

INSTRUCTION No. 33

Exhibits and Miscellaneous Property

Miscellaneous Property

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

(a) If handed in or received at a Station, full particulars should be entered in the miscellaneous property book and the property, etc., suitably marked for identification. If practicable, the finder should sign and place his address in the column provided in the miscellaneous property book and, if money is handed in, he should be issued with an official receipt for same. The number of the receipt issued should be placed against the entry in the miscellaneous property book, and the item and page number of the miscellaneous property book entry inserted on the duplicate of the official receipt.

(b) Police finding money, valuables or other property will promptly take same to their Station, and when property is handed to them whilst away from their Station, they will carefully examine it in the presence of the finder, enter particulars in their official notebook, obtain the finder's signature therein as to the correctness of the entry and take the property to their Station. Particulars should be entered in the miscellaneous property book, the Constable who found the property or to whom it was handed, signing in the column provided for the finder's signature and, in the latter case, inserting also the finder's name and address. If money has been found, an official receipt should be promptly despatched to the finder. A receipt should be issued to a member of the Force for money found by him, except if found on the body of a deceased person. A Departmental driver or rider who is attached to the Police Transport Branch or Highway Patrol, or a Divisional driver or rider performing duty outside his Division, finding or being handed property should not take same to his own Station, but to the nearest Station to where the property came into his possession, action then to be taken in accordance with the foregoing directions. The usual inquiry with a view to locating the owner of the property should be attended to by the latter Station.

(c) Care should be exercised to ascertain—

- (i) the full name of the finder and the correct spelling of same;
- (ii) whether the finder of the property desires to claim it if the owner is not located;

and this information will be inserted in the miscellaneous property book and any subsequent P. 91D form which is submitted.

New pages 327-328. (Amended 18/9/79).

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Name of actual finder to be ascertained, if possible.

- (d) It should be established whether the person handing the property to Police was the actual finder and, if not the name of the finder. If the name of the finder cannot be ascertained, the record should show that the property was found by an "unknown person". Under these circumstances, property should not be regarded as having been found by the person who handed it to the Police, although his particulars should also be included in the space provided on the Form P. 91D and in the relevant entry in the miscellaneous property book.

Found on private property.

- (e) When anything is found on private property, this fact, together with the name and address of the owner or occupier of the premises and whether he is the finder or not, should be included in the form P. 91D. If the owner or occupier of the premises indicates that he will be making a claim for the property, this fact should also be noted.

Finder to be informed.

- (f) The finder should be informed of the following:
- (i) The property found will be retained by this Department for at least 6 weeks unless the owner is located in the meantime. (This, of course, will not apply to property found in vehicles, etc., operated by the Public Transport Commission, privately operated public vehicles, or foodstuffs.)
 - (ii) Unless there is good reason to the contrary, if unclaimed by the owner, the property will be returned to the finder upon the completion of Police inquiries which may extend beyond the six weeks period. It should be noted that door keys, personal papers, explosives and the like are not normally returned to the finder.
 - (iii) If the property is returned to the owner, he (the finder) will be advised. (For this purpose, Card P.91 may be used.)

Form P. 91D to Property Tracing Unit.

- (g) Form P. 91D is to be used when inquiries are being made to establish ownership of items of property found by or handed to Police or where persons report property lost. In the latter case, an entry is to be made on the occurrence pad, the heading on the P. 91D form appropriately crossed out to clearly indicate that it refers to "lost" and not "found" property, and the form sent to the Property Tracing Unit. In the case of "found" property, the reverse side of the form will be used to report the inquiries made to locate the owner and the subsequent directions given regarding disposal of found property. Unless there are special features which would make it apparent that a check should be made at the Property Tracing Unit, the form should only be forwarded there when money and/or property is found and handed to Police in the following instances:

Money only to the value of \$200 or more.

Purses, handbags, etc., containing money to the value of \$6 or more and other articles or papers, or containing an article valued at approximately \$6 or more.

Where the property includes or consists wholly of money, the form P. 91D will be completed in duplicate.

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Where inquiry at the Property Tracing Unit is necessary, the original P. 91D will be forwarded to the Unit not later than 14 days after the date the property came into possession of Police. The duplicate will be forwarded together with the money to the Commissioner's Office not later than 14 days after the money came into possession of Police. Money which has been remitted for payment to the Treasury can be refunded at any time, if necessary.

When completing the form in all cases of found property, Police will ensure that the appropriate headings are crossed out to clearly indicate that the report relates to "found" property.

- (h) When property is found and handed to Police, all reasonable avenues of inquiry should be explored in an endeavour to locate the owner, especially where the property is of considerable value. Advertisements in the press should be carefully perused. It is an important duty of supervisory Officers, i.e., the Officer in Charge of a Station and the Divisional Inspector, to see that full inquiries are made.

Advertisements re property.

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

- (i) For directions re straying animals, see Instruction No. 40.
- (j) (i) Lost property found on any Public Transport Commission premises or vehicles and handed to Police should be delivered as soon as possible to the Officer in Charge of the Public Transport Commission premises at or nearest to the place where such property was found.
- (ii) Lost property found in any public vehicle which is privately operated in the Metropolitan Area such as taxi-cabs, hire cars, etc., and handed to Police should be delivered as soon as possible to the Department of Motor Transport Lost Property Office, 50 Rothschild Avenue, Rosebery. Similar offices are established at Newcastle and Wollongong. If outside these areas, the property should be handed to the appropriate officer of the council exercising control over the public vehicle concerned.

Straying animals.

In vehicles and premises of Public Transport Commission.

In taxi-cabs, etc.

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

- (k) When keys or any other property bearing tags issued by key registries or similar organizations are handed to Police, the name and address of the owner should be ascertained from the key registry or other organization and arrangements made for the property to be

Keys, etc.

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returned to him or his representative (who may be a member of the organization which issued the tag), provided the representative is authorized in writing to collect the keys or other property on behalf of the owner. Provided the finder has no objection, his name and address may be supplied to the organization issuing the tag, at the time the name and address of the owner are being ascertained.

Check at
Property
Tracing Unit.

2. P. 91D forms received at the Property Tracing Unit for checking of found property will be held there for a period of one month from the date the property came into possession of Police. At the end of this period, the description of the found property will be checked against the records and the result endorsed on the P. 91D form, which will be returned direct to the Station concerned.

Police report
re inquiries.

3. Six weeks after the date Police received the property, the member in charge of the matter will submit a full report to his Divisional Officer on the reverse side of the form P. 91D, setting out all inquiries made to locate the owner, and seeking a direction as to the disposal of the property.

Officers to be
vigilant.

4. The responsibility for ensuring that full and proper enquiry has been made rests solely upon the Divisional Officer. He is required to exercise the utmost care in ensuring that, where possible, property is returned to the rightful owner. If the Officer is not satisfied with the inquiries made, he should return the P. 91D form with an appropriate direction.

Record of
claims.

5. When a claim is made by an alleged owner for property found, a notation is to be made against the relevant miscellaneous property book and, where applicable, miscellaneous receipt book entries referring to the property and/or money. Other members of the Force who may be required to deal with the disposal of the property will then be aware that a claim has been received. Every endeavour must also be made to have all papers associated with the property, claims, etc., placed together.

