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RULES AND INSTRUCTIONS.

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PC16001

EXHIBITS.

(1) Insert the following new subparagraph immediately after the first subparagraph of paragraph 2 of Police Instruction No. 24:—

No action should be taken for the disposal of, or the compliance with a Court Order respecting exhibits until the Officer in charge of the case has made inquiries and established that all possible Court action has been finalised and that no appeal has been or can be lodged.

(2) Delete the words "after the expiration of the time allowed for appeal", appearing in the second and third lines of the existing second subparagraph of paragraph 2 of Police Instruction No. 24 and insert in lieu the words "after action has been taken in accordance with the directions contained in the proceeding subparagraph".

Amendment Slip No. 76A. Insert between pages 252 and 253 of the Police Rules and Instructions (10/3/60).

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1. A printed Exhibit Book has been supplied to certain Stations, and where such book is available full particulars of property used by Police as exhibits should be recorded therein. At those stations where the printed Exhibit Book is not in use, the existing practice of entering particulars of exhibits in the Prisoners' and Miscellaneous Property Book should continue.

Record of exhibits held at Police Stations. (3/3/49.)

2. Each page of the Exhibit Book contains space for four exhibit entries, and each spacing is numbered in order to facilitate control of the entries in a manner similar to that prevailing with regard to Receipt Books and License Books. The entries in regard to each exhibit should show at a glance the whole of the movements of the exhibit from the time of receipt until its ultimate disposal.

Entries in Exhibit Book.

Where no order is made by the Court for the disposal of exhibits, the Officer-in-Charge of the case may, after the expiration of the time allowed for appeal, and if he is satisfied as to the ownership of the exhibit, hand it to the owner and obtain his receipt for filing. Where there are rival claimants for any exhibit, or an exhibit is the subject of a hire-purchase agreement, or in any other circumstances where there is doubt that the claimant is the legal owner of the exhibit, the matter should be submitted through the usual channels for directions. In such cases where the direction given is to hand over the exhibit to a claimant, instructions will be given as to whether or not an indemnity in the form contained in the Reference Book should be obtained. (Such indemnity requires a duty stamp for 1s. 6d. to be affixed by the person signing the indemnity.)

Responsibility for custody of exhibits at Police Stations.

2A. (a) At Police Stations where permanent Station Sergeants or Constables performing Station Sergeant's duties are employed, the safe custody of exhibits received at the Station will be the responsibility of such Station Sergeant or Constable performing Station Sergeant's duties.

(b) At all other Stations, the responsibility will devolve upon the Officer-in-Charge of the Station.

2B. (a) At Police Stations where permanent Station Sergeants or Constables performing Station Sergeant's duties are employed, the keys of the safe and/or Exhibit Room are to be kept in the personal custody of such Station Sergeant or Constable performing Station Sergeant's duties and at the change-over of relief the keys will be handed to the oncoming Station Sergeant or Constable performing Station Sergeant's duties. Under no circumstances should the keys be handed over by the Station Sergeant or Constable performing Station Sergeant's duty to the member of the Service relieving him during meal periods.

Keys of safe and/or Exhibit Room.

(b) At two-shift Stations in the Metropolitan District, the keys of the safe and/or Exhibit Room should be conveyed to the Divisional Head Station at the conclusion of the second relief and held there until returned to the Sub-station with the mail on the following morning. A record of the

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movements of the keys will be maintained in a small note book accompanying them, showing—

- (i) time, date and to whom handed;
- (ii) time, date and by whom received at Head Station;
- (iii) time, date and to whom handed by Head Station; and
- (iv) time, date and by whom received at Sub-station.

(c) At all other Stations the Officer-in-Charge of the Station will be responsible for ensuring the safe custody of the keys.

Receipt of exhibits at Police Stations.

2c. (a) When an exhibit is received at a Police Station, the member of the Service performing duty in the Station at the time will check such exhibit and immediately record a full and complete description of each item in the book kept for that purpose. The entry in such book should, where possible, show the owner or owners of the article or articles comprising the exhibit and the signature of the Senior Arresting Officer will be endorsed on the next line immediately under the description of the exhibit.

(b) The member responsible for the custody of exhibits will place all exhibits, after receipt, in a locked place of safety.

Valuable exhibits.

2d. Bulky exhibits or exhibits to the value of less than £100 will normally be retained at the Police Station of receipt, but where the value exceeds £100 the following procedure will be adopted:—

Metropolitan District, other than Nos. 18, 22 and 23 Divisions and Brooklyn.

(a) (i) If of greater value than £100 but less than £500, exhibits will be transferred to the Divisional Head Station where they will be checked, recorded in the Exhibit Book maintained there, and a Miscellaneous Property Receipt issued to the Station concerned.

(ii) Where the value of the exhibit exceeds £500 it should be transferred to the Exhibit Room at the Criminal Investigation Branch to be dealt with there in similar manner to exhibits transferred to Divisional Head Stations.

Country stations, Nos. 18, 22 and 23 Divisions and Brooklyn.

(b) All exhibits, irrespective of value, will be retained normally at the Station of receipt, but where the Officer-in-charge has any doubt as to the desirability of such a course in any particular instance, he should immediately seek advice from his Divisional or Sub-district Officer.

(c) Notwithstanding the monetary value of any exhibit, whether received at a metropolitan or a country Station, the Officer-in-Charge of the Station should consult his superior Officer in any case where the nature of the exhibit is such that the advisability of retaining it at the Station is in any way doubtful.

Issue of exhibits for production at Courts, etc.

2E. When an exhibit is required for production at Court or for any other purpose, the article must be checked with the recorded particulars in the Exhibit Book by the member of the

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Service responsible for exhibits and by the member of the Service receiving it, the latter to sign for the exhibit in the space provided in the book. A similar check will be made on each occasion that an exhibit is returned to a Police Station, the signature of the Officer receiving it at the Station to be endorsed in the Exhibit Book in the space provided.

3. A summary, signed by the Officer-in-Charge of the Station, showing all uncleared items (in the case of the printed Exhibit Book the receipt numbers only need be given) should be inserted in the book used for the recording of exhibits, at the 30th June and 31st December of each year. Reference to any exhibit later disposed of should be made opposite the particulars of such exhibit in the summary.

