



**DEPARTMENT OF CORRECTIONS  
Inspections**



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| <b>Title:</b> Criminal Evidence Handling   | <b>DOC Policy: 70.1.3</b> |
| <b>Supersedes:</b> Procedure #58, 12/1/93  |                           |
| <b>Applicability:</b> All functional units |                           |
| <b>Directives Cross-Reference:</b> None    |                           |

**I. PURPOSE**

To establish a uniform method of handling and maintaining the integrity of criminal evidence seized in Department of Corrections facilities.

**II. DEFINITIONS**

**A. Contraband:** Any article or thing which an inmate/offender is prohibited by statute, rule or order from obtaining, or which the inmate/offender is not specifically authorized to obtain or possess or which the inmate/offender alters without authorization.

**III. POLICY**

**A. General**

Evidence that is seized as part of a criminal investigation or for the purpose of criminal prosecution will be handled in a uniform and consistent manner by Department of Corrections employees to ensure the integrity and security of the evidence.

**B. Notification**

1. The Oregon State Police will be the authorized investigators of alleged crimes occurring in or on Department of Corrections facilities and/or property. Notification will immediately be made to the State Police, by calling the State Police's Regional Dispatch center in that area. Each dispatch center will assign a State Police case number to the incident, and will make notification to either the on call State Police person or they will contact the appropriate State Police office. DOC staff will affix the State Police case number to all documents and evidence.
2. The Oregon State Police will be notified when the following incidents have been attempted or occur:
  - a. Death of an inmate or other person on Department of Corrections property (assume all deaths to be homicide until proven otherwise);
  - b. Suicide;
  - c. Assault that may result in death or serious injury;

- d. Any crime of violence where a weapon has been used;
  - e. Sexual assault;
  - f. Escape;
  - g. Fires of suspicious nature or suspicious origin;
  - h. Introduction of criminal contraband, such as a weapon, controlled substance, drug paraphernalia, coin or currency, etc., into a facility;
  - i. Possession of any controlled substance;
  - j. Conspiracies and/or attempts of any of the above; and/or
  - k. If there is any doubt about whether a crime occurred.
3. State Police offices throughout the state may have different operating and/or response procedures. Therefore, DOC should only expect the State Police to immediately respond to: death cases, suspected arson cases with measurable damage, serious sexual assaults, escapes (not walk away), or crimes of violence with serious injury. It is unlikely the State Police will respond after hours to contraband cases, assaults with minor injuries, drug cases and in cases where a weapon was found.
  4. An Unusual incident report will be written any time the Oregon State Police have been notified.
  5. All controlled substances, suspected controlled substances, and drug paraphernalia found, whether or not there is a suspect, will be processed as criminal evidence under this policy. All seized controlled substances and drug paraphernalia which has been seized, must be disposed of by either the Oregon State Police or the Department of Corrections Drug Investigations Unit. In all instances, an Unusual incident report shall be written and copies forwarded to the Oregon State Police and to the Drug Investigations Unit.

### **C. Crime Scene Security and Processing**

The status of a crime does not change because the State Police do not intend to respond immediately. If the State police are not going to respond immediately, DOC staff need to process the crime scene for the State Police by documenting all evidence, photographing and/or video taping, and securing the evidence in the State Police evidence locker(s).

1. The first Department of Corrections employee on the scene, not involved in any rescue or first aid efforts, will secure the scene and ascertain the identities of all persons who are present. The identification cards of all inmates who are present will be gathered so they can be positively identified for later interviews. A crime scene includes those persons present at the time of the commission of the crime. It may be necessary to move those present at the crime scene to another location to preserve the scene as well as to maintain the security of the institution. Until released by the investigator(s),

the area in which bystanders and witnesses are placed will also become part of the crime scene.

