and frosted tape, etc.

Wet items bearing latent prints, such as beer cans or glasses that have condensation on their surfaces or automobiles covered with rain/dew, should first be allowed to dry under normal conditions. Heat lamps or artificial heat from any source should not be used.

Visible prints subject to destruction under conditions of normal processing should first be photographed before extraordinary measures are taken to further develop or collect them. Photos should include a medium view to show the location context and a close-up. (A good close-up photo may be submitted to AFIS, even if the print is destroyed during lifting.)

Should the process of physically lifting a print from the surface of an item subject the print to alteration or destruction, it is recommended that the fingerprint tape be left attached to the item and the print photographed before the item is removed from the scene and processed further.

Items believed to be covered with latent prints which fail to develop under normal processing methods should be packaged to protect their surfaces in order that a cyanoacrylate fuming or similar process may be applied. Evidence Technicians may be able to perform this fuming in the field if necessary. If more advanced methods of fingerprint development are warranted, items may be brought to the station as evidence and marked for fingerprint processing by Evidence Technicians.

Whenever latent prints are removed from an item and placed on a fingerprint card, the fingerprint card should contain the following information: Officer's name, date, incident number, barcode inventory/item number, and a brief explanation of the source and location of the print.

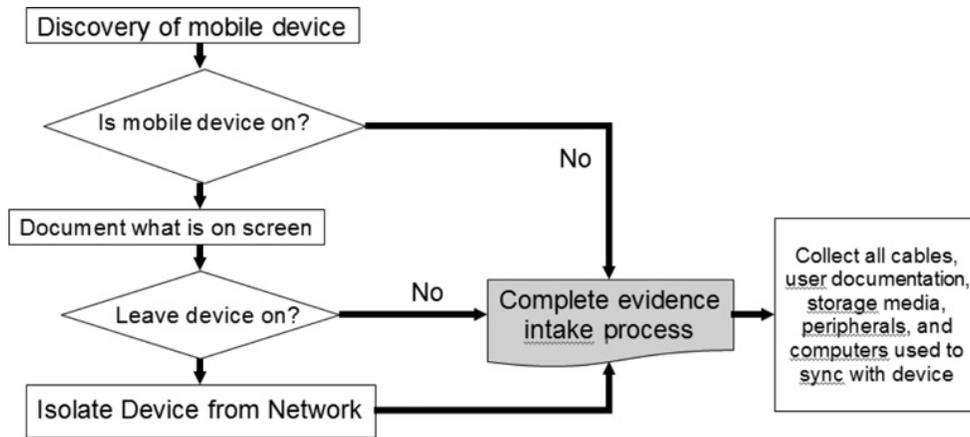
When fingerprints are lifted from a crime scene, every effort should be made to get elimination or known prints from individuals that may have legitimately handled the items or surfaces in question. These known prints can then be compared to the lifted prints and if matched will stop needless submissions to AFIS or the Crime lab. Completed and signed ten print cards should be used for taking prints from known individuals.

Information regarding the lifts should be clearly articulated in the incident report, regardless of the evidentiary value. Evidentiary prints shall be identified with a completed barcoded Property/Evidence Inventory Tag and listed on a Property/Evidence Information Worksheet and secured in an evidence system intake locker. Items to be processed further shall be placed in a secure lab intake evidence locker.

Fingerprint evidence should be evaluated by department fingerprint specialists to determine if they have evidentiary value and whether they are suitable for submission to AFIS or the Crime Lab. If prints are determined to have no evidentiary value, they may be discarded unless DNA issues are present.

#### **E. Cell Phone Evidence**

In general, the same forensic principles that apply to any computing device also apply to mobile devices in order to enable others to authenticate acquired digital evidence. Keep in mind that some devices can receive data through wireless networks that might bring new evidence but might overwrite existing data. Therefore, an investigator must make a calculated decision to either prevent or allow the device to receive new data over wireless networks as depicted below. Removing the battery from a mobile device will prevent it from communicating but may also activate security measures such as lock codes and encryption that could prevent further access to data on the device. In addition, when using acquisition methods that require the mobile device to be powered on, it is necessary to isolate the mobile device from networks.



## F. Computer/Electronic Evidence

The following processes shall be followed when managing data stored in an electronic format such as computers and other electronic media drives.