Summary of uncleared entries.

4. Officers-in-Charge of Stations will see that the Exhibit Book or other book used for the recording of Exhibits is included in the List of Authorised Books kept at Police Stations.

List of authorised Books.

5. Particulars of the printed Exhibit Book are required to be entered in the "Record of all Receipt Books containing receipt forms for money, &c.," and also included in the monthly returns of movements of Receipt Books and License Books submitted by Superintendents for the information of the Auditor-General.

Recording Particulars of Exhibit Books issued.

6. (a) At Stations where permanent Station Sergeants or Constables performing Station Sergeants' duties are employed the Senior Station Sergeant will be responsible for the checking, at the end of each month, of the entries in the book used for the recording of exhibits.

Inspection of exhibits.

(b) At all other Stations, the Senior Non-Commissioned Officer or Constable-in-Charge of the Station will be responsible for conducting a similar monthly check.

(c) Any outstanding matters brought to light during the monthly check of exhibits will be reported to the Divisional or Sub-District Officer, who will himself inspect the book at the end of each quarter.

(d) The monthly inspection of exhibits by Senior Station Sergeants and periodical inspections by Officers and Non-Commissioned Officers will include a physical check of the outstanding exhibits against the entries appearing in the book used for the recording of exhibits.

7. Exhibit Books for use at Stations to which their issue has been approved may be obtained by Superintendents from the Government Printer by requisition upon the prescribed form of "Requisition for stock receipt books, &c."

Method of requisitioning for Exhibit books.

ANALYSIS OR MICROSCOPICAL EXAMINATIONS.

8. When an analysis or microscopical examination is required of any matter which may be the subject of evidence in a criminal prosecution, Coroner's inquest, or other proceedings, such analysis or examination will be made at the Department of Public Health, Sydney, and Police will follow the procedure in regard to submission of reports and conveyance of exhibits set out hereafter in this Instruction.

Particulars to be furnished before exhibit is forwarded for examination.

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Inflammable liquid—samples.

Samples of alleged inflammable liquid taken in connection with proposed prosecutions under the Inflammable Liquid Act should not, however, be forwarded to the Government Analyst, but are required to be tested at the Explosives Department, and a certificate of the Chief Inspector under the Act will be accepted in the Courts as *prima facie* evidence of the facts set out in the certificate.

Personal custody of exhibits.

9. Exhibits for scientific examination must be retained in the personal custody of the escorting Constable until they reach the Analyst or Director of the Pathological Laboratory or other authority. They must not be forwarded by post. It must be borne in mind that the member of the Service conveying the exhibits should be well acquainted with the whole of the circumstances surrounding the particular investigation.

Report to accompany exhibits to C.I. Branch.

10. In all cases where exhibits are required to be sent for scientific examination, reports containing particulars of the case are to be submitted in triplicate and together with the exhibits forwarded to the Superintendent of Detectives, C.I. Branch, for examination in the first instance by the Scientific Investigation Bureau, and decision as to whether or not any or all of the exhibits should be submitted for scientific examination and the laboratory to which the exhibits should be taken; one copy of the report to be retained at the Scientific Investigation Bureau, the remaining copies, after being suitably minuted by the Superintendent of Detectives, to be conveyed with the exhibits to the Commissioner's Office for transmission to the appropriate authority.

Action to be taken by Police bringing Exhibits to Sydney for analysis.

11. Except in cases where it is absolutely necessary that exhibits should be examined at the earliest possible moment, it is desirable that escorts with exhibits should arrive in Sydney on any day other than a Saturday or Sunday.

Police with exhibits for analysis arriving at the Criminal Investigation Branch during week-ends or after ordinary office hours will contact the member of the Force on duty at the Inquiry Office for the purpose of carrying out the following procedure:—

- (a) Where the exhibits consist of parts of the human body for chemical analysis, arrangements will be made for the escorting Constable to lock the exhibits in the refrigerator at the Scientific Investigation Bureau in order that they may be kept fresh.
- (b) Other exhibits which are not required to be kept cold will be placed by the escorting Constable in a locked compartment located at the Criminal Investigation Branch Inquiry Office.
- (c) The escorting Constable will be handed a key to the refrigerator or locked compartment, as the case may be, and such key will be retained by him until 8.30 a.m. the following day, or Monday in the case of week-ends, when he should take the exhibits and relevant papers to the Scientific Investigation Bureau, thence to the Criminal Correspondence Branch of the Commissioner's Office and subsequently to the Analyst or Microbiologist or other appropriate authority as directed.

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12. Where any person is suspected of having administered poison, as large a sample as is obtainable of the urine of the person poisoned should, if possible, be taken for analysis. Vomit should be similarly treated, and a careful search made for any glasses, bottles, or other receptacles likely to have contained poison.

Samples of urine, etc., for examination.

The Public Health Department has instructed hospital authorities that in all cases of suspected poisoning it is essential that such authorities should carefully retain stomach washings, vomit, urine, and similar specimens for toxicological examination later, should circumstances require it.

Cases of suspected poisoning.

Further, in all such cases, the Police should be notified as soon as possible after death, and before the post-mortem is undertaken.

12A. A copy of a Circular issued by the Director-General of Public Health setting out the procedure to be followed by medical officers conducting post-mortem examinations in connection with Police and Coroners' investigations is contained in the Police Reference Book under "Post-Mortem Examinations." Police in charge of cases requiring a post-mortem examination to be held will tactfully bring the Circular under the notice of the Medical Officer conducting the examination.

(7/9/38.)

12AA. When a post-mortem examination is to be undertaken in the country in a case in which some person is charged or is likely to be charged with murder, the Health Department desires that the Medical Officer conducting the examination should call into consultation another medical man, if possible, to assist him and to ensure the availability of evidence of one or both Medical Officers.

Post-mortem examination where murder charge likely.

The assistant's fee for the post-mortem examination, £2. 2s., plus any fees for evidence or travelling, will be paid by the Health Department on receipt of claim submitted in the usual manner.

12B. In all cases of post-mortem examinations where treatment has been recently given to the deceased by mixtures or where proprietary medicines have been taken, particulars should be included in the report mentioned in paragraph 10 of this instruction. Any prescriptions available should be forwarded with the report. If bottles containing the remains of such medicines are available, these also should be forwarded with the report, but care must be taken to ensure that they are packed separately from any other exhibits requiring chemical analysis or microscopical examination.

