

**Major Event & Incident Group**

# **Exhibit Procedures Manual**

**Version 1.0  
December 2012**



**NSW Police Force**

**Title:** Exhibit Procedures Manual  
**Subject:** General exhibit procedures  
**Command responsible:** Major Events & Incidents Group  
**Available to:** Restricted  
**Publication number (TRIM):** D/2012/89065  
**Publication date:** December 2012  
**ISBN:**  
**Version no:** 1.0  
**Review date:** December 2014

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#### MODIFICATION HISTORY

Version approval date	Summary of changes
Version 1.0 – 17 December 2012	Initial publication

## Purpose and context

The responsibility of handling property for police is an onerous task. Good and consistent property handling systems and processes can have a number of significant advantages, including:

- Protection from adverse court rulings in relation to exhibits;
- Protection of individual's rights to property;
- Protection of police from civil litigation in relation to property claims; and
- Improved storage and access implications.

Guidance and direction for the handling of exhibits is currently invested in a number of documents. Exhibit handling is also a complex topic because of the variety of scenarios an officer can face, each having their unique set of considerations. In recent years, exhibits have also been subject to a number of significant legislative, procedural and structural changes such as the introduction of the Exhibit, Forensic Information and Miscellaneous Property System (EFIMS) and DNA relevant legislation. As a result, the area of exhibit handling was the subject of an extensive review which culminated in the rewriting of the NSW Police Handbook chapter on exhibits.

The previous content of the Exhibit chapter was considered to still be relevant and useful, so transferring it to this procedures manual was considered desirable.

It is conceivable this procedures manual will evolve as needs and circumstances change. Currently it is considered practical to keep the procedures associated with the handling of drug exhibits separate, however this may change in the future. Likewise, guidance on the use of EFIMS is also considered preferable to be written in separate documents.

This procedures manual is not considered to be exhaustive on the topic of exhibit management, so as those involved in this activity identify information and situations that require publishing in order to achieve definitive instruction and consistent practice, they are urged to submit their suggestions to the Corporate Spokesperson for Exhibits.

# Compliance Requirements and Internal Controls

Source	Compliance requirement	Internal controls	Frequency	Responsibility
<i>Exhibit Procedures Manual</i>	See – Checking Exhibits section – General Exhibits. a) 100% check once per annum b) Dip sample once per month	<i>CMF &amp; EFIMS Audit SOPs</i>	<i>Risk Based, Monthly and Annual</i>	Duty Officer or equivalent for a) and b)
<i>Exhibit Procedures Manual</i>	See – Checking Exhibits section – Drug Exhibits. a) 100% check once per month b) 100% check by Commander once per annum	<i>CMF &amp; EFIMS Audit SOPs</i>	<i>Risk Based, Monthly and Annual</i>	Duty Officer or equivalent for a) and Commander for b)
<i>LEPRA 2002 – Part 17</i>	Retention & disposal of exhibits – a) DNA material b) other	<i>a) DNA Review Panel and Double Jeopardy Guidelines b) Quality control</i>	<i>Risk Based</i>	a) Commander b) OIC and portfolio holder
<i>Forensic Procedure SOPs</i>	Obtaining Packaging Testing	<i>Quality Control</i>	<i>Risk based</i>	OIC and portfolio holder
<i>Drug Misuse &amp; Trafficking Act 1985 – s39</i>	Destruction of Exhibits	<i>CMF and quality control</i>	<i>Monthly and risk based</i>	Commander
<i>NSW Police Handbook – Exhibits Chapter</i>	Retention & disposal of exhibits – Responsibilities section	<i>Quality control</i>	<i>Risk based</i>	Officer in Charge of matter and Portfolio holder
<i>NSW</i>	Specific requirements	<i>EFIMs SOPs</i>	<i>Risk based</i>	<i>OIC, portfolio</i>

