

NSW Police Force Handbook as of February 2005

ARCHIVE

Exhibits

Do not keep exhibits longer than necessary. Photograph, fingerprint or analyse as needed, and return to the owner or dispose.

You can satisfy the onus of presenting evidence to the court by tendering photos of an exhibit (attested by the photographer) and sworn testimony which corroborates its existence.

You do not need to tender the actual property seized unless there is some feature which makes its production imperative eg: murder weapons, implements used in armed hold ups or serious assaults, documents, defective vehicle parts, money or other articles with unique or distinctive characteristics.

At times, something seized as an exhibit might prove not to have any evidentiary value. In such circumstances, there is no need to tender it in court. Return it to the lawful owner.

Return items seized in accordance with a search warrant in accordance with a court order.

Property seized as an exhibit

When you take property (intended as an exhibit) from someone, check or count it in their presence at the first available opportunity. Enter in your notebook.

Exhibits remain in the custody of the senior arresting officer or, in large operations, the officer assigned to handle them, until entered in the *Exhibit Book*.

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

Ensure a cross reference to the exhibit page number is made on the relevant COPS event, while reference is made to the event number on the *Exhibit Book* page.

If you seize property while away from your station, enter sufficient particulars in your notebook to clearly identify it. If you take it from someone, have them sign the entry to verify its correctness and to record any dispute.

Issuing receipts

Issue an official receipt from the *Exhibit Book* when you take property from someone who is not:

- a suspect, or likely to be charged with an offence connected with the exhibit, and who is likely to claim ownership eg: property bought legally and later found to be stolen
- immediately charged with a criminal offence eg: when property is to be scientifically examined or pending the outcome of further inquiries, and/or when they are not the actual offender
- when a receipt is requested.

NB: When seizing under a search warrant comply with the requirements of the *Search Warrants Act* to issue a receipt.

Receipt of exhibits at stations

Station exhibit officer

When an exhibit is brought to the station:

- check it in front of the person charged, where possible
- 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 attending to the exhibits signs on the line immediately under the description
- tag and secure the item in the exhibit room.

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 it.

NB: Seal cash and small valuables in a PAB18 (Plastic Drug Bag). Ensure both you and the officer in charge double count the cash in each other's presence. On the first seal on the bag write the date and the exhibit reference number, then write your names and each of you sign in the remaining boxes. Stick the exhibit label to the bag then place it in the station safe, ensuring you make an entry in the safe register including the seal number.

Do not record particulars of exhibits in the *Miscellaneous Property and Receipt Book*.

After completing the descriptive entry in the *Exhibit Book*, ensure the OIC immediately completes the evaluation report on the duplicate exhibit sheet.

Evaluate the report and determine whether the exhibit is kept for presentation at court or whether photos will suffice.

If the information is inadequate, return the papers to the officer for further report.

NB: Do not open exhibits in a sealed forensic evidence bag. Simply record it as, 'One sealed bag, item 1 Job 99/45 from Cst Brown, Parramatta Crime Scene'.

Investigators

If you require access to the sealed forensic exhibit before analysis (which will only be where access is crucial) contact the relevant crime scene investigator or the 'on call' crime scene operations coordinator through the DOI.

Exhibit not needed

Direct the property be returned to the owner and acquitted when:

- it is not needed and the owner is known
- there are no rival claimants
- the property has been photographed
- return of the property will not prejudice court proceedings.

When approval is given for an exhibit to be kept, at the end 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 return merely because there is provision for an appeal. If any doubt exists, refer the matter to the local commander for a decision.

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

Before giving property to a third person, get the written and signed authorisation of the owner. Ensure the authority identifies to whom the property is to be given. Have the third person sign a receipt to acquit the property transfer. Refer to 'Miscellaneous property – Disposal of property' if the exhibit has not been collected within 28 days after the owner has been notified to collect it.

Securing exhibits

If an exhibit needs to be kept and you are concerned about its continued security for any reason, consult your commander.

If necessary, arrange with the Commander, Sydney Region to transfer exhibits to the Sydney Police Station's, Exhibit and Property Section, where special security is provided.

Lodging money/drugs after hours

When the Exhibit Section is closed, large amounts of money/indictable quantities of drugs are secured in a safe with a revolving deposit chute.

The controller will keep 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.

