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# UW-Madison Police Department

**Policy: 83.2**

**SUBJECT: EVIDENCE PROCESSING**

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## **POLICY:**

The UW—Madison Police Department maintains general guidelines for crime scene processing. These guidelines specify the preferred methods of collecting, labeling, packaging, and storing a variety of evidentiary items. Department members shall conduct all evidentiary-related activities in a timely and professional manner.

## **DEFINITIONS:**

“Buccal swab kit” refers to a collection kit which contains the directions and all necessary items needed to obtain a buccal cell DNA standard.

“Chain of evidence” refers to the continuity of custody of material and items collected as evidence.

“Computer equipment” refers to the physical components of a computer system, also called hardware. This includes, but may not be limited to: keyboard, monitor, mouse, modem, printer, scanner, speakers, and the system unit (CPU) containing the main circuit boards and one or more storage and/or drive devices, housed in a case.

“Contamination” refers to the undesirable transfer of material to physical evidence from another source.

“Crime scene” refers to the location where a crime occurred or where evidence of a crime exists. For the purposes of this set of directives, crime scene will also refer to the scene of an incident that may not be criminal in nature, but where common crime scene methods are used to gather evidence.

“Crime scene sketch” refers to a drawing showing all of the significant aspects of the crime scene.

“DNA.” (Deoxyribonucleic Acid)” refers to the chemical substance contained in all human cells which determines each person’s individual characteristics.

“Digital Forensics Detectives” refers to a specialty detective position that has specialized training in digital media investigations.

“Electronic Equipment” refers to devices capable of storing and processing digital information including but not limited to desktop computers, laptop computers, cellular phones, tablets, digital cameras, USB drives and external hard drives.

“Evidence” is any substance or material found or recovered in connection with a criminal investigation.

“Evidence processing” refers to the specific actions taken at a crime scene or collision scene to identify, locate, document, preserve, and collect evidence and/or known standards.

“Exculpatory evidence” refers to any evidence that supports the defendant's claim of innocence or may show they are guilty of a lesser crime than that with which they are charged.

“Software” refers to programs that have been or can be installed in a computer.

“Storage media” refers to digital storage devices include, but may not be limited to, computer disks, thumb drives, and magnetic tape used to store computer data and/or images captured via a digital camera.

## **PROCEDURE:**

### **83.2.1 COLLECTING, PROCESSING, PRESERVING, TRANSFERRING PROCEDURES**

The following shall establish evidentiary-related guidelines and procedures used for collecting evidence in the field:

- A. The first officer to arrive at any incident scene shall be responsible for securing the area and preserving all observable evidence. Evidence technician work should not begin until the entire area has been secured and declared safe.
- B. Evidence encountered at a scene shall be handled with care to preserve it for future processing. Discretion should be used when determining what evidence to process at the scene. Such decisions shall be based upon the seriousness of the offense, officer expertise, and the processing materials available.
- C. The progression of evidentiary-related tasks shall generally be as follows:
  - 1. Secure the scene;
  - 2. Photograph and/or video/audio record evidence;
  - 3. Develop potential evidence for latent prints;
  - 4. Sketch the scene;
  - 5. Label and collect evidence;
  - 6. Transport and appropriately store evidence;
  - 7. Analyze evidence.
- D. Officers seizing evidence shall be responsible for notifying the property team of the need for laboratory examinations. Evidence technicians and/or other experts should be consulted when deemed appropriate.
- E. Each item of evidence shall be inventoried using the Department property documentation system. The system contains provisions for recording the following: agency case number; offense; property record number; date seized; owner/suspect identifiers; current location; item descriptions; disposition recommendation; and chain of custody information. The Property Manager or designee should review Records Management System property records upon the submission of evidence. Improperly completed property records may be returned to the officer completing the record. The officer's supervisor may also be notified.
- F. Under Wisconsin Statute [968.18](#), officer(s) seizing any items without a search warrant shall give a receipt as soon as practicable to the person from whose possession they are taken. Failure to give such receipt shall not render the evidence seized inadmissible upon a trial. Receipt Cards shall be made available to department personnel. Officer(s) are encouraged to use Receipt Cards to serve as a receipt but may use the back of their business card to write a description of the property and the case number.
- G. For purposes of evidence collection, personally owned electronic devices should not be used to capture audio, video or photographic evidence. If a personally owned device is utilized under exigent circumstances, the device becomes subject to rules of evidence.
- H. For purposes of evidence collection, department issued electronic devices may be used for non-criminal cases. Any evidence photos, videos or other media captured with the department issued device shall be offloaded to the appropriate department storage location at the end of shift and deleted from the phone unless granted permission from a supervisor.