<i>Police Handbook – EFIMS Chapter</i>	under this Chapter and relevant SOPs/Policy Documents	<i>Quality control</i>	<i>and monthly</i>	<i>holder and Duty Officer</i>
<i>NSW Police Handbook – Drugs – Prohibited Drugs and Plants Chapter</i>	a) Drug bags b) Handling and recording c) Security of drug exhibits d) Testing e) Destruction of Drug Exhibits f)Clandestine Laboratories	a) CMF b) EFIMS SOPs and quality control c)Supervision/quality control/record movement of keys d)CMF/Quality control e)Supervision/Quality control f)Supervision/Quality control	a) b) d)and e) Monthly c)and f) Risk Based	a) b) d) and e) Duty Officer or equivalent c) and f) Commands and Business Units
<i>EFIMS SOPs</i>	Recording and updating of exhibit description, movement and activity	<i>Quality control</i>	<i>Risk based</i>	OIC and Commands and Business Units
<i>Workplace Health &amp; Safety Act 2011</i>	a) Manual handling/heavy lifting b) Packaging of dangerous items c) Destruction of dangerous items	a)Supervision/quality control b)Quality control c) EPA directive and Drug Misuse and Trafficking Act 1985, s39PA	<i>Risk based</i>	a) and b) Commands and Business Units c) Commander

**Note: If you detect an error or area of confusion, please contact the Metropolitan Exhibits & Property Centre for clarification or to make recommendations.**

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# Introduction

In 2012, a major review of general exhibit handling within the NSW Police Force was undertaken and with it, a review of the overarching governance documents giving direction to it.

The major drivers for the review were a series of changes in procedures and focus within legislation, particularly the:

Crimes (Appeal and Review) Act 2001

- Law Enforcement (Powers and Responsibilities) Act 2002
- Work Health and Safety Act 2011
- Criminal Procedure Act 1986

As a consequence of the review the major changes are:

- The chapter on 'Exhibits' within the NSW Police Handbook has been rewritten;
- This general exhibit procedures manual has been established; and
- Corporate ownership of exhibit policy and procedure has been located within the Major Event and Incidents Group.

This procedures manual should be read in conjunction with the following documents:

- The NSW Police Handbook, particularly the chapters –
  - 'Exhibits',
  - 'Drugs- Prohibited Drugs and Plants' and
  - specific entries within other chapters; and
- Exhibits, Forensic Information and Miscellaneous Property System (EFIMS) Policy and Procedures.

For further enquiries, please contact the Metropolitan Exhibit & Property Centre at [REDACTED] on Eaglenet: [REDACTED]

[Metropolitan Property and Exhibit Centre FAQs](#)



# General Exhibit Guidelines

## ***What is an Exhibit?***

An exhibit is a document or object intended to be produced at court, or similar jurisdiction, for the purposes of proving or helping to prove an element of the matter before the court. They require a witness to refer to or identify them by giving evidence.

In considering what an exhibit is, it is important to be aware of the limitations and powers given to police in taking into custody, (see LEPR, especially Parts 4, 5, 6, 7 and 17).

Police should consider a number of aspects of an object's use as a potential exhibit before taking it into possession. These include:

- Its voracity in proving an element of a matter brought before a court;
- The likelihood of it being presented at court;
- The seriousness of the offence; and
- Its future potential, relevant to legislated powers, (e.g. DNA matching).

A secondary consideration is whether it is permissible and preferable to photograph the exhibit and dispose of it? If in doubt, consult the Police Prosecutions Command.

## ***General principles***

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

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

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

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

## ***Property seized as an exhibit***

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

Exhibits remain in the custody of the senior arresting officer or, in large operations, the officer assigned to handle them, until entered in the Exhibits, Forensic Information and Miscellaneous Property System (EFIMS).

Ensure exhibits are recorded in EFIMS as soon as possible.

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

### ***Issuing receipts***

Issue an official receipt from EFIMS when you take property from someone who is not:

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

when a receipt is requested.

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

### ***Receipt of exhibits at stations***

#### **Station exhibit officer**

When an exhibit is brought to the station:

- check it in front of the person charged, where possible
- package or tag the item and stick an EFIMS barcode label on the package/tag in a visible position
- immediately record a comprehensive description of each item and the identity of the owner/s, if known, in EFIMS
- have the station/exhibit officer record the exhibit movement (check in) and validate the movement with your domain (Windows) password
- secure the item in the exhibit room, (or interim room depending upon local arrangements).

All exhibits recorded in EFIMS have a transaction log of all movements and handovers. The log commences from the time of receipt to ultimate disposal, how disposed of, the officer in charge (OIC) and authorising officers. All movements must be recorded in EFIMS.

