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# Commissioner's Instructions

LIBRARY & INFORMATION SERVICES  
NSW POLICE  
McDERMOTT DRIVE  
GOULBURN NSW 2580



New South Wales Police Service

## Consent of coroner required for release of information

*Investigating officer*

Do not reveal to any person the contents of witnesses' statements, suicide notes, or reports containing the outcome of inquiries, without the consent of the coroner. Do not release the identity of a deceased until relatives have been notified. However, a copy of a witness's own statement may be given to that witness at the time it is made. See also Instruction 52, Media policy, regarding information relating to deaths, etc.

## Delays in submitting reports, etc

Submit P79A forms without delay and in any case within 24 hours, so funeral arrangements can be completed as soon as possible. Do not withhold or delay submission of the P79A for unidentified bodies. Submit a further P79A when the deceased is identified.

## Body found in suspicious circumstances by police **62.10**

*Police generally*

When you find the body of a deceased person or a death is reported to you and it appears that an inquest is necessary, particularly when foul play is suspected or suspicious circumstances are present, carefully note in writing the position and appearance of the body. Preserve the scene until the body and area have been examined by physical evidence personnel

Exercise great care before removing dead bodies found in public parks, dwelling-houses, etc. Consult your patrol commander if you have any doubt or suspicion. See also Death when foul play suspected, and Search body and premises for exhibits, this instruction.

## Body not recovered

When evidence suggests a death has occurred and the body is not recovered, make a careful investigation and furnish a detailed P79A report to the coroner within 14 days.

## Death when foul play suspected 62.11

*Investigating  
officer*

Immediately inform your patrol commander, by the quickest means, when you suspect foul play. In such circumstances, before the body is removed, have photographs taken and the body viewed by a Government Medical Officer (GMO) or if unavailable a medical practitioner.

## Search body and premises for exhibits

### 62.12

Make a careful and thorough search of the body and the place where found for any article likely to have been connected with the death. If a medical practitioner is not present, note particularly the size, description, and position of any wounds, and do not allow the body, or any articles which could be connected with the death, to be removed or altered until a full investigation is completed.

When a post mortem examination is held, produce for the information of the medical officer conducting the examination, any weapons, bottles, packets or other things suspected of being connected with the cause of death, together with any clothing worn by the deceased showing bullet or knife holes.

## Safe-keeping of money and other valuables found in the vicinity of a deceased

If you find a wallet or article containing money, jewellery or other valuable property in the vicinity of a body and you believe the property belongs to the deceased and it is not safe to leave it, take possession of the property. If not evident, do not undertake a search for such valuables.

Record a detailed description of the property in your notebook. If possible, have the entry verified by an independent member of the community or another member of the service. Take the property to your station and have particulars entered in the miscellaneous property and receipt book. Inform a relative of the deceased, or appropriate person, to collect the property.

When considering taking possession of property at the scene, have regard to the preservation of evidence particularly when you suspect a felony or the identity of the deceased is an issue.

In disasters, secure the scene and leave property in position until processed by disaster victim identification personnel.

If in doubt about the action to take, consult your patrol commander or shift supervisor.

## Coroner's exhibits generally **62.13**

Retain exhibits seized during a coronial investigation and record them in accordance with Instruction 78, Exhibits. When you believe the exhibit is the instrument which caused death or is otherwise relevant to the death, present it to the GMO performing the autopsy.

### *Coroners and inquests*

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Thereafter, retain the exhibit and, if required, produce it to the coroner.

Have physical exhibits photographed and attach copies of the photographs to the coroners brief. See Instruction 78, Exhibits, for detailed procedures.

Dispose of exhibits in accordance with Instruction 78, Exhibits, after the inquest or when the inquest is dispensed with.

### Forwarding exhibits for analysis

*Investigating officer*

In country areas, prepare an additional copy of each of the following forms when you report a death to the coroner and the death is not of a routine nature:

- report of death to the coroner, P79A
- specimen/exhibit examination form, P377
- post mortem report of medical officer
- specimens for toxicological analysis
- reports containing results of any other test or examination performed.

As soon as practicable after death, and without waiting for the inquest, send the copies under personal and confidential cover to the Senior Specialist, Country Forensic Services, Department of Health.

For procedures in submitting post mortem exhibits for examination or analysis, see Instruction 78, Exhibits.

### Bullets and other items removed from the body

Bullets or items removed during an autopsy are obtained from the Government Medical Officer with that person's permission, and retained by Physical Evidence personnel for examination and later production to the coroner.

Exhibit items removed during autopsy, excluding specimens and items for analysis, are not left at the morgue.

After the inquest, or where such is dispensed with, dispose of the exhibit in accordance with Instruction 78, Exhibits.

## **Recording property found on deceased 62.14**

*Investigating officer*

Refer to Instruction 81, Miscellaneous property.

## **Fatalities in mines 62.15**

If a fatality occurs in a coal mine, promptly inform the District Inspector of collieries, and in other mines, the District Inspector, appointed under the Mines Inspection Act. Notify these officers of the date and time of the inquest.

Mines include quarries, dredges and other places referred to in the Mines Inspection Act. The Coal Mines Regulation Act also defines a mine.

## **Suicides - collecting evidence 62.16**

You are responsible for collecting evidence for the coroner. Accordingly, do not presume suicide and bear in mind the evidence adduced before the coroner must be sufficient to conclusively prove suicide.

To establish suicide you must produce evidence which shows conclusively that the deceased intended to take his or her own life. This can be done in a number of ways.

### *Coroners and inquests*

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When investigating on behalf of the coroner, seek to establish definite evidence which either proves or disproves suicide.

Investigate carefully the place where the death occurred and the immediate area for the purposes of gathering evidence.

*Investigating  
officer*

Inquire from relatives and friends of the deceased to ascertain the deceased's mental condition prior to death.

Search for a suicide note or correspondence from the deceased which may indicate an intention of the deceased. Remember, this may or may not be at the scene of the death.

If you locate a suicide note or correspondence, have the writing, including any signature, verified as being that of the deceased by some person competent to do so. Family members or close acquaintances are appropriate.

Inquire at hospitals and mental institutions. Consult any medical practitioner to ascertain if the deceased had any treatment, psychiatric or otherwise, and general state of health prior to death.

Inquire from the deceased's employer and associates at work about the deceased's general outlook.

Make any other enquiries that could be beneficial in bringing evidence before the coroner to assist the latter in determining the reason for death, having regard to the circumstances existing at the time.

Obtain a statement from any person you consider is able to give relevant evidence and forward the statement to the coroner for possible use at any inquest.

Cause any document which may be of assistance to the coroner but is not in your possession to be produced at the inquest by having process issued upon the custodian.

## Exhibits relevant to inquest **62.37**

*Investigating  
officer*

In all cases, whether or not criminal proceedings are pending, when an exhibit in your possession relates materially to the cause of the death of a person or the cause of a fire, retain the exhibit pending a discussion with the coroner. Do not dispose of the exhibit until the coroner directs accordingly.

If the exhibit is a motor vehicle, have it mechanically examined to ascertain whether a defect may have contributed to the fatality. Have firearms expertly tested at the Ballistics Unit and obtain a certificate for presentation to the court

These instructions do not apply when an indictable charge, has been preferred against a person relating to the cause of the death being investigated. In such cases, the coroner merely hears evidence to establish the identity of the deceased and the place and date of death. The coroner then terminates the inquest and the indictable charge or charges are then the subject of proceedings in a local court. Deal with exhibits in accordance with Instruction 78, Exhibits.

### Production of articles

At the inquest, produce any papers or other property found on the body of the deceased, and any weapon or instrument that may have been the means of death, or any bottle or papers containing, or thought to have contained, poison.



## Removal of clothing from bodies 62.38

### City Morgue, Glebe

*Investigating  
officer*

Clothing is removed on instruction by the Medical Officer and is cut only in extreme circumstances. Clothing is kept at all times and stored with the body or handed to police if required for evidentiary purposes. If not required by police, the clothing is released with the body to the undertaker and specifically signed for.

If you require clothing for evidentiary purposes, deal with it as an exhibit and in accordance with, Exhibits relevant to inquest, this instruction.

### Country area

*Patrol  
commander*

Make local arrangements. When practicable, adopt the procedure laid down for the City Morgue, Glebe. Confer with your local coroner and issue additional instructions as required.

## Procedures for property at the City Morgue, Glebe 62.39

Refer to Instruction 81, Miscellaneous property.

## Retention of police records 62.40

*Patrol  
commander*

Ordinarily, diaries, duty books and notebooks are retained for five years before they are destroyed. However, when so directed by a coroner or magistrate, such records are retained until released by order of the State Coroner, Chief Magistrate or a Judge.

*Exhibits and property*

## Instructions found in this section

<i>No.</i>	<i>Name</i>
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78	Exhibits
79	Prohibited drugs and plants
80	Fingerprints
81	Miscellaneous property
82	Photographs and plans
83	Document examination
84-87	Unallocated numbers

Table showing items in this section

Item No.	Description	Quantity	Unit
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...



Instruction 78

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# Exhibits

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Date	Description	Debit	Credit	Balance
12/31/00	Opening Balance			100.00
1/15/01	Deposit		50.00	150.00
2/10/01	Withdrawal	20.00		130.00
3/05/01	Deposit		75.00	205.00
4/20/01	Withdrawal	10.00		195.00
5/15/01	Deposit		30.00	225.00
6/10/01	Withdrawal	15.00		210.00
7/05/01	Deposit		40.00	250.00
8/20/01	Withdrawal	25.00		225.00
9/15/01	Deposit		60.00	285.00
10/10/01	Withdrawal	30.00		255.00
11/05/01	Deposit		55.00	310.00
12/31/01	Closing Balance			310.00

## Policy

## 78.01

### *Police generally*

While patrol commanders are accountable for the security, retention, and disposal of exhibits, all officers generally have an obligation to assist them in this regard.

Patrol Commanders must keep firmly in mind that exhibits are not to be retained longer than is absolutely necessary. They are photographed, fingerprinted or analysed as required, and returned to the owner or disposed of.

The prosecution may satisfy its onus of presenting evidence to the court by tendering photographs of an exhibit (attested by the photographer) and sworn testimony which corroborates the existence of the exhibit.

The actual property seized need not be tendered to the court as an exhibit unless there is some feature which makes its production imperative, for example:

- murder weapons
- implements used in armed hold-ups or serious assaults
- documents, defective motor vehicle parts, money or other articles with unique or distinctive characteristics.

On occasions something that was seized as an exhibit may prove not to have any evidentiary value. In such circumstances, there is no need to tender the item in court and it should be returned to the lawful owner.

If however the items were seized in accordance with a search warrant issued pursuant to Part II of the Search Warrants Act, a Court Order in terms of Section 7(3) of the Search Warrants Act must be obtained for the disposal of the item.

*Exhibits*

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When doubt exists the patrol commander or officer in charge of the case consults the local police prosecutor or Commander, Region Legal Services.

See Advisings and indemnities, for the Crown Solicitor's advising on the right of police to seize exhibits and their responsibilities while the property is in police custody, and also the procedures outlined in S.358A of the Crimes Act, this instruction.

## Using photographs - paper committals

### 78.02

Representatives of the Director of Public Prosecutions, Solicitor for Public Prosecutions and Attorney General's Department have agreed to the use of photographs as exhibits under the provisions of the Justices (Paper Committals) Amendment Act 1987.

## Property seized as an exhibit

### 78.03

*Officer in charge of case*

When you take property, that is intended as an exhibit, from a person, check or count it in that person's presence at the first available opportunity. Exhibits remain in the custody of the senior arresting officer or, in large operations, the officer assigned to handle the exhibits, until entered in the exhibit book.

Ensure exhibits are recorded in the exhibit book at the station as soon as practicable.

Ensure a cross reference to the exhibit page No. is made on the relevant Computerised Operational Policing System (COPS) event while also ensuring reference is made to the COPS event No. on the exhibit book page.

If you seize property while away from your station, enter sufficient particulars in your notebook to clearly identify that property. If you take it from a person,

have that person sign the entry to verify its correctness and to record any dispute.

## Issuing receipts

### *Officer issuing receipt*

Issue an official receipt from the exhibit book in the following circumstances:

- when you take property from a person who is not a suspect, or likely to be charged with an offence connected with the exhibit, and who is likely to claim ownership of the property, e.g., property purchased lawfully and later found to be stolen
- when you take property from a person who is not immediately charged with a criminal offence, e.g., when property is to be scientifically examined or pending the outcome of further inquiries, and/or when that person is not the actual offender
- when a receipt is requested.

## Property seized under the interstate exhibits search warrants scheme

For procedures in connection with exhibits seized in these circumstances, see Instruction 88, Warrants, Interstate exhibits search warrants scheme.

## Receipt of exhibits at police stations

# 78.04

### *Station/ exhibit officer*

When an exhibit is brought to the station:

- check the exhibit in the presence of the person charged, where practicable

### Exhibits

- immediately record a comprehensive description of each item and the identity of the owner/s, if known, in the exhibit book
- ensure the senior arresting officer or the officer assigned to attend to the exhibits signs on the line immediately under the description of the exhibit
- tag and secure the item in the exhibit room.

In addition, the entry must show:

- all movements from the time of receipt to ultimate disposal, how disposed of and authorising officer
- if destroyed, the manner, by whose authority, and the signature of the officer witnessing the destruction.

Do not record particulars of exhibits in the miscellaneous property and receipt books in any circumstances.

## **Submitting and evaluating exhibit report 78.05**

*Station/exhibit officer*

After completing the descriptive entry in the exhibit book, ensure the officer in charge of the case immediately completes the evaluation report on the duplicate exhibit sheet.

*Patrol commander*

Evaluate the report and determine whether the exhibit is retained for presentation at court or whether photographs will suffice. If the information is inadequate, return the papers to the officer in charge of the case for further report.

At Sydney Police Station, the Controller, Exhibit and Property Section, exercises the authority of the patrol commander.

## Exhibit not required

When the actual exhibit is not required and:

- the owner is known
- there are no rival claimants
- the property has been photographed
- return of the property will not prejudice court proceedings
- direct that the property be returned to the owner and acquitted.

When approval is given for an exhibit to be retained, at the conclusion of court proceedings and, in the absence of a court order regarding disposal, either:

- direct the return of the property to the owner
- dispose of it as unclaimed property by auction or other appropriate means.

Do not delay the return of property merely because there is provision for an appeal. If any doubt exists refer the matter to the patrol commander for a decision regarding disposal.

If the court makes an order regarding disposal, obey it immediately.

Before giving property to a third person, obtain the written and signed authorisation of the owner. Ensure the authority identifies the person to whom the property is to be given. Have the third person sign a receipt to acquit the property transfer. Refer to Commissioner's Instruction 155.03.07 for a form of authority and receipt.

## Exhibits

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### Securing exhibits

*Station/ exhibit officer* If an exhibit needs to be retained and you are concerned about its continued security for any reason, consult your patrol or district commander.

*Patrol commander* Inform your district commander when large amounts of money or large quantities of drugs are received. If necessary, arrangements can be made with the Commander, Sydney District, to transfer exhibits to the Sydney Police Station, Exhibit and Property Section, where special security is provided.

## **Exhibit procedures at Sydney Police Station 78.06**

Separate audit procedures are included in the position descriptions and statements of duties and accountabilities for the Commanders, Sydney District, Sydney Police Station and the Controller, Exhibit and Property Section, Sydney Police Station.

Prior to the transfer or retirement of the Controller, an inspection of all exhibits is made by an officer nominated by the District Commander.

### Lodging money/drugs after hours

When the Exhibit Section is closed, large amounts of money and indictable quantities of drugs are secured in a safe which has a revolving deposit shute.

*Station controller* Retain the key and maintain a book to record the date and time of receipt, exhibit number, description, your signature and that of the officer depositing the exhibit.

*Exhibit section staff* When you resume duty, remove the exhibit from the safe and check it against the entry. Then transfer the exhibit to the Exhibit Section and acquit the Station Controller's records.

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## Exhibit required for production at court 78.07

*Officer in charge  
of case and  
exhibit officer*

When an exhibit is required for production at court or for any other purpose, the exhibit officer and the officer receiving it, check it against the exhibit book. The latter signs in the space provided and at the conclusion of the hearing, returns the exhibit. The exhibit officer checks it, in the presence of the returning officer, against the entry in the exhibit book and signs in the space provided. The returning officer counter-signs the exhibit officer's signature.

When opening drug exhibits at court, follow the procedures in Commissioner's Instruction 79.03.

### Exhibits received from court

*Officer receiving  
exhibit*

When an exhibit which has been in the custody of the court is returned to you sign, print your name and record the time and date of receipt on the record of exhibits form held by the court officer.

### Exhibits retained at court

*Officer in charge*

Obtain a receipt from the Judge, Magistrate or Clerk of the Court when an exhibit is to be retained at court. Return the receipt to the station exhibit officer.

When an exhibit is retained for production at court by a DPP officer obtain a receipt. Upon its return issue the DPP officer with a receipt.

*Station exhibit  
officer*

File the receipt against the exhibit book entry until the exhibit is returned.

A form of receipt is set out hereunder:

I acknowledge receipt, accountability and security of  
E x h i b i t N o . . . . . c o n s i s t i n g



Exhibits

of.....(Description).....from....(O.I.C case)...., which is retained at.....(Court)....., in the matter of.....-v-.....by order of... (Judge / Magistrate)..... .

Name..... Witness.....

Position..... Rank.....

Date..... Station.....

**Court details to be recorded**

*Exhibit officer* Record remands and finalisation date in the exhibit book.

*Officer in charge of case* Immediately report on the exhibit file if there is any change in the remand date or if the matter is finalised. If the exhibit is held at another station, refer the report to the patrol commander there.

The report at the completion of proceedings includes any direction given by the court regarding disposal of the property.

**Warrant in first instance – number to be recorded in exhibit book**

When a warrant in the first instance is issued for an offence connected with an exhibit, endorse the warrant number on the exhibit book entry.

**Arresting officer resigning or absent**

*Patrol commander* If the officer responsible for the exhibit resigns or is absent for any reason, or on sick report for a lengthy period, ensure that the matter receives proper attention.

**Exhibits at non-charging stations 78.08**

*Patrol commander* Exhibits may be retained at non-charging stations at your discretion, bearing in mind security and convenience.

*Officer seizing exhibit*

*Exhibits*

If your station does not retain exhibits, record a comprehensive description of the exhibit in your notebook. Take the exhibit to the nearest appropriate station for safe keeping and have it entered into the exhibit book there. Your note book is signed and dated by the receiving officer at that station.

## **Exhibit room and safe keys 78.09**

*Station/exhibit officer*

You are responsible for the keys to the exhibit room and station safe. Retain exclusive personal possession of them for the duration of the shift and carry them at all times. Do not give them to any officer even when being relieved during meal periods, etc.

