



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **COLLECTION AND PRESERVATION OF EVIDENCE** NUMBER: 11.01

SCOPE: All Department Personnel ISSUED: 04/08/2025

DISTRIBUTION: Policy & Procedure Manual EFFECTIVE: 04/08/2025

REFERENCE: WI State Statutes: Chapter 974; RESCINDS

WI Physical Evidence Handbook AMENDS

WILEAG 5TH EDITION

STANDARDS: 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines for the collection and preservation of physical evidence. The duties and responsibilities of the investigating officer, evidence technician and evidence custodian will be addressed in this Policy & Procedure.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. RESPONSIBILITY FOR CRIME SCENE PROCESSING
- IV. RESPONSIBILITY OF THE EVIDENCE TECHNICIAN(S)
- V. PROCEDURES FOR PROCESSING PHYSICAL EVIDENCE IN THE FIELD
- VI. RECOVERED STOLEN VEHICLES
- VII. EVIDENCE EQUIPMENT
- VIII. PHOTOGRAPHY
- IX. FINGERPRINTS
- X. DNA (DEOXYRIBONUCLEIC ACID) EVIDENCE
- XI. COMPUTER/ELECTRONIC EVIDENCE

I. POLICY

- A. It is the policy of the Portage Police Department that all members conform to uniform procedures for the collection, preservation and security of physical evidence. The department shall provide basic training (incorporated into the field training phase) for all officers in evidence management and specialized training for Evidence Technicians and Evidence Custodians.

II. DEFINITIONS

- A. **BIOHAZARD:** Any substance or material found or recovered which has been contaminated with blood or other bodily fluid.
- B. **CHAIN OF EVIDENCE:** The continuity of custody for materials and substances collected as physical evidence.
- C. **CRIME LABORATORY:** A laboratory whose function is to assist investigations by examining physical evidence for law enforcement agencies and provide expert testimony. This definition includes all State of Wisconsin Crime Laboratories, FBI Laboratories and other private forensic laboratories.
- D. **CRIME SCENE:** Any location where a crime may have occurred or where physical evidence of a crime may be located. The definition includes any location where physical evidence may be gathered during the course of any police investigation to include, but not be limited to, traffic accidents, sudden deaths, suicides, criminal acts and fire scenes.
- E. **EVIDENCE TECHNICIAN:** Any officer who has received specialized training in the processing of crime scenes including, but not limited to, recovery of latent fingerprints, photography, crime scene sketches and the collection and preservation of physical evidence.
- F. **HAZARDOUS MATERIAL:** Any substance or material which by its nature poses a threat to human health, such as chemical waste products and highly combustible products.
- G. **PHYSICAL EVIDENCE:** Any substance or material found or recovered in connection with an investigation.
- H. **EVIDENCE CUSTODIAN:** An employee assigned to evidence management and property control that is responsible for providing storage, managing records and disposition of property and evidence.

III. RESPONSIBILITY FOR CRIME SCENE PROCESSING

- A. The officer assigned to complete an investigation has the primary responsibility for the collection and preservation of physical evidence, as well as gathering, packaging and labeling physical evidence found at a scene.

- B. The Captain should be consulted on felony cases, serious misdemeanor offense and complex cases. It shall be the discretion of the Captain to assign an evidence technician or detective to assist with the case.
- C. The specific responsibilities of the officer assigned to complete an investigation of a crime scene include but are not limited to:
 - 1. Securing and protecting the scene
 - 2. Logging entries of persons into the crime scene, when applicable.
 - 3. Photographing the scene if an evidence technician not required.
 - 4. Searching the scene for any and all possible evidence or lack thereof.
 - 5. Diagramming and sketching the scene, when applicable.
 - 6. Collecting and preserving physical evidence.
- D. A supply of containers and packaging materials will be available for collection and preservation of physical evidence such as: small paper and plastic bags, and small containers.
- E. Officers assigned an investigation may request approval for assistance from the captain with procedures such as complex photography, casting of tire or footprints, latent fingerprint collection or evidence gathering procedures requiring specialized training, skills or equipment.
- F. Evidence technicians or detectives should gather materials and substances, when available, from known sources for submission to the Crime Laboratory for comparison with other physical evidence collected.
- G. When assigned, evidence technicians or detectives should have the responsibilities of processing the scene with the officer assigned to complete the investigation. The officer assigned should assist the evidence technicians and detectives as needed.