If the exhibit is destroyed, the manner, by whose authorise and the authorising officer must be recorded in EFIMS.

***NB: Seal cash and small valuables in a PAB18 (Plastic Drug Bag). Ensure both you and the officer in charge double count the cash in each other's presence. On the first seal on the bag write the date, time, offender's name and your names and each of you sign in the remaining boxes. Place it in the station safe and record in the safe register including the seal number and exhibit barcode number.***

Determine whether the exhibit is kept for presentation at court or whether photos will suffice.

If the EFIMS exhibit record is inadequate or incorrect, update the record or request the OIC to update the record in EFIMS accordingly.

***NB: Avoid opening exhibits in a sealed evidence bag. If a bag is opened, either at the relevant laboratory, by an auditor, or at court, follow the resealing instructions in the Drug Exhibit chapter of the Handbook and EFIMS manuals. An entry should be made on EFIMS to reflect the opening and resealing. Where appropriate, the person opening the bag should make a note on EFIMS confirming the description and quantity of the exhibit/s in the bag against the description on the bag and in the EFIMS entry.***

## Investigators

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

## Exhibit not needed

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

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

Record the disposal details in EFIMS.

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

- direct the return of the property to the owner
- dispose of it as unclaimed property by auction or other appropriate means
- destroy if of no value.

Record the disposal details in EFIMS.

Do not delay return merely because there is provision for an appeal. If any doubt exists, refer the matter to the local commander for a decision.

If the court makes an order for disposal, obey it immediately. Record the disposal details in EFIMS.

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

### ***Securing exhibits***

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

If necessary, arrange with the Commander, [REDACTED] to transfer exhibits to the [REDACTED], where special security is provided. Ensure EFIMS is updated with the exhibit movement.

### ***Lodging money/drugs after hours***

[REDACTED]

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

The controller will keep the key and maintain a book to record the date and time of receipt, exhibit barcode number, description, your signature and that of the officer depositing the exhibit. Ensure EFIMS is updated with the exhibit movement.

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

### **Other areas**

[REDACTED]

cases, an EFIMS entry should be made at the time and updated by exhibit staff.

### ***Exhibit needed for court***

When an exhibit is needed for production at court or any other purpose, the exhibit officer and the officer receiving it check it against the exhibit record in EFIMS. If satisfied, the exhibit officer records the exhibit movement (check out) in EFIMS and the receiving officer validates the movement with their domain (windows) password.

At the end of the hearing the officer returns the exhibit. The exhibit officer checks it, in front of the returning officer, against the exhibit record in EFIMS. If satisfied, the exhibit officer records the exhibit movement (check in) in EFIMS and the returning officer validates the movement with their domain (windows) password.

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

### ***Exhibits received from court***

When an exhibit which has been in the custody of the court is returned to you, sign, print your name and record the time and date on the record of exhibits form held by the court officer. Return the exhibit to the station and have the station/exhibit officer record the exhibit movement (check in) in EFIMS. Validate the movement with your domain (windows) password.

### ***Exhibits kept at court***

Get a receipt from the judge, magistrate or clerk when an exhibit is to be kept at court. The receipt should be scanned and upload into EFIMS against the relevant exhibit.

When an exhibit is kept for production at court by a DPP officer, get a receipt. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit. On its return, issue the DPP officer with a receipt.

### ***Court details to be recorded***

Record remands and finalisation date in EFIMS.

### **OIC**

Immediately record in the exhibit record on EFIMS any change in the remand date or if the matter is finalised.

If the exhibit is held at another station, refer the report to the commander there. Ensure the exhibit movement is recorded in EFIMS. The report at the completion of proceedings includes any direction given by the court about disposal of the property. Record disposal details in EFIMS.

### ***Warrant in first instance***

When a warrant in the first instance is issued for an offence connected with an exhibit, record the warrant number in the exhibit record on EFIMS.

