



**MONTANA STATE PRISON
POLICIES AND PROCEDURES**

| | | |
|---------------------------------------|--|--|
| Policy No.: MSP 3.1.28 | Subject: CRIME SCENE AND PHYSICAL EVIDENCE PRESERVATION | |
| Chapter # 3: INSTITUTIONAL OPERATIONS | Page 1 of 3 | |
| Section #1: Security and Control | Revision Date: | |
| Signature: /s/ Mike Mahoney | Effective Date: 09-04-01 | |

I. POLICY: It is the policy of Montana State Prison to implement procedures to preserve crime scenes and physical evidence in all crimes that occur within its jurisdiction, in order to maximize the possibility of successful prosecution and conviction of perpetrators.

II. AUTHORITY:

- 2-15-112, MCA Duties and Power of Department Heads
- 53-1-203, MCA Power and Duties of Department of Corrections
- DOC 3.1.28 Crime Scene and Physical Evidence Preservation

III. DEFINITIONS:

Crime: for the purpose of this policy, means any action or incident which may result in the filing of felony charges.

Crime Scene: is described as any location, place or area where a crime has occurred or was planned, concealed, or committed.

Physical Evidence: is described as any tangible object, material, or impression which connects a perpetrator to a crime scene.

Chain of Evidence: refers to the process where the accountability for evidence is recorded from the time of its recovery to its presentation in court with all those who have handled it being identified by their signatures.

IV. PROCEDURES:

Subject: **CRIME SCENE AND PHYSICAL EVIDENCE PRESERVATION**

A. Crime Scene Protection

1. When a staff member believes that a crime has been committed at MSP, the Shift Commander shall be notified. The Shift Commander shall then assign staff to secure the crime scene, identify all persons present when the incident took place, and ensure preservation of any evidence.
2. Department Investigators (in their absence local law enforcement) shall be contacted by the Shift Commander as soon as possible for investigation. Department Investigators shall notify local law enforcement.
3. When Department Investigators and/or local law enforcement are considering filing felony charges, the DOC Legal Department must be contacted as soon as possible.
4. Nothing within the crime scene shall be moved or touched by anyone, except as needed to render emergency medical assistance. Even then the scene should not be disturbed any more than necessary. If an object such as a weapon needs to be removed because of a threat to security, that object must be photographed and diagrammed with relation to the rest of the crime scene prior to its removal, if practical.

The crime scene shall not be touched until Department Investigators and/or local law enforcement officials determine who will be handling the case, in which case they will be responsible for all evidence collection.

A. Evidence

When crime scene evidence is present, and Department Investigators and/or local law enforcement are not able to respond, staff shall follow these guidelines:

1. The person seizing an article of evidence shall normally maintain custody of that evidence until its placement in the evidence locker. That person shall initiate the chain of evidence tag. Entries made shall include but are not limited to:

Subject: **CRIME SCENE AND PHYSICAL EVIDENCE PRESERVATION**

- a. Date and time the person took custody of evidence
- b. Date and time the person relinquished custody of evidence
- c. Description of the item
- d. How and where the item was found
- e. Location and disposition of the evidence
- f. Type of crime alleged or type of incident
- g. Condition of evidence
- h. Identity of the staff member
- i. Signature of the staff member
- j. Sequential names of others handling articles

Note: In order to preserve the chain of evidence, as few staff as possible should handle evidence.

2. Each article of evidence must be placed in a secure evidence locker at the earliest opportunity. An evidence log must be maintained at the site of each evidence locker. All related reports shall be submitted with the evidence.

V. CLOSING:

Questions concerning this policy shall be directed to the Warden or Investigations Unit.