

Hurricane Fire & Rescue

Hurricane, WV

Evidence Guidelines

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Evidence Guidelines
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4

Introduction: The purpose of this Standard Operating Guideline is to provide uniform procedures outlining the functioning of the evidence to ensure continuity and consistency of operation.

Scope: All personnel

Responsibility: Collection of evidence is the responsibility of the lead fire investigator.

DISCUSSION:

The evidence section provides a uniform material storage procedure for evidence held for investigation or security. The evidence section provides the necessary audit trail of accountability, security, and legal chain of custody for property held in storage.

EVIDENCE CONTROL:

Initial Receipt of Evidence

1. All evidence gathered will be marked with the case number, date, case agent's name, member number, and item number, quantity and item description.
2. The order and number sequence of evidence gathered must coincide with the incident/offense report.

Items to be processed by the State Fire-Arson Lab

1. Report to the State Fire-Arson Lab or designee for the State Fire-Arson Lab, for assignment of a Forensic Science Specialist to complete the required processing. Must make appointment to drop off evidence to be processed. The

investigator will be notified when results and/or evidence may be retrieved.

Items Temporarily Transferred

1. When property is removed from storage for presentation in a court trial, further investigation, inspection, or sent to a laboratory for processing, all transactions will require the member to sign a custody release form.
 - A. Enter the item number(s) being removed, date and time, type of transaction, name and member number of person receiving the item(s).
 - B. When the item(s) is returned, fill out the custody record with all the applicable information and return the item(s) to the original location.
 - C. Enter information on what specific test(s) or alterations were made, if any, to the items.

Chain of Custody

The chain of custody is the documented audit trail for evidence, recovered stolen and security type property. Because of the importance that is placed upon evidence in criminal and civil court proceedings, the chain of custody record must be complete and accurate at all times. To ensure the chain of custody record will withstand the closest scrutiny, the following procedure will be followed at all times:

1. Anytime the evidence seal is broken (when applicable) on evidence type property, the date, time, item(s) number, type transaction, and acknowledging name and member number will be recorded. The date, member's initials and member number will be recorded on the package seal.
2. Anytime evidence type property is removed from the property and evidence section, the entries as listed in paragraph one above will be documented on a Transferal of Property and/or Evidence Form and signed for by the receiving member.
3. Whenever physical evidence is submitted to a laboratory via WVSFMO Deputy for examination, the chain of custody record will always include information as follows:
 1. Name of the member submitting the evidence to the lab/Marshal.

2. Date of submission or mailing.
3. Lab number assigned to the case, if submitted.
4. Name of person at laboratory receiving evidence

EVIDENCE PROCEDURES:

Investigator - Member directly responsible for the coordination of a respective case.

Evidence - The documentary or verbal statements and material objects admissible as testimony in a court of law, to include:

1. Anything that tends to assist in ascertaining the truth of a matter or furnishes proof of a fact.
2. Anything, which a suspect leaves at a crime scene or takes from a crime scene, which may be connected to the commission of the crime.

Marking Property/Evidence for Submission

1. Each package/container submitted to the property and evidence section will be marked with the submitting member's initials, member number, and date on which property/evidence came into possession of the submitting member and case number.
2. If multiple items are placed into a container, the container must be marked with the case number, item number, submitting member's name, member number, and date of submission.
3. The corresponding property/evidence label must be attached to the exterior of the item or one of the packages, which is being submitted.
4. If unable to package, an evidence tag containing all of the aforementioned information will be securely attached to the item.
5. Special hazard labels - Members submitting items or containers, which consist of or contain potentially dangerous substances, will affix a "Caution-Special Hazard" label to the exterior of the packaging containing the item. A notation concerning the special danger or hazard associated with said item will also be written on the label by the submitting member.
6. Hazardous Materials - Members should not take possession of or submit any materials or substances, which may be toxic or hazardous unless the material in question has been certified as safe or inert by a competent authority. Members

should contact the WVSFMO for information in packaging this evidence.

7. Flammables - All highly flammable materials will be submitted directly to the State Fire-Arson Lab and will be clearly marked as containing flammable materials. The investigator prior to transportation of flammable substances will notify the forensic laboratory.
8. Explosives - Members coming into contact with property suspected of being explosive in nature should contact the appropriate law enforcement agency to obtain the assistance of recognized bomb disposal experts. Explosives should not be submitted to the property and evidence section. Priority contacts are as follows:
 - a. State Fire Marshal Bomb Squad – Charleston, WV
 - b. Bureau of Alcohol, Tobacco, and Fire Arms
9. Vehicles - Documentation pertaining to all vehicles e.g., automobiles and motorcycles, will be submitted to the State Fire Marshal as applicable and stored at the designated impound lot. When a vehicle is towed the investigator is responsible for performing a complete inventory of the contents of the vehicle.
10. The prolonged possession of evidence due to the statute of limitations will be the sole responsibility of the respective law enforcement agency.
11. The evidence storage cabinet/ locker will be used for temporary storage of evidence. The cabinet will remain locked with the key held in a secured area.
12. Non-criminal evidence: letter will notify Owners of non-criminal evidence and their insurer. They will be given 30 days in which to retrieve the property. After the deadline, evidence will be discarded unless otherwise notified.