When staff resume duty, remove the exhibit from the safe and check it against the entry, then transfer it to the Exhibit Section and clear the station controller's records.

Exhibit needed for court

When an exhibit is needed for production at court or any other purpose, the exhibit officer and the officer receiving it check it against the book.

The latter signs in the space provided and at the end of the hearing, returns the exhibit. The exhibit officer checks it, in front of the returning officer, against the entry in the *Exhibit Book* and signs in the space provided. The returning officer counter signs and includes their registered number.

When opening drug exhibits at court, follow the practice in the section 'Prohibited drugs and plants – Auditable drug exhibit bags'.

Exhibits received from court

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 on the record of exhibits form held by the court officer.

Exhibits kept at court

Get a receipt from the judge, magistrate or clerk when an exhibit is to be kept at court. Return the receipt to the station exhibit officer.

When an exhibit is kept for production at court by a DPP officer, get a receipt. On its return, issue the DPP officer with a receipt.

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

Court details to be recorded

Record remands and finalisation date in the *Exhibit Book*.

OIC

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

Warrant in first instance

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

Local area commander

If the officer responsible for the exhibit resigns or is absent for any reason, ensure the matter receives proper attention.

Exhibits at non charging stations

Exhibits may be kept at non charging stations at the commander's discretion, bearing in mind security and convenience.

If your station does not keep exhibits, record a comprehensive description in your notebook. Take the exhibit to the nearest appropriate station for safekeeping and have it entered into the *Exhibit Book* there. Ensure your notebook is signed and dated by the receiving officer at that station. Get a receipt where possible.

Exhibit room and safe keys

Station officer

You are responsible for the keys to the exhibit room and station safe.

Carry them at all times during your shift. Do not give them to any officer even when being relieved during meal periods etc.

If you have a gun cabinet, you are responsible for the safe custody of the keys during your shift.

At non 24 hour stations, sectors or shopfront facilities, the local commander is responsible for the security of the keys after normal office hours.

For security of drug cabinet/safe keys, see also the section on 'Prohibited drugs and plants – Movement of duplicate keys'.

Photographing exhibits

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

Procedures

Have a local officer take photos, except where exhibits originate from a scene attended by a crime scene investigator.

If the exhibit is hard to photograph, seek advice from your local Crime Scene Section.

The photographer signs the *Exhibit Book* and keeps a record.

The film is processed by the contractor and returned, unprinted, to the photographer for storage. If developed prints are needed, arrange this with the contractor.

If an alleged offender escapes on bail, attach the photos to the filed brief.

File the negatives at the station where the photos were taken.

Photographing and returning property stolen from a store

Photograph property stolen from a store when the retailer asks for its immediate return.(with the station's camera).

Photograph the property in front of the alleged offender. Return it to the proprietor, unless there is disputed ownership or other evidentiary considerations. In the latter, keep the property as an exhibit.

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

When photographing the property:

- take two identical photos of each item and, if necessary, place a ruler next to the article to show size
- ensure the photos are accurate
- record the time and date in your notebook
- where particulars such as price, brand, store name, garment size etc are not clearly defined in the photo, record those in your notebook.

Money exhibits

Make an entry in the *Exhibit Book* which shows the number and denomination of all notes and identifies any peculiarities. Remember, place cash in a PAB18 – refer to '*Receipt of exhibits at station*' for guidelines.

If there is no specific evidentiary feature, the exhibit may be photographed in bulk ie: bundles.

Then forward it to the Accounts Branch for lodgement to the Crown Trust (Exhibit Moneys) account or returned to the owner.

When money has specific evidentiary value eg: serial numbers, dye etc, photograph or photocopy and endorse the entry in the *Exhibit Book*.

The local commander evaluates the need for its retention for evidence.

If you believe another Government department (eg: the Tax Office), might have some interest in the money, notify it when the exhibit first comes into police custody, not after court proceedings.

If exhibit money has been paid into the Crown Trust (Exhibit Monies) account, immediately report the result of court proceedings and include any order of the court or reason for dismissal.

Refer the report to the local commander for a decision on disposal.

They will forward the report to the Manager, Accounts Branch, Ferguson Centre, Parramatta and direct disposal by return to the owner or transfer to Consolidated Revenue.

If the money is to be returned, include the full address for mailing or the station from where it will be collected.

If there is doubt about the legal entitlement to money in the special account, refer the matter to your region commander.