*Patrol commander*

At non twenty hour stations, sectors or shop front facilities in the metropolitan and country areas, you are responsible for the security of the keys after normal office hours.

For security of drug cabinet/safe keys, see also Instruction 79, Prohibited drugs and plants, Movement of duplicate keys.

### **Patrol commander's safe**

The safe is located in the exhibit room and the patrol commander or nominated representative retains the keys.

## **Photographing exhibits 78.10**

Exhibits are photographed for departmental purposes only, unless the Commissioner gives prior approval.

### **Procedures**

*Officer in charge of case*

Have your district's nominated officer take photographs, except where the exhibits originate from a

## Exhibits

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scene examined by a Crime Scene Examiner. If the exhibit is difficult to photograph seek advice from your local Crime Scene Unit.

The photographer signs the exhibit book and keeps a record. The film is processed at the Physical Evidence Section and returned, unprinted, to the photographer for storage. If developed prints are required, arrange this with the photographer.

If an alleged offender absconds on bail, attach the photographs to the brief of evidence filed at the Information Section, Modus Operandi Unit, State Operations Support Group.

The negatives are retained by the photographer at the centre concerned.

## Money exhibits

## 78.11

*Station/ exhibit officer*

Make an entry in the exhibit book which shows the number and denomination of all notes and identifies any peculiarities.

*Patrol commander*

If there is no specific evidentiary feature, the exhibit may be photographed in bulk i.e. bundles. It is then lodged in the Special Deposits (Exhibit Moneys) account or returned to the owner.

The photographs attested to by the photographer and the sworn testimony corroborating the existence of the exhibits are used in evidence.

*Officer in charge of case/ exhibit officer*

When money has specific evidentiary value, e.g. serial numbers, dye etc., photograph or photocopy, as appropriate and endorse the entry in the exhibit book. The patrol commander evaluates the need for its retention.

*Exhibits*

*Officer in charge  
of case/exhibit  
officer*

If you are of the view that another Government Department, i.e. the Australian Taxation Office, may have some interest in the money you will notify that department when the exhibit first comes into police custody, not after court proceedings are completed.

*Officer in charge  
of case*

If exhibit money has been paid into the Special Deposits (Exhibit Moneys) account, immediately report the result of court proceedings and include any order of the court or reason for dismissal. Refer the report to the Patrol Commander for a decision regarding disposal.

*Patrol  
commander*

Forward the report to the Accountant, Ferguson Centre, Parramatta, and direct the method of disposal either by return to the owner or transfer to Consolidated Revenue. If the money is to be returned, include either the full address to which the cheque should be posted or the police station from where it will be collected.

If there is doubt about the legal entitlement to money held in the Special Deposits (Exhibit Moneys) Account, refer the matter to your district commander.

When an offender fails to appear at court, you may defer forwarding papers to the Accounts Branch pending inquiries. Deferral should not exceed twelve months as moneys are not to remain indefinitely in the Special Deposits (Exhibit Moneys) Account.

## Photographing or photocopying money

*Photographer/  
exhibit officer*

Section 19 of the Crimes (Currency) Act, 1981, sets out the requirements for persons wishing to make reproductions of banknotes for any purpose. The reproductions (including photographs and photocopying) must not be capable of leading a person to believe that they are genuine notes. In order not to offend this legislation, observe the following guidelines:

*Exhibits*

- ensure the reproductions are at least one-third larger or smaller than the genuine note
- partially cover the legal tender clause and signatures
- ensure the photographer retains the negatives.

There is no restriction to photographing coin.

## Photographing and returning property stolen from a retail store 78.12

*Officer in charge  
of case*

Photograph property alleged to have been stolen from a retail store when the retailer requests its immediate return.

The retailer provides a polaroid camera and you photograph the property in the presence of the alleged offender.

The property may then be returned to the proprietor, unless disputed ownership or evidentiary considerations prevail. In the latter case, retain the property as an exhibit.

When it is not possible for photographs to be taken, normal exhibit procedures apply.

When photographing the property:

- take two identical photographs of each item and, if necessary, place a ruler next to the article to show size
- ensure the photographs are accurate
- endorse the time, date and your name (as photographer) on the back of each photograph and ensure details cannot be erased or rendered illegible
- give a photograph to the person who detected the offence and keep the other yourself

- where particulars such as price, brand, store name, garment size, etc., are not clearly defined in the photograph, record those details in your notebook.

## Transferred exhibits

# 78.13

### Forwarding station

*Patrol  
commander*

Ensure full details accompany the exhibit in order that an appropriate entry can be made in the exhibit book at the receiving station.

### Receiving station

*Station/ exhibit  
officer*

Enter comprehensive details in the exhibit book and endorse the top left hand side of the entry, above the word PARTICULARS, "Received from the Patrol Commander, .....". Sign immediately under this entry.

Send the duplicate exhibit sheet to the forwarding station to acquit the entry in their exhibit book.

Use the exhibit file, which accompanied the exhibit, to record all developments. The patrol commander at the receiving station is responsible for the ultimate disposal of the exhibit and the papers are filed there.

## Conveying exhibits by aircraft

Prior to consigning exhibits requiring special handling, inform either the airline authority or the pilot in command, of the nature of the exhibit. Exhibits which may be classified as dangerous goods are declared in order that they can be carried in accordance with air navigation requirements.

*Exhibits*

## Completed retention or disposal reports 78.14

*Patrol commander*

When the matter is finalised all relevant papers are filed at the station concerned. If an exhibit has been transferred to another station, the papers are filed there.

## Period of time for lodging appeal 78.15

*Officer in charge of case*

The normal time for lodging an appeal notice under S. 122 (1) of the Justices Act is 21 days from date of conviction. However, S. 122 (1A) allows 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 an indication that an appeal will be lodged, submit the duplicate exhibit sheet to the patrol commander advising this fact and seeking a direction on retention or disposal of the exhibit.

The existence of these provisions does not preclude the return of property to rightful owner(s) unless there is an indication an appeal is to be lodged.

## Returning exhibit to owner at distant centre/interstate 78.16

*Patrol commander*

Forward the exhibit to the patrol nearest the owner's residence or make other mutually acceptable arrangements. Follow the procedures in Instruction 81, Miscellaneous property, Return to the owner or finder at a distant centre. Whoever returns the exhibit obtains a receipt from the owner.

## Inspecting exhibits

**78.17**

Inspection of drug exhibits is dealt with in Commissioner's Instruction 79.

*Station  
controllers/nomin-  
ated supervisor*

Inspect all entries in the exhibit book every three months consistent with the P.80 inspections. Report incomplete matters to the patrol commander.

*Patrol  
commander  
Inspecting officers*

Inspect all entries and exhibits annually.

When conducting these inspections, ensure:

- each entry is recorded correctly
- required reports have been submitted
- exhibits are not being retained unnecessarily.

After each inspection prepare a summary of all unfinalised exhibit entries in the back of the book, showing as applicable:

- number of exhibit
- whether on hand or receipt required
- remarks
- your signature and date.

*Inspecting officers*

At Sydney Police Station, record inspections in an independent register showing the date of inspection, exhibit book and entry numbers, signature and remarks.

### Exhibits missing or interfered with

Matters of this nature are notifiable to the Office of the Ombudsman as required by the Police Regulation (Allegations of Misconduct) Act, 1978.



## Exhibits

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<i>Police generally</i>	If you find an exhibit missing or interfered with, immediately notify your Patrol or Branch Commander of the circumstances and confirm the details in writing.
<i>Patrol commander</i>	Immediately inform the Commander, Internal Affairs Branch, Office of Professional Responsibility, Manager Comprehensive Audit, and your District Commander of the circumstances. Confirm the details in writing to both commands. The Commander, Internal Affairs Branch notifies the Office of the Ombudsman.
<i>District commander</i>	Immediately inform your Region Commander of the circumstances and confirm the details in writing.
<i>Region commander</i>	Immediately inform the State Commander and confirm the details in writing.

### Areas outside Regions

<i>Commanders</i>	Notify the Commander, Internal Affairs Branch, who informs the Office of the Ombudsman. Confirm the details in writing.
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## Motor vehicle exhibits

## 78.18

### Care and storage

<i>Patrol commander</i>	<p>You may consider the appropriateness of the vehicle being stored in a private or a police holding yard.</p> <p>When deciding whether a vehicle is to be held in a private or police holding yard, take into account:</p> <ul style="list-style-type: none"> <li>• the value of the vehicle</li> <li>• whether it should be garaged or left in the open</li> <li>• the evidentiary value of the vehicle</li> </ul>
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- the preservation of the integrity of the exhibit.

## Metropolitan exhibit and property centre

*Investigating officer*

Arrange with the Controller, Metropolitan Exhibit and Property Centre, for under cover storage of valuable motor vehicles and those likely to be damaged if left in the open.

## Metropolitan holding yards

Sedans or vehicles of similar size and which are of little value, or those held for short periods, are stored in holding yards. Ensure space is available before having a vehicle towed to a holding yard.

## Care of vehicles held in country districts

*Patrol commander*

Consider the value and condition of vehicles. Ensure their security and prevent deterioration and damage while in police possession.

## Recording of vehicle and contents

*Station officer*

Enter particulars of motor vehicles seized, together with tools, accessories and contents in the exhibit book or, if applicable, in the miscellaneous property and receipt book at your station. Where a register of motor vehicles received at police holding yards is in use, record particulars of the motor vehicle in the register and other articles in the exhibit or miscellaneous property and receipt book. Cross reference the entries. Label vehicle, tools, accessories and other articles with the book entry number.

*Investigating officer*

If you take a vehicle etc., directly to a holding yard or another police station, make an entry on the general station pad at your station setting out briefly:

## Exhibits

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- a description of the vehicle
- reason it is in police possession
- damage to the vehicle, if any
- description of tools, accessories or other articles found in the vehicle
- the location of the vehicle and
- the book entry number.

Complete a motor vehicle to holding yard form.

## Transferring vehicles to police holding yard

*Station/  
Investigating  
officer*

If you transfer a vehicle and contents to a police holding yard, obtain a receipt and file it against the entry in the exhibit or miscellaneous property and receipt book.

## Recording particulars at holding yards

*Officer in charge  
holding yard*

While the vehicle, tools, accessories and contents are kept at the same location, enter particulars of the vehicle in the holding yard register and record the other property in the exhibit or miscellaneous property and receipt book. Label vehicle, tools, accessories and contents with the book entry number. Cross reference the entries.

## Disposal of motor vehicles and parts

*Patrol  
commander*

To avoid inconvenience, hardship, or financial burden to rightful owners, motor vehicles or parts are not to be retained for lengthy periods.

Deal with vehicles (whole, damaged or wrecked) or vehicle parts in the following manner:

*Exhibits*

- immediately have them examined and photographed
- make inquiries to identify owner
- unless exceptional circumstances exist e.g. vehicle directly related to an unsolved murder, do not retain as an exhibit but dispose of as soon as possible.

Arrange disposal of exhibits that are no longer required in the following manner:

- contact the registered owner, advise position and ascertain the name of the vehicle's insurer
- notify the registered owner by certified mail or personal delivery that unless the vehicle is collected within 28 days of writing, it will be disposed of
- at the same time, forward a copy of the letter to the insurer
- if the insurer is unknown, include in the letter a reminder of the owners's obligation to notify any insurer having an interest in the vehicle of police intentions.
- if the vehicle is subject to a regulated mortgage contract (hire purchase agreement) contact the company and ascertain whether it is lodging a claim.

Before returning the vehicle, ensure the owner, authorised agent or company representative, completes a form indemnifying the Police Service.

## Procedures

*Station/exhibit officer*

If the vehicle is not claimed within 28 days, arrange for disposal by auction. Ensure:

- number plates are removed and returned to motor registry

## Exhibits

- vehicles are sold unregistered
- persons submitting tenders are informed the vehicle may be unregistered and unroadworthy.

*Patrol  
commander*

In the metropolitan area use the authorised auctioneer. Patrol commanders in the country select the auctioneer.

Forward a report, itemised account and proceeds, less reasonable expenses, to the Accounts Branch who pay it into a special account.

Should a person make a claim for a vehicle after it is disposed of, it is to be in the form of a written application to the patrol commander. After considering the application, make a recommendation and forward all documents to the region commander. If your region commander supports the claim, the papers are forwarded to the Accounts Branch with a direction.

## Composite vehicles

If the owners of parts used to make a composite vehicle are known, advise them by certified mail that the Police Service intends to sell the vehicle in accordance with the procedures for disposing of whole vehicles. When the vehicle is sold, the owners apply for the costs of the relevant parts. Forward your recommendation together with the relevant documents to your region commander. If approved, the papers are forwarded to the Accounts Branch with a direction.

*Patrol  
commander*

If there are disputes, advise the claimants, in writing, that, prior to the vehicle being disposed of, application can be made to the local court under S. 358A of the Crimes Act. However, if you are not notified of the lodgement of claims, by the claimants or the court, within 42 days, arrange disposal of the composite vehicle.

If the claimants come to an agreement (e.g. one may agree to pay the other claimants for their share of the

vehicle), the agreement is formalised, and signed by all claimants. Retain a copy of the agreement and release the vehicle.

### Separate vehicle parts

If the owner of separate parts is established, the same procedures for whole vehicles apply.

## Rival claimants - motor vehicles and parts

If the legitimate owner is not established, and pending determination of ownership by a court, endeavour to have claimants agree to the Police Service auctioning the vehicle. If the auction is agreed to, forward report and proceeds of auction, less expenses, to the Accounts Branch for payment into the special account. At the conclusion of court proceedings, the money is disbursed as directed.

If agreement is not reached, advise the claimants that the Police Service intends to dispose of the vehicle in accordance with the Crown Solicitors advising set out in this instruction i.e., to the person considered to have the greatest claim.

Ordinarily, a person or company having the greatest claim to a vehicle is:

- a person or company having obtained an order from a court or Commercial Tribunal for possession of the vehicle and
- in all other cases, the registered owner.

If, however, this cannot be determined, retain the vehicle and seek a decision under S. 358A of the Crimes Act. It is not necessary to wait until criminal proceedings have been finalised before making the application.

## Exhibits

Rival claimants – generally – no court order

When there are rival claimants to property or complex legal issues exist, refer the matter to the district commander for a direction.

When there is doubt regarding the proper course to adopt, consult Region Legal Services.

Remember, do not release vehicles or parts until all claimants are served with a notice of intention to release the vehicle to a nominated claimant.

See also the Crown Solicitor's advising - rival claimants, this instruction.

## Payment of fees and the procurement of indemnities

*Patrol commander/  
officer in charge  
of holding yard*

Do not release a vehicle the subject of a hire purchase agreement unless:

- all outstanding fees are paid
- the person receiving the vehicle supplies a suitable form of release or indemnity
- an order from a court or commercial tribunal is provided.

## Towing fees

For procedures in collecting and paying towing fees, see Instruction 112, Tow Trucks, Towing fees.

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## Miscellaneous exhibits

**78.19**

### Care of animals

*Officer seizing exhibit*

When an animal is held as an exhibit and there is a likelihood that police will be responsible for its care, obtain a written undertaking from the owner or representative, to pay any cost incurred. See also Instruction 41, Cruelty to animals, Animals used as exhibits - photograph and retention.

### Battery operated equipment

*Station/ exhibit officer*

When battery operated equipment comes into your possession, remove the batteries to prevent corrosion damage unless there is good reason for not doing so. Some electronic equipment, e.g. radio scanners, may contain vital information programmed into the equipment or retained in memory which may be lost if the batteries are removed. When equipment is to be examined by a departmental radio communications expert in connection with criminal proceedings, the expert decides whether batteries are removed.

Mark any removed batteries for identification and secure them with the exhibit. The exhibit entry shows:

- whether the article contained batteries
- whether they were removed or left in the equipment to preserve data, etc.



## *Exhibits*

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### Exhibits seized under Radio Communications Act

*Officer in charge  
of case*

When you seize articles under the provisions of the Radio Communications Act, 1983, inform the Deputy Manager, Commonwealth Department of Communications, North Sydney, of the date, place and circumstances of the offence. Submit a confirmatory report.

If court proceedings are not instituted within 60 days of seizure, or if the article is not to be used as evidence, return it to the owner unconditionally. However, before doing so consult the State Manager, Radio Communications Operations Branch.

If upon conviction a court orders forfeiture of the article seized, then the forfeited equipment becomes the property of the Commonwealth and is handed over to the Department of Transport and Communications for disposal. They issue a receipt to acquit this Service's records.

### Exhibits for Police Museum

*Patrol  
commander*

If you consider an exhibit should be placed in the Police Museum, submit a report through your region commander to the Commissioner, for a direction.

### Drug exhibits

*Officer in charge  
of case*

See Instruction 79, Prohibited drugs and plants, for directions on recording, retention, destruction etc. of drug exhibits.

### Fingerprints

See Instruction 80, Fingerprints, for directions on examination of exhibits bearing fingerprints.

## Handwriting or other documents

See Instruction 83, Document examination, for directions on handwriting or documents.

## Industrial gas cylinders

*Officer in charge  
of case*

Most industrial gas cylinders remain the property of the supply company and an identification mark is stamped on the cylinders in the vicinity of the valve e.g., C.I.G followed by a serial number. When a cylinder is seized as an exhibit and you require information regarding ownership or identification, contact the security officer of the company concerned.

## Grain exhibits

When grain is to be seized as an exhibit, contact the Investigations and Security Officer or the Secretary of the Grain Corporation.

## Disposal of forfeited exhibits **78.20**

*Patrol  
commander*

Exhibits forfeited by a court are disposed of in accordance with any direction. However, in the absence of an order and when it is not intended to return property to the offender, authorise disposal. When approval is given for destruction, supervise the destruction or arrange for another officer to do so.

When authorising disposal, endorse your approval on the relevant papers, forward them with the exhibit to the appropriate section.

## Exhibits

### Firearms and dangerous weapons

*Officer in charge  
of case/station or  
exhibit officer*

Enter weapons for examination or disposal into the Eagle System through the Forensic Ballistics Unit (FBU) menu. After selecting disposal or examination, the computer generates a ballistics examination or disposal reference number. Only one reference number is allocated for each weapon. Mark the number on a tag, attach it to the weapon and take it to the FBU, Police Headquarters, Surry Hills. No further paper work is required as details are already entered into the computer system.

*FBU officer*

Compare details entered on the computer with the weapon submitted. If satisfied, log the item as being received at the FBU. No receipt is issued.

*Station/exhibit  
officer*

Check the Eagle System to verify the item was received at the FBU and generate a printout of the entry from the computer, sign it as being correct and file it against the relevant entry in the exhibit or miscellaneous property and receipt book.

