

Policy name: The Management and Handling of Evidence Policy Framework

Reference: n/a

Issue Date: 18 January 2023

Implementation Date: 31st October 2022

Replaces the following documents (e.g., PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:

PSI 08/2016 Dealing with Evidence

Introduces amendments to the following documents: N/A

Action required by:

X	HMPPS HQ	X	Governors
X	Public Sector Prisons	X	Heads of Group
X	Contracted Prisons		The Probation Service
X	Under 18 Young Offender Institutions		Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

PSI 08/2016 Dealing with Evidence.

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010) and documented on the LSS.

Section 6 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 4 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

In this document the term Governor also applies to Directors of Contracted Prisons

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How will this Policy Framework be audited or monitored:

In Public Sector Prisons, Prison Group Directors (PGDs) will monitor compliance with requirements set out within the Policy Framework in their prisons.

In Contracted Prisons monitoring of compliance will be through the standard contract management processes.

Quality Assurance for Public Sector Prisons and Contracted Prisons is provided by HMPPS Operational and Systems Assurance Group (OSAG) through the Security Audit.

Resource Impact: This policy framework replaces PSI 08/2016 Dealing with Evidence. It updates procedures in line with new developments in technology and current police procedures. There are no new requirements that impact significantly on resource. The policy framework provides additional supporting guidance which will assist staff in seizing, safely packaging and processing evidence and making referrals to the police. There will be some initial local resource implications as establishments will need to update Local Security Strategies and align to new procedures.

Contact: security.procedures@justice.gov.uk

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Approved by OPS for publication: Sarah Coccia and Ian Barrow, Join Chairs, Operational Policy Sub-board, April 2022

Revisions

Jan 2023	Infographic added to the 'Guidance Annexes'
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1. Purpose

- 1.1 The Management and Handling Evidence Policy Framework is one of several Policy Frameworks that are overarching policies to the revised National Security Framework. The aim of this policy framework is to detail the minimum mandatory requirements which are needed to effectively manage, the collection, preservation, and application of evidence.
- 1.2 Ineffective management of exhibits may result in cases being discontinued at court. The continuity of evidence is paramount in securing successful convictions. There must be a clear identifiable audit trail from the moment the exhibits are seized to the moment they are presented as evidence. This is because the prosecution may have to prove that the exhibit before the court is the same exhibit that was referred to by the witness in their statement or the exhibit has not been illicitly tampered.
- 1.3 Adherence to the requirements within this policy framework will improve successful outcomes for adjudication hearings and criminal cases referred to the police. This leads to a reduction in potential financial or legal implications for the organisation.
- 1.4 Whilst it is important to ensure that all security procedures are conducted appropriately and take into consideration the safety of all in our establishments and of the public, we must always remember to do this alongside a rehabilitative culture ensuring all feel they are being treated fairly, allowing an environment where people feel safe, are treated decently, and have the headspace and opportunity to change. See **guidance** for further information.

2. Evidence

- 2.1 HMPPS aims to protect prisoners, those working in or visiting prisons, as well as the public, by taking steps to ensure that if criminality occurs in establishments, it is effectively identified in line with the Crime in Prison Referral Agreement 2019, Assault on Emergency Workers Act 2018, and PSI 05/2018 Prisoner Discipline Procedures.
- 2.2 Evidence includes information or objects given to the adjudicating Governor or the police to help decide if an offence has been committed or not. Evidence supports the truth or probability of truth about a fact. Within HMPPS evidence can be trace, physical, biological, digital or consist of written statements from witnesses. Effective management of evidence is key in supporting criminal prosecutions.

3. Outcomes

- 3.1 There are lawful and effective procedures in place for the management of evidence to ensure that:
 - Crime is detected and deterred;
 - Risk and threat are identified, assessed, and managed effectively;
 - The number of illicit and unauthorised articles present in establishments is reduced
 - Harm to self and others is reduced;
 - Resilience is built into our evidence handling and preservation procedures;
 - Staff are upskilled in the correct processes for seizing and managing evidence items to ensure the integrity of the item is maintained; and
 - Good order and discipline are maintained with effective deterrents for criminal behaviour.

4. Requirements

Preservation of Evidence

- 4.1 Evidence is an integral part of maintaining security. Staff will be responsible for items considered to be evidence as part of their work in prison establishments and Young Offenders' Institutions.
- 4.2 When evidence is not managed correctly it may result in it being inadmissible in an adjudication or court hearing and any prosecution or adjudication process may end.
- 4.3 During the early stages of an incident/inquiry it may not be apparent as to what constitutes evidence, and it may be some time later that the evidential value of an article becomes clear. As such, it is important that any article/document associated with the incident/inquiry is treated with caution from the outset.
- 4.4 Following a dynamic risk assessment if evidence is deemed appropriate to handle, then suitable personal protection must be worn (such as disposable nitrile gloves) to avoid cross contamination. Staff can also use tongs/grabber in conjunction with disposable nitrile gloves to avoid cross contamination. Staff are also to activate their Body Worn Video Camera (BWVC) when possible.
- 4.5 Each individual item found must be packaged in separate evidence bags and passed to the Security Department. Multiple individual items such as tablets can be placed in the same evidence bag if they physically appear to be the same. The chain of continuity of the handling of any exhibit/evidence must be maintained. It may be necessary later to evidence this process in court so accurate audit trails must be kept. Continuity of evidence process is outlined in paragraph 4.71. See **guidance** section for further information on the preservation and continuity of evidence.
- 4.6 Areas must have evidence grab bags in place so that evidence can be preserved and seized quickly protecting the integrity of the evidence. Evidence bags are to be kept secured and the contents managed with items being replaced when used. Evidence grab bags are to include, the below list is not exhaustive;
- Plastic evidence bags
 - Paper evidence bags
 - Plastic sterile tubes
 - Scene suits including overshoes, masks, hair nets and disposable nitrile gloves
 - Crime scene tape
 - Biohazard tape.