When an offender fails to appear at court, you may defer sending papers to the Accounts Branch pending inquiries. Do not defer more than 12 months as money is not to stay indefinitely in the special account.

Photographing or photocopying money

When photographing and photocopying money:

- ensure the reproductions are at least one third larger or smaller than the genuine note
- partially cover the legal tender clause and signatures (use a ruler)
-
- display serial numbers if they have evidentiary value
- ensure the negatives are filed at the station where the photos were taken.

There are no restrictions on photographing coins.

Transferred exhibits

Forwarding station

Ensure full details accompany the exhibit, including the original evaluation report, so an appropriate entry can be made in the *Exhibit Book* at the receiving station.

Receiving station

Enter comprehensive details in the *Exhibit Book* and endorse the top left hand side of the entry, above the word PARTICULARS, "Received from the local area commander, (command name)." Sign immediately under this entry.
Send the duplicate exhibit sheet to the forwarding station to clear the entry in its *Exhibit Book*.

Use the exhibit file, which accompanied the exhibit, to record all developments.

The commander at the receiving station is responsible for ultimate disposal and the papers are filed there.

Carrying exhibits by aircraft

Before consigning exhibits needing special handling, advise the airline or the pilot in command of the nature of the exhibit.

Declare dangerous exhibits so they can be carried in accordance with air navigation requirements.

When the matter is finalised, file all relevant papers at the station where the exhibit was last held.

Returning exhibit to distant centre/interstate

Send the exhibit to the station nearest the owner's home or make other mutually acceptable arrangements.

Follow the practice in 'Miscellaneous property, Return to the owner or finder at a distant centre'. Whoever returns the exhibit, gets a receipt from the owner.

Inspecting exhibits

Inspection of drug exhibits is dealt with in the section on 'Prohibited drugs and plants'.

Inspect entries in the *Exhibit Book* consistent with CMF inspections.

Report incomplete matters to the local commander.

Local commander

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 kept unnecessarily.

After each inspection, prepare a summary of all unfinished entries, showing as applicable:

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

Exhibits missing or interfered with

If you find an exhibit missing or interfered with, immediately notify your commander and confirm the details in writing.

Local commander

Have the matter placed before your Complaint Management Team to determine if it is a local management issue or one which is to be notified to the Ombudsman. In any event record the matter on c@ts.i.

Vehicle exhibits

Care and storage

Consider the value and condition of vehicles.

Ensure their security and prevent deterioration and damage while in police possession.

Consider the appropriateness of the vehicle being stored in a private or a police holding yard, taking into account:

- value of the vehicle (whether it should be garaged)

- evidentiary value of the vehicle
- preservation of the exhibit's integrity.

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

Vehicles at police holding yards

Enter particulars of 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 *Holding Yard Book* is in use record the vehicle in it and other articles in the *Exhibit* or *Miscellaneous Property and Receipt Book*. Cross reference the entries. Label the vehicle and other articles with the book entry number.

Vehicles at private holding yards

If you cannot store the vehicle in a police holding yard and take it to a private holding yard make a notebook entry detailing:

- a description of it (including any damage)
-
- where it is stored
- description of tools, accessories or other articles found inside
- why it has been seized
- who is in charge of the investigation.

Have the entry countersigned by the person accepting the vehicle.

Make an *Exhibit* or *Miscellaneous Property and Receipt Book* entry at the station nearest the yard. Cross reference it and your notebook entry.

Transferring vehicles to the holding yard

If you transfer a vehicle and contents to a police holding yard, get a receipt and file it against the entry in the *Exhibit or Miscellaneous Property and Receipt Book*.

Disposal of vehicles and parts

Deal with vehicles (whole, damaged or wrecked) or parts as follows:

- immediately have them examined and photographed
- make inquiries to identify the owner
- unless exceptional circumstances exist (eg: vehicle directly related to an unsolved murder) do not keep as an exhibit but dispose of as soon as possible.

Arrange disposal of exhibits no longer needed as follows:

- contact the registered owner, advise position and find out the insurer
- notify the registered owner by certified mail or personal delivery that unless the vehicle is collected within 28 days, it will be disposed of
- at the same time, send a copy to the insurer
- if the insurer is unknown, include in the letter a reminder to notify any insurer of police intentions
- contact the Register of Encumbered Vehicles (REVS) to determine if there is a registered interest in the vehicle and if so advise that interest of the proposed disposal.

