

Columbia County Sheriff's Office

OPERATIONAL PROCEDURE

DATE ISSUED: January 1, 2014

DISTRIBUTION: All Commissioned Personnel
Any Other Personnel Assigned To Handle Evidence

SUBJECT: *Evidence - Identification, Preservation, Labeling & Collection*

I. PURPOSE:

The purpose of this operating procedure is to set out guidelines for the identification, preservation and collection of evidence by members of the Columbia County Sheriff's Office.

II. OPERATIVE PRINCIPAL:

A broad definition of evidence is anything that may connect a person, place, or thing, to a crime or an event that has occurred. Evidence can be anything and can be found anywhere; there are virtually no limitations. It is imperative that deputies be able to identify any item as evidence of an event and to properly preserve and collect that evidence so that it may be used in the appropriate way to provide more information concerning a particular event and ultimately solve the crime that has been committed. Depending on the complex nature of the case, evidence may change custody several times before final disposition for a variety of reasons such as; laboratory testing, viewing by witnesses and/or attorneys prior to trial, trial presentation for judicial review, etc. It is vitally important to document and record any change of custody of evidence and to maintain a high level of security of any article of evidence. Law enforcement, during normal day-to-day operations, also receives found and abandoned property that may or may not be related to a crime. Any found or abandoned property will be handled and maintained the same as an item of evidence.

III. PRIMARY ISSUES:

The primary issues of the operational procedure are to standardize the handling of evidence and property by members of the Columbia County Sheriff's Office and to be in compliance with all applicable legal statutes. This operating procedure is the overall general procedural guideline for handling evidence. Other operational procedures detail specific procedures for unique or complex situations involving evidence. The following is a guideline list of laws that pertain to evidence. The list is not all-inclusive; however, the statutes listed below are the primary guidelines for handling evidence and property by members of the Columbia County Sheriff's Office.

RCW 9.41 Firearms
RCW 46.55.090 Property from Impounded Vehicles Disposed of by Tow Companies
RCW 63.40 Unclaimed Property in the Hands of the Sheriff
RCW 69.50.505 Uniformed Controlled Substances Act
RCW 69.50.511 Clean Up of Hazardous Substances
Reference Document: Washington State Patrol Physical Evidence Handbook

IV. OPERATIONAL POLICY:

The following headings address the step-by-step procedures for identifying, preserving and collecting evidence and property:

- A. Evidence Identification:** One of the most important functions of an investigating Officer in a criminal investigation is to conduct a thorough and in-depth interview with persons who have reported the incident or who have important information regarding the incident. From that interview the investigator will strive to obtain information that will identify the crime that has occurred, where and how it occurred. Those important factors are necessary to begin a search for evidence. Evidence found will either substantiate or disprove information that has been obtained or will provide more information to solve the crime and identify the perpetrator or perpetrators.
- 1. Reference Document:** "The Columbia County Sheriff's Office Deputy's Evidence Handbook" details different categories of evidence as they pertain to certain crimes and what information can be gained from the laboratory analysis of items seized. This reference document also sets out quantities of samples and packaging recommendations for the proper preservation of certain items of evidence. It is strongly recommended that all deputies review the handbook and use it as a reference guide when conducting criminal investigations involving evidence.
- B. Evidence Preservation:** The value of any item of evidence is to link it to a person, place or an event. It is extremely important that any item of evidence be preserved in a fashion that will facilitate establishing the link either by laboratory testing or by other testimony. Certain specific preservation requirements are found in the reference document, The Columbia County Sheriff's Office Deputy's Evidence Handbook. The following are additional and/or general requirements for the preservation of evidence.
- 1. Security at Crime Scenes:** The movement of items of potential evidentiary value is a constant concern for investigators. Every effort should be made to preserve evidence in its original location and configuration. The responsibility for preserving evidence at a crime scene is normally that of the first arriving unit. It can also be the responsibility of the person making the first contact with the reporting party by merely advising that person or persons to leave everything exactly the way it was following the incident or upon discovery of the incident. The issue of security at major crime scenes such as a homicide falls within separate operational guidelines however, the primary issue is that the first arriving law enforcement officer has the responsibility for securing any crime scene and assuring that nothing is disturbed until evidence custodians arrive or evidence processing begins.
 - 2. Photography:** No effort should be made to move any article of evidence until it has been photographed in place. Photographs should be taken showing the overall scene, the locations of specific items of evidence with reference points in the photos and close up photos of the item of evidence. A device showing scale should also be placed in photos where the size of the object is an issue. In cases where a large number of evidentiary items are seized it may be necessary to use numbering or lettering that is visible in the photo to show the different items of evidence and their respective locations to each other or a common reference point.
 - 3. Sketching and Measurements:** Sketching, taking measurements, and/or describing where an item of evidence was located is as important as photographing evidence. The combination of photographs and written documentation is the appropriate way to preserve