### Liquor Exhibits

*Patrol  
commanders*

Destroy any liquor which is unfit for human consumption.

Liquor seized in after-hours trading offences is the property of those from whom it was taken. At the conclusion of court proceedings, return the liquor to the owner. The owner signs the exhibit entry.

#### Liquor exhibits – metropolitan area

Metropolitan Exhibit and Property Centre staff collect liquor, fit for human consumption, and forfeited to the Crown and unclaimed liquor following after-hours trading offences. They issue a receipt. A short report of the circumstances accompanies the liquor which is later disposed of by auction.

Exhibits

the circumstances accompanies the liquor which is later disposed of by auction.

### Liquor exhibits – country

Approve the disposal of liquor exhibits, fit for human consumption and forfeited to the Crown.

Obtain tenders from licensed retailers or arrange for the liquor to be auctioned by an auctioneer licensed to sell liquor. Forward proceeds to the Accounts Branch.

### Money exhibits

Forward money forfeited to the Crown, with a covering report, to the Accounts Branch for payment to Treasury. When an offender is convicted of "offer bribe" and no court order is made for the return of the money, deal with it in the same manner.

### Instruments of gaming

*Officer destroying exhibit*

Destroy gaming instruments that are forfeited or ordered to be destroyed, in the presence of a commissioned officer. Destroy them on police premises, if possible, and in the most effective manner.

Prohibited amusement devices, poker machines and other mechanical devices are also destroyed in the most effective manner. If a large number of devices are involved, arrange destruction at a council tip. It is essential that the circuits/logic boards are destroyed in the process and the debris buried.

### Cassette sound recordings and videos

*Patrol commander*

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

## Exhibits

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### Cargo exhibits subject to customs control

When cargo, subject to Customs control, is no longer required as an exhibit, deliver it to the Collector of Customs or authorised agent and obtain a receipt.

### Credit cards

Credit cards are the property of the organisation which issued them and are returned to that organisation when no longer required. Obtain a receipt.

### Counterfeit currency

*Investigating officer*

When you take possession of counterfeit Australian or foreign currency, moulds or note reproduction equipment, immediately inform the Team Leader Australian Federal Police, (AFP) Currency Team by telephone.

Forward a copy of the COPS entry with a covering report (including the name of the Currency Team officer you spoke to) to your commander.

*Commander*

Send the report direct to the Team Leader Currency Team, AFP.

The team leader of the Currency Team:

- may take charge of investigations reported by New South Wales Police, particularly if it is connected with an investigation being conducted by the AFP. If this occurs, this Service is informed
- obtains a statement for evidentiary purposes, if required, from an officer of the Reserve Bank certifying that the money is counterfeit.

At the conclusion of inquiries or when the exhibit is no longer required, send it by security post to the AFP Currency Team and request a receipt to acquit exhibit records. The Reserve Bank destroys counterfeit currency.

## **Disposal of exhibits by tender 78.21**

*Patrol  
commander*

Dispose of property by tender when it is inappropriate or uneconomical to dispose of it by public auction (damaged motor vehicles, boats, etc., could be in this category).

If you consider disposal by tender unacceptable, the property may be advertised for sale in the press circulating in the area.

After disposal, the papers are filed at the station concerned.

*Exhibits***Auction procedures****78.22****Country***Patrol  
commander*

When exhibits are to be disposed of by auction, consult your district commander on whether the auction should be conducted locally or at the district centre.

Transfer the exhibits from the exhibit book to a miscellaneous property and receipt book, endorsed "auction book". A receipt from this book acquits the entry in the exhibit book.

The frequency, as well as the date, time and location of sales is at your discretion.

**Metropolitan**

Notify the Metropolitan Property and Exhibit Centre staff who collect all property for auction and dispose of it. They issue a receipt to the station concerned.

**Electrical goods**

The Electricity Development (Amendment) Act, 1984, requires electrical goods to be inspected by authorised officers of the energy authority prior to disposal. You must arrange for this to occur. If an article is deemed faulty, it is destroyed in your, or a commissioned officer's, presence.

**Proceeds from auction sales**

After each sale, submit to the Accounts Branch, an itemised list of the property sold, the amount obtained for each item and a bank cheque for the net proceeds. The proceeds, if not claimed within 12 months of the sale, are paid into the Consolidated Fund. (Cl.66 (4) Police Service Act 1990 - Regulation).

## Post mortem examinations

**78.23**

The Department of Health, New South Wales issues a "Handbook for Government Medical Officers" setting out procedures to be followed when conducting post-mortem examinations and the taking of specimens.

The Commander, Physical Evidence Section, liaises with the department to ensure the handbook is amended to meet altered legislation or police procedures.

## Confidentiality of medical records

*Officer in charge  
of case*

Should you have difficulty in acquiring medical records which are required as an exhibit, contact the Medical Secretary, New South Wales Branch, Australian Medical Association. A panel of medical practitioners can advise you in any action which may involve professional records and/or the professional relationship between the panel, practitioner and patient. Observe strict confidentiality of these records.



Exhibits**Specimens/exhibits in criminal cases**

*Officer in charge of case* Contact the Physical Evidence Section for advice on handling procedures for exhibits requiring forensic examination.

**Coroner's matters**

In every case exhibits must be accompanied by four copies of form P.377 (specimen/exhibit examination form) one copy of form P.79A and a copy of a doctor's post mortem certificate. Any additional forms required are set out below.

<u>Analysis required</u>	<u>By whom conducted</u>
Toxicological analysis - poisons, drugs and/or alcohol in organs or blood.	Division of Analytical Laboratories (DAL), Lidcombe Hospital, Lidcombe.
<p>In addition the above must be accompanied by a copy of the Health Department form, "Request for Toxicological Analysis". This form is supplied to all government medical officers by the Health Department. It must be completed by the medical officer where poisons or drugs are suspected of being the cause of death.</p>	
Histopathological examination - study of diseased tissues.	Institute of Forensic Medicine, Glebe.
Forensic biology - examination and identification of seminal and blood stains and of blood grouping.	Forensic Biology Laboratory, Division of Forensic Medicine, Glebe.
Bacteriological and virological examinations.	Institute of Clinical Pathology and Medical Research, Westmead Hospital.

## Non-coronial matters

*Officer in charge of case* In these cases specimens are accompanied by four copies of form P.377 only.

<u>Analysis required</u>	<u>By whom conducted</u>
Swabs, smears, clothing and other exhibits concerning sexual offences, tested for the presence of spermatozoa, blood and saliva. Stained articles tested for blood grouping.	Institute of Forensic Medicine.
Blood samples submitted and tested for evidence of alcohol, carbon monoxide, drowning, addictive drugs (non-fatal), flammable liquids, soil, paint, glass and other physical or chemical comparisons.	DAL.
Flammable liquids.	The DAL conduct a chemical analysis and issue a certificate on its analysis. If necessary, the Chief Inspector of Dangerous Goods, WorkCover Authority of New South Wales issues a certificate on the nature of the substance.
Explosive residues.	Division of Analytical Laboratories.
Textiles.	School of Textile Technology, University of New South Wales.
Plants, leaves and grasses.	Botanic Gardens.
Timber.	Forestry Commission of New South Wales.

Exhibits

Teeth and dentures.

Division of Dental Services.

Electrical equipment.

Electricity Authority.

**P.377 specimen/exhibit examination form***Officer in charge  
of case*

It is essential you complete all relevant sections of the form in detail. Number each item consecutively and briefly describe each item. Pack and correctly label all specimens and exhibits so that they coincide with the information on the form.

Set out on the form the date the specimen/analysis is required for court. If the date is not available when the exhibit is delivered, advise the laboratory staff by telephone as soon as possible.

One copy of the form is retained and filed at the Physical Evidence Section. When the exhibits are delivered to the laboratory concerned, the person receiving them signs a copy of the form which is returned to the escort and then filed at the forwarding station.

**Doctor's post mortem report to accompany exhibit in certain cases**

When a doctor's post mortem report is required to accompany exhibits submitted for analysis, the report contains:

- full clinical history
- the naked-eye features of organs from which portions are taken
- details of the noted condition of other organs of the body.

The exhibits are not examined by the pathologist until this report is received.

## Conveying exhibits/specimens to laboratory

*Escorting officer* When a charge is not laid or likely to be laid, specimens, with relevant papers, are lodged at the Physical Evidence Section and taken to the laboratory concerned. However, if a charge is pending, deliver the specimens direct to the laboratory. They are not to be posted or delivered by courier. Be well acquainted with the circumstances of the investigation as questions may be asked by the analyst or at a later time by the court.

Keep all biological samples chilled and deliver them as soon as possible to the laboratory.

See also Instruction 108, Driving offences involving liquor and drugs, Collecting blood and urine samples for analysis.

## Delivery on weekends, public holidays and outside normal office hours

Do not deliver specimens to Sydney on weekends, public holidays or outside normal office hours unless unavoidable. If you must make a delivery at these times, the following procedures apply:

### Body specimens

Arrange for a member of the Crime Scene Unit, Physical Evidence Section, to be at Level 5, Police Headquarters, when you arrive. That officer takes control of the specimen and arranges for it to be conveyed to the appropriate laboratory. Body specimens are the only exhibits accepted by this unit.

## Exhibits

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### Other exhibits

Before leaving your patrol, contact the Shift Commander, Sydney Police Station, so the Controller, Exhibit and Property Section receives prior notice.

Drug exhibits are secured in a safe with lockable drawers. Obtain a key from the shift commander, lock the exhibit in the safe drawer and retain the key. Return on the next day of business, reclaim the exhibit and hand the key to shift commander. Convey the exhibit to the appropriate laboratory.

The Shift Commander, in liaison with the Controller, secures bulky exhibits, which cannot be locked in the safe. A book is kept to record receipt and return of these exhibits.

### Collecting exhibits from laboratories

*Officer in charge of case* After receiving the laboratory certificate, arrange for exhibits, other than blood or organs, to be removed. If not required, they are destroyed.

### Poisoning - samples for analysis

When a person is suspected of having been poisoned, a 24 hour specimen of the person's urine is taken for analysis as well as all vomit. Search for any glasses, bottles etc., likely to have contained poison. Before sending samples for analysis, consult the Senior Forensic Toxicologist, Division of Analytical Laboratories.

## Homicides and suspected homicides (including all deaths in custody)

Contact the Director, Institute of Forensic Medicine immediately. In country areas, arrange for either a forensic pathologist to attend the mortuary to conduct the post mortem or have the body transported to the City Morgue for that purpose.

## Collecting and handling medicines

*Officer in charge  
of case*

When a person was on medication at the time of death and there is suspicion regarding the medicine, contact the Senior Forensic Toxicologist, Division of Analytical Laboratories for guidance.

## DNA (Deoxyribonucleic Acid Analysis)

The Forensic Biology Laboratory, Glebe, undertakes DNA analysis. The submission of samples for DNA analysis shall be done by the crime scene member associated with the investigation.

In the event that guidelines established by that laboratory are not met, resulting in the laboratory declining to conduct the analysis, the Commander Physical Evidence Section (or nominee) will liaise with the Senior Forensic Biologist if it is considered the analysis is still required.

## **Authority to take blood sample — Section 353A of Crimes Act 78.24**

Section 353A of the Crimes Act 1900 sets out the circumstances in which a person in lawful custody may be medically examined to obtain evidence of the offence charged. The section authorises only an examination which is reasonable in order to ascertain facts which

Exhibits

may afford evidence of the commission of the crime or offence.

It does not authorise a general practice of obtaining blood samples from persons in custody or subjecting them to an invasive medical examination.

Whether the examination is reasonable is a question of fact and degree which depends on all the circumstances of the case. Accordingly, before requesting a medical officer to undertake an invasive medical examination or take a blood sample, confer with the Commander, Region Legal Services.

While this section gives authority to have a person in lawful custody medically examined, the person charged may voluntarily submit to a blood sample being taken. In such cases, an authority is completed using the format set out in the following paragraph.

### Blood samples provided voluntarily

*Officer in charge  
of case*

When a blood sample is of assistance in the investigation of other crimes, you must first obtain the written permission of the person from whom the blood sample is sought.

When persons have been arrested following a murder or serious assault and it is considered an analysis of the their blood group is valuable, ask whether they are prepared to authorise the taking of their blood for examination/analysis.

It is essential that consent be freely and voluntarily given and they are informed that they are not obliged to allow a specimen of blood to be taken for testing/analysing without their permission. If consent is given, obtain an authorisation in writing, as near as practicable, to the following:

"I,.....  
 ..... do hereby authorise Doctor..... 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....."

In the metropolitan area, between 0800 and 1600 hours, contact the Director, Medical Services. Outside these hours, the Duty Operations Inspector, Police Communications Branch, arranges for the duty medical officer to attend. In country areas, contact the government medical officer, or if absent, another qualified medical practitioner.

## Sampling procedures

*Officer in charge  
 of case*

The doctor provides a container and takes a sample of not less than 10 mls of unclotted blood or any other samples as determined by the situation. The container is sealed and labelled by the doctor in the presence of the person from whom it was taken and handed to *another* officer for delivery to the Division of Analytical Laboratories. You do not handle the sample.

### McCartney bottles for blood samples

Use McCartney bottles for collecting blood samples for analysis of post mortem exhibits and samples resulting from offences under the Motor Traffic Act.

Each bottle contains a preservative. Do not use damaged bottles. While the bottle is in your custody, ensure the sealing label is not cut, removed, written on or defaced. The label must be intact when the bottle is



## Exhibits

handed to the medical practitioner taking the blood sample. Evidence may be required in court as to the condition of a bottle when taken into use.

Prior to taking a blood sample, the doctor cuts the pink label below the screw cap on both sides. The doctor does not remove the coloured pieces which remain on the bottle and the cap (to show preservatives have been added). The remaining pieces of the label also bear the chemist's initials which must not be obliterated.

After the sample has been taken and the cap replaced, the doctor signs the white sealing label. It is placed over the cap at right angles to and across the coloured label and stuck to the sides of the bottle. The doctor completes a white identifying label which is wrapped around the bottle. These seals and labels are not interfered with or defaced in any manner.

A supply of bottles is held at each patrol command and stored in a safe and accessible place. Supplies at sectors are replenished by the patrol command which, in turn, obtains replacement bottles from the Physical Evidence Section.

See also Instruction 108, Driving offences involving liquor and drugs, Collecting blood and urine samples for analysis.

## **Physical evidence**

## **78.25**

*Crime scene unit officer*

Enter physical evidence taken from crime scenes, e.g. soil, arson debris, vegetable matter etc., in the specimen /item register maintained at the Physical Evidence Section.

*Officer in charge of case/ exhibit officer*

At stations where a specimen/item register is not maintained, make an entry in the exhibit book. The specimen is later transferred to the Physical Evidence Section using normal exhibit procedures. A receipt is issued from there to acquit the exhibit book.

The Physical Evidence Section is responsible for the safe-keeping of the article. Inspection procedures as for exhibits apply to such articles.

### Plaster casts

*Officer in charge  
of case*

When it is necessary to take a plaster cast of a footprint or other impression, preserve it and then consult the Physical Evidence Section.

## Advisings and indemnities

## 78.26

*Police generally*

Crown Solicitor's advising – retention of exhibits

Note - This advising does not refer to items seized in accordance with a search warrant issued in terms of Part II of the Search Warrants Act (see also Instruction 78.01).

You are empowered, and it is your duty, to retain things, including motor vehicles, which may be evidence of a crime which come into your possession without any wrong on your part. Once the need passes, return them to those from whom they were taken. However, if no arrest is made and inquiries are continuing, certain circumstances have to exist to justify the taking. These are:

- you 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
- you 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

*Exhibits*

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material evidence to prove the commission of the crime

- you must have reasonable grounds to believe that the person in possession of the article or vehicle has committed the crime, or is implicated in it, or is an accessory to it
- you must not keep the article, nor prevent its removal, for any longer than it is reasonably required to complete the investigation 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 it is decided not to go on with the case, the article should be returned.

*Police generally*

The lawfulness of your conduct is 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 reasonable grounds exist for believing that a vehicle will be useful evidentially, then the detention of the vehicle is lawful and any action commenced for damages for normal deterioration and depreciation could be successfully defended.

The legal responsibility of a bailee (Police Service) is to take the same care of an article as a reasonable owner would. If this standard of care is not met, action in negligence may lie against the Service.

*Crown Solicitor's advising – rival claimants*

If you intend to release property to the claimant considered to have the greatest entitlement, inform all other claimants in writing of your intention. Inform them also that, unless they take action for recovery of the property within six weeks, it will be released. Obtain an indemnity when the property is handed over.

Notify rival claimants in the following terms:

"NOTICE OF INTENTION TO DELIVER PROPERTY  
RETAINED IN POLICE CUSTODY

TO: .....

OF: .....

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

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  
Patrol 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 of rival claimant).

Signed

.....

Patrol Commander

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

(Address of Patrol 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: .....

*Exhibits*

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Rank: .....

Station: ....."

**Indemnity may be obtained***Officer returning  
exhibit*

When directed to give an exhibit to a claimant, an indemnity may be required. When the indemnity is executed under hand, a 50 cent duty stamp is used. Cancel the stamp by writing your name or initials and date in ink on or across the stamp.

In rare cases, when the indemnity is executed under seal, the completed document is returned to Police Headquarters. Arrangements will be made to forward it to the Office of State Revenue, Stamp Duties Division, for impressing with a \$10.00 duty stamp. A penalty clause exists under the Stamp Duties Act and the document is to be presented within two months. The Service pays all stamp duty.

### Form of indemnity where two or more persons as joint owners

*Officer returning exhibit*

Obtain the following form of Indemnity 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 .....in the State 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)

Exhibits

Signed by the abovenamed ..... in the  
 presence of .....  
 .....  
 (insert witness's address)"

## Form of indemnity – individual claimant

Obtain the following form of Indemnity 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)"

## Section 31 of the Criminal Procedure Act

**78.27**

### Disposal of property in custody of police

*Police generally* Section 38 (1) of the Act applies to property that is in police custody in connection with an offence whether punishable on indictment or summarily. Refer to section 19 of the Stock Diseases Act 1923 (Power to seize stock) in relation to livestock.

### Disposal of property on application

Under Section 39 of the Act a court may on the application of any person, make an order that certain property be delivered to the person who appears to it to be lawfully entitled to the property.

### Disposal of property after determination of proceedings

Under Section 40 (1) of the Act property which has not been delivered to the person lawfully entitled to it (by virtue of an order under Section 39 or otherwise) within one month after determination of proceedings against a person for an offence concerning the property:

- (a) in the case of money, is to be paid to the Treasurer for payment into the consolidated fund; or
- (b) in any other case, may be sold at public auction.