IV. RESPONSIBILITY OF THE EVIDENCE TECHNICIAN(S)

- A. Evidence technicians or detectives should be available on a 24-hour basis to process major crime scenes. If none are available a request for mutual aid may be made to another agency for assistance such as the Columbia County Sheriff's Office or in the case of a major complex case the captain may contact the State Crime Lab.
- B. The officer assigned to the investigation shall protect the crime scene and refrain from processing the crime scene, absent exigent circumstances, until the arrival of the evidence technician or detective. The assigned officer should assist the evidence technician with processing the scene.

- C. The Evidence Custodian is responsible for the management, control and disposition of all evidence seized, recovered or accepted by the department and stored in the secure evidence room.
- D. Evidence technicians, and detectives are responsible for recognizing, collecting, and preserving all physical evidence at crime scenes that they are sent to process.
- E. Evidence technicians, and detectives will be provided the proper equipment and supplies for detection and collection of physical evidence.

V. PROCEDURES FOR PROCESSING PHYSICAL EVIDENCE IN THE FIELD

- A. The value of physical evidence depends on the manner/method in which it is collected and the precautions taken to ensure its integrity.
- B. Officers assigned to complete investigations, evidence technicians, detectives, and property officers shall ensure the integrity of physical evidence by properly identifying, collecting and preserving it in accordance with the procedures and guidelines established in the most current version Physical Evidence Handbook published by the Wisconsin Department of Justice State Crime Laboratories.
- C. Sketches of crime scenes are often essential to an investigation and should supplement any notes and photographs, when applicable.
- D. To maintain a chain of evidence, assure proper identification, and prevent contamination, all physical evidence gathered shall be properly packaged and labeled at the time it is collected, seized or received. At a minimum, the label attached to physical evidence shall contain the report number, date of recovery and the initials of the person that recovered the evidence.
- E. All physical evidence, including digital evidence [photos/videos], gathered by personnel shall be promptly and accurately inventoried and documented.
 - 1. After physical evidence has been properly gathered, labeled, inventoried, and packaged, it should be secured in the evidence room, or other authorized secure location, as soon as practical. This shall occur prior to the end of the collecting officer's shift, unless an exception is authorized by a supervisor.
 - a) Physical evidence seized as a result of an investigation should be secured in the evidence storage locker(s) located in the evidence processing room.
 - b) Other physical evidence, because of its size or weight (bikes, safes, canoes, etc.) that cannot be placed in the evidence lockers, should either be secured in the designated evidence holding garage bay, or an employee with access to the evidence room shall be contacted to secure the item in the evidence room.
 - c) Completed sexual assault kits shall be stored in the refrigerator that is in the

evidence processing room.

- d) Physical evidence of a hazardous nature which may include, but is not limited to, chemicals, waste products, and highly combustible products should be secured in the designated Flammable Storage Cabinet/locker, located in the garage.
 - e) Perishable evidence shall be refrigerated in the refrigerator in the evidence processing room.
 - f) Officers unsure of how to process an item of evidence should consult with an evidence technician, detective or captain. And if none are available may with supervisory approval contact the State Crime Lab.
- 2. After all judicial proceedings have concluded, physical evidence may be returned by the Evidence Custodian, refer to Policy & Procedure 11.02.
 - 3. The transfer of custody of any physical evidence must be documented.
- F. Physical evidence of a biohazard nature shall be designated as such using a Biohazard sticker.