### **83.2.2 PHOTOGRAPHY, VIDEO AND/OR AUDIO EVIDENCE**

The following shall govern procedures used for photographing and video and/or audio recording, pursuant to the collection and preservation of evidence:

- A. Crime scenes/collisions should be photographed and video recorded when deemed necessary by the investigating officer. Such evidence should be collected and processed by trained personnel.
- B. Patrol officers may photograph and/or video record minor incidents without summoning an evidence technician to the scene.
- C. Short-lived and temporary evidence should be photographed and/or video recorded as soon as possible.
- D. Photographs should establish a 360-degree perspective of the crime or traffic collision scene. When large distances are involved, sequential photographs should be taken at established increments. Photographs of the scene should be taken prior to any items being moved, altered, or collected.
- E. Established procedures for taking digital photographs ensure authentic images are maintained, depicting fair and accurate representations of the original scene or object. 35mm film should be considered as a back up to digital photography or when deemed appropriate by the photographer.
- F. When it is necessary to capture the exact size of evidence, photographs without a scale should first be taken to accurately portray the object as originally observed. A ruler or other scaled object should then be placed next to, and on an even plane with, the item being photographed. The camera lens should be placed at a right angle, running perpendicular to the evidence. The camera imaging plane should be parallel to the evidence.
- G. The location from which photographs are taken should be recorded for later inclusion in the crime or traffic collision scene sketch. Additional recorded information should include: photographer's name; case number; date and time; and incident type.

### **83.2.3 PROCESSING OF FINGERPRINT EVIDENCE**

- A. Procedures used for processing, developing, lifting, and labeling fingerprints shall be consistent with professional standards and in accordance with applicable constitutional and statutory requirements.
- B. Latent prints discovered on non-absorbent porous or smooth surfaces may be collected at the scene and subsequently analyzed by a trained examiner.
- C. Latent prints discovered on absorbent porous surfaces should generally not be lifted at the scene. Such articles should be seized and placed into evidence by the officer in charge. If an article is too large for removal, it should be adequately protected until the arrival of an evidence technician.
- D. Latent impressions developed with contrasting fingerprint powder or other processes should be photographed prior to any further processing. After photographing, fingerprint evidence should be collected with appropriate lifters or specially-designed tape. Lifted prints may be placed onto plastic page-savers for temporary storage.
- E. Lifted print evidence should be appropriately labeled with pertinent information, to include identifying marks of the recovering officer and date/time. The evidence should then be placed into an appropriate container and entered into the property system.
- F. The investigating officer shall determine whether or not inked elimination finger and palm prints of victims or witnesses are required.
- G. Lifted print cards should be transferred to a laboratory for comparative analysis, when required.

### **83.2.4 CRIME SCENE PROCESSING EQUIPMENT**

The following procedures shall govern the access to personnel, equipment, and supplies used for processing scenes:

- A. The Department shall provide, or have access to, personnel, equipment, and supplies used for processing scenes for the following purposes: recovering latent fingerprints, photographing and video recording, sketching and diagramming, collecting and preserving physical evidence, and investigating traffic collisions.

- B. The Department shall maintain a variety of crime scene/traffic collision processing equipment and supplies, to include: fingerprinting kits, cameras, tripods and accessories, evidence containers and labels, barrier tape, personal protective equipment, property-related reports and forms, and traffic collision investigation kits. Officers who are appropriately trained may carry such equipment in their vehicles for scene processing.
- C. Outside agencies may be requested to provide personnel, equipment, and supplies to process scenes as deemed necessary and appropriate.

#### **83.2.5 ELECTRONIC EQUIPMENT SEIZURE**

- A. Officers should exercise extreme caution when seizing and/or examining electronic equipment so as not to cause severe damage or the loss of valuable data.
- B. The department shall provide training to all officer(s) in the collection and preserving of computer/electronic device in accordance with training reference guides.
- C. UWPD staff assigned to conduct digital forensics shall receive current training and remain proficient in their duties as outlined in their position description.
- D. Persons possessing specialized knowledge of computers and computer security should be consulted during the preparation and execution of search warrants when necessary. Available resources may include employees from the following organizations or departments: University of Wisconsin Division of Information Technology, FBI, IRS and the Wisconsin Division of Criminal Investigations.
- E. When feasible, investigators trained in the specific handling of digital media, devices, and evidence should be consulted prior to moving, seizing, or powering down any electronic device above common hand-held devices such as cell phones or tablets.
- F. When computer equipment is in operation at the time of seizure, if possible, staff trained in conducting digital forensics examinations should be consulted prior to turning off the device or disconnecting it from the power source. If digital forensics staff are not available, then the officers should collect the equipment consistent with their training including prior guidance provided by UWPD Investigative Services/Digital Forensics Unit.
- G. When conducting digital forensics examinations, UWPD staff assigned to such tasks should follow industry-standard methodologies dependent on factors such as the device type and type of investigations.
- H. Strong consideration should be given to photographing and/or video recording on-screen images before operating computer equipment is disconnected from the power source.
- I. Non-operating computers, disks, drives, and related peripherals should be considered fragile. Such equipment should be appropriately packaged, handled, and transported.
- J. Special care must be taken to avoid exposing removable media to magnetic fields, static electricity, and physical force.

