Evidence Handling

Evidence Handling in General

Any search and rescue worker can be the first to find a lost subject or clue; and established procedures should be followed to minimize problems. Whether a SAR member or worker finds a small clue or an injured victim, how the individual or team handles the situation may have a great effect on the outcome of the search and any potential investigation.

Proper processing of discovered evidence is essential for effective tracking within a SAR incident. As clues are discovered by a tracker, they must be interpreted and acted upon. This often takes more than the ability to track. It combines tracking ability with an understanding of how to handle what is discovered. If the tracker expects to catch up with the subject, clues must be handled in such a way that facilitates all search efforts, yet also preserves the evidence for subsequent investigations.

Although scene and evidence protection are not necessarily a primary responsibility of SAR personnel, a thorough knowledge of essential guidelines will serve to build better relations with all authorities, to preserve evidence, and get the most from the clues.

Briefing

The best way to handle clue or evidence is to have planned for discovery and processing. The place to do this is at the briefing.

At most organized SAR incidents, before starting their assignment, SAR workers going to the field will be briefed by a member of the incident management team. That is, the information will be conveyed to the field workers concerning such things as situation status, subject information, terrain in the search area, hazards to expect, and much more. Much information will be conveyed at a proper briefing, but specific instructions regarding how to handle and act on clues can be the most important briefing information to the tracker.

Since evidence can take so many forms, instructions on how to handle it should cover all the possibilities, leaving very little to chance. Handling of clues and evidence can be the single most important part of the investigation of an incident, and therefore, may weigh heavily on the outcome. Trackers are often confronted with situations not common to many other field personal. Therefore, trackers need to ask all the standard questions at a briefing with certain tracking-specific additions. If not told, trackers should request answers to the following questions regarding the handling of evidence.

- Exactly how should the evidence be recorded? Sketched? Photographed?

Narrative description in writing? All the above?

- Exactly how, if at all, should a print be protected? Cordoned off? Covered? Plaster cast? Guarded? Should someone else be called in to handle this?
- Should I act upon my interpretation of specific piece of evidence, or should I report my findings and wait for further instructions? To what extent can I act on what is found?
- What should I do, as a tracker, if I am confronted with two trails? Should I act as I see fit, or should I report and wait for instructions? Is splitting up the tracking team a viable alternative?

Very often, experienced racking teams will tell the person briefing them how they will handle such situations. This may be the best coarse of action, especially if those charged with managing the incident are not familiar with tracking and trackers.

The Evidence Itself

Generally, evidence can be categorized as either "physical" or "incorporeal." "Physical" evidence is something that can be touched and retrieved. Tangible objects such as shoes or gum wrappers are examples. "Incorporeal" evidence, on the other hand, is non-physical information or knowledge - Intangible items that cannot be touched or held. Examples might include the subjects age, a whistle blowing, a flashing light, or a report from a witness. The effectiveness of this type of evidence ultimately depends on well it is recorded. In fact, it is usually converted to physical evidence by field personnel. Drawings of print, photographs of an event, and written records of went on were once all intangibles turned into hard, presentable evidence by the tracker.

Physical evidence is far more desirable in the long run, because it is easier to preserve for later presentation. Intangible evidence can be important, but it's just not the persuasive because its credibility rests solely on how well it is recorded. After all, which would you find more credible: a fisherman with a tale of the big one that got away or a fisherman with a photograph of it? Physical evidence is always preferred.

Ideally, the recording and documentation of a clue and its surroundings should be of such quality that the entire scene can be re-enacted or reproduced later. The scene should be recorded so well that what went on before, during, and after the discovery of a particular piece of evidence can be accurately recounted. This can be difficult when evidence is intangible and difficult to preserve. In such cases, the recording of an event (i.e., photographs, notes, sketches, etc.) becomes the physical evidence. The better the record, the better the evidence. The following actions taken by the tracker can help turn intangible clue into physical evidence:

- Take Notes - Record the placement of clues, position of people or bodies, and pertinent facts surrounding the scene. Leave nothing to the imagination, but do not expound. Stick to the facts and be able to corroborate them, if possible. Basically, describe in prose everything that you know regarding the scene and the situation.

- Sketch the Scene - Draw diagrams and pictures of pertinent objects involved at the scene and their position relative to each other. Not everyone is an artist, but a simple line drawings can be invaluable.
- Photograph - Take photographs, if possible. This is an excellent way to document a scene, but relies heavily on light and equipment availability. Be certain to include something in the photograph that will indicate scale, time, and date, if possible. Attempt to get at least three sides (3 photographs) of any one object.
- Retrieve and Preserve - Collect clues, if within the scope of the briefing. Evidence and clues should be the focus of all sketches, photographs, and documentation, but retrieving the and preserving the evidence itself is the ultimate objective. Be mindful of the fact that notes, sketches, and photographs may themselves become evidence.

