

INSTRUCTION 33

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INSTRUCTION 33

EXHIBITS AND MISCELLANEOUS PROPERTY

33.01 PROPERTY FOUND OR HANDED TO POLICE

The following action will be taken in connection with money, valuables, or other property (except property for use at Court as exhibits or that belonging to prisoners) found and handed to or otherwise coming into the possession of Police:

If handed in or received at a Station, full particulars should be entered in the Miscellaneous Property and Receipt Book and the property, etc., suitably marked for identification. If practicable, the finder should sign his/her name in the space provided in the Miscellaneous Property and Receipt Book. Part A of that book entry shall be handed to the finder as a form of receipt whether or not money is involved. This action should also be taken where money or property is found personally by a Police Officer.

33.02 PROPERTY HANDED TO POLICE - AWAY FROM THEIR STATION

Police finding money, valuables or other property will promptly take same to their Station, and when property is handed to them whilst away from their Station, they will carefully examine it in the presence of the finder, enter particulars in their official notebook, obtain the finder's signature therein as to the correctness of the entry and take the property to their Station. Particulars should be entered in the Miscellaneous Property and Receipt Book, the Constable who found the property or to whom it was handed, signing in the space provided for the finder's signature and, in the latter case, inserting also the finder's name and address.

Part A of the Miscellaneous Property and Receipt Book should be promptly dispatched to the finder. When property is removed from the body of a deceased person and taken to a Police Station, Police will enter particulars of that property in the Miscellaneous Property and Receipt Book and forward Part A of the receipt to the morgue.

When Police performing duty outside their Division, find or are handed property, they should take that property to the nearest Police Station where the property came into their possession, action then is to be taken in accordance with the foregoing directions. The usual inquiry with a view of locating the owner of the property should be attended to by Police attached to the Station receiving the property.

33.03 COMPLETION OF RECORDS

Care should be exercised to ascertain:

The full name of the finder and the correct spelling of same.

Whether the finder of the property desires to claim it if the owner is not located;

and this information will be endorsed in the Miscellaneous Property and Receipt Book and any subsequent P.40 Form which is submitted.

It should be established whether the person handing the property to Police was the actual finder and, if not, the name of the finder should be ascertained. If the name of the finder cannot be ascertained, the record should show that the property was found by an 'unknown person'. Under these circumstances, property should not be regarded as having been found by the person who handed it to the Police, although their particulars should also be included on the Form P.40 and in the relevant entry in the Miscellaneous Property and Receipt Book.

When anything is found on private property, this fact, together with the name and address of the owner or occupier of the premises and whether he is the finder or not, should be included in the Form P.40. If the owner or occupier of the premises indicates that he/she will be making a claim for the property, this fact should also be noted.

33.04 INFORMATION GIVEN TO FINDER

The finder should be informed of the following:

The property found will be retained by this Department for at least 6 weeks unless the owner is located in the meantime. (This, of course, will not apply to property found in vehicles, etc., operated by the Public Transport Services, privately operated public vehicles, or foodstuffs).

Unless there is good reason to the contrary, if unclaimed by the owner, the property will be returned to the finder upon the completion of Police inquiries which may extend beyond the six weeks period. It should be noted that door keys, personal papers, explosives and the like are not normally returned to the finder.

If the property is returned to the owner, the finder will be advised. (For this purpose, Card P.91 may be used).

33.05 COMPLETION OF P.40 FORM

The Police Incident Report Form P.40 is to be used when inquiries are being made to establish ownership of items of property found by or handed to Police or where persons report property lost.

All identifiable property which comes into Police possession must be checked against the C.I.I.S. in an effort to locate an owner before submission of Police Incident Reports. Such reports should be endorsed and signed by the Investigating Officer that the system was in fact checked.

The submission of this Form to report property being found is not necessary when the owner of the property is readily identifiable. If the found property was the subject of a Police Incident Report in respect to the theft or loss of that property, then an additional P.40 Form will be submitted as a Further Information Report.

33.06 DISTRIBUTION OF FORM P.40 - FOUND PROPERTY REPORTS

Police, when in possession of found property should complete Form P.40 and disseminate as follows:

Station Copy

To be filed at the Station where the property is retained.

Detectives Copy

To be sent to the appropriate Detectives' Office for allocation of an Index Number and filing of one copy.

C.I.I.S.

To be sent with an Index Number to the District Data Control Office.

Specialist Squad

Where the property found includes or consists wholly of money, then the money only with this copy and Index Number will be sent to the Accounts Branch within 14 days of finding the property.

D.A.T.S.

To be sent with an Index Number to the District Anti-Theft Squad for information and filing.

33.07 INQUIRY BY PROPERTY TRACING SECTION OR DATA CONTROL OFFICE REQUIRED - FOUND PROPERTY REPORTS

The Property Tracing Section or Data Control Office is required to carry out a check of the computer system for found property reports when:

The property is valued at \$1,000 or more.

The property is identifiable by a brand name, serial number or some other marking.

33.08 FOUND PROPERTY REPORTS TO BE CHECKED ON COMPUTER SYSTEM - PROCEDURE WHERE NO TRACE FOUND

The Property Tracing Section or District Data Control Office will complete a 'Found Property' covering sheet and attach it to the C.I.I.S. copy of the Police Incident Report, indicating the property was not able to be identified as being on the property tracing system of the computer.

This file will be returned to the Patrol Commander of the Station where the found property report originated in order that the reporting Constable can advise as to the inquiries conducted to locate the owner of the property. The reporting Constable is also required to verify that the property is still on hand and is available for return to the finder.

This report will then be forwarded to the Division Commander, who if satisfied that all inquiries necessary, have been completed, will cause a P.91E report to be forwarded to the finder.

The 'Found Property' covering sheet should be then returned to the reporting Constable for necessary attention, after the property has been handed over to the finder.

If money also is involved the report is to be sent to the Accounts Branch so that a cheque can be sent to the finder.

33.09 NO TRACE OF OWNER - MONEY ONLY INVOLVED

The Property Tracing Section or District Data Control Office will where necessary, 28 days after the money came into Police possession, cause an inquiry to be made on the computer system.

If inquiries on the computer system reveal a negative result, the Property Tracing section or District Data Control Office will return a 'Found Property' covering sheet to the Patrol Commander of the Station, where the report originated, in order that the reporting Constable can indicate what other inquiries have been made to locate the owner.

This report will be forwarded to the Division Commander who if satisfied that all necessary inquiries that can be made, have been completed, will forward the 'Found Property' covering sheet to the Accounts Branch, so that a cheque can be sent to the finder.

33.10 OWNER IDENTIFIED

In the event of an owner of lost/stolen property being identified after the submission of a P.40 Police Incident Report, then an additional P.40 will be required to be submitted as a 'Further Incident Report', to clear the original reporting. If money was involved in the original reporting and the money has been sent to the Accounts Branch, then the 'Specialist Squad' copy concerning the finding of that money is to be forwarded to the Accounts Branch so that a cheque can be sent to the owner.

Money which has been remitted for payment to the Treasury can be refunded at any time if necessary.

When the owner of found property is identified after the submission of a P.40 report concerning the finding, the C.I.I.S. copy of the 'Further Information Report', after completion of inquiries at the Property Tracing Section or District Data Control Centre, should be forwarded to the Division Commander in order that a P.91 Form can be sent to the finder, advising that person the property has been returned to the owner.

All other copies of the 'Further Information' report can be filed at the respective locations.

When found property inquiries at the Property Tracing Section or the District Data Control Office, reveals that property being checked on computer could be the subject of a previously submitted P.40 Police Incident Report, concerning the loss or theft of property, then the Property Tracing Section or District Data Control Office will forward notification to the Constable who submitted the found property report. The notification will advise the Constable that similar property has been reported lost or stolen together with the index number and location of that report. If subsequent inquiries reveal the found property is identical with the property described in the original report, then a 'Further Information Report' P.40 will be required to be submitted to clear the original report.

33.11 DISTRIBUTION OF FORM P.40 - LOST PROPERTY REPORTS

Police will submit a Form P.40 when receiving information concerning lost property. When taking this information Police should be careful to accurately describe the property and include any identification marks, serial numbers or brand names in the narrative section. The Form should be disseminated as follows:

Station Copy

To be filed at the Station where the loss is reported.

Detectives Copy

To be sent to the appropriate Detectives' Office for allocation of an Index Number and filing of one copy.

C.I.I.S.

To be sent to with an Index Number to the District Data Control Office for entry onto the computer system.

D.A.T.S.

To be sent with an Index Number to the District Anti-Theft Squad for information and filing..

Specialist Squad

If not required, this copy may be destroyed.

33.12 INQUIRIES TO BE MADE TO LOCATE OWNERS OF FOUND PROPERTY

When property is found and handed to Police, all reasonable avenues of inquiry should be explored in an endeavour to locate the owner, especially where the property is of considerable value. Advertisements in the press should be carefully perused. It is an important duty of supervisory Officers i.e. the Patrol Commander and the Division Commander to see that full inquiries are made.

The value of publicity in locating owners of property is obvious and, where practicable, paragraphs in the form of news items might be inserted in local newspapers if without cost to the Department. When inquiries are being made concerning items of considerable value or interest, the publicity avenues open to the Police Community Relations Bureau should be kept in mind.

The reverse side of the filed Station copy of the P.40 Form should be used to record any inquiries made to locate the owner of the property.

33.13 PROPERTY FOUND ON PUBLIC TRANSPORT VEHICLES

Lost property found on any Public Transport Services premises or vehicles and handed to Police should be delivered as soon as possible to the Officer in Charge of the Public Transport Services premises at or nearest to the place where such property was found.

Lost property found in any public vehicle which is privately operated in the metropolitan area such as taxi-cabs, hire cars, etc., and handed to Police should be delivered as soon as possible to the Department of Motor Transport Lost Property Office. Similar offices are established at Newcastle and Wollongong. If outside these areas, the property should be handed to the appropriate Officer of the Council exercising control over the public vehicle concerned.

In each case, the finder should be informed of the action taken and advised to promptly communicate with the Office concerned should that person desire to claim the property if the owner is not found.

33.14 FOUND KEYS

When keys or any other property bearing tags issued by key registries or similar organisations are handed to Police, the name and address of the owner should be ascertained from the key registry or other organisation and arrangements made for the property to be returned to the owner or representative (who may be a member of the organisation which issued the tag), provided the representative is authorised in writing to collect the keys or other property on behalf of the owner. Provided the finder has no objection, the name and address may be supplied to the organisation issuing the tag, at the time the name and address of the owner are being ascertained.

33.15 LOSS OR THEFT OF AUSTRALIAN PASSPORT

Police accepting the report of the loss or theft of an Australian passport will, on presentation of a 'Report of Loss of an Australian Passport' Form issued by the Department of Foreign Affairs, verify the report has been made by endorsing the Form in the appropriate space with the 'Police Station' stamp. If no stamp is available the Form should be signed and the Officer's name, rank, station and date endorsed thereon".