Disposal of
"found"
property.

6. (a) Divisional Officers will not direct disposal of found property where it is valued in excess of \$1,000, or where there are rival claimants or other exceptional circumstances. In any of the above instances, such Officers will forward the P. 91D form through the usual channels with their comment and recommendation for disposal of the property. For the purpose of this paragraph, where the property is found on premises of which the finder is not the owner, such as a customer in a shop, an employee at an office or factory, a visitor or workman at a dwelling-house, etc., or the property is found by a member of the Police Force or other employee of the Police Department, the finding of the property is to be regarded as exceptional circumstances.

(b) Where the Divisional Officer is satisfied that all necessary inquiries have failed to locate the owner of the property, he will give a direction on the P. 91D form for return of the property to the finder, at the same time completing and posting a P. 91E form to him. Where the finder does not desire to claim the property, the Officer will direct that it be forwarded to the Police Property Office, if in the Metropolitan Area, or to the District Superintendent's Office or other appointed place, if in the Country Area.

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(c) Where a direction is given for return to the finder in relation to found property which consists of money only, the P. 91D form will be forwarded direct by the Officer concerned to the Commissioner's Office, for action at the Accounts Branch.

(d) Where the direction is for return of property which consists of money and article/s, upon the return of the article/s at the Station concerned, the Officer will forward the Form P. 91D to the Commissioner's Office for necessary action in respect of the return of the money.

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

(f) Where items of clothing or other property in a filthy or otherwise offensive state coming into Police possession is no longer required for any purpose, or is not claimed by the owner or finder, the facts should be reported on the relevant papers and direction sought as to its disposal. In each case, the Officer in Charge of the Station will furnish his recommendation and the Divisional Officer will give a direction for disposal of the property.

7. Where a direction has been given for property to be forwarded to the Police Property Office, or where property is unclaimed 28 days after a direction has been given for it to be returned to a finder, the property and relevant papers will be handed to the Police Property Office staff on the next visit of the property van to the Station. Where the property includes money, the staff of the Police Property Office will photocopy the direction given for disposal of the property and immediately forward the copy to the Accounts Branch. At the Accounts Branch, the photocopy will be matched with the duplicate P. 91D which accompanied the money. These papers will form the Accounts Branch record. Unclaimed
property—
Metropolitan
Area.

8. In the Country Area, where the Divisional Officer directs that property be forwarded to the Superintendent's Office or other centre for disposal, or where property is unclaimed 28 days after a direction has been given for it to be returned to a finder, the property (except where it includes money) will be forwarded with the papers at the first convenient opportunity to the office or centre for disposal. Where the property includes money, the papers will first be forwarded direct to the Commissioner's Office for action at the Accounts Branch. At this Branch, the direction given for disposal of the property will be photocopied and the papers returned direct to the Station concerned. On return of the papers to that Station, the remaining property will be forwarded as set out above. Unclaimed
property—
Country
Area.

9. At Stations, when Police hand property to a finder in accordance with a direction, they will obtain the usual receipt in the miscellaneous property book and complete the relevant portion of the P. 91D form. The P. 91E form obtained from the finder will be filed on the papers. Where no money is involved, the papers should be filed at the Station. Return to
finder.

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Return to
authorized
person.

10. Where a finder is unable to call personally to collect property, he may authorize another person to collect it on his behalf by completing part A of the P. 91E form.

Return to
person under
18 years old.

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

Owner or
finder
residing at
distant centre,
return of
property.

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

- Amended -
See case
8/1/95*
- (a) An undertaking should first be obtained from the owner to pay any cost involved in forwarding the property to his local Police Station. When this has been obtained, a short report, together with the form P. 91D, if applicable, and the subject property should be forwarded to that Station.

Upon receipt at such Station, particulars should be entered in the miscellaneous property book, and a miscellaneous property receipt issued to the forwarding Station. Police of the Station to which the property is forwarded should collect from the owner any transmission costs which may have been involved and, after satisfying themselves as to his identity, hand the property over to him and obtain his receipt. The file should then be returned to the forwarding Station.

- (b) Where the owner prefers to collect the property from the Station at which it is held, the Police nearest to his place of residence will forward to the Station holding the property an accurate description of the owner (or of the person who has been authorized to obtain possession of the property), which description should be signed by the person concerned. Such description and signature should be carefully checked at the holding Station before the property is handed over and receipt obtained.
- (c) If the owner resides in another State, the Police in that State will be requested to make a suitable arrangement along the lines indicated in (a) or (b).
- (d) A similar procedure will be adopted when property is to be returned to a finder residing at a distant centre.

Foodstuffs—
disposal of.

13. When any foodstuffs are found, handed to, or otherwise come into the possession of Police, action should be taken as a matter of urgency to trace the owner thereof. Immediately such inquiries have been completed and ownership cannot be established, the finder, where applicable, should be seen and a statement obtained from him in writing as to whether a claim is made for the property. In the event of no claim being made, an authority in writing should be obtained from him for the foodstuffs to be handed to a local charity, public institution or necessitous persons in the area. The papers should be submitted through the usual channels, as a matter of urgency, for direction as to the disposal of the foodstuffs. In the event of the foodstuffs being of a nature which are immediately or

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in the near future perishable, the Divisional Officer, should authorize the return of the foodstuffs to the finder or their disposal to a charity, public institution or necessitous persons in the area. In the former instance, the usual indemnity should be obtained from the finder. Where foodstuffs are not of a nature abovementioned, the papers should be submitted to the Divisional Officer for a direction as to disposal, subject to the directions contained in paragraph 6 (a) of this Instruction.

Exhibits

14. Full particulars of property used by Police as exhibits should be recorded ^{Exhibit book.} in the exhibit book. The entries in regard to each exhibit should show at a glance the whole of the movements of the exhibit from the time of receipt to its ultimate disposal.

15. (a) When an exhibit is received at a Station, the member performing ^{Receipt of exhibits at Police Stations.} duty in the Station at the time will check such exhibit and immediately record a full and complete description of each item in the exhibit book. The entry should, where possible, show particulars of the owner or owners of the exhibit and the signature of the senior arresting officer will be endorsed on the next line immediately under the description of the exhibit.

All drug exhibits or seizures should be accurately weighed in accordance with the relevant operational instructions by or in the presence of the Station Sergeant and, if practicable, in the presence of the person from whose possession they have been taken and the weight recorded in the exhibit or miscellaneous property book, whichever is applicable.

Nett weight should be recorded whenever possible. However, it is both inadvisable and impracticable to remove heroin powder from silver foil "deals" or capsules, or liquids such as hashish oil from their containers so that they might be measured separately. They should be weighed with their container and the weight clearly recorded as "gross weight". This method also allows minimum interference with the physical structure of the exhibit.

(b) The member responsible for the custody of the exhibits will, after receipt, place all exhibits in a locked place of safety. Bulky exhibits or exhibits to the value of less than \$200 will normally be retained at the Police Station of receipt, but where the value exceeds \$200 the following procedures will be adopted:

- (i) In the Metropolitan Area, except in cases referred to in subclause (iii) of this clause, if of greater value than \$200 but less than \$1,000, exhibits will be transferred to the Divisional Head Station where they will be checked, recorded in the exhibit book maintained there, and a miscellaneous property receipt issued to the Station concerned.