Establishments can order the above items and other products via their finance department.

Drugs/ Psychoactive Substances

- 4.7 Suspected drugs/psychoactive substances must not be removed from any packaging in which they may have been found before placing in an evidence bag, in situations where a criminal investigation has been initiated. This will preserve any forensic evidence that is on the outer packaging, especially important when packages are thrown over the perimeter walls into the establishment.
- 4.8 Liquids must be placed in sterile and leak proof containers. Mandatory Drug Testing (MDT) sample kits and Sterilin plastic containers are suitable for liquids.

4.9 Staff are to refer to the [Use of Narcotics Trace Detection Equipment on Correspondence Policy Framework](#) for further policy information and guidance on suspected drug-soaked mail.

4.10 How to seize drugs/psychoactive substances as evidence can be found at Annex A.

Clothing

4.11 Evidence in the form of clothing must be secured in dedicated paper evidence bags. Plastic bags should not be used due to items sweating and contaminating the evidence. The wearer of the clothes must place each individual item into a separate bag. This avoids the possibility of evidence contamination by reducing the risk of hairs/fibres being added to the clothing by a third party. Clothing that is damp must be placed in breathable paper evidence bags which protects the deterioration of evidence on the clothing.

4.12 If the person is unable to place their clothing into dedicated paper evidence bags, and staff assist, staff must ensure that they wear a scene suit, overshoes, hair net and disposable nitrile gloves to prevent cross contamination. A mask should be worn by staff for the purpose of protecting evidence from staff DNA cross contamination and not to protect staff. Staff are to record if they touched an item of clothing on the evidence bag and in their witness statement.

4.13 Staples or any other form of closure which may pierce the bag must never be used. Staff must follow the guidance in paragraph 4.56 when securing the evidence bag.

4.14 How to seize clothing items as evidence can be found at Annex B.

Weapons

4.15 Weapons, improvised weapons and sharp items must be placed in the correctly sized plastic tubes and then placed in plastic evidence bags. Staff are to refer to paragraph 4.20 when dealing with firearms.

4.16 How to seize weapons as evidence can be found at Annex C.

Mobile Phones and SIM Cards

4.17 If a device is found to be on, staff must switch the device off before placing in an evidence bag unless it is an encrypted mobile phone. Staff are not to remove the SIM card from a mobile phone device. Staff can refer to the **guidance** section for further information on mobile phone handling and interrogation.

4.18 How to seize Mobile phones and SIM cards as evidence can be found at Annex D.

Explosive Devices, Firearms and Ammunition.

4.19 In the case of a suspected explosive device, staff must not touch or move the device. Without using radios, they must alert staff and prisoners working within the vicinity to evacuate the area. The police must be contacted immediately and establishments to commence contingency plans. For information and guidance on dealing with improvised explosive devices please refer to [PSI 2012-20 - Improvised Explosive Devices](#).

4.20 Upon discovering a firearm, staff must restrict access to the area and the police must be contacted immediately, so an authorised firearms officer can attend the establishment who

will take responsibility disabling it and preserving the evidence. Firearms must only be touched in exceptional circumstances, for example, where there is an immediate risk to life.

- 4.21 All items must only be handled if necessary and then with considerable care so as not to destroy or contaminate any secondary evidence present e.g., fingerprints, DNA, Gun Shot Residue (GSR) etc.
- 4.22 Managing explosive devices, firearms and ammunition as evidence can be found at Annex E & Annex F.

Chemical and Corrosive Substances

- 4.23 If the item is believed to be corrosive or harmful in any way then staff must preserve the evidence by leaving in situ and restricting access to the area. Advice is to be sought from the Police Intelligence Officer (PIO) or the local police force, Crime Scene Investigator (CSI). Establishments are to request their attendance to help preserve the evidence and remove/dispose of the exhibit safely.
- 4.24 How to seize chemical substances can be found at Annex G.

Drones

- 4.25 Drones are often used to transport illicit items into our establishments which supports an illicit economy. Drones themselves must, wherever possible, be seized as evidence as they can provide valuable forensic evidence in pursuing those responsible. How to seize drones can be found at Annex H. Packages carried by the drone must be placed in an evidence bag and not unwrapped to protect any forensic evidence and the police are to be contacted. Annex 3 provides a quick reference guide on how to deal with drone incidents and Annex 4 provides a drone awareness poster for staff.

Bodily Fluids

- 4.26 Where bodily fluids are found at a scene, staff must secure the scene and when it's safe to do so, preserve the evidence. Staff are to ensure nobody cleans up bodily fluids before the evidence is gathered. Where a serious incident has taken place, advice from the PIO or the local police force, CSI is to be sought for guidance on how to best gather the evidence once the scene is preserved. Staff are to wear the correct PPE as per the local Blood Born Virus (BBV) risk assessment when gathering evidence.
- 4.27 Once the evidence has been gathered, the area must be appropriately cleaned to remove remaining bodily fluids in line with local risk assessment and Safe Systems of Work before the area is used again. Staff, contractors or prisoners allocated to carry out the cleaning should be properly trained and adequately supervised. Please refer to [PSI 2015-06 - National policy, organisation and summary arrangements for the management of health and safety](#) and guidance note 01/2008 Cleaning cells following Dirty protest and cleaning up spillages or Blood or Bodily Fluids.