scene evidence until it is collected. The complexity of the process for documenting a location of a piece of evidence is dependent on the crime. The location of a rock found in a yard at the scene of a vandalism may not need to be described in as much detail as the location of a knife in a homicide, however, both items should be photographed with reference points and their locations documented. Measurements should be taken to physically locate evidence in such a fashion as to be able to return at a later date and reestablish where a piece of evidence was found or seized from. Whenever possible, a fixed location, that is not likely to be moved in the near future, should be used as a common reference point for taking measurements from. Using two fixed locations and the item of evidence to triangulate the position of the item of evidence is recommended.

4. **Contamination Considerations:** There are inherent risks when dealing with evidence due to the physical elements existing and handling by technicians. Every consideration should be made to preserve any item of evidence in its original configuration or the configuration that will best facilitate any subsequent testing or analysis. Handling of evidence should be minimal and only what is required to package and transport the evidence to the secure evidence storage facility. All evidence, with the exception of hairs, fibers and serological evidence, possess the potential for containing latent fingerprints and should be handled accordingly.
 - a. **Environmental Considerations:** Outdoor crime scenes create the highest risk for the loss of trace evidence or the degradation of serological evidence. Environmental conditions such as; rain, wind, snow, etc. can markedly degrade certain items of evidence to the point that they may lose their highest potential value. If an item of evidence has been identified in an outdoor crime scene that has the potential for containing trace evidence of any kind that item of evidence should be protected from the environment by covering the item. Photographs will need to be taken with and without the protective covering. The covering used should not physically touch the item, merely shield it from environmental elements. A paper cup over a spent shell casing that may have latent fingerprint value is an example of proper shielding from rain or snow.
 - b. **Contamination from Other Sources:** One of the primary considerations when examining any item of evidence is the ability to scientifically connect that item to a person, place or thing. Every precaution should be taken to avoid contact between knowns and unknowns to prevent cross contamination. Items of evidence from a victim in an assault case should be maintained and packaged separate from any suspect evidence. Individual items of evidence taken from a victim in a sexual assault case should also be maintained and packaged in separate paper bags, not combined. It may become extremely important in the prosecution of a sexual assault case as to what item of clothing and where on that item of clothing semen stains were found that were later matched to a suspect through DNA testing.
 - c. **Personal Contamination Considerations:** Universal precautions shall be taken by any member of the Columbia County Sheriff's Office when dealing with serological type evidence. Every effort will be made to minimize the risk of exposure to employees from any item of evidence that may contain harmful pathogens. **Refer to the Bloodborne Pathogen Policy for specific precautions to be taken.**

C. Evidence Labeling & Tagging: It is necessary, after identifying, photographing and documenting the location of evidence, to visually identify the evidence through marking, tagging and labeling in such a fashion to identify each piece of evidence as it pertains to the case being investigated. The below outlined guidelines set out procedures for the marking of evidence and are established to minimize duplication of documentation whenever possible.

1. Required Information: Each item of evidence shall be identifiable within the Spillman evidence system by case number, evidence tag number, item number (if applicable) date seized, seizing officer, and a brief description. Items of evidence shall be identifiable by fixing a computer-generated evidence tag to the item, placing the item into a paper bag or envelope with appropriate labeling, or writing the required information onto the item with a permanent ink marker.

a. Evidence Tags: Where applicable, all fields within the Spillman evidence system should be filled in with the required information whenever an evidence tag is used to identify a piece of evidence. A brief description of the item will be included on the tag that sets that item apart from any other item in the case being investigated. Model numbers and serial numbers need not be on the tag as long as the complete accurate description of the item is included in the computer entry. An example of this would be to indicate a case number, evidence tag number and item number for a handgun and enter, "S & W .357 Handgun" in the appropriate fields. The associated inventory listing would include the tag information plus the location found, the model number, serial number and any other important information such as, "Red Stains on Barrel".