### 1. *First Responder Precautions and Responsibilities*

An officer responding to a crime scene must be aware of the possibility of information contained within a computer at the scene containing incriminating evidence. In addition, officers must be cognizant that computer users can devise methods to destroy the data contained within a computer if an unauthorized person attempts to use the computer system. Therefore, officers shall adhere to the following guidelines when responding to crime scenes containing possible computer evidence:

- a. When an officer discovers a computer that may contain evidence of a crime, the officer shall immediately remove person(s) from the computer area.
- b. Do not allow anybody to have further contact with the computer, as a single key stroke may erase information from the computer.
- c. Officers shall photograph the screen in order to document information displayed on the screen.

### 2. *Collecting, Transporting, and Storage of Computer Evidence*

- a. Once the officer has removed people from the area around the computer and photographed the screen, the officer should prepare to collect the computer and any peripherals or accessories, including modems. It is important to do this as soon as possible. It is difficult to secure a computer at a scene and removal of the computer will avoid accidental or intentional destruction of evidence.
- b. Officers should disable/disconnect the modem, if there is one, from the wall. Unplug the computer from the back of the central processing unit. Do not use the computer on/off switch as this may destroy evidence. Next, disconnect power to the printer and other peripherals. Officers should mark all cables, both input and output, on the cable and at the connection. Photograph all the marked connections prior to disassembly of the system. Also, photograph or record the serial numbers of the system components, if they are available.
- c. Officers should seal the computer central processing unit and other evidence using appropriate evidence tape. Seal over the power connector and cover to ensure that the computer cannot be powered-up and the cover cannot be

removed. Package the computer for transmittal, remove it from the area, and photograph the scene. The computer and other hardware should be packaged in material to ensure the equipment is well cushioned and protected. Magnetic media should only be packaged in static-shielded bags or paper. Keep magnetic media away from electromagnetic fields, such as radio transmitters, magnets, etc.

- d. Do not place computer evidence (including hard drives, magnetic storage media, floppy disks, magnetic tapes, etc.) in the trunk of a squad car if the trunk contains a police radio or near a strong magnetic field. (SD, USB, and CompactFlash memory cards, and CD's and DVD's are immune to magnetic fields.) The scene should be photographed again after all the computer equipment is removed.
- e. Complete the search of the area; looking for data storage media and devices, manuals, and notations, which might include passwords for locked files, etc. These items should be seized and transported, as they may assist in the examination of the computer equipment.
- f. Networked Systems - In these circumstances the department's Computer Forensics specialist should be consulted before any action is taken. In the case of the computer being used as a publishing tool, First Amendment rights may come into play and the DA's office may need to be consulted before taking any action.

### **3. *Submission of Computer/Electronic Evidence to Lab***

Officers trained in Computer/Electronic Evidence gathering will assess the seized evidence. If assistance is required, the evidence will be taken to the WI DOJ DCI Computer Crimes Unit, or other appropriate agency, for forensic analysis of computer evidence. The assigned member shall review the DCI Computer Forensics Unit Instructions for Transmittal of Computer Evidence and complete the Computer Evidence Transmittal Form. The assigned member shall document the transmittal of evidence in the evidence tracking system (Property/Evidence Worksheet submitted to Records). Officers receiving a State Crime Lab analysis report shall document the report in the RMS Incident (a copy of the report should be scanned and stored in the incident report document section) and enter the report into the evidence system.

### **4. *Training***

Officers and Detectives in the Department shall receive training in the collection and preservation of computer and electronic evidence through In-Service and Roll Call training. In addition, some officers and detectives will participate in off-site specialized training relating to computer and electronic evidence.

## **G. DNA (Deoxyribonucleic acid) Evidence**

The following processes shall be followed when managing DNA evidence.

### **1. *First Responder Precautions and Responsibilities***

Due to the nature of DNA evidence, officers need to be aware of the potential for the spread of disease due to exposure to what is commonly known as blood borne pathogens. These pathogens can be found not only in blood, but also other bodily fluids such as semen, saliva, etc. Any type of body fluid should be handled with

caution. Officers must take precautions in order to minimize the chance of exposure to these types of pathogens. When dealing with possible infectious materials, officers should assess the situation beforehand and wear appropriate protective equipment (gloves, goggles, masks, coveralls, etc.). Wash hands after removing gloves. Items soaked in blood or other bodily fluids should be carefully air dried in a drying cabinet. Do not assume that items which are dry are risk free. Minimize or avoid direct handling of contaminated sharp or pointed objects.