Corruption Evidence

- 4.28 Evidence in relation to corruption must be stored separately from general evidence and recorded on a separate evidence log by the Local Counter Corruption Manager (LCCM) before handing over to the Police. This is to be supported with the submission of a Corruption Prevention Intelligence Report (CPIR). Staff can refer to the [Counter Corruption - policy framework](#) for further information and guidance.

Other Evidence Items

- 4.29 Other Evidence items can include digital evidence such as CCTV footage, BWVC footage, laptops, game consoles, photographs, correspondence, USBs, Cryptocurrency and Illicit Brewed Alcohol (IBA). This list is not exhaustive.
- 4.30 Authorised and unauthorised IT devices must not be tampered with in any way to avoid data loss and to protect the integrity of the content on the device. Minimal handling is required before placing the device in a evidence bag.
- How to correctly seize authorised and unauthorised IT devices such as games consoles, laptops, mifis and hard wallets associated with crypto currency can be found at Annex I.
 - How to correctly seize USBs and hard drives can be found at Annex J.
 - How to correctly seize IBA can be found at Annex K.

Cryptocurrency

- 4.31 Cryptocurrency, also referred to as crypto, is any currency that exists digitally and uses cryptography to secure transactions. It can be used to contribute to the illicit economy within custody and the community whilst evading detection.
- 4.32 During a search, staff may find, or suspect they have found, hardware wallets which allow access to the users crypto account to make transactions. These items must not be tampered with or no attempt to access the wallet. It must be placed immediately into an evidence bag.
- 4.33 Staff may also find written private keys, paper wallets, or recovery seeds. These items allow access to the users crypto account to make transactions.
- 4.34 When seizing written private keys, paper wallets, or recovery seeds, staff are advised not to activate their BWVC.²
- 4.35 If staff believe they have found these items, or evidence in relation to private keys, these must be placed into a sealed envelope before placing into an evidence bag. The key or seed must not be visible.
- 4.36 The recovered items must not be displayed, recorded on BWVC or duplicated in their entirety, nor disclosed to members of staff. If BWVC is already activated whilst seizing these items, the advice is to minimise the use of camera to avoid capturing crypto account information.
- 4.37 Where a criminal investigation is commenced, all evidence captured by the BWVC must be disclosed to the police.
- 4.38 If any of the above listed items are seized as evidence, report to police at the earliest opportunity who will determine if a criminal investigation should commence.

² The National Police Chiefs' Council guidance to police officers, during seizure of evidence, is that they should not video, photograph, scan or copy information that captures private keys, paper wallets, or recovery seeds. This is to protect their staff from allegations of corruption and to minimise the risk of the cryptocurrency account being compromised as any cryptocurrency account can be accessed if the private keys or recovery seeds are visible to others.

- 4.39 If there is no requirement for police involvement and/or at the direction of the police, contact DMIU for next steps at: dmiuforensics@justice.gov.uk.
- 4.40 Staff can refer to the Cyber Threat Bulletin located at [Security - HMPPS Intranet \(gsi.gov.uk\)](#) for further information on cryptocurrency. Staff can also refer to Annex 13 for further information on cryptocurrency.

CCTV and Body Worn Video Camera (BWVC)

- 4.41 CCTV and BWVC footage must be obtained as soon as possible and stored locally in line with local retention procedures and the [Use of Overt Closed-Circuit Television System \(CCTV\) Policy Framework](#) and BWVC Policy Framework. It must be downloaded and managed in line with the Data Protection Act (DPA) and the General Data Protection Regulation (GDPR) 2018.
- 4.42 The retention of CCTV footage beyond three months needs to be authorised in accordance with Prison Rule 35D. Disclosure of any footage needs to be authorised under Prison Rule 35C.
- 4.43 Where CCTV and BWVC evidence is given to the police following authorisation of disclosure in accordance with the [Use of Overt Closed-Circuit Television System \(CCTV\) Policy Framework](#) and BWVC Policy Framework, a local copy should be held by the establishment following the processes for authorisation in the CCTV Policy Framework and BWVC Policy Framework. Failure to do so can have a negative impact on litigation claims and vital evidence can be lost. The digital evidence must be placed in a hard or paper CD case within an evidence bag and the information boxes completed by the staff member who downloading the footage. The evidence is to be stored securely and recorded on the evidence log.
- 4.44 CCTV as evidence must be shared digitally, where possible, otherwise a secure courier service is to be used in line with processes in the [Use of Overt Closed-Circuit Television System \(CCTV\) Policy Framework](#).

Assaults

- 4.45 Where assaults have taken place on staff or prisoners/young people, photographs must be taken of the injuries caused to assist with internal investigations, criminal proceedings, and Prisons & Probation Ombudsman (PPO) investigations. Photographs must include the persons face to support identification and measuring tools used to help show the scale of wounds and bruises etc. Photographs will be managed in line with the main prisoner Data Protection Notice which can be accessed here <https://intranet.noms.gsi.gov.uk/support/information-policy-and-assurance/gdpr>.
- 4.46 The refusal of photographs to be taken of injuries must be recorded on the police referral form and on the prisoner's P-Nomis account if the victim is a prisoner/young person.
- 4.47 Where staff and third parties such as contractors, and visitors have been assaulted, their clothing may constitute as evidence. This is relevant where injury has occurred and to detect cross fibre transmission and DNA from suspects. This can only be secured as evidence with their permission, and consideration must be given to photographing clothing instead of securing it as evidence. Staff are to refer to Annex B to ensure the correct process is followed when seizing items of clothing. Staff are to liaise with their local Police Liaison Officer or police force on when their clothing can be returned.

