



TRAINING BULLETIN

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PRELIMINARY INVESTIGATION OF SEXUAL ASSAULT CRIMES – PART III GATHERING AND PRESERVING EVIDENCE

INTRODUCTION

The collection and preservation of evidence is a critical part of sexual assault investigations. To attain a successful prosecution of the offender, it is essential for officers to properly collect evidence from the crime scene, including biological evidence from the victim and the suspect. Advances in forensic technology, such as Deoxyribonucleic Acid (DNA) testing, have made the collection and preservation of evidence even more important. This Training Bulletin describes the collection and packaging of evidence associated with sexual assault crimes.

COLLECTION OF EVIDENCE

The crime scene of a sexual assault should be protected to prevent contamination or destruction of evidence. Officers should secure the scene until detectives arrive and follow their advice for crime scene processing. If detectives are unable to respond to the scene, officers should obtain a detailed account of the crime. This process should be well organized. The facts and circumstances of each case will dictate the sequence in which evidence is collected.

The chain of custody must be maintained for each item of evidence. To ensure the admissibility of collected evidence, officers should note the following:

- Date
- Time
- Location where each item was found
- Who found it
- Who had contact with it
- Who booked it

Care should be taken to prevent the inadvertent contamination or destruction of one type of evidence (e.g., hairs or fibers) by the collection of another type of evidence (e.g., latent fingerprints). Officers should wear disposable gloves to prevent contamination and not touch areas where evidence may exist. Additionally, talking, sneezing, or coughing over evidence should be avoided as well as the touching of an officer's face, nose, or mouth when collecting and packaging evidence.

If the victim was bound or tied up, officers should not untie or cut the knots. Binding ropes should be cut at a place away from the knot. Officers should mark the cut to show where the pieces fit together. If tape was used to secure the victim, officers should use care when handling and cutting the tape. The suspect may have left fingerprints on the exterior of the tape or embedded in the adhesive.

When unsure of the collection procedure for found evidence, officers should contact a criminalist from Forensic Science Division (FSD) or the detective responsible for the follow-up investigation of the crime. It is not uncommon for these types of cases to have complex physical evidentiary issues that require the advice or response of an FSD criminalist to the crime scene. Upon notification, Night Detectives or Sexual Assault Detectives will advise whether a sexual assault crime scene should be fingerprinted by FSD.

Officers should check the entry and escape routes that may have been used by the suspect. Footprints, tool marks, discarded weapons, fingerprints, and anything else left by the suspect should be investigated and noted or collected appropriately. Items such as beverage containers, cigarette butts, and other evidence that may contain the suspect's saliva should be collected.

While searching the crime scene, officers should be aware that the suspect might have used something to clean up or sanitize evidence. Collect all wet or dry items that may contain fluids from the suspect. Care must be taken as biological material may contain hazardous pathogens.

When transporting and storing evidence that may contain DNA, it is important to keep the evidence dry and at room temperature. Direct sunlight and warm conditions are harmful to DNA, so avoid keeping evidence in places that may get warm. Sealed containers such as jars and plastic bags should not be used. Moisture in sealed containers may cause bacteria to develop and destroy the evidence. Paper bags allow items to be protected and for moisture to evaporate.

Elimination Samples

As with fingerprints, the effective use of DNA may require the collection and analysis of elimination samples to determine whether the evidence came from the suspect or from someone else. While still at the crime scene, think about the trial and possible defense strategies. For example, where the suspect may have consumed a glass of water at the crime scene, an officer should identify appropriate people, such as household members, for future elimination sample testing. These samples may be needed for comparison with the saliva found on the glass to determine whether the saliva is valuable evidence.

Photographs

Qualified medical personnel or a photographer from FSD should take photographs of any bruises, wounds, or marks found on the victim using a 35-mm or a digital camera.

It is recommended that officers photograph injuries and evidence using their issued cellular device to supplement, but not replace, the 35-mm or digital photographs. This is especially important to document injuries or other evidence that may dissipate before they can be captured by qualified medical personnel or a photographer from FSD.

Photographic evidence is important because it can corroborate the victim's testimony and refute a suspect's claim of consent. Some bruises become more visible after a 24-hour period. To obtain substantial photographic evidence, the victim may have to be photographed one to two days after the assault. This procedure can be completed at the original medical facility or FSD.

Medical Evidence

Forensic evidence collected from the victim or the suspect as part of the medical examination is packaged in an analyzed evidence envelope and booked as a single item on the Property Report. Urine and blood sample shall be packaged and itemized separately.

Packaging and Booking Evidence

All evidence must be labeled and numbered properly, and those numbers must be correctly recorded on laboratory request forms and on the Property Report.

CONCLUSION

Physical evidence is critical to the successful prosecution of sexual assault crimes and processing the crime scene may provide important forensic evidence. Careful handling and documentation of evidence will increase the number of successful prosecutions.

This Bulletin cancels and supersedes Volume XXXV, Issue 15, Preliminary Investigation of Sexual Assault Crimes – Part III Gathering and Preserving Evidence, July 2003

Field Training Services Unit
Police Training and Education

DISTRIBUTION "A"

Attachment: Packaging and Booking Evidence Guide

LOS ANGELES POLICE DEPARTMENT
Packaging and Booking Evidence Guide

Type of Evidence	Special Handling	Packaging	Report Reminders
Biological - Oral swabs, vaginal swabs, penis scrapings, other evidence collected by medical personnel	Requires freezer storage Place in FSD temporary freezer within six hours	Placed in <i>Analyzed Evidence-To Be Frozen Envelope</i> by medical personnel	Evidence Envelope <ul style="list-style-type: none"> • List as one item on Property Report • Attach copy of Office of Criminal Justice Planning (OCJP) Form 923, 925 or 950
Dry Items - Bottles, cans, drinking glass, used cigarette	Avoid touching areas that suspect may have touched	Place individually packaged items in <i>Analyzed Evidence- Climate Controlled Envelope</i> , or a paper bag for large items	IR, Arrest Report <ul style="list-style-type: none"> • Attach original OCJP Form • Attach original Request for Confidentiality Form
Clothing - Clothes worn during or immediately after assault	Air-dry any wet item at room temperature before packaging by medical personnel	Place in a carton and secure with adhesive tape; Attach copy of Investigative Report (IR) or Arrest Report	Property Report <ul style="list-style-type: none"> • Attach copy of Request for Confidentiality Form (copy not required if evidence is booked to arrestee) • Attach copy of IR or Arrest Report
Wet Items - Bedding, towels, clothes		Secure ends of tape with a red Analyzed Evidence Seal Attach completed evidence tag or envelope and secure to outside of the carton	