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

Vehicle not claimed

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

Ensure:

- number plates are removed and returned to motor registry
- vehicles are sold unregistered

- people submitting tenders are told the vehicle might be unregistered and unroadworthy.

In the metropolitan area use the authorised auctioneer.

In the country commanders select the auctioneer.

Send a report, itemised account and proceeds, less reasonable expenses, to the Accounts Branch.

Any claims for a vehicle, after its disposal, should be made in writing to the local commander.

Local commanders

After considering the application, send your recommendation and documents to the region commander. If supported, the papers are sent 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 the Service intends to sell the vehicle. When sold, the owners apply for costs of the relevant parts.

Send your recommendation with the relevant documents to your region commander. If approved, the papers are forwarded to Accounts with a direction.

If there are disputes, advise the claimants, in writing, that before the vehicle is disposed of, application can be made to the local court under the *Criminal Procedure Act*.

Arrange disposal, however, if you are not notified of the lodgement of claims within 42 days. If the claimants come to an agreement (eg: one agrees to pay the others for their share), the agreement is formalised, and signed by all claimants. Keep a copy and release the vehicle.

Rival claimants – vehicles and parts

If the legitimate owner is not established, and pending determination by a court, try to have claimants agree to the Service auctioning the vehicle.

If the auction is agreed to, send a report and proceeds of auction, less expenses, to Accounts for payment into the special account. After court proceedings, the money is disbursed as directed.

If agreement is not reached, advise the claimants the Service intends disposing of the vehicle to the person considered to have greatest claim.

Ordinarily, 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
- in all other cases, the registered owner.

If, however, this cannot be determined, keep the vehicle and seek a decision under the *Criminal Procedure Act*. You do not have to wait until criminal proceedings have been finalised before making the application.

Rival claimants – no court order

When there are rival claimants to property or complex legal issues exist, refer the matter to your commander or the Court Unit of Court & Legal Services for advice.

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

Fees and indemnities

Do not release a vehicle, subject to 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.

Animal Exhibits

When an animal is held as an exhibit and it is likely police will be responsible for its care, get a written undertaking from the owner or representative to pay any costs. See also the section on 'Prevention of cruelty to animals – Animals used as exhibits'.

Protected birds and animals

OIC

Dispose of any protected animal or bird exhibit immediately the matter has been finalised at court. If the animal or bird has been kept in a place such as a zoo, do not return it without:

- the approval of the Director, National Parks and Wildlife Service (NPWS)

- a court order.

If you receive a complaint or an application for possession of protected animals or birds and you have not seized them, send a report through the normal channels to the Director, NPWS, who determines the matter.

Taronga Zoo is a quarantine area. Get written approval from the Chief Quarantine Officer (Animals), Department of Agriculture if you wish to take any animal there.

In the metropolitan area make arrangements by phone.

In the country advise the Chief Quarantine Officer in writing at the time you send the animal or bird. That officer will arrange for inspection and issue of the required permit before delivery to the zoo.

Livestock

‘Livestock’ means animals (including birds and fish).

When livestock comes into police possession as an exhibit, adopt the following procedures.

No dispute as to ownership

Make a suitable record of stock for evidence (including valuation by competent valuer).

Return stock to the owner as soon as possible.

If the owner is not known, apply to the court for an order to auction the stock.

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.

Notify interested parties of their rights to recover proceeds from the sale of stock in custody.

When there is no dispute, expenses for keeping stock in police custody for the first 28 days are to be borne by the Commissioner.

Battery operated equipment

When battery operated equipment comes into your possession, remove the batteries to prevent corrosion unless there is good reason not to.

Some electronic equipment (eg: radio scanners) might contain vital information stored in memory which might be lost if the batteries are taken out.

When equipment is examined by a departmental radio communications expert for criminal proceedings, they decide whether batteries should be removed.

Mark any removed batteries for identification and secure them with the exhibit.

The exhibit entry shows:

whether the item contained batteries

whether they were removed or left in to preserve data etc.

Exhibits seized under *Radio Communications Act*

When you seize articles under 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.

Before doing so, however, consult the Centre Manager, Sydney Communication Centre, SPC.

If a court orders forfeiture of the seized article it becomes the property of the Commonwealth. Give it to the Department of Transport and Communications for disposal. Get a receipt to clear our records.