**2. Collection, Transportation, and Storage of DNA.**

- a. When DNA is collected from a crime scene, every effort should be made to get elimination or known DNA from individuals that may have legitimately handled the items or surfaces in question.
- b. DNA shall always be packaged in paper or cardboard, even if the item appears dry. This is due to the fact that moisture can damage evidentiary value of a DNA sample. As with any type of evidence, officers should follow the procedures set forth in the [Physical Evidence Handbook](#) (Chapter 5 – DNA Evidence). DNA evidence shall be packaged as indicated above and transported to the police station as soon as possible. DNA evidence shall be identified with a completed barcoded Property/Evidence Inventory Tag and listed on a Property/Evidence Information Worksheet and secured in the evidence system.
- c. For **short term storage**, room temperature is fine for most items. Liquid samples (blood, urine, etc.) should be refrigerated; food, fecal material, fetal tissue and vomit should be frozen to prevent growth of bacteria and mold. The storage area should be a dry, cool environment (use a dehumidifier if necessary). DO NOT store these items packaged in plastic as it promotes growth of mold and bacteria which destroys DNA rapidly. Transport biological evidence to the Laboratory as soon as possible.
- d. For **long term storage** (after analysis at the Crime Lab), all DNA return packets that need to be frozen should be placed in a frost-free freezer sealed in plastic. Liquid samples (blood, urine, etc.) should be refrigerated or frozen. Food, fecal material, fetal tissue and vomit should also be frozen to prevent growth of bacteria and mold.

**3. Submission of DNA Evidence to State Crime Lab**

The Investigative Service Commander, after consulting with the Wisconsin State Crime Lab DNA Submission Guidelines or Lab DNA Supervisor or Lab Manager, will determine what DNA evidence will be submitted to the State Crime Lab. The evidence officer, evidence technician or Investigator assigned to submit DNA evidence to the State Crime Lab shall fill out the Transmittal of Criminal Evidence form. The submitter should explain on the Laboratory transmittal how DNA may be of use for each item submitted. A detailed summary of the incident, including ALL types of contact in a sexual assault should accompany each case, as well as a list of all items collected whether or not they were all submitted to the Laboratory. The assigned member shall document the transmittal of evidence in the evidence tracking system (Property/Evidence Worksheet submitted to Records).

#### **4. Training**

Evidence Technicians shall receive specialized training in currently acceptable methods of identifying, collecting, documenting, photographing, & preserving evidence. Evidence Technicians provide evidence related training to officers through roll call, shift, refresher, remedial, and in-service training.

### **H. Crime Scene Sketch**

A crime scene sketch, when made, will include, but not be limited to, the following:

1. Dimensions of the scene to allow a scale drawing to be made at a later time.
2. Relation of the scene to fixed permanent objects.
3. Address, floor, or room number of the scene.
4. Locations of significant items within the scene such as the victim, the weapon, or disturbed furniture.
5. Location of all evidentiary items with the scene.
6. The direction of north.
7. Incident number.
8. Date and time of preparation.
9. Sketcher's name.

### **I. Equipment Used by Persons Responsible for Processing Scenes**

The following equipment will be maintained at the Department in portable containers for use by members of this agency while engaged in processing a crime scene:

1. Fingerprint kit.
2. Photography kit.
3. Evidence collection and packaging devices and materials.
4. Field reports and sketch pads.

### **J. Packaging, Sealing & Tracking Property and Evidence**

#### **1. Packaging**

- a. All evidence and property collected should be transported to the police station, inventoried, assigned a barcode inventory number, packaged, labeled and placed into secure storage as soon as possible to avoid contamination and chain of custody interruptions.
- b. Use an indelible pen to write the incident number, inventory number(s), date, and officer's initials on the packaging. If it is not readily apparent what the item is, describe it.
- c. Use an indelible marker to write your initials and date across all seals to authenticate them.
- d. Evidence shall be packaged to preserve its forensic integrity using guidelines set out in standard training and the [Physical Evidence Handbook](#). The [MIPD Evidence Packaging Guide](#) is an illustrated and well organized reference that can be used as a supplement to the Physical Evidence Handbook. If the Physical Evidence Handbook is updated and conflicts with the MIPD guide, the Physical Evidence Handbook will take precedence.