Expenses incurred in keeping the property in police custody may be deducted from the proceeds of sale of the property and paid to the Commissioner of Police.

The proceeds of sale of the property [after making any authorised deductions] are to be forwarded to the Treasury for payment into the Consolidated Fund.



*Exhibits*

All police should make themselves conversant with these provisions, and an owner's right to recover the money after it has been paid into the Consolidated Fund.

## **Livestock exhibits** **78.28**

"Livestock" means animals (including birds and fish).

*Police Generally* When livestock comes into police possession as an exhibit the following procedure is to be adopted.

### No dispute as to ownership

- make a suitable record of stock for evidentiary purposes (including valuation by competent valuer)
- return the stock to owner as soon as possible
- if the owner of the stock is not known, apply to the court for an order to auction the stock (Section 69 Criminal Procedure Act).

### Disputed ownership

- if neither party to the dispute undertakes to pay the expenses of keeping the stock or fails to comply with such undertaking apply to the court for an order to auction the stock (Section 70 Criminal Procedure Act).
- notify all interested parties of their rights to recover proceeds from the sale of stock in police custody (Section 72 Criminal Procedure Act).

*Patrol  
Commander* When there is no dispute as to ownership, expenses incurred whilst keeping stock in police custody for the first 28 days are to be borne by the Commissioner of Police.



Instruction 79

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# Prohibited drugs and plants

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## **Departmental policy** **79.01**

*Police generally* Destroy drug exhibits as soon as possible after seizure.

All officers have an obligation to ensure this is done and to comply with legislation dealing with drug destruction.

Superintendents exercise their authority and, at every opportunity, order the destruction of prohibited drugs in accordance with S. 39C of the Drug Misuse and Trafficking (Amendment) Act.

Patrol commanders authorise the destruction of prohibited plants.

## **Referral officers** **79.02**

Contact the Referral Officer, Drug Enforcement Agency, for information on the seizure and sampling of large quantities of prohibited drugs and plants. Outside normal business hours, this officer can be contacted through the Duty Operations Inspector, Police Operations Centre.

## **Auditable drug exhibit bags** **79.03**

Use drug security exhibit bags (PAB18) and multi-ply paper bags (PAB24) at all stations and exhibit holding locations to secure suitable drug exhibits. Use the latter to secure large seizures of cannabis leaf which is unsuitable for securing in the plastic PAB18 bag.

### **Accounting for bags**

*Admin/assistant  
or nominated  
officer*

Upon receipt of bags:

- check the serial numbers

### *Prohibited drugs and plants*

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- record numbers in the accountable forms register
- transfer details to drug bag allocation register
- store with care and do not place heavy weights on the PAB18 bags as seals may be damaged and their integrity destroyed
- keep sufficient in station safe for day to day operations.

### Drug bag allocation register

*Station/exhibit officer*

Record the issue of all bags in the drug bag allocation register (PAB19). This is an accountable book and shows bag number, date, to whom and by whom the bag is issued, as well as exhibit number and offender's name. Retain the register for two years after finalisation of the last entry.

For auditing purposes, make entries in blue or black for the PAB18 bag and in red for the PAB24 multi-ply paper bag.

### Initial use of PAB18 drug exhibit bags

*Station/ exhibit officer*

Issue bags in numerical order and complete details in drug bag allocation register. Check that the seal of the bag is intact with the officer in charge of the case. Each seal is to be consecutively numbered commencing with the number 1.

Remove the instruction and protection sheets and place the exhibit in the larger end. Inked box sections are provided under each seal. Make your entry in the sections immediately below the first seal from the top of the bag. Use a black ball point pen and include date, time, offender's name, name of officer lodging exhibit, registered number and signature.

Keep fingers away from inked area as skin secretions make the surface difficult to write on. Remove brown

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*Prohibited drugs and plants*

paper liner from the seal and press both sides firmly together over the whole length.

An obvious "chain like" pattern appears if the seal is interfered with.

Complete the supplied exhibit tag and seal it in the bottom pocket of the bag. This seal has no security significance and may be opened to insert a new label if the exhibit is transferred to another station.

## Opening PAB18 drug exhibit bag

*Station/ exhibit officer*

Sealed bags are not to be opened unless exceptional circumstances exist and then only with the written approval of the patrol commander (or nominee). Photographing, fingerprinting or removal for use during an interview will not normally be exceptional circumstances. Wrappers required for fingerprinting etc may be removed when the bag is opened by the analyst.

When a drug exhibit is to be entered in the exhibit book the station/exhibit officer is authorised to open a sealed bag for the purpose of weighing, identifying and recording the contents. This opening must take place in the presence of the case exhibit officer.

Use the special cutter when removing an exhibit from the bag for photographing, analysis etc. It is designed to cut one side of the bag only.

Place the bag on a hard flat surface and draw the cutter across the bag between the used seal and the next unused seal. This cuts one side only of the bag, allowing access to the contents and leaving the used seal intact for audit purposes.

Open the bag in the presence of the person requiring access, the officer in charge of the case or the case exhibit officer and the officer giving approval.



*Prohibited drugs and plants*

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Record the reason why a bag was opened and the seal number which was opened in the exhibit book. Have the person who required access sign this entry.

Record the same information on the next unused seal, together with the names and signatures of persons present. Then reseal the bag.

## Opening PAB 18 drug exhibit bag at court

*Officer in charge of case*

You will sometimes be required to open the drug exhibit bag at court. In these cases take a special cutter with you to open the bag in the prescribed manner. After examination, record your name and signature and the name and signature of the court officer on the next unused seal, then reseal the bag.

When you return to the station with the exhibit, tell the exhibit officer why the bag was opened.

*Exhibit officer*

In the above circumstances, check the exhibit, seal and signatures in the presence of the officer returning it. In the exhibit book, record the reason why the bag was opened, and have the officer returning the exhibit sign this entry.

## When cutter is unavailable

*Officer in charge of case*

Where there are no cutters available, cut below the seals. After the exhibit is examined, reseal the bag with tape.

On returning to the station with the exhibit, make an "occurrence only" entry on the Computerised Operational Policing System and retain a hardcopy. Hand the copy of the entry and the exhibit bag to the exhibit officer.

*Exhibit officer*

Check the exhibit in the presence of the officer returning it. Place the old bag and the hardcopy of the occurrence only entry in a new bag.

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*Prohibited drugs and plants*

Record your name and signature, and the name and signature of the officer returning the exhibit on the seal, then seal the bag. In the exhibit book, record the reason why the bag was opened and have the officer returning it sign the entry.

### Multi-ply paper bags - PAB24

*Officer in charge  
of operation  
station or exhibit  
officer*

When large seizures of cannabis leaf are brought to the station issue a PAB24 bag and do the following:

- complete details in the drug bag allocation register in red
- pack the drug loosely into the bag
- fold the top of the bag over and seal by stapling
- cover the line of staples with clear adhesive
- record on the front of the bag the exhibit number, police in charge, station, offender's name and offence
- weigh and mark for identification and
- store the bag in a cool dry place.

### Opening the PAB24 multi-ply paper bag

If it is necessary to open a bag, cut it below the original seal in the presence of the person requiring access, and if possible, the officer in charge of the case. If that officer is unavailable, an independent member of the Service such as patrol commander, station or exhibit officer, should be present. Under no circumstances are bags to be opened when only person is present. Reseal the bag in the same way.

Record on the bag and in the exhibit book, the time, date and reason for opening. Obtain the signatures of all persons present on the bag and in the exhibit book.

*Prohibited drugs and plants*

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If the bag is opened at the Division of Analytical Laboratories, the analyst cuts the bag below the original seal in the presence of the escorting police, selects a sample and reseals the bag. Similar entries, as set out previously, are made on the bag and in the exhibit book.

## Opening PAB 24 Multi-ply paper bag at court

*Officer in charge of case* If the bag is opened at court, cut it below the original seal in the presence of the court officer. Reseal the bag by stapling. Record on the bag the time, date and reason for opening, your name and signature, and the name and signature of the court officer.

When you return to the station with the exhibit, inform the exhibit officer why the bag was opened.

*Exhibit officer* In these circumstances, check the exhibit and signatures on the bag in the presence of the officer returning it. Ensure that the stapling has been covered with clear adhesive. Record the reason why the bag was opened in the exhibit book. Have the officer returning the exhibit sign the entry.

*Officer in charge of case* If it is necessary to use a new multi-ply bag, on returning to the station with the exhibit, make an "occurrence only" entry on the Computerised Operational Policing System and retain a hardcopy. Hand the copy of the entry and the exhibit bag to the exhibit officer.

*Exhibit officer* Check the exhibit in the presence of the officer returning it. Place the old bag and the hardcopy of the "occurrence only" entry in a new bag.

Follow the procedures for sealing multi-ply paper bags set out in this instruction.

In addition, record on the bag the reason for the new bag, your name and signature, and the name and signature of the officer returning the exhibit. In the exhibit book, record the reason why the bag was opened and have the officer returning it sign the entry.

## **Handling and recording drug exhibits**

**79.04**

### **Planned drug operations**

*Officer in charge of operation*

Appoint an officer, independent to the investigation, (i.e. an officer who has not played any part in the investigation up until being appointed as the case exhibits officer) to be the case exhibits officer.

*Case exhibits officer*

Take with you and retain control of auditable drug exhibits bags.

When drugs are located you are to ensure they are placed into a bag and sealed as soon as possible and in any case prior to leaving the scene. Only place the drug and its immediate wrapper into the bag. Drugs located at different locations (e.g. bathroom and kitchen) are to be placed into separate bags. Additionally, place drugs into separate bags according to analysis requirements. Any other item or container associated with the drug is to be treated as a separate exhibit.

Retain possession of the drug exhibits until you hand them to the station/exhibit officer.

You are to record:

- a description of the drug
- where it was located
- who located it and at what time

### Prohibited drugs and plants

- the number of the drug exhibit bag into which the drug is placed.

Prior to placement in the bag photograph the drug, in situ, if possible.

After leaving the scene attend an appropriate police station and have the drug exhibits entered into an exhibit book.

### Unplanned operations

The following procedures apply when drugs are located other than in planned operations.

*Officer in charge* At the time drugs are located nominate one of the officers present to be the case exhibits officer.

*Case exhibits officer* Take possession of the drugs.

Record:

- a description of the drug
- where it was located
- who located it and at what time.

As soon as possible take the drugs to police premises and:

- seal them in an auditable drug bag
- have them entered into an exhibit book.

Only place the drug and its immediate wrapper into the bag. Drugs located at different locations (e.g. bathroom and kitchen) are to be placed into separate bags. Additionally, place drugs into separate bags according to analysis requirements. Any other item or container associated with the drug is to be treated as a separate exhibit.

The drugs may be photographed and/or weighed prior to placement into the drug bag if this will not unduly

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*Prohibited drugs and plants*

delay the process. When possible do this in the presence of the station/exhibit officer.

## Station procedures

*Station/exhibit officer*

When necessary weigh and/or count the exhibit. Do this in the presence of the case exhibits officer and, where practicable, the alleged offender.

Weigh drugs as they are e.g., in foil, capsule or other container, to minimise handling. The case exhibit officer estimates the weight of the container and assesses the net weight of drug. If neither of you are able to make an assessment, seek assistance from a more experienced officer.

Include the weight of the drug or number of plants in the indictment.

Record a detailed description of the exhibit, including weight, last signed seal number and bag serial number in the exhibit book. The case officer signs on the next line immediately under the description. You then sign the entry.

Do not record particulars of drug exhibits in the miscellaneous property and receipt book, in any circumstances.

*Prohibited drugs and plants***Care when handling needles and syringes**

*Station/exhibit officer* Be careful to avoid injury when handling uncapped used hypodermic needles and syringes. To minimise risk, use the special containers provided.

Use single needle/syringe containers to store hypodermic needles or syringes being retained for evidence, further inquiries or examinations.

Use multiple needle/syringe containers to store hypodermic needles or syringes which are not required for evidentiary or other purposes.

These containers are to have warning labels regarding their contents.

**Disposal**

Never dispose of needles, syringes or containers as normal garbage. Destroy them by incineration.

**Safety precautions**

Wear disposable latex rubber gloves and observe normal hygiene when handling needles, syringes or containers.

**Purchase of containers**

Obtain containers from Charles Hunter Pty Ltd., Blair Athol, South Australia 5084.

**Security of drug exhibits****79.05****Drug exhibit security cabinets**

Drug exhibit security cabinets are used at all drug exhibit holding locations. They are fitted with a dual locking system and lockable night chute. One key is held by the officer performing station duty or the

*Prohibited drugs and plants*

exhibit officer, the second is held by the patrol or sector commander or the commander's nominated officer. Both officers must be present when the cabinet is opened. The key to the night chute is kept with the exhibit room key. The duplicate keys are secured in the district commander's safe.

### Security of drug cabinet keys

*Station/exhibit officer,  
patrol/sector commander or nominee*

You are responsible for the key to the drug cabinet. Retain exclusive personal possession of the key at all times and when you are off duty, ensure that the key is secure. Do not give the key to any officer even when being relieved during meal periods, etc.

*Patrol/sector commander*

If, for any reason, you nominate another officer to hold your key, make an entry on the general station pad showing the date, time and both signatures.

Similarly, if your station uses a full-time exhibit officer, record any movement of that officer's key on the general station pad when the officer is absent on annual leave, etc.

When the key is held by the station officer, the movement of the key and the key to the night chute, must be recorded on the general station pad at the shift changeover.

At non 24 hour patrols, you are responsible for ensuring the safe custody of the keys.

### Movement of duplicate keys

*District commander*

Use an official police notebook as a register and record the time, date, reason for removing the duplicate keys, and signatures of issuing and receiving officer. Under no circumstances hand both duplicate keys to the one officer. When the keys are returned, record the time, date, and signatures of the returning and receiving officer.



*Prohibited drugs and plants*

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## Loss of keys

*Station officer* When keys are lost, make an "occurrence only" entry on the Computerised Operational Policing System (COPS). Include details on the station summary. In the metropolitan area, arrange for a replacement lock to be fitted by the C.M.I. Safe Company, Carlton. In country areas, purchase a new lock from the company and arrange installation by a locksmith.

## Lodging exhibits

*Officer in charge of case* Secure exhibits in the drug security cabinet. Outside normal office hours, the officer with the exhibit room key, in your presence, deposits the exhibit in the night chute and locks it. When convenient, those officers with keys to the main door of the cabinet, check the exhibit against the entry and relocate it in the cabinet.

*Patrol commander* Consult the district commander if concerned about security of any exhibit. If necessary, arrange with the Commander, Sydney District, to transfer an exhibit to Exhibit Section, Sydney Police Station, where special facilities exist. Transfer the exhibit during normal business hours when permanent exhibit staff are on duty. If this is not possible, contact the Station Controller, Sydney Police Station and make alternative arrangements.

*Officer in charge of case* At patrols where drug exhibits are not retained, record a comprehensive description of the exhibit in your official notebook. The exhibit is transferred in accordance with Instruction 78, Exhibits, Exhibits at non-charging stations. If this cannot be done immediately, secure it in the station safe and transfer it at the first opportunity.

## **Photographing prohibited drug exhibits** **79.06**

Have drug exhibits photographed as soon as possible. Those subject to a pre-trial destruction order must be photographed.

## **Removing drugs from exhibit room** **79.07**

*Station/exhibit officer*

When a drug exhibit is removed from the exhibit room check it and record the reason and the last signed seal number (for PAB18 bags only) in the exhibit book. On the return of the exhibit check it in the presence of the returning officer and record the time, date and last signed seal number (for PAB18 bags only) in the exhibit book and sign the entry, if satisfied. Have the returning officer counter-sign your signature.

*Police generally*

When you need to remove a drug exhibit from the exhibit room check it in the presence of the station/exhibit officer. Record the time date and sign the entry in the exhibit book.

## **Inspecting and checking drug exhibits** **79.08**

*Station/exhibit officer*

Whenever an exhibit is required for any purpose, check it in the presence of the officer requiring it. If interference is detected, the transfer does not take place.

*Station/exhibit officer*

When inspecting an exhibit, examine the bag for signs of interference. Compare the serial number with the number recorded in the Exhibit Book. Inspect the seams and pay particular attention to the seal at the top of the bag by holding it up to light. If a "chain like" pattern is

### Prohibited drugs and plants

detected, bring the matter immediately to the attention of the Patrol Commander.

*Patrol commander* Follow the procedures outlined in Instruction 78 - Exhibits: "Inspecting exhibits", "Exhibits missing or interfered with".

### Missing drug exhibits

*Police generally* If you find a drug exhibit missing, follow the procedures outlined in Instruction 78-Exhibits: "Inspecting exhibits", "Exhibits missing or interfered with"

### Inspection of bags by analyst

*Officer escorting exhibit* Examine the seals with the receiving analyst at the Division of Analytical Laboratories, Lidcombe. Laboratory staff do not accept an exhibit if interference is evident.

*Officer escorting exhibit* When interference is evident, if stationed nearby, return to your station and report the matter immediately to your Patrol Commander and make an "occurrence only" entry on the Computerised Operational Policing System (COPS).

The station officer removes the exhibit from the bag using the special cutter as previously described. Place the exhibit in a new bag, updated the "occurrence only" entry on COPS and return with the exhibit to the Analytical Laboratories.

*Patrol commander* Retain the original bag pending a departmental inquiry. Follow the procedures outlined in Instruction 78 - Exhibits: "Inspecting exhibits", "Exhibits missing or interfered with".

*Officer escorting exhibit* If from a distant metropolitan or country station, go to Flemington Police Station, draw a new bag and follow the procedures previously described. Make an "occurrence only" entry on the Computerised Operational Policing System (COPS) there, retain a

hardcopy of the entry and the original exhibit bag. Return to the Analytical Laboratories with the exhibit in the new bag. On returning to your patrol, hand the hardcopy of the "occurrence only" entry and the original bag to your Patrol Commander.

*Patrol  
commander*

Retain the hardcopy of the "occurrence only" entry and the original bag pending a departmental inquiry. Follow the procedures outlined in Instruction 78 - Exhibits: "Inspecting exhibits", "Exhibits missing or interfered with".

## **Fingerprinting of drug exhibits 79.09**

*Officer in charge  
of case*

Inform the Analyst if the exhibit is to be fingerprinted in order to ensure correct handling. The exhibit is analysed beforehand to ensure a detailed and correct description, including the container, is recorded.