Mixtures and proprietary medicines.

13. All specimens for analysis should be put up in sealed packages, properly tied, labelled and marked, and be forwarded with the utmost despatch, and the following directions carefully observed. (For information as to the most effective method of packing bottled exhibits, see Police Reference Book.)

Method of sealing and despatch of specimens.

(25/3/41.)

(a) Parts of the body to be analysed for poisons should be placed in clean glass jars with glass stoppers—what is known as the "Lighting" preserving jar best answers this purpose. The stomach and contents and the small intes-

Parts of body to be analysed for poisons.

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tines should normally be placed in a jar by themselves, the other organs (kidneys, spleen and portion of liver) to be placed together in another jar; however, there may be circumstances in which the Medical Officer conducting the autopsy considers it necessary to place each organ in a separate jar. In cases of suspected poisoning by arsenic or other metallic poison a jar of muscle should also be forwarded. Each jar should be carefully and thoroughly sealed and properly labelled. Zinc plaster should not be used and the sealing wax must not come in contact with the contents. No alcohol or other preservative, or any other substance whatever, should be added to specimens to be analysed for poisons. In a case of death likely to be murder, some at least of the organs of the body, as mentioned herein, especially the liver, the whole of which should then be sent, should be put in separate jars. Where possible, stomach washings, vomit, urine and similar specimens should also be forwarded for analysis.

Glass jars.

Glass jars required to hold the specimens should be obtained by the Police on requisitions from local storekeepers, and the cost paid from Police Funds.

Diseased specimens.

(b) Specimens to be examined for disease, unless they can be delivered in a practically fresh condition, should be placed in a jar containing a good quantity of methylated spirits of wine and water (3 parts spirit to 1 of water). Formalin (1 part in 16 of water) or carbolic acid (1 part in 20 of water) can be used, but the methylated spirit is best. In the case of milk or other fluids from diseased animals, add 1 part carbolic acid to 20 parts—two table-spoonfuls to a pint—of milk or fluid.

Criminal cases. Bodily fluids.

(c) Specimens in criminal cases.—The bodily fluids, such as blood, semen, etc., which form stains on garments and articles, are subject to putrefactive changes like other organic matter. These changes may in time be such as to prevent the recognition of the material; consequently, the specimens should be forwarded as soon as possible. Further, they should not be handled more than is absolutely necessary beforehand, and especially the stained parts should not be crumpled or crushed. Whenever practicable such specimens should be forwarded to the Government Microbiologist for examination in order that the result of the analysis may be available as evidence in the proceedings at the Lower Court.

Samples of blood.

In cases of murder or serious assault, when an examination of bloodstains is required, the material suspected of bearing the blood should be submitted for examination, accompanied where possible by a specimen of the blood of the victim. This will permit a comparison being made between the blood group of the stains on the exhibit and that of the victim.

Procedure re samples of blood.

(d) To facilitate the grouping phase of the examination of bloodstains, it is extremely desirable that the specimens submitted for comparison with the exhibits be ample in quantity and in a fresh condition. In cases of murder the Government Medical Officer conducting the post-

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mortem examination, other than at the City Morgue, should be requested to take from the body of the victim a sample of liquid blood of not less than five cubic centimetres. The sample should be taken from a large artery or vein and placed in a clean container, which should be properly sealed or stoppered and labelled and forwarded immediately to the Government Microbiologist for examination.

(e) Where the post-mortem examination is being conducted at the City Morgue, it will be necessary only to inform the Government Medical Officer that an examination of blood-stained exhibits may be desired. He will then take a sample of the blood of the victim for submission to the Government Microbiologist.

(f) Where a person has been arrested in connection with a case of murder or serious assault, and it is considered a comparison of his blood group with that of bloodstained exhibits may prove of value, he should be asked whether he is prepared to submit a specimen of blood for examination. It is essential that the consent of the person be freely and voluntarily given and he should be informed that he is not obliged to allow a specimen of his blood to be taken for testing unless he wishes to do so. In the event of consent being obtained, the following procedure is to be adopted; the consent of the person will be in writing and as near as the circumstances permit, in the following form:—

Consent of accused.

"I ofarrested on a charge of do hereby authorise Dr.to take sufficient blood from my body for the purpose of testing same or causing same to be tested or grouped.

I give this authority freely and voluntarily, no inducement, threat, or promise having been held out to me.

Signed

Witness:—

....."

In the Metropolitan District where contact can be made with the Government Medical Officer, Sydney, he should be communicated with immediately. Advice will then be given as to the action to be taken with regard to the taking of a sample of blood from the person consenting. Elsewhere, the local Government Medical Officer, or if absent, some qualified medical practitioner, should be requested to take a sample of liquid blood of not less than five cubic centimetres. The doctor taking the blood should be requested to place it in a suitable container which should be sealed by him or in his presence and handed to a Constable who will immediately take it to the Government Microbiologist for examination. (In no circumstances should an officer conducting the investigation handle the sample.)

Specimens of liquid blood taken for the purpose of blood grouping should be delivered as soon as possible to the Microbiologist, otherwise decomposition may render the specimen

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useless for this purpose. In cases where the specimen of blood is brought to Sydney at a time when the Microbiologist's laboratory is not open, the specimen should be placed in the refrigerator at the Scientific Investigation Bureau, Criminal Investigation Branch. The specimen should be placed in the bottom of the refrigerator, where it will be chilled only, and not near the freezing chamber, because an extremely low temperature will spoil the specimen of blood.

Pelvic contents of deceased females. (g) In cases necessitating inquests on the bodies of females thought to have died from the effects of haemorrhage, injury, or septicaemia following on a miscarriage, the pelvic contents should be removed and placed in a solution (5 to 10 per cent.) of formalin, and so retained.

Police will see that this requirement is brought under the notice of the Medical Officer making the post-mortem examination, and will take possession of the vessel containing the pelvic contents until the case is finally dealt with.

Exhibits to be analysed for poisons.