- i. Unless an item of evidence is a liquid sample, items that are wet should be allowed to **dry** before being packaged and then packaged in paper or cardboard. There are occasions when a vapor-tight barrier is required (fire debris where flammable liquid vapors are sought).
- ii. Avoid using packaging that may **abrade** the surface of the item, thereby removing surface deposits (fingerprints, lead bullets).
- iii. Only **new, unused materials** should be used to package evidence.
- iv. **Paper** is the packaging of choice for items which may contain residual moisture (clothing, DNA samples, plant materials), and for very small samples (hairs, paint chips, other small items). When paper is used for trace samples it must be securely folded and sealed so that the sample cannot escape.
  1. **Paper bags** are a good choice for bulky items. Choose a bag that is sized to the item. Paper bags may not be suitable for powdery evidence unless all possible openings are taped.
  2. **Envelopes** come in a variety of sizes (coin, letter, large) and should be sized to the item. Envelopes may leak at the seams and may not be suitable for powdery evidence unless the seams are taped.
- v. **Cardboard Boxes** work well for heavy or bulky items. Unless they have a waxy finish, cardboard shares paper's porous nature and is a good choice for items that might contain residual moisture and for DNA samples. Cardboard boxes should not be used for trace evidence or when the item is to be examined for trace evidence. Small "slide boxes" are useful for samples such as bullets and bullet fragments. There are specialty boxes designed for firearms and knives.
- vi. **Plastic** offers strength and transparency and is a good choice for items that you are certain are dry, especially plastics, paper, drug powders and tablets, etc. Water vapor does not freely pass through plastic and for some items this may result in rust, decomposition, or mold. Plastic sharps containers are available for hypodermic needles. Knives must be packaged in a sharps container or secured within a cardboard box. If DNA testing is requested, secure the knife in a cardboard box and not a plastic sharps container.
- vii. **Glass vials and jars** are useful for liquid samples (blood, alcohol, flammable liquids and water), but must have a tight-fitting top and should be protected from breakage once collected.
- viii. **Metal cans** (new, clean, unlined paint cans) are ideal for storing non-biological samples that could evaporate (flammable liquid accelerants found in fire debris). Plastic allows hydrocarbon vapors to escape and may also be attached and destroyed by vapors. For these reasons, volatile samples should only be stored in metal and never in plastic.

## 2. *Sealing*

- a. A **proper seal** proves that an item has not been accessed and therefore, could not have been altered or contaminated during storage or transport. Methods of sealing evidence include heat sealing in plastic, tape, and tamper-evident tapes.
  - i. The **heat sealing** method partially melts the plastic packaging and fuses it tighter. Use an indelible marker to write your initials and date across the seal to authenticate it.
  - ii. Cellophane or cloth **tape** can provide a tamper-evident seal on some surfaces; however, tape on plastic does not provide an acceptable seal. Close the opening of the container by folding over the opening more than once. If staples are used to secure the opening, cover with tape. Use an indelible pen to write the sealer's initials and date across the junction of the tape with the container.
  - iii. **Tamper-evident tapes** are destroyed by efforts to remove them. If a mechanically strong joint is required, unless somehow reinforced, the tape may spontaneously shred if stressed. When the tape joint may be strained, use another method to secure the joint and then use tamper-evident tape across the joint. Use an indelible pen to write the sealer's initials and date across the junction of the tape with the envelope. Make sure the sides as well as the bottom of the flap of the envelope are covered with tape to prevent anything from being added to or escaping from the envelope.
  - iv. **Stapling**, by itself, is not an acceptable method to seal evidence. However, it can be used in conjunction with other sealing materials. If staples are used, they must be covered by tape.

## 3. *Tracking*

- a. The Middleton Police Department utilizes an electronic (computerized) database tracking system in the RMS. The system utilizes the incident number and unique barcode inventory numbers attached to property/evidence items to track each item. The barcodes are scanned or a Property/Evidence Worksheet completed for each unique barcode inventory number whenever an item enters the system, is moved, or custody or status changes.
- b. A complete accounting of each item of property/evidence collected should be documented in the incident report property section (Property/Evidence Worksheet) and incident report narrative. Documentation should include the date, time, description, location, collecting officer, and the circumstances by which the property/evidence came into the department's possession.
- c. Complete and affix a pre-barcode Property/Evidence Inventory Tag to each item. This tag will act as the property receipt upon the item's return to the owner. (Please note that the "Y" on the 30 day notice should only be circled if the owner is notified in person or by phone that the item(s) will be disposed of in 30 days if not claimed. This shows that notice was given and no additional follow-up is needed before the item can be disposed.)
- d. Fully complete a blue Property/Evidence Worksheet for the item(s). The barcode number (from the tag) is the inventory number. All items should be described in

detail (to include color, make, model, serial numbers, etc.). The owner's name for each item should be listed on the worksheet, listed in the person section of the incident report and linked in RMS. If the ownership is unknown, the officer should make every effort to identify the owner before placing the item into secure storage. If the owner remains unknown or is unknowable, "owner unknown" should be listed on the Property/Evidence Worksheet.