33.16 OFFICERS TO BE VIGILANT

The responsibility for ensuring that full and proper enquiry has been made rests solely upon the Division Commander. The Division Commander is required to exercise the utmost care in ensuring that, where possible, property is returned to the rightful owner. If the Officer is not satisfied with the inquiries made, the P.40 Form should be returned with an appropriate direction.

33.17 RECORD OF CLAIMS

When a claim is made by an alleged owner for property found, a notation is to be made against the relevant Miscellaneous Property and Receipt Book. Other Police Officers who may be required to deal with the disposal of the property will then be aware that a claim has been received. Every endeavour must also be made to have all papers associated with the property, claims, etc., placed together.

33.15 LOSS OR THEFT OF PASSPORTS

When a person attends a police station to report the loss or theft of a passport of any nationality, Police are to record the details upon a Crime Information Report Form P.40.

CONFIRMATION OF REPORT OF LOSS/THEFT

All Consulates require written confirmation from Police that a lost or stolen passport has been reported to local Police Forces before they take any action to issue new passports.

LOSS OR THEFT OF AN AUSTRALIAN PASSPORT

Police accepting the report of the loss or theft of an Australian passport will, on presentation of a 'Report of Loss of an Australian Passport' form issued by the Department of Foreign Affairs, verify the report has been made by endorsing the form in the appropriate space with the 'Police Station' stamp. If no stamp is available the form should be signed and the officer's name, rank, station and date endorsed thereon.

NOTE: No fee is payable by Australian Nationals for this service.

LOSS/THEFT NEW ZEALAND, PHILLIPINES, THAILAND AND URUGUYAN PASSPORTS

The New Zealand, Phillipines, Thailand and Uruguyan Consulates issue a form similar to the form by Australian Department of Foreign Affairs and Police are to stamp and sign and date the form offly.

NOTE: No fee is payable by these Nationals.

VERIFICATION OF REPORT OF LOSS OF PASSPORT BY ALL OTHER NATIONALS

After all details have been recorded upon the Crime Information Report Form P.40, police will prepare a standard form of verification upon official letterhead stationery.

NOTE: A fee as advised in the schedule of fees for Police services in the Police Reference Book and by way of circular is chargeable. The fee is to be collected from the person requiring a letter of verification and a miscellaneous receipt is to be issued.

Depending upon the circumstances of each case police are to use their discretion in requiring payment of the fee.

The moneys collected are to be remitted to the Accounts Branch accompanied by a remittance schedule indicating that the fee represents payment for a verification letter for a lost or stolen passport.

(Amended vide Circular 88/33, 88/200 & 88/210).

33.18 DISPOSAL OF 'FOUND' PROPERTY - RIVAL CLAIMANTS ETC.

Division Commanders will not direct disposal of found property where it is valued in excess of \$1,000.00 or where there are rival claimants or other exceptional circumstances. In any of the above instances such Officers will forward the P.40 Form with their comment and recommendation for disposal of the property to the District Commander.

The District Commander shall authorise the disposal of the property unless exceptional circumstances, as set out hereunder, exist. In these cases the District Commander shall make a recommendation and forward the papers to the Region Commander for a direction. For the purpose of this paragraph, where the property is found on the premises of which the finder is not the owner, such as a customer in a shop, an employee at an office or factory, a visitor or workmen at a dwelling house etc. or the property is found by a Police Officer or other employee of the Police Department, the finding of the property is to be regarded as exceptional circumstances.

Where the Division Commander is satisfied that all necessary inquiries have failed to locate the owner of the property, the Officer will give a direction for return of the property to the finder, at the same time completing and posting a P.91E Form to the finder. Where the finder does not desire to claim the property, the Officer will direct that it be forwarded to the Police Property Office, if in the metropolitan area, or to the District Commander's Office or other appointed place, if in the country area.

Where a direction is given for return to the finder in relation to found property which consists of money only, the found property covering sheet will be forwarded direct by the Officer concerned to the Accounts Branch.

Where the direction is for return of property which consists of money and article/s, upon the return of the article/s at the Station concerned, the Officer will forward the found property covering sheet to the Accounts Branch in respect of the return of the money.

33.19 PERSONS UNDER 18 COLLECTING FOUND PROPERTY

Form P.91E will be used to notify finders that property found by them is available for return to them at the Police Station. The Form will be posted direct to the finder from the Division Commander's Office. The finder will present the Form at the Police Station when collecting the property. Provision is made on the Form for a finder to authorise another person to collect property on his/her behalf. Where a finder is aged under 18 years, the authority on this Form must be completed by a parent or guardian prior to the property being handed to the finder.

33.20 PROPERTY IN OFFENSIVE OR FILTHY STATE

Where items of clothing or other property in a filthy/unhygienic or otherwise offensive state coming into Police possession is no longer required for any purpose, or is not claimed by the owner or finder, the facts should be reported on the relevant papers and direction sought as to its disposal. In each case, the Patrol Commander will furnish a recommendation to the Division Commander who will give a direction for the disposal of the property.

33.21 UNCLAIMED PROPERTY - METROPOLITAN AREA

Where a direction has been given for property to be forwarded to the Police Property Office, or where property is unclaimed 28 days after a direction has been given for it to be returned to a finder, the property and relevant papers will be handed to the Police Property Office staff on the next visit of the property van to the Station.

Where the property includes money, the staff of the Police Property Office will photocopy the direction given for disposal of the property and immediately forward the copy to the Accounts Branch. At the Accounts Branch, the photocopy will be matched with the Specialist Squad copy of the P.40 which accompanied the money. These papers will form the Accounts Branch record.

33.22 UNCLAIMED PROPERTY - COUNTRY AREA

In the country area, where the Division Commander directs that property be forwarded to the District Commander's Office or other centre for disposal, or where property is unclaimed 28 days after a direction has been given for it to be returned to a finder, the property (except where it includes money) will be forwarded with the papers at the first convenient opportunity to the appropriate office or centre for disposal.

Where the property includes money, the papers will be forwarded direct to the Accounts Branch where the direction given for disposal of the property will be photocopied and the papers returned direct to the Station concerned. On return of the papers to that Station, the remaining property will be forwarded as set out above.

33.23 RETURNED TO FINDER

At Stations, when Police hand property to a finder in accordance with a direction, they will obtain the usual receipt in the Miscellaneous Property and Receipt Book and complete the relevant portion of the found property covering sheet. In addition, where money and/or other property is handed to an Officer or agent of the Public Trust Office, or any other Government Official, Police are to obtain an official numbered receipt from that Officer. The receipt is to be posted against the relevant entry in the Miscellaneous Property and Receipt Book to satisfy audit requirements.

33.24 RETURN TO AUTHORISED PERSON

Where a finder is unable to call personally to collect property, the finder may authorise another person to collect it on his/her behalf by completing part A of the P.91E Form.

33.25 RETURN TO PERSON UNDER 18 YEARS OLD

Where a finder is aged under 18 years, Police will, prior to handing over property, ensure that the parent or guardian has completed the authority set out in part B of the P.91E Form.

33.26 OWNER OR FINDER RESIDING AT DISTANT CENTRE, RETURN OF PROPERTY

When property recovered by Police becomes available for return to an owner who resides at a distant centre from the Station at which the property is held, the following procedure should be adopted:

An undertaking should first be obtained from the owner to pay any cost involved in forwarding the property to the nearest Police Station. When this has been obtained, a short report, together with the Form P.40, if applicable, and the subject property should be forwarded to that Station.

In the case of money still on hand and the owner is located within 14 days, similar action to that above should be taken in regard to payment of any costs/charges, and a Bank cheque obtained for transmission to the Police Station nearest to the owner's home address. The necessary receipts should be filed against the relevant entries.

Upon receipt at such Station, particulars should be entered in the Miscellaneous Property and Receipt Book, and part 'A' of that receipt issued to the forwarding Station. Police at 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 the owner's identity, hand the property over to that person, and obtain his/her receipt. The file should then be returned to the forwarding Station.

Where the owner prefers to collect the property from the Station at which it is held, the Police nearest to the owner's 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). The description should be signed by the person concerned. The description and signature should be carefully checked at the holding Station before the property is handed over and a receipt obtained.

If the owner resides in another State/Territory, the Police in that State/Territory will be requested to make suitable arrangements along the lines indicated above.

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

33.27 FOODSTUFFS - DISPOSAL OF

When any foodstuffs are found, handed to, or otherwise come into the possession of Police, action should be taken as a matter of urgency to trace the owner thereof. Immediately such inquiries have been completed and ownership cannot be established, the finder, where applicable, should be seen and a statement obtained from him in writing as to whether a claim is made for the property.

In the event of no claim being made, an authority in writing should be obtained from the finder for the foodstuffs to be handed to a local charity, public institution or necessitous persons in the area. The papers should be submitted urgently to the Division Commander for direction as to the disposal of the foodstuffs.

In the event of the foodstuffs being of a nature which are immediately or in the near future perishable, the Division/Branch Commander, should authorise the return of the foodstuffs to the finder or their disposal to a charity, public institution or necessitous persons in the area. In the former instance, the usual indemnity should be obtained from the finder. Where foodstuffs are not of a nature abovementioned, the papers should be submitted to the Division Commander for a direction as to disposal, subject to the directions contained in 33.18.

33.28 PROPERTY REMOVED FROM PERSON

Where property, including money, is removed from the possession of a person with the view of that property becoming an exhibit, wherever practicable and at the first possible opportunity that property should be checked or counted in the presence of the person from whom it has been removed. Such exhibit should remain under the custody and control of the senior arresting Officer or, in large operations, the Officer assigned to handle the exhibits, until entered in the Police Station Exhibit Book.

33.29 EXHIBIT BOOK

Full and detailed particulars of the property taken into possession by Police as exhibits are to be recorded in the Exhibit Book. The entries in regard to each exhibit should show at a glance all the movements of the exhibit from the time of receipt to its ultimate disposal including the manner of disposal, the authorisation for such disposal, the Authorising Officer and where the exhibit is destroyed and signed by the Officer in whose presence the property was so destroyed.

33.30 EXHIBITS TAKEN TO NON - CHARGING STATIONS

The permanent retention of exhibits and use of Exhibit Books at non-charging Police Stations are prohibited. Where action is taken against an offender particulars of any exhibits seized are to be entered into the Note Book of the arresting/reporting Officers. When the exhibit is taken to the nearest charging Station for safe keeping, its particulars, shall be entered, in the usual manner, into that Stations Exhibit Book. The note book containing the description of the exhibit seized is to be signed and dated by the Officer performing Station duty at the charging Station as having received the exhibit.

