



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Casey Gerber

Name of Individual Certifying this Document/Proposed Document

Director, Office of Juvenile Offender Review

Title


Casey Gerber

Signature

12/11/2019

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Juvenile Corrections</p> <p style="text-align: center;">Policy and Procedure</p>	EFFECTIVE DATE 12/12/2019	PAGE NUMBER 1 of 5
	MANUAL REFERENCE	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	DJC POLICY # 300.05.19	Original Date: 10/24/2018
	ORIGINATED BY Ron E. Hermes, Administrator	
X		Date Signed:
DISSEMINATION	PRIORITY	
<input type="checkbox"/> All Staff	<input type="checkbox"/> Confidential-Security Related	<input checked="" type="checkbox"/> Policy/Directive Discuss at Staff Meeting
<input checked="" type="checkbox"/> Facilities		<input type="checkbox"/> Information Read/Route/Post
<input type="checkbox"/> Field Offices		
<input type="checkbox"/> Health Services	<input type="checkbox"/> Supervisory Staff Only	
	REPLACES POLICY	DJC Policy 400.05.11, CLS/LHS P&P 6.31, SIMP 20
SUBJECT: Protection, Gathering and Preservation of Evidence		

Purpose

The purpose of this policy is to set forth the procedure in the protection, collection, and preservation of evidence.

Policy

The Division of Juvenile Corrections shall ensure all potential crime scenes are protected and secured to preserve evidence and avoid contamination.

References

- Wisconsin Administrative Code DOC § 373– Youth Conduct in Type 1 Secured Correctional Facilities
- Wisconsin Administrative Code DOC § 396 – Type 2 Secured Correctional Facilities
- Wisconsin Administrative Code DOC § 373.17– Seizure and Disposal of Contraband
- DJC Policy 100.01.05 – Death of a Youth
- DJC Policy 300.05.16 – Contraband
- DJC Policy 300.05.20 – Youth Property in DJC Facilities
- DJC Policy 500.80.12 – Pharmaceutical Recycling and Waste management
- 42 U.S.C.A. §15601. Prison Rape Elimination Act of 2003.
- 28 C.F.R § Part 115, et seq. National Standards to Prevent, Detect and Respond to Prison Rape
- Executive Directive 72 - Sexual Abuse and Sexual Harassment in Confinement (PREA)

Definitions, Acronyms, and Forms

Criminal Evidence – Any physical item, contraband item, paper document, audio/visual recording or specimen serving as proof, or probative matter, to establish that a crime has been committed and that could aid in solving a crime.

Contraband Evidence – Any items which youth may not possess; is not authorized by the facility, is not state property and is on the facility grounds (or in an assigned area of youth on work release/special

projects) but not in the possession of any person; comes into a youth's possession through unauthorized channels or which is not on or is used as evidence for a disciplinary hearing and deemed contraband by the hearing officer.

DOC-1266 – Contraband Property Tag

DOC-1445 – Evidence Chain of Custody

DOC-2477 – Evidence/Contraband Control Log – Conduct or Incident Reports

Evidence – Any statement or object which could be presented at a disciplinary hearing or in a court of law, whether or not it is admissible.

Evidence Storage – A receptacle or place such as a locker or locked storage room where evidence is deposited or stored for safe keeping.

DJC – Division of Juvenile Corrections

J-Tracker – Juvenile Management Information System

Procedure

I. General Guidelines

A. All staff shall maintain the integrity and credibility of evidence to be used in youth disciplinary proceedings and/or criminal cases.

1. Each facility shall maintain a working relationship with the local Law Enforcement Agency and/or District Attorney's Office to form a mutual understanding in regard to criminal cases.
2. This understanding shall detail the level of involvement the local agency will have in regards to evidence collection within the facility.
3. When a youth, staff, contractor, volunteer, or visitor is suspected of committing a crime or a policy/rule/regulation violation, staff shall follow specific steps to ensure the preservation of evidence for the state's case and the protection of legal rights of the accused.