- e. Prior to ending their tour of duty, officers shall secure property and evidence items in an appropriate secure property/evidence system location (noting the location on the worksheet). Items shall not be kept in an employee's office, desk, locker, vehicle, home, or other places not designated for storage of property. Personal use of property is prohibited.
- f. Prior to ending their tour of duty, officers shall place the completed Property/Evidence Worksheet in urgent handling, even if your primary report is incomplete. The Records Bureau will enter the data from the Property/Evidence Worksheet into the Global RMS system.
- g. Some officers (evidence custodians, evidence technicians, investigators) may be authorized to enter new evidence items directly into RMS and print a unique barcode inventory label, in lieu of using a pre-barcode Property/Evidence Inventory Tag. Authorization is determined on a case-by-case basis after training has been completed. Movement or transfer of custody of items shall only be done by use of a Property/Evidence Worksheet, or evidence custodians may use the system barcode scanner in the evidence room.

#### **K. High Value, Sensitive, or High-Risk Property/Evidence**

The processing of high value, sensitive, or high-risk property or evidence shall consist of:

1. Evidence that is of a perishable nature (blood samples, urine specimens, etc.) will be properly identified, packaged, assigned a barcode inventory number and placed in the department's temporary evidence refrigerator or permanent evidence refrigerator.
2. Currency and drugs will be secured in the designated maximum security temporary lockers or permanent maximum security evidence room (evidence custodians).
3. Firearms shall not be placed in the property room, except for a scheduled return to owner. Firearms should be placed in an evidence locker or given directly to an evidence custodian for placement in maximum security.
4. All money entered into the property/evidence system shall be counted.
5. All narcotics and/or dangerous drugs seized by the department shall be counted (pills and/or capsules), and weighed, with the exception of MedDrop containers.
6. The public MedDrop box shall have two locks, each requiring a separate key. Two assigned evidence custodians will each retain one of the two keys. When the MedDrop box is emptied, the two evidence custodians shall place the contents into approved containers, seal them, mark them with the MedDrop log control number, enter them into the MedDrop log, and both custodians will initial the log. MedDrop containers shall be temporarily placed in the secure evidence room or the designated secured cage located in the cold storage facility pending disposal approved by the MedDrop Program. The transfer for disposal shall be done with two evidence custodians present, the log book shall be updated to reflect the transfer and an

incident report documenting the transfer completed. The MedDrop log control number is used in lieu of a barcode inventory number for MedDrop containers only.

#### **L. Uniquely Numbered Evidence Seals**

1. Uniquely numbered evidence seals are used to verify an item was not disturbed or tampered with while in a drying chamber, hood, bag, or room. Secure the area using a uniquely numbered evidence seal. Note the number on the seal and include it in your narrative report.
2. Whenever a seal is cut off, note in your narrative report that the seal was intact (include the seal number) when the seal was removed.

#### **M. Property/Evidence Original Placement and Storage Locations**

##### ***1. Property/Evidence Facility/System Overview.***

**Evidence** is any relevant item or object of a material nature which may tend to prove or disprove any alleged matter of fact in a case which may be submitted for prosecution. **Property** is an item or object of a material nature, not owned by the department and not evidence, which is held for safe keeping pending return or other legal disposition.

Sworn personnel bring items of property and evidence into the police station property evidence intake room for packaging, processing, and placement into the property evidence system. Authorized personnel may access the intake room twenty-four (24) hours a day. Access to the locked intake room shall be limited to department employees who are sworn and/or evidence custodians. Access is controlled by use of unique RFID photo identification cards issued to employees. The ID cards allow employees to access only those areas in the department that that specific employee is authorized to access. Each access is recorded in the access control system computer and entrances are video monitored and recorded.

Officers place property items in the appropriate location within the property closet, located in the intake room. Evidence items shall be locked in an appropriately sized evidence locker (north wall) in the evidence room or in intake fridge. Evidence items that may require evaluation for additional processing by evidence technicians or transmittal to the crime lab shall be locked in a processing evidence locker (intake room, west wall) with an Evidence Processing Request form (so technicians know what action is contemplated). Large items and evidentiary vehicles shall be locked in the secure gated cold storage garage, the gate and power switch padlocked, and padlock keys placed in an intake room evidence locker.