Where the value of the exhibit exceeds \$1,000, it should be transferred to the Criminal Investigation Branch to be dealt with there in similar manner to exhibits transferred to Divisional Head Stations.

New pages 333-336A. (Amended 18/9/79).

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Cash exhibits of value in excess of \$1,000 which cannot be conveyed to the Criminal Investigation Branch during the hours of 8 a.m. to 4 p.m. should be dealt with as follows: Except in cases where the arrangement of the denomination of notes is a feature of the identity of the exhibit, the money should be separated into various denominations and recorded in the exhibit book or miscellaneous property book at the Divisional Head Station in a similar manner as set out hereafter:

\$1	notes	24	=	24.00
\$2	notes	10	=	20.00
\$5	notes	12	=	60.00
\$10	notes	360	=	3,600.00
\$20	notes	400	=	8,000.00
\$50	notes	20	=	1,000.00
				\$12,704.00

A miscellaneous property receipt should be issued from the Divisional Head Station to the Station from which received.

The member of the Force who came into possession of the exhibit should count and handle the money at the Station under the supervision of the senior Non-commissioned Officer on duty who should satisfy himself that the counting and recording has been performed accurately.

The exhibit should be placed in the Divisional cash receipt bag by the member who counted it, in the presence of the senior Non-commissioned Officer. The bag should be locked and the key retained by the Station Sergeant. In cases of amounts over \$20,000.00 the key is to be retained by the member who counted it.

The member of the Force who counted the money should convey the bag to the Inquiry Office, Criminal Investigation Branch, as soon as possible and at no time allow it to leave his personal possession.

Where the exhibit amounts to less than \$20,000.00, the locked bag should be placed in the revolving drum deposit shute of the safe at the Inquiry Office, in the presence of the Duty Officer, who will record the date and time of arrival, the time the bag was placed in the safe and the name of the Police escort.

In cases of amounts less than \$20,000.00, the Police escort should, as soon as possible, return to the Inquiry Office during office hours with the key to the Divisional cash exhibit bag. He shall witness the opening of the safe and the counting of the money. The Officer in Charge of the Inquiry Office will issue a receipt to acquit the entry made in the Divisional Head Station's exhibit book or miscellaneous property book which should be returned with the bag and key to the Station Sergeant at the Divisional Head Station.

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Where the cash exhibit exceeds \$20,000.00, the Station Sergeant should contact the Duty Officer, Criminal Investigation Branch, who will arrange for the Officer in Charge, Inquiry Office, to attend the office at the same time as the Police escort. The cash exhibit will be counted in the presence of the escort and a receipt issued. In such cases, the Police escort will be in possession of the key of the cash exhibit bag. The Police escort will return the bag, key and receipt to the Divisional Head Station.

In each case where valuable exhibits are transferred to or from the Criminal Investigation Branch, the usual entries will be made in the exhibit book there.

- (ii) In the Country Area, except in cases referred to in subclause (iii) of this clause, all exhibits, irrespective of value, will be retained at the Station of receipt.
- (iii) Notwithstanding the monetary value of any exhibit, whether received at a Metropolitan or a Country Station, the Officer in Charge of the Station should consult his Divisional Officer in any case where the nature of the exhibit is such that the advisability of retaining it at the Station is in any way doubtful.

16. (1) At Police Stations where permanent Station Sergeants or Constables performing Station Sergeant's duties are employed, the safe custody of exhibits received at the Station will be the responsibility of such Station Sergeant or Constable. At all other Stations, the responsibility will rest upon the Officer in Charge of the Station. Responsibility for custody of exhibits at Police Stations.

(2) (a) The Non-commissioned Officer making the monthly inspection will be responsible for the checking of the entries in the exhibit book. Inspection of exhibits.

(b) Any outstanding matters brought to light during the monthly check of exhibits will be reported to the Divisional Officer, who will himself inspect the book at least once in every six-monthly period ending on 30 June and 31 December.

(c) The monthly inspection of exhibits, as directed in this clause, and half-yearly inspection by Officers, will include a physical check of the outstanding exhibits against the entries appearing in the exhibit book.

(d) Members of the Force conducting monthly and half-yearly inspections should, apart from ensuring that each exhibit is correctly recorded, satisfy themselves that any report required by virtue of paragraph 19 has been submitted and that exhibits are not being retained unnecessarily.

"Davell" steel drawer cabinets have been supplied for the storage of drug exhibits at all Divisional Police Stations throughout the State, except Nos 20 and 28 Divisions. The Cabinets have also been supplied to No. 21 Special Squad and the Inquiry Office, Criminal Investigation Branch.

These cabinets are to be installed in the Exhibit room of the Police establishment. The drawers and respective keys are to be labelled with an identifying letter of the alphabet. One set of keys will be placed in the custody of the Station Sergeant/the Officer in Charge, Inquiry Office. The duplicate set is to be stored in the safe of the Divisional Officer/Superintendent in Charge, Criminal Investigation Branch, and should only be used if the original key is lost and cannot be found.

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It is intended that at least one drawer be reserved solely for the retention of drug exhibits which are required to be conveyed to the Division of Analytical Laboratories for analysis. It will also serve the purpose of ensuring evidence of "Continuity of possession" between the time of seizure and analysis of the drug exhibit.

The following procedures should be adopted when the officer in charge of a drug seizure is prevented from taking the drug exhibit direct to the Division of Analytical Laboratories for analysis outside office hours:

After the exhibit is entered in the exhibit book, the officer in charge of the drug seizure should place the exhibit in a drawer, lock it in the presence of the Station Sergeant and retain personal possession of the key.

An entry should be placed in the exhibit book as to the specific drawer being used to store the drug exhibit.

At the first opportunity during office hours, the officer in charge of the drug seizure should obtain the exhibit, return the drawer key to the Station Sergeant/Officer in Charge of the Inquiry Office and convey the exhibit to the Division of Analytical Laboratories for analysis.

Issue of exhibits for production at courts, etc.

(3) When an exhibit is required for production at court or for any other purpose, the article must be checked with the recorded particulars in the exhibit book by the member of the Force responsible for exhibits and by the member receiving it, the latter to sign for the exhibit in the space provided in the book.

At the conclusion of a hearing at any court, and subject to directions contained in paragraph 22 (1), the member of the Force in charge of a case shall obtain exhibits which are available for return to the Police and deliver them to the Station at which they had been held. On each occasion an exhibit is so returned, the member of the Station staff receiving it will check it against the entry in the exhibit book and sign that book in the space provided.

(4) For instructions concerning the safe custody of keys of safe and/or exhibit rooms, see Instruction No. 60.

Need to retain exhibits.

17. Although the successful prosecution of charges must always be kept in mind and consideration given to the possible effect of the absence of exhibits, severe hardship is sometimes suffered by owners of such property by its being retained by Police for a long period. A photograph of the property, together with evidence by the owner and Police, may establish proof of ownership in many cases. To enable the prompt return of exhibits to owners, see directions contained in paragraph 19.