2. The affected DOC facility's officer-in-charge (OIC) will designate a Department of Corrections employee to maintain the security of the crime scene until released by investigators of the State Police or their designee. This employee will initiate a crime scene contamination log (CD 1201D). (See Attachment A) All persons entering the crime scene will be required to complete an entry in the log.
3. Nothing within the crime scene area shall be moved or touched by anyone unless the object needs to be removed because it is an immediate and ongoing threat to security, such as a weapon. The object will be photographed and diagramed with relation to the rest of the crime scene prior to its removal. Removal of said item will be in a manner consistent with preservation of evidence, ensuring not to destroy fingerprints, blood and other fragment evidence that might be affixed to the item, documenting who seized the item, who maintained custody of the item and in what manner the item was secured.

#### **D. Evidence Gathering**

In those cases where the State Police are not responding immediately, and the case is potentially criminal in nature, the following evidence procedure will be adhered to:

1. At each crime scene, one officer should be designated as the evidence custodian. The evidence custodian will be responsible for the recovery, handling, marking, packing, and securing of all evidence. It is the responsibility of the evidence custodian to physically recover and take custody of all evidence. Staff conducting searches, should identify the location of the evidence, but will allow the evidence custodian to recover the evidence. All evidence seized involving a crime will be documented on a property evidence report and placed in the State Police evidence locker(s). A State Police evidence report will be prepared listing all evidence seized and/or confiscated as criminal evidence.
  - a. The top copy (original) of the evidence receipt will be attached to the copy of the Unusual incident report provided to the Oregon State Police.
  - b. A legible copy of the evidence receipt will be provided to the person from whom the item was seized, if applicable.
  - c. The third copy of the evidence receipt will be attached to the property before it is placed into the facility's designated State Police evidence locker.
2. The person seizing an article of evidence will normally maintain custody of that evidence until its placement into the evidence locker. If it will be necessary for more than one person to assume custody of an item, each of those persons will make such a notation on the chain-of-custody record located on the item's packaging. A supplemental report detailing the reasons

for the transfer and the time the evidence was in their possession will also be submitted and attached to the Unusual incident report.

3. An evidence register (Attachment B) will be maintained at the site of each Oregon State Police evidence locker. This evidence register will contain descriptive information of the evidence and its disposition. The log will be maintained on site for a minimum of two years.
4. Evidence registers will be provided by the Oregon State Police and will be maintained with entries of specific information as required by the following Oregon State Police guidelines:
  - a. Date evidence was entered into the locker(s);
  - b. Description of the evidence, property or item;
  - c. Charge of offense involved (i.e., assault, possession of contraband);
  - d. Victim's name, DOB and SID number, if appropriate
  - e. Suspect's name, DOB and SID number, if appropriate
  - f. Property officer's name making entry in the evidence register;
  - g. Disposition of property removed from the evidence locker (include destination, date of transfer or destruction, and by whom); and
  - h. State Police case number which was provided by the State Police Regional Dispatch center.
5. Evidence that cannot be adequately stored in an evidence locker may be released directly to the Oregon State Police. A notation should still be made into the evidence register documenting the delivery of evidence directly to the State Police.

#### **E. Evidence Packaging**

1. Individual items of evidence shall be packaged separately and marked with an evidence tag or report for identification purposes. All evidence containers will be labeled with the following information and must be legible.
  - a. Date and time seized;
  - b. Department of Corrections employee who seized the item;
  - c. Description of item;
  - d. Victim's name, DOB and SID# if appropriate;
  - e. Suspect's name, DOB and SID # if appropriate;
  - f. Brief summary of the crime;