Exceptions for novel circumstances or hazardous materials must be approved by a supervisor after consultation with an evidence custodian and shall include interim steps taken to protect the evidence and chain of custody.

To maintain exclusive custody and control, officers may temporarily place evidentiary items in a PO Safe (designated electronic safe or designated locked drawer in the intake room) while attending to other incident related matters. PO Safe's require that the officer create a unique access combination known only to the officer, or in the case of the locked temp drawer, retain the key. The investigation officer no longer has access to and terminates responsibility for evidentiary items once they are locked in an evidence locker, intake fridge or secure gated garage.

Only evidence technicians and evidence custodians have access to the lab. Evidence technicians remove items to be processed from the intake lockers (east wall, pass through lockers), complete any necessary processing or transmittal, and, lock items into to a long term storage intake evidence locker (north wall).

Only evidence custodians have access to the long term evidence storage room. Evidence custodians remove items from the intake room and lab intake lockers (south wall, pass through lockers) and place them in an appropriate storage location.

Within the long term evidence storage room, is the maximum security room. The maximum security room door has two locks, keyed differently. Two evidence custodians each control one of the keys. Two evidence custodians, each with their independent key, are required to access the maximum security room. The maximum security room shall be utilized for drugs, money, and firearms.

- a. Evidence custodians who find that an evidentiary item is not properly identified, marked, or packaged shall notify the officer's supervisor to arrange to have the officer remedy the issue. Evidence technicians and evidence custodians are available to render guidance, as is the [Physical Evidence Handbook](#) and [MIPD Evidence Packaging Guide](#).

- 2. **Property/Evidence Intake Locations.** All in-custody property and evidence shall be originally placed in the following designated areas that shall remain secured:

Property/Evidence Intake Locations				
Building	Shelf	Bin Type	Bin #'s	Notes
Station	Intake	Evidence Lockers	024 - 062	Excludes 050 & 051 designated for pass back
Station	Intake	Large Article	064	
Station	Intake	Drugs/Money	065	
Station	Intake	Drying Cabinet	066	
Station	Intake	Veh@PD	070 - 071	Secure gated garage (padlock gate and power switch, place keys in an evidence locker).

Station	Intake	PO Safe	072 - 074	Temp electronic Safe in write-up, ISB, & Intake Room
Station	Intake	PO Safe	075-079	Officer Locked Temp Drawer
Station	Fridge	Intake Fridge	015A - 015D	
Station	Processing	Evidence Lockers	001 - 014	Intake room, west wall, Evidence that needs processing by Tech, or Analysis
Station	Property	Property	Jan-Dec	Place items on the shelf designated for the month in which it was received. The three digit month indicator is the location #. Larger items may be placed in the west or east corners. These locations are listed in RMS as W Corner & E Corner. Items subject to disposal after 30-days, if notice was provided. Not for long-term storage of firearms kept for safe keeping (put in evidence).
Station	Lab	Evidence Lockers	016 - 023	Intake to long-term Evidence Room from inside the Lab after processing.
Station	Lab	Drying Cabinet/Hood	067-069	

## VI. Chain of Custody

The chain of custody is a record that documents every person that had custody and control of an item from the time it was collected until its introduction into court. It allows the courts to question all persons who possessed an item regarding their handling procedures and the actions they took. The importance of a properly documented chain of custody cannot be overemphasized. The chain is often closely scrutinized. Evidence is challenged and sometimes rejected because of improper handling or documentation. Thus it is extremely important that proper methods be used in collecting, preserving, and documenting physical evidence. The chain of custody is documented in the RMS Evidence Module by use of unique barcode inventory numbers on printed evidence tags attached to each item of evidence or its container. The chain of custody is updated by use of a barcode scanner (evidence officers only) or a completed Property/Evidence Worksheet submitted to Records, who in turn update information for that specific inventory number. Transfers, transmittals, and disposition of items shall also be documented in supplemental reports to the incident file.

The chain of custody should be no longer than necessary. Ideally, it should include only:

1. The officer who recovers the evidence.
2. The departmental evidence custodian (in cases when the item is not immediately transported to the Laboratory by the recovering officer).
3. The person who transports it to the Laboratory (if possible, one of the two preceding individuals).
4. The person (normally the evidence specialist) who receives the evidence at the Laboratory.
5. The Laboratory scientist who examines the evidence.
6. The person that retrieves it from the Laboratory (if possible, one of the first two individuals).