Crown Solicitor's advising re exhibits.

18. In respect of the retention as evidence of exhibits, including motor vehicles, the Crown Solicitor has advised that the Police are empowered, and it is their duty, to retain things which may be evidence of a crime which come into their possession without any wrong on their part. Once the need to retain the article or vehicle passes,

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it should be returned to the person from whom it was taken. However, when no arrest has been made and inquiries are continuing, certain requisites have to be satisfied in order to justify the taking of the articles as an exhibit. These requisites are as follows:

- (1) The Police officer must have reasonable grounds for believing that a serious offence has been committed—so serious that it is of the first importance that the offender should be caught and brought to justice.
- (2) The Police officer must have reasonable grounds for believing that the article or vehicle in question is either the fruit of the crime (as in the case of stolen goods) or is the instrument by which the crime was committed (as in the case of the axe used by the murderer) or as material evidence to prove the commission of the crime (as in the case of the car used by a bank robber).
- (3) The Police officers must have reasonable grounds to believe that the person in possession of the article or vehicle has himself committed the crime, or is implicated in it, or is an accessory to it, or at any rate, his refusal to hand over the articles must be quite unreasonable.
- (4) The Police must not keep the article, nor prevent its removal, for any longer than it is reasonably required to complete the investigations or preserve it for evidence. If a copy will suffice, it should be made, and the original returned. As soon as the case is over, or if it is decided not to go on with it, the article should be returned.
- (5) The lawfulness of the conduct of the Police must be judged at the time, and not by what happens afterwards (in other words, whether in fact the article is used as an exhibit or not).
- (6) Where there are reasonable grounds existing for the belief that a vehicle will be useful evidentially, then the detention of such vehicle is lawful and any action commenced for damages for normal deterioration and depreciation could be successfully defended.
- (7) The measure of legal responsibility for a bailee (the Police Department) requires such bailee to ensure, so far as possible, against damage or theft to the extent that a reasonable owner would deal with his property. If this standard of care is not met, then an action in negligence may lie against the Department.

19. (1) Where a charge is preferred, or likely to be preferred, against any person and an exhibit or possible exhibit is held in respect of such charge, the member in charge of the case will, after an assessment of the circumstances surrounding the particular offence and the nature of the property, carefully consider the need to retain such property for court purposes, or whether suitable photographs or other facsimile of the property will suffice. If it is considered that an exhibit can be returned to the owner without prejudicing any court proceedings a report should be submitted without delay through the usual channels to the Commissioner for a direction. Necessary reports.

New pages 336A–342. (Amended 31/8/80).

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(2) Where the exhibit is a motor vehicle, television set, tools of trade, seasonal goods, perishable goods, a large quantity of cigarettes or drugs or liquor or electrical goods, etc., an immediate report is to be submitted through the usual channels to the Commissioner for a direction as to disposal.

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

To enable a decision to be made as to whether photographs of the vehicle, etc., would be sufficient evidence, the reason why such vehicle was seized, and is being held, should also be included in the report.

(4) Where an exhibit which has not been the subject of a report as set out in this paragraph has been seized and not returned to the owner or otherwise disposed of within eight weeks from its seizure, a report should be submitted by the member of the Force in charge of the matter, through the usual channels to the Commissioner, setting out the need to retain the exhibit.

(5) Where a report is submitted in compliance with directions contained in this paragraph, an endorsement to that effect is to be made in red ink against the relevant entry in the exhibit book by the member furnishing such report.

20. When it is necessary for Police to retain possession of a horse or other animal held as an exhibit pending the conclusion of any court case and there is a likelihood of the Police Department being responsible for the feeding and other care of the animal, an endeavour should be made to obtain from the owner or his representative, a written undertaking to pay any costs incurred in feeding or otherwise caring for it. For directions re caring for animal exhibits at courts, see Instruction No. 40.

Animals
retained—
feeding, etc

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

Unauthorized
photographing
of exhibits.

22. Money or other property held in Police custody in connection with any offence, whether indictable or summary, should be disposed of in the following manner:

Disposal of
exhibits.

(1) When dealing with the offence concerned, the court may make an order as to the forfeiture or the disposal of the exhibits. Where an exhibit is not required for other purposes, and is ordered by the court to be returned to the owner, it should be handed over as soon as practicable, his receipt obtained and filed in the exhibit book. It is to be clearly understood that the period of appeal should not in any way affect the return of exhibits where such order is made, or the necessity for submission of the reports outlined in paragraph 19 of this Instruction. The forwarding of such property to the owner at a distant place is to be effected as set out in paragraph 12 (a) of this Instruction.

Court order.

(2) Where the court makes an order for the forfeiture of any of the following types of exhibits, the Divisional Officer or Supervisory Detective Inspector, as the case may be, may, except where

Responsibilities
of Officers
re forfeited
exhibits.

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

- (ii) In the Country Area, the Divisional Officer will arrange for written tenders to be obtained for the purchase of such liquor by local persons licensed under the Liquor Act. All tenders, together with the relevant reports, will be forwarded to the Commissioner for consideration. Country Area.
 - (iii) In all parts of the State, liquor which is unfit for human consumption will be destroyed in the presence of an Officer. Unfit for human consumption.
 - (iv) Liquor exhibits in connection with ordinary after-hours trading offences are the property of persons from whom they were taken. Immediately after the conclusion of the proceedings, the defendant should be informed that the liquor will be returned to him forthwith at the Police Station concerned. His receipt should be obtained and filed in the exhibit book. Liquor exhibits re after-hours trading.
- (c) (i) Money forfeited under the provisions of the Gaming and Betting Act, 1912, as amended, will be forwarded with a covering report of the pertinent facts direct to the Commissioner for payment to the Treasury. Money, instruments — used in gaming and betting.
- (ii) Instruments of gaming and betting which have been forfeited or ordered to be destroyed under the provisions of the Gaming and Betting Act, 1912, as amended, are to be destroyed in the presence of an Officer. Such destruction should be carried out, as far as is reasonably practicable, on Police premises and in the most effective and expeditious manner according to the type of material involved, e.g., playing cards should be burnt in a properly constructed incinerator, and poker machines and other mechanical devices should be wrecked by the use of a large hammer or other suitable tool and the debris then disposed of as garbage at the local municipal tip.
- (d) (i) When drugs are seized following an arrest and the offender subsequently appears before a court of petty sessions or a district court, Police in charge of the case should ask the prosecutor to seek an order from the court for the destruction of the drugs. Prohibited or dangerous drugs.

Instruction 33—14

- (ii) Provision is made in the Poisons Act, No. 31, of 1966, under sections 26 (2) and 32 (2) and regulation 45 for the forfeiture and destruction of drugs or for their disposal by other means.
- (iii) In the event of no order being made by a court, Police should seek a direction from the Divisional Officer, by way of a report, for the destruction of the drugs. When the direction has been obtained, the drugs should be destroyed, as soon as practicable by the most suitable means, in the presence of an Officer.
- (iv) Drugs which are found or handed to Police and which are not the subject of any court proceedings, should be dealt with as miscellaneous property. When inquiries are completed and the drugs are no longer required, they should be disposed of in the same manner as provided in (iii).
- (v) When utensils such as hookah pipes, opium pipes, etc., used for the smoking of drugs are seized, the Officer in Charge of the Drug Squad should be consulted to ascertain if they are required as educational aids. If the items are not required, approval should be obtained for their disposal as in (iii).