33.31 RECEIPT OF EXHIBITS AT POLICE STATIONS

When an exhibit is received at a Station, the member performing duty in the Station at the time will check the exhibit in the presence of the person charged where practicable, and immediately record a full and complete description of each item in the Exhibit Book. The entry should, where possible, show particulars of the owner or owners of the exhibit. The signature of the senior arresting Officer or the Officer assigned to attend to the exhibits in large operations is to be endorsed on the next line immediately under the description of the exhibit.

33.32 SUBMISSION OF EXHIBIT REPORT

It will be the responsibility of the Officer performing Station duty after completing the entry to hand the Exhibit Book to the Officer in charge of the matter who will immediately ensure that the report on the reverse side of the duplicate exhibit sheet is completed and duplicated onto the reverse side of the original entry. Failure by either Officer to ensure this is done could well be regarded as neglect of duty.

33.33 SUPERVISION OF RETENTION/DISPOSAL REPORTS

Exhibit retention/disposal reports are to be channelled through the Sergeant in charge of supervising exhibits or the Patrol Commander for information and attention prior to forwarding the reports to the Division Commander.

33.34 COURT DETAILS TO BE RECORDED

Court remands/final results are to be endorsed in Exhibit Book. It is the responsibility of the Officer in charge of the case when the exhibit is held in this Department's possession, except money held in the Special Deposits (Exhibit Moneys) Account - see 33.45 to submit a report on the file containing the duplicate exhibit sheet, immediately there is any change in the remand date and at the completion of proceedings.

The report at the completion of proceedings should set out any direction the Court may have given respecting the disposal of the property. Reports submitted by Police outside the Division and advising details of remand dates, must be referred to the Division Commander relevant to the Station holding the property in order that the Station's exhibit records can be properly maintained.

33.35 COMPLETED RETENTION/DISPOSAL REPORTS

The duplicate copy of the exhibit sheet after finalisation of all necessary action will be filed at the Station with other papers relating to that exhibit. Where the exhibit has been transferred to another Station, the duplicate exhibit sheet and associated papers are to be filed at the Station where the exhibit was last held.

33.36 EVALUATION OF INFORMATION/DISPOSAL OF EXHIBIT

Upon receipt of the duplicate exhibit sheet, the Division Commander shall evaluate the information contained therein and determine whether the exhibit should be disposed of or retained because of its evidentiary nature. If there is insufficient information to enable such determination the papers are to be returned to the Officer in charge of the case for further report.

In all cases, the Division Commander may, when convinced there is a need to retain the exhibit for production at Court, authorise the retention of the exhibit until finalisation of the Court proceedings.

Where there is nothing of an 'evidentiary nature' attached to the exhibit which necessitates its retention for Court purposes, where the owner is known and there are no rival claimants thereto, and the property has been photographed, the return of property to the rightful owner will not prejudice any subsequent Court proceedings, the Division Commander will direct the return of the property to the rightful owner and the necessary acquittance obtained.

At the conclusion of the Court proceedings and in the absence of any order made by the Court regarding disposal of the exhibit, the Division Commander may then direct the return of the property to the rightful owner or disposed of as unclaimed property by way of sale at auction or other appropriate means.

33.37 EXHIBITS OF AN EVIDENTIARY NATURE

It must be borne in mind that the law as it stands does not require the production of property seized as an exhibit before a Court, in all circumstances, unless there is something of an 'evidentiary nature' attached to an exhibit which renders its production imperative before a Court to ensure justice is done to both the prosecution and defence; and the prosecution satisfies its onus of presenting the best evidence by tendering photographs of such property, attested by the maker thereof and its existence is corroborated by the sworn testimony of witnesses.

As a guide to the 'evidentiary nature' of exhibit property, in matters of murder, manslaughter, assaults, hold-ups and the like where the use of deadly weapons seized is involved, such would of necessity be retained for production by the Crown at the trial. Likewise with written documents, parts of motor vehicles found to be defective in culpable driving or manslaughter charges, money or other property bearing matter or detail connecting the accused with the crime charged etc. The foregoing are only guidelines and the question of 'evidentiary nature' will depend on the full circumstances surrounding the offence.

33.38 VICTIMS OF CRIME - NEED TO RETAIN AND EARLY RETURN OF EXHIBIT PROPERTY

Although the successful prosecution of charges must always be kept in mind and consideration given to the possible effect of the absence of exhibits, severe hardship, and financial burden are often suffered by the rightful owner when such property is retained by Police for a lengthy period of time. Photographs of the exhibit, together with evidence by the owner and Police may be considered sufficient to establish the necessary proof of ownership or other proof relative to the property. Accordingly, where the identity of the owner of the property is known and there are no rival claimants, a determination by the Division Commander on the question of the retention or disposal of the property is to be made urgently. Every endeavour is to be made to ensure that property of victims is released, unless there are substantiated reasons to the contrary, within 4 weeks of coming into Police custody, in order that the victim suffers as little additional inconvenience or hardship than is absolutely necessary.

33.39 CROWN SOLICITOR'S ADVISING RE EXHIBITS

In respect of the retention as evidence of exhibits, including motor vehicles, the Crown Solicitor has advised that the Police are empowered, and it is their duty, to retain things which may be evidence of a crime which come into their possession without any wrong on their part. Once the need to retain the article or vehicle passes, it should be returned to the person from whom it was taken. However, when no arrest has been made and inquiries are continuing, certain requisites have to be satisfied in order to justify the taking of the articles as an exhibit. These requisites are as follows:

The police officer must have reasonable grounds for believing that a serious offence has been committed - so serious that it is of the first importance that the offender should be caught and brought to justice.

The police officer must have reasonable grounds for believing that the article or vehicle in question is either the fruit of the crime (as in the case of stolen goods) or is the instrument by which the crime was committed (as in the case of the axe used by the murderer) or as material evidence to prove the commission of the crime.

The police officer must have reasonable grounds to believe that the person in possession of the article or vehicle has himself/herself committed the crime, or is implicated in it, or is an accessory to it.

The police must not keep the article, nor prevent its removal, for any longer than it is reasonably required to complete the investigations or preserve it for evidence. If a copy will suffice, it should be made, and the original returned. As soon as the case is over, or if it is decided not to go on with it, the article should be returned.

The lawfulness of the conduct of the police must be judged at the time, and not by what happens afterwards (in other words, whether in fact the article is used as an exhibit or not).

Where there are reasonable grounds existing for the belief that a vehicle will be useful evidentially, then the detention of such vehicle is lawful and any action commenced for damages for normal deterioration and depreciation could be successfully defended.

The measure of legal responsibility for a bailee (the Police Department) requires such bailee to ensure, so far as possible, against damage or theft to the extent that a reasonable owner would deal with his/her property. If this standard of care is not met, then an action in negligence may lie against the Department.

33.40 PHOTOGRAPHING EXHIBITS - PROCEDURES

Where property has been seized and it is anticipated that pleas of 'not guilty' are to be entered into or where pleas of 'guilty' have been entered and dealt with promptly before the Court and appeals lodged after conviction, the Officer responsible for the seizure of the exhibit property will cause photographs to be taken immediately of the exhibit, in such a manner as to disclose all details necessary for identification at a later date.

Such photographs are to be taken by a Police Officer attached to Physical Evidence Section, nearest to the Station where the exhibit is held, who will make a record in the Section of such activity.

The negatives of the photographs are to be retained at the Section where taken and three prints made of each negative and appended to the brief of evidence prepared for the subsequent Court hearing.

The fact of the taking of such photographs is to be indicated in the 'Original Exhibit Entry'.

33.41 UNAUTHORISED PHOTOGRAPHING OF EXHIBITS

Other than for Departmental purposes, the photographing of exhibits in the possession of Police is prohibited, unless approved by the Division Commander.

33.42 PHOTOGRAPHING OR PHOTOCOPYING MONEY - EXHIBITS - LEGISLATION

Under the provisions of Section 19 of the Crimes (Currency) Act, 1981, which came into effect on 16 December 1985, persons wishing to make representations (which would include photographs and photocopies) of banknotes for any purpose must ensure that any such representations are not capable of misleading a person into believing that they are genuine notes.

This legislation covers representations of all Australian Notes both present and past issues, as well as representations of foreign paper money and certain Government and similar securities.

In order not to offend against this legislation in misleading a person into believing that photographs or photocopies of banknotes are genuine banknotes, the following guidelines are to be stringently adhered to:

The representations should be of a size at least one-third larger or smaller than the relevant genuine note.

The legal tender clause and signatures should be partially covered or obliterated.

The negatives should be destroyed when no longer required.

This legislation repeals the provisions of the Reserve Bank Act 1959, where approval was required to photograph or photocopy money.

33.43 PHOTOGRAPHING - PHOTOCOPYING MONEY - EXHIBITS - PROCEDURE

Police in charge of a case who have taken into possession money exhibits for use in the investigation of crime or for Court purposes will, except where photocopying is utilised, immediately contact the nearest branch of the Physical Evidence Section, where the money exhibit is currently being held and arrange for it to be photographed in the Officer's presence as soon as possible.

The Officer responsible for the seizure of exhibit money will ensure that, after the exhibit has been photographed or photocopied, an endorsement is made on the original and duplicate of the exhibit sheet advising that the copying has been done.

Where exhibits have been photographed and the offender absconds on bail, photographs so taken should be appended to the brief of evidence filed at the Information Section, Modus Operandi Unit, Technical Support Branch, for future reference, the negatives being continued to be retained at the relevant Branch of the Physical Evidence Section where taken. When the offender is rearrested and dealt with action should be taken to ensure that the negatives are destroyed as set out in the above guidelines.

33.44 PHOTOGRAPHING COINS

There is no bar at law to the photographing of exhibit coin money. This can be done showing the total amount seized without laying out each coin as in the case of Australian Bank notes.

33.45 BANKING OF CASH EXHIBITS

As with other exhibit property, where nothing of an evidentiary value is attached to money seized which renders its production imperative before a Court, and provided it has been photographed or photocopied in accordance with 33.42, the Division Commander may authorise its payment into the Special Deposits (Exhibit Moneys) Account maintained by the Department at the Accounts Branch.

If action is taken to pay exhibit money into the Special Deposits (Exhibit Moneys) Account, the Officer in charge of the case is to submit a further report at the expiration of the appeal period, if the offender is convicted or immediately the Court proceedings are finalised, in the event of the relevant charge being dismissed, or if the offender fails to appear at Court. Any Court orders respecting the money or reasons for any dismissal must be included in the report and the papers referred to the Division Commander for decision respecting disposal.

33.46 DISPOSAL OF BANKED EXHIBIT MONEY

The Division Commander will then consider the matter and forward the papers to the Accountant, 6th Floor, Ferguson Centre, Parramatta directing the method of disposal of the money from the Special Deposits (Exhibit Moneys) Account either by return to the person entitled to the money or by transfer to the Consolidated Revenue Fund.