The Middleton Police Department shall utilize unique barcode inventory numbers and the Global Justice RMS System Property Module to accurately track the current and historical status and location of all property and evidence. Each change in location or status for each barcode inventory numbered item shall be electronically recorded in the RMS System Property Module by use of the system barcode scanner or submission of a completed Property/Evidence Worksheet to Records. This includes items checked out by officers for examination or court appearances or transferal to a Lab.

## **VII. Documentation of Transfer of Custody of Evidence**

All evidence and property custody transfers (into or out of MIPD evidence system custody) shall be documented by both updating the RMS Incident Property Tracking for the barcode inventory number and submitting a report or supplemental report to the incident. It is the responsibility of the person who physically transfers, receives or disposes of evidence and property to document the change. Updating the RMS Incident Property Tracking is accomplished by submitting a completed Property/Evidence worksheet to Records (who in turn update the barcode inventory number tracking record in RMS), or evidence custodians may also use the system barcode scanner within the evidence room. The supplemental report should include the date and time of transfer, name of person transferring property and name/title/agency of person receiving property, laboratory name and location (if applicable), reason for transfer, and whether any processing is required. When evidence is transferred in person to the Wisconsin State Crime Lab, a receipt should be obtained from lab personnel, which details the transfer; this receipt should be placed in the Lab Transmittal File for that incident located in the Investigative Services Bureau.

The Lab Transmittal File is a central location to temporarily store transmittal receipts, tags, and finding reports, by incident number. When all lab processing is completed for an incident number, the receipts and finding reports shall be scanned and saved in the RMS digital incident document section and the originals placed into the evidence system under a new barcode inventory number for lab documents. Multiple lab documents for the same incident may be included under a single barcode inventory number.

If an item not previously assigned a barcode inventory number is to be transferred to the Crime Lab, such as a fingerprint card, a barcode inventory number should be assigned and entered into the evidence system so that the item can be tracked.

### **A. Release of Property/Evidence**

1. A reasonable effort shall be made to identify and notify the owners or custodians of property held by the Department. A 30-day notice form may be sent out to notify owners to pick up property if a notice was not provided in person or by phone when the item was received (mark property/evidence tag that 30-day notice was provided). Phone contact can also be used in addition to the notice. A copy of the 30-day notice will be kept by the property/evidence custodians and later scanned into the incident (Records). Abandoned or unclaimed monies or goods with no identified owner and having an estimated value of \$25.00 or more will be held for at least 90 days after being listed by the department on a lost chattel notice. Items valued under \$25.00 will be held for 30 days. In all cases, after the specified timeframe has passed, property will either be destroyed, held for sale/auction, or turned over to department use. Property that is deemed to be dangerous and which is not required for evidence or further investigation may be immediately disposed of without auction. See [OP 55.49 – Retention/Disposal of Evidence/Property](#) for additional information on the proper procedures for the disposal of evidence and property items.

### **B. Receipts for Property-Evidence Returns and Disposal**

1. When an evidence or property item is returned to the owner, converted, auctioned, destroyed or disposed of, the property/evidence tag on the item will serve as a receipt and is used in lieu of a Property-Evidence Worksheet (because the information is already in the system). Have the receiving party sign the tag (print the name if the signature is not legible), enter phone number, date and sign, and submit to Records. Records will update RMS and scan the executed tag into the incident. Do a supplemental report to the incident.
2. If there is only a barcode label attached to the item, print or have printed the RMS Property Detail Report for the barcode inventory number, have the receiving person sign it (print his/her name if the signature is not legible), write the phone number, your name, date, time, and disposition (returned) at the bottom of the sheet, and submit to Records. Records will update RMS and scan the executed detail report into the incident. Do a supplemental report to the incident.

### **C. Temporary Release of Property or Evidence**

1. Any temporary release of property or evidence for court, processing, or investigation shall be documented by the Evidence Custodian using the barcode system or a property/evidence worksheet.

## **VIII. Transmittal of Evidence to a Lab**

The person responsible for transferring evidence to a lab shall inspect the evidence to insure it is properly marked, assigned a barcode inventory number, and packaged consistent with the department policy and the [Physical Evidence Handbook](#). When submitting a new case or

additional items for a case already submitted, a Transmittal of Criminal Evidence form must accompany the evidence. This form supplies important details that are needed for Crime Laboratory record management. It also ensures that reports of analysis will be associated with the correct offense.

