

## Custodial Operations Policy and Procedures

### 13.8 Crime scene preservation

#### Policy summary

Crime scenes or incident sites in correctional centres, including places where persons have been seriously injured or major property damage has occurred, must be secured to preserve forensic evidence.

Governors are required by law to preserve crimes scenes and forensic evidence for investigating authorities which include the NSW Police Force (NSWPF) and SafeWork NSW.

Correctional officers have duties to assist Governors in preserving crime scenes and forensic evidence when it is safe and injured persons have received emergency medical assistance.

Forensic evidence is not limited to a physical crime scene. Any persons who have had contact with a crime scene or are suspected of being involved in the crime or incident either as a victim, witness or suspect might have forensic evidence on their person or property.

Corrective Services NSW (CSNSW) has systems and procedures for handling, registering and securing forensic evidence for investigating authorities.

#### Management of Public Correctional Centres Service Specifications

Service specification	Professionalism and accountability Safety and security
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW).

It also applies to all CSNSW employees, and where relevant to other personnel such as, Justice Health & Forensic Mental Health Network (JH&FMHN), contractors, subcontractors, and visitors.

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# 1 Legislation

## 1.1 Crimes (Administration of Sentences) Regulation 2014

Clause 174 of the *Crimes (Administration of Sentences) Regulation 2014* requires Governors to take all reasonable steps to preserve from interference any:

- place where a serious indictable offence has or appears to have occurred in a correctional centre
- place where a person has been seriously injured or major property damage has or appears to have occurred and
- any article found at or in the vicinity of an incident site regardless of whether or not it appears to be connected with the commission of an offence or occurrence of an incident.

Governors are required to preserve such places and articles until police or other investigating authorities have carried out an investigation. A Governor's obligations in this regard are subject to the practical limitations that may from time to time arise in connection with the administration of the correctional centre.

## 1.2 Coroners Act 2009

Chapter 5 of the *Coroners Act 2009* provides that a coroner may issue an order to establish a coronial investigation scene at any place whether or not it is a public place. A police officer or other person may establish a coronial investigation scene at any place pursuant to a coronial investigation scene order. The police officer or person may exercise all coronial investigation scene powers in respect of the scene.

## 1.3 Work Health and Safety Act 2011

Section 39 of the *Work Health and Safety Act 2011* requires a person with management or control of a workplace, at which a notifiable incident has occurred, to ensure so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs.

# 2 Securing a crime scene

## 2.1 Priorities

The following priorities take precedence over the preservation of evidence at a crime scene:

- **Safety of persons:** protect life and remove persons from danger.
- **Emergency medical assistance:** provide first aid and professional medical assistance to the injured.

## 2.2 Securing perimeters and restricting access

If an officer discovers or reasonably suspects that a serious incident has occurred, then the incident site must be treated as a crime scene.

The boundaries of a crime scene include all places where victims or suspected perpetrators are discovered and any routes they are suspected of having taken between places to or from the scene. There may be multiple crime scenes in relation to an incident.

All persons should be removed from the scene and a record made of who was present in the scene at the time the scene was identified.

An inner perimeter must be established around a crime scene to preserve evidence. No persons are to be permitted access to a crime scene prior to the arrival of police unless necessary for safety of persons or emergency medical assistance. The only other exception is where it is necessary to enter a crime scene to protect evidence from damage or destruction. The control point for entry should not be the same route used by a suspected perpetrator.

An outer perimeter must be established beyond the inner perimeter to prevent persons other than investigating personnel approaching the crime scene.

An exclusion zone may be established beyond the outer perimeter to provide investigating personnel adequate space to work without disruption from routine movements or onlookers.

Crime scene perimeters can be cordoned off with tape or by closing off areas. Once secured, the first responding officer must commence a serious incident log.

The Governor or Officer in Charge (OIC) must attend an incident site as soon as possible to:

- debrief the first responding officer
- review crime scene perimeters and establish an exclusion zone if required and
- assign a correctional officer or officers to maintain crime scene security and a serious incident log.