Witnesses and Impact Statements

- 4.48 Staff may also be required to provide MG11 witness statements to assist the police with their investigations. A witness statement is a formal document containing an individual's own account of the events witnessed. It must be comprehensive and true to the best of an individual's knowledge and belief and must make clear any matters that they are unsure about. An individual may be cross-examined on the contents of the statement, so it is important they would be prepared to stand by everything said under oath in court, where they may be liable to prosecution if wilfully stated anything which they knew to be false or did not believe to be true. See **guidance** section for further information on completing witness statements.
- 4.49 Prison Community Impact and Victim Impact statements can be submitted alongside witness statements to be presented at court, which can increase the chance of a successful outcome in a criminal case. See **guidance** section for further information.

Observation Books

- 4.50 Observation books can be used as a source of evidence and must be stored locally in line with local retention policies.

Scene Preservations

- 4.51 Where a serious incident has taken place such as a serious assault e.g., a stabbing, attempted murder or death, the scene is to be secured and not entered until the police are contacted and/or a CSI officer have arrived. They will instruct and inform the establishment on the correct processes to follow so evidence is preserved.
- 4.52 For guidance on reporting serious incidents, please refer to [Incident Management Policy Framework](#) and [Crime in Prison Referral Agreement](#).
- 4.53 On arrival at the scene of an incident, staff should assess the scene and ensure measures are in place to protect themselves, the people at the scene and the actual scene of the incident.
- 4.54 A scene log must be used to keep an accurate record of who was responsible as the scene officer and also who entered the scene. The responsibility of the scene is to be handed over to the police once they arrived and take overall control of the incident. It is imperative the log is kept accurate as the integrity and continuity of evidence may be questioned in court. A template of a scene log can be found at Annex 8.
- 4.55 At any incident, preservation of life and staff safety must take precedent, however the securing and handling of evidence is important. Prior to the seizure of any evidence during an incident, you should preserve the scene by:
- Securing the cell/area;
 - Using banner tape if available;
 - Tasking a member of staff to remain at the scene and start a scene log for its preservation until it is handed over to the police;
 - If there were witnesses present, staff should ensure that they provide a detailed statement of these to the police as soon as practicably possible;
 - Considering the use of BWVC and the availability of CCTV in accordance with the CCTV Policy Framework and BWVC Policy Framework. Staff must adhere to the requirements in paragraph 4.68 when dealing with a death in custody;
 - Visually inspecting the scene to avoid damaging/contaminating evidence; and

- Ensuring only permitted personnel are authorised to enter the scene; permitted personnel must use PPE as outlined in paragraph 4.61.

Annex 9 is a flowchart, establishments can print off to place in staff areas to remind staff of the process when preserving the scene of a crime.

Evidence Bags

4.56 When preserving evidence staff must ensure that each plastic and dedicated paper evidence bag is:

- Completed in full by the member of staff seizing the item;
- Continuity of evidence is maintained by staff recording their name on the bag every time the evidence exchanges between any person;
- Evidence bags must be clearly labelled Biohazard if the contents have been internally concealed or have come into contact with blood or other bodily fluids;
- Ensure the foil strip is removed on the plastic bag and pressed down on the sides so its secure; and
- Paper evidence bags containing soiled clothing must be sealed completely by turning up both ends by 1-2inches and sealing with tape. Biohazard tape to be used if clothing is soiled.

Splitting Evidence

4.57 Evidence bags, which have already been sealed and exhibited, may have to be opened and the contents investigated and tested. For example, where a seized package may contain drugs, weapons and mobile phones, the drugs may be required to be sent off for drug analysis, weapons may be sent to the laboratory for fingerprinting and the mobile phone may be sent off to DMIU for analysis. Packages are only to be opened following advice from the police and confirmation a criminal investigation will not take place. See **guidance** for further information on splitting evidence.

4.58 Staff must follow the below process when splitting evidence which can also be captured using a BWVC:

1. Staff are to wear disposable nitrile gloves and a mask;
2. The original evidence bag is to be photographed before opened;
3. Staff are to open evidence bags in a well ventilated and utilise the use of tweezers/tongs or grabbers where possible;
4. The evidence bag containing the exhibits is to be opened and each item to be photographed before being placed in their own individual evidence bag;
5. They should be labelled under the identification reference No: section and exhibited as 'Split from AB/1, exhibit AB/1/1', AB/1/2, AB/1/3;
6. The evidence bags are to be sealed and the remaining information boxes completed; and
7. Evidence bags are to be recorded in the evidence log for continuity.

Completion Details of the Evidence Bag

4.59 Staff must follow the below process when completing the details on any evidence bag. Annex L is an example of a completed Evidence Bag. Every evidence bag contains an information box which must be completed in full before placing the item inside. These include:

1. Authority – under whose authority the item has been seized; this will be your HMP establishment.
2. Identification Reference No – you record your initials and 01 for the first find. An example is 'AB/01' then the next item found and evidenced at the same time would be 'AB/02' etc.
3. R-V – this section relates to the Crown versus the individual on whom the items have been found. The prison number and full prisoner name or young person's name are needed. E.g., v Jason Smith A1234AB.
4. Description – explain what you are placing in the evidence bag (or what you think it is). e.g., one Zanco phone If you are unsure what to record ask for advice from your establishments Security Department:
 - a. Medication- Some medication is marked. You could be questioned as to your knowledge and qualification to identify medication. Identification can be sought from your establishments Pharmacy. If Pharmacy are still unable to identify, record as 'unidentified medication'.
 - b. Drugs/Psychoactive Substances (PS)- Unless tests have been carried out on a substance believed to be a Drug/PS record as 'unidentified substance'.
5. Time/Date Seized/Produced - time and Date in that order using the 24-hour clock. e.g., 19:47 08.08.2022.
6. Where Seized/Produced – record the exact location e.g., medication cabinet in cell. In the case of a multi occupancy cell, enter the prison number and full name of each prisoner within the cell.
7. Seized/Produced by: name of the person who seized the evidence.
8. Continuity – completion of this information is vital as this procedure provides the chain of evidence. There must be no break in the chain. The evidence bag must be signed for by the recipient on all occasions. If an evidence bag is transported from 'A' to 'B' then the continuity box should reflect this. There are numerous continuity boxes to provide a clear chain of movement of the evidence bag.
9. Where possible staff should minimise the amount of time the evidence is passed amongst them.