Each offense should be submitted as a separate case. For instance, if fingerprints were found at three businesses burglarized on the same night in the same strip mall, each burglary could result in a separate criminal count. Therefore, each incident should be submitted on a separate form. In a drug case, if more than one buy/deal occurs involving the same suspect on the same day, the Laboratory considers each buy/deal a separate case which must be submitted on a separate transmittal form. Make sure all entries are legibly recorded. Hand-printed, typewritten or electronically-generated forms are preferred. If there are special instructions, note them on the Transmittal form or include them in a letter in the same envelope.

The information to be supplied in a Transmittal of Criminal Evidence form includes:

1. Submitting Agency. Name of agency submitting case (Police Department, Sheriff's Office, MEG Unit, etc.)
2. Submitting Agency Case Number.
3. City of Agency. Municipality where agency is located.
4. County of Agency. County where agency is located.
5. Date Transmitted. Date case is mailed/brought to the Laboratory.
6. Offense Committed in City/Town/Village. If known.
7. County of Offense. List only one county.
8. Offense Date. Only one incident per transmittal form. Must be one specific date, not a general time frame.
9. Criminal Offense. List all charge(s). Be specific. In drug cases, this is typically possession, possession with intent, delivery, manufacturing, etc. In cases such as arson, burglary, or theft, be sure to indicate the type of property burned, burglarized, or stolen.
10. Trial Date. Date of jury trial, if known.
11. Victim(s). Victim(s) of the crime. In drug cases, there are usually no victims. In the case of multiple burglaries, each burglary is a separate case even though the same suspect(s) may be involved. Each victim must be listed on a separate transmittal form. If a business is involved, include name of business, owner and any employees involved; list the cashier in armed robbery, etc.
12. Suspect(s). All suspect(s) in the crime, whether or not charged.
13. Sex/Race. Sex and race of victim(s) and suspect(s). This information is necessary in sexual assault cases for both victim and suspect.
14. Age/Date of Birth. Age and date of birth of victim(s) and suspect(s).
15. Agency Exhibit Number. If submitting agency has an exhibit number, item number or inventory number for the piece of evidence, it may be listed here.
16. Number of Items. Number of pieces of evidence being submitted under your item number or inventory number.
17. Item Description and Source. Brief description of evidence and the analysis requested.
18. Full Name, Title and phone number of the Submitting Officer.
19. Full Name, Title, phone number and email address of the Case Officer.

Given Middleton's close proximity to the Wisconsin State Crime Lab, evidence will normally be conveyed to the State Crime Lab in person. If evidence is mailed or shipped to the Laboratory, place the Transmittal of Criminal Evidence form in an envelope and attach it to the outside of the package.

When evidence is transferred in person to the Wisconsin State Crime Lab or other lab, a receipt should be obtained from lab personnel, which details the transfer; this receipt should be placed in the Lab Transmittal File for that incident located in the Investigative Services Bureau.

Although verbal reports from the State Crime Lab, other labs, or other outside resources may be accepted as an interim or progress report, officers shall request that reports of results and findings be in writing.

## **IX. System Integrity**

To ensure the integrity of the property-evidence system, the department shall undertake periodic and event-specific inspections, inventories and audits. Random sampling of property and evidence items may be used to assess compliance with policies and procedures. For the purposes of this policy, inspection means "to look at, either physically or in print", inventory means "a complete listing", and audit means "a random sample", such as 10 articles of property and evidence.

Twice a year, the Administrative Captain (or his/her designee) shall **inspect** the secure evidence storage room, property closet, lab, intake lockers, and RMS Property Module to assess compliance with procedures. Random, unannounced inspections should be conducted as directed, at a minimum once annually, by the Chief of Police and/or his/her designee.

The Chief of Police and/or his/her designee shall coordinate an annual **audit** of the property/evidence system. This audit should be conducted by a supervisor not connected with the property/evidence control function.

A complete **inventory** of the property/evidence system matching current records against a current physical inventory of property shall be conducted whenever the evidence custodian designated as the Evidence Room Manager is replaced. The Chief of Police and/or his/her designee, along with the newly assigned Evidence Room Manager, shall conduct the inventory.

The results of all inspections, audits and complete inventories shall be documented in a memorandum format and forwarded directly to the Chief of Police.