A correctional officer assigned to secure the crime scene and/or maintain a serious incident log must continue performing those duties until relieved of duty by another correctional officer or the Governor or OIC.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Identify the boundaries of the crime scene and establish an inner perimeter to preserve evidence.	First responding officer (FRO)
2.	Remove all persons from the scene and record the details of those persons.	FRO
3.	Establish an outer perimeter to keep persons away from the crime scene.	FRO

	<b>Procedure</b>	<b>Responsibility</b>
4.	Restrict access to the crime scene to emergency medical personnel and responding officers where necessary for safety of persons, or where necessary to protect evidence from damage or destruction.	FRO
5.	Commence a serious incident log.	FRO
6.	Attend the incident site as soon as possible and debrief the first responding officer.	Governor or OIC
7.	Review crime scene perimeters and establish an exclusion zone if required.	Governor or OIC
8.	Assign a correctional officer or officers to maintain crime scene security and the serious incident log.	Governor or OIC
9.	Maintain crime scene security and a serious incident log until relieved of duty by another officer or the Governor or OIC.	Correctional officer performing crime scene duties

## 2.3 Preservation of evidence

Everything within a crime scene must be left in situ including rubbish and disposable medical products, e.g. cannulas, drip bags, electrode pads.

The only exception is where an item is moved out of necessity or to protect it from damage or destruction (refer to subsection **3.2 Protecting evidence from weather** of this policy). Where an item is moved out of necessity it should not be later repositioned, but a note should be made of its original position.

No cleaning is to occur within the crime scene.

Depending on the nature and seriousness of the incident, the Governor or OIC may decide to stop all laundry, rubbish, goods and inmate property from leaving the correctional centre.

Details of the state of the crime scene upon the arrival of responding officers should be recorded, such as:

- whether a door, window or gate was open or unlocked
- whether a light or television was on or off
- any unusual odours or sounds
- original position of any items moved between the time of discovery and securing of the crime scene and
- details of any persons seen at or near the crime scene.

In areas not covered by CCTV, a video camera should be set to record the access point at a crime scene until investigating authorities hand the site back to CSNSW. Video recording may cease where the area is locked overnight.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Do not remove anything from the crime scene and leave everything in situ.	Correctional officers
2.	If an item is moved out of necessity, do not reposition it but note its original position.	Correctional officers
3.	Make sure that cleaning does not occur in the crime scene.	Correctional officer performing crime scene duties
4.	Ensure a tripod mounted video camera is placed covering the access point at a crime scene, if not covered by Closed Circuit Television (CCTV).	Governor or OIC

## 2.4 Serious incident log

The purpose of a serious incident log is to record all significant events in connection with the incident. The serious incident log must be:

- recorded as soon as possible and contemporaneously
- written in indelible ink or typed and
- clearly legible

The serious incident log must record the following details:

- full name and rank of each recording officer
- time each recording officer commenced and finished the log
- time of handover to another recording officer
- recording officer's name and signature next to his or her last entry
- full name and rank of CSNSW OIC
- full name and rank of the NSWPF OIC
- time, full name, rank/position and agency of any person attending the incident
- time, full name, rank/position and agency of any person entering or exiting the crime scene perimeter
- instructions or information given in relation to the crime scene or incident
- all occurrences at the crime scene including:
  - any alterations to the crime scene from its initial state (e.g. inmate moved from cell to corridor for resuscitation)
  - the removal of forensic evidence and exhibits (e.g. forensic investigator removed exhibits)
  - the removal of injured or deceased persons (e.g. deceased inmate removed by government contractors)
- time and date the log was finalised.

## 2.5 Handover to police

Police will take over responsibility for the crime scene upon arrival. Only the police OIC can authorise entry.

The only people usually permitted to enter the crime scene perimeter, until the crime scene has been processed, will be forensic investigators from Forensic Services Group (FSG).

SafeWork NSW inspectors will be permitted access to [CSNSW Work Health and Safety \(WH&S\)](#) incident site.

For information relating to the release of a deceased inmate from a Correctional Centre or Medical Facility to the police and/or coroner refer to **COPP section 13.3 Death in custody**.

## 2.6 Release of crime scene

The police OIC will inform CSNSW when the area is no longer required to be secured as a crime scene.

In relation to a WHS incident site, a SafeWork NSW inspector will advise CSNSW when the site is no longer required to be secured as an incident site.