Exhibit
book
endorsement.

- (e) In each case, the relevant record in the exhibit book is to be endorsed to clearly indicate the manner in which the property was disposed of, the authorization for its disposal, the name of the approving Officer and the date of disposal. These endorsements should, in the case of exhibits destroyed, be signed by the Officer in whose presence destruction was effected.

Corres-
pondence.

- (f) When dealing with exhibits referred to in this clause, the relevant papers will be filed at the Divisional Head Station in the normal manner upon completion. There will be no necessity for any such files to be forwarded to the Commissioner unless exceptional circumstances exist or where formal representations to another Department, etc., are necessary or where tenders are submitted for the disposal of liquor in the Country Area.

No court
order, but
ownership
clear.

- (3) Where no order is made by the court for the disposal of exhibits, the member in charge of the case may, if he is satisfied as to the ownership of the exhibit, hand it to the owner and obtain his receipt in the exhibit book.

Instruction 33—15

- (4) (a) If, when dealing with the offence concerned, the court has made no order as to the disposal of an exhibit and the ownership of the property is not clear, such as where there are rival claimants or the exhibit is the subject of a hire-purchase agreement, a report should be forwarded through the usual channels to the Commissioner, who may direct that an application be made under the provisions of the Crimes Act, 1900. Section 358A of that Act provides that where property is in the custody of a member of the Police Force in connection with any offence whether punishable on indictment or summarily, a Court may, on the application of any person, make an order that it be delivered to the person who appears to be lawfully entitled thereto.

No court order—ownership not clear or subject to hire purchase.

- (b) Subsection (2) of the same section provides as follows:

Payment to the Consolidated Revenue Fund.

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

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

This Act requires that any money which is held in Police custody in connection with an offence and has not been delivered to the lawful owner within one month after proceedings are finalized, must be paid to the Treasurer for payment into the Consolidated Revenue Fund. Any money coming within this category should be promptly forwarded to the Commissioner, together with a short report setting out the circumstances, such action to be taken after expiry of one month from the termination of proceedings.

Instruction 33—16

Police in charge of Stations, when checking all money on hand, will take steps to ensure that the provisions of section 358A of the Crimes Act are being complied with.

Indemnity to be obtained.

- (c) In cases where a direction is given to hand over an exhibit to a claimant, instructions may be given for an indemnity to be obtained. The following are forms of indemnity and, upon completion, a duty stamp for 50 cents should be affixed by the person signing it.

Forms of indemnity.

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

Exhibit No.

In consideration of the Commissioner of Police of the State of New South Wales at our request handing over to us (which were taken possession of by members of the Police Force 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 members of the Police Force 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 member of the Police Force of the State 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

Instruction 33—17

be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever that may at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner of Police so handing over to us the said money/property.

Dated at this day of , 19..

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

(Insert witness's address)

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

(Insert witness's address)

The following form of indemnity is to be obtained when handing over exhibits to individual claimants.

Exhibit No.

In consideration of the Commissioner of Police of the State of New South Wales at my request handing over to me (which were taken possession of by members of the Police Force 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 members of the Police Force 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

Instruction 33—18

undertake to indemnify and at all times keep indemnified the said Commissioner of Police and each and every member of the Police Force of the State 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)
.....

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

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

Instruction 33—19

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

The Common Seal of
.....
was hereunto affixed,

Or

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

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

Signed at Sydney this day of
....., 19...

.....

(Signed)

(Signed)
Witness.

(Duty Stamp to be affixed.)

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

Crown
Solicitor's
advising
where rival
claimants.

General Instructions

24. When battery-operated equipment is an exhibit, found, handed to, or otherwise comes into the possession of Police, unless there is reason for not doing so, action should be taken, with a view to preventing corrosion and damage, for the batteries to be removed from the article and stored with, but not in, it. Special care must be taken for the identical batteries removed from the equipment to be preserved and properly marked for identification. Entries in the exhibit book or miscellaneous property book must clearly indicate the number of batteries in the article at the time of receipt or that it did not contain any batteries at that time.

Battery
operated
equipment—
removal of
batteries.

New pages 345-350a. (Amended 18/9/79).

Instruction 33—20

Water craft
coming into
Police
possession.

25. For instructions concerning the custody, etc., of water craft which come into possession of Police, see Instruction No. 61.

Prevent
damage by
moths, etc.

26. Where items of clothing, whether exhibits or otherwise, appear likely to be held at a Station for a considerable period and damage from moths, etc., may result, action should be taken to treat the clothing with an appropriate repellent which may be purchased locally and such expenditure recouped from the Divisional Officer's Sub-Advance Account.

Bulky
exhibits
or property
disposal of.

27. Where any exhibit or other item of property in the possession of Police becomes available for sale and because of its size, weight or condition, cannot be readily conveyed to or stored at the centre where such property is usually sold, a report should be furnished through the usual channels to obtain a direction as to the method of disposal. If a form P. 91D has been submitted, it should be attached as also should be any papers in which a direction has been given in accordance with paragraph 22 (4) (b) of this Instruction.

Auction
sales.

28. The minimum time for miscellaneous property to be held in Police possession prior to auction is three months. Exhibits may be sold at the next auction sale after a direction has been given for their disposal.

In the Country Area, each District Superintendent may approve of public auctions being held for the sale of unclaimed property, except cassettes referred to in the next paragraph. The frequency of such sales will be at the discretion of the Superintendent concerned, as will be the date, time, location, choice of auctioneer, and necessary advertising as required by section 35 of the Police Regulation Act. District Superintendents should periodically call for a return to be furnished of unclaimed property on hand at each Station in their District available for sale and take the necessary action for its disposal.

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

Cassette
sound
recordings.

28A. All cassette sound recordings are to be forwarded to the Police Lost Property Office, Sydney, for disposal.

Summaries of
outstanding
items.

29. Summaries signed by the Officer in Charge of each Station of all unclaimed items in the exhibit book and the miscellaneous property book, respectively, should be prepared after each monthly inspection and inserted in the books. In the preparation of the summaries, the numbers only of the open items need be given. Reference to property later disposed of should be made opposite the entry in each summary.

Exhibits to
University
and Police
Museum.

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

Instruction 33—21

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

32. Exhibits intended for the Police Museum should be forwarded to the Commissioner with a report of all available particulars. In respect of counterfeit coinage, refer to section 61 of the Commonwealth Crimes Act. Exhibits for Police Museum.

33. For action to be taken in connection with examination of exhibits on which fingerprints appear, see Instruction No. 71. Finger-prints.

34. For instructions concerning handwriting or other exhibits consisting of documents, see Instruction No. 70. For instructions concerning the identification, etc., of industrial gas cylinders, see Instruction No. 63.

35. All firearms and other weapons which have been surrendered to the Police by members of the public, including those surrendered during a period of amnesty, will be disposed of in the manner directed in paragraph 22 (2) of this Instruction. Surrendered firearms.