### ***Arresting officer resigning or absent***

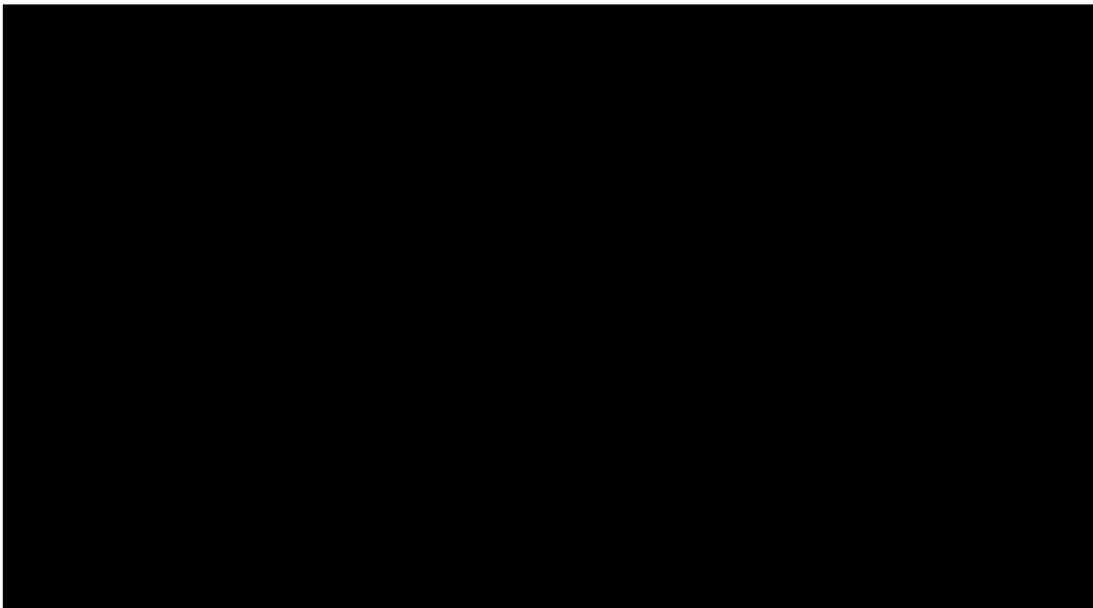
#### **Local area commander**

If the officer responsible for the exhibit resigns or is absent for any reason, ensure the matter receives proper attention. Ensure the OIC for the exhibit is updated in EFIMS.

### ***Exhibits at non charging stations***

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

If your station does not keep exhibits, record the exhibit in EFIMS then take the exhibit to the nearest appropriate station for safekeeping. Have the station/exhibit officer at that station record the exhibit movement (check in) in EFIMS and validate the exhibit movement with your domain (windows) password.



### ***Checking Exhibits***

The regular checking of exhibits serves a number of important objectives. Firstly, it helps to ensure the appropriate safe storage and continuity of items on hand.

Secondly, it provides an opportunity to review the ongoing status of the exhibit and need for its retention. Lastly, it provides an opportunity for the general work health and safety considerations of keeping exhibits, particularly those with a potential for deterioration.

### **Procedures**

(See the EFIMS Audit SOPs, EFIMS Grid Control User Guide and EFIMS Advanced user manual. See also CMF test area descriptions).

Inspections should be carried out computer entry (or book if manual system still being used) to shelf, where the item description and quantity should be compared between the actual exhibit and the exhibit record.

Items can have four possible audit outcomes:

- Sighted;
- Accounted for;

- Partially accounted for, but with discrepancies; and
- Not accounted for;
  - Not sighted and no record of movement; or
  - On hand but no record found.

Audit records are to be entered on Audit screens within EFIMS, (or at the rear of the Exhibit Book where a manual system is being employed).

In accordance with the Command Management Framework (CMF), exhibits should be independently checked by a Duty Officer (or equivalent) on the following basis, as a minimum:

#### General Exhibits

- 100% check once per annum
- Dip sample once per month

#### Drug Exhibits

- 100% check once per month
- 100% check by Commander once per annum

In addition to checking the description and location of an exhibit, audits should also review:

- the accuracy and completeness of all parts of the entry;
- evidence of supervisor's checking of the exhibit entry;
- examination certificates, destruction procedures and sampling authorisation, where appropriate;
- unusual movement of the exhibit;
- comparison to legislated and procedural timeframes; and
- adherence to appropriate storage and packaging considerations.