# 3 Forensic evidence and exhibits

## 3.1 Responsibility for collecting evidence

The police are responsible for collecting evidence at crime scenes. Correctional officers must not handle evidence unless it is necessary to protect the evidence from damage or destruction. However, police officers may ask correctional officers to assist in the search for evidence and the collection of evidence.

The Governor or OIC must ensure there are an adequate number of correctional officers to assist police with searching the correctional centre or inmates.

	Procedure	Responsibility
1.	Make sure there are an adequate number of correctional officers available to assist police with searching the correctional centre or inmates.	Governor or OIC
2.	Assist police to search the centre and/or inmates and to collect evidence if requested.	Correctional officer

## 3.2 Protecting evidence from weather

Where forensic evidence such as weapons, blood, clothing, etc. is exposed to the weather and damage is likely to occur, action must be taken to prevent the evidence being damaged or destroyed. This may be done in one of two ways:

- **Protect:** Protect evidence from rain damage or wind by covering with an inverted plastic property container or a clean plastic garbage bag.

- **Collect:** Where damage is imminent, remove any physical items and package in a paper exhibit bag. Ideally the evidence should be photographed in situ and its exact location noted unless doing so might lead to further exposure to damage.

### 3.3 Protecting evidence from cross-contamination

All items of forensic evidence must be protected from cross-contamination (the transfer of biological material or trace evidence from one item to another).

	Procedure	Responsibility
1.	Use a new clean pair of latex/nitrile gloves for handling each separate item of evidence.	Correctional officer
2.	Use a new pair of clean disposable tweezers or similar single use equipment on each separate item.	Correctional officer
3.	Handle evidence carefully to avoid loss of any hair or fibres.	Correctional officer
4.	Package each item in a separate evidence bag or sterile container.	Correctional officer

### 3.4 Evidence bags

Paper evidence bags should always be used to package evidence unless items are excessively wet and likely to penetrate a paper bag, in which case a plastic evidence bag may be used.

A paper evidence bag must be folded at a crease of about 50mm at the top and secured with evidence tape (if available) or other adhesive tape. A paper evidence bag must not be stapled. Once sealed, the details section must be completed with the officer's signature placed across the bag and tape.

	Procedure	Responsibility
1.	Use a paper evidence bag to package evidence unless the item is excessively wet.	Correctional officer
2.	Only use a plastic evidence bag to package excessively wet items.	Correctional officer
3.	Fold the paper evidence bag at a crease of 50mm at the top and seal with evidence tape.	Correctional officer
4.	Completed the details section and place signature across the bag and tape.	Correctional officer

### 3.5 Sterile containers for sharp items

Sharp items that are likely to protrude through evidence bags such as knives, syringes or razor blades should be placed into a sterile sharps container. Individual sterile sharps containers are usually provided with search kits.

	Procedure	Responsibility
1.	Place sharp items into a sterile sharps container.	Correctional officer

### 3.6 Exhibit book and chain of evidence

All physical evidence collected by correctional officers must be registered in a CSNSW exhibit register and secured in the exhibit safe (or any safe used for such purposes).

If an exhibit is handed over to the custody of another person, then that person must sign for the exhibit in the exhibit register to record the chain of evidence.

	Procedure	Responsibility
1.	Register the evidence bag in the exhibit register and secure exhibit in the exhibit safe.	Governor or OIC
2.	Ensure the exhibit book is signed by police or the person taking the exhibit.	Governor or OIC

### 3.7 CCTV, video camera and telephone recordings

CCTV, video camera and inmate telephone recordings might contain valuable information or evidence for investigators and must be preserved by transferring files to recordable media as soon as possible (refer to **COPP section 13.9 Video evidence**).

## 4 Forensic evidence on inmates

### 4.1 Holding inmates for forensic processing

Inmates suspected of involvement in a crime might have forensic evidence on their person, clothing, shoes or possessions even if only by transference (e.g. the person inadvertently walked through blood or touched an item).

Officers should be mindful that any place where an inmate might have disposed of evidence or cleaned him/herself will also constitute part of the crime scene and must be secured.

For forensic evidence on victims of assault or sexual assault refer to **COPP section 13.4 Assaults**.

Where the offence involves a serious assault, homicide or suspected suicide of a cellmate, inmates must be kept separated and secured for forensic processing by police. It is important, where possible, to ensure suspected co-assailants cannot communicate with each other or communicate with a victim. Where available, a video camera must be used to record any evidence on inmates and their transfer to holding cells/yards for forensic processing.