Contamination of Evidence

- 4.60 The preservation of life is to take priority over the preservation of evidence and the scene.
- 4.61 When a serious crime has taken place and staff are required to enter the scene, they must wear a scene suit, overshoes, hair net and disposable nitrile gloves. A mask should be worn by staff for the purpose of protecting evidence from staff DNA cross contamination and not as staff PPE.
- 4.62 In the event of a serious crime, such as murder or attempted murder, the police must be contacted immediately. The crime scene is to be secured and handed over to the local police force or CSI officer who will subsequently deal with the evidence. Evidence must not be touched or moved and the area where the prisoner was discovered must be sealed pending their arrival.
- 4.63 Staff must either restrict access to the scene, place a cordon around it or lock the door until an outcome is decided. Best practice is to use a cell seal and written confirmation (often by email) given by the police prior to others being given access to the cell.
- 4.64 Staff must place the cell seal key in an evidence bag and record it on the evidence log. An accurate record is to be kept on the evidence log to account for the continuity of the cell seal.

- 4.65 Staff are to be given designated roles until the police arrive by an appropriate manager at the scene to avoid contamination of evidence. This may include a scene log officer, exhibits officer and a crime scene preservation officer.
- 4.66 Where there has been a death in custody, the PPO will also need to be offered access to the cell as part of their investigation prior to any other access and the family being offered access and / or the cell being put back in action.
- 4.67 Those sharing a cell where a prisoner has died, must be placed in a sterile cell away from the scene of the death. Prison staff are to seize clothing from the prisoner sharing the cell as evidence. This is to be done in line with the process stipulated in Annex B. Staff are to permanently relocate the prisoner away from the crime scene and provide support to the prisoner.
- 4.68 Staff must not photograph or interfere with the scene in any way where there has been a death in custody, so evidence is not contaminated. Staff are to secure the scene until the arrival of police. BWVC is not to be used as a tool to investigate the scene and obtain statements from potential suspects as outlined in the BWVC Policy Framework. BWVC footage may prove useful in a police investigation when gathering evidence of staff responding and arriving at the scene. When police have conducted their investigation and they have released the scene, photographs must be taken to allow internal investigations to take place as well as PPO investigations.

Cross Contamination

- 4.69 Individual suspects and victims must be dealt with by different members of the staff in different areas to avoid cross contamination. Staff must not return to the scene after dealing with a suspect or victim.
- 4.70 Prison management, police and any forensic analysis staff must be informed if cross contamination is unavoidable and has taken place.

Continuity of Evidence

- 4.71 The continuity of evidence or chain of evidence is to be maintained from the moment the item is seized until it is produced in court. It provides an audit trail of where the evidence has been at all times. Establishments need to prove how the evidence was seized or produced and also record **ALL** movement of the evidence bag from one staff member to another by completing the continuity box
- 4.72 The following process must be followed to ensure continuity:
- Lock the sealed evidence bags away in a designated metal cupboard or safe and record on the evidence log. The safe should be in a well-ventilated area to reduce secondary exposure to psychoactive substances.
 - Evidence should be audited monthly against the log and recorded as correct by a Custodial Manager or Governor.
 - Maintain an area log to identify all staff with access to the evidence rooms. This is particularly important when responsibility for the evidence room changes hands (Governor change) or where the evidence room has been accessed frequently by several different staff.
 - A numbered property style seal may be useful to assist with ensuring continuity

- Include regular management checks to be carried out by Custodial Managers or Governors to ensure systems and process are effective and evidence logs, and area logs are being used and maintained accurately.
- The establishments security team will be responsible for keeping and maintaining a hard copy, physical evidence log. If a digital version is created, it must match the physical log which is to be checked monthly to ensure they are accurate. Physical logs should be hard bind so that pages cannot be removed. See **guidance** for further information.
- If evidence is removed from the evidence room, the date and time, name (printed) and signature of the person who removes it must be recorded in the evidence log and on the continuity information box.
- The staff member collecting and signing out the evidence remains responsible for it until it is handed over to the investigating body.
- The officer in possession of the evidence must record the name of the person who receives it (who must also sign for it), in addition to the date and time it is handed over.
- If at any point there is a requirement for the evidence bag to be opened and the contents checked, the item should be placed into a new evidence bag alongside the original evidence bag and sealed. A record must be made in the evidence log to reflect the change in the seal number.

Ongoing retention and disposal of evidence

- 4.73 A record must be made in the evidence log of the disposal and/or destruction of any evidence. This must include the disposal location and a signature once completed. See **guidance** for further information on the disposal of evidence.
- 4.74 After adjudication(s), a decision must be made to retain or destroy the evidence. The decision can be made by the Governor, or a person delegated by the Governor. Careful consideration should be given to disposing of evidence that belongs to prisoners to include clothing and equipment. Please refer to [Prisoners' Property Policy Framework](#) for further information on correctly disposing prisoner property.
- 4.75 Where improvised weapons are no longer required as evidence or referred to the police, establishments should give consideration as to how improvised weapons are safely disposed of to ensure they longer present a risk of harm to others.
- 4.76 Establishments are to implement a system where drugs and psychoactive substances are disposed of safely by the police once deemed that, they are no longer required as evidence or referred to the police, in line with the Crime in Prisons Referral Agreement 2019.
- 4.77 Staff are to refer to the [Use of Narcotics Trace Detection Equipment on Correspondence Policy Framework](#) for guidance on retention and destruction of mail that is suspected of being soaked with drugs and/or psychoactive Substances.
- 4.78 Mobile Phones and SIM cards are to be disposed of by DMIU.
- 4.79 Security departments must take photographs of evidence seized before disposing of the item, which may assist in litigation challenges.
- 4.80 Governors need to consider evidence in relation to adjournments of adjudications and the requirements of fairness. Any deterioration in the quality of the evidence because of the passage of time, including physical/tangible evidence, and the memory of key witnesses may lead to the evidence being inadmissible.