36. For property of persons dying intestate, see Instruction No. 58.

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

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

It is the primary responsibility of the Officer-in-Charge of the case in which an exhibit is held to see that such exhibit is disposed of at the earliest opportunity. However, the Officer-in-Charge of a Station or Branch also has a responsibility

New pages 347-348A. (Amended 31/8/80.)

Instruction 33—22

to see that an exhibit is not held unnecessarily at his Station or Branch, and in this regard he should arrange for the position regarding exhibits to be kept under review and that action is taken to institute disposal or follow-up procedures in accordance with paragraph 16 (2) of this Instruction.

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

Confidentiality
of
Medical
Records.

37A. An arrangement exists with the New South Wales Branch of the Australian Medical Association whereby assistance and guidance is provided to Police by a panel of medical practitioners in any action which may involve professional records and/or the relationship between members of the medical profession and their clients/or patients. The panel is provided on an "ad hoc" basis as and when the need arises. The Medical Secretary of the New South Wales Branch of the Australian Medical Association, 33-35 Atchison Street, St Leonards, is to be contacted should the assistance of the panel be required.

Analytical and Microscopical Examinations

38. When a microscopical examination or analysis is required of any matter which may be the subject of evidence in a criminal prosecution, coroner's inquest or other proceedings, such analysis or examination will be made at the appropriate laboratory of the Health Commission of New South Wales and Police will follow the procedure in regard to submission of reports and conveyance of exhibits set out hereunder in this instruction.

Inflammable
liquid.

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

Types of
tests and
where
carried out.

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

- (a) Chemical analysis to determine the presence or otherwise of poisons, drugs and/or alcohol in the organs or blood. (Division of Analytical Laboratories, Joseph Street, Lidcombe.)
- (b) Histopathological examination, i.e., the study of diseased tissues. (Division of Forensic Medicine, 42-50 Parramatta Road, Glebe.)
- (c) Forensic biology, i.e., examination and identification of seminal and blood stains, blood grouping, examination of hairs. (Medico-Legal Laboratory, Division of Forensic Medicine, 42-50 Parramatta Road, Glebe.)

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

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

Necessary reports—
submission of exhibits for analysis.

(a) *Coroner's Matters:*

- (i) Specimens for pathological examination (study of diseased tissues) at Division of Forensic Medicine, Parramatta Road, Glebe, to be accompanied by four copies of form P. 377, one copy of form P. 79A and one copy of doctor's post mortem report.
- (ii) Specimens for analytical examination (to determine presence of poisons or drugs in the organs) at Division of Analytical Laboratories, Joseph Street, Lidcombe, to be accompanied by four copies of form P. 377, one copy of form P. 79A and one copy of Health Commission form "Request for Toxicological Analysis". (The latter form is supplied to all Government Medical Officers, with an appropriate circular, by the Health Commission, and must be completed by the doctor in all cases where poisons or drugs are suspected as being the cause of death and organs are submitted for analysis.)

(b) *Non-coronial Matters, each of which should be accompanied by four copies of the P. 377 form only:*

- (i) Swabs, smears, clothing and other exhibits concerning sexual offences for testing for the presence of spermatozoa, blood, saliva and stained articles for blood grouping, and hair samples—all for examination at Division of Forensic Medicine.
- (ii) Blood samples for testing for alcohol, carbon monoxide, drowning, addictive drugs (non-fatal), flammable liquids, soil, paint, glass and other physical or chemical comparisons at the Division of Analytical Laboratories.

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

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

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

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

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

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

41A. As soon as possible after the laboratory certificate is received at a Station, the member in charge of the inquiry should make arrangements for the exhibits, other than blood or organs, to be removed from the laboratory or, if not further required, for them to be destroyed.

Collection of exhibits from laboratories.

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

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

43. In cases where no charge is laid, or is likely to be laid, specimens of organs and blood, with relevant papers, will be retained at the Scientific Investigation Section and later taken to the Division of Analytical Laboratories or the Division of Forensic Medicine. However, if a charge is pending, except in the case where blood specimens are to be tested for the presence of alcohol only as outlined in Police Instruction No. 94, paragraph 30, the escort will be required to retain the exhibits and make personal delivery to the laboratory concerned. In this regard the exhibits must not be forwarded by post. The Constable conveying the exhibits should be well acquainted with the whole of the circumstances surrounding the particular investigation as he may be required to give evidence of delivery.

Conveyance of exhibits to appropriate laboratory.

Instruction 33—24

Avoid delivery at weekends, etc., if possible.

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

Police arriving with exhibits during weekends or after ordinary office hours will report to the Duty Officer, Criminal Investigation Branch, for the purpose of carrying out the following procedure:

- (a) Where the exhibits consist of parts of the human body, arrangements will be made for the escorting Constable to place them in the refrigerator at the Scientific Investigation Section in order that they may be kept fresh.
- (b) Other exhibits which are not required to be kept cold will be handed to the Duty Officer, who will retain them in a locked cabinet kept for that purpose.
- (c) Where no charge is laid, or likely to be laid, the escorting Constable may then return to his Station and the exhibits and papers will subsequently be dealt with by the Scientific Investigation Section as set out in paragraph 43 of this Instruction. However, if a charge is pending, the exhibits referred to in clause (a) of this paragraph will be placed in a compartment of the refrigerator which will be locked and the escort will be handed a key to the compartment. This should be retained by him until 8.30 a.m. on the following day, or Monday in the case of weekends, when he should return to the Scientific Investigation Section, collect the exhibits and copies of the report and follow the procedures directed in paragraph 41 of this Instruction.

In the case of exhibits referred to in clause (b), if a charge has been, or is likely to be, laid, the escort shall himself place the exhibits in the cabinet provided and after locking it, retain the key until 8.30 a.m. on the next working day, when he should again take possession of the exhibits and then return the key to the Duty Officer. He should then escort the exhibits to the appropriate authority.

Poisoning—samples for analysis.

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

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

Health Commission instructions re post mortem examinations.

46. A copy of a circular issued to medical practitioners by the Health Commission of New South Wales setting out the procedure to be followed by medical officers conducting post mortem examinations in connection with Police and coroner's investigations is contained in Item 13 of the Police Reference Book. Police in charge of cases, when requiring a post mortem examination to be held,

Instruction 33—24A

will tactfully bring the contents of the circular under the notice of the medical officer concerned. The same circular should be referred to by Police when preparing their reports so that they will have an appreciation of the type of examination required and the laboratory which will conduct it.

Police investigating "cot deaths" should refer to material contained under the sub-title "Virology" in Item No. 13, Police Reference Book. Cot deaths.

47. When a post mortem examination is to be undertaken in the country in a case in which some person is charged or is likely to be charged with murder, the Health Commission desires that the medical officer conducting the examination should, if possible, call another doctor to assist him and to ensure the availability of evidence of one or both medical officers. The assistant's fee for the post mortem examination, will be paid by the Justice Department. Country Area—two doctors for post-mortem examinations.

Instruction 33—25

48. In all cases of post mortem examinations, where medication had recently been taken by the deceased, whether proprietary medicines or otherwise, particulars should be included in the report mentioned in paragraph 41 of this Instruction. Any prescriptions available should be forwarded with the report. If bottles containing any of such medicines are available, these also should be forwarded with the report, but care must be taken to ensure that they are packed separately from any other exhibits requiring chemical analysis or microscopical examination.