b. Bags or Envelopes: If an item is packaged in an envelope or paper bag an evidence tag on the item is required.

c. Permanent Ink Marking: Certain items taken into custody will not lend themselves to being packaged in bags or envelopes due to their size or configuration. In situations where this occurs and there are no considerations for fingerprints or other processing, the item itself may be marked with permanent ink of contrasting color to the item. The information to be marked on the item shall include the case number, evidence tag number, item number (if applicable) and personnel number of the seizing deputy.

D. Evidence Containers: Due to handling, storage and shipping limitations, every effort shall be made to place evidence in a container that is similar in size to the object being seized. There are a variety of containers that may be used for collection of evidence. The primary containers are paper bags, envelopes, plastic containers, glass containers and metal containers. Commercial paper bags with advertising shall not be used for evidence; only plain paper bags with the evidence tag are permitted.

1. Paper Bags or Envelopes: In most cases, paper bags or envelopes will be the primary containers for evidence. Paper containers are porous and facilitate air-drying of items as opposed to plastic bags, which trap moisture and degrade trace evidence.

2. Plastic Containers or Bags: Plastic bags may be used in situations where there is no concern for trace or serological evidence and moisture is not a factor.

3. **Glass Containers:** Glass containers may be used for liquid samples such as a sample of a suspected accelerant in an arson event.
4. **Metal Cans:** Various sizes of metal cans may be used for the preservation of arson related evidence. Arson investigators are trained in the proper collection and preservation of arson related evidence and are the primary users of any metal cans for their unique needs.

E. Evidence Sealing Requirements: Different requirements exist for the sealing of certain kinds and configurations of evidence. The majority of items entered into evidence are a size that allows them to be placed into a similar sized paper bag. Sealing is accomplished by simply folding the top edge of the bag and stapling it sealed. Larger items that will not fit into a paper bag need not be sealed into a separate container unless they have the potential for being transferred to a criminal laboratory for testing or examination. Any evidence that may be transferred to criminal laboratories for testing or analysis shall be sealed in a separate container with evidence tape with the seizing deputy's initials written across or on the evidence tape. Items that have the potential for laboratory examination or testing shall be individually packaged. An example would be when paraphernalia, ID, money and drugs are seized; the money shall be in a separate envelope and the drugs shall be in a separate envelope. Certain specific items such as money and/or drugs require extra measures of sealing and security.

1. **Money:** The collection, preservation and disposition of monies entered into evidence require that the utmost care be taken to assure accuracy and security. No less than two persons shall count any monies taken into evidence at the time the money is seized or as soon as possible. The monies will be counted first by one deputy and then the second person will verify the amount by counting the money again. Money shall be placed in its own separate envelope and sealed with evidence tape immediately after the money has been counted and the count verified. The initials of both persons who have counted the money shall be placed on the tape.
2. **Drugs:** The collection, preservation and disposition of illegal drugs also requires the utmost care be taken to assure accuracy and security. Any illegal drugs entered into evidence will be placed in its own separate container and sealed with evidence tape. The initials of the deputy taking custody of the evidence shall be written on or across the evidence tape. An exception to this procedure pertains to large amounts of marijuana plants, which are collected in large canvas style bags. Sealing requirements for the large bags consist of twisting the top of the bag and securing it with wire, string, or tape and attaching an evidence tag. There is no requirement for evidence tape on the large cloth bags containing marijuana plants.
3. **Jewelry and Other Items of High Value:** Expensive jewelry and other small items of high value are also required to be in separate evidence containers and sealed with evidence tape.
4. **Opening a Sealed Container:** If it is necessary to open a container that has been sealed with evidence tape for later viewing or testing, the following procedure will be followed:
 - a. The original evidence tape with seizing deputy's initials shall not be tampered with in any way.
 - b. A new opening will be made in the sealed container and that opening shall be

sealed with evidence tape after the viewing or testing.

initials

- c. The person breaking the seal and resealing the container shall place his/her across the new seal and the date.
- d. A notation will be made in the Spillman evidence system indicating when, why and who entered the sealed container.