(h) If exhibits intended to be analysed for poisons are not such as can be placed in clean glass jars they should be placed in new wooden boxes, which should be lined, not pasted, with ordinary grease-proof paper obtainable at shops of grocers, provision merchants, etc. This particular paper is free from toxic matter, and should it not be obtainable, ordinary brown paper should be used. If glass jars or bottles are used they must be perfectly clean; before using them they should be rinsed out with warm soapy water, and, if possible, finally rinsed out with distilled water obtainable from most garages. The water used for rinsing should be returned to its original container, sealed, and labelled "Water used for washing exhibit jars," and sent along with the exhibit. Tins, if used, should be similarly treated.

Persons believed to have been drowned.

(i) To ascertain by chemical analysis if a person has been drowned, it is necessary to submit for examination two samples of blood taken, one from the left chamber of the heart and the other from the right chamber of the heart. Each sample should be placed in a small bottle with a well-fitting glass stopper, and carefully labelled. The samples should, of course, be taken by an experienced medical officer.

Liquids by packet post.

14. When found necessary to forward by packet post bottles containing fluid they must be securely corked, so that their contents cannot escape, and packed in boxes sufficiently strong to prevent breakage and damage to the mails.

Parcels containing liquids and semi-liquids will only be accepted by postal authorities on the condition that they are securely packed and marked or labelled "fragile," and the nature of the vessel and contents endorsed on the cover.

Exhibits, handwriting.

15. No written exhibit should in any way be interfered with by the Police or others, except with the special sanction of the Crown Law Department.

When such sanction is given, the exhibit should be photographed, in order that the Jury may see the original state of

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the writing on the document before it was dealt with for analytical purposes. Police are not to permit the use of exhibits in criminal cases by any person without first reporting full particulars and asking for instructions.

15A. Counterfeit coins no longer required as exhibits should be forwarded to the Criminal Investigation Branch for disposal. At the finalisation of cases where coining instruments have been used as exhibits, a report should be submitted through the Criminal Investigation Branch, giving a full description of the articles and their possible commercial value, for directions as to their disposal. Disposal of exhibits.
(18/11/40.)

16. The Attorney-General has approved of exhibits, such as portions of the human frame, fabrics stained or marked by blood or fluids, etc., bullets and lethal weapons being handed over by the Police, after trials have been concluded, and when such cannot possibly be required for further evidence, to the University authorities for the use of medical students. Such exhibits should only be handed over, if not required for the Police Museum, on the authority of the Superintendent, and after reference to the Justice Department.

17. When cargo subject to Customs control is used by Police as an exhibit, or for any other purpose, it should be handed over to the Collector of Customs and a receipt obtained. Cargo exhibits.

18. Exhibits intended for the Police Museum should be forwarded to the Commissioner with a report of all available particulars. Exhibits for Police Museum.

19. For action to be taken in connection with examination of exhibits on which finger prints appear—see "Finger Prints." Finger prints.

20. For action to be taken in connection with exhibits under the Police Offences Amendment (Drugs) Act—see "Opium and Dangerous Drugs." Dangerous drugs.

21. For explanation of the manner of packing and forwarding bullets from weapons found at the scene of a crime—see Police Instruction "Forensic Ballistics." Exhibits—bullets, etc.

DOCUMENTS.

22. Any document coming into the possession of Police as a possible exhibit in a criminal trial should be handled and cared for in a manner that will not impair, in the slightest degree, its value as evidence. The exact physical condition of a document when received should be observed and carefully noted, and thereafter the document should be preserved in the exact condition in which it was received. Tears, pen, pencil or other markings should not be interfered with, and adequate precautions should be taken to ensure that no further marks or mutilations occur whilst it is in the possession of the Police. Care of documents.

As soon as practicable after receipt of any such documents they should be placed in a clean protective covering such as a folded sheet of paper or an envelope large enough to hold them unfolded. Folded documents should be unfolded and retained in that condition and care should be taken that no fresh creases are made.

Exhibits—Documents.

23. Any document which may become an exhibit should be submitted for examination to the Scientific Investigation Bureau, Criminal Investigation Branch, as soon as possible. In the case of handwritten documents advice may be given by the Bureau staff as to—

- (a) whether there is evidence of disguise in the writing;
- (b) the type of pen and ink or pencil used;
- (c) the type of paper used;
- (d) the outstanding features of the handwriting; and
- (e) whether the writing on the document is identical with any specimen of criminals' handwritings filed at the Bureau.

Where typewritten matter forms the exhibit, it might be possible for the Bureau staff to give advice as to—

- (a) make, type, model and mechanical condition of the typewriter used;
- (b) type of paper used;
- (c) condition of typewriter ribbon; and
- (d) probable skill as a typist of the offender.

Information on these points may assist in the search of suspects' premises, and in the taking of specimens intended as standards of comparison.

Unidentified documents.

23A. Where Police inquiries fail to identify the author of a document, the exhibit should be returned to the Scientific Investigation Bureau on the completion of the Police inquiries, for filing with other unidentified exhibits for future reference.

Taking of specimens.

24. When taking specimens of handwriting from a suspect the following rules should be adhered to as closely as possible:—

Handwriting.

- (a) Duplicate the actual conditions, if known, under which the exhibit was written. If the exhibit document is known to have been written while the offender was standing at a counter, that procedure should be followed in obtaining specimens. Where the circumstances surrounding the writing of the exhibit are unknown, allow the suspect to sit in a comfortable position.
- (b) Duplicate the writing materials used in the exhibit. If, for example, ruled note-paper were used for the exhibit writing, obtain similar paper for the specimens; if the exhibit is a telegram, telegram forms should be used. If the exhibit writing was written with a firm steel pen, cause a pen of that type to be used for the specimens; if the exhibit be in pencil, a pencil should be used.
- (c) Read the exhibit to the suspect and inform him of its nature, but when the specimens are being written the exhibit should not be within his view.
- (d) Having been informed of the nature of the document the suspect should be permitted to arrange the words and place punctuation marks as he wishes.

Exhibits—Documents.

- (e) All specimens of handwriting obtained by dictation should be prefixed by four or five lines of matter dissociated from the text of the exhibit document. This may follow similar lines to the following example: "My name is John Brown and I reside at 18 Fletcher-street, Coogee. I have been interviewed by Detective-Constable Watson to-day, the 14th February, 1947, in connection with an offensive letter alleged to have been received through the post by a Mrs. Elizabeth Jackson of 85 Garden-street, Burwood, on 18th December, 1946. I am informed that the letter read as follows:" The contents of the exhibit should then be dictated in groups of three or four words to the phrase.