### ***Photographing exhibits***

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

### **Procedures**

Have a local officer take photos, except where exhibits originate from a scene attended by a crime scene investigator. The photograph should be scanned and uploaded in EFIMS against the relevant exhibit.

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

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

## Photographing and returning property stolen from a store

When photographing the property:

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

Record the particulars in EFIMS with reference to the photograph.

### ***Money exhibits***

When recording money as an exhibit in EFIMS record the number and denomination of all notes and identify any peculiarities. Remember, place cash in a PAB18 and stick an EFIMS barcode label on the front of the bag in a visible position – refer to '*Receipt of exhibits at station*' for guidelines.

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

Forward it to the Shared Services - Internal Customer Service for lodgement to the Crown Trust (Exhibit Moneys) account or returned to the owner.

When money has specific evidentiary value eg: serial numbers, dye etc, photograph or photocopy and update the exhibit record in EFIMS with the details.

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

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

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

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

They will forward the report to the Manager, Shared Services - Internal Customer Service, Parramatta and direct disposal by return to the owner or transfer to Consolidated Revenue.

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

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



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

### **Recovered Assets Pool (ReAP)**

Refer to the Recovered Assets Pool (ReAP) page on the Intranet for specific guidance as to the handling and recording of ReAP monies.

[http://intranet.police.nsw.gov.au/organisational\\_units/operations\\_command/reap](http://intranet.police.nsw.gov.au/organisational_units/operations_command/reap)

### **Photographing or photocopying money**

When photographing and photocopying money:

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

There are no restrictions on photographing coins.

### ***Transferred exhibits***

#### **Forwarding station**

Ensure the exhibit outgoing movement (check out) is recorded in EFIMS.

#### **Receiving station**

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

### ***Carrying exhibits by aircraft***

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

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

Ensure the exhibit movements are recorded in EFIMS.

When the matter is finalised, file any relevant documentation at the station where the exhibit was last held. Where possible, scan and upload a copy of the documentation into EFIMS against the relevant exhibit.

### ***Returning exhibit to distant centre/interstate***

Send the exhibit to the station nearest the owner's home or make other mutually acceptable arrangements. Ensure the exhibit movements are recorded in EFIMS.

Follow the practice in 'Miscellaneous property, Return to the owner or finder at a distant centre'. Whoever returns the exhibit gets a receipt from the owner. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit.

### ***Inspecting exhibits***

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

Print the relevant EFIMS report for your location from EFIMS. Use this report to check exhibits consistent with CMF requirements.

Report any incomplete matters to the local commander.

### **Local commander**

Inspect all exhibits and exhibit records annually.

Print the relevant EFIMS report for your location from EFIMS to inform this process.

When conducting these inspections:

- identify outstanding alerts in EFIMS at your location and ensure these are being actioned
- check that exhibits are being recorded correctly in EFIMS
- required reports have been submitted
- exhibits are not being kept unnecessarily.

### ***Exhibits missing or interfered with***

If you find an exhibit missing or interfered with, immediately notify your commander and confirm the details in writing. Update the exhibit record in EFIMS and record a note with the appropriate details.

### **Local commander**

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

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

### ***Rival claimants***

If you intend to release property to the claimant considered to have the greatest entitlement, tell others in writing. Tell them , unless they take action for recovery of

the property within six weeks, it will be released. Obtain an indemnity when the property is handed over.

Notify rival claimants in the following terms:

*"Notice of intention to deliver property retained in police custody to: ... of:... Note the, Commander, ..., proposes to deliver ... (description of property) to ...(name/address of rival claimant). Should you wish to oppose such action you have 42 days, from service of this notice, to begin legal proceedings.*

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

*Signed ...  
Commander*

*The address at which all notices and documents may be served on the local area commander is... notice served the ... day of ... 20 ... at ... in NSW.*

*Signed: ...  
Name: ...  
Rank: ...  
Station: ..."*

### **Indemnity two or more owners**

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

*"Exhibit no ... In consideration of the Commissioner of NSW at our request handing over to us ... which were taken possession of by NSW police in connection with the case against ... (or as the case may be eg: which were found by police in the possession of ... on or about the ... day of ... 19...) (the receipt whereof is hereby acknowledged by us), we ... of ...in NSW and ... of ... in the said State hereby jointly and severally undertake to indemnify and at all times keep indemnified the said Commissioner and each and every police officer of NSW, Her Majesty the Queen, Her Heirs and Successors from and against all claims and demands whatsoever which might at any time be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever which might at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner so handing over to us the said money/property.*

*Dated at ... this ... day of ... 20...*

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

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

The signed indemnity should be scanned and uploaded into EFIMS against the relevant exhibit.