B. Securing and protecting the scene

1. Identify suspects and witnesses and keep these individuals separated from one another.
2. Secure any entryways.
3. Cordon off the area if appropriate. Ensure objects are not moved or touched unless an item may constitute a risk or danger if not secured.
4. Document names of individuals in the area and direct them away from the scene.
5. Ensure all youth and unnecessary staff are kept out of the area.
6. Ensure notifications are made to the appropriate staff.
7. If the incident is criminal in nature and may result in outside charges, do not collect the evidence unless the agreement with the local law enforcement allows.
8. Complete DOC-1445 for proper chain of custody documentation for collecting criminal evidence.
9. If the evidence appears to be contraband and is not criminal in nature, a staff member shall collect and document the material/items in accordance with DJC Policy 300.05.07

10. Photograph and/or digitally record the area as outlined in Section II.
 11. Complete DOC-1266 after collecting the contraband evidence.
- C. Ensure all staff involved complete a J-Tracker incident report.
 - D. In the event of a death, law enforcement and coroner/medical examiner shall be notified immediately. Unless cleared by law enforcement, the body shall not be moved until digital recording/photographs have been taken and the coroner/medical examiner has arrived.
- II. Photographing/Digital recording of the area relating to the scene shall include:
- A. Any and all injuries related to the incident.
 1. Location of evidence before collected (as appropriate).
 2. Blood spills related to an assault.
 - B. Views of all angles of the scene.
 - C. Images taken from three vantage points:
 1. Long-range (overall).
 2. Mid-range.
 3. Close-up.
 - D. Staff signature, date, location, and time of the incident shall be placed on the back of each picture. Poor quality photos are to be included and should not be deleted from the storage media.
 - E. Media Storage
 1. Digital evidence shall be stored separately for each incident.
 2. Digital evidence shall include the following documentation:
 - a. Name of staff who collected digital evidence
 - b. Date and time of incident
 - c. Location of incident
- III. Collection, Preservation, and Logging of Evidence/Contraband
- A. Wear protective gloves when collecting evidence.
 - B. Minimize the number of individuals handling the evidence.
 - C. Evidence shall be handled in a manner as not to leave fingerprints or smudge fingerprints that are on the object.
 1. Use gloves, tongs, or other devices.
 2. In the event staff does place fingerprints on evidence, it shall be documented within the incident report in J-Tracker.
 - D. All evidence, including clothing and linens, contaminated with blood, body fluids, or other potentially infectious materials shall be placed in a clean paper bag.
 1. The paper bag shall then be placed in a red biohazard bag or other available evidence bag for transport.
 2. Once in the evidence storage area, the biohazard bag is opened and rolled down so that the paper bag is exposed to air and resting on top of the biohazard bag to prevent leakage. These types of contaminated items shall be allowed to air dry to preserve their evidentiary value.

3. After the evidence has been allowed to dry, it shall be re-secured in the biohazard bag.
- E. Use extreme caution in handling sharp objects.
1. Ensure sharp objects are secured in a puncture resistant container.
 2. The container shall be labeled as biohazard and placed in evidence storage. If the facility does not have an evidence storage area, local law enforcement will be called for these items to be retrieved.
- F. Other physical evidence
1. Use separate bag for each type of evidence collected.
 2. Multiple drug types shall be placed in separate bags.
 3. If a narcotic testing kit was utilized, photograph the results of the test.
 4. Any illicit drugs, medications, or weapons shall be picked up by a Shift Supervisor or designee and taken to the evidence storage area. Local law enforcement will be called to pick up these items if the facility does not have an evidence storage area.
- G. For all contraband evidence which involves an incident report in J-Tracker a DOC-1266 shall be completed and attached to the report. Secure the form directly to all items too large for a bag or container.
- H. A DOC-1445 shall be completed and attached to all criminal evidence.
1. When evidence is transferred from one person to another, a notation shall be made on the DOC-1445.
 2. Always minimize the number of staff handling the evidence.
- I. Logging and depositing evidence/contraband in secure facility storage area
1. Contraband evidence and criminal evidence shall be stored separately.
 2. All evidence shall be logged on a DOC-2477.
 3. All evidence shall be placed in a designated evidence storage area.
 4. Only approved staff may remove evidence from the storage area.
 5. For criminal evidence, the DOC-1445 shall also be completed by the person removing evidence from the storage area.
 6. Criminal evidence items are retained for a time period which shall be at the discretion of the local law enforcement.
 7. Contraband evidence items shall be retained and disposed of in accordance with DJC Policy 300.05.07. The release or disposal of all evidence shall be documented on the evidence log.

cc: Office of the Secretary
DJC Leadership Team

Division of Juvenile Corrections Facility/Region Implementation Procedure	
Facility/Region:	
DJC Policy Number: 300.05.19	
Subject: Protection, Gathering and Preservation of Evidence	
New Effective Date: 12/12/2019	Original Effective Date: 10/24/2018
Will Implement: <input type="checkbox"/> As Written <input type="checkbox"/> With following procedures for facility implementation	
Superintendent's/Regional Chief's Approval:	

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Youth

III. Other