## **Analysing drug exhibits 79.10**

An Analyst's certificate is required when:

- the drug weighs the indictable amount or more, regardless of the defendant's plea. See Analyst's Certificate, this Instruction
- the defendant is not before court. See "*Offender not before court*", this Instruction
- drug seized and no person charged, regardless of weight. See "*Offender not before court*", this Instruction
- a pre-trial destruction order is given by court or Superintendent. See "*Pre-trial destruction orders*", this Instruction
- the drug weighs less than the minimum amount. See "*Analyst's Certificate*" and "*Person arrested and*

*Prohibited drugs and plants*

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*quantity of prohibited drug less than the minimum amount", this Instruction.*

## Procedure at the Division of Analytical Laboratories

*Officer in charge of case* Inform the analyst of the circumstances of seizure and the number of defendants involved in respect to the total drug exhibit. This is necessary to ensure that all amounts are analysed and a separate certificate issued for each amount as it relates to different defendants.

Make a notation in the item and description columns of the Specimen/Exhibit Examination Form P.377 for those drug exhibits requiring individual certificates.

### Multiple drug exhibits

When multiple drug exhibits make up the total exhibit, the analyst has a discretion to take a random sample rather than analysing each component. On these occasions, the analyst places the individual drug exhibits, not sampled for analysis, into the bulk exhibit bag.

*Escorting officer* If the officer in charge of the case is not present, inform that officer immediately.

### Analyst's certificate

When the prohibited drug weighs the indictable quantity or more, the court requires an analyst's certificate regardless of the plea.

When the prohibited drug weighs less than the indictable quantity, an analyst's certificate is required only if the defendant pleads not guilty or in the circumstances outlined in Analysing drug exhibits, this instruction.

## **Destroying prohibited drug exhibits**

**79.11**

The Drug Misuse and Trafficking (Amendment) Act No.47 of 1986 provides for pre-trial destruction of the bulk of prohibited drug exhibits. This legislation is intended to reduce drug exhibits retained at police stations and other locations.

The Act empowers judges, magistrates and, in certain circumstances, superintendents, to order the destruction of prohibited drugs prior to finalisation of court proceedings. Under the legislation, the court is obliged to consider destruction of a prohibited drug when it weighs the minimum amount or more. For smaller quantities police may make an application to the court.

### **Principal provisions for destruction**

The principal provisions of the amending Act affecting police are:

S.39A - defines the minimum amount of a prohibited drug for the purposes of the Act.

S.39B - a destruction order does not apply to that amount of the prohibited drug comprising three times the amount that is required for sampling and analysis.

S.39C - empowers officers of or above the rank of superintendent to order the destruction of prohibited drugs.

Where no order has been made for the retention of a prohibited drug seized by an officer, superintendents and above may, whether or not any person has been charged with an offence with respect to the prohibited drug, order its destruction if of the opinion that, by reason of the amount or otherwise, it could not reasonably be securely retained pending a magistrate's order.

### Prohibited drugs and plants

*Officer in charge of case* S.39D - seek a court order for destruction within 21 days of the seizure of any prohibited drug which is not less than the minimum amount prescribed for that drug.

An application need not be made if, within the 21 day period, a person is charged with an offence with respect to the prohibited drug; or the prohibited drug is destroyed pursuant to an order under S.39C.

*Officer in charge of case/ exhibit officer* S.39I – an order for destruction is carried out as soon as practicable after 7 days (or longer if so ordered by the magistrate) from the date of the order.

S.39M enables destruction orders to be made in respect of quantities of prohibited drugs less than the minimum quantity upon an application by a police officer.

### Plea of guilty – less than minimum amount

*Officer in charge of case* If the defendant pleads guilty there is usually no need to have the prohibited drug analysed. If the defendant is represented and there is no objection, request that the drug be destroyed. Unless the prohibited drug has been analysed, destruction does not occur until the defendant is dealt with. However, if the defendant is not represented, pleads guilty and there is no analyst's certificate, object to the drug being destroyed until the appeal period (3 months) has lapsed.

A court order preventing destruction expires after any appeal has been finalised, or when no appeal has been lodged by the expiration of the appeal period. At the expiration of these periods the drug is destroyed.

### Offender not before court

*Officer in charge of case* If the defendant is not before court, request that a warrant be issued or the matter dealt with ex-parte. In

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*Prohibited drugs and plants*

both circumstances, the exhibit is analysed and the court asked to make a destruction order under S.39M.

### No person charged – prohibited drug seized

When a substance is seized which is suspected of being a prohibited drug and no one is charged take the substance, regardless of weight, to the Division of Analytical Laboratories as soon as possible and obtain an Analyst's Certificate. If the substance is a prohibited drug you are to take the following steps.

If the weight is less than the minimum amount, seek an order under S.39M for the destruction of the drug.

If the weight is not less than the minimum amount, seek a court order within 21 days of seizure [S.39D(1)], if the drug has not been destroyed pursuant to a Superintendent's direction under S.39C.

### Drug destruction procedures – pre-trial destruction orders

*Patrol  
commander*

When the officer in charge of the case reports that the court has made a "pre-trial" destruction order, arrange for the bulk of the exhibit to be destroyed. Destruction occurs as soon as practicable, after the expiration of 7 days (or such longer period as the court may specify) from the date of the Magistrate's order, (S.39I). Destruction orders given by Superintendents (S.39C) are carried out immediately.

In both instances, the prohibited drug is to be properly sampled for analysis prior to destruction. Ensure particulars on the P.377 form are correct.

### Destruction of exhibits in drug exhibit bags

When a court orders the pre-trial destruction of the bulk of a drug exhibit, observe all safety and inspection



### Prohibited drugs and plants

procedures. At the time of destruction, all those responsible for signing the destruction certificate examine the seals. If the bag is intact, the bulk is removed by using the cutter. Do not pull seals apart. Leave the exhibit in the polythene sleeve and destroy it. Place a photostat or certified copy of the destruction certificate in the bag for court purposes.

If the court hearing is finalised and the entire exhibit is to be destroyed, check the seals and destroy the bag and contents. If interference is detected or suspected do not destroy the exhibit. Return it to the station of origin and commence a departmental inquiry.

### Minimum amount

The weight of the prohibited drug determines how you deal with seized drug exhibits. In respect to "destruction orders", the Act creates a term - "minimum amount" (S.39A). This term means the trafficable quantity of a prohibited drug. For heroin, the trafficable quantity is 1 gram.

### Discretion to destroy drug exhibits

*Officers of the rank of superintendent and above*

If there is not already a court order in respect to the prohibited drug, S.39C of the Act allows officers of the rank of superintendent and above the discretion to order the destruction of prohibited drugs. You can exercise your discretion whether or not any person has been charged provided you are of the opinion that, by reason of the amount of the prohibited drug or otherwise, the prohibited drug cannot reasonably be securely retained pending an order by a magistrate, i.e. the amount of prohibited drug is such that it cannot be secured by using the available facilities, or because of the nature of the substance, cannot be safely stored to prevent contamination.

*Patrol commander*

S.39C does not indemnify police or the Service against any loss or damage to property that might accidentally

*Prohibited drugs and plants*

occur while the prohibited drug is being destroyed. Consider this aspect when choosing an area and the method of destruction.

S.39C does not enable the destruction of any growing prohibited plants.

### Statutory obligation of the magistrate

On the first occasion a charge, involving not less than the minimum amount, is before court, the magistrate enquires whether the drug has been destroyed. If not, the magistrate determines whether it should be retained. Where the accused is represented and no party objects, the drug is forfeited and destroyed. Where the accused is not represented or there is an objection, the same applies unless the magistrate is satisfied that in the interests of justice or for some other reason, the drug should be retained. S.39E.

*Officer in charge  
of case*

If a prohibited drug is ordered to be retained, the magistrate fixes a date not more than two months after the date of this determination, when a further determination on whether the prohibited drug should be retained is made. Inform the prosecutor of any objections to the prohibited drug being destroyed, otherwise he/she assumes there is no objection, S.39H

*Police prosecutor*

If a magistrate does not address S.39E and 39H when obliged to do so, raise the issue and seek an order for the destruction of the bulk of the exhibit.

### Committal matters

When a defendant has been committed for trial and the prohibited drug, weighing not less than the minimum amount, has not been destroyed, the magistrate determines whether the prohibited drug should be retained, S.39K.

Prohibited drugs and plants

If the prohibited drug is to be retained, the trial court determines whether or not it should be retained when the matter is first mentioned at court, S.39L.

Person arrested and quantity of prohibited drug less than minimum amount

*Officer in charge of case/station or exhibit officer*

The prohibited drug remains in the exhibit room unless either:

- it cannot be properly identified
- the court requests the substance be analysed
- there is a strong likelihood the defendant will plead not guilty
- the defendant pleads not guilty
- there is a police direction to destroy the drug.

In any of these circumstances, take the prohibited drug to the Division of Analytical Laboratories, Lidcombe, for analysis. Retain it until the court hearing or it is destroyed at police discretion.

After the matter is dealt with by the court, request an authority to destroy the prohibited drug if it has not already been destroyed.

Co-offenders charged in relation to the same exhibit

If co-offenders are charged in relation to the same exhibit and there are conflicting court orders regarding the destruction of the drug, do not destroy until all courts involved sanction destruction.

Order on determination of proceedings before magistrate – S.39N

*Prohibited drugs and plants*

On the determination of proceedings for an offence relating to a prohibited plant or prohibited drug which has not been destroyed, the magistrate orders destruction except when:

- any party objects to the destruction of the prohibited plant or prohibited drug
- the magistrate is satisfied it is in the interests of justice or there is other sufficient reason to order that the prohibited plant or prohibited drug be retained.

When a magistrate orders a prohibited plant or prohibited drug be retained, it is destroyed at the expiration of three months after the date of the magistrate's order, unless an appeal is lodged against the decision before the period has expired.

### Persons to be present when drug destroyed

*Patrol  
commander or  
commissioned  
officer*

Destruction occurs in the presence of a commissioned officer or patrol commander, an independent witness and a police officer who can identify the exhibit. The independent witness should be a Justice of the Peace from the Local Courts Administration.

If a justice is not available, use any of the following:

- member of the Salvation Army
- minister of religion
- agronomist
- bank manager
- council or shire health officer
- weed inspector
- government analyst
- legal practitioner

Prohibited drugs and plants

- postmaster
- pharmacist
- reputable citizen with permanent residential status in the patrol.

## Fees incurred

Any fees incurred in the destruction process are met from the budget of the patrol commander concerned.

When cannabis plantations are destroyed by Director-General of Agriculture and Fisheries, under S.38, any costs or expenses incurred may be recovered by the Director General.

## Drug destruction procedures

*Patrol  
commander or  
commissioned  
officer*

Before destruction, all three parties check the exhibit against the exhibit book entry. Do not destroy if there is evidence of interference to the exhibit bag or identification is doubtful. Immediately report any irregularity to the District or Branch Commander.

After destruction, all three parties sign a certificate of destruction:

## DESTRUCTION CERTIFICATE

We the undersigned hereby certify that the bulk/sample of Drug Exhibit No..... was destroyed in our presence at..... on..... Prior to destruction the relevant exhibit book entry was checked and found to coincide with the identification details endorsed on the exhibit.

NAME	RANK/POSITION	SIGNATURE
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Commissioned  
Officer

Independent  
Witness

Identifying  
Officer

### Bulk exhibit bags containing individual drug exhibits

Destruction orders for bulk exhibits do not include the contents of the sample bag (i.e. 3 times the amount required for analysis). Do not destroy multiple exhibits if all have not been sampled. Orders only authorise the destruction of the actual prohibited drug and not any material used to store the exhibit.

## **Cannabis plantations**

**79.12**

*Officer in charge  
of operation*

When plantations are located, inform the Staff Officer, Intelligence and consult the Plantation Unit, Drug Enforcement Agency.

### Plantations more than 250 plants

Contact the Plantation Unit whenever you encounter plantations of 250 or more prohibited plants, or where there is evidence of organised crime being involved. The Unit can advise on the preferred investigation, analysis and destruction procedures.

### Plantations less than 250 plants

When you discover plantations of less than 250 plants you must decide whether to remove and destroy the plants or commence surveillance to detect offenders. When making this decision consider the following:

- remoteness of the area
- number, size and maturity of plants
- potential value of the crop

*Prohibited drugs and plants*

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- condition of plants and whether supported by irrigation or in need of water
- evidence of frequent attendance
- investigation methods available, excluding surveillance
- risk of plants being harvested by offenders.

Do not leave mature plants unattended under any circumstances.

When organised crime is not suspected and surveillance is not required, the plants are photographed, identified/analysed by an appointed person before deterioration, and destroyed as set out hereunder. Follow normal exhibit handling and destruction procedures.

## Precautions for handling cannabis plants/leaf

*Officer in charge  
of operation*

Observe the following precautions:

- wear gloves and other reasonable protective clothing as common-sense dictates, e.g. overalls
- use horticultural implements where possible and practicable
- keep quantities and storage time to a minimum
- remain upwind when plants are being burnt.

Wherever possible, use drug security exhibits bags for drug exhibits, with the exception of moist substances, including "green" cannabis plants and leaf (the bags are airtight and cause these exhibits to deteriorate). If condensation or mould is detected in the bag, convey the exhibit to the Division of Analytical Laboratories, Lidcombe, as soon as possible.

The Occupational Health and Safety Section, following exhaustive testing, concluded there is no significant carcinogenic risk in handling cannabis plants.

Nevertheless observe the safety requirements and if necessary, consult the Occupational Health and Safety Unit, Sydney.

## Seizure of prohibited plants on premises

When prohibited plants are located on premises, as defined, S.38 of the Act enables destruction. The section facilitates the issue of a warrant allowing authorised persons to enter specified premises and take whatever action is necessary to destroy any prohibited plant and to prevent regrowth. Before destruction, plants are photographed and analysed by an appointed person who issues a certificate which is retained by police.

This section facilitates the Director-General, and persons authorised by the Director-General, to enter specified premises. It does not apply to police officers who must be in possession of a search warrant.

## Removing and destroying cannabis plants

*Officer in charge  
of operation*

When you locate cannabis plants:

- count and photograph them, when possible, and up-root them with the root system intact
- convey them to the police station and enter particulars in the exhibit book. Photograph them again to show the number of plants seized and the exhibit number
- have them analysed immediately while fresh by an "appointed person" [S.38(3)] and obtain a certificate.

Retain the original certificate and make an "occurrence only" entry on the Computerised Operational Policing System (COPS).



### Prohibited drugs and plants

It is essential these specialists examine the suspected prohibited plant while it is fresh. Once the plant begins to deteriorate, it may be necessary to have it analysed at the Division of Analytical Laboratories, Lidcombe.

Appointed persons can analyse only whole plants and not cannabis leaf. Therefore the root system must remain intact.

Should plants be too large or of such quantity that it is impracticable to remove them to a police station, an appointed person attends the scene and conducts an analysis.

### Analysis of cannabis seeds, stems and root systems

*Officer in charge  
of case*

Seeds are dealt with in the same manner as prohibited drugs but are taken to the Seeds Laboratory, Department of Agriculture, Rosebery.

Cannabis stems and root systems are to be taken to the Forestry Commission, 95 Castle Hill Road, Pennant Hills for analysis by the Wood Anatomist. Contact is to be made with the Commission prior to attending.

### Authorising the destruction of prohibited plants

*Patrol  
commander*

After analysis and photographing, you can authorise the destruction of the plants. Observe the provisions of the Bush Fires Act and Regulations and, where necessary, obtain a permit.

## Premises used for drug manufacture

### 79.13

*Officer in charge  
of operation*

Be aware of potential hazards if you encounter premises used or suspected of being used in the manufacture of illicit drugs. Overseas trends indicate these premises are often booby-trapped with subtle activating devices which may not be recognised by the average person.

If a device is activated, it may cause a chemical fire or explosion releasing potentially toxic or carcinogenic agents. Therefore exercise the utmost caution and seek expert advice before entering. When appropriate, wear protective equipment.

In all cases, notify the Referral Officer, Drug Enforcement Agency, and contact the Physical Evidence Section to assist in rendering the premises safe. When secure, consult the Government Analyst and if necessary, arrange for an analyst to attend.

Consult Occupational Health and Safety Section on precautions to be observed, particularly on legislative and safety factors associated with the storing of chemical exhibits.

## Disposal of items from illicit factories

The Waste Management Authority of New South Wales advises that chemicals, confiscated from illicit factories, may require treatment prior to disposal to minimise any potential hazard at the disposal site. The Authority can advise the proper disposal procedures and those persons who are licensed to transport contaminated chemical waste.

Contact the Authority and the Occupational Health and Safety Section, whenever you come into contact with materials such as those kept in amphetamine factories.

*Prohibited drugs and plants***Drug exhibits seized by other authorities 79.14**

Authorities such as National Parks and Wild Life and the Armed Services may use police facilities to record and retain prohibited drug exhibits which they have seized. They follow the same procedures as police and it is their responsibility to arrange for the analysis.

**Appointed persons under the Drug Misuse and Trafficking Act 79.15**

*Region commander*

Ensure your districts keep an up-to-date record of appointed persons who can be called on to identify prohibited plants and issue certificates.

**Forfeiture of drug related articles 79.16**

*Officer in charge of case*

Keep in mind legislation dealing with the confiscation of profits or the proceeds of crime when dealing with persons involved in serious drug offences. If you require assistance, contact the Confiscation Unit, Drug Enforcement Agency.

Also keep in mind the civil action available for the confiscation of assets derived from drug trafficking afforded by the Drug Trafficking (Civil Proceedings) Act, 1990. Assistance in this regard is available through the Civil Forfeiture Division, NSW Crime Commission.

**Bail provisions****79.17**

If the quantity of the drug is either a "commercial quantity" or more, there is a presumption against the defendant being granted bail.

If the quantity is twice the indictable amount, and less than the commercial quantity, then there is no presumption for or against bail.

In any other case, there is a presumption in favour of the defendant being granted bail.

**No bill filed****79.18**

When a defendant is committed for trial and the Attorney General or Director of Public Prosecutions does not file a Bill, seek a direction for destruction if the exhibit has not been destroyed already.

**Inspecting drug exhibits****79.19**

*Station  
controller/nomina  
ted supervisor*

Inspect all drug exhibits at intervals of not more than one month. This requirement does not remove the requirement to carry out P.80 inspections.

Inspection procedures are those listed in Commissioner's Instruction 78.

*Patrol  
commander*

Where there is a substantial influx or movement of drug exhibits you may authorise more regular inspections.

*Prohibited drugs and plants***Commercial and traffickable quantities of prohibited drugs 79.20**

The following procedures apply when an amount of prohibited drug not less than the traffickable quantity comes into your possession. These procedures are in addition to other procedures within this Instruction. Where the drug is not seized by NSW Police the station/exhibit officer will make the necessary arrangements to have the exhibit taken to an analyst.