In tracking, evidence usually takes the form of a print or sign that, of coarse, cannot be directly retrieved. In addition, this type of evidence is usually time sensitive. That is, because it tends to disappear with time, the sooner this type of evidence is discovered and recorded, the more valuable it is to the investigation. Tracks, like ice cream with children, tend to disappear quickly. this means that photographs, sketches, and other documentation will usually need to be generated immediately upon discovery of such evidence. To maximize its usefulness, the tracker will need to record a print right away.

Evidence should not be allowed out of your possession or protection until it can be conveyed to an equally responsible person. When evidence is considered for use in a legal case, opportunities for alteration of the evidence, by nature or man-made causes, can reduce credibility. That is, the greater the chances that a piece of evidence could have been changed or altered, the less its significance, particularly in court. This responsibility is referred to as maintaining the "chain of evidence," and may weigh heavily on a clues' acceptability in court. To comply with the chain of evidence rules, the evidence must always be in custody of an identifiable person who can testify that he or she received it in a given condition from someone else or from the scene; that the item was kept safely from any possible tampering or contamination; and that the item was delivered in the same condition to another named person. This "chain" is probably more important to law enforcement personnel than to trackers, but the need for an understanding and appreciation of its purpose should be obvious to anyone involved with what could become issues before a court.

In emergency medical treatment, an injury is treated for its worst possible condition, just to be safe. Likewise, any SAR scene where evidence is found and collected should be considered the scene of a crime until proven otherwise. This approach allows us to consider everything evidence until we know to the contrary, thereby protecting every possibility.

Specific Situations

Four primary categories of situations may be encountered by a SAR worker. These categories have been listed in order of general severity, but not necessarily importance.

- Crash Scene - Usually a vehicle, occasionally an aircraft, often injury and death, always involves important evidence.
- Dead Body (bodies) - May involve any number of situations that can cause harm to an individual or group. Often involves injured subjects, and always involves important clues.
- Injury - Same scenarios where deaths may be encountered. May also involve evidence.
- Evidence - Clues are discovered and must be processed.

At anyone of these situations, a SAR worker may be confronted with evidence that may be critical to the efficient resolution of a SAR situation. Usually, for a tracker, this includes sign, or evidence of a subject passing through, and thus falls into the fourth category outlined above. However, ay type of evidence may be discovered, and must all be handled properly.

Crash Scene Considerations

Crash scenes may include injury or death, but almost always involve evidence. Often the only way to find out exactly what happened is to piece together the clues. How these clues are handled and processed initially may mean the difference between knowing what occurred and guessing.

A crash scene, there are many things that responders, including trackers, can do to help victims of the incident as well as to assist the subsequent investigation. By the same token, there are actions that could hamper an investigation, further complicate the victims situation, and even result in personal injury to the emergency worker. Trackers must understand their place at this type of situation.

The most common crashes in the world involve automobiles and trucks. When this type of incident occurs, local law enforcement, fire service, and emergency medical services (EMS) are often involved. One of theses agencies usually has responsibility for the scene. Since trackers may be members of any of these agencies, they should have basic knowledge of their role in a crash scenario. In a vehicle accident, trackers can be used effectively by EMS, police, and fire fighters. Imagine a situation where an injured person walks away from a serious accident, or where someone is knocked down by a hit and run driver. Tracking can be of value in these situations and can only enhance the effectiveness of any emergency responder.

In situations involving remote sites, SAR personnel may be asked to assist investigators in just getting to the site. In these cases, pointing out observations and subtle clues not readily apparent to the investigator could be helpful. At sites that would be inaccessible to all but trained SAR personal, team members could be asked to conduct the entire on-scene investigation.

If wreckage must be disturbed to remove bodies, the county coroner or medical examiner will need to cooperate with he responsible agency. Should the investigator be unavailable, then some other agencies, authorized to do so by the coroner, can instruct the removal of the bodies. Any activity concerning dead bodies must adhere to strict guideline set down by the authority with jurisdiction over the situation.

Guidelines for Handling Crash Scenes:

- Proceed with caution! Safety of SAR personal is paramount. If the smell of fuel is strong, approach from uphill and upwind.

  a. With the presence of any fuel in the area, extreme caution should be used during any activities.
  Absolutely NO SMOKING or use of fire or spark producing devices.

  b. It is imperative to assure the safety of all personnel.
  Do whatever is necessary to see that everyone is prudently safe, and this may include leaving the scene altogether.
- Prevent further injury to the victim or victims by stabilizing the scene. This usually involves minimizing hazards and should not be neglected.
- Determine whether any subjects are alive or dead. If alive, begin emergency care to the best of your ability and training. If dead, secure the scene and notify a higher authority.
- Establish a perimeter security for the site, but remember SAR personnel, including trackers, usually have no legal authority to perform law enforcement functions and may not be able to prevent people from accessing the scene.
- Handle any evidence such as baggage, personal effects, cargo, mails, tracks, etc., as determined in the briefing. If no such determinations have been made, protect and leave any evidence unless it is in danger of obliteration or alteration by weather or environmental hazards.
- Document, photograph, and/or sketch all pertinent evidence, especially if investigators will rely heavily on your observations (i.e., if they cannot access the scene, or if the evidence will be effected by weather or time)

