

Corrections Management (Management of Evidence) Procedure 2018

Notifiable instrument NI2018-38

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Management of Evidence) Procedure 2018*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes the *Corrections Management (Preservation of Evidence) Procedure 2011* [NI2011-141] and *Corrections Management (Preservation of Evidence and Crime Scene) Policy 2011* [NI2011-134].

Jon Peach
Executive Director
ACT Corrective Services
24 January 2018



OPERATING PROCEDURE	Management of Evidence
OPERATING PROCEDURE NO.	1.1.16
SCOPE	ACT Correctional Centres

STATEMENT OF PURPOSE

To provide instructions to officers establishing a crime scene and handling evidence.

DEFINITION

Evidence is any item, object or substance that may be used to prove or disprove the charge of an offence or may be considered during a review or investigation of any matter or event.

PROCEDURES

The preservation of life outweighs any preservation of evidence procedures.

1. Crime Scene

- 1.1. When safe to do so, a crime scene must be established to preserve the scene in its original state.
- 1.2. Cordon off the crime scene and ensure restricted access.
- 1.3. Secure the evidence as soon as practicable to prevent loss, destruction or contamination.
- 1.4. ACT Policing must be informed as required.
- 1.5. Officers in contact with the crime scene and evidence must wear the appropriate Personal Protective Equipment (PPE).
- 1.6. Do not tamper with any evidence if ACT Policing will be involved, or if it is unsafe to do so (i.e. explosive).
- 1.7. A log keeper must be appointed to record crime scene activity and video or photograph the scene (if applicable).

2. Preservation of Evidence

- 2.1. If ACT Policing is involved officers should attempt to preserve the evidence but not interfere with the evidence.
- 2.2. The same officer must not deal with both the victim/s and suspect/s, or return to the crime scene after dealing with the victim/s or suspect/s.
- 2.3. If cross contamination is unavoidable, the Head of Security or Officer in Charge (OIC) and where required, ACT Policing must be informed.
- 2.4. The handling of evidence must be kept to a minimum.
- 2.5. Bodily fluids associated with the crime scene must be retained at the crime scene, where possible until ACT Policing have attended. Bodily fluids should only be cleaned away prior to this if their presence poses a safety risk to those in the area.

- 2.6. Any evidence must be protected, including being covered and where possible photographs should be taken prior to protecting the evidence.

3. Packaging Evidence

- 3.1. Evidence must be individually collected, placed and stored in appropriate evidence bags:
 - Paper bag: clothing
 - Plastic bag: all other evidence
 - Plastic containers: weapons, firearms and sharps
- 3.2. The bag or container must be sealed.
- 3.3. The following evidence details must be recorded on the evidence bag or container:
 - Name of the person/s associated with the evidence (where applicable)
 - The date of discovery
 - The exact location of the discovery
 - The name of the person who located the evidence
 - The names of other staff present when the evidence was located
 - A brief description of what was found.
- 3.4. All evidence must be transferred to the Head of Security or OIC.

4. Weapons and Firearms

- 4.1. ACT Policing must be notified immediately if a firearm is located.
- 4.2. Wherever possible weapons and firearms should remain untouched to preserve the evidence, unless the risk of leaving the weapon or firearm outweighs the risk of removal.
- 4.3. If officers are required to handle firearms, the firearm must be pointed down and away from any person at all times.
- 4.4. Weapons and firearms should only be carried the minimum distance to be secured.
- 4.5. ACT Policing must be contacted to arrange removal.

5. Explosive Devices

- 5.1. ACT Policing must be notified immediately if a potential explosive device is located.
- 5.2. Cordon off the area and ensure restricted access.
- 5.3. Radio communication must cease.
- 5.4. Do not touch the device, attempt to confirm the description of the device by sight if possible.

6. Evidence – Chain of Custody

- 6.1. Evidence must be securely stored in the security office and access restricted to the Head of Security and security staff.
- 6.2. The details of all Evidence must be recorded in an Evidence Register. All future movements of the evidence must be recorded on the evidence bag.
- 6.3. Each staff member who has been in possession of the evidence must record their acceptance of responsibility of the evidence in the Evidence Register.
- 6.4. The last signatory in the Evidence Register remains responsible for the evidence until it is handed over to the investigating body.

- 6.5. If the evidence is subject to an ACT Policing investigation or required in Court it is a requirement that:
- It can be shown to be the original;
 - It has not been tampered with; and
 - It can be accounted for from the moment it was found until submitted as evidence in Court.

7. Release of Crime Scene

- 7.1. Following a crime scene being established and required procedures being undertaken, the crime scene must only be relinquished for operational use once ACT Policing have given authorisation.

RELATED DOCUMENTS

- Incident Reporting Operating Procedure
- Incident Response Operating Procedure

RELATED FORMS

- Officer Report
- Evidence Register

Jon Peach
 Executive Director
 ACT Corrective Services
 January 2018

Document details

Criteria	Details
Document title:	Corrections Management (Management of Evidence) Operating Procedure 2017
Document owner/approver:	Executive Director, ACT Corrective Services
Date effective:	The day after notification
Review date:	3 years after the date of notification
Responsible Officer:	Head of Security
Compliance with legislation:	This procedure reflects the requirements of the <i>Corrections Management (Policy and Operating Procedure Framework) Policy 2017</i>

Criteria	Details
Version 1	