The use of a preamble different from the text of the exhibit allows the suspect to settle down before coming to the words which will be most closely examined, and also serves to prevent a successful attempt at disguise in writing those words.

- (f) Where the handwriting of the exhibit document is confined to a few words and figures, such as the endorsement on a cheque or the contents of a receipt, the text of the exhibit should be embodied in a statement and not written separately. In these cases the specimen should commence on the lines indicated in clause (e) and be arranged so that the words on the exhibit are embodied a number of times in the statement. Such a statement might read: "My name is John Brown and I reside at 18 Fletcher-street, Coogee. I have been interviewed by Detective-Constable Watson to-day, the 14th February, 1947, in connection with a cheque that was sent from the Department of Social Services to Mrs. Elizabeth Jackson of 85 Garden-street, Burwood, on 18th December, 1946. I have been told that the cheque was lost or stolen and later cashed, when it bore the endorsement E. Jackson and the date 21st December, 1946. I have not signed the name and date E. Jackson, 21st December, 1946, on this cheque, nor do I know anything about the signature E. Jackson and date 21st December, 1946, on any other cheque" By using the suspect's professed knowledge or lack of knowledge of the affair a statement taken in this way can be extended to a page of foolscap and include the questioned writing seven or eight times.

Any specimen of handwriting obtained by dictation from a suspect should be worded so that it extends to the major part of a foolscap size sheet of paper. In no case should the practice be followed of asking the suspect to write a signature alone on a piece of paper, or a number of times one under the other on the same sheet, because this provides the greatest opportunity for the suspect to disguise his handwriting intentionally and so defeat the identification. If the member of the Service taking the specimen considers that the suspect is trying to disguise his handwriting two copies of the specimen should be taken. The first copy should be removed from the suspect's view as soon as it is finished.

Exhibits—Documents.

- (g) Obtain a sample of the suspect's writing of approximately the date in question and done in normal circumstances in order that disguise in the specimens given to the Police may more readily be detected.
- (h) Obtain permission to remove any writing materials of the type used in the exhibit which may be found in the suspect's home; the top sheets of writing pads and blotting papers in particular should be obtained.

Typewriting.

25. Where it becomes necessary to obtain a specimen of typewriting from a suspected machine, the text of the exhibit should be copied at least twice on paper similar to that of the exhibit. Wherever possible the suspect should be requested to type out a copy of the exhibit. Having been informed of the nature of the document he should be permitted to follow his own idea of arrangement and punctuation.

Care of specimens.

26. Specimens of handwriting or typewriting taken for use as standards of comparison should be handled with care. Unnecessary folding of the documents should be avoided; and where it is necessary for the overall size of specimens to be reduced adopt the practice of rolling instead of folding the paper. This will minimise the risk of damage to specimens by creasing until they can be placed in a suitable folder or envelope.

Submit for comparison.

27. Specimens of handwriting or typewriting, any writing materials obtained, and the exhibit should be submitted for comparison purposes to the Scientific Investigation Bureau, Criminal Investigation Branch, as early as possible. Where an officer connected with the investigation does not personally convey the articles to that Bureau they should be accompanied by a report setting out the facts of the inquiry.

Valueless cheques and other documents used in crime.

28. For procedure to be followed where documents, such as valueless cheques, anonymous letters, etc., are used in connection with a crime, see paragraph 8A of Police Instruction No. 41.

FINGER PRINTS.

1. As Finger Prints are of the utmost importance, and at times the only means available for the detection of crime, Superintendents and Officers should take a personal interest in seeing that Police are, as far as possible, qualified for this duty, and that these Instructions are carefully complied with. **Importance.**

2. The work consists of—

- (a) taking prints direct from the fingers of persons for record, identification, or purposes of evidence; **From fingers.**
- (b) tracing impressions of finger prints upon articles, for identification. **From articles.**

(The duty under (a) is very simple, and a little practice will ensure satisfactory results. Especial care and intelligence are required for (b), but each of these qualifications is of equal importance to ensure success.)

3. All Recruits are to be carefully instructed as to (a) and (b), and, before leaving the Police Training Centre, will be examined to see that they are efficient in this portion of their duties. **Instruction of recruits.**

4. Impressions are taken in two ways: "Rolled" and "Plain."

For "Rolled," the thumbs and fingers are rolled on the plate from side to side, to ensure the inking of the raised ridges, which constitute the plan or pattern of the print; then by a similar continuous turning movement under gentle even pressure, the impression is transferred to the paper. **"Rolled" impressions.**

To ensure a good print the thumbs and fingers should be inked to $\frac{1}{8}$ inch below the first joint. This will ensure the bulbous portion being sufficiently inked.

For "Plain," the fingers only of each hand, without the thumb, kept close together and straight out, to ensure the bulbous portion and $\frac{1}{8}$ inch below the first joint being properly inked, are simultaneously placed on the inked slab, and then on the form, with a gentle downward pressure and without any rolling. **"Plain" impressions.**

5. Each thumb and finger is first separately "Rolled" and impressed; then the fingers of each hand are simultaneously impressed "Plain." **"Rolled" first, then "Plain."**

6. The requisites for taking prints are a small roller, a tin-covered slab, a tube of printer's ink, and printed forms for recording the impressions. These are supplied to all Stations; but, where not obtainable, an ordinary stamp pad will give good results, if carefully used. **Requisites.**

(The Prisons Circulars provide that Police may use Gaol appliances for taking prints, and that every facility and information as to the correct method of taking prints is to be afforded by the Gaol Officials.)

7. Place a small quantity of ink on one end of the plate; distribute with the roller over the surface in a thin even **Directions.**

PROPERTY IN POSSESSION OF POLICE.