If the money is for return to some person, the report should include the full address to which the cheque should be posted or whether it should be forwarded with the papers to a particular Police Station to ensure its safe return.

Where an offender fails to appear, such forwarding of the papers to the Accountant may be deferred pending normal inquiries, but should not be deferred longer than twelve months from the date of the failure to appear as moneys are not to remain indefinitely in the Special Deposits (Exhibit Moneys) Account.

33.47 DOUBT AS TO LEGAL ENTITLEMENT TO MONEY HELD

Should any doubt exist as to who may be legally entitled to money held in the Special Deposits (Exhibit Moneys) Account the Division Commander should refer the matter to the District Commander for direction.

33.48 CASH EXHIBIT - CUMULATIVE VALUE EXCEEDS \$5,000

Where the cumulative value of cash exhibits held at a Police Station for exhibit purposes, other than cash being held for the purpose of photographing or photocopying prior to immediate disposal to the owner or payment into the Special Deposits (Exhibit Moneys) Account as set out in 33.45, exceeds \$5,000, the Patrol Commander will report particulars of such exhibits to the Division Commander who will direct the continued retention of the moneys at that Station or, having due regard to the amount involved and any special security, the Division Commander may consider necessary, direct transfer of the moneys to another Division Station or to the Division Head Station.

33.49 VALUABLE EXHIBITS

Exhibits, except cash, motor vehicles, caravans, boats etc., valued at less than \$1,000 will be retained at the Station of receipt. In regard to exhibits in this category valued at \$1,000 or more, the Division Commander will determine the Station/s within the Division where such property should be held or transferred to having due regard to manning and security available at the Station concerned.

Notwithstanding the value of an exhibit, the Patrol Commander should consult the Division Commander in any case where the retention of exhibit property from a security point of view at the Station is in any way doubtful.

33.50 TRANSFERRED EXHIBITS - PROCEDURES AT FORWARDING STATION

Whenever it is necessary to transfer an exhibit in accordance with these instructions, full details are to accompany the article in order that appropriate entries can be made in the Exhibit Book at the Station or Office receiving same.

33.51 TRANSFERRED EXHIBITS - PROCEDURES AT RECEIVING STATION/OFFICE

Upon receipt of a transferred exhibit the Officer responsible for its acceptance will immediately enter all relevant details into the Exhibit Book at the Station clearly endorsing on the top left hand side of the entry and above the word PARTICULARS in the Book "Received from the Patrol Commander,....." and sign immediately under the entry. The duplicate exhibit sheet from the Book will then be returned to the forwarding station to be affixed to the relevant entry in the Exhibit Book there, and no other form of receipt will be necessary.

The file originating from the duplicate exhibit sheet where the property is first recorded shall be reported on until the exhibit is ultimately disposed of.

33.52 RESPONSIBILITY OF DIVISIONAL COMMANDER WHERE EXHIBIT TRANSFERRED

Where an exhibit is transferred in compliance with this instruction, the responsibility for the return of the exhibit to the owner or its ultimate disposal by other means shall transfer to the Division Commander responsible for the Station to which the exhibit is transferred.

33.53 RETENTION OF CASH EXHIBITS AT POLICE STATIONS

All cash exhibits, irrespective of value, should be retained at the Station of receipt pending a determination by the Division Commander on the question of retention or disposal. Notwithstanding the monetary value of the exhibit, the Patrol Commander should consult the Division Commander in any case where the retaining of the exhibit at the Station from a security point of view is in any way doubtful.

33.54 RESPONSIBILITY FOR CUSTODY OF EXHIBITS AT POLICE STATIONS

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. At all other Stations, the responsibility will rest upon the Patrol Commander.

33.55 DIVISION COMMANDER'S SAFE TO BE LOCATED IN THE EXHIBIT ROOM

The Division Commander's safe maintained at Division Head Stations shall be located in the Exhibit Room and the Division Commander or the member of the service temporarily performing that duty will have custody of the safe keys.

For instructions concerning the safe custody of safe keys and/or exhibit rooms, see Instruction 60.

33.56 MONTHLY INSPECTION OF EXHIBITS

The Non-commissioned Officer making the monthly inspection will be responsible for the checking of the entries in the Exhibit Book and conduct a physical check of outstanding exhibits against the entries appearing in the Book.

Any outstanding matters brought to light during the monthly check of exhibits will be reported to the Division Commander.

The Division Commander will personally inspect the Exhibit Book and exhibits at least once in every six-monthly period ending on 30 June and 31 December.

Police conducting monthly and half-yearly inspections should, apart from ensuring that each exhibit is correctly recorded, satisfy themselves that any reports required by virtue of this Instruction have been submitted and that exhibits are not being retained unnecessarily. Follow up procedures are to be instituted in cases of prolonged retention and/or insufficient up to date information respecting the exhibit.

33.57 SUMMARIES OF OUTSTANDING ITEMS

Summaries signed by the Patrol Commander of each Station of all uncleared items in the Exhibit Book should be prepared after each monthly inspection and inserted in the Exhibit Book. In 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.

33.58 EXHIBIT REQUIRED FOR PRODUCTION AT COURT

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 Police responsible for exhibits and by the member receiving it, the latter to sign for the exhibit in the space provided in the book.

33.59 RETURN OF EXHIBITS FROM COURT

At the conclusion of a hearing at any Court, and subject to directions contained in 33.60, the Police in charge of the case shall obtain exhibits which are available for return to the Police and deliver them to the Station at which they had been held.

On each occasion an exhibit is so returned, the member of the Station staff receiving it will check it against the entry in the Exhibit Book and sign that book in the space provided.

33.60 DISPOSAL OF EXHIBITS - AFTER COURT FINALISED

Where property is retained for exhibit purposes, it is to be disposed of promptly once the need for retention passes. Where a plea of guilty is entered (e.g. shoplifting or simple larceny) and the matter disposed of, no appeal immediately entered and an order made for the disposal of the property, such order is to be obeyed forthwith. A suitable acquittance is to be endorsed on or affixed to the original exhibit sheet.

Where the Court does not make an Order in the matters mentioned in previous clause hereof relative to the disposal of exhibit property, no appeal is lodged immediately after conviction and there is nothing of an evidentiary nature attached to the exhibit; if an owner thereto is known and no issue of rival claimants exists, such property is to be returned to the rightful owner. However, the acquittance thereof should be obtained on the original exhibit sheet and the duplicate exhibit sheet suitably endorsed.

33.61 PERIOD OF TIME FOR LODGEMENT OF APPEAL

It should be noted that the normal time for the lodgement of an appeal notice under Section 122 (1) of the Justices Act remains at 21 days from date of conviction etc.. However, Section 122 (1A) allows for an application to be made to the District Court within a period of 3 months from conviction seeking leave of that Court to lodge a notice of appeal out of the time stipulated. If there is any indication that an appeal will be lodged, the duplicate exhibit sheet should be resubmitted by the Officer in charge of the case to the Division Commander advising this fact and seeking a direction.

However, the mere fact that such provisions exist in the Justices Act should not preclude the return of property to rightful owner(s) merely because of such provision unless, there is a clear indication that an appeal is to be lodged.

33.62 EXHIBITS - NO COURT ORDER - RIVAL CLAIMANTS

On the question of the disposal of exhibit property, the Division Commander shall only refer through the normal channels, matters where there are no Court orders and rival claimants to the property or ownership is in doubt, where complex legal issues exist or in instances where it is felt that a determination should not be made at Division level.

Should there ultimately be any doubt as to the proper course to adopt on the question of the disposal of such exhibit property, legal advice may be sought by the Region Commander from the Assistant Commissioner, Services.

33.63 CROWN SOLICITOR'S ADVISING WHERE RIVAL CLAIMANTS

The Crown Solicitor has advised that where there are rival claimants for any property in the possession of Police and it has been decided to dispose of such property to the person considered to have the greatest claim to it, all other claimants should be given adequate notice (say 6 weeks) of that intention to so dispose of the property unless action for recovery of it is instituted by them in the time stated. When such property is handed over, indemnity should be obtained.

Notification of such intention should be served on the rival claimants in the following terms:

NOTICE OF INTENTION TO DELIVER PROPERTY
RETAINED IN POLICE CUSTODY

TO:
OF:

TAKE NOTICE that the, Commander,.....
Division, proposes to deliver (description
of property) to(name and address)
.....

Should you wish to oppose such action you will be allowed forty two (42) days, from the date of service of this notice, in which to commence legal proceedings.

If at the expiration of the forty two (42) day period the Division Commander has not been served with written notice that you have commenced such legal proceedings to prevent the delivery then the subject (description of property) will be delivered to
..... (name)

.....
Signed
Division Commander

The address at which all notices and documents may be served on the Division Commander is:

(Address of Division Command Headquarters
or a particular Police Station if considered
more convenient for all parties concerned)

NOTICE SERVED

The day of 19 at
in the State of New South Wales.

Signed:
Name:
Rank:
Station:.....

33.64 DISPOSAL OF EXHIBITS BY TENDER

Wherever it is considered inappropriate or uneconomical to dispose of exhibit property at public auction due to handling or other considerations, e.g. damaged motor vehicles, boats etc., and it is the view of the Division Commander that disposal should be by way of tender and such course is approved by the District Commander, tenders shall be sought or called by the Division Commander. In this regard the Division Commander will, if he considers it appropriate or if he considers tenders sought to be unacceptable, advertise the matter in a local newspaper with the cost being paid from petty cash. In any case where exhibit property is disposed of by way of un-advertised tender, a Commissioned Officer or Senior Non-commissioned Officer will sight the property and furnish a report as to the acceptability of the recommended tender having regard to the apparent value of the property.

The District Commander shall direct the acceptance or otherwise of such tenders.

33.65 EXHIBITS SEIZED UNDER RADIO COMMUNICATIONS ACT

The Deputy Manager, Commonwealth Department of Communications, North Sydney, is to be notified of the date, place and circumstances of the offence in all cases of seizure by Police, under the provisions of the Commonwealth Radio Communications Act, 1983, or radio communications equipment.

Unless there is a real need for its retention for production at Court the equipment is to be photographed for evidentiary purposes and released to the Officer in Charge of the nearest regional office of the Radio Frequency Division, Commonwealth Department of Communications, by the earliest possible date. A receipt will be issued to acquit this Department's records.

Irrespective of whether a decision is reached to retain/release the radio communications equipment a report is to be immediately forwarded to that Office outlining the full circumstances of the matter.

33.66 DISPOSAL OF FORFEITED EXHIBITS ETC

Where the Court makes an order for the forfeiture of any types of exhibits, as listed in the following sub-paragraphs or in the absence of such order where it is intended that the property not be returned to the offender, the Division Commander may, except where there are exceptional circumstances, authorise the disposal of the articles as set out hereafter.