Medicines—
collection and
handling of.

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

Instructions
re taking
of specimens.

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

Testing for
poisons or
drugs.

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

- (i) **The Liver:** The whole organ less any part required for pathological examination. This organ should be placed in a wide-mouthed jar of about 1.8 kg capacity. Never include the stomach and contents in this exhibit.
- (ii) **The Stomach and Contents:** Place in a wide-mouthed 1 kg jar. In the case of babies, the small intestines also should be included in this exhibit.
- (iii) **Blood (unpreservatized):** About 100 ml is required in a small glass jar. On no account should fluoride or any other substance be added to this blood. Any such addition may vitiate cholinesterase activity or other determinations. The use of too large a jar should be avoided (not more than half air space, if possible).
- (iv) **Blood (preservatized, for alcohol determination only):** Approximately 15 ml in a 15 ml McCartney bottle supplied by the Police Department. These bottles have been specially prepared at the Division's laboratories and contain sodium fluoride (150 mg) as an enzyme inhibitor and potassium oxalate (40 mg) as an anticoagulant. All blood specimens for the determination of alcohol must be submitted to the laboratory in these standard bottles.
- (v) **Urine (unpreservatized):** Generally, the suggested quantity would be 10–50 ml in a suitable container.
- (vi) **Blood (drowning):** In cases of suspected drowning, two additional blood samples will be required. These should be at least

Instruction 33—26

15 ml each, one from the left and the other from the right chamber of the heart, and clearly labelled as such.

- (vii) **Bone, Muscle, Hair:** When chronic metallic poisoning is suspected, in addition to the abovementioned viscera, specimens of bone, muscle and hair (not less than two grams and preferably five grams) should be included. These specimens should all be placed in separate containers.
- (viii) **Bile:** In cases of suspected drug addiction, as much bile (unpreservatized) as possible should be submitted in a separate container.
- (ix) **Brain:** In cases of possible overdose of sympathomimetic drugs, the whole brain (unpreservatized) less any portion required for pathological examination, should be submitted.
- (x) **Vomit, etc.:** Any vomit, stomach washings or similar material taken from the deceased before death, should be sent (the whole amount, not portion only).

Use of
alternative
containers.

- (b) If exhibits as referred to in class (a) are not such as can be placed in clean glass or plastic jars, they should be placed in new wooden boxes or clean cardboard cartons, lined, but not pasted, with sheet plastic or ordinary greaseproof paper. This particular paper is free from toxic matter and should if not be obtainable, ordinary brown paper should be used. If glass or plastic jars or bottles are used, they must be perfectly clean. Before use, they should be washed out with warm soapy water and, if possible, finally rinsed out with distilled water. The water used for rinsing should be returned to its original container, sealed and labelled "Water used for washing exhibit jars", and sent along with the exhibit. Tins, if used, should be similarly treated.

Carbon
monoxide
poisoning—
requirement.

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

Histo-
pathological
examination—
solution
required.

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

Garments,
etc., for
examination.

- (e) **Specimens in Criminal Cases:** The bodily fluids such as blood, semen, etc., which form stains on garments and articles are subject to putrefactive changes like other organic matter. These changes may in time be such as to prevent the recognition of the material and the specimens should, therefore, be forwarded as soon as possible. They should be submitted in paper envelopes or wrappings and not in plastic bags or plastic wrappings which cause rapid decomposition. They should not be handled more than is absolutely

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necessary and especially the stained parts should not be crumpled or crushed. Whenever practicable, such specimens should be forwarded to the Forensic Biologist at the Division of Forensic Medicine for examination in order that the result of the examination may be available as evidence in the proceedings at the lower court.

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

Samples of blood for comparison.

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

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

Murder cases, etc.—blood samples.

"I, of arrested on a charge of do hereby authorise Dr. to take sufficient blood from my body for the purpose of

*testing/analysing the same or causing the same to be tested/analysed or grouped.

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

Signed

Witness

*Delete inappropriate words."

In the Metropolitan Area, where contact can be made with the Government Medical Officer, Sydney, he should be communicated

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with immediately. Advice will then be given as to the action to be taken with regard to the taking of a sample of blood from the consenting person. Elsewhere, the local Government Medical Officer or, if he is absent, some qualified medical practitioner should be requested to take a sample of liquid blood of not less than five cubic centimetres. The doctor taking the blood should be requested to take it in accordance with requirements outlined in this paragraph. The bottle should be sealed by him, or in his presence, and handed to a Constable who will, as soon as possible, take it to the Forensic Biologist for examination. In no circumstances should an officer conducting the investigation handle the sample.

Females—
pelvic
organs for
testing.

- (h) In cases necessitating inquests on the bodies of females thought to have died from the effects of haemorrhage, injury or septicaemia following a miscarriage, the pelvic contents should be removed and kept in a solution as referred to in clause (d) of this paragraph.

Police will see that this requirement is brought under the notice of the medical officer making the post-mortem examination and will retain possession of the vessel containing the pelvic contents until dealt with in accordance with directions contained in paragraph 41 of this Instruction.

Forwarding
fluid by
post.

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

McCartney
bottles
for blood
samples.

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

(b) These containers are to be used for the collection of blood samples for transmission to the appropriate authority described in paragraph 40 of this Instruction, for testing purposes.

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

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

(e) Prior to taking a blood sample, the medical practitioner will cut the pink label below the screw cap on both sides. He will not remove the coloured pieces which will remain on the bottle and the cap as an indication

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that preservatives have been added. The remaining pieces of the label will also bear the chemist's initials which should not be obliterated. After the sample has been taken and the cap replaced, a white sealing label, signed by the medical practitioner, will be placed over the cap at right angles to and across the coloured label and stuck to the sides of the bottle. A white identifying label will then be completed and wrapped around the bottle. These additional seals and labels must not be interfered with or defaced in any manner.

(f) A reserve supply of bottles is to be held at each Divisional Head Station. All bottles are to be stored in a safe and readily accessible place and the number on hand at Sub-Stations should be maintained by replacement from the Head Station stock. Head Stations will in turn obtain replacement bottles as required from the Scientific Investigation Section. (See Instruction No. 94 re blood samples for the purposes of the Motor Traffic Act.)

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

(2) To obtain plaster casts of tracks made in earth, sand or clay, use ordinary commercial plaster of Paris. About $1\frac{1}{2}$ litres of clean water should be placed in a clean receptacle such as an enamel, plastic or metal basin for an ordinary footprint. The plaster of Paris should then be quickly and lightly sprinkled over the surface of the water until the whole of the latter is absorbed and the plaster appears on the surface; mix with the hand until the mixture is free from lumps and is the consistency of cream. It takes about 2 kilograms of plaster to $1\frac{1}{2}$ litres of water, but this is only a guide to be taken into consideration when mixing ingredients.

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

Instruction 33—30**Drying period.**

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

Preparation of dry or dusty areas.

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

Comparing with exhibits.

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

Impressions in woodwork, etc.

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

Tyre marks.