### **Indemnity – individual claimant**

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

*"Exhibit no ... In consideration of the Commissioner of Police of NSW at my request handing over to me (which were taken possession of by NSW Police in connection with the case against (or as the case may be eg:) which were found by NSW police in the possession of ... on or about the ... day of ..., 20...) (the receipt whereof is hereby acknowledged by me), I, ... of ... in the State of New South Wales hereby undertake to indemnify and at all times keep indemnified the said Commissioner of Police and each and every NSW police officer and Her Majesty the Queen, Her Heirs and Successors from and against all claims and demands whatsoever that may at any time be made in respect thereof and from and against all actions, suits, proceedings, costs, charges and expenses whatsoever that may at any time arise in connection therewith or be brought or incurred by reason of the said Commissioner so handing over to me the said money/property.*

*Dated at ... this ... day of ..., 20... Signed by the above named ... in the presence of:... (insert witness' address)"*

The signed indemnity should be scanned and uploaded into EFIMS against the relevant exhibit.

### **Auction procedures**

#### **Country commanders (outside of the MPEC catchment area)**

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

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

Record the disposal details in EFIMS.

#### **Metropolitan commanders (within the MPEC catchment area)**

Notify the Metropolitan Property and Exhibit Centre (MPEC) staff who collect all property for auction and dispose of it. They issue a receipt to the station concerned. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit.

Record the disposal details in EFIMS.

#### **Proceeds from auction sales**

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

# Specific Exhibit Guidelines

## **Vehicle exhibits**

### **Care and storage**

Consider the value and condition of vehicles.

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

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

- value of the vehicle (whether it should be garaged)
- evidentiary value of the vehicle
- preservation of the exhibit's integrity.

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

### **Vehicles at police holding yards**

Enter particulars of vehicles seized, together with tools, accessories and contents in EFIMS as either exhibits or, if applicable, miscellaneous property. Tag the vehicle and other articles with an EFIMS barcode number. Where a  *Holding Yard Book*  is used record the vehicle in it. Cross reference the entries to the exhibit or miscellaneous property barcode number.

### **Vehicles at private holding yards**

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

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

Have the entry countersigned by the person accepting the vehicle.

Record the vehicle seized, together with tools, accessories and contents in EFIMS as either an exhibit or miscellaneous property. Cross-reference the EFIMS record to your notebook entry.

## **Transferring vehicles to the holding yard**

If you transfer a vehicle and contents to a police holding yard, get a receipt. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit.

## **Disposal of vehicles and parts**

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

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

Arrange disposal of exhibits no longer needed as follows:

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

Before returning the vehicle, ensure the owner, authorised agent or company representative completes a form indemnifying the NSWPF. Record the disposal details in EFIMS.

## **Vehicle not claimed**

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

Ensure:

- number plates are removed and returned to motor registry
- vehicles are sold unregistered
- people submitting tenders are told the vehicle might be unregistered and unroadworthy.

In the metropolitan area use the authorised auctioneer.

In the country commanders select the auctioneer.

Send a report, itemised account and proceeds, less reasonable expenses, to the Shared Services - Internal Customer Service.

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

### **Local commanders**

After considering the application, send your recommendation and documents to the region commander. If supported, the papers are sent to the Shared Services - Internal Customer Service with a direction.

### **Composite vehicles**

If the owners of parts used to make a composite vehicle are known, advise them by certified mail the NSWPF intends to sell the vehicle. When sold, the owners apply for costs of the relevant parts.

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

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

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

### **Rival claimants – vehicles and parts**

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

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

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

Ordinarily, the greatest claim to a vehicle is:

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

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

## **Rival claimants – no court order**

When there are rival claimants to property or complex legal issues exist, refer the matter to your commander or the Commander, Police Prosecutions Command for advice. Update EFIMS with the rival claimant's details.