Criminal Proceedings / Police Reporting

- 4.81 [Prisoner discipline procedures \(adjudications\)](#) and [Crime in Prison Referral Agreement](#) sets out the process and timing of police referrals. In addition, establishments must have local processes for police reporting which may include the completion of an approved police referral form. This will detail the incident that is being reported including anyone involved, witnesses and any evidence items. Establishments must use the Police Referral Form at Annex M.
- 4.82 In addition to this, an effective police referral will incorporate the following:
- Information on offenders involved and the charge they have been placed on report;
 - Outline reasons why other offenders involved have not been referred;
 - CCTV/BWVC footage is saved, exhibited, and stored in accordance with the processes and authorisation processes outlined in the CCTV Policy Framework and BWC Policy Framework;
 - Prisoner has not given permission for photographs of injuries to be taken;
 - Exhibits are correctly packaged, exhibited and stored in accordance with this policy framework;
 - Prisoner solicitor details are included to make it easier to arrange interviews & police productions;
 - Identification of all staff who have been involved, including contact details. Consent is to be given by the member of staff before including personal details;
 - Information is factual;
 - Acronyms and abbreviations are avoided;
 - Information on the offender which may assist the police when deciding to charge e.g., adjudication history/propensity to commit such offences/ OCG or gang status etc; and
 - MG11 witness statement.

Police Requests for Searching

- 4.83 A prison or YOI is not a sanctuary to evade the course of justice. If in connection with any criminal proceedings or investigation a request is received from the police or the prosecution, the police may be permitted to search property which is in a prisoner's possession or which is being held in reception. The most common circumstances for the request will be where there are reasonable grounds to believe either:
- That an article in the prisoner's possession or in the prisoner's stored property is stolen property; or
 - That an offence has been committed and that there is material in the prisoner's possession or in the prisoner's stored property which is likely to be of substantial value (whether by itself or together with other material) to the investigation or prosecution of the offence.
- 4.84 Establishments are to check what power the police are requesting to search and to seize items under before allowing a search to be conducted.
- 4.85 If the police have powers to conduct a search, they may also have powers to seize an article found in a prisoner's possession or in their stored property. The most common circumstances in which a request will be made to seize an article will be where there are reasonable grounds to believe either:

- That it is stolen property; or
- That it has been obtained in consequence of the commission of an offence; or that it is evidence in relation to an offence; and that it is necessary to seize the article to prevent it being concealed, lost, damaged, altered or destroyed.

4.86 Any request for search and seizure of a letter or other document must be referred to the Governor for approval.

4.87 The police will often put in a request for prison officers to search a cell and retrieve items on their behalf. Staff are to refer to [PSI 09/2016 - Cell, Area and Vehicle Searching](#) for further guidance on searching cells. If the police wish to search the cell themselves, then a prison officer must accompany the police on the search. The prison officer must record, in accordance with this Prison Service Instruction, any item seized and record any item that has been broken as part of the search or any other illicit item found. Any illicit item found that is not of interest to the police must be removed by the prison officer and reported in accordance with PSI 05/2018 Prisoner Discipline Procedures (Adjudications).

4.88 References to the police include officers of other enforcement agencies and references to a document include a photograph, film, or tape.

Finds and Evidence

4.89 Items found must be recorded on the Incident Reporting System (IRS) and an Intelligence Report (IR).

4.90 For evidence items that are considered a criminal act, see also:

- Crime in Prisons Referral Agreement;
- Security Briefing Note Tact & Tact Connected Individuals (HMPPS only); and
- Security Learning Bulletin TACT Offenders (HMPPS only).

Incident Reporting System (IRS)

4.91 Any finds should be recorded on the IRS under the relevant heading or under the miscellaneous heading. All reports should include details of the illicit item/substance (if known). See [Incident Management Policy Framework](#) for further information.

Intelligence Reports (IR)

4.92 An IR should be completed by the observing or seizing member of staff and must contain the following information:

- Location item found - Where were you when this happened? Where was the item secreted on the person or their belongings? Where do you think the person was intending on taking the item?
- The level of search undertaken, and any additional search based on intelligence or observations i.e., squat search
- Grounds for suspicion - Why did you do what you did? How was the person behaving prior and afterwards? How were you alerted?
- Full description of the Item conveyed (if applicable) - How was it concealed? What packaging did it have? Any distinguishing features?
- Evidence bag number (if applicable)
- Person description (if applicable)
- IRS Number (if applicable)

- Actions taken
- Any other information that is considered relevant

4.93 It is essential that this information is accurately recorded. HMPPS uses this information to build a wider intelligence picture, which enables key themes and trends to be easily identified.

4.94 Staff are to refer to the [Intelligence Collection, Analysis and Dissemination policy framework](#) for further guidance on completing an IR.