Industrial gas cylinders

Most industrial gas cylinders remain the property of the supply company.

When a cylinder is seized as an exhibit and you need information about 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

Local commanders

Dispose of exhibits forfeited by a court in accordance with any direction.

Authorise disposal (preferably by auction), in the absence of an order and when it is not intended to return property to the offender. When approval is given for destruction, supervise this or arrange another officer to do so.

Firearms and dangerous weapons

Enter weapons for examination or disposal into the Eagle System through the Forensic Ballistics Section (FBS) menu.

After selecting disposal or examination, the computer generates a reference number. Only one reference number is allocated for each weapon.

Mark the number on a tag and attach it to the weapon. Do not place foreign objects in the breech. Take the weapon to the FBS if an examination is needed.

If you are disposing of the weapon, take it to the Weapons Disposal Section. No further paperwork is needed.

Weapons disposal staff

Compare details entered on the computer with the weapon received. If satisfied, log the item as being received. Do not issue a receipt.

Station/exhibit officer

Check the Eagle System to verify the item was received, generate a print out, sign it as correct and file it against the relevant entry in the *Exhibit* or *Miscellaneous Property and Receipt Book*.

Liquor Exhibits

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. After court proceedings, return the liquor to the owner, who signs the exhibit entry.

Metropolitan area

For liquor forfeited to the Crown and unclaimed liquor, contact the Metropolitan Exhibit and Property Centre for collection.

Country area

Obtain tenders from licensed retailers or arrange for the liquor to be sold by auction. Send proceeds to Accounts.

Money exhibits

Send forfeited money, with a covering report, to Accounts 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

Destroy gaming instruments, forfeited or ordered to be destroyed, in front of an inspector of police or above. Destroy them on police premises, if possible, and in the most effective way.

Also destroy prohibited amusement, poker machines and other mechanical devices in the most effective way.

If a large number of devices is involved, arrange destruction at a council tip. Destroy the circuits/logic boards in the process.

Audio/video recordings

Send audio/video recordings, except items which are to be destroyed, to the Metropolitan Exhibit and Property Centre, Zetland.

Exhibits subject to customs control

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

Credit cards

Return them when no longer needed to the issuing authority (eg: bank, credit union) and get a receipt.

Counterfeit currency

When you seize counterfeit Australian or foreign currency, moulds or note reproduction equipment, immediately inform the Team Leader, AFP Currency Team.

Send a copy of the COPS entry with a covering report (including the name of the Currency Team officer you spoke to) via your commander to the Team Leader who might take charge of the investigation, particularly if it is connected with an AFP inquiry. If this happens, get a statement for evidentiary purposes, if needed, from a Reserve Bank officer certifying money is counterfeit.

At the end of inquiries or when the exhibit is no longer needed, send it by security post to the AFP Currency Team and ask for a receipt to clear exhibit records.

Electrical goods

Arrange for electrical goods to be inspected by authorised energy officers before disposal. (Unless the cost of doing so obviously outweighs the likely return, in such cases destroy the goods).

If an article is found to be faulty, have it destroyed in front of you.

Disposal of exhibits by tender

Dispose of property by tender when it is inappropriate or uneconomical for public auction (eg: damaged vehicles, boats etc).

If you consider disposal by tender unacceptable, you may advertise it for sale in the local press.

After disposal, file the papers at the station.

Auction procedures

Country commanders

When exhibits are to be disposed of by auction, consult your region commander on whether it should be conducted locally or at the region centre. Transfer them from the *Exhibit Book* to a *Miscellaneous Property and Receipt Book*, endorsed 'auction book'. A receipt from this book clears the entry in the *Exhibit Book*.

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

Metropolitan commanders

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.

Proceeds from auction sales

After each sale, submit to Accounts an itemised list of property sold, the amount obtained for each and a bank cheque for the net proceeds.

Medical records

If you have problems getting medical records which are needed as an exhibit, contact the Medical Secretary, AMA.

A panel of medical practitioners can advise you in any action involving professional records and/or the professional relationship between the panel, practitioner and patient.

Observe strict confidentiality of these records.

Specimen exhibits

Contact your crime scene section for advice on handling procedures for exhibits needing forensic examination.

Coronial exhibits

Include four copies of the *specimen/exhibit examination form* P377, one copy of the P79A and a copy of a doctor's post mortem examination certificate with exhibits.