1. When any money or goods charged to be stolen or fraudulently obtained are in the custody of the Police in connection with any criminal charge, or of any offence punishable summarily, and there are rival claimants for such property, an application for a Magisterial order should be made by the Police under the provisions of section 30 of the Police Offences Act, 1901 (as amended by the Crimes (Amendment) Act, 1929). However, such action should not usually be taken until a report has been furnished through the usual channels for directions. (6/6/47.) Rival claimants.
2. When property has been seized by the Police in circumstances other than those set out in the preceding paragraph and there are rival claimants, Police should promptly report particulars for the information of the Commissioner, and in urgent cases consult a local Solicitor (see "Legal Proceedings").
- Property ordered by the Magistrate to be returned to the owner should be handed over at the place of trial upon application. The forwarding of such property to the owner at another place can only be effected where the owner is prepared to prepay the freight and any incidental expenses.
3. *Money found* and handed over to the Police does not come within the Police Offences Act, s. 32. Money handed to Police.
(For action where there are rival claimants for money, see "Reference Book," Crown Solicitor's opinion, 14/2/1910.)
4. The following action will be taken in connection with money, valuables, or other property (except property used at court as exhibits or that belonging to prisoners) found and handed to or otherwise coming into the possession of Police:— Money and valuables. (31/2/41.)
- (a) If handed in or received at a station, full particulars should be entered in the Miscellaneous Property Book and the property, etc., suitably marked for identification. If practicable the finder should sign and place his address in the column provided in the Miscellaneous Property Book and, if money is handed in, he should be issued with an official receipt for same. The number of the receipt issued should be placed against the entry in the Miscellaneous Property Book and the item and page number of the Miscellaneous Property Book entry inserted on the duplicate of the official receipt. Record particulars. (30/5/50.)
- (b) Police finding property, money or valuables, will promptly take same to their Station, and when property is handed to them whilst away from their Station, they will carefully examine same in the presence of the finder, enter particulars in their official notebook, obtain the finder's signature thereto as to the correctness of the entry and take the property to their Station. Particulars should be entered in the Miscellaneous Property Book, the Constable finding the property, or to whom the property has been handed, signing in the column provided for the finder's signature and, in the latter case, inserting also the finder's name and address. If money has been found, an official receipt should be promptly despatched to the finder. A receipt should be issued to a member of the Force for money found by him. Police finding Money, etc.

Property in Possession of Police.

A motor driver or motor cyclist performing duty from Police Headquarters or a Divisional motor driver or motor cyclist performing duty outside his Division, finding or being handed property should not take same to his own Station, but to the nearest Station to where the property came into his possession, action then to be taken in accordance with the foregoing directions. The usual inquiry with a view to locating the owner of the property should be attended to by the Station concerned.

- Enquiries from Tracing Section. (bb) When inquiries are being made from the Property Tracing Section, Criminal Investigation Branch, with a view to identifying the owner of property, Form P.91D (Metropolitan District) or Form P.91E (Country Districts) should be utilised.
- Finder. (c) In all cases the finder should be informed that, if not claimed within three months, the property, etc., will probably be returned to him upon application.
- Cash. (24/6/47.) (d) All cash should be promptly remitted for transmission to the Commissioner for payment to the Treasury, except that where it would appear there is a reasonable possibility of the owner being located, such cash may be held at the Station for a period of not more than 14 days. Provided, however, that if Form P.91D or Form P.91E as the case may be, is not received back from the Property Tracing Section, the money may be held at the Station beyond a period of 14 days pending return of such form. Careful discretion should be exercised in cases of this nature, however, and where money is to be so held the Station Sergeant or Officer in Charge consulted. Money which has been remitted for payment to the Treasury can be refunded at any time upon claim being established.
- Horses. (24/6/47.) (e) Unclaimed horses should be impounded when such course is legal; if not, report for instructions.
- (24/6/47.) (f) Lost property found in trams, waiting sheds or (in the Metropolitan or Newcastle Districts) in public vehicles (other than railway carriages) and handed to the Police should be forwarded as soon as possible to the Transport Lost Property Office together with full particulars.
- (24/6/47.) (g) Lost property found upon any railway station or premises or railway carriage and handed to the Police, should be delivered as soon as possible to the Officer in Charge of the Railway Station at or nearest to the place where such property was found, or to the guard in charge of the train. If this is not convenient, the property may be delivered to the Railway Lost Property Office, Sydney.
- (24/6/47.) 4A. (a) Should a person making a claim for property mentioned in paragraph 4 with the exception of that mentioned in subparagraph (f) and (g) establish his claim to the satisfaction of the Officer-in-charge of the Station, the property may be handed over to the claimant, and his receipt

Property in Possession of Police.

obtained and filed. One receipt only is required and this receipt should be taken or filed in the Miscellaneous Property Book. When the property includes money which has been forwarded to Police Headquarters, it will be necessary to submit a voucher with a covering report through the usual channels to the Commissioner's Office. Other property, including money that has not been forwarded from the Station, may be handed to the claimant immediately. (80/5/50.)

Property returned to finder or claimant.

It is necessary that full and proper inquiries should be made before handing over any property, and the responsibility of showing that there is no laxity in this regard rests with the Officer-in-charge of the Station.

(b) Where there are rival claimants for property or where property is subject to any hire-purchase agreement, or in any other circumstances where there is some doubt as to the claimant being the legal owner of the property, the matter should be submitted through the usual channels for directions. In these cases where the direction is to hand the property to a claimant, it will be necessary, excepting where the property is of small value, to obtain an indemnity in the form contained in the Reference Book. (Such indemnity requires a duty stamp for 1s. 6d. to be affixed by the person signing the indemnity.)

(c) If no claim is made for the property within three months, it should be returned to the finder and his receipt obtained. Where money is concerned which has been forwarded for payment to the Treasury, action will be taken in the Commissioner's Office for the money to be refunded direct to the finder, and no action will be required by the Police at the Station where the money was handed in.

5. At those stations where there are Prisoners' Property and Miscellaneous Property Books in use, a summary signed by the Officer-in-Charge of the Station of all uncleared items should be prepared every six months, namely, as at 30th June and 31st December of each year, and inserted in the books. In the preparation of the summary the numbers only of the open items need be given. Reference to property later disposed of should be made opposite the entry in the summary in the Prisoners' Property or Miscellaneous Property Book as the case may be.