F. Drug Weights: The weights of illegal drugs are important for prosecution of the associated case as well as for security and tracking purposes. The most accurate weights for illegal drugs are obtained from criminal laboratories due to the sophisticated devices used in the laboratory setting. The laboratory weights will be indicated in the lab technician's report for prosecution. The following guidelines pertain to the weighing of illegal drugs.

- 1. **Seizing Officer Responsibilities:** Due to the risk of contamination, accidental destruction of evidence and the personal exposure risk, the seizing deputy is not required to separate the suspect substance from its so called, "street" container, which may be a plastic baggie or envelope or bindle, and weigh the substance. The seizing deputy is required to provide the gross weight of the suspect material and the street container. The seizing deputy is also required to document the weight and the fact that the weight is gross weight including the street container and also describe the street container - baggie, bindle, etc. The seizing deputy is then required to place the substance and street container into a separate evidence envelope and follow the sealing requirements. The gross weight of the substance and street container shall be written on the evidence envelope, evidence entry log and in the associated report.
- 2. **Evidence Custodian Responsibilities:** A separate Operating Procedure addresses overall responsibilities for the internal handling of evidence. Some issues are addressed in both documents.

G. Evidence Inventories: In cases that contain or have the potential to contain numerous items of evidence it may be necessary or more efficient to use an Evidence Inventory Form to list all of the items. It may also be necessary, when seizing evidence from more than one location at a crime scene, to use a separate page of an inventory for each location. An example of this would be when a search warrant is served at a residence with multiple occupants who may have specific domain in separate rooms. One page of the inventory may be labeled, "Suspect #1s Bedroom", or "Living Room of Residence".

- 1. **Item Codes:** In major cases it sometimes is necessary to seize numerous items of evidence at separate locations and on different occasions. Major cases, such as homicides, necessitate sending items to criminal laboratories. It is necessary to specify not only which items are to be tested but the location they were seized from as well. For those reasons it is necessary to establish alphanumerical codes to identify items on the inventory forms and how they connect to the case being investigated. The following guideline will be used for identifying items individually and by location or activity:
 - a. **Alphanumeric Coding - One Scene, One Seizure:** Each item of evidence will be given an alphanumeric code. The first item seized will be given the number A-1. The next number will be A-2 and so on.

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10. **Reason:** “From (deputy) to (technician) to evidence.”

J. Evidence Storage: Any and all property or evidence taken into custody by members of the Columbia County Sheriff’s Office shall be maintained in secure storage. The deputy seizing or taking property into custody shall be responsible for the evidence or property until it has been placed into evidence storage. Any and all property or evidence taken into custody by members of the Columbia County Sheriff’s Office shall be properly tagged and secured by the completion of the duty shift worked when the property was taken into custody. Currently there are two locations where property and/or evidence are stored. There are temporary lockers, or the main property room.

1. **Temporary Evidence Locker:** The two options for securing property are as follows:

- a. **Temporary Evidence Lockers:** These are lockers in the staff room of the Sheriff’s Office that the seizing deputy can secure evidence in until the following day when the evidence custodian can transfer the evidence over to the main property room. Place your evidence padlock on the locker to secure it, then send an e-mail to the evidence custodian advising there is evidence that needs to be secured in the main property room.
- b. **Large Objects:** There will be situations when objects are seized that do not fit into the evidence lockers. Call out the evidence custodian so they can come down and secure these items for you.

2. **Main Property Room:** A location has been designed and constructed for permanent, secure long-term storage of evidence and property. The location is known as the main property room.

- a. **Access to Main Property Room:** Access to the main property room is limited to only those persons designated as evidence custodians. Access is controlled via security key lock and twenty-four hour monitored video surveillance.
- b. **Access - Evidence custodians:** Certain persons may be designated as evidence custodians who are responsible to assist deputies with the transferring of evidence from the temporary evidence lockers into the main property room. Those persons may also be responsible for assigning internal storage locations, computer data entry, completing laboratory testing submittal forms and preparing evidence and/or property for shipment.
- d. **Access by Others:** It is recognized that certain persons may have a need to enter the main property room in certain situations. Staff level personnel, prosecutors and deputies may have the need to be in the main property room in the performance of their normal duties. Any person not designated as an evidence custodian shall not be allowed access to the main property room without being escorted by an evidence custodian.