For additional analyses, send to the following and include relevant forms:

- Division of Analytical Laboratories (DAL), Lidcombe **Toxicological analysis** – poisons, drugs/alcohol in organs or blood

When poisons or drugs are suspected as the cause of death, the medical officer must complete a Health Department *Request for Toxicological Analysis form*

- Institute of Forensic Medicine (IFM), Glebe **Histopathological examination** – study of diseased tissues
- Forensic Biology Laboratory, Division of Forensic Medicine, (Glebe) **Forensic examination and identification** – seminal and blood stains and blood grouping
- Institute of Clinical Pathology and Medical Research, Westmead Hospital – **Bacteriological and virological examinations.**

Non coronial matters

Send specimens with four copies of P377 only.

- DAL – swabs, smears, clothing and other exhibits concerning sexual offences, tested for the presence of **spermatozoa, blood and saliva** (stained articles for blood grouping)
- DAL – blood samples for evidence of alcohol; carbon monoxide, drowning, addictive drugs (non fatal), flammable liquids, soil, paint, glass and other physical or chemical comparisons

In the case of flammable liquids the DAL issues a certificate. If necessary, the Chief Inspector of Dangerous Goods, WorkCover Authority issues a certificate on the nature of the substance

- DAL – explosive/powder residues
- Royal Botanical Gardens – plants, leaves and grasses
- Seed laboratory, Dept of Agriculture – seeds

- IFM – teeth and dentures
- Electricity Authority – electrical equipment.

P377 Specimen/exhibit examination form

Number every item consecutively and briefly describe each one. Pack and correctly label all specimens and exhibits so they coincide with the information on the P377. Remember, for prohibited drugs use a P377A, or if drugs are from a controlled operation use a P377B.

Set out on the form the date the specimen/analysis is needed for court.

If the date is not available when the exhibit is delivered, advise the lab staff by phone as soon as possible.

One copy of the form is filed at The Crime Scenes Operations Branch, SPC .

When the exhibits are delivered to the lab concerned, the person receiving them signs a copy of the form which is returned to the escort and then filed at the forwarding station.

Taking exhibits/specimens to laboratory

Ensure any biological specimen is properly refrigerated (not placed in a freezer) preferably at 4C.

Send samples for analysis as soon as possible. If it is a toxicological sample send it to the lab within 48 hours.

If you send the toxicological sample by courier **do not** send it after 4pm Thursdays, any time Friday, Saturday, Sunday or on a public holiday.

Delivery outside normal hours

Do not deliver specimens to Sydney on weekends, public holidays or outside normal hours unless unavoidable.

If you must, follow these procedures:

- body specimens – arrange to deliver the specimens by courier company (for most mortem specimens) or escorting police (for other exhibits) to the Sydney Crime Scene Section (Sydney Police Centre). The escorting police retrieve the exhibits on the next Monday and escorts them to the appropriate laboratory
- drug exhibits – secure in a safe with lockable drawers. Get a key from the shift supervisor lock the exhibit in the safe drawer and keep the key. Return on the next day of business, reclaim the exhibit and hand the key to the shift supervisor. Take the exhibit to the appropriate lab.

- Bulky drug exhibits – The shift supervisor, in the company of another officer, secures bulky exhibits, which cannot be locked in the safe. A book is kept to record receipt and return of these.
- other exhibits – before leaving your station, contact the Shift Commander, Sydney Police Station, so the Controller, Exhibit and Property Section gets prior notice.

Collecting exhibits from laboratories

After receiving the lab certificate, arrange for exhibits, other than blood or organs, to be returned to the originating station.

Poisoning – samples for analysis

When someone appears to have been poisoned, a 24 hour urine specimen 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/suspected homicides (including all deaths in custody)

Contact the Crime Scene Section for your area, immediately. The Crime Scene investigator will coordinate all other expert services.

Country area – Crime scene investigator

Arrange a forensic pathologist to attend the scene as required and coordinate post mortem arrangements.

Collecting and handling medicines

When someone was on medication at the time of death and there is suspicion about the medicine, contact the Senior Forensic Toxicologist, DAL for guidance.

DNA (Deoxyribonucleic Acid Analysis)

The submission of samples for DNA analysis is done by the crime scene investigator associated with the investigation.