*Officer in charge of case/case exhibits officer*

After the prohibited drug exhibit has been entered into the drug exhibit book in accordance with Commissioner's Instruction 79.04 ensure it is taken to an analyst for analysis as soon as practicable (but in no case later than 14 days).

*District commanders*

Arrange for prohibited drugs in police possession within your district, to which this provision applies, to be taken to an analyst on a district basis. Where possible, with a view to cost and human resource savings, liaise with other district commanders for inter-district transfers to an analyst. Keep in mind the exhibits are to be taken as soon as practicable (and not later than 14 days).

*Transporting officer*

Convey the prohibited drug exhibit to the analyst. After the analyst has taken the necessary samples take the sealed bag/s to the Sydney Police Station Exhibit Room and have them entered as an exhibit. Obtain a receipt and return it to the station from where you obtained the prohibited drug.

Where you are required to hand a drug exhibit to another officer, for that officer to continue with the transfer of the exhibit to an analyst, book the exhibit into the drug exhibit book at the other officer's station, obtain a receipt and return it to the station from where you obtained the exhibit.

Prohibited drugs and plants

<i>Subsequent transferring officers</i>	Have the exhibit booked out to you and continue with the transfer. Follow the above procedures if you are required to hand the exhibit to another officer.
<i>Exhibit officer Sydney Police Station Police generally</i>	Enter the exhibit and issue a receipt to the transporting officer. Do not open the seal/s on the bag/s.  If you break a seal or become aware of tampering or a seal having been broken on a drug bag, that has been sealed by the analyst, you are to immediately have the drug exhibit re-analysed. Once the bags are re-sealed by the analyst return them to the Sydney Police Station Exhibit Room.
<i>Exhibit officer Sydney Police Station</i>	When you receive notice of an order for the destruction of the prohibited drug exhibit arrange for an analyst to inspect the exhibit to determine whether it has been opened or tampered with since last being sealed by an analyst. If the analyst is satisfied destroy the exhibit.  Hand the exhibit to the analyst, for analysis, if it is found to have been opened or interfered with. Arrange for an escort to accompany the analyst to the laboratory with the exhibit and to return it to the Sydney Police Station Exhibit Room after being sampled and re-sealed. Notify the officer in charge of the case of this occurrence and advise the officer to have the destruction order varied or rescinded. Do not destroy the exhibit until you receive further notification from the officer in charge of the case.
<i>Officer in charge of case</i>	Upon notification from the exhibit officer that the drug exhibit is to be re-analysed, after being inspected by an analyst and found to have been opened, seek to have the destruction order varied or revoked until the result of any investigation is determined. Advise the exhibit officer of the result of your application.
<i>Police generally</i>	Where a drug exhibit seal has been broken you should also refer to procedures contained within Instruction 79.08 - 'Inspecting and checking drug exhibits' and

Prohibited drugs and plants

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Instruction 78.17 - 'Inspecting exhibits - Exhibits missing or interfered with'.



Instruction 80

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# Fingerprints

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Year	Month	Day	Description	Amount
1990	12	31	Balance forward	100.00
1991	01	01	Interest on loan	5.00
1991	01	15	Principal payment	10.00
1991	02	01	Interest on loan	5.00
1991	02	15	Principal payment	10.00
1991	03	01	Interest on loan	5.00
1991	03	15	Principal payment	10.00
1991	04	01	Interest on loan	5.00
1991	04	15	Principal payment	10.00
1991	05	01	Interest on loan	5.00
1991	05	15	Principal payment	10.00
1991	06	01	Interest on loan	5.00
1991	06	15	Principal payment	10.00
1991	07	01	Interest on loan	5.00
1991	07	15	Principal payment	10.00
1991	08	01	Interest on loan	5.00
1991	08	15	Principal payment	10.00
1991	09	01	Interest on loan	5.00
1991	09	15	Principal payment	10.00
1991	10	01	Interest on loan	5.00
1991	10	15	Principal payment	10.00
1991	11	01	Interest on loan	5.00
1991	11	15	Principal payment	10.00
1991	12	31	Balance forward	100.00

## Importance of fingerprints

### 80.01

The Fingerprint Specialist Support Branch assists police to identify offenders, suspects, and unidentified deceased persons to the court. The section depends on police supplying accurately completed fingerprints to provide this assistance.

#### *Police generally*

When taking fingerprints, obtain all identifying points in the fingerprint in accordance with the instructions on the P59C form.

## Power to take fingerprints

### 80.02

Refer to Commissioner's Instruction 74 regarding your powers to take fingerprints, photographs etc. of persons charged with Commonwealth offences.

#### *Patrol commander*

S.353A (3) of the Crimes Act gives you discretionary power to take photographs, fingerprints, or palmprints for identification at court. When deciding how to best utilise this discretionary power, consider:

- the Bail Act S. 32 (1)(a)(i), which requires an authorised officer or a court to consider the prior criminal history of the accused person
- the Bail Act S. 51 (1), which creates the offence of failing to appear before a court in accordance with bail undertakings. Fingerprints taken for the original offence may be the only positive evidence to identify the person
- the Crimes Act S. 413C, which permits authorised persons to issue certificates of conviction records of an accused person in certain circumstances. These documents are completed from fingerprint histories.

If required, take fingerprints at the earliest opportunity subsequent to the person being charged and forward

## Fingerprints

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them to the Commander, Fingerprint Specialist Support Branch.

Section 353A (4) of the Crimes Act gives a court the power to order a person against whom a prescribed offence has been proved, to submit to the taking of all such particulars as may be thought necessary for the identification of the person, including the person's photograph, fingerprints and palmprints. This includes matters dealt with by way of summons.

The order is given to the person concerned at court and a copy forwarded to the patrol commander of the nominated police station. The offender is to present himself/herself at the police station specified in the order for the taking of particulars. Generally, the court will require the person to attend the police station immediately, under escort.

The power to arrest for failure to comply with an order is dependent upon a direction to do so being given by the officer in charge of the police station specified in the order.

The completed fingerprint form (P59) and photographs, if taken, are to be submitted in the usual manner on form P59E with a brief report setting out all relevant details.

When you arrest an offender by virtue of a first instance warrant, or on an order under S.44 of the Prisons Act to be charged at court, convey the offender to the nearest police station to be fingerprinted and/or photographed for identification.

## Children — fingerprinting and palmprinting

**80.03**

When you arrest a child offender, whether under or over the age of 14 years and charge the child with a criminal offence, you are to obtain the fingerprints, etc. in accordance with S.353A or S.353AA of the Crimes Act. See also Instruction 155.9 regarding the fingerprinting of child offenders.

## Taking fingerprints

**80.04**

*Fingerprinting officer*

Place your appointments in the station safe or a locked cabinet provided for this purpose before taking fingerprints. Where practicable, a second officer should be present when fingerprinting any person.

## Preparing instruments and hands

Clean the equipment before commencing to ensure you obtain clearly defined fingerprints.

Place a small quantity of fingerprint ink on the plate and spread it with the roller to form a thin even film. At all times have the offender wash his/her hands and dry them thoroughly.

## Rolled and plain fingerprints

Obtain rolled fingerprints by rolling the thumb and finger on the inked plate from nail edge to nail edge, at least 5mm below the first joint, ensuring the full pattern area of the finger is inked. Transfer the fingerprint to the fingerprint form by a similar movement, rolling the finger with a gentle, even pressure ensuring the fingerprints do not encroach into the adjacent spaces.

## Fingerprints

Obtain plain fingerprints by printing only the fingers of each hand, without the thumb, keeping them close together and straight. Place the fingers on the inked plate and then onto the fingerprint form, again with a gentle even pressure but without any rolling. Plain fingerprints enable the fingerprint expert to ensure that the rolled fingerprints are in correct sequence.

### *Police generally*

When taking a person's fingerprints you must control the operation at all times. Have the person to be printed stand back from the fingerprint bench, almost at arms length, allowing you to work close to the bench without obstruction. Stand alongside the hand being fingerprinted to avoid stretching across the front of the offender and *do not allow the offender to stand behind you*. Roll each finger from the side of the finger nearest to the thumb, ie., the right hand is rolled in a clockwise direction, and the left hand is rolled anticlockwise. This enables the hand, wrist and arm of the person being printed to turn in a natural movement, assisting both you and the person being printed.

When fingerprinting:

- fingerprint in duplicate, except when fingerprints have previously been taken
- use black fingerprint forms for males and red forms for females
- legibly print all particulars, including your name and rank below your signature
- where practicable, defer taking fingerprints of an offender who is affected by alcohol, until sober
- remove prisoners from the cells one at a time and complete the particulars on the form immediately
- request the person being fingerprinted to sign the back of each fingerprint form in the space provided

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*Fingerprints*

- take fingerprints of both thumbs on each form, in the spaces alongside the signature
- follow the correct sequence; take rolled fingerprints first, then plain fingerprints in their appropriate spaces. Take palmprints last and place them on the reverse side of the form
- if you find that one or more fingers have been amputated, or injured so as to destroy the pattern area, record the approximate date of the amputation or injury on the form
- where a person sustained a recent minor injury to a finger which is covered by a bandage, view the injury, if practicable, and in instances where a fingerprint can be obtained by exercising a little care and without causing any undue discomfort to the person, take it. If you are unable to take a fingerprint note the reason in the relevant space
- ensure that the name supplied on the forms corresponds with the name appearing in the charge
- if you doubt the date of birth, make a note of their apparent age on the fingerprint form
- record the short title of the offence including the Act and Section.

## Taking palmprints

*Police generally*

When taking palmprints:

- have the person, whose palmprints are to be taken, wash and dry his/her hands before commencing
- roll a thin film of ink on the plate as when taking fingerprints



### *Fingerprints*

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- place the back of the person's hand on a table and with the inked roller, ink the whole of the palm from the wrist to the fingers
- place the palm flat on the space provided and press down firmly.

## **Fingerprinting prisoners — Writs of Habeas Corpus, etc. 80.05**

Ensure that offenders are fingerprinted at the police station nearest to the court of appearance when taken to court on:

- a writ of Habeas Corpus
- a bench warrant
- an Order under S.44 of the Prisons Act.

## **Handling fingerprints at stations 80.06**

*Senior officer  
performing  
station duty*

It is your duty to ensure, prior to bailing, that the fingerprints taken are of the required standard and that all relevant information on the form has been supplied. If satisfied, initial the remarks column of the charge book or endorse the form screen with the name of the fingerprinting officer. If not satisfied, supervise the fingerprinting to the required standard.

Forward the fingerprints on a daily basis to the Commander, Fingerprint Specialist Support Branch using the envelopes provided.

Note the remarks column of the charge book against the appropriate entry, and on the charge sheet, the number of the P.59E form submitted. If attached to an on-line charging station, make a suitable system.

## Fingerprint information form P.59B (handwriting form) 80.07

*Station  
commanders*

It is desirable for all offenders charged with an indictable or a serious summary offence to complete a copy of the fingerprint information form P.59B in their own handwriting. An offender who has been previously charged and who has completed a P.59B form is required to complete another form. The larger the sampling of a person's handwriting held on file, the better. This demonstrates changing handwriting styles, connected with aging, etc.

If you are aware that any of the information recorded by the offender is untrue, attach a short report to the form noting the discrepancies.

These forms are also useful to ascertain the next-of-kin of unknown deceased persons who are fingerprinted and subsequently identified. Other instances have arisen where the P.59B Forms have been used to counter assertions by offenders that they were incapable of committing the alleged offences, because of their illiteracy.

*Officer taking  
handwriting  
specimen*

To ensure that the person charged completes the form in their normal handwriting seat them in a comfortable position.

The offender must complete the section under the heading "The following particulars are to be written by the person charged".

After witnessing completion of the form, complete the particulars in the left hand margin and write "P.59B form attached" on the reverse side of the fingerprint form in the space above the box, marked "alias or nickname". Take an impression of the right index fingerprint on the back of the P.59B form. If this finger is missing, take an impression of any other finger and describe on the form which finger was used.

## Fingerprints

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Pin, do not staple, the P.59B form to the fingerprint form and forward it as directed. When an offender states that he/she is unable to write, or refuses to complete a copy of the P.59B form, submit a short report of the facts to the Document Examination Unit, Physical Evidence Section.

## Forwarding fingerprints and P.59E forms

### *Police generally*

Complete a P.59E form in triplicate listing the offenders fingerprinted before forwarding fingerprints on a daily basis to the Commander, Fingerprint Specialist Support Branch. Place the original (green) and duplicate (pink) copies with the fingerprint forms in the envelope, and retain the triplicate (yellow) copy at the station. The lists of persons fingerprinted is checked on receipt at the Fingerprint Specialist Support Branch, the original list filed at that office and the duplicate, after being signed by the receiving officer, is returned to the station of origin where it is retained for a period of six months and then destroyed. At stations with on-line charging facilities, forward two computer generated forms, one of which is receipted and returned in the same manner as above.

When preparing the P.59E list, place the letters "ATT" in the column headed "P.59B form" to indicate a P.59B form is attached. When a P.59B form is not submitted, record a dash (-).

## Offender photograph card

Complete a yellow offender photograph card including the right index fingerprint when photographing an offender. If the right index finger is missing or injured nominate the finger recorded. Forward the photograph card and offender's P.59 fingerprint form, P.59B handwriting form, and P.59E covering form to the Commander, Fingerprint Specialist Support Branch.

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## Obtaining criminal history information stored on microfilm from the Criminal Records Unit **80.08**

*Police generally* Contact the Criminal Records Unit when you require a criminal history retained on microfilm. Quote the microfilm roll and frame number.

### Records to Police Prosecutor

Fingerprint records addressed and forwarded to the police prosecutor, must not be opened by other police.

### Preparing antecedents – P.16

*Officer in charge of case* When a defendant is committed for trial or sentence, immediately complete a P.395 form in triplicate. Forward the triplicate to the Criminal Records Unit where the accused's criminal record is checked and updated. You are notified by memo that the record is ready and antecedents (P.16) can now be prepared.

For the procedure for preparing an antecedent report form, refer to Instruction 93, Supreme and District Courts, Antecedent Forms.

### Death of a person on record

*Police generally* Notify the Criminal Records Unit when a person whose fingerprints are on record dies. Send them the person's photograph, CNI number or other details sufficient to establish their identity.

*Fingerprints***Offenders sent to gaol without being fingerprinted****80.09***Officer in charge of case*

Obtain a person's fingerprints if they have not been taken and you learn that he/she has:

- appeared before the court and has been sentenced for other than a minor offence
- has been committed for trial or sentencing.

If you cannot obtain the person's fingerprints, submit a report to the Criminal Records Unit. Include the person's name, date of birth, offence, court, sentence, and gaol. The Criminal Records Unit endeavours to obtain the fingerprints, so the offence can be recorded in the Criminal Histories System (CHS).

**Obtaining fingerprints from dead bodies****80.10***Police generally*

To establish the identity of an unknown deceased person from their fingerprints, first obtain approval from the government medical officer. Take fingerprints from the body if possible, and forward them to the Fingerprint Specialist Support Branch. Include a report of the circumstances of death and probable age of the deceased if determinable.

In the metropolitan, Newcastle and Wollongong areas, where the body has been conveyed to a city morgue or is lying in a hospital morgue, contact a member of the Fingerprint Specialist Support Branch to take the fingerprints.

In country areas, contact a member of your nearest Fingerprint Crime Scene Unit to take the fingerprints.

Taking fingerprints from a deceased person is a little more difficult than taking them under normal circumstances at a police station.

Basically the same principles apply in using clean equipment and ensuring the fingers are free of any foreign matter and thoroughly dried before commencing. Freedom of movement of the finger is usually restricted and you may need assistance to hold the fingers apart. Ink the fingers by turning the plate across them from side to side. Fold the fingerprint form to expose the spaces for the rolled fingerprints of one hand only for printing. Press the appropriate space on the fingerprint form against the inked finger and hold a piece of cardboard, slightly concaved, to support the reverse side of the fingerprint form. If you experience difficulties, contact the Commander, Fingerprint Specialist Support Branch and seek advise.

## Fingerprint appraisal of a crime scene

**80.11**

*Police generally*

When you want fingerprints taken of a crime scene:

- carefully inspect the premises, etc., for any object or article which may retain a fingerprint
- handle articles to ensure that you do not leave fingerprints on them, or obliterate or destroy existing prints
- prevent other persons from handling articles until all necessary examinations are officially completed at the scene
- ensure that exhibits are not returned to police stations or sections prior to fingerprint officers conducting examinations at crime scenes, except in circumstances where exhibits may be exposed to inclement weather or other conditions in which evidence might be destroyed or lost.

## Fingerprints

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Carefully appraise the crime scene, particularly the point of entry into premises, and determine whether you require a member of the Fingerprint Specialist Support Branch to examine for fingerprints.

When you consider an examination is necessary, arrange through either the Fingerprint Specialist Support Branch or regional sections depending on crime scene location.

The nature and extent of the crime will determine the importance of the investigation, i.e., an investigation into a major crime such as murder is carried out expeditiously before any furniture, fittings, etc., have been disturbed. For other matters requiring the services of a fingerprint officer, arrange for the examination to be carried out during business hours if possible. Similarly, conduct examinations of domestic premises and motor vehicles, etc., if practicable, during daylight hours.

If you cannot obtain a fingerprint officer, e.g., in country areas, you may call police who have undertaken instruction at the Fingerprint Specialist Support Branch and can make examinations for fingerprints, including members of Country Physical Evidence Sections.

## Elimination fingerprints and palmprints

### *Police generally*

If you need to obtain a set of elimination fingerprints and palmprints from those persons whose prints could be expected to be found at a crime scene, obtain their consent, and inform them that they do not have to supply their prints and that they will only be used to compare with those found at the scene.

If permission is granted, arrange for the prints to be taken at the police station nearest the scene. If this is not possible, arrange to have them taken at a police station close to the person's home.

*Fingerprints*

Take elimination prints on the normal P.59 form. Fill out the front of the form the same as for a person charged with an offence. However, endorse the top front of the form, beside the letters "F.P.C." in block letters with the words, "FOR ELIMINATION PURPOSES ONLY". The fingerprint form is to be endorsed as to any request for destruction after elimination comparisons have been carried out.

Record the person's name, date of birth, and address on the reverse side of the fingerprint form. Beside the words "Peculiarities: permanent visible identifying characteristics" and extending downwards, record the reasons for taking the prints.

Rule a line through the reverse side of the form, except the portion for name, date of birth, age, address, and that used for the taking of palmprints and thumb prints.

Do not record elimination prints on the P.59E forms. Use this form only if the person is charged with an offence.

Send the prints via the normal channels to the Latent Fingerprint Unit, NSW Fingerprint Specialist Support Branch.

When the elimination procedure has been carried out, return the fingerprints to the station from which they came with an accompanying report indicating the particulars and reasons for taking them.

