



TRAINING BULLETIN

Los Angeles Police Department

Michel R. Moore, Chief of Police

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PRESERVATION OF EVIDENCE CATEGORICAL USE OF FORCE INCIDENTS

In order to maintain public trust, Los Angeles Police Officers must perform their duties in a professional and often precise manner. The duty to properly handle and control evidence is essential to promote transparency and build public trust. Therefore, the purpose of this Training Bulletin is to provide guidance when handling or controlling evidence at the scene of a Categorical Use of Force (CUOF) incident.

EXPECTATIONS

It is the expectation of this Department that the highest-ranking supervisor at scene will assume the role of incident commander (IC). Supervisors have the responsibility for incident management and must continually assess the scene to maintain situational awareness. When a CUOF incident has occurred, the IC is responsible to ensure proper protocols are followed regarding the preservation of evidence, to ensure a Public Safety Statement is obtained, and to assist with identifying evidence that may have been recovered or secured.

Responsibilities for Officers on Scene

After tactical concerns have been stabilized at the scene of a CUOF incident, it is essential that any and all evidence discovered at the scene remain in its original location, position, and/or condition. Evidence should not be altered, moved, cleaned, etc., unless exigent circumstances exist. Exigent circumstances may include, but are not limited to:

- Environmental conditions that could contaminate, move, or destroy evidence (heavy rain or wind);
- Community members threatening to move or take evidence (guns, narcotics, personal items, etc.); and,
- Officer safety concerns (suspect in close proximity to a weapon).
 - **Do not kick firearms** or other weapons to move them. Kicking a firearm may result in an unintentional discharge and jeopardize the safety of officers and the public.

Note: Officers must articulate the decision to move or remove any piece of evidence from its original position or location. If evidence is moved, DO NOT return the evidence to its original position or location. Maintain control of the evidence to ensure the proper chain of custody.

Securing the Scene

- Do not manipulate or download any weapons.
- All weapons should be left in their original condition and position and guarded if no exigent safety considerations exist.
- Do not kick items, such as firearms - this may result in an unintentional discharge and jeopardize the safety of officers and the public.
- If evidence must be moved due to exigent circumstances, don protective gloves to avoid contamination when feasible.
- As soon as practical, encompass the entire crime scene with Police Line – Do Not Cross, yellow barricade tape (FID may use Red Tape for the “inner” crime scene).
- Restrict access to **all** non-essential personnel.
- Establish a crime scene log and document all personnel present at the incident;
- Do not move police vehicles unless an exigency exists (i.e., ingress of emergency medical personnel).
- Do not remove evidence stored in the interior and/or trunk of the involved police vehicle without notification to a FID Detective.

When Securing Evidence

- Attempt to capture the location and placement of the item via Body Worn Video prior to moving it.
 - Once an item is moved, do not return the item to its original position or location.
- Place the item in the trunk of a police vehicle, safeguard the vehicle and ensure a supervisor on scene is notified. Give the vehicle keys and shop number to the incident commander.
 - Only Force Investigation Division (FID) personnel will be allowed to open the trunk of a police vehicle containing evidence.
- Notify FID Detectives at scene that evidence was recovered or moved and where it is stored.

Note: If, during a Categorical Use of Force, a suspect touches an officer's duty belt and/or duty weapon, the belt and weapon are considered evidence and treated as such. To prevent contamination, the officer shall don protective gloves, remove the belt and weapon, and secure them in the trunk of a police vehicle that does not contain other evidence.

Example. Officers responded to a “Man with a Gun” radio call. The officers arrived on scene and an officer-involved-shooting occurred. The suspect was struck by gunfire and fell to the ground. The suspect appeared unconscious and was unresponsive to commands; however, the firearm remained within the suspect’s reach. Uncertain as to the suspect’s condition or ability to reach the firearm, officers formed a tactical plan to safely approach the suspect to control the firearm and take the suspect into custody. With time permitting, one officer donned protective gloves. Using basic concepts of contact, cover, and preservation of evidence, officers made their approach and effectively controlled the suspect and firearm.

The key points to consider in this example are:

- The officers formulated a tactical plan to approach the suspect;
- An officer donned protective gloves and safely picked up the firearm instead of kicking it away from the suspect’s reach;
- The officer who recovered the firearm should secure the firearm in the trunk of a police vehicle, safeguard the vehicle, and ensure a supervisor on scene is notified;
- FID Detectives at scene should be notified that evidence (firearm) was recovered and provided the location where the recovered evidence was stored.

CONCLUSION

Every officer at the scene of a CUOF incident is responsible for the integrity of the crime scene and preservation of evidence. Unless exigent circumstances exist, evidence should remain in its original location, condition, and position. If evidence is moved, DO NOT return the evidence to its original position or location. Instead, maintain control of the evidence to ensure proper chain of custody and inform a supervisor or FID Detective where the evidence is stored.

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