VI. RECOVERED STOLEN VEHICLES

- A. When a vehicle is recovered, the investigating officer is responsible for maintaining the chain of custody. The vehicle may be processed at the scene if removal of the vehicle to another location might compromise the integrity of the evidence. The captain should be contacted to determine if an evidence technician or detective should assist to process a recovered vehicle that was used in the commission of a serious crime to include but not limited to homicide, suicide, sexual assault, robbery, burglary, etc.
- B. The recognition, collection and preservation of physical evidence should be based upon the judgment of the officer assigned to complete the investigation, with input and guidance as needed from a supervisor or evidence technician or detective.
- C. If a search warrant is not sought and the recovered stolen vehicle has been processed at the scene, it may be released to the owner after obtaining permission from a supervisor. A property receipt shall be completed by the assigned officer and signed by the recipient of the vehicle. The assigned officer should indicate the disposition of the vehicle in the report.
- D. If contact cannot be made with the owner of a recovered stolen vehicle, the vehicle will be towed to the designated evidence garage bay or towing company depending on the case particulars.
- E. If a stolen vehicle is recovered within the City of Portage but was reported stolen from another jurisdiction, the dispatch center should contact the reporting agency and determine if that agency would like the vehicle preserved for processing or

released to owner.

VII. EVIDENCE EQUIPMENT

- A. All officers will have access to an evidence kit which will contain the basic necessities for processing crime scenes. Kits shall be replenished as needed. All personnel are responsible to notify a supervisor when any inventories are low and a re-order of necessary equipment, materials, etc., is necessary.
- B. Cameras and camera equipment will be made available for evidence technicians and investigating officers.

VIII. PHOTOGRAPHY

- A. Investigating officers and Evidence Technicians are responsible for taking photographs or videos at the crime scenes, traffic accidents, and other scene or call for service when deemed necessary by circumstances or by a supervisor.
- B. All aspects of the scene should be photographed or videoed.
- C. A photo log form will be completed depending on the complexity of the case.
 - 1. Photographs should be obtained in RAW format for major crimes/scenes.
- D. Videos may be used to supplement still photographs.
- E. Photographs and Videos are to be downloaded and stored in the "POPD Case Media" file on the "P" drive.

IX. FINGERPRINTS

- A. Officers are provided training during basic law enforcement academy training which includes, but is not limited to, the recovery, marking, and packaging and storing of latent fingerprints.
- B. Some officers shall receive specialized training as Evidence Technicians.
- C. Generally, officers will assume the responsibility for the recovery, processing, marking and packaging of fingerprint evidence.
- D. These duties shall be performed in accordance with the procedures and guidelines established by the Wisconsin Department of Justice State Crime Laboratories and published in the most current Physical Evidence Handbook.

X. DNA EVIDENCE

Certain items of evidence require special collection procedures because of physical characteristics or because of special requirements for evidence. Items listed below will be treated as specified. Additional information and direction can be found in the

“Physical Evidence Handbook” published by the Wisconsin Department of Justice. Review of the handbook is recommended before collecting certain evidence.

A. First Responder Precautions and Responsibilities

1. The integrity of any forensic evidence at the scene of a crime has always been the responsibility of the crime scene investigators. This responsibility starts with the first officer or officers on the scene.
2. Officers must be mindful when entering any crime scene that it must be secured, rendered safe, and precautions taken not to contaminate evidence.
3. Officers should be cognizant of the fact that certain biological evidence can contain hazardous pathogens to include the Hepatitis B virus and HIV. The same precautions that are taken to protect the investigator are used to maintain the integrity of the evidence.
4. Officers should recognize possible sources of DNA, protect evidence, and maintain a record of persons entering the scene, and take steps to preserve any items that may be discarded by EMS or the victim.
5. Officers should avoid contamination of DNA evidence by wearing protective gloves and changing gloves often when handling different pieces of evidence. Avoid touching any areas where DNA may exist and avoid talking, sneezing or coughing over evidence.