5. **Constraints**

Interdependencies

5.1 There are dependencies between this policy framework and the following policy documents:

- [Incident Management Policy Framework](#)
- PSI 05/2018 Prisoner Discipline Procedures (adjudications)
- [Use of Narcotics Trace Detection Equipment on Correspondence Policy Framework](#)
- [Use of Overt Closed-Circuit Television System \(CCTV\) Policy Framework](#)
- Body Worn Video Camera Policy Framework
- [Prisoners' Property Policy Framework](#)
- [Crime in Prison Referral Agreement](#)
- Conveyance Policy Framework (not published yet)
- [Intelligence Collection, Analysis and Dissemination policy framework](#)
- [PSI 20/2012 - Improvised Explosive Devices](#)
- [PSI 09/2016 - Cell, Area and Vehicle Searching](#)
- Prison Rules 1999

6 **Guidance**

This section includes information to guide prisons in implementing the mandatory requirements as set out in Section 4 of this Policy Framework. The guidance includes good practice, operating guidance and templates which prison staff should follow to ensure the correct process is adhered to and the mandatory requirements are achieved. Supporting documents referenced within this policy guidance are published separately and will be subject to ongoing review.

Preservation of Evidence

6.1 The preservation of evidence ensures the integrity of an item from where it was first found. The integrity of the evidence will be under scrutiny in a criminal proceeding and during internal disciplinary procedures. Its good practice for staff to activate their BWVC when seizing and placing the item in a evidence bag. This gives assurance the correct process was followed and makes it less likely for the evidence to be challenged in criminal proceedings.

6.2 It is good practice for staff to always carry disposable nitrile gloves on their person especially when an item needs to be quickly seized and preserved if it is deemed to pose a significant risk to themselves and others.

- 6.3 The integrity of the evidence bag itself will also be scrutinised by the court to ensure the contents of the evidence bag haven't been tampered and the item is in the correct evidence bag. The failure to do so can lead to evidence being contaminated and therefore later admissible in court.
- 6.4 Annex 1 is a flow chart establishment can print this and place in staff areas to remind them of the process to follow when preserving evidence and ensuring the continuity of evidence.
- 6.5 Staff can access an introduction to evidence handling video as well as, the handling of Mobile phones, USBs and Drones as evidence at [Security Capability Learning Hub \(RaCU\) - Channels | Microsoft Stream](#) under the evidence handling channel.

Mobile Phones and Digital Media Investigation Unit (DMIU)

- 6.6 DMIU receives, processes and interrogates technology devices to support local investigation. There may be instances where the urgent interrogation of a device is required (e.g. during a serious incident, or prison based crime). In such circumstances establishments should contact the Central Laboratory directly. For any advice relating to the extraction of seized devices, contact Digital Media Investigation Unit: dmiuforensics@justice.gov.uk
- 6.7 Contaminated mobile phones will be accepted but will not interrogated by DMIU. Staff are to contact DMIU for further advice before sending the phone.
- 6.8 By leaving encrypted mobile phones on before placing in an evidence bag, increases the opportunity of DMIU gaining access to information stored on the phone. Its good practice to utilise a faraday bag which will protect the integrity of the information on the phone and prevent it from being removed remotely.
- 6.9 Annex 2 provides further guidance on what conditions mobile phones and sim cards should be sent to DMIU.

Splitting of Evidence

- 6.10 Establishments should discuss with their local police force the preferred process for evidence such as throwovers. Some forces prefer that the package remains intact however knowledge of the items being conveyed can assist establishments with their intelligence so it's important to reach a decision on your local process. Use of BWVC and/or pictures documenting each stage of the process is best practice. This preserves the evidence process should it be required at a later date.
- 6.11 Best practice would be to split evidence in the security department ensuring the area is well ventilated and staff are wearing the appropriate PPE to reduce the risk of harm to others and themselves. Annex 10 can be printed and placed in security departments for staff to follow the process when splitting evidence.

Continuity of Evidence

- 6.12 It is good practice to store evidence within one location of the establishment, preferably within the security department so an accurate log can be maintained of what evidence was stored and when. The movement of evidence is to be recorded on the evidence log, if evidence is required for an adjudication hearing or to assist with a police investigation, a record of the person handling the evidence is also to be completed on the evidence bag. Establishments can use the evidence log on Annex 11 as a template to assist in preserving the continuity of evidence.

6.13 By maintaining the chain of evidence you create the best chance of it having the desired impact at court and achieving a successful outcome. When the continuity of evidence is not handled correctly;

- You may have to explain this in court
- Your evidence can be excluded
- You may lose the case
- The defence may discredit your evidence
- The police may not investigate the offence
- There may be financial damages to the organisation
- There may be reputational damage to the organisation

Witness and Impact Statements

6.14 Staff may be requested to complete a witness statement by the investigating police force and submit the statement via email rather than face to face. Staff can refer to Annex 5 which provides hints and tips on completing a witness statement to ensure it captures the relevant information the police require.

6.15 Community Prison Impact statements provide wider context on the crime as a whole and the impact on the safety of the prison, which is taken into account when deciding an appropriate sentence. Annex 6 provides guidance for Governors on Prison Community Impact statement and Annex 7 is an example of an impact statement which led to a positive prosecution resulting in a consecutive sentence for a prisoner.

6.16 It is good practice supported by police forces and the CPS to submit a Victim Personal Statement (VPS). VPS gives victims a voice in the criminal justice process by helping others to understand how a crime has affected the victim. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding upon an appropriate sentence. Further information can be found at [Victim Personal Statement - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Evidence Disposal

6.17 It is good practice for establishments to regularly review stored evidence and dispose of any evidence in the correct manner once it is deemed it is no longer required. This is particularly useful for establishments that have limited space to store evidence. Establishments can print off Annex 12 to place in the area evidence is held to assist with evidence disposal process.

