 

|  |  |
| --- | --- |
| Policy # Criminal Investigations | Related Policies: |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable Illinois Statutes: Section 10-265. The Rights of Crime Victims and Witnesses | |
| CALEA Standard: | |
|  | |

1. **PURPOSE:** It is the purpose of this policy to provide officers and other crime scene personnel with guidelines to document, collect, package, and preserve evidence.
2. **POLICY:** Documentation, collection, and preservation of evidence are crucial steps in criminal investigation and often provide the basis for effective identification, documentation, prosecution, and conviction of perpetrators. Crime scene personnel should take all care reasonably possible to ensure the integrity of evidence collected at crime scenes by adherence to this policy and associated department training.
3. **DEFINITIONS:** 
   1. **Crime Scene:** The location(s) at which a crime has been committed and/or where evidence of a crime is located or presumed to be located, and the site(s) of accidents and suspicious incidents where foul play could be involved.
   2. **Testimonial Evidence:** Evidence collected through interviews or interrogation.

* 1. **Real or Physical Evidence:** Any material collected at a crime scene for examination and analysis.

1. **PROCEDURE:** 
   1. **Crime Scene Initial Response:** The first responding officer at the crime scene will ensure that the following tasks are performed as appropriate and in the order deemed necessary:
      * Make a careful and limited walk-through of the crime scene first to secure the location from the threat of perpetrators. Thoroughly assess the crime scene for hazards, to include blood-borne pathogens, explosives, firearms, gasoline, natural gas, chemicals, and other toxic substances. Relay information on the nature of any dangerous situations to communications.
      * Take all measures reasonably possible not to disturb potential sources of evidence, such as footprints or tire marks, or cross contaminate potential sources of DNA evidence. Identify paths of entry and retrace that path when exiting.
      * Be aware of persons and vehicles in the vicinity. Record vehicle license plate numbers in close proximity to the crime scene. Assess the overall extent and severity of the incident; note the location of evidence in plain view and the location of weapons in particular.
      * Assist the injured, call for medical assistance if required, and request other appropriate police backup such as a supervisor, criminal investigator, or evidence technician.
      * Where human bodies are encountered, make a direct approach to the victim, assess their condition, request medical assistance, and provide emergency first aid if feasible.
      * Where dead bodies are encountered, do not move the victim, but do request assistance from the coroner and criminal investigator. Retrace the path of entrance when exiting the crime scene, and document the original position of the victim(s). Attempt to secure a “dying declaration” if there is a chance a victim may die.
      * Create a log to record the identities of any persons (including EMTs or other emergency service responders) who access the scene before or after the first officer’s arrival. All persons irrespective of rank who wish to enter the crime scene are required to secure approval of the officer in charge and log in.
      * Direct emergency service providers into the scene, pointing out potential sources of evidence. Remind medical technicians to preserve items of clothing. Record their activities and the victim’s condition and position when found. Instruct medical personnel not to unnecessarily alter the scene or clean it up.
      * If a victim or suspect is transported to a medical facility, send an officer for security, to document any comments, and to preserve clothing and related evidence.
   2. **Secure and separate suspects and witnesses.** Take steps to prevent the movement of family, friends, or bystanders into the crime scene. Secure a perimeter for the crime scene with identified points of entry and exit. The perimeter should be expansive enough to reasonably ensure that evidence of the crime will be contained and protected.
      * Protect the crime scene using physical barriers (e.g., crime scene tape, rope, cones, vehicles, and personnel) or existing boundaries (e.g., doors and gates) as appropriate, and ensure that only persons with a need and right to enter the scene are permitted inside.
      * Take appropriate steps to protect the crime scene from degradation due to weather conditions, such as rain, snow, or wind, or the intrusion of other devices, such as vehicles.
      * Keep persons other than those directly involved in the investigation and other essential first responders outside the crime scene perimeter. Keep any pets or other animals outside the perimeter as well.
   3. If victims, firearms, or other items at the scene must be touched for safety or related reasons, put on latex gloves.
   4. Ensure that persons do not smoke, chew tobacco, use the telephone or bathroom at the scene, eat, drink, move any items, adjust windows, doors, or thermostats, reposition anything, or discard items other than those related to medical service providers.
   5. Consider obtaining a search warrant or obtaining consent to search before processing the crime scene.
   6. The scope of crime scene processing is dictated by the seriousness of the crime and complexity of the crime scene. For crimes that do not require the assistance of a crime scene technician or criminal investigator, or where exigent circumstances demand that immediate steps be taken to preserve evidence, first responders shall be prepared to do the following:
      * Locate and preserve items of evidence.
      * Photograph, videotape, and/or sketch the crime scene to include measurements where warranted.
      * Collect and preserve evidence in plain view.
      * Transport and submit evidence for storage or for laboratory examination.
   7. Brief arriving supervisors or investigators if summoned to the crime scene, review actions taken thus far by all first responders, evidence located, witnesses identified, victims or perpetrators located or identified, and provide the supervisor with any other pertinent information.
   8. Prepare the initial offense report unless otherwise directed by a supervisor or officer in charge (OIC). Record, at a minimum, information on the time of arrival, appearance and conditions upon arrival, any items at the scene that are known to have been moved, modified, or touched; personal information on witnesses, victims, suspects, and any statements or comments made; and actions taken by yourself or others at the scene.
