



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.1.28	Subject: CRIME SCENE AND PHYSICAL EVIDENCE PRESERVATION
Chapter 3: FACILITY / PROGRAM OPERATIONS	Page 1 of 6
Section 1: Security Operations	Effective Date: April 1, 1998
Signature: /s/ Mike Batista, Director	Revised: 10/09/2015

I. POLICY

The Department of Corrections divisions and facilities will establish procedures to preserve crime scenes and physical evidence for crimes that occur within Department jurisdiction to maximize the possibility of successful prosecutions and convictions.

II. APPLICABILITY

Probation and parole and secure care facilities Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Boundaries – The perimeter or border surrounding potential physical evidence related to the crime.

Chain of Custody – A process used to maintain and document the chronological history of the evidence.

Crime – An action or incident that may result in the filing of criminal charges.

Crime Scene – The location where an illegal act took place, and comprises the area from which most of the physical evidence found in the planning, execution, or commission of a crime is retrieved.

Documentation – Written notes, audio/videotapes, printed forms, sketches, and/or photographs that form a detailed record of the scene, evidence recovered, and actions taken during the search of the crime scene.

Dying Declaration – Statements made by a person who believes he or she is about to die, concerning the cause or circumstance surrounding his or her impending death.

Physical Evidence – Any tangible object, material, or impression that connects a perpetrator to the commission of a crime.

IV. DEPARTMENT DIRECTIVES

A. Secure Care Facility Initial Response

1. If a facility staff member believes a crime has been committed, he or she will immediately notify the shift supervisor; the shift supervisor will assign staff to secure the crime scene.
2. The initial response to an incident will be expeditious and methodical to preserve the

scene with minimal contamination and disturbance of physical evidence.

3. The safety and physical well-being of staff and other individuals in and around the crime scene will be the staff's first priority.

B. Responsibilities of On-Site Secure Care Facility Staff

1. Upon arrival, staff will complete the responsibilities detailed within this section unless the incident commander dictates otherwise or until the law enforcement or Department investigators arrive.
2. Initial staff responsibilities include:
 - a. approach the scene in a manner designed to reduce risk of harm to staff while maximizing the safety of victims, witnesses, and others in the area;
 - b. ensure that there is no immediate threat to other responders by scanning the area for sights, sounds, and smells that may present danger to personnel (e.g., hazardous materials such as gasoline, natural gas), if the situation involves extremely dangerous chemical, biological or radiological threats the appropriate personnel/agency will be contacted for instructions prior to entering the scene;
 - c. notify supervisory personnel and call for assistance as necessary;
3. After controlling any dangerous situations or persons, staff will ensure that medical attention is provided to injured persons while minimizing contamination of the scene, responsibilities include:
 - a. assess individual(s) for signs of life, medical needs, and provide necessary immediate medical attention;
 - b. call for medical personnel;
 - c. guide medical personnel to the victim to minimize contamination/alteration of the crime scene;
 - d. point out potential physical evidence to medical personnel, instructing them to minimize contact with such evidence (e.g., ensure that medical personnel preserve all clothing and personal effects without cutting through bullet holes, knife tears), and document movement of persons or items by medical personnel;
 - e. instruct medical personnel not to "clean up" the scene and to avoid removal or alteration of items originating from the scene;
 - f. if medical personnel arrived first, obtain the name, unit, and telephone number of attending personnel, and the name and location of the medical facility where the victim is to be taken;
 - g. if there is a chance the victim may die, attempt to obtain a dying declaration;
 - h. document any statements/comments made by victims, suspects, or witnesses at the scene; and
 - i. if the victim or suspect is transported to a medical facility, send a staff member or law enforcement official with the victim or suspect to document any comments made and preserve evidence.
4. After ensuring the safety of present individuals and facilitating emergency care, staff must maintain crime scene integrity, safeguard evidence and minimize contamination.
5. To protect and secure the crime scene, staff will:

