WOODLANDS CRIME SCENE
EVIDENCE PRESERVATION AND HANDLING

INTRODUCTION:
The late Melvin Belli, noted criminal trial lawyer and author of many books on the prosecution and defense of criminal cases, once said, “When you have the right investigator, any lawyer will do.” He was absolutely correct about the success or failure of a case involving the right or (in the worst-case scenario) the wrong investigator. What you do right or wrong at the scene is the genesis of success or failure in ultimately proving and prosecuting your case.

In woodlands crime scenes, the forester or logger is usually the first person to discover the crime. This is quite often after the site is opened for the day’s work. It can be the immediate discovery of the charred remains of logging equipment or as subtle as the discovery of a stump in place of that nice large-diameter cherry that you had been meaning to call your veneer buyer to look at. In any case, implementing the following recommendations will, it is hoped, put you into Mr. Belli’s definition of “Mr. Right.”

SURVEYING THE SCENE:
Upon your arrival and discovery of the scene, you should attempt to follow these simple guidelines:

• **Back out of the immediate area and survey the scene.** Try to observe tire tracks, footprints, damaged equipment, gas cans, matchbooks, chain saws, etc. Once you have made these observations, try not to track over them until you have documented them. Develop a systematic approach to observing the scene. Starting clockwise and working from outside in is a good way; or form a mental grid, then transfer those thoughts to paper, and make note of essentially what exists in each area. Always photograph everything as it is before beginning to process individual pieces of evidence. It is important to remain flexible in your thinking about what constitutes the scene. The “scene” may also include points of entry and exit, as well as areas that are well away from the initial crime scene.

• **Protect the scene.** Ask all personnel to stand elsewhere and attempt to rope or tape off the area. If you don’t have rope or tape, simply note the area and advise all who arrive to stay out. It is critical that you can later prove that the scene was not tampered with or contaminated in any way, in order to make the admission of evidence into court easier.

• **Create a log of who is at the scene and what time they arrived.** It is also important to note who was the first person on the scene, and what time that person arrived, as well as what he or she observed.

• **Begin processing the scene by planning your route into the scene so that you do not disturb any evidence.** Also, try to take a different route into the scene than the perpetrator(s) did.

• **Develop a search system** that will enable you to search small portions of the scene completely, before moving onto the next portion.

• **Each piece of evidence should be photographed in place** before removal. Use some known object in the photograph as a rough scale (when I am without a measuring device, I use my pocket knife). Take at least two photographs of each object: one with the scale, then one without.

• **Place a flag or some marker at each piece of evidence,** so that you can measure its placement on your scene diagram after you collect the evidence.

COLLECTING EVIDENCE:
The collection of evidence is an art form in itself, and becoming an expert requires hundreds of hours of training, but you should be able to collect a certain amount of your own evidence successfully by following a few simple rules:

• **Use clean containers.** Paper manila envelopes and pasteboard boxes are ideal for anything that is not a liquid and is small enough to fit into one of them. You can also mark on the outside the date and time it was collected, by whom, what it is, and when the evidence was transferred from your custody and to whom. This on-scene documentation of evidence is critical in proving the
chain of custody of the evidence—an element that even an “anvil-head” defense attorney can make something of, if the evidence is not documented correctly. When the evidence is a “cookie” cut from a stump or log, simply record this information on the back side of the cookie with a permanent ink marker. When the evidence is a liquid, a clean glass or plastic container is ideal. Always, always, always, wear rubber or protective gloves during the collection process.

- Leave the collection of evidence to a trained professional if you have any doubt that the collection process may destroy or contaminate the evidence, or that exposure to the evidence may constitute a health hazard. Good examples are the processing of chemicals and residue from suspected methamphetamine labs, or the collection of fingerprints.

- Document everything you see, do, and think. Writing will memorialize an event that you will need to recall months and possibly years from now. Cases are never disposed of immediately, and your ability to recall the events will often determine how the jury perceives the credibility of the evidence that is presented to them.

**CONCLUSION:**
The quality of witnesses is always better than the quantity. If you follow these basic steps you will ensure that quality will not suffer.
And in case I forgot to mention it, always remember the three-part golden rule of crime scene handling: DOCUMENT, DOCUMENT, AND DOCUMENT.

John P. Casey
John P. Casey Investigative Consultants
P. O. Box 6325
Charleston, West Virginia 25362
304/346-6410

Reviewed by:
Rick Meyer
Appalachian/Southeastern
Technical Division Forester