If guidelines established by that lab are not met, resulting in no analysis, the Commander Forensic Services Group (or nominee) will liaise with the Senior Forensic Biologist if analysis is still needed.

Blood, saliva, hair samples

Section 353A of the *Crimes Act, 1900*, sets out the circumstances in which someone in lawful custody may be medically examined to obtain evidence (this may include taking blood, saliva, and hair samples).

A request for such an examination can only be made by a sergeant or above. Refer to s353A for full details. If you are in any doubt about whether you can request a medical examination contact the Senior Manager Court Unit, Court & Legal Services before contacting a medical practitioner.

Metropolitan area

To arrange such an examination contact the Director, Clinical Forensic, Medical Section between 8am and 4pm. Outside these hours, contact the DOI who arranges the duty medical officer.

Country area

Contact the GMO. If that officer is unavailable, contact another doctor.

On contacting the relevant practitioner, provide details of the nature of the alleged offence, when it happened, and whether consent has been granted for the samples.

Involuntary samples

If the person does not agree to a medical examination, but will not offer resistance, arrange for the attendance of the doctor to take the relevant samples.

If the person does not consent to the examination and will offer resistance, contact the doctor and be guided by the advice provided as to whether samples can be taken.

Voluntary samples

While s353A gives authority to have someone in custody medically examined, a person may voluntarily submit to an examination.

When you have arrested someone and believe an examination might provide evidence, ask them if they consent to such an examination. Tell them they are not obliged to allow the examination.

If the person consents, obtain if possible an authorisation in the following form:

“I ... hereby authorise Doctor ... to take sufficient blood, saliva, and hair from my body for testing/analysing or causing the same to be tested/analysed/ grouped. Having had the medical examination procedure explained to me, I give authority freely and voluntarily. No inducement, threat or promise has been held out to me.”

Signed...

Witnessed...

If appropriate, record the consent on ERISP.

Helping practitioners

If you are needed to help the doctor:

- wear surgical goggles and gloves
- avoid contact with body tissue and fluids
- guard against needle stick injuries. NB: If you sustain such an injury, bleed it, wash it and report it immediately.

Physical evidence

Enter physical evidence taken from crime scenes (eg: soil, arson debris, vegetable matter etc) in your local *Exhibit book*.

Take any specimen needing detailed examination to the local crime scene section.

Local crime scene examiner

Entered the item in the *Specimen item register* and issue a receipt.

You are responsible for the safekeeping of the items while they are in your care.

Plaster casts

When you need to take a plaster cast of a footprint/other impression, preserve the scene and consult your crime scene investigator.

Rival claimants

If you intend to release property to the claimant considered to have the greatest entitlement, tell others in writing. Tell them, 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:... Note the, Commander, ..., proposes to deliver ... (description of property) to ...(name/address of rival claimant). Should you wish to oppose such action you have 42 days, from service of this notice, to begin legal proceedings.

If, at the end of this period, the local area commander has not been served with written notice you have begun proceedings then the subject ... (property description) will be delivered to ...(rival claimant’s name).

Signed ...
Commander

The address at which all notices and documents may be served on the local area commander is... notice served the ... day of ... 19 ... at ... in NSW.

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

Indemnity two or more owners

Get the following form of Indemnity when handing over exhibits to two or more people as joint owners:

“Exhibit no ... In consideration of the Commissioner of NSW at our request handing over to us ... which were taken possession of by NSW police in connection with the case against ... (or as the case may be eg: which were found by police in the possession of ... on or about the ... day of ...

19...) (the receipt whereof is hereby acknowledged by us), we ... of ...in NSW and ... of ... in the said State hereby jointly and severally undertake to indemnify and at all times keep indemnified the said Commissioner and each and every police officer of NSW, Her Majesty the Queen, Her Heirs and Successors from and against all claims and demands whatsoever which might at any time be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever which might at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner so handing over to us the said money/property.

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

Signed by the above named ...in the presence of ...(insert witness' address)

Signed by the above named ...in the presence of ... (insert witness' address)”

Indemnity – individual claimant

Obtain the following Indemnity when handing over exhibits to individual claimants:

“Exhibit no ... In consideration of the Commissioner of Police of NSW at my request handing over to me (which were taken possession of by NSW Police in connection with the case against (or as the case may be eg:) which were found by NSW police 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 NSW police officer 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 so handing over to me the said money/property.