6. Police will, in any question involving the collection or handling of money or other articles of valuable property, obtain the specific authority of the Metropolitan Superintendent, the officer in charge of the Criminal Investigation Branch, or their Divisional Officers, as the case may be, before making a request to a member of the public for the payment of money or the handing over of articles of valuable property. This instruction must be followed with scrupulous care in all instances, so that on one hand responsible Police officials may be aware of all actions of the Police in this direction, and, on the other hand, Police themselves may be relieved of any suspicion whatever attaching to their actions in connection with incidents of the kind. Valuable articles.

Property in Possession of Police.

Mental patients' property.

(25/9/39.)

7. At Newcastle and other places where there is a Reception House, mental patients' property should be delivered to the nearest station. At other places, such property should be sent with the Police escorting the patient, and a receipt obtained upon delivery.

(Report for instructions from Master-in-Lunacy when it is not convenient to forward property with mental patients.)

Advertisement for property.

8. Police should carefully examine the *Police Gazette* and advertisements in the daily press, and make every effort to trace the owners of any valuable property coming into their possession. For this purpose, paragraphs might be inserted in newspapers, when practicable.

Owner of property residing at distant centre.

(7/11/51.)

9. When property recovered by Police becomes available for return to an owner who resides in a patrol other than that of the Station at which the property is held, the following procedure should be adopted:—

(a) The property, together with a short report containing full particulars thereof, should be forwarded to the Police Station nearest the owner's place of residence, an undertaking first being obtained from him to pay any cost thereby involved. Upon receipt at such Station, particulars should be entered in the Miscellaneous Property Book, and a Miscellaneous Property Receipt issued to the forwarding Station. Police of the Station to which the property is forwarded should collect from the owner any transmission costs which may have been involved, and after satisfying themselves as to his identity, should hand the property over to him, a receipt to be obtained from the owner, vide paragraph 4A of this instruction.

(b) Where the owner prefers to collect the property from the Station at which it is held, the Police nearest to his place of residence will forward to the Station holding the property, an accurate description of the owner (or of the person who has been authorised to obtain possession of the property), which description should be signed by the person concerned. Such description and signature should be carefully checked at the holding Station before the property is handed over and receipt obtained.

(c) If the owner resides in another State, the Police in that State will be requested to make a suitable arrangement along the lines indicated in (a) or (b) above.

(d) A similar procedure will be adopted when property is to be returned to a finder residing at a distant centre.

Finder residing at distant centre.

Procedure in Metropolitan District.

(25/9/39.)

10. In the Metropolitan District all unclaimed property coming into the possession of the Police (with the exception of jewellery, precious stones, new or good clothing, or any other article of value, exhibits, live stock, vehicles (not including bicycles), perishable goods, property found in public vehicles, and articles which by nature of their size or condition could not be stored at the Office of the Metropolitan Superintendent), should be forwarded to that Office within fourteen days of coming into the possession of Police. Such property should be accompanied by a report containing a description of the articles, date, hour and place of finding, and the circumstances

Property in Possession of Police.

under which each came into the possession of the Police. The endeavours made to locate the owner of the property should be set out, and in this connection the facilities afforded by the Property Tracing Bureau should be fully availed of. The finder of any property, of course, will have been informed already in terms of paragraph 4 (b) of this Instruction.

In outlying parts of the Metropolitan District where difficulty would be experienced in complying with the above instruction, discretion may be exercised by the Officer-in-Charge of a Station. However, in any case where property is not forwarded to the Office of the Metropolitan Superintendent within fourteen days, a report should be furnished asking for instructions.

In the case of jewellery, precious stones, new or good clothing or any other article of value—particularly any article bearing a name, initial or distinctive mark by which it might be identified—these articles should be forwarded to the Property Tracing Bureau, Criminal Investigation Branch, together with a report direct from the Station concerned for checking and notation there. After being noted and checked at the Tracing Bureau, the articles, provided the owner has not been found, will be forwarded, accompanied by the report, to the Metropolitan Superintendent's Office without delay.

When the owner of property has been traced by the Property Tracing Bureau action will be taken by that Bureau to return such property to the owner, either by forwarding it to the Station concerned, or to the Detectives in charge of the case.

When property containing money is being forwarded either to the Metropolitan Superintendent's Office or the Property Tracing Bureau a report must be forwarded in duplicate. When only money is being forwarded a duplicate report is not required.

Each Thursday morning a member of the Property Tracing Bureau will call at the Metropolitan Superintendent's Office, and in company with the officer-in-charge of the lost property there, check over all articles received direct from Stations during the preceding week and cause inquiry to be made with a view to locating the owners thereof.

11. When property taken from a prisoner is required as an exhibit, particulars of it should be entered immediately in the Exhibit Book, or where this book is not kept, in the "Prisoners' Miscellaneous Property Book," and carefully locked up until required for production as evidence. After the property is returned from Court it should again be locked up and possession retained, whether prisoner goes to Gaol after committal or is released on bail. If the prisoner objects to such retention, his objection can be inquired into and dealt with on its merits; if found to be in no way connected with the charge, and there is no valid reason for its retention, it may be handed over. If such property is retained, unless the Court otherwise directs, it should be returned on discharge and a receipt obtained, unless it is considered advisable to retain any portion for further proceedings, in which case a special report should be made to the Superintendent. On conviction of the prisoner, and in the absence of any direction from the Court or Crown Prosecutor, such property, with an inventory should be handed

Property taken from prisoner.

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Property in Possession of Police.

over to the Gaoler at the prison to which he is sentenced, and a receipt obtained. In cases where the Attorney-General declines to file a bill against any person, money, goods or other property held by the Police in connection with the case should not be disposed of until instructions have been obtained from the Commissioner's Office.

Duty Stamp.

12. In all cases where money and property of a prisoner are handed over on his authority to another person such person must sign for the money and affix a duty stamp to the receipt whenever the amount is £2 or over.

Labelling of prisoner's property.

13. Police when forwarding prisoner's property to any gaol in the State will see that same is properly labelled bearing the full christian and surnames of the prisoner, nature of the charge, sentence, name of arresting Police and inventory of property in detail.

Firearms.

14. When firearms are taken from offenders, report for instructions as to disposal of same.

Prisoner's property.

15. In the Metropolitan District the following procedure in regard to prisoners' property will be followed:—

(a) All such property will be entered in book provided, and a receipt taken in the book from the person receiving same or responsible for its disposal.