*Patrol  
commanders*

Complete the short report at the bottom of the form upon destroying the prints, either by burning in an incinerator or shredding and placing them in an envelope which you will hand to the donor to dispose of as he/she wishes. If the donor requests that the fingerprints not be destroyed and that he/she retain them for his/her own purposes, make a suitable notation to that effect. Request the donor of the



### *Fingerprints*

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fingerprints to sign and date the bottom of the form following the destruction of the prints. Photocopy the completed form and file it at the station before returning the original.

### Overseas inquiries

*Police generally* If you suspect that a person in custody is from another country and wish to establish whether there are convictions recorded against him/her in that country, forward a report to the Criminal Records Unit outlining the present charge and date of remand. Inquiries will be made and if required, proof of identity arranged. Follow the same procedures to establish the whereabouts of a person required for interview whom you suspect of having travelled overseas.

### Interstate/Corrective Service inquiries

Direct requests for interstate criminal records to the Criminal Records Unit. The Criminal Records Unit also maintains a computer link to Corrective Services who can tell you if an offender is in custody, when he/she was last in custody, the present sentence being served, the release date, and location.

### Documentary evidence of previous convictions

Refer to the Crimes Act S.413C when producing documentary evidence of previous convictions before a Court. Arrange this evidence through the Commander, Criminal Records Unit.

### Documentary evidence in cases of felonious receiving

Section 420 Crimes Act empowers you to present evidence of previous convictions within the past seven years for:

- larceny

- felonious receiving
- obtaining property by false pretence.

The same section also empowers you to present evidence of stolen property which has been found in his/her possession, or on his/her premises, within 12 months of the offence being committed, or in multiple charge cases, within 12 months of the earliest offence being committed.

Contact the Commander, Criminal Records Unit for evidence of this type of conviction.

### Proof by affidavit of identity, etc.

Where a person's identity is disputed in relation to previous convictions, an affidavit from a fingerprint expert may be admitted into evidence under S.23A of the Evidence Act. Arrange this through the Commander, Criminal Records Unit.

## **Visas and police certificates 80.12**

Certain countries require certificates indicating whether or not a person has a criminal record before they can be issued visas.

### Consulate requirements

*Police generally*

Most consulates require a full fingerprint check to ensure the accuracy of the information. Ask applicants whether the consulate with which they have communicated requires a full fingerprint check or a name and date of birth check.

People requiring a police certificate for entry to the USA must possess a letter indicating so from the

## Fingerprints

American Consulate. You can take the fingerprints and the appropriate fee.

Forward a P.397A form to the Criminal Records Unit when a name and date of birth check is required. There is no need to take fingerprints.

Advise applicants to confirm a country's entry requirements with the relevant consulate before you complete the P.397A form or collect the fee. Do not advise the applicant of the country's requirements.

## Lodging and processing applications

Advise applicants for a police certificate to attend the police station with fingerprint facilities nearest to their residence.

Include all details on parts A, B, and C on the P.397A form. If required, take fingerprints on the fingerprint form P.59, include reasons for taking them, and endorse the front of the form accordingly.

## Collecting prescribed fee

The prescribed fee for a full fingerprint check or a name and date of birth check can be paid by cash, bank cheque, or money order. Collect the fee from the applicant and issue a receipt.

Fully complete the P.397A form, including the receipt details and your signature in part C. Forward the duplicate copy of the P.397A form with the fee to the Accounts Branch.

## Transmitting forms to the Criminal Records Unit

*Police generally*

When a full fingerprint check is required, submit the original of the P.397A form with the fingerprinted P.59 form to the Criminal Records Unit. Do not record fingerprints taken for visa purposes on the P.59E form.

## Action by Criminal Record Unit

*Criminal Records staff*

Submit the police certificate to the consulate concerned. If the applicant request it, you may send or hand it the him/her provided there are no convictions recorded.

Retain the fingerprint form P.59 for 6 months then destroy it. If the applicant has indicated on the P59 form that he/she wants the form destroyed in his/her presence, return it to the relevant police station for the appropriate action.

## Interstate/overseas requests for police certificates

*Police generally*

Direct interstate or overseas requests for a police certificate to the Criminal Records Unit. Do not make any local inquiries regarding the character of the applicant.

## Police certificates for employment purposes

Do not supply police certificates to applicants for employment purposes, except when requested by a Consulate.

## Police certificates for overseas adoption/ sponsorship purposes

Advise persons requesting police certificates for overseas adoption/sponsorship purposes to supply fingerprints and pay the necessary fee. Use the same procedure as for visas.

## Renewal of South African passports

*Police generally*

When a person requests fingerprints be taken for the renewal of their South African passport:

- satisfy yourself as to the bona fides of the person

### Fingerprints

- take the fingerprints on the front of a P59 form or on the form supplied by the person
- complete the applicant details on the form, sign it and include your rank and station
- return the form to the person.

Do not conduct a CNI or fingerprint check.

Collect the prescribed fee (cash, bank cheque or money order), issue a receipt and remit the fee to the Accounts Branch, clearly indicating it is for the South African passport procedure.

## Supplying people with their criminal records

### 80.13

If people request a copy of their own criminal history only to verify the accuracy of the information, they must:

- submit to their fingerprints being taken
- pay the full fingerprint check fee either by cash, bank cheque, or money order for which you issue a receipt.

Request applicants to attend the police station nearest to their residence. Refer Collection of Prescribed Fee and Transmission of Forms to the Criminal Records Unit of this instruction.

Do not record fingerprints taken for a person's own criminal history on the P.59E form.

### Action by Criminal Records Unit

*Criminal Records staff*

When a fingerprint check is completed, forward a copy of the criminal history to the station at which the fingerprints were taken. If no criminal history exists

forward a certificate direct to the applicant. Destroy the fingerprints after 4 weeks or in the presence of the applicant.

If the applicant has a criminal history:

- contact the applicant or representative advising where the record can be collected
- send a covering minute to the relevant station, together with a copy of the applicant's criminal history which you supply to the applicant or authorised representative.

## Supplying record to applicant

### *Station police*

When an applicant or his/her representative hands you a letter from the Criminal Records Unit at the relevant police station:

- satisfy yourself as to the bona fides of the applicant or his/her representative
- supply the history to the applicant or his/her representative
- obtain the applicant's, or his/her representative's, signature to receipt the history
- after supplying the history, destroy the applicant's fingerprints in their, or their representative's presence, endorse the file, and return it to the Criminal Records Unit for filing.

## Foreign nationals seeking permanent residence 80.14

### *Station police*

The Department of Immigration, Local Government, and Ethnic Affairs requires foreign nationals intending

### Fingerprints

to take up permanent residence to obtain a police character report from their country of origin.

To facilitate this clearance, their home countries require proof of identity, including fingerprints and a photograph certified by police services in Australia.

Applicants are required to produce their current passport to establish their identification and also to supply police with an envelope bearing a postage stamp, addressed to the relevant consular establishment or authority.

#### *Police generally*

Do not issue a NSW police certificate to a person for Australian Citizenship. Advise the applicant to contact the Department of Immigration and Ethnic Affairs who conduct their own inquiries.

Request applicants to attend the police station nearest their temporary residence, then:

- take the fingerprints on the front of the P.59 form or on the form supplied by the requesting country
- certify by signature, rank, station, and date, the reverse side of the passport photograph
- complete the application details and certification, together with an endorsement of the station correspondence stamp in the top left hand corner of the P.59 form. Place the documents in the stamped, addressed envelope, verify the address, and mail the documents direct to the relevant overseas authority. Do not forward them to the Criminal Records Unit.

Do not undertake a fingerprint or CNI check as these inquiries will be done when the application is being processed by the Department of Immigration, Local Government, and Ethnic Affairs.

Collect the prescribed fee by cash, bank cheque, or money order, issue an official receipt and remit the prescribed fee to the Accounts Branch.

In these circumstances, as no other documentation is prepared, e.g., P.397A form, clearly indicate that the payment refers to an intending immigrant on the remittance schedule.

## Spent convictions

**80.15**

The Criminal Records Act provides that certain convictions can be spent following a person remaining crime free for a specified period.

All convictions are able to be spent except those:

- for which a prison sentence of more than six months was imposed (does not include periodic detention)
- for sexual offences (listed in the Act)
- of bodies corporate
- prescribed by the Regulations.

Refer to S.s 7, 8, 9, 10, and 11 for the period before a conviction can be classified as being spent.

Generally speaking, a person does not have to disclose any information concerning a spent conviction to any other person, irrespective of any other legislation. Refer to S.16 for exemptions from this Act.

## Offences

*Sworn and  
unsworn officers*

It is an offence for you to disclose any information concerning a spent conviction without lawful authority, S.13(1).

Refer to the Act for exemptions.



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The following information is for your information only. It is not intended to be used as a substitute for professional advice.

10.10

Special conditions

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Special conditions



Instruction 81

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# Miscellaneous property

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## Policy

**81.01***Patrol  
commander*

Ensure proper inquiries are made and property is promptly returned to the owner or disposed of.

## Found property

**81.02**

### Property taken to a police station

*Station officer*

In these circumstances:

- examine property in the presence of the finder or person handing it to you
- enter a comprehensive description in the miscellaneous property and receipt book
- obtain the name, address, and signature of the person handing over the property and verify whether that person is the finder. If not, obtain the name and address of the finder, and whether the finder is a claimant
- sign as receiving officer and hand part A to the person as a receipt
- complete part C, ascertain the circumstances of the find, whether the property was found on private premises, and if the owner of the premises is a claimant
- if the identity of the finder is unknown, endorse the entry and P.42 form, if submitted, to that effect
- mark property for identification and secure it
- make immediate inquiries to locate the owner.

### Miscellaneous property

- Do not record particulars of exhibits in the miscellaneous property and receipt book, in any circumstances

### Found property

#### *Officer receiving property*

Prepare a P.42 form when found property is either:

- valued at \$1000 or more
- identifiable
- money.

If property is valued less than \$1000, is not identifiable, or less than \$250 in money, do not send the CIIS copy of the form to the Property Tracing Registry (PTR). Instead, submit it after 14 days to your patrol commander for a direction regarding disposal.

If property is valued at \$1000 or more, is identifiable, or involves \$250 or more in money, submit the form to the PTR. Do this *only* after you have made all inquiries to locate the owner including searching RTA records and CIIS. Also:

- retain the form at the station for 14 days and check against reports of lost and stolen property made during that period
- make a further search of the CIIS and endorse the appropriate box on the form
- if the owner of the property is not located, forward the CIIS copy to the PTR.

### Money only found

When money to the value of \$250 or more is found:

- search the CIIS
- if the owner is not located within 14 days, forward

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*Miscellaneous property*

the money and the Accounts Branch/Spare copy of the P.42 form, with the back of the form completed, to the Accounts Branch

- after 14 days, forward the CIIS copy to the PTR.

When less than \$250 is involved, the above procedure is followed except that the CIIS copy is submitted to the patrol commander for a direction.

### Money found with property

When money to the value of \$250 or more is found with other property:

- forward the money to the Accounts Branch as set out above
- after 14 days, send the CIIS copy to the PTR.

When less than \$250 is involved, forward the money as previously described, however submit the CIIS copy to your patrol commander for a direction.

If the money is found with identifiable property, distribute the P.42 form as set out below.

### Distribution of P.42 form – found property reports

When property is deemed identifiable, distribute the P.42 form as follows:

- *station copy* - file at station where property is
- *CIIS copy* is sent to the PTR
- *detective's copy* is destroyed
- *accounts branch/spare copy* is, when money is found, sent to the Accounts Branch with this copy, showing the index number
- *owner's copy* is retained by the finder.



### Miscellaneous property

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## Inquiries to locate owners of found property

*Officer receiving property* When property is found and handed to you, especially when it is valuable, make every effort to locate the owner. Watch advertisements in the press.

*Supervisors* Ensure all inquiries are made. Publish descriptions of items of value or interest in local media outlets.

## Record of claims – property found

*Police generally* When a person claims to be the owner of property, make a note in the miscellaneous property and receipt book for other officers to be aware. Place all papers together, including claims.

## No trace of owner – money only involved

*Investigating officer* When \$250 or more is involved, the PTR searches the CIIS after 28 days. If inquiries are negative, the P.42 form is returned for you to report the result of inquiries. If your patrol commander is satisfied with your inquiries, a copy of the P.42 form is sent to the Accounts Branch for a cheque to be sent to the finder.

## Owner identified

If an owner is located after a P.42 form has been submitted, clear the original by submitting another form as a "further incident report". If money has been forwarded to the Accounts Branch, forward the Accounts Branch/spare copy to that branch so a cheque can be sent to the owner.

If necessary, money remitted to Treasury can be refunded at any time.

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*Miscellaneous property*

If necessary, money remitted to Treasury can be refunded at any time.

The CIIS copy is returned to your patrol commander who informs the finder that the owner has been located. A P.91 form may be used for this purpose.

File remaining copies of the further information report.

## Property found on public transport vehicles

### *Officer receiving property*

Deliver anything found on government transport authority premises or vehicles to the supervisor of the nearest transport authority establishment.

Take property found in privately operated public vehicles in the metropolitan, Newcastle and Wollongong areas, and handed to police to the RTA lost property offices. Elsewhere, take property to an officer of the council controlling the public vehicle concerned. Obtain a receipt to acquit the entry in the miscellaneous property and receipt book.

Inform the finder of the action taken and advise the finder to contact the office concerned if a claim is to be made at a later date.

## Found keys

When keys or other property bearing tags issued by key registries or similar organisations are handed to you, obtain the name and address of the owner from the organisation concerned. You can arrange 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 do so. If there is no objection, you may supply the finder's name and address to the organisation issuing the tag.

*Miscellaneous property*

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**Property handed to police away from station**

*Police generally* If you are handed property while away from your station:

- examine it carefully in the presence of the finder
- enter particulars in your notebook and have the finder sign it to verify the correctness of the entry
- note whether the finder is a claimant
- take the property to the nearest station and have particulars entered in the miscellaneous property and receipt book
- sign in the space provided for the finder's signature and insert the finder's name and address
- make inquiries to locate the owner, if lodged at your station.

*Station officer* Complete part C, forward part A to the finder, mark the property for identification, and secure it. If the police officer handing in the property is from outside your patrol, you are responsible for carrying out inquiries to locate the owner.

**Information given to finder**

Tell the finder the property might not be returned if the owner cannot be located. Also advise the finder that personal items (keys etc) or items which are considered dangerous or require a licence are not normally returned to the finder.

*Officer receiving property* *This does not apply to property found in vehicles or premises operated by the government transport authorities, privately operated public vehicles, or to food. Procedure in these cases is dealt with later in this instruction.*

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*Miscellaneous property*

If property is returned to the owner, inform the finder.  
You may use a P.91E card.

## P.42 property description form set

Each set is accompanied by a covering sheet designed to obtain an accurate description of property for circulation. Follow the instructions as it is most important a full and detailed description is recorded.

Use the form:

- to record comprehensive details of lost/found or recovered identifiable property including when applicable, brand name, serial number, model number, colour, size, and engravings
- to obtain a detailed description of lost/stolen bicycles
- as a continuation form when the list of stolen property is lengthy
- when \$250 or more in money is reported as lost and in all cases when money is found.

Record if the property is male or female e.g., bicycles, jewellery, etc.

You can leave the form with a victim to record articles stolen and have it returned for attention.

P.40 and P.42 forms are linked for data entry.

### *Supervisors*

Ensure necessary inquiries are carried out before the Crime Information and Intelligence System (CIIS) copy is forwarded to the Property Tracing Registry (PTR).

*Miscellaneous property*

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**Property deemed identifiable**

Enter particulars of property, including musical instruments, bicycles, Australian and foreign passports, and property valued at \$1000 or more into CIIS when it is identifiable by:

- serial numbers
- inscriptions or markings
- brands or models.

If your initial inquiries fail to locate the owner, staff at the PTR search the records.

**Property Tracing Registry – searching procedures***PTR officer*

Enter details of the lost property, per the submitted P.42 form, into the CIIS.

Search found property against lost and stolen property one month after receipt of the form.

Return the CIIS copy of form to the submitting station with the result of your inquiries.

If inquiries indicate the property could be subject of a previous report, inform the investigating officer who submitted the original report, that similar property has been reported lost or stolen, the location of that report, and its index number.

*Investigating officer*

If your subsequent inquiries reveal the property is identical with that described in your original report, submit a P.42 "further information report.

On the back of the CIIS copy, record the result of inquiries at the PTR, efforts made to locate the owner, and details of disposal.

## **Patients conveyed to public hospitals**

### **81.03**

#### Conscious patients

*Police generally*

Question the patient regarding his/her property with a hospital employee as soon as practicable. Check the property with their consent and enter the particulars in the relevant hospital/patient property register or other appropriate record. Sign as witness to the hospital employee's signature and the authenticity of the entry.

#### Unconscious patients

Search the patient with a hospital employee as soon as practicable. Hand the property to the hospital employee, following similar procedures as above. Record particulars in your notebook and obtain the hospital employee's signature to your entry.

When circumstance preclude you from following these procedures, make every effort to eliminate complaints regarding the loss of property.

These procedures only apply when the property of the persons conveyed to hospital is, or is likely to have, evidentiary value.

## **Property from morgue**

### **81.04**

#### Property found on deceased

*Officer in charge  
of case*

When a body is conveyed to a morgue by ambulance or contractor, do not leave it unattended until the clothing is searched. Remove all property other than clothing from the deceased and carry out a search prior to the body being stripped by the morgue attendant. Do this in the presence of the morgue attendant, ambulance officer, or contractor's employee.

### *Miscellaneous property*

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## Property unable to be removed from deceased

*Officer in charge  
of case*

If you cannot remove a ring or any other property, leave it on the body and refer to its whereabouts in the property records. Enter a description of the property and circumstances of death in the morgue register and in your notebook. Sign the register and have the morgue attendant sign both entries to verify correctness. Take the property to your station, record its description in the miscellaneous property and receipt book, and forward part A to the morgue. Include particulars of the property on the P.79A form.

## Removal of property before arrival of police

If property is removed from the body before you arrive at a scene:

- examine it in the presence of the person handing it to you and enter particulars in your notebook. Have that person sign the entry to verify its correctness
- take the property with the body to the morgue
- enter particulars in the morgue admission book, and record how you came by the property
- include the name and address of the person who handed it to you and have the entry stamped, "Property not removed at City Morgue"
- you and the morgue attendant sign the entry. Ensure particulars of the property are entered properly
- remove the "police copy" of the property receipt and take it with the property to your station
- enter particulars in the miscellaneous property and receipt book ensuring the entry coincides with that in the morgue admission register

*Miscellaneous property*

- endorse the receipt with reference to deceased and morgue admission book entry
- forward part A and the police copy receipt to the City Morgue. These receipts are filed in the register there.