Dated at ... this ... day of ..., 19... Signed by the above named ... in the presence of:... (insert witness' address)”

Exhibit procedures at Sydney Police Station

Separate inspection procedures are included in the position descriptions and statements of duties and accountabilities for the Commanders, Sydney Region and, Sydney Police Station and its Controller, Exhibit and Property.

Before the transfer or retirement of the Controller, an inspection of all exhibits is made by an officer nominated by the region commander.

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

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Exhumation of bodies

Approval for exhumation

You may exhume remains only with the approval of the Secretary, NSW Health Department or on an order from a coroner. Approval from the department is subject to conditions specified in the approval notice.

Exhumation after crime or wrong coroner's finding

If you discover someone died through criminal action or a coroner's finding was wrong, report the facts to your region commander who arranges investigation of the allegation. Consult legal services for further help.

Advise in writing the following:

- the date, time and apparent cause of death
- the circumstances (include names of doctors concerned and a copy of the death certificate, if possible)
- the date, time, burial place and name of the funeral director who conducted the service
- a summary of available evidence on the probable cause of death
- that the Director, Institute of Forensic Medicine gave an opinion on probable cause of death and the likelihood that exhumation might provide evidence of a criminal act or verification of identity
- whether evidence exists to support an officer swearing a deposition before a coroner to issue a warrant for exhumation, and if so, whether it will lead to a charge of murder or manslaughter
- the full name, age, marital status and details of next of kin.

Applying for an exhumation warrant

Make applications to the Coroner in the form of a sworn information.

Include relevant evidence supporting the affidavit. Make arrangements with the Coroner about the date and time of exhumation.

Consult the Director, Institute of Forensic Medicine about autopsies on exhumed bodies. Determine the main points to be brought to the medical officer's attention.

Supervision of an exhumation

Do not proceed with an exhumation unless attended by a Health Department officer, or a health surveyor employed by a local authority.

Exhumation and identification procedures

Once approval has been given for exhumation, inform the cemetery to make the necessary arrangements.

Ensure the undertaker who performed the original burial is present to identify the grave, coffin and if possible, the deceased.

NB: Do not proceed with the exhumation until the remains have been positively identified. Evidence of bone fractures, scars, dental work, clothing or jewellery might help.

Ensure Crime Scene Operations Branch officers are present.

Arrange photos or a video showing:

- the grave before it is disturbed
- the coffin when exposed and the nameplate attached. Preserve the plate for future identification
- the body as soon as the coffin is opened (this is particularly important for preservation peculiarities, which might be attributable to a particular poison).

Suspected poisoning – taking soil samples from the gravesite

Take soil samples, each weighing one kilo, from the gravesite and surrounding areas. Pack the samples individually in clean containers, seal them and clearly label for analysis. Take them from:

- the centre of the area exposed after removing grass sods and other grave coverings
- the soil in direct contact with the coffin lid near the chest
- the right and left sides of the coffin near the mid portion of the body
- the area immediately under the mid portion of the coffin near the buttocks
- a section of soil from the cemetery at least 30 metres from the gravesite.

If you find water at the bottom of the grave, take at least a one litre sample.

Taking specimens from rotten coffins

If the coffin has rotted, leaving the body exposed, the GMO supervises removal and takes samples.

Take the body and coffin remnants to the morgue before obtaining specimens.

The officer in charge is responsible for taking specimens to the government analyst.

Also submit the following items:

- samples of wood from the coffin; one from the bottom under the buttocks and another from the top of the lid or top of the sides
- a substantial amount of the shroud/linen lining and packing from the sides and bottom
- a sample of any garments.

Responsibility for the body

Accompany the body to the morgue to prevent interference with it or the coffin.

Except at Glebe and Westmead Morgues, maintain continuity of exhibits until the autopsy is carried out eg: lock them in a room or compartment and keep the key.

Action after exhumation

Arrange reinterment of the body.

The action required depends on the results of the analysis. If another inquest is held, the warrant for exhumation is tendered as an exhibit.

If no suspicious circumstances are revealed, endorse the warrant with the time, date and place of exhumation. Sign the warrant and return it to the issuing coroner.

Legislation

The exhumation of bodies is contained in Part 4 of the *Public Health (Funeral Industries) Regulation, 1987*. Refer also to the *Public Health Act*.

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