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

## **Fees and indemnities**

Do not release a vehicle, subject to a hire purchase agreement, unless:

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

## ***Animal Exhibits***

When an animal is held as an exhibit and it is likely police will be responsible for its care, get a written undertaking from the owner or representative to pay any costs.

Record details of the animal as an exhibit in EFIMS.

See also the section on '[Prevention of cruelty to animals – Animals used as exhibits](#)'.

## **Protected birds and animals**

### **OIC**

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

- the approval of the Director, National Parks and Wildlife Service (NPWS)
- a court order.

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

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

In the metropolitan area make arrangements by phone.

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

## **Livestock**

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



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

### **No dispute as to ownership**

Record livestock as exhibits in EFIMS and include a valuation by competent valuer.

Return stock to the owner as soon as possible. Record the disposal details in EFIMS.

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

### **Disputed ownership**

If neither party to the dispute undertakes to pay the expenses of keeping the stock or fails to comply with such undertaking, apply to the court for an order to auction the stock.

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

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

### **EFIMS Barcodes**

Stick the EFIMS barcode label on a card and photograph the animal with the card and barcode label visible.

### ***Battery operated equipment***

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

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

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

Record the equipment in EFIMS. Record any removed batteries as a sub exhibit in EFIMS and secure them with the exhibit.

Ensure the exhibit record shows:

- whether the item contained batteries
- whether they were removed or left in to preserve data etc

### ***Exhibits seized under Radiocommunications Act***

When you seize articles under the *Radiocommunications Act, 1992* inform the Deputy Manager, Commonwealth Department of Broadband, Communications and the Digital Economy of the date, place and circumstances of the offence. Submit a confirmatory report.

If court proceedings are not instituted within 60 days of seizure, or if the article is not to be used as evidence, return it to the owner unconditionally. Before doing so, however, consult the Centre Manager, Sydney Communication Centre, SPC. Record the disposal details in EFIMS.

If a court orders forfeiture of the seized article it becomes the property of the Commonwealth. Give it to the Department of Transport and Communications for disposal and get a receipt. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit. Record the disposal details in EFIMS.

### ***Industrial gas cylinders***

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

When a cylinder is seized as an exhibit and you need information about ownership or identification, contact the security officer of the company concerned.

### ***Grain exhibits***

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

### ***Medical records***

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

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

Observe strict confidentiality of these records.

### ***Child Pornography***

Exhibits containing images of child pornography, due to the sensitivity of the material should be handled with due care.

Photographs, Hard Copies, Magazines, Books, Computer Hard Drives, Compact Discs, Floppy Discs, Memory Sticks, DVDs, Video Tapes, Memory Cards, Digital Cameras, Mobile Telephones.

Exhibits in any of these forms should be stored in a sealed envelope or container and marked clearly 'Contains images of child pornography'.

### ***Computers and Laptops***

Exhibits in these forms, once forensically examined, should be sealed in a large plastic bag or wrapped in clear plastic. A label with the words, 'Contains images of child pornography' should be securely attached to the packaging.

## Storage

Once secured in the above-mentioned manner, exhibits should be stored as per the existing exhibit storage requirements.

Viewing of exhibits containing images of child pornography.

The viewing of child pornography images should be minimised. Before viewing such material, an officer must have genuine child protection or essential investigative reason for viewing such material. If these reasons do not exist then the material should not be viewed. The number of persons required to view child pornography should be limited to only those with a direct need and the length of time-spent viewing along with the number of images should be minimised.

## Procedure for viewing

If it is essential to view material containing child pornography, it must be viewed in appropriate conditions. It must be viewed in a private viewing room that can be locked to avoid persons other than the viewer being exposed to the material. A notice should be placed on the outside of the door displaying the words, 'Do Not Enter – Sensitive material being examined'.

## Welfare Considerations

If you have any concerns in relation to any of the material that you have reviewed then please consider utilising the Employee Assistance Program or making contact with Police Welfare Section, Police Chaplains, Peer Support Officer, Human Resource Manager or your Supervisor.