Where applicable, Officers should endorse their approval on the relevant papers, which should be forwarded with the exhibit or property to the appropriate Section. Where the approval is for the immediate destruction of the exhibit or property, the Authorising Officer will personally supervise its destruction or arrange for another Officer to do so.

Firearms and Dangerous Weapons

Firearms, air rifles, unlicensed pistols, and all other types of offensive or dangerous weapons, including flick knives, sheath knives, knuckle dusters and articles of a like nature, are to be conveyed in the usual way, together with a short report of the pertinent details, to the Ballistics Unit. A receipt will be issued from that Unit to the Patrol Commander of the forwarding Station for filing against the appropriate entry in the Exhibit Book. The Commander, Ballistics Unit, will periodically arrange for the destruction of the property in the appropriate manner.

Liquor Exhibits-General

Liquor which is unfit for human consumption will be destroyed in the presence of an Officer. It should be noted that liquor exhibits in connection with ordinary after-hours trading offences are the property of persons from whom they were taken. Immediately after the conclusion of the proceedings, the defendant should be informed that the liquor will be returned to him/her forthwith at the Police Station concerned. A receipt should be obtained and filed in the Exhibit Book.

Liquor Exhibits - Metropolitan Area

In the metropolitan area, liquor which is considered fit for human consumption and which has been forfeited to the Crown, either automatically or by Court order under the various seizure or forfeiture provisions of the Liquor Act, 1982, as amended, and liquor which has remained unclaimed by a person against whom action has been taken for ordinary after-hours trading offences, will be conveyed to the Government Supply Department, Shed 74, off Huntley Street, Alexandria, between the hours of 7.30am and 4pm Monday to Friday. All such exhibits will be accompanied by a letter on official Departmental letterhead stationery, addressed to the Manager, Government Supply Department, in the following Form:

Division Commanders Office,
.....
.....
Ref.....

The Director,
Government Supply Department.

Subject: Liquor on hand atPolice
Station available for disposal.

As a result of Police action, the undermentioned liquor, which was held by Police at the abovementioned Police Station, is now available for disposal and is accordingly forwarded herewith.

The Police Department did not pay for any of this liquor and thus has no claim on the proceeds of disposal.

Exhibit No. Date Seized Liquor (Type/Quantity)
 (type in details under headings)

(Signed).....
 Inspector.....

A receipt will be issued by the receiving Officer at the Government Supply Department for filing at the Station concerned.

Liquor Exhibits - Country

Division Commanders in country areas will approve of the disposal of liquor exhibits, fit for human consumption, which have been forfeited to the Crown.

In such cases, Division Commanders will cause written Tenders to be obtained for the purchase of the liquor from local persons licensed under the Liquor Act and forwarded for his/her consideration. After approval of a Tender the Division Commander will direct the usual disposal action and ensure proceeds are forwarded to the Accounts Branch.

Money Exhibits

Any money forfeited, including that forfeited under the provisions of the Gaming and Betting Act, 1982, as amended, will be forwarded with a covering report of the pertinent facts direct to the Accounts Branch for payment to the Treasury. Where an offender is convicted of "offer bribe" and no Court order is made for its return, such money is also paid to the Treasury.

Instruments for Gaming

Instruments of gaming and betting which have been forfeited or ordered to be destroyed under the provisions of the Gaming and Betting Act, 1982, as amended, are to be destroyed in the presence of a Commissioned Officer. Such destruction should be carried out, as far as is reasonably practicable, on Police premises and in the most effective and expeditious manner according to the type of material involved, e.g., playing cards should be burnt in a properly constructed incinerator.

Small numbers of prohibited amusement devices, poker machines and other mechanical devices should be wrecked by the use of a sledge hammer or other suitable tool and the debris then disposed of at the local municipal tip. Large numbers of poker machines, prohibited amusement devices and other mechanical devices should be conveyed to the local municipal tip and arrangements made for their destruction using heavy earthmoving equipment. Particular attention is to be given during the wrecking of these machines/devices to ensure that the internal circuits/logic boards are destroyed and the debris is buried in the presence of Police.

Cassette Sound Recordings and Videos

All cassette and video sound recordings, except any such items which are to be destroyed, are to be forwarded to the Metropolitan Exhibit and Property Centre Zetland.

Cargo Exhibits Subject to Customs Control

When cargo, subject to Customs control, is no longer required by Police as an exhibit, or for any other purpose, it should be handed over to the Collector of Customs or his agent and a receipt obtained.

Credit Cards

When Police come into the possession of credit cards used in the Commission of an offence, the following procedures are to be adhered to:

As all credit cards remain the property of the company or other organisation by whom they are issued, and regardless of any request to the contrary, they are to be returned to the organisation concerned when no longer required, in the same condition as when they came into Police possession and a receipt obtained.

33.67 SECTION 358A OF THE CRIMES ACT

Section 358A of the Crimes Act, 1900 provides that where property is in the custody of Police in connection with any offence whether punishable on indictment or summarily, a Court may, on the application of any person, make an Order that it be delivered to the person who appears to be lawfully entitled thereto.

Subsection (2) of the same Section provides as follows:

If any property referred to in Subsection (1) has not been delivered to the person lawfully entitled thereto, whether pursuant to an order under Subsection (1) or otherwise, within one month after the determination of proceedings against a person for an offence with respect to the property, the property, if money, shall be paid to the Treasurer for payment into the Consolidated Revenue Fund or, if not money, may be sold by public auction and the proceeds of the sale shall be paid to the Treasurer for payment into the Fund.

Police should make themselves conversant with other provisions of Section 358A of the Act, particularly in respect of an owner's right after money has been paid into the Consolidated Revenue Fund and the extent of jurisdiction in the Local Court, the District Court and the Supreme Court.

33.68 INDEMNITY MAY BE OBTAINED

In cases where a direction is given to hand over an exhibit to a claimant(s), instructions may be given for an indemnity to be obtained. Where the indemnity is executed under hand a 50 cent adhesive duty stamp must be used. The stamp must be cancelled by the Officer executing the indemnity by writing in ink on or across the stamp, his/her name or initials and the date, at the time of execution. In rare cases where the indemnity is executed under seal, the completed document is to be returned immediately to Police Headquarters. Arrangements will then be made to forward the document to the Stamp Duties Office, 169 Phillip Street, Sydney, for impressing with a \$6.00 duty stamp.

This Department will accept liability for the payment of appropriate stamp duty. Failure to take such action within two months of the indemnity being executed in this State will result in a fine being imposed proportional to the amount of duty payable as prescribed in Section 25 of the Stamp Duties Act.

33.69 FORM OF INDEMNITY WHERE TWO OR MORE PERSONS AS JOINT OWNERS

The following Form of Indemnity is to be obtained when handing over exhibits to two or more persons as joint owners:

EXHIBIT NO.....

In consideration of the Commissioner of Police of the State of New South Wales at our request handing over to us (which were taken possession of by Police of the State of New South Wales in connection with the case against (or as the case may be, e.g., which were found by Police of the said State in the possession of on or about the day of 19) (the receipt whereof is hereby acknowledged by us), we of New South Wales and of in the said State hereby jointly and severally undertake to indemnify and at all times keep indemnified the said Commissioner of Police and each and every Police Officer of the State of New South Wales, the Police Board of New South Wales and Her Majesty the Queen, Her Heirs, and Successors from and against all claims and demands whatsoever that may at any time be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever that may at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner of Police so handing over to us the said money/property.

Dated at this day of 19.....

Signed by the abovenamed).....
in the presence of:

(Insert witness's address).....
.....

Signed by the abovenamed).....
in the presence of:

(Insert Witness's address).....
.....

33.70 FORM OF INDEMNITY - INDIVIDUAL CLAIMANT

The following Form of Indemnity is to be obtained when handing over exhibits to individual claimants:

EXHIBIT NO.....

In consideration of the Commissioner of Police of the State of New South Wales at my request handing over to me (which were taken possession of by Police of the State of New South Wales in connection with the case against (or as the case may be, e.g.) which were found by Police of the said State in the possession of on or about the day of , 19) (the receipt whereof is hereby acknowledged by me), I, of in the State of New South Wales hereby undertake to indemnify and at all times keep indemnified the said Commissioner of Police and each and every Police Officer of the State of New South Wales, the Police Board of New South Wales and Her Majesty the Queen, Her Heirs, and Successors from and against all claims and demands whatsoever that may at any time be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever that may at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner of Police so handing over to me the said money/property.

Dated at this day of , 19.....

Signed by the abovenamed).....
in the presence of:.....

(Insert witness's address).....
.....

33.71 FORM OF INDEMNITY HIRE PURCHASE

Form of Indemnity to be completed by hire purchase companies in connection with release of motor vehicles in Police possession.

In consideration of the Commissioner of Police permitting(name of company or corporation) hereinafter called the company (or corporation) entering on the premises of thePolice Station for the purpose of exercising such rights as the company (or corporation) claims to have to take or resume possession of a certain motor vehicle namely motor vehicle Regd. No....., which vehicle came into the custody of members of the New South Wales Police Force when it was found apparently abandoned in a public street (street and suburb), on the (date), the company (or corporation) hereby agrees and undertakes to indemnify and at all times keep indemnified the said Commissioner of Police and each Police Officer of the State of New South Wales, the Police Board of New South Wales and Her Majesty the Queen, Her Heirs and Successors from and against all claims and demands whatsoever that may at any time be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever that may at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner of Police handing to the said company (or corporation) the said vehicle.

Dated atthis.....day of , 19.....

The Common Seal of was hereunto affixed,

Or

Executed by local attorney of corporation - plus memorandum of non-revocation.

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney Registered No..... Miscellaneous Register under the authority of which he has just executed the above instrument.

Signed at Sydney thisday of.....19....

(Signed)..... (Signed Witness).....

(Duty Stamp to be affixed)

33.72 MOTOR VEHICLE EXHIBITS

Where a motor vehicle is in the possession of Police as an exhibit all necessary care should be taken to prevent deterioration, as far as possible, and to ensure its security. Immediately the retention of a vehicle is no longer required for Police purposes, approval should be sought for it to be returned to the owner or otherwise disposed of.

33.73 ANIMALS RETAINED FEEDING, ETC.

When it is necessary for Police to retain possession of a horse or other animal held as an exhibit pending the conclusion of any Court case and there is a likelihood of the Police Department being responsible for the feeding and other care of the animal, an endeavour should be made to obtain from the owner or representative, a written undertaking to pay any cost incurred in feeding or otherwise caring for it. For directions re caring for animal exhibits at Courts, see Instruction 40.