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

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Wheat

52. Under the provisions of the *Wheat Marketing Act* 1979 (No. 166), the Australian Wheat Board (A.W.B.) is the controlling body in all States and Territories for the marketing of wheat. The *Wheat Marketing Act*, 1979, No. 202, is in force in this State. Australian
Wheat
Board.

53. Although the A.W.B. does have a limited number of field inspectors, its functions are administrative. Authority for the receiving, storing and delivering of wheat is vested with specialized bodies in each State. The Grain Handling Authority of New South Wales (formerly the Grain Elevators Board of New South Wales) is the controlling authority in this State. All wheat stored by the Grain Handling Authority remains the property of the Australian Wheat Board. Grain
Handling
Authority.

54. Wheat may be grown, retained and used on the farm where it is grown without authority. However, it cannot be removed from that farm, sold or transported without the specific authority of the A.W.B., except for the cartage of grain from farms to silos during the harvest period. Similarly, except for the transfer of grain within the system, wheat cannot be outloaded from G.H.A. storages without authority of the A.W.B. In all instances the authority given is in writing and wheat leaving a farm or outloaded from G.H.A. storage should be accompanied by official documentation. Transporta-
tion of
grain.

55. Police performing patrol duty in areas where G.H.A. storages are erected are to inspect these installations and be on the alert for wheat thefts. A close liaison should also be maintained with persons residing in the vicinity of each installation. Police to
inspect
wheat
storages.

56. Where interference with G.H.A. storage facilities is suspected, Police will in addition to normal procedures, notify the Investigations Officer, G.H.A., by telephone. This officer will assist and shall take any internal action considered necessary within that authority. Inform
G.H.A.

57. Section 28 of the *Wheat Marketing Act* provides that a member of the New South Wales Police Force is an "authorized person", whose functions are: Section 28—
Functions of
authorized
person.

- (a) to search for and inspect wheat or corn sacks;
- (b) to demand that the occupier of any premises or, as the case may require, the person in charge of a motor vehicle, produce any accounts, documents, books or papers relating to wheat, to wheat products, or to corn sacks;
- (c) to search for, inspect, take extracts from and make copies of any accounts, documents, books or papers referred to in paragraph (b);
- (d) to take possession of and remove any wheat that he reasonably suspects is the property of the Board or is wheat the delivery of which has been lawfully demanded by the Board under this Act; and
- (e) to make any inquiry that he considers necessary relating to wheat, to wheat products or to corn sacks. (Section 28 (6).)

New pages 356A-356C. (Amended 31/8/82.)

Instruction 33—32**Access to premises and motor vehicles.**

For the purpose of exercising these functions, an authorized person may enter any premises (except that portion of the premises used for residential purposes, without the consent of the occupier) and stop and detain any motor vehicle upon a public street, when he has reasonable grounds to believe the premises or vehicle contains:

- (i) wheat; or
- (ii) corn sacks; or
- (iii) any accounts, documents, books or papers relating to wheat, wheat products or corn sacks. (Section 28 (1), (2) and (3).)

Application for a warrant.

An authorized person may apply to a Justice of the Peace for a warrant to enter premises during such hours of the day or night as specified in the warrant or, if the warrant so specifies, at any time, and if necessary, by force. (Section 28 (4) and (5).)

Offences.

It is an offence for any person to:

- (i) obstruct or hinder Police lawfully exercising their authority under the Act;
- (ii) fail or refuse to produce the accounts, documents, books or papers mentioned in section 28 (6) (b); or
- (iii) make any false or misleading statement in relation to inquiries made. (Section 28 (7).)

Wheat seized becomes the property of A.W.B.

Wheat seized by Police or other authorized person, in accordance with section 28 (6) (d), becomes the absolute property of the A.W.B., freed from all mortgages, charges, liens, pledges, interests and trusts. (Section 28 (8).)

Police to be conversant with Wheat Marketing Act.

58. Police, performing patrol duties in areas where wheat is grown should become thoroughly conversant with their powers under the Wheat Marketing Act in order to take appropriate action.

Procedure when wheat is seized.

59. The following procedure is to be followed by Police in respect of the storage of large quantities of wheat seized as an exhibit:

- (a) Inform the defendant that:
 - (i) it is necessary to take possession of the wheat as an exhibit pending court proceedings;
 - (ii) it is intended to place the wheat exhibit in G.H.A. storage to avoid deterioration/contamination;
 - (iii) should the Court so order, wheat of the same quality and weight as that seized by Police will be returned from G.H.A. storage.
- (b) If possible, have the defendant sign his agreement to the procedures outlined in (a) above.
- (c) Arrange for the load to be photographed whilst in the vehicle.
- (d) Arrange through the Investigations Officer, G.H.A., for the District Manager to attend the nearest suitable silo.
- (e) Allow the defendant the opportunity to accompany the load to the silo and be present whilst it is weighed.

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- (f) Cause the District Manager, in the presence of the defendant, to take adequate samples of the wheat; place them in two separate bags and hand one to the defendant. Such samples should only be taken with the approved probe.
- (g) Be present with the defendant whilst the load is dumped into the silo. Retain the Wheat Receipt Docket issued by the District Manager.
- (h) Make a suitable entry in the Exhibit Book. File the Wheat Receipt Docket against that entry and endorse that two samples of the load were taken.
- (i) Record in the Prisoner's Property Book possession of the sample by the defendant.
- (j) Ensure the sample retained by Police is properly sealed so that it is suitable for testing purposes and production in court.
- (k) After the load has been photographed on the vehicle and the wheat placed in storage, the vehicle should be returned to the rightful owner.

60. When it is essential to retain possession of wheat exhibits which are damaged, contaminated or otherwise unsuitable for storage by the G.H.A., that body is prepared to supply suitable P.V.C. type temporary storage for use by Police. Application for the issue of such material should be made through the Investigations Officer, G.H.A. Damaged or contaminated wheat.

61. Suitable sites for the erection of P.V.C. storages with an individual capacity not exceeding 100 tonnes are located at many Police Stations in wheat growing areas of the State. Storage sites.

62. Wheat samples which are taken with the approved probe for analysis are to be forwarded through the Scientific Investigation Section in accordance with procedures set out in this Instruction. Wheat samples for analysis.

63. In cases where it is suspected there has been manipulation of weights or weighbridges, the services of an expert in this field should be obtained through the Investigations Officer, G.H.A. Weights and weighbridges.

64. The Stock Squad at Flemington gathers and collates intelligence information which is available to Police only to assist in the investigations of crimes affecting the wheat industry. This information is confidential and will be issued to Police on a *need to know* basis. Stock Squad.

65. If a member of the Service comes into the possession of information which may be of interest to the Stock Squad in respect of the gathering of intelligence information, an additional copy of form P342A, P40 or P41 is to be forwarded direct to the Officer-in-Charge, Stock Squad, Flemington.

66. The Detective Inspector, Country Area, is to be advised of Police investigations which encompass a number of Police Divisions or in cases which are regarded by Police as being unusually complicated, sensitive or confidential. Investigations encompassing a number of Divisions.

67. Paragraphs 52 to 66 of this Instruction relate only to wheat and not to other grains, which should be dealt with in accordance with paragraph 19 of this Instruction.