**Removal of clothing****City Morgue, Glebe***Investigating officer*

Clothing is removed on instruction by the medical officer and is cut only in extreme circumstances. Clothing is kept at all times and stored with the body or handed to police if required for evidentiary purposes. If not required by police, the clothing is released with the body to the undertaker and specifically signed for.

If you require clothing for evidentiary purposes, deal with it as an exhibit and in accordance with Instruction 62, Coroners and inquests, Exhibits relevant to inquests, and Instruction 78 Exhibits, Post mortem examinations.

**Country area***Patrol commander*

Make local arrangements. When practicable, adopt the procedure laid down for the City Morgue, Glebe. Confer with your local coroner and issue additional instructions as required.

**Westmead mortuary***OIC of case*

In the Westmead Catchment Area, where the death is not suspicious, search the body at the scene in the presence of a member of the family or some other independent reliable witness. If such a witness is unavailable conduct the search in the presence of the most senior supervisor available.



### Miscellaneous property

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List the property located in your notebook and have it signed for accuracy by the witness. A member of the family may take possession of the property provided a receipt is obtained in your notebook. Retain property not taken and enter it into the Miscellaneous Property Book.

Exercise the greatest care when searching and wear rubber gloves. Do not put a hand directly into pockets of clothing, turn them inside out from the exterior of the garment, if possible. Where your search might infringe occupational health and safety guidelines, contact your patrol commander or that persons representative to seek a direction from the Senior Deputy State Coroner.

## Lost property

**81.05**

*Officer receiving report*

Submit a P.42 form when property reported lost is:

- valued at \$1,000 or more
- valued at less than \$1,000 but is identifiable by a brand name, serial number, etched/engraved identification, or other unique feature
- comprises \$250 or more in money.

When unidentifiable property, less than \$1000 in value, or less than \$250 in money, is reported lost, there is no need to submit a P.42 form. Make a brief occurrence entry and include:

- the name and address of the owner or person reporting the loss
- description of the property and circumstances of the loss.

### Distribution of P.42 form – lost property reports

When lost property is identifiable, distribute the P.42 form as follows:

- *station copy* is filed at the station where the report was made
- *CIIS copy* is sent with an index number to the district data control office for entry onto system
- *detective's copy* is allocated an index number and filed
- *accounts branch/spare copy* is destroyed if not required
- *owner's copy* is given to the person reporting the loss.

*Miscellaneous property*

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## Lost or stolen passports

When a person of any nationality reports the loss of a passport, use a P.42 form to record the details. If the passport is stolen, submit a P.40 form.

If you accept a report of the loss, recovery, or theft of a passport, complete a Special Branch Passport Form and facsimile it to the Commander, Special Branch. That Officer ensures the relevant authorities are notified.

All consulates require written confirmation that a loss or theft has been reported to local police before a new passport is issued.

### Australian passports

Anyone reporting the loss or theft of an Australian passport must present police with a Report of Loss of an Australian Passport form issued by the Department of Foreign Affairs and Trade. Verify that the report has been made by stamping it with the police station stamp in the space provided. If no stamp is available, sign the form and print your name, rank, station, and date. No fee is charged.

### New Zealand, Philippines, Thailand, and Uruguyan passports

These consulates issue a form similar to that issued by the Australian Department of Foreign Affairs and Trade. Stamp, sign, and date the form. No fee is charged.

## Other nationalities

Complete a P.42 form and verify on Police Service letterhead that the report has been made. The prescribed fee is chargeable, however, depending on the circumstances you may use your discretion in requiring payment. If you charge a fee, issue a general receipt and send money to the Accounts Branch with the remittance schedule showing the reason for the fee.

## Recovered property

**81.06***Investigating officer*

When property is found and returned to the owner, complete a further information report P.42 form and send it to the PTR so the records can be adjusted.

## Inspection of property

**81.07***Patrol tactician or nominated supervisor*

Inspect all entries in the miscellaneous property and receipt book every two months. Check property against the entries in the book and report outstanding matters to your patrol commander.

When conducting these inspections ensure:

- each entry is recorded correctly
- required reports have been submitted
- property is not being retained unnecessarily.

After each inspection, prepare a summary of all uncleared items in the back of the book showing:

- date and number of uncleared item
- signature of inspecting officer.

*Patrol commanders*

Personally conduct an annual inspection along the above lines.

Miscellaneous property**Miscellaneous property missing or interfered with**

*Police generally* If you find miscellaneous property missing or interfered with, follow the procedures outlined in Instruction 78 - Exhibits: "Inspecting exhibits", "Exhibits missing or interfered with"

**Disposal of property****81.08***Investigating officer*

When you are satisfied that the owner of property cannot be located, return it to the finder if that person is a claimant. Submit a P.91E form through your patrol commander to notify the finder who must present the form when collecting the property. The form contains an authority for another to collect on the finder's behalf.

If the finder does not wish to claim the property, or has not claimed it within 28 days of being informed of its availability, the following procedures apply:

- in the metropolitan area, forward property suitable for sale with the relevant papers to the Metropolitan Exhibit and Property Centre for auction
- in country areas, consult your district commander on whether an auction should be conducted locally or at the district centre.

*Police generally*

Before handing over property listed in the Miscellaneous Property and Receipt Book:

- satisfy yourself as to the claimant's ownership of the property
- verify the claimant's identity and address
- obtain the authority of the shift supervisor or patrol commander's representative.

In the Miscellaneous Property and Receipt Book record:

*Miscellaneous property*

- the claimant's identity and address under the heading 'How disposed of'
- the time and date and the name of the authorising officer.

Complete the relevant sections for disposal or collection of property and have the claimant complete the relevant sections for receiving property, in the Miscellaneous Property and Receipt Book.

Refer to Instruction 78 - Exhibits: "*Disposing of exhibits by tender*" for disposing of certain types of goods and the responsibility of this Service in offering electrical and other goods for sale.

When your Patrol Commander has approved the return of property which includes money to a finder, return the other property and inform the finder that the money will be forwarded separately from the Accounts Branch. Forward a copy of the P.42 form to that branch authorising the return of the money.

Before giving property to a third person, obtain the written and signed authorisation of the owner. Ensure the authority identifies the person to whom the property is to be given. Have the third person sign a receipt to acquit the property transfer. Refer to Commissioner's Instruction 155.03.07 for a form of authority and receipt.

Acquit the entry in the miscellaneous property and receipt book.

### Exceptional circumstances

*Officer receiving property*

Confer with Region Legal Services if the finder is not the owner of the premises on which the property was found or the finder is an employee of the Police Service.

*Miscellaneous property*

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## Rival claimants

*Patrol  
commander*

Seek a direction from your District Commander when rival claimants or complex legal issues are involved. If any advice is required, consult Region Legal Services.

Refer to Instruction 78 - Exhibits: "*Crown Solicitor's advising*" regarding retention and procedures

## Persons under 18 collecting found property

*Station/property  
officer*

Before handing property to a finder under 18 years of age, a parent or guardian must complete the authorisation on the P.91E form.

## Property unfit for sale or in filthy or unhygienic condition

*Patrol  
commander*

Destroy it when it is no longer required.

## Property returned to agent

*Station/property  
officer*

When property is handed to an officer or agent of the Public Trust Office or any other Government official, obtain a receipt. File it against the relevant entry in the miscellaneous property and receipt book.

## Weapons, ammunition, etc.

Follow the disposal procedure set out in Instruction 78 - Exhibits: "*Firearms and dangerous weapons*". See also Instruction 118 - Firearms and prohibited weapons: "*Surrender of weapons*" for disposing of surrendered firearms, etc.

## Food

### *Police generally*

When food comes into your possession, make urgent inquiries to locate the owner. If inquiries fail, obtain a statement from the finder to ascertain whether a claim is made. If no claim is made, obtain a written authority from the finder to allow the food to be handed to a local charity, institution, or needy person. Obtain a receipt.

If food is perishable, authorise its immediate return to the finder or donation to a charity, institution, or needy person. Obtain an authority/acquittance as above before disposing of it.

## Return to an owner or finder at a distant centre

### *Station or property officer forwarding property*

When returning property to an owner or finder who lives some distance from where the property is held, adopt the following procedure:

- determine whether the property will be collected by the owner or finder, or forwarded to the police station nearest to the person's residence
- when possible, use the Government Courier Service in returning the property
- if there is no Government Courier Service, post the property to the police station nearest the owner or finder's residence
- if cost of postage exceeds \$10, the person must agree to meet the cost involved. Following agreement, forward the property with a copy of P.42 form to the appropriate police station



### Miscellaneous property

- when money is held and the owner is located within 14 days, arrange for a bank cheque made payable to the owner to be sent to the police station nearest the owner's home.

*Officer at  
receiving station*

When receiving the above property:

- enter particulars of the property in your miscellaneous property and receipt book and send part A to the forwarding station
- when handing property over, obtain a signature, collect all expenses, issue a general receipt, and forward costs with a short report to the Accounts Branch
- return papers to the forwarding station for filing.

*Officer at holding  
station*

If the owner or finder prefers to collect the property, request the police nearest that person's residence to forward a description of that person or authorised representative and their signature to you. Carefully check the description and signature before handing the property over and obtaining a receipt. Follow this procedure whether the owner or finder lives in this state or interstate.

### Search for registered interest of insurance companies

*Investigating  
officer*

Before returning property to owners or finders, search option 13 (inquiry menu) of the CIIS to determine whether an insurance company has registered an interest in the property. If an interest has been noted, inform the insurance company concerned that the property has been recovered. Indicate whether an interest has been registered in the P.42 form narrative.

*Miscellaneous property*

## Surrender and disposal of radar detectors and radar jammers 81.09

*Investigating officer*

You may require a person in possession of a radar detector or jamming device to surrender it immediately provided that when fitted to a motor vehicle it is immediately removable.

You cannot seize the device as legislation requires it be surrendered.

When a radar device is detected and surrendered to you at the scene, endorse the traffic infringement notice accordingly. When a radar detector/jammer is surrendered, record full details of its make, serial number, etc. together with the full name and address of the person surrendering it, in your official notebook. Request that person to countersign your notebook entry as verification of its accuracy - however, this is not obligatory. On returning to your station, have particulars entered in the miscellaneous property and receipt book. Send part A of the receipt to the person surrendering the device.

*Station officer*

When a device is surrendered at your station following the issue of a surrender notice, enter a description in the miscellaneous property and receipt book and issue part A to the owner. Retain the device for six months or until court proceedings are finalised. You may then destroy it with the approval of your patrol commander. If a court orders a device to be surrendered within a specified time, you may destroy it when received.

*Station officer*

When a person voluntarily surrenders a device and no police action is proposed, enter a description of the device in the miscellaneous property and receipt book and hand part A to the owner. Obtain a signed notice of relinquishment adopting the following format:

Notice of relinquishment

Miscellaneous property

I.....of..... being the owner of a radar device, to wit,..... hereby surrender it to police at... police station and relinquish unconditionally my ownership of the said device and further relinquish ownership relating to the said property as from this date.

In making this statement of relinquishment, I absolve the Commissioner of Police of New South Wales, Her Majesty the Queen, Her Heirs and Successors, the Government of New South Wales and the Police Board of New South Wales from any legal claim I may make for the said property.

Dated at....this...day of...in the year one thousand nine hundred and.....

Signed, sealed and delivered by the above named..... in the presence of .....

*Patrol  
commander*

On receiving this indemnity, destroy the device.

**Gas cylinders****81.10***Police generally*

A number of companies including Commonwealth Industrial Gases Limited, Liquid Air Australia Limited, and Linde Gas Pty. Ltd., supply industrial gases in steel and aluminium pressure cylinders. These cylinders normally remain the property of the supplier. You can establish the owner of the cylinder by an identifying mark near the valve mechanism, e.g., "C.I.G." followed by a serial number.

If you locate cylinders under suspicious circumstances or require information regarding ownership and/or identification, contact the security officer of the respective company.



Instruction 82

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# Photographs and plans

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## Specific topics

**82.01**

For directions concerning:

- photographing unidentified bodies, see Instruction 62, Coroners and inquests, Photographing unidentified bodies
- scenes of crime where a death has ensued, see Instruction 62, Coroners and inquests, Death when foul play suspected
- witnesses viewing photographs of potential suspects to determine the identity of an offender, see Instruction 37, Arrests and checkpoints
- the protection of prisoners from unauthorised photographing, see Instruction 37, Arrests and checkpoints.

## Photographing scenes

**82.02**

### Crime scenes

*Senior officer at scene*

Crime scenes frequently reveal evidence of the greatest importance. Ensure the scene is photographed and analysed by the Physical Evidence Crime Scene Examiner prior to being touched or searched by anyone.

### Serious incidents

*Officer in charge at scene*

Ensure that serious road accidents which may give rise to proceedings at a district or coroners court are photographed. The vehicles involved are photographed in the position that ensued from the accident. The photographs are taken by the Physical Evidence Crime Scene Examiner.

### *Photographs and plans*

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#### *Crimes scene examiner*

If it is necessary to clarify the position of marks on the roadway with chalk or similar material, photograph the area first. Then place the chalk marks clear of the road marks so as not to obscure them, and take additional photographs.

#### *Officer in charge at scene*

In serious or fatal industrial and agricultural accidents, and cases of suicide consult the physical evidence crime scene examiner.

### Care of photographs

Take every care of photographs to prevent damage. Store them in suitable sized envelopes and never fold or bend them.

### Photographing of police by media

Photographs of police should not be featured in the media in instances where the public or police interest might suffer, e.g., at the scene of a criminal offence, arrest, etc. Firmly but courteously discourage media photographers when they try to take these photographs.

## Preparation of plans

**82.03**

Plans must be prepared by either a member of the Physical Evidence Section or an officer who has successfully completed a course in this field. Draw all plans, which may be used in court, to scale and include full details. Such a plan is to be labelled 'scale plan'. Where a plan is drawn to scale but includes details not drawn to scale, the plan is to be labelled 'sketch plan'.

Unless exceptional circumstances exist, a 'scale plan' will only be prepared where there is a charge involving an indictable offence.

Where plans are to accompany files dealing with breaches of the Motor Traffic Act and other related Acts (refer to Commissioner's Instruction 109), it is not necessary for such plans to be drawn to scale but due regard is to be given to all essential detail.



1974

1974

Faint, illegible text block, possibly a list or report.

Faint, illegible text block, possibly a list or report.





Instruction 83

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# Document examination

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## Care of documents

**83.01**

### *Police generally*

Handle any document which may be used as evidence with extreme care. Carefully observe and note the condition of documents and preserve them in the exact condition in which they were received. Do not interfere with any tear, pen, pencil, pin and staple, or other markings and take precautions to ensure no further marks or mutilations occur.

Place documents in a clean protective covering such as a folded sheet of paper or an envelope large enough to hold them unfolded. Unfold folded documents. Take care that no fresh creases are made.

## Document examination unit

**83.02**

### Functions

The Document Examination Unit conducts scientific examination in the areas of:

- handwriting and signature identification
- typewriter comparisons
- restoration of bleached/altered/obliterated writings
- indentations
- stamp impressions
- office machinery identification
- perforations.

## Obtaining specimens of writing/ signatures for comparison 83.03

*Police generally*

The most valuable specimen of a suspect's writing is material written on approximately the same date as the writing in question. Normal business documents provide the best specimens especially where common words exist. This is essential in relation to signatures. If such material is not available, obtain a specimen directly from the suspect adhering to the following procedures as far as possible:

Repeat the actual circumstances, if known, under which the exhibit was written. For example if you know the document was written while standing have the suspect stand for part of the time while obtaining the specimen. Allow the suspect to sit in a comfortable position if the circumstances are unknown.

Simulate the writing materials used in the exhibit, e.g., notepaper, ball point pen, pencil etc.

Read the exhibit document to the suspect and inform him or her of its nature. Do not leave this document within the suspect's view when the specimen is being written.

Allow the suspect to arrange the words and place punctuation as they please. Do not assist with spelling but nominate how the specimen should be written, e.g., in upper or lower case.

Specimens of handwriting obtained by dictation should be preceded by four or five lines of matter dissociated from the text of the document in dispute. For example, "My name is John Brown and I reside at 18 Fletcher Street, Coogee. I have been interviewed by Detective Constable Watson today, the 14 February, 1986, in connection with an offensive letter alleged to have been received through the post by Mrs Elizabeth Jackson, of 85 Garden Street, Burwood, on 18 December, 1985. I am informed that the letter reads as follows....." The

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*Document examination*

contents of the exhibit should then be dictated in groups of three or four words to the phrase.

The use of a preamble allows the suspect to settle down before coming to the words which are most closely examined. It also serves to prevent the suspect from disguising his or her writing.

Text should be embodied in a statement and not written separately where the handwriting in question is confined to a few words and figures, such as the endorsement on a cheque or the contents of a receipt. In these cases the specimen should be arranged so that the words on the exhibit are embodied a number of times in the statement. Such a statement might read, "My name is John Brown and I reside at 18 Fletcher Street, Coogee. I have been interviewed by Detective Constable Watson today, the 14 February, 1986, in connection with a cheque that was sent from the Department of Social Services to Mrs Elizabeth Jackson of 85 Garden Street, Burwood, on 18 December, 1985. I have been told that the cheque was lost or stolen and later cashed, when it bore the endorsement E. Jackson and the date 21 December, 1985. I have not signed the name and date E. Jackson, 21 December, 1985, on this cheque, nor do I know anything about the signature E. Jackson and date 21 December, 1985, on any other cheque..." By using the suspect's professed knowledge or lack of knowledge of the affair, a statement taken in this way can be extended to an A4 page and include the questioned writing seven or eight times.

Never ask the suspect to provide a signature alone on a piece of paper, or a number of times one under the other. This provides the greatest opportunity for suspects to disguise their handwriting. If suspects appear to be trying to disguise their handwriting take a second specimen. Remove the first from the suspect's view when it is finished.

*Document examination*

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**Specimens of type** **83.04***Police generally*

Reading the carbon ribbon of a typewriter can readily identify the machine on which a document is typed. When obtaining a specimen of type from a typewriter, type the suspected text at least three times on similar paper.

**Submitting documents for comparison** **83.05**

Submit specimens of handwriting, typewriting, or other written material, together with the document in question, for comparison to the Document Examination Unit, Physical Evidence Section. If you do not personally convey the documents to the Unit, attach a report which gives details of the case.

**Photograph documents before submitting**

The Nin-Hydrin process for the treatment of latent fingerprints on documents may destroy certain characteristics necessary for the proper examination of handwriting or typewriting. As a precaution, submit them to the Document Examination Unit for examination and photographing prior to being processed at the Fingerprint Section.