Procedural Justice

6.18 The more modern, broader way of thinking about security encourages us to see security as not only tackling drugs, violence and criminality, but also creating an environment where stronger communities grow, and people can make the most of their talents. Traditional definitions of security are narrow, prison security is about the prevention and detection of threats such as escapes, mobile phones, drugs and other unauthorised or illicit items, and the management of the links with violence and ongoing criminality. This is a central aspect of prison security, but it is not all that security is or can be. People feel secure, not only when they are free from physical threat and violence, but also when they can exercise their rights, they expect to be treated fairly. In order to demonstrate the trustworthy motives principle of procedural justice, there should be clear communication as to why certain items are prohibited, and actions taken to enlist cooperation.

The following links are provided as further information on Rehabilitative Culture for establishments:

- [Rehabilitative Culture Handbook:](#)
- [Rehabilitative culture in prisons - GOV.UK](#)
- [Procedural Justice review Guide - July 2021](#)
- [Resource Library for Rehabilitative Culture - HMPPS only](#)

Support

6.19 There are several policies, processes and key areas that can help support staff, prisoners and visitors. Some of these are listed below and should be considered as part of any follow up action after an illicit item has been found.

	SUPPORT MEASURE
STAFF	<p>Staff Care Team TRIM Staff Pastoral Support IMB Line Management Support Peer Support Occupation Health / Employee Assistance Programme Prison & Probation Policy Frameworks - GOV.UK (www.gov.uk) Staff Support Networks (PiPP, Dawn & RISE) WELCOME TO THE STAFF NETWORKS - HMPPS Intranet (gsi.gov.uk) Counter Corruption Prevent Lead / Counter Corruption Policy Framework Prison & Probation Policy Frameworks - GOV.UK (www.gov.uk) PSI 06/2010 Conduct and Discipline Prison service instructions (PSIs) - GOV.UK (www.gov.uk) PSI 02/2018 Post Incident Care Prison service instructions (PSIs) - GOV.UK (www.gov.uk) Helping you at work - HMPPS Intranet (gsi.gov.uk)</p>
PRISONERS	<p>Keyworkers Family support Substance Misuse Services Pastoral Support Individual Case Management PSO 1700 Segregation PSO 1700 - HMPPS Intranet (gsi.gov.uk) ACCT (Assessment, Care in Custody & Teamwork) / PSI 64/2011 Prisoners at risk of harm to self, to others and from others. Prison service instructions (PSIs) - GOV.UK (www.gov.uk) CSIP (Challenge, Support & Intervention Plan) Challenge, Support, and Intervention Plan - HMPPS Intranet (gsi.gov.uk) PSI 07/2015 Early Days in Custody Prison service instructions (PSIs) - GOV.UK (www.gov.uk) Serious and Organised Crime Policy Framework Prison & Probation Policy Frameworks - GOV.UK (www.gov.uk)</p>

	<p>Debt Materials and Learning for prisoners Safety - HMPPS Intranet (gsi.gov.uk)</p> <p>Listener Scheme & Samaritans Safety - HMPPS Intranet (gsi.gov.uk)</p>
VISITORS	<p>PACT (Prison Advice and Care Trust) operates in most prison establishments and includes a befriender system, family helpline and a host of links to other supportive organisations for families. Prison Advice and Care Trust</p> <p>Victim support is an independent charity dedicated to supporting victims of crime and traumatic incidents in England and Wales Home - Victim Support</p> <p>Support for families and friends of prisoners Support for families and friends of prisoners - GOV.UK (www.gov.uk)</p> <p>Prisoners Families Helpline Prisoners' Families Helpline (prisonersfamilies.org)</p>

Training

- 6.20 Establishments should give the opportunity for its staff to attend the necessary training on evidence handling to increase confidence and capability in this area. Evidence handling plays a pivotal role in supporting successful outcomes in adjudications and criminal cases which helps manage prisoners and young peoples behaviour, and the reduction of crime in our prisons.
- 6.21 Learning and Development provide an Evidence Handling workshop for trainers course, once completed staff can return to their establishment and pass this learning on through local training sessions.
- 6.22 Staff can also complete a interactive e-learning module on evidence handling at myLearning platform.
- 6.23 Evidence handling is also covered on the following courses, X-ray Bodyscanners, X-ray Baggage Scanners, Operational Support Grade (OSG) and Dedicated Search Team (DST).

7 POLICY FRAMEWORK ANNEXES

Below is a table of annexes to support the requirements of the policy framework

ANNEX	EVIDENCE PROCEDURE
A	Drugs/Psychoactive Substances
B	Clothing
C	Weapons
D	Mobile Phones
E	Explosives
F	Firearms & Ammunition

G	Chemical & Corrosive Substances
H	Drones
I	Authorised & Unauthorised IT
J	USBs & Hard Drives
K	Illicit Brewed Alcohol
L	Evidence Bag Completion
M	Police referral Form

8 Guidance Supporting Documents

ANNEX	
1	Preservation and Continuity of Evidence Flowchart
2	Mobile Phones & Digital Media Investigation Unit
3	Drone incursion aide memoir
4	Drone awareness poster
5	Witness Statement 5WH Tool
6	Prison Community Impact Statement Guidance
7	Community Impact Statement Example
8	Crime Scene Log
9	Crime Scene Preservation Flowchart
10	Splitting Evidence Process
11	Evidence Log
12	Evidence Disposal Process
	Introduction to Evidence Handling Video: Watch 'Introduction to Evidence Handling' Microsoft Stream
	Preserving a Mobile Phone Video: Watch 'Evidence handling - Mobile phone' Microsoft Stream
	Preserving a Drone Video: Watch 'Evidence handling - Drones' Microsoft Stream
	Preserving a USB Video: Watch 'Evidence handling - USB' Microsoft Stream