#### **83.2.6 CRIME SCENE REPORTING**

- A. A written report shall be prepared by the person who processes a crime or traffic collision scene. This report shall serve as an accurate record of events which transpired at the scene and/or in connection with a follow-up investigation.
- B. Elements to be included in incident reports may include: date and time the request for service was received; date and time of arrival at the scene; location of the incident; victim and suspect names; name of the investigating officer; conversations with principals at the scene; actions taken at the scene; list of physical evidence seized or recovered;

disposition of the physical evidence; scene measurement information; sketches and scale diagrams prepared; report author; and incident report case number.

- C. Supplemental reports shall be completed in a timely manner and filed under the original incident report case number.

#### **83.2.7 DNA EVIDENCE COLLECTION, PROCESSING & TRANSMITTAL**

- A. The first officer arriving at a scene has the responsibility to ensure that precautionary security measures are taken to protect any possible DNA evidence in the area from any unnecessary contamination. This officer shall remain responsible for the security of the area until relieved of such duties by another responding officer, detective, or supervisor.
- B. Due to the fragile nature of DNA evidence, only crime scene personnel trained in DNA collection procedures shall process and collect DNA evidence at crime scenes.
- C. The collection of DNA standards may be necessary for comparison to DNA evidence collected at the crime scene. Buccal swabs will be utilized for the collection of DNA standards. Only personnel trained with the buccal swab collection kit shall collect the DNA standard.
- D. Upon collection of the DNA evidence, care should be taken not to expose the evidence or standard to extreme temperatures or prolonged UV exposure.
- E. The specific methods utilized by the Department for the collection, package, storage and transportation of such evidence are noted in the "Physical Evidence Handbook." All submitted items should be thoroughly dry, always packaged in paper, not plastic. Acceptable paper containers include clean bags, envelopes, and boxes. Each item should be packaged separately – one item per package (this includes swabs, however, all swabs collected from the same stain should be packaged together – both the wet and dry sets). Each package should be properly sealed and marked. Proper storage of evidence is vital in preserving any DNA present on the items submitted before submission to the Crime Laboratory. Room temperature storage is permissible 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. Biological evidence should be transported to the Crime Laboratory as soon as possible.
- F. DNA evidence awaiting transfer to an accredited forensic laboratory for analysis will be secured in accordance with the "Physical Evidence Handbook." All perishable physical evidence which may include, but not be limited to, fresh whole/liquid blood, blood-stained objects, other physiological stains and tissue, and biological materials, should be sent as expeditiously as possible to the Crime Laboratory after consultation and authorization of the Investigative Services Captain or designee. Property team members are responsible for the proper documentation and transfer of all evidentiary items to a Laboratory for analysis. The Records Management System (RMS) shall be utilized as the chain of custody for all items of evidence.
- G. Per WI State Statute, [165.84\(7\)\(ah\)](#), officers shall obtain a biological specimen for deoxyribonucleic acid analysis from each individual arrested for a violent crime and each individual taken into custody for a juvenile offense that would be a violent crime if committed by an adult in this state. A violent crime is defined in [s.165.84\(7\)\(ab\)](#). For adult offenders, the officer taking the person into custody shall ensure the biological specimen is collected and submitted. For juvenile offenders, the officer taking the juvenile into custody shall collect the DNA sample in accordance with department policy and training and submit it to the DNA Databank.

#### **83.2.8 PROCESSING RECOVERED STOLEN VEHICLES AND VEHICLES USED IN THE COMMISSION OF A CRIME**

- A. When a vehicle stolen from another jurisdiction or used in the commission of a crime in another jurisdiction is recovered by the Department, the originating agency shall be notified via CIB or NCIC of the recovery. The originating agency may request that the vehicle be held. If the recovered vehicle is to be held, it will be towed to a secure location. When criminal charges are to be filed by the Department, the vehicle may be processed by Department evidence technicians. It is up to the recovering agency to collect and process any evidence upon recovery of a stolen vehicle, if warranted and after consultation with the reporting agency.

- B. When a vehicle stolen from the University of Wisconsin-Madison campus or used in the commission of a crime within the Department jurisdiction is recovered by an agency outside of Dane County, UWPD staff will request the agency that recovered the vehicle to hold it. If the vehicle contains evidentiary value, the Manager on Call (MOC) shall be notified to determine what, if any, efforts will be employed to process the vehicle. The MOC may consult with the Investigative Services Captain or the Detective on Call.

#### **83.2.9 EXCULPATORY EVIDENCE**

- A. Subsequent to a defendant being arrested and charged, if any University of Wisconsin-Madison Police Department employee becomes aware of exculpatory evidence, they will share that information with a detective or officer, the detective or officer will document such evidence in a supplemental report. Exculpatory evidence must be thoroughly documented and include details related to when the information was received, who received it, and if or when it was provided to prosecuting authorities. That report will be forwarded to a supervisor for review and approval. Upon approval, the report will be forwarded to the applicable prosecutor, by court services staff or designee. The forwarding of the report and acknowledged receipt by the prosecutor will be documented in an additional supplementary report. This procedure will be applicable before or after conviction.