Handling the Deceased at a SAR Scene

The discovery and investigation of serious injuries and accidental death can be one of the least enjoyable, but most important, aspects of SAR and law enforcement. As with most investigative cases, someone is stuck with the task of collecting clues, finding cause, and explaining a set of circumstances. The detailed study of the event and evidence of a situation is the legal responsibility of trained public officials such as coroners, medical examiners, or law enforcement officers, depending on nature and location of the mishap.

Frequently, however, evidence is produced or discovered by trackers who are obligated to help the responsible authorities as best the can.

While times and circumstances or facts that lead up to a death may seem rather obvious, SAR workers should understand that there are certain requirements and obligations, both to the state and to family or friends. The inquiry process varies from jurisdiction to jurisdiction and from state to state, but basic guidelines that apply to SAR team members have been established.

The first responsibility of someone arriving on the scene is to determine if the subject is dead, alive, or critically injured. If this means moving or touching the individual, then go ahead and do whatever is necessary. Proper emergency care supersedes investigation at this point, and medical treatment is never interrupted; evidence considerations take secondary priority. When a victim is pronounced dead by whatever rules are generally accepted, and medical treatment is deemed unnecessary, then should every effort be directed to preserve the surroundings. The same care is extended to preserve the exact position of the deceased and any associated evidence.

Observe the scene and look for clues, evidence, or indications of what might have happened. If anything in the way of tracks, imprints, scuffmarks or possessions are in danger of being lost, preserve the information or scene description by documenting it. Whichever approach to evidence handling is followed, it should coincide with the guidelines set forth in the briefing.

If close scrutiny of the area or evidence is required, the first to approach should be an experienced sign cutter who designates a "safe pathway" for future travel through the area. This may be done by marking the boundaries of the "safe pathway" with tape or simply dragging a tracking stick on the ground. All future entrants into the area, then, must be schooled as to how they should approach. Any sign or evidence discovered by individual cutting sign should be immediately noted and marked (circled).

The area immediately surrounding the body or bodies should be secured with rope, string, or tape after the suspect(s) is (are) determined to be dead. This physical barrier insures not only that officials do not walk in and out of the area, but should also keep curious onlookers out. Again, pay particular attention to any item with in the cordoned area. In documenting whatever was observed, make sure plenty of emphasis is placed on disturbances or movement made within the scene by SAR workers, intentional or otherwise. Failure to do this could result in the suspect of acting beyond ones authority, or even of destroying evidence. If at all possible, remain at the scene until official help arrives, even if alone. This could involve sending a passerby or another team member for help, if a radio is unavailable. Remember the "Chain of Evidence." Finding a clue and then abandoning it, for any length of time, could mean the difference between acceptance or refusal of certain evidence in court.

You, or someone on your team, may be required to make a written statement. This must be as accurate and detail as possible and involve only the facts. not conjecture. Ask for advise of a knowledgeable person when considering what to

include in an official statement. The counsel of an attorney may be prudent. Unless specific instructions have been given to do so, do not search a deceased person for identification. Tat is an official function, and must be carried out by responsible authorities. Depending on the state and local jurisdiction, a body may only be moved or pronounced dead by a coroner, deputy coroner, or medical examiner. Essentially, one of these people is in total command of the site. Often, however, SAR personal are called upon to assist in investigation under specific direction of on of these officials.
Always try to have a witness to any activity you are involved with around the scene of death. Everyone becomes a suspect when the ultimate tragedy becomes reality and a human dies. Nothing is sacred and everything is possible. Most importantly: be mindful of our own interests, have a reason for all that you do, and document everything well.

Handling Injuries at a SAR Scene

Considerations for handling injuries are similar to those handling deaths. Protecting evidence is important, but falls second to proper emergency care. Treatment of injuries and alleviation of pain is a major goal in each emergency response, and should not be precluded by collection of evidence. However, when the treatment is complete, the entire investigation will still hinge on any clues, observations, and recollections of those involved. Therefore, be mindful of such considerations while treating the victim in any situation, and try to protect evidence while doing your best for the patient.

Summary - Evidence Handling

To summarize, handle any clues as if they were they were the only piece of evidence, consider each and every discovery to be absolutely important until proven otherwise, and follow these simple guidelines:

- Plan for the handling of evidence, including tracking-specific considerations, in the briefing.
  Do Not Wait till something is found.
- Generate an accurate record of the evidence and its environment by taking notes, making sketches, photographing, or retrieving the evidence.
- Understand and maintain the "Chain of Evidence"
- Treat injuries or assist the injured first, but be mindful of any evidence, including sign.