Any forensic evidence must be protected from damage, destruction or disposal.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Ensure inmates suspected of involvement in a crime are separated and secured in dry cells or are kept apart under close supervision.	Governor or OIC
2.	Ensure a video camera is used to record any evidence on inmates and their transfer to holding cells.	Governor or OIC
3.	Supervise and keep separate any inmates suspected of involvement in a crime.	Correctional officer
4.	Prevent inmates from washing their hands, body, clothing or items in their possession.	Correctional officer

#### **4.2 Collecting evidence at risk of damage, destruction or disposal**

Where forensic evidence is at risk of damage, destruction or disposal or at the request of police, correctional officers may secure the evidence by seizing clothing and any other possessions on an inmate's body.

Each item should be packaged separately in a paper evidence bag where possible.

Items already removed by medical or other personnel and packaged together in one bag must be left in their original packaging. The items must not be separated or repackaged.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Seize: <ul style="list-style-type: none"> <li>• clothing</li> <li>• shoes</li> <li>• wristwatch and</li> <li>• any other possession on an inmate's body</li> </ul> where the evidence is at risk, or at the request of a police officer.	Correctional officer
2.	Package each item separately in a paper evidenced bag but do not repackage items that have already been packaged by medical or other personnel.	Correctional officer

## 5 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

## 6 Definitions

CCTV	Closed Circuit Television
COPP	Custodial Operations Policy and Procedures
Correctional centre	Any place of detention including a correctional centre, correctional complex, police or court cell complex or residential facility where inmates are in Corrective Service NSW custody.
Crime scene	<p>Any place where a crime has been committed, or is suspected of having been committed, in connection with a serious injury or other serious incident (e.g. escape, major fire, assault).</p> <p>For the purpose of this policy, the following places are also to be treated as crime scenes:</p> <ul style="list-style-type: none"> <li>• “coronial investigation scene”, e.g. scene of a death in custody. See chapter 5 of the <i>Coroners Act 2009</i>.</li> <li>• “incident site” where a “notifiable incident” occurred, e.g. industrial accident or a “dangerous incident”. See part 3 of the <i>Work Health and Safety Act 2011 (NSW)</i>.</li> </ul>
CSIU	Corrective Services Investigation Unit, NSW Police Force
CSNSW	Corrective Services NSW
Emergency services personnel	<p>Any officers of the:</p> <ul style="list-style-type: none"> <li>• NSW Ambulance Service;</li> <li>• NSW Police Force;</li> <li>• Fire and Rescue NSW; or</li> <li>• NSW Rural Fire Service.</li> </ul>
Exhibit	Any physical item taken from a person or place for the purpose of an investigation.
First responding officer (FRO)	A correctional officer who discovers a serious incident. There may be more than one first responding officer at any given incident and a first responding officer’s duties may be shared.
FSG	Forensic Services Group, NSW Police Force
IRM	Incident Reporting Module
JH&FMHN	Justice Health and Forensic Mental Health Network
LOPs	Local Operating Procedures
NSWPF	NSW Police Force

OIC	Officer in charge: the on-duty ranking correctional officer who is in charge of the correctional centre in the absence of the Governor, e.g. Manager of Security or Night Senior.
OIMS	Offender Integrated Management System.
Physical evidence	Any physical item associated with a crime or incident scene. It can be a solid, liquid or gas and can be large or microscopic.
Trace evidence	Physical evidence which might be transferred during a serious incident such as hair, fibres, glass fragments, soil, body fluids, etc. Trace evidence is often small and may not be visible to the human eye.
WHS	Work Health and Safety

## 7 Document information

<b>Business centre:</b>	Custodial Operations	
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1.0		Initial publication ( <i>Replaces section 13.8 of the superseded Operations Procedures Manual</i> ).
1.1	12/03/20	General formatting update and improvements
1.2	22/08/23	Addition of information at subsection 2.5 <i>Handover to police</i> relating to release of a deceased inmate from a Correctional centre or Medical Facility to the Police and Coroner.  Update in line with CSNSW restructure: deletion of reference to Security and Intelligence (S&I).