B. Training for DNA Evidence Collection

1. All officers will be trained in the appropriate techniques for the collection and preservation of DNA evidence and refer to the most current Physical Evidence Handbook for directions for the following collections:
 - i. Blood Evidence
 - ii. Saliva
 - iii. Seminal Stains
 - iv. Hair Standards
 - v. Sexual Offenses

C. Submission of DNA

1. When DNA evidence needs to be processed it will be submitted or taken to the Wisconsin State Crime Lab.
2. Other DNA processing centers may be used but only after consulting with the Wisconsin State Crime Lab.

XI. COMPUTER/ELECTRONIC EVIDENCE

Digital evidence is that evidence which is contained within any form of magnetic or electronic media. Digital evidence is found in, but not limited to, hard drives, USB drives, compact disks (CD), digital versatile disks (DVD), floppy disks, Zip disks, Jaz disks, flash memory cards, magnetic tape, Secure Digital (SD) cards, digital cameras, Subscriber Identity Module (SIM) cards, cellular telephones, Personal Data Assistants (PDA) and any other memory developed for the storage of electronic data or information.

When dealing with digital evidence an investigating officer needs to be mindful of the offense severity. As digital media is easily altered, digital evidence should not be accessed by officers for major investigations without the direction of a Division of Criminal Investigation (DCI) Computer Forensic Examiner or Investigator or someone specifically trained in this area. If an officer determines the initial investigation involving digital media is potentially a lower offense and then upon investigation discovers evidence of a higher offense, they should stop and consult a supervisor on how to proceed.

A. Desktop / Laptop Computer System

1. Secure the premises and move people away from the computer.
2. Do not touch the keyboard or mouse.
3. Under normal circumstances you would not turn any computer on or off.
4. Photograph what is on the screen and document the time shown on the taskbar.
5. Consult a evidence tech, detective, or DCI before unplugging, removing the battery, or shutting off a lap top or computer.

B. Networked or Business Computers

1. Officers will consult with a detective or DCI anytime they are dealing with networked business computers, a computer network, or a mainframe or mainframe terminal.
2. Do not disconnect the power source as doing so could damage the system and/or disrupt legitimate business.

C. Handheld Electronic Devices

1. Devices such as cellular phones, PDAs, pagers, electronic game devices, and GPS should be handled in much the same way as a stand-alone computer.
2. If the device is off, leave it off. Never turn one of these devices on or off without consulting a detective or member of the DCI. If on place the device in airplane mode. Attempt to obtain passwords or lock screen codes.

3. Collect all cords and accessories associated with these devices.

D. Packaging and Labeling

1. Each item seized must be properly marked, labeled and packaged.
2. If an item is too large for an evidence bag, consult with an evidence tech or detective on how / where to apply a evidence tag and evidence tape to preserve evidence and chain of custody, while still allowing future examination of the item.
3. Small items such as loose media (floppy disks, DVD's, thumb drives, Jaz disks) must be bagged or boxed.
4. Bags used for electronic evidence items should be paper or static free bags.
5. Seized computer evidence will be inventoried and stored securely in the Portage Police Department secure evidence room.
6. Consult with a supervisor, Evidence technician or detective about the need / using a Faraday bag.

E. Transporting Electronic Evidence

1. During transportation and storage of computers and related electronic devices, avoid external magnetic sources. Also avoid extreme temperatures and other possible contaminants such as dust and moisture. Make sure the items are secure and won't shift or fall during transport.

F. Submission to other Agencies for Examination: (DCI)

1. The Computer Forensics Unit will initially receive all electronic evidence for forensic examination. All electronic evidence will be inventoried prior to transfer to the Unit.
2. Trained Computer Forensic Examiners within the Unit will determine the priority and necessity of examination for each item submitted.
3. At times, electronic evidence will need to be submitted to secondary agencies for examination.
4. Only authorized personnel will be authorized and responsible for transport and submission to any secondary agency for examination.

G. Training

1. Detectives and Evidence Technicians will be trained in the appropriate techniques for the collection and preservation of computer/electronic

evidence.

Keith J. Klafke
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 04/08/2025