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- a. begin establishing boundaries by identifying and surrounding the focal point of the crime scene(s);
 - b. initiate boundaries beyond the initial scope of the crime scene and include:
 - 1) potential paths of exit and entry of suspects and witnesses; and
 - 2) places where the victim/evidence may have been moved, keeping in mind impression evidence.
 - c. set up physical barriers, e.g. ropes, cones, barrier tape, vehicles, personnel, etc.;
 - d. protect possible evidence from contamination related to persons or weather conditions; and
 - e. avoid activities including, but not limited to: smoking, chewing tobacco, use of the telephone or bathroom, eating, drinking, moving any crime scene items unless necessary for safety, adjusting a thermostat or opening windows or doors, littering, touching anything unnecessary, or repositioning moved items.
6. To maintain crime scene integrity, safeguard evidence, and minimize contamination, staff will secure and control individuals at the scene with the following actions:
- a. document the identity and authority of all people entering and leaving the scene;
 - b. exclude unauthorized and nonessential personnel from the scene, administrators and command staff will wait for law enforcement or investigators to arrive before entering the crime scene;
 - b. restrict the movement, location, and activity of individual(s) around the scene;
 - c. identify, secure, and separate suspects and witnesses;
 - d. remove bystanders from the scene; and
 - e. use compassion while controlling victims and family or friends of victims.
7. Staff will brief investigator(s) and law enforcement responding to the scene, assist in controlling the scene, and remain on-site until relieved of duty.

C. Documentation for a Secure Care Facility

1. Staff will immediately document all information clearly and methodically, complete an incident report, and submit documentation to the Office of Investigations including:
 - a. observations at the crime scene including locations of individuals and items;
 - b. conditions upon arrival, e.g. lights, windows, smells, ice, liquids, weather, temperature, etc.;
 - c. information from witnesses, victims, suspects, and additional statements; and
 - d. personal actions and actions of others.

D. Evidence Handling for a Secure Care Facility

1. Designated staff will notify law enforcement officials anytime a crime scene has been established.
2. If law enforcement is unable to respond, a staff member will be designated as the temporary custodian of evidence gathered from the crime scene and will maintain custody of evidence until it is placed in the evidence locker. The staff member will complete all entries on the chain of evidence tag, which must include, at minimum, the following:
 - a. date and time the previous staff took custody of the evidence;

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- b. date and time the previous staff relinquished custody of the evidence;
 - c. description of evidence;
 - d. how and where the evidence was found;
 - e. location and disposition of evidence;
 - f. type of crime alleged or type of incident;
 - g. condition of evidence;
 - h. identity and signature of the individual currently maintaining custody; and
 - i. sequential names of other individuals handling evidence.
3. Chain of custody documents accompanying evidence will include:
 - a. name or initials of the individual collecting evidence and each person subsequently maintaining custody;
 - b. dates evidence items were collected and/or transferred;
 - c. agency and case number;
 - d. victim or suspect names; and
 - e. brief description of evidence.
 4. Staff will place evidence in a secure evidence locker at the earliest opportunity and comply with the following guidelines:
 - a. access to the evidence storage area will be strictly limited to authorized personnel;
 - b. staff will maintain an evidence log at the site of each evidence locker and submit a detailed report with the evidence;
 - c. log the disposition or disposal of evidence including:
 - 1) name of person handling evidence;
 - 2) date;
 - 3) method of disposition or disposal; and
 - 4) witness(s) to the disposition or disposal.
 5. Disposal of evidence and illegal drugs or contraband as defined in *46-5-307, MCA* will only be accomplished after the prosecutor files a petition with the court alleging that the items no longer have evidentiary value and the court issues an order for destruction and disposal.

E. Probation and Parole Requirements

1. The division administrator will ensure procedures are implemented and maintained for crime scene preservation and evidence handling.

V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator or the Office of Investigations.

VI. REFERENCES

- A. *2-15-112, MCA; 46-5-307, MCA; 53-1-203, MCA*
- B. *4-4207; ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. *ACA Guidelines for Development of a Security Program, 3rd Edition, 2007*
- D. [*Crime Scene Investigation: A Guide for Law Enforcement, Technical Working Group on Crime Scene Investigation, U.S. Department of Justice, Office of Justice Programs, 2000*](#)

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VII. ATTACHMENTS

None