33.74 BATTERY OPERATED EQUIPMENT - REMOVAL OF BATTERIES

When battery operated equipment comes into Police possession as an exhibit or otherwise, any batteries should be removed to prevent corrosion damage unless there is good reason for the batteries not to be so removed. In this regard it should be remembered that certain electronic equipment, such as radio scanners, may contain vital information programmed into the equipment or retained in the equipments memory and such information will be lost if the batteries are removed. Where such equipment is to be examined by a Departmental radio communications expert in connection with criminal proceedings, the question of the removal of such batteries should be determined by such expert having regard to the possibility of corrosion against the value of having the instrument retain essential data stored in its memory.

Special care is to be taken for any batteries removed to be preserved and properly marked for identification. Entries in the Exhibit Book or Miscellaneous Property and Receipt Book must clearly indicate the number of batteries in the article at the time of receipt or that the equipment contained no batteries or, where preservation of data is essential, a notation that the battery covers were not opened.

33.75 PREVENT DAMAGE BY MOTHS, ETC.

Where items of exhibit clothing appear likely to be held at a Station for a considerable period and damage from moths, etc., may result, action should be taken to treat the clothing with an appropriate repellent which may be purchased locally from the Division Commander's Petty Cash.

33.76 AUCTION SALES

Exhibits which can be sold at auction may be disposed of at the next sale after a direction for such action has been given.

In the country area, each District Commander may approve of public auctions being held for the sale of exhibit property. The frequency of such sales will be at the discretion of the District Commander concerned, as will be the date, time, location, choice of auctioneer, and necessary advertising as required by Section 35 of the Police Regulation Act. District Commanders should periodically call for a return to be furnished of unclaimed exhibit property on hand at each Station in the District which is available for sale and take the necessary action for its disposal.

33.77 PROCEEDS FROM AUCTION SALES

As soon as practicable after each sale, an itemized list, showing particulars of the property sold and the amount obtained for each item, should be submitted to the Accounts Branch, together with a bank draft representing the net proceeds of the sale.

33.78 EXHIBITS FOR POLICE MUSEUM

Where it is considered that an exhibit should be placed in the Police Museum a report of all available particulars should be forwarded to the Commissioner for direction.

33.79 COUNTERFEIT CURRENCY

Counterfeit Australian Bank Notes are to be forwarded by security post to the Officer in Charge, Australian Federal Police, Reserve Bank Note Printing Branch, P.O. Box 21, Craigieburn 3064, when no longer required by this Department. Such notes should be accompanied by a report setting out the circumstances as to how they came into Police possession and requesting the issue of a receipt.

33.80 WARRANT IN FIRST INSTANCE - NUMBER TO BE RECORDED IN EXHIBIT BOOK

To facilitate the checking of exhibits, when a warrant in the first instance has issued for an offence connected with an exhibit, the warrant number should be endorsed on the relevant entry in the Exhibit Book.

33.81 RETURN OF EXHIBIT TO OWNER AT DISTANT CENTRE OR INTERSTATE

When exhibit property becomes available for return to an owner at a distant centre or interstate, the procedures set out in 33.26 relative to miscellaneous property should be followed.

33.82 PROMPT DISPOSAL OF EXHIBITS AND MISCELLANEOUS PROPERTY - LINE OF RESPONSIBILITY

Property in the possession of Police, whether exhibits or otherwise, should be disposed of as soon as possible. Immediately the requirements of this Department or the Courts have been satisfied, the property in question is to be returned to its rightful owner, if known, or in other cases, the facts reported so that a direction may be given for its disposal.

Where the Police Officer responsible for property being taken into Police possession is transferred from the Station at which it is held, the Officer should ensure that another member is aware of the position regarding inquiries made, so that the disposal of the property can be followed up. Should the member responsible cease to be in the Force, or should the Officer be absent on sick report for a lengthy period, the Patrol Commander will ensure that the matter receives proper attention.

It is the primary responsibility of the Officer in charge of the case involving the retention of an exhibit to see that the exhibit is disposed of at the earliest opportunity. However, the Patrol or Division/Branch Commander also has a responsibility to see that an exhibit is not held unnecessarily at the Station or Branch, and the Officer should arrange for the position regarding exhibits to be kept under review and that action is taken to institute follow-up and disposal procedures.

33.83 DRUG EXHIBITS

For the recording, retention, destruction etc. of drug exhibits refer to Instruction 56.

33.84 FINGERPRINTS

For action to be taken in connection with examination of exhibits on which fingerprints appear, see Instruction 71.

33.85 HANDWRITING OR OTHER DOCUMENTS

For instructions concerning handwriting or other exhibits consisting of documents, see Instruction 70. For instructions concerning the identification, etc., of industrial gas cylinders, see Instruction 63.

33.86 CONFIDENTIALITY OF MEDICAL RECORDS

An arrangement exists with the New South Wales Branch of the Australian Medical Association whereby assistance and guidance is provided to Police by a panel of medical practitioners in any action which may involve professional records and/or the relationship between members of the medical profession and their clients/or patients. The Medical Secretary of the New South Wales Branch of the Australian Medical Association, is to be contacted should the assistance of the panel be required.

33.87 ANALYTICAL AND MICROSCOPICAL EXAMINATIONS

When a microscopical examination or analysis 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 appropriate laboratory of the Health Commission of New South Wales and Police will follow the procedure in regard to submission of reports and conveyance of exhibits set out hereunder in this Instruction.

Following their analysis at the Division of Analytical Laboratories, Department of Health, N.S.W., most drug exhibits will be sealed in clear plastic bags by using plastic heat sealers. Individual exhibits will be labelled with the words "Division of Analytical Laboratories" and such labels, which will be made of security paper, will be placed over the heat seal. Under no circumstances should the laboratory identification numbers be removed, nor the sealed plastic bags be opened or the seals interfered with in any way, whilst in Police custody unless Police are ordered by the Court to do so. In those circumstances when the exhibit is returned to Police custody, the Exhibit Book is to be endorsed with the following particulars:

Seal on Exhibit No.....broken by.....
by order of.....
 at.....Court on
(date) in the presence of
(Signature of the
 Police Officer concerned).

33.88 INFLAMMABLE LIQUID

Samples of alleged flammable liquid taken in connection with proposed prosecutions under the Inflammable Liquid Act will be tested at the Explosives Branch, Department of Industrial Relations and Technology, and a certificate of the Chief Inspector under the Act should be accepted in the Courts as prima facie evidence of the facts set out therein.

33.89 TYPES OF TESTS AND WHERE CARRIED OUT

Post mortem exhibits normally require one or more of the following types of examination:

Chemical analysis to determine the presence or otherwise of poisons, drugs and/or alcohol in the organs or blood. (Division of Analytical Laboratories, Joseph Street, Lidcombe).

Histopathological examination, i.e., the study of diseased tissues. (Division of Forensic Medicine, 42-50 Parramatta Road, Glebe).

Forensic biology, i.e., examination and identification of seminal and blood stains, blood grouping, examination of hairs. (Medico-Legal Laboratory, Division of Forensic Medicine, 42-50 Parramatta Road, Glebe).

Bacteriological and Virological examinations. (The Institute of Clinical Pathology and Medical Research, Joseph Street, Lidcombe).

33.90 NECESSARY REPORTS - SUBMISSION OF EXHIBITS FOR ANALYSIS

In each case where exhibits are required to be sent for scientific examination at any laboratory, Police will complete a forensic biology examination Form P.377, as set out hereunder, which should be accompanied by other reports referred to:

Coroner's Matters:

Specimens for pathological examination (study of diseased tissues) at Division of Forensic Medicine, Parramatta Road, Glebe, to be accompanied by four copies of Form P.377, one copy of Form P.79A and one copy of Doctor's post mortem report.

Specimens for analytical examination (to determine presence of poisons or drugs in the organs) at Division of Analytical Laboratories, Joseph Street, Lidcombe, to be accompanied by four copies of Form P.377, one copy of Form P.79A and one copy of Health Commission Form "Request for Toxicological Analysis". (The latter Form is supplied to all Government Medical Officers, with an appropriate circular, by the Health Commission, and must be completed by the Doctor in all cases where poisons or drugs are suspected as being the cause of death and organs are submitted for analysis).

Non-coronial Matters each of which should be accompanied by four copies of the P.377 Form only:

Swabs, smears, clothing and other exhibits concerning sexual offences for testing for the presence of spermatozoa, blood, saliva and stained articles for blood grouping, and hair samples - all for examination at Division of Forensic Medicine.

Blood samples for testing for alcohol, carbon monoxide, drowning, addictive drugs (non-fatal), flammable liquids, soil, paint, glass and other physical or chemical comparisons at the Division of Analytical Laboratories.

Miscellaneous Exhibits, each of which should be accompanied by four copies of the P.377 Form only. Apart from the two main laboratories mentioned above, many other laboratories and institutions examine exhibits for this Department, some of which are:

Explosives - Division of Analytical Laboratories.
 Textiles - School of Textile Technology, University of New South Wales.
 Plants, leaves, grasses - Botanic Gardens.
 Timber - Forestry Commission
 Metals - School of Metallurgy, University of New South Wales.
 Teeth, dentures - Division of Dental Services.
 Electrical equipment - Electricity Authority.

The Dangerous Goods Branch, Department of Industrial Relations and Employment, will advise Police on types, sizes and nature of explosives approved for use in this State.

All relevant portions of Form P.377 should be completed. All specimens and exhibits should be properly packaged and labelled with each item being consecutively numbered followed by a brief description of the contents.

The same number and description is to be entered on the Form. An indication of the examination required should be given by ticking the "boxes" on the front of the Form. On the reverse side, brief particulars should be supplied of the offence or circumstances of the case and the name of the escorting Constable shown in the space provided.

Special attention is to be paid in nominating, on the Form, the date by which the specimen/exhibit analysis should be returned to Police for Court purposes. The date is to be shown in large numerals - if such date is not available at the time the exhibit is delivered for analysis. The Laboratory staff is to be advised subsequently of the date, by telephone as soon as possible.

One copy of the Form P.377 will be retained and filed at the Physical Evidence Section. When the exhibits are delivered to the Laboratory concerned, one copy of the Form is to be signed by the person receiving them and returned to the escort and returned to the forwarding Station and filed.

33.91 COLLECTION OF EXHIBITS FROM LABORATORIES

As soon as possible after the laboratory certificate is received at a Station, Police in charge of the inquiry should make arrangements for the exhibits, other than blood or organs, to be removed from the laboratory or, if not further required, for them to be destroyed.

33.92 DOCTOR'S POST MORTEM REPORT TO ACCOMPANY EXHIBIT IN CERTAIN CASES

Where a Doctor's Post Mortem Report is required to accompany exhibits which are forwarded for analysis, etc., as directed in 33.91, such report should contain full notes, not only of the clinical history, but also of the naked-eye features of organs from which portions are taken, as well as details of the condition noted in other organs of the body. The exhibits will not be examined by the pathologist until this report is received.