3. **Remote Storage of Evidence:** A location has been designated for the storage of large items of property or evidence. Large items of property or evidence or large quantities of like items that consume a large area of storage space, such as bicycles and/or equipment used for growing marijuana, are to be stored there.

K. Chain of Custody: It is imperative that a documented chain of custody be maintained whenever a piece of property or evidence changes custody. The seizing deputy becomes the first Columbia County Sheriff's Office employee in the chain of custody of any piece of evidence or property. If the property is received from another person then a receipt shall be filled out and signed. A receipt is not necessary when a deputy seizes the item from a crime scene. A receipt or signed document is required each time that an item of evidence or property physically changes hands from one person to another. The original receipt is attached to the incident report that generated the evidence or property, a copy is attached to the corresponding evidence entry log and a copy is given to the person relinquishing custody. An entry in the Spillman evidence module is also required.

L. Special Evidence Considerations: Certain items of evidence require special considerations due to storage and/or handling requirements. It is recognized that certain items such as flammable liquids, chemicals, and explosives create a high risk for handling and storage. Only the amount required for testing and prosecution will be maintained in storage and custody and only in the appropriate containers.

1. **Flammable Liquids:** The evidentiary value of most flammable liquids is to match an unknown to a known or to identify a flammable liquid or accelerant in an arson related incident. Refer to the Deputy's Evidence Handbook for determining the amount of sample to be seized and appropriate container. Storage of required flammable liquids in the main property room shall be in an approved storage cabinet.

2. **Chemicals:** Certain chemicals that are dangerous in nature present a risk of physical harm to anyone handling them. Any suspected illegal chemicals from illegal laboratory operations will be handled by appropriately trained and equipped personnel only. The Washington State Patrol has implemented a Hazardous Materials Disposal Team of personnel who have been trained to handle chemicals that present a risk. Illegal chemical laboratories will not be entered or processed by members of the Columbia County Sheriff's Office unless they have been trained in the proper handling procedures and are equipped with the proper personal protective clothing and equipment. Properly trained and equipped personnel will process illegal laboratories and will dispose of all hazardous substances with the exception of samples for testing and prosecution of the case.

3. **Explosives:** It is recognized that certain criminal activities may involve the illegal possession of use of explosive devices. Fireworks, dynamite and blasting caps require certain precautions for personal safety reasons. It is also necessary to document or retain certain items as evidence to facilitate a criminal prosecution.

a. **Fireworks - No Criminal Charges:** Fireworks that come into the hands of a deputy where a criminal prosecution is not being pursued shall render the fireworks safe by the following procedure. An incident report shall be completed detailing the circumstances surrounding the seizure and disposal of the fireworks.

1. Submerge the fireworks in a container of water sufficient in size to easily accommodate the amount of fireworks.
2. Let the fireworks soak in the water for at least twenty-four hours.
3. Remove any fuse visible.