Valuable property.

(6/6/47.)

(b) When a person is committed for trial and is in custody all his property, with the exception of bulky articles, should be forwarded with him to the State Penitentiary, when the question of subsequent disposal will be dealt with by the Gaol Authorities. Bulky articles such as pianos, large portmanteaux, etc., should be delivered to the Sergeant in charge of property at the Criminal Investigation Branch.

(Motor vehicles should be sent to the Police Yard, Shea's Creek, Burrows Road, St. Peters. When vehicles are required as exhibits at Court the officer in charge of the case will notify the officer on duty at the Police Yard on the day before the case is to be heard. If this is not possible he should be notified before 9 a.m. on the day of the hearing.)

Inventory of property.

(The Sergeant-in-charge of property at the Criminal Investigation Branch should be furnished with an inventory of all articles handed over to him, and when any such articles are required as exhibits at Court the Officer-in-charge of the case will notify the Sergeant on the day before the case is to be heard. If this is not possible, he should be notified before 9 a.m. on the day of hearing.)

Prisoners' property form.

(c) All property, whether personal property or property required as "Exhibits," should, if practicable, be entered on the Property Form and signature obtained for same. When this is impracticable an inventory should be prepared and attached to the Property Form, and the prisoner's signature obtained on the bottom left-hand corner of the Form.

(d) When a prisoner has been sentenced and sent to Long Bay Penitentiary the whole of his property should be forwarded to Central Police Station on the day he is

Property in Possession of Police.

sentenced, excepting in the case of Divisional Stations where Courts are established when the property should be forwarded from the Station with the prisoner direct to the Penitentiary.

At Divisional Head Stations and Stations where Courts are held, the property of prisoners being sent to gaol should be entered in the Gaol Prisoners' Property Book. In cases where prisoners are sent direct to Central Police Station from substations other than where Courts are established, and from country Stations, prisoners' property should be entered on Prisoners' Property Forms, which should be forwarded in triplicate. One copy of the form will be received at Central Police Station and handed back to the escorting officer, one copy will be retained at the Penitentiary, and the third copy will be received at the Penitentiary and returned to Central Police Station.

(Any breach of clause (d) will be promptly reported by the Sergeant-in-charge of Central Police Station.)

(e) Except as specified in clause (f) of this paragraph the keys of the box for conveying prisoners' property on the Police motor patrols will be handed by the patrol driver to the escorting Constable as the latter takes up duty on the patrol. The escorting Constable will personally check all property received on account of any prisoner, sign for same at the Station where received, place it in the box affixed to the motor patrol, lock the box and retain the keys in his possession until the escort has been delivered, the property handed over and checked and receipt for same obtained and until he has completed his escort, when the keys will be returned to the patrol driver for safe custody pending the next escort. The patrol driver will be responsible for the

Prisoners' property box on motor patrol.

(15/11/51.)

ers for

Property in Possession of Police.

over to the Gaoler at the prison to which he is sentenced, and a receipt obtained. In cases where the Attorney-General declines to file a bill against any person, money, goods or other property held by the Police in connection with the case should not be disposed of until instructions have been obtained from the Commissioner's Office.

Duty Stamp.

12. In all cases where money and property of a prisoner are handed over on his authority to another person such person must sign for the money and affix a duty stamp to the receipt whenever the amount is £2 or over.

Labelling of prisoner's property.

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Firearms.

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Valuable property.

(6/6/47.)

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(Motor vehicles should be sent to the Police Yard, Shea's Creek Barracks Road, St. Patrick. When vehicles

Delete existing paragraph 16 of Police Instruction No. 57 and insert in lieu thereof the following:—

In the case of the arrest of a person who has a motor vehicle in his immediate possession, he should be advised that the Police will afford him every reasonable facility for ensuring the safety of the vehicle and will assist in removing it to a place of safety.

Amendment Slip No. 76. Insert between pages 440 and 441 of the Police Rules and Instructions (19/2/60).

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soner's signature obtained on the bottom left-hand corner of the Form.

(d) When a prisoner has been sentenced and sent to Long Bay Penitentiary the whole of his property should be forwarded to Central Police Station on the day he is

Property in Possession of Police.

sentenced, excepting in the case of Divisional Stations where Courts are established when the property should be forwarded from the Station with the prisoner direct to the Penitentiary.

At Divisional Head Stations and Stations where Courts are held, the property of prisoners being sent to gaol should be entered in the Gaol Prisoners' Property Book. In cases where prisoners are sent direct to Central Police Station from substations other than where Courts are established, and from country Stations, prisoners' property should be entered on Prisoners' Property Forms, which should be forwarded in triplicate. One copy of the form will be received at Central Police Station and handed back to the escorting officer, one copy will be retained at the Penitentiary, and the third copy will be received at the Penitentiary and returned to Central Police Station.

(Any breach of clause (d) will be promptly reported by the Sergeant-in-charge of Central Police Station.)

(e) Except as specified in clause (f) of this paragraph the keys of the box for conveying prisoners' property on the Police motor patrols will be handed by the patrol driver to the escorting Constable as the latter takes up duty on the patrol. The escorting Constable will personally check all property received on account of any prisoner, sign for same at the Station where received, place it in the box affixed to the motor patrol, lock the box and retain the keys in his possession until the escort has been delivered, the property handed over and checked and receipt for same obtained and until he has completed his escort, when the keys will be returned to the patrol driver for safe custody pending the next escort. The patrol driver will be responsible for the keys of each at all times other than when actually conveying prisoners from one Station to another.

Prisoners' property box on motor patrol.

(15/11/51.)

(f) The property of prisoners escorted by van each morning to Central from Regent Street, Darlinghurst and Phillip Street Police Stations, should be placed in the special box provided, which should then be locked and handed to the escorting Constable for delivery to the Station staff at Central Police Station. Keys to each of the boxes in use will be held at Central Police Station as well as at the forwarding Station concerned.

Prisoners for Central—early morning. (15/11/51.)

16. In the case of the arrest of an offender, who has a motor-car in his possession, Police should inform him that no responsibility whatever will be taken.

Motor-car in possession of offender arrested.

60/25

17. For property of persons dying intestate, see "Public Trustee."

Intestate estates.

see slip 76.