33.93 CONVEYANCE OF EXHIBITS TO APPROPRIATE LABORATORY

In cases where no charge is laid, or is likely to be laid, specimens of organs and blood, with relevant papers, will be retained at the Physical Evidence Section and later taken to the Division of Analytical Laboratories or the Division of Forensic Medicine. However, if a charge is pending, except in the case where blood specimens are to be tested for the presence of alcohol only as outlined in Police Instruction 94, the escort will be required to retain the exhibits and make personal delivery to the laboratory concerned. In this regard the exhibits must not be forwarded by post. The Constable conveying the exhibits should be well acquainted with the whole of the circumstances surrounding the particular investigation as he may be required to give 'evidence of delivery'.

33.94 AVOID DELIVERY AT WEEKENDS, ETC., IF POSSIBLE

Except in cases where it is absolutely necessary that exhibits should be examined at the earliest possible moment, it is not desirable that escorts with exhibits should arrive in Sydney on a Saturday, Sunday or Public holiday.

Police arriving with exhibits during weekends or after ordinary office hours will report to the Shift Commander, Sydney Police Station, for the purpose of carrying out the following procedure:

Where the exhibits consist of parts of the human body, arrangements will be made for the escorting Constable to place them in the refrigerator at the Physical Evidence Section, Sydney Police Centre, in order that they may be kept fresh.

Other exhibits which are not required to be kept cold will be handed to the Shift Commander, Sydney Police Station, who will retain them in a locked safe kept for that purpose.

Where no charge is laid, or likely to be laid, the escorting Constable may then return to his station and the exhibits and papers will subsequently be dealt with by the Physical Evidence Section as set out in 33.93. However, if a charge is pending, the exhibits referred to in previous clause will be placed in a compartment of the refrigerator which will be locked and the escort will be handed a key to the compartment. The key should be retained by the escort until 8.30am on the following day, or Monday in the case of weekends, when the officer should return to the Physical Evidence Section, collect the exhibits and copies of the report and follow the procedures directed in 33.90.

In the case of exhibits referred to in previous clause, if a charge has been, or is likely to be, laid, the escort will personally place the exhibits in the drawer provided and after locking it, retain the key until 8.30am on the next working day, when the escort should again take possession of the exhibits and then return the key to the Shift Commander, Sydney Police Station. The escort should then convey the exhibits to the appropriate authority.

33.95 POISONING - SAMPLES FOR ANALYSIS

Where any person is suspected of having been poisoned, as large a sample as possible, preferably a complete 24 hour specimen, of the urine of that person should be taken for analysis. All vomit should be similarly collected and a careful search made for any glasses, bottles or other receptacles likely to have contained poison.

The Health Commission of New South Wales has instructed hospital authorities that in all cases of suspected poisoning it is essential that they should carefully retain stomach washings, vomit, urine and similar specimens for toxicological examination by the Government Analyst, should circumstances require it. Further, in all such cases, the Police should be notified as soon as possible.

33.96 POST MORTEM EXAMINATIONS - INSTRUCTIONS FOR GOVERNMENT MEDICAL OFFICERS

The Department of Health's "Handbook for Government Medical Officers" sets out procedures to be followed by those officers in conducting post-mortem examinations.

The Commander, Coronial Investigation Unit, Physical Evidence Section, is to liaise with the Department of Health and maintain an oversight of the contents of the relevant areas of the Handbook, to ensure that they are kept up to date with any altered legislation or police procedures.

33.97 COUNTRY AREA TWO DOCTORS FOR POST MORTEM EXAMINATIONS

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 Commission desires that the medical officer conducting the examination should, if possible, call another doctor to assist him and to ensure the availability of evidence of one or both medical officers. The assistant's fee for the post mortem examination, will be paid by the Justice Department.

33.98 MEDICINES - COLLECTION AND HANDLING OF

In all cases of post mortem examinations, where medication had recently been taken by the deceased, whether proprietary medicines or otherwise, particulars should be included in the report mentioned in 33.90. Any prescriptions available should be forwarded with the report. If bottles containing any 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.

33.99 INSTRUCTIONS RE TAKING OF SPECIMENS

It is the responsibility of the doctor conducting the post mortem examination to place all specimens for analysis in sealed containers, distinctly labelled and marked, and to hand them to Police for delivery to Sydney as soon as possible. The following procedures should be carefully observed:

Parts of the body to be analysed for poisons or drugs should be placed in clean glass or plastic jars with plastic stoppers. No methylated spirit or other form of alcohol should be used as a preservative or cleansing agent, nor should formalin or other preservative be added to any of the exhibits except as specified in sub-clauses hereunder.

Securely close and tie the lids to prevent accidental opening in transit. Fill in and affix the self-adhesive labels supplied with the jars from the Government Analyst's Laboratories. Whenever possible, deep-freeze the sealed jars and pack them in shredded paper for protection during transmission. The samples should be collected as follows:

The Liver:

The whole organ less any part required for pathological examination. This organ should be placed in a widemouthed jar of about 1.8kg capacity. Never include the stomach and contents in this exhibit.

The Stomach and Contents:

Place in a wide-mouthed 1kg jar. In the case of babies, the small intestines also should be included in this exhibit.

Blood (unpreservatised):

About 100ml is required in a small glass jar. On no account should fluoride or any other substance be added to this blood. Any such addition may vitiate cholinesterase activity or other determinations. The use of too large a jar should be avoided (not more than half air space, if possible).

Where no charge is laid, or likely to be laid, the escorting Constable may then return to his Station and the exhibits and papers will subsequently be dealt with by the Physical Evidence Section as set out in 33.93. However, if a charge is pending, the exhibits referred to in previous clause will be placed in a compartment of the refrigerator which will be locked and the escort will be handed a key to the compartment. The key should be retained by the escort until 8.30am on the following day, or Monday in the case of weekends, when the Officer should return to the Physical Evidence Section, collect the exhibits and copies of the report and follow the procedures directed in 33.90.

In the case of exhibits referred to in previous clause, if a charge has been, or is likely to be, laid, the escort will personally place the exhibits in the drawer provided and after locking it, retain the key until 8.30am on the next working day, when the escort should again take possession of the exhibits and then return the key to the Shift Commander, Sydney Police Station. The escort should then convey the exhibits to the appropriate authority.

33.95 POISONING - SAMPLES FOR ANALYSIS

Where any person is suspected of having been poisoned, as large a sample as possible, preferably a complete 24 hour specimen, of the urine of that person should be taken for analysis. All vomit should be similarly collected and a careful search made for any glasses, bottles or other receptacles likely to have contained poison.

The Health Commission of New South Wales has instructed hospital authorities that in all cases of suspected poisoning it is essential that they should carefully retain stomach washings, vomit, urine and similar specimens for toxicological examination by the Government Analyst, should circumstances require it. Further, in all such cases, the Police should be notified as soon as possible.

33.96 HEALTH COMMISSION INSTRUCTIONS RE POST MORTEM EXAMINATIONS

A copy of a circular issued to Medical Practitioners by the Health Commission of New South Wales setting out the procedure to be followed by Medical Officers conducting post mortem examinations in connection with Police and Coroner's investigations is contained in Item 13 of the Police Reference Book. Police in charge of cases, when requiring a post mortem examination to be held, will tactfully bring the contents of the circular under the notice of the Medical Officer concerned. The same circular should be referred to by Police when preparing their reports so that they will have an appreciation of the type of examination required and the laboratory which will conduct it.

Police investigating "cot deaths" should refer to material contained under the sub-title "Virology" in Item 13, Police Reference Book.

33.97 COUNTRY AREA TWO DOCTORS FOR POST MORTEM EXAMINATIONS

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 Commission desires that the Medical Officer conducting the examination should, if possible, call another Doctor to assist him and to ensure the availability of evidence of one or both Medical Officers. The assistant's fee for the post mortem examination, will be paid by the Justice Department.

33.98 MEDICINES - COLLECTION AND HANDLING OF

In all cases of post mortem examinations, where medication had recently been taken by the deceased, whether proprietary medicines or otherwise, particulars should be included in the report mentioned in 33.90. Any prescriptions available should be forwarded with the report. If bottles containing any 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.

33.99 INSTRUCTIONS RE TAKING OF SPECIMENS

It is the responsibility of the Doctor conducting the post mortem examination to place all specimens for analysis in sealed containers, distinctly labelled and marked, and to hand them to Police for delivery to Sydney as soon as possible. The following procedures should be carefully observed:

Parts of the body to be analysed for poisons or drugs should be placed in clean glass or plastic jars with plastic stoppers. No methylated spirit or other Form of alcohol should be used as a preservative or cleansing agent, nor should formalin or other preservative be added to any of the exhibits except as specified in sub-clauses hereunder.

Securely close and tie the lids to prevent accidental opening in transit. Fill in and affix the self-adhesive labels supplied with the jars from the Government Analyst's Laboratories. Whenever possible, deep-freeze the sealed jars and pack them in shredded paper for protection during transmission. The samples should be collected as follows:

The Liver:

The whole organ less any part required for pathological examination. This organ should be placed in a widemouthed jar of about 1.8kg capacity. Never include the stomach and contents in this exhibit.

The Stomach and Contents:

Place in a wide-mouthed 1kg jar. In the case of babies, the small intestines also should be included in this exhibit.

Blood (unpreservatised):

About 100ml is required in a small glass jar. On no account should fluoride or any other substance be added to this blood. Any such addition may vitiate cholinesterase activity or other determinations. The use of too large a jar should be avoided (not more than half air space, if possible).

Blood (preservatised, for alcohol determination only):

Approximately 15ml in a 15ml McCartney bottle supplied by the Police Department. These bottles have been specially prepared at the Divisions's Laboratories and contain sodium fluoride (150mg) as an enzyme inhibitor and potassium oxalate (40mg) as an anticoagulant. All blood specimens for the determination of alcohol must be submitted to the laboratory in these standard bottles.

Urine (unpreservatised):

Generally, the suggested quantity would be 10-50ml in a suitable container.

Blood (drowning):

In cases of suspected drowning, two additional blood samples will be required. These should be at least 15ml each, one from the left and the other from the right chamber of the heart, and clearly labelled as such.

Bone, Muscle, Hair:

When chronic metallic poisoning is suspected, in addition to the abovementioned viscera, specimens of bone, muscle and hair (not less than two grams and preferably five grams) should be included. These specimens should all be placed in separate containers.

Bile:

In cases of suspected drug addiction, as much bile (unpreservatised) as possible should be submitted in separate containers.

Brain:

In cases of possible overdose of sympathomimetic drugs, the whole brain (unpreservatised) less any portion required for pathological examination, should be submitted.

Vomit, etc.:

Any vomit, stomach washings or similar material taken from the deceased before death, should be sent (the whole amount, not portion only).