- g. Record of the item's chain of custody; and
  - h. Oregon State Police Case number, provided by State Police Regional Dispatch Center.
2. Evidence that may be finger printed SHALL NOT BE placed into a plastic bag or other air-tight container. Moisture may condensate on the item, disturbing or destroying the oils in which the finger print is contained. This evidence shall be stored in a paper bag by careful handling and minimal contact by staff.
  3. Damp or biological evidence SHALL NOT BE placed in plastic bags.
    - a. Damp items shall air dry, unaided. Damp items shall not be dried in the sun or with artificial heat as the properties of the evidence may be altered.
    - b. After having been dried, the items shall be placed into appropriate evidence paper bags.
    - c. If it will be necessary for damp items to be placed in a paper bag, the investigator involved shall be notified immediately.
  4. Paper folds/envelopes will be suitable for small amounts of suspected narcotic substances, hair, fibers, etc. The paper fold shall then be placed into an appropriate evidence container.
  5. The evidence container will be sealed with evidence tape or fracture tape that will indicate any tampering. The officer seizing the evidence will place his/her initials on the evidence tape. Evidence tape will also be used on plastic evidence bags. Staff shall not heat seal plastic evidence bags. Damage could occur to evidence.

**F. Evidence Locker**

1. Evidence lockers will be constructed and designed to contain various sized items of evidence. The Oregon State Police will possess the keys to the State Police evidence lockers. No duplicate keys to the evidence lockers will be maintained at the facility or possessed by Department of Corrections staff.
2. The location of the evidence lockers will afford limited access.
3. The construction of the lockers will be tamper resistant and as follows:
  - a. Locks will be tamper resistant, slam type, or keyed. A small drop box will be provided for any key needed to lock the evidence locker. This small drop box will be constructed so the keys cannot be retrieved. Only the State Police shall possess a key for the small drop box.
  - b. Hinges will have no exposed screws or pins which can be easily removed.

- c. If a drop box system has been employed, baffles will be installed so items cannot be retrieved through the drop area.

#### **G. Narcotic Evidence Disposal**

1. The Oregon State Police shall be responsible for the destruction of any evidence taken into their custody. If the State Police decline to investigate a case and do not seize narcotic related evidence, the officer-in-charge will notify the Drug Investigations Unit for pickup and disposal of the item(s).
2. The Drug Investigations Unit will maintain an itemized list on an Oregon State Police evidence register (Attachment B) of all narcotic related items received for disposal. The Drug Investigations Unit will forward all narcotic evidence for disposal to the Oregon State Police. Disposal of evidence will be documented in the form of a DIU report. The report should include a detailed listing of all evidence, the location, date and time where it was found, the weight of the evidence, and the date and time the evidence was forwarded to the State Police for destruction.

#### **H. Statements by Witnesses/Suspects**

1. Once the State Police have been notified about a crime, and accept the case for investigation, interviews with witnesses/suspects about the crime under investigation, will be completed only as directed by the State Police.
2. Any comments made by suspects or witnesses to Department of Corrections staff, concerning criminal conduct, will be documented in a memo and forwarded to the institution OIC. These reports will identify the circumstances of the remarks and the person to whom the remarks were made.

#### **I. Photographs**

1. Photographs that become evidence will not be shown to victims or witnesses by Department of Corrections staff unless directed to do so by the Oregon State Police. Regardless of the quality of a picture, all pictures taken of a crime scene are evidence and need to be either attached to the Unusual incident report or turned in as evidence.
2. Suspects involved in violent person crimes, if cameras are available, shall be photographed prior to removal of clothing. Clothing shall be removed, bagged separately, and held in an evidence locker or released directly to the Oregon State Police.

#### **J. Disposition of Found Coin/Currency**

1. Coin/currency found in the possession of an inmate: If there will be no prosecution, the evidence (coin/currency) will be forwarded to administrative evidence for disposition through the disciplinary hearings process.
2. Coin/currency found by an inmate on outside work crew and turned in to staff: An Unusual incident report will be prepared. The State Police shall be notified of the find and the amount. The coin/currency will be turned over to

the State Police as evidence. If the money is returned to the DOC, it will be deposited to the Inmate Welfare Fund.

### **III. IMPLEMENTATION**

This policy will be adopted immediately without further modification.