   9. **Crime Scene Assessment** The criminal investigator or on-scene supervisor in charge shall develop an investigative plan and specific responsibilities for processing the crime scene. First responders shall be aware of what to look for while initially assessing (how to collect DNA samples, evidence) the crime scene before crime scene investigators are on the scene.
      * Evaluate measures and steps that have been taken, to include safety procedures, perimeter security and access control, the adequacy of investigative resources, whether witnesses and suspects have been identified, and the degree to which preliminary documentation of the crime scene has been made.
      * Conduct a crime scene walk-through in cooperation with the first responder and individuals responsible for processing the crime scene to identify any threats to crime scene integrity and conduct an initial identification of evidence.
      * Assess the overall crime scene prior to evidence collection in order to develop a plan for working within the crime scene without unnecessarily destroying or contaminating evidence.
      * Identify evidence collection and documentation team members to include specialists such as, bomb technicians, arson investigators, fingerprint technicians, department armorer, or others.
      * Identify protective equipment and clothing that are required to safely process the crime scene.
      * Identify a separate area if necessary, for equipment and personnel staging and for gathering and sanitizing tools, equipment, and personal protective gear between evidence collections.
      * Assign one officer primary responsibility for recording and collecting items of evidence. This will increase efficiency, establish the chain of custody, help prevent loss, and reduce the number of officers who must appear in court.
      * Determine the evidence search method to be used and the point(s) at which the search will begin, and establish a working route around the scene to minimize disruption and contamination.
      * Develop, in cooperation with crime scene technician(s) or other trained personnel, a collection plan for identified items of evidence detailing the process and the order of collection.
   10. **Evidence Collection** 
       * The location and condition of all items of evidence shall be documented in an evidence log and by means of photographs, sketches, and, where deemed necessary and appropriate, videotape.
       * Photographs and/or videotape of the overall crime scene shall be considered. Where indicated, individual photographs shall be taken of items in the position found prior to collection.
       * Photographs shall also be taken of tool marks, footprints, tire marks, blood spatter, serial numbers, latent fingerprints prior to being lifted, and any other related items of potential evidentiary value where possible. Two photographs of sufficient quality to serve as permanent record shall be taken in series, the first in its true or natural state and the second to scale. A ruler or other appropriate measuring instrument shall be used for scaled photographs.
       * All personnel handling evidence of any kind shall wear latex or other nonporous gloves. Individual items of evidence shall be examined carefully for trace evidence prior to being moved or packaged.
       * Some items of evidence may require special handling and packaging and should be examined for trace evidence prior to packaging. When in doubt concerning appropriate collection or packaging procedures, officers shall request assistance from a crime scene technician, criminal investigator, or supervisor.
       * Evidence containers shall be marked when collected. The evidence technician or collecting officer shall fully describe each item, package each item of evidence separately and place his or her initials, date of discovery, and case or exhibit number on the sealed container and the tape used for closure. Large items shall be packaged with butcher paper or other suitable packaging. Such items shall be marked by scribe or other instrument but with care not to damage the item’s evidentiary value.
       * The collection of firearms and related evidence shall be conducted in a manner that will ensure the safety of all personnel involved and the integrity of evidentiary items.
       * If a firearm must be moved to protect it as evidence or because it cannot be safeguarded, its location and position shall be accurately marked and photographed where found if possible. The condition of the weapon, the number of cartridges contained, and the position of the safety shall be recorded.
       * If moving the weapon, lift it by grasping gently on the serrated surface of the handle.
       * Fired bullets and cartridge cases shall be protected and photographed, and their relative positions from each other and from fixed locations sketched and photographed before being bagged.
       * Bullets shall not be pried from objects or surfaces. Portions of the objects in which they are embedded shall be removed with the bullet intact.
   11. **DNA**
       * Evidence suitable for DNA analysis can be found at many crime scenes and is a powerful investigative tool for linking suspects to crimes, eliminating suspects, and identifying victims. All officers shall be aware of common sources of DNA evidence, ways to protect against contamination of samples, and basic collection and packaging guidelines.
       * Wear a mask to avoid contamination through talking, sneezing, and coughing over evidence.
       * Blood and semen are the two most common sources of DNA evidence. However, other body tissues and fluids can be used for analysis even in microscopic quantities.
       * DNA is particularly sensitive and subject to contamination. Therefore, first responders in particular must be familiar with situations that will degrade, destroy, or contaminate DNA evidence and shall observe the following precautions.
       * Change gloves between collections of samples in different areas.
   12. **Victim and Witness Rights:** At any point, the victim has the right to retain a victim's attorney who may be present during all stages of any interview, investigation, or other interaction with representatives of the criminal justice system. Treatment of the victim should not be affected or altered in any way as a result of the victim's decision to exercise this right. (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)