If exhibits (parts of the body) as referred to in previous clause, are not such as can be placed in clean glass or plastic jars, they should be placed in new wooden boxes or clean cardboard cartons, lined, but not pasted, with sheet plastic or ordinary greaseproof paper. This particular paper is free from toxic matter and should it not be obtainable, ordinary brown paper should be used. If glass or plastic jars or bottles are used, they must be perfectly clean. Before use, they should be washed out with warm soapy water and, if possible, finally rinsed out with distilled water. 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.

To ascertain by chemical analysis if a person has died from inhalation of carbon monoxide or similar poisonous vapour, a blood sample should be placed in a 100 ml bottle (filled) and submitted with the organs as listed in previous clause. In such cases, a request must be made in the report accompanying the exhibits that an examination is required for carbon monoxide, etc. All blood samples should, of course, be taken by an experienced Medical Officer.

All specimens for histopathological examination at the Division of Forensic Medicine must be placed in a solution consisting of 1800cc water, 200cc formalin and 17.6 grammes sodium chloride - common salt. The volume of fluid to tissue ratio should be not less than 10:1.

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 and the specimens should, therefore, be forwarded as soon as possible. They should be submitted in paper envelopes or wrappings and not in plastic bags or plastic wrappings which cause rapid decomposition. They should not be handled more than is absolutely necessary and especially the stained parts should not be crumpled or crushed. Whenever practicable, such specimens should be forwarded to the Forensic Biologist at the Division of Forensic Medicine for examination in order that the result of the examination may be available as evidence in the proceedings at the Lower Court.

In cases of murder or serious assault, when an examination of bloodstains is required, the material suspected of bearing the blood should be submitted, accompanied, where possible, by a specimen of not less than five cubic centimetres of the blood of the victim. Keep blood stains away from heat and sunlight. Keep cool or cold but do not freeze. A portion of moist blood clot is of great help if transported quickly and kept cool. If a sample of whole blood cannot be transported quickly, a small quantity should be used to make a stain on a piece of clean linen or cotton about 25mm square, dried in a cool place, and delivered as well as the sample of whole blood. A piece of the unstained linen or cotton should be sent as a control. Such samples will permit a comparison being made between the blood group of the stains on the exhibit and that of the victim.

Where the post-mortem examination is being conducted at the City Morgue, it will only be necessary to inform the 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 biologist.

Where a person has been arrested in connection with a case of murder or serious assault and it is considered a comparison of the accused's blood group with that of the blood-stained exhibits may prove of value, or where the charge is such that an analysis of his/her blood may prove of value, the accused should be asked whether he/she is prepared to authorise the taking of blood for examination/analysis. It is essential that the consent of the person be freely and voluntarily given and the accused should be informed that he/she is not obliged to allow a specimen of his/her blood to be taken for testing/analysing unless the accused wishes to do so. In the event of consent being given, an authorisation in writing and, as near as practicable, in the following Form should be obtained from the offender:

"I,.....Of.....
 arrested on a charge of.....do
 hereby authorise Dr..... to take
 sufficient blood from my body for the purpose of
 *testing/analysing the same or causing the same to be
 tested/analysed or grouped.
 I give this authority freely and voluntarily, no
 inducement, threat or promise having been held out to
 me.

Signed.....

Witness.....
 *Delete inappropriate words."

In the metropolitan area, immediate contact should be made with the Government Medical Officer, Sydney, where possible. Advice will then be given as to the action to be taken with regard to the taking of a sample of blood from the consenting person. 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 take it in accordance with requirements outlined in this paragraph. The bottle should be sealed by the Doctor, or in his/her presence, and handed to a Constable who will, as soon as possible, take it to the Forensic Biologist for examination. In no circumstances should an Officer conducting the investigation handle the sample.

In cases necessitating inquests on the bodies of females thought to have died from the effects of haemorrhage, injury or septicaemia following a miscarriage, the pelvic contents should be removed and kept in a solution consisting of 1800 cc water, 200cc formalin and 17.6 grammes sodium chloride common salt. The volume of fluid to tissue ratio should be not less than 10:1

Police will see that this requirement is brought under the notice of the Medical Officer making the post-mortem examination and will retain possession of the vessel containing the pelvic contents until dealt with in accordance with directions contained in 33.90.

When found necessary to forward bottles containing fluid by packet post, they must be securely corked so that their contents cannot escape and be packed in boxes sufficiently strong to prevent breakage and damage to other mail. Parcels containing liquid and semi-liquid will only be accepted by postal authorities on the condition that they are securely packed and labelled "fragile", and the nature of the vessel and contents endorsed on the cover.

33.100 MCCARTNEY BOTTLES FOR BLOOD SAMPLES

McCartney bottles of 15 millilitres capacity fitted with rubber sealed metal screw caps together with a supply of self-adhesive sealing and identifying labels are issued to each Station.

These containers are to be used for the collection of blood samples for transmission to the appropriate authority described in 33.89.

Each bottle contains a preservative and an anti-coagulant in the proportions of 1.0 per cent sodium fluoride and 0.25 per cent potassium oxalate. These chemicals have been added by a qualified Chemist and the bottles capped and sealed with a pink sealing label bearing the words "Preservative Added" and initialled by the Chemist.

Police will ensure that while the bottles are in their custody, sealing labels are not cut, removed, written on or defaced in any manner. They must be intact when handed to the Medical Practitioner taking the blood sample as evidence may be required in Court at a later stage as to the condition of a bottle when taken into use. In any case where a bottle or label may become damaged, the bottle should not be used.

Prior to taking a blood sample, the Medical Practitioner will cut the pink label below the screw cap on both sides. The Doctor will not remove the coloured pieces which will remain on the bottle and the cap as an indication that preservatives have been added. The remaining pieces of the label will also bear the chemist's initials which should not be obliterated. After the sample has been taken and the cap replaced, a white sealing label, signed by the Medical Practitioner, will be placed over the cap at right angles to and across the coloured label and stuck to the sides of the bottle. A white identifying label will then be completed and wrapped around the bottle. These additional seals and labels must not be interfered with or defaced in any manner.

A reserve supply of bottles is to be held at each Divisional Head Station. All bottles are to be stored in a safe and readily accessible place and the number on hand at Sub-stations should be maintained by replacement from the Head Station stock. Head Stations will in turn obtain replacement from the Head Station stock. Head Stations will in turn obtain replacement bottles as required from the Physical Evidence Section. (See Instruction 94 re blood samples for the purposes of the Motor Traffic Act.)

33.101 PLASTER CASTS

When it becomes necessary to take a plaster cast of a footprint or other impression and a member of the Physical Evidence Section is not available to do so, remove all loose particles of earth or foreign matter from such impression before mixing the plaster. These can be carefully picked out with tweezers or the fingers and if the soil is wet and firm they may be blown out by the mouth. No attempt should be made to remove any matter that is embedded in the print as this would disrupt the surface of same and in all probability destroy valuable marks of identification. The protruding ends of sticks, grass and the like can be carefully cut off after the cast has been removed from the ground. Before making the cast, the impression must be photographed from directly above, with a rule beside the impression for sizing purposes. Low level lighting should be used to accentuate the detail.

To obtain plaster casts of tracks made in earth, sand or clay, use ordinary commercial plaster of Paris. About 1.25 litres of clean water should be placed in a clean receptacle such as an enamel, plastic or metal basin for an ordinary footprint. The plaster of Paris should then be quickly and lightly sprinkled over the surface of the water until the whole of the latter is absorbed and the plaster appears on the surface mix with the hand until the mixture is free from lumps and is the consistency of cream. It takes about 2 kilograms of plaster to 1.25 litres of water, but this is only a guide to be taken into consideration when mixing ingredients.

The plaster of Paris should then be transferred to the impression or mould by pouring from the basin, commencing outside the heel or toe, and traversing the length of the impression in a smooth, continuous motion so as to get an even coverage. The plaster should be poured from a height of between two and five centimetres. Plaster falling from a greater height can distort or destroy the impression. Continue covering the complete surface of the impression and an area of from two to five centimetres all around to a depth of about one centimetre. Teased rope, small pieces of wire mesh, string or hessian may then be used to reinforce the cast before the remainder of the plaster is added to a minimum thickness of four centimetres. When rope, hessian or similar material is used, it should be immersed in the plaster in the dish before being laid on the cast and the remaining plaster added. The basin should be well washed immediately after the plaster has been poured.

The cast should be allowed to stand for twenty minutes to half an hour before lifting, and should the earth in which it is placed be of wet or swampy nature, more time should be allowed. The setting of plaster is affected by the weather in hot, dry weather it sets much quicker than in cold, damp weather. After the cast has been taken from the ground, superfluous earth and other matter adhering thereto should be left untouched for at least 24 hours. It can then be removed by gently washing in running water, but the plaster surface should not be rubbed.

In taking casts in very dry, dusty ground, use a hand atomiser, such as is sold for liquid insecticides, to gradually spray water on to the impression before the cast is taken. This makes the surrounding earth more or less firm and gives better results. Keep the atomiser at a distance sufficient to ensure that the air blast does not disturb the dust.

The best method of comparing a cast of a footprint with an exhibit such as a boot, is to make an impression with each, side by side, in some suitable medium such as clay or damp sandy soil and compare these impressions. If, however, reproduction of the original print or object is required, the cast already taken becomes the mould from which these reproductions are made. Liquid soft soap (made by diluting one tablespoonful of soft soap in about half a pint of boiling water) should be brushed freely and evenly over the mould and allowed to dry. The mould should then be brushed over lightly with olive oil until a sheen is seen on the surface of the plaster. The mould may then be immersed in water until no bubbles arise and it is then ready for the cast to be taken. This procedure is exactly the same as that adopted in making the original mould.

Tool marks and the like in the woodwork of a door or window can be preserved by taking an impression in plasticine, which can be treated as a mould from which casts can be taken. The plasticine is first worked in the hands until it reaches a pliable condition so that it may be easily pressed into the impression and then rolled into a pear-shaped mass. All irregularities and foreign marks, such as fingerprints, should be smoothed off its surface and a small amount of French chalk or talcum powder dusted over its surface to prevent the plasticine sticking to the wood. If neither French chalk nor talcum powder is available, the same result may be effected by sprinkling the plasticine with water. The ball of plasticine is then pressed against the mark with sufficient force to ensure that it reaches the bottom of the impression whilst still retaining a considerable thickness of plasticine as a backing. When the plasticine is being eased from the impression, care must be taken to prevent distortion. A plaster of Paris cast may then be made from the plasticine mould.

Motor vehicle tyre tracks found at scenes of crimes should be reproduced in plaster of Paris, the procedure being similar to that used for casting footprints. When the impressions are clearly defined, a search should be made for any irregularity in the pattern resulting from some break in, or excessively worn section of, the tyre. Should something of this nature be found, a section of the impression about 30 centimetres long and including the peculiarity, should be reproduced in the cast. If nothing of this nature is found, any 30 centimetre section of clearly defined pattern should be reproduced.