4. Discard the fireworks in the appropriate refuse container.
- b. **Fireworks - Criminal Charges Pending:** Fireworks seized in connection with a criminal prosecution shall be photographed by the seizing deputy and detailed descriptive information shall be included in the incident report. The fireworks will then be disposed of as listed above.
- c. **Dynamite and/or Blasting Caps:** Handling, seizing or disposing of dynamite or blasting caps or any other suspected explosive device, other than fireworks, shall be done by trained personnel only. The shift supervisor shall be immediately notified when a situation arises that involves dynamite, blasting caps or any suspected explosive device. Dynamite, blasting caps or a suspected explosive device shall not be placed in evidence until the item or an explosives expert has rendered device safe.
4. **Firearms:** No firearm will be entered into evidence in a loaded configuration. All firearms seized will be immediately unloaded and made safe by the deputy seizing the weapon or a qualified technician. Photographs and a detailed drawing will be completed in any situation where the position or location of ammunition in a firearm is required during case investigation. The drawings of and markings on the firearm should be accomplished in such a fashion as to be able to physically reload the weapon in its original configuration if required by court or the criminal investigation. If, due to corrosion or some other physical restriction, a firearm cannot be unloaded then the shift supervisor will be notified. Consulting with trained firearms technicians may be necessary to render the firearm safe. If it is absolutely impossible to unload a firearm prior to entering the firearm into evidence then the following procedure shall be followed.
 - a. A tag will be attached to the firearm, other than the evidence tag, indicating in large bold lettering that the firearm is loaded.
 - b. A memorandum shall be written describing the situation. One copy shall be placed in the Sheriff's box, and one copy shall be placed in the evidence custodian's box.
 - c. A message describing the situation shall also be placed on the Sheriff's voice mail or e-mail.
 - d. A telephone call may also be placed to the evidence custodian after hours.
5. **Items That May Contain Bloodborne Pathogens:** It is necessary in criminal investigations to handle, package and preserve certain articles that may contain body fluids that have a risk of containing bloodborne pathogens. Deputies and/or employees of the Columbia County Sheriff's Office who are required to handle such items shall take universal precautions outlined in the Bloodborne Pathogen Policy. Any item entered into evidence that contains the risk of exposure to bloodborne pathogens shall be marked by placing a BioHazard sticker on the container that the item is packaged in.
6. **Documents:** Documents are frequently entered into evidence that necessitate review by follow-up investigators or prosecutors or other persons who are entitled to review the content of the document. Latent fingerprint impressions may also be a concern in certain situations involving documents. The following procedure is established to facilitate a timely review of information from documents.

- a. **Photo Copies:** Any document entered into evidence shall first be photocopied. The photocopy of the document shall be attached to the associated incident report and the original document seized shall be entered into evidence.
- 7. **Latent Fingerprint Evidence:** Any latent fingerprint lifts made during investigation of an event will be placed on the approved latent cards. The lift cards will be placed into an envelope and labeled as "LATENTS", and the incident number and lifting deputy's personnel number shall also be on the envelope. The envelope will then be placed in the appropriate temporary evidence locker for subsequent entry into the main property room.
- 8. **Property of Deceased Persons:** Deputies assigned to a death investigation, natural causes or suicides, are responsible to check the body for jewelry, watches, wallets, cash etc., and take any items into custody and enter those items into evidence for safekeeping and return to next of kin. The property may be turned over to next of kin if they are present at the scene, with proper documentation.
 - a. **Exception:** The only exception to this procedure is in the case of a homicide when the body and any personal property are left intact to be inventoried and removed during autopsy proceedings.
- 9. **Sharps:** Sharp objects such as knives and needles pose a serious risk of injury or exposure to harmful diseases. Special precautions shall be taken when handling any sharp object capable of causing injury. Personnel are required to take universal precautions when handling any evidence suspected of containing bloodborne pathogens.
 - a. **Needles and Syringes:** Crime laboratories will not accept syringes with needles attached due to the extreme risks involved in handling needles. Needles shall not be entered into evidence in the Columbia County Sheriff's Office. (see exception). Sharps containers are available in the booking room. Discarded needles reported to the Columbia County Sheriff's Office shall be immediately placed into a sharp's container. Personnel are required to use a mechanical device such as plastic tongs or tweezers to pick-up any needles and place them into a sharp's container. Sharp's containers may be emptied at the hospital emergency room in appropriately marked larger containers and with the permission of hospital staff. Criminal charges will normally not be pursued in situations where the only evidence is a used syringe. There normally is not enough residue in a used syringe for chemical testing. Any used syringe seized in a criminal matter shall first be photographed and documented and then disposed of in a sharp's container.
 - b. **Needles - Exception:** It may be necessary to seize a loaded syringe as evidence in serious cases such as homicides or cases where a body has been found and a loaded syringe remains embedded in the body. A supervisor shall make the decision as to whether or not the syringe shall be seized. If the decision is made to seize the syringe then it shall first be photographed in place. It is strongly recommended that a medically trained person remove the syringe and place it in a specially designed safety container for needles. The syringe shall be taped to the body, in place, if no medically trained person is available, for later removal by the medical examiner or other trained medical person.
 - c. **Other Sharp Objects:** Other sharp objects such as knives that are seized for evidence shall be placed in specially designed containers prior to entry into

evidence. Specially designed small boxes are available for proper packaging of sharp objects capable of causing injury from handling.