

MISSOULA POLICE DEPARTMENT POLICY MANUAL



Subject:

SUSPECT OR PERSON OF INTEREST EVIDENCE COLLECTION

Effective Date:

4/25/2018

Original Date:

2/15/2017

Next Review:

4/25/2019

Chapter

6

Policy #

6.45

Distribution:

ALL DIVISIONS

References: *Law Enforcement Suspect Evaluation Guidelines, Sexual Assault Evidence Collection Kit Guidelines, Sexual Assault Suspect Evidence Collection Training (1/17/2017), Search Warrant Template (Missoula County Attorney's Office), Obtaining Search Warrants (MPD Policy #6.50) and Strip and Body Cavity Searches (MPD Policy #6.40).*

I. Purpose

The purpose of this policy is to provide officers, supervisors or the Crime Scene Technician with guidelines for obtaining evidence from the body of a suspect or person of interest. This policy applies, predominately to the investigation of a Sexual Assault, but it could apply to any crime.

II. Policy

It is the policy of this department that crimes are fully investigated. As part of those investigations, officers and/or a crime scene technician may determine an individual contains evidence of the crime either on, or inside, their body.

Evidence collection is a necessary component of investigations. The ability to obtain evidence from an individual, either incriminating or exclusionary, is vital when seeking justice. DNA evidence must also be collected in a timely manner.

III. Definitions

Sexual Assault Evidence Collection Kit: A box containing assorted instruments, envelopes and instructions for collecting evidence of a Sexual Assault. The kit may be used for the involved persons, such as the victim, suspect or person of interest.

SANE Nurse: Sexual Assault Nurse Examiner- A qualification for forensic nurses, who have received specialized training to conduct Sexual Assault evidentiary exams.

IV. Procedures

A. During the course of an investigation, an officer, detective or supervisor may determine the need to collect potential evidence from a suspect or person of interest.

- B. If the recovery of evidence involves a Sexual Assault, a SANE nurse should collect the required evidence. Generally, a SANE nurse should not be used to collect evidence related to other crimes.
 - 1. An officer, of the same sex as the suspect or person of interest, must be present while the SANE Nurse is collecting evidence.
- C. The officer shall speak with the subject and explain their request to retrieve potential evidentiary samples. If the subject agrees, the appropriate consent form shall be reviewed and signed.
 - 1. The interaction should be audio recorded.
 - 2. If the subject refuses consent, the officer shall follow the procedure of obtaining a search warrant.
- D. The subject must also consent to the SANE Nurse completing the exam, regardless if there is a search warrant. If the subject refuses the services of the SANE Nurse, then it is the responsibility of the officer to obtain the applicable evidentiary samples
- E. If a SANE nurse will be used, they must be contacted prior to transporting the individual to the hospital so the nurse can made the appropriate arrangements.
- F. If an officer is conducting the exam, a second same-sex officer shall be present. Only those trained shall conduct the exams.
- G. If possible, the exam should be completed on the victim first and at a separate location from the subject. After the examination of the victim the officer should brief the SANE Nurse, who will conduct the examination of the suspect or person of interest.
 - 1. Preferably, two different SANE Nurses would complete the exams.
 - 2. If there isn't a second SANE Nurse, then an officer shall conduct the exam on the suspect or person of interest.
- H. The subject exam will preferably occur at the Emergency Department of the hospital or other suitable location.
 - 1. If the exam is conducted in a room that is recorded, the subject shall be turned away from the camera so sensitive areas are not recorded.
 - 2. The use of a towel, sheet or other suitable item(s) to cover the sensitive area(s) during the exam is acceptable.
 - 3. The subject exam shall not occur at First Step.
- I. The officer shall follow the guidelines and procedures provided by the SANE Nurse and/or the instructions on the collection envelopes in the Sexual Assault Evidence Collection Kit.

- J. The officer shall take steps to avoid cross-contamination of the samples, such as changing gloves between each new piece of evidence, using a mask and wearing a disposable outer garment.
- K. Possible exams conducted by the officer include, but are not limited to:
- Head to Toe Assessment
 - Photographs
 - Oral Swabs
 - Head hair tape lift, combings and standards
 - Finger/Fingernail swabs
 - Penile/scrotal swabs
 - Pubic hair tape lift, combings, and standards
 - Debris collection
 - Clothing/Catch paper
 - Known DNA reference sample
- L. Officers shall not conduct genital swabs on female subjects.
- M. The Search Warrant Template provided by the Missoula County Attorney's Office includes all possible tests. However, every case is different and the application may be tailored to the specifics of the case.