## Disposal of Exhibits

No exhibits containing child pornography are to be returned to the owners of persons they were seized from. Upon finalisation at court of the matter to which the exhibit relates, an order for destruction should be obtained. In the case of computers and laptops, the Officer in Charge of the case should seek an order for forfeiture to the Crown.

- Photographs, Magazines, hard copies or images:
  - These should be shredded and the shredded material placed in a security bin used for confidential material
- Computer hard drives, laptops computers, USB storage devices, memory cards:
  - Contact is to be made with Business Technology Services (BTS) in order to arrange for the erasure of all data contained on them.
- Compact Discs, Floppy discs, DVDs:
  - These should be broken up and cut into a least four sections and each section disposed of in separate containers
- Video tapes:
  - The tape should be taken out of the casing and then shredded
- Mobile Phones:

- Each image should be deleted by the Officer in Charge of the matter. If any difficulties are encountered, advice should be sought from State Electronic Evidence Branch (SEEB).

### **Distribution of Exhibit Material**

Exhibits containing child pornography or part thereof should not be distributed by any means unless there are circumstances whereby such distribution is necessary to prevent risk to a child or is in the investigation of a child that is at risk. Before any such distribution occurs, permission should be obtained from the Commander, Sex Crimes Squad or team Leader, Child Exploitation Internet Unit. There are Standard Operating Procedures for such distribution on the NSWPF Intranet sited under Child Exploitation Internet Unit.

### **Further Information**

Further information concerning the handling of exhibits containing child pornography material can be located via the Intranet – State Crime Command, Sex Crimes, Child Exploitation Internet Unit.

# Forensic Analysis Jobs

## ***Exhibits, Forensic Information and Miscellaneous Property System (EFIMS)***

You can request forensic service providers to complete a forensic examination/analysis for an Event and/or exhibit. All requests for forensic analysis jobs are created in EFIMS. Record in the job the date the specimen/analysis is needed for court. If the date is not available when the exhibit is delivered, advise the lab staff by phone as soon as possible.

Pack and correctly label all specimens and exhibits so they coincide with the information on EFIMS. The job status, including the results, can be viewed in EFIMS.

Exhibits being submitted to DAL labs, other than the DNA Biology Lab, must be accompanied with the EFIMS Forensic Analysis Request form. This form is printed from EFIMS. When the exhibits are delivered to the lab concerned, the person receiving them signs a copy of the form which is returned to the escort. A copy of the signed form should be scanned and uploaded into EFIMS against the relevant job request.

## ***Specimen exhibits***

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

Pay particular attention to the following:

- Where possible, do not handle exhibits that potentially require forensic analysis, but rather establish a crime scene and wait for Forensic Services personnel to arrive.
- In exigent circumstances consider the following:
  - Do not package offender and victim exhibits together
  - Avoid cross-contamination by wearing appropriate personal protective equipment and change it in between handling different exhibits
  - Avoid transporting offender and victim exhibits in the same part of the vehicle
  - Use appropriate packaging to protect the integrity of the item.

## ***Coronial exhibits***

In all cases, whether criminal proceedings are pending or not, when an exhibit relates materially to the cause of death, or a fire, keep it pending a discussion with the coroner. Record the exhibit in EFIMS and store.

Do not dispose of the exhibit until the coroner directs.

If the exhibit is a vehicle, have it examined to see if a defect might have contributed to the death. Record the vehicle as an exhibit in EFIMS and create a forensic analysis job for the examination.

Have firearms expertly tested at the Ballistics Unit and get a certificate as evidence. Record the firearm as an exhibit in EFIMS and create a forensic analysis job for the testing.

These practices do not apply when an indictable offence, relating to the cause of the death, has been laid. Deal with these exhibits as per the section on 'Exhibits'.

Do not dispose of the exhibit until the coroner directs.

If the exhibit is a vehicle, have it examined to see if a defect might have contributed to the death. Record the vehicle as an exhibit in EFIMS and create a forensic analysis job for the examination.

Have firearms expertly tested at the Ballistics Unit and get a certificate as evidence. Record the firearm as an exhibit in EFIMS and create a forensic analysis job for the testing.

These practices do not apply when an indictable offence, relating to the cause of the death, has been laid. Deal with these exhibits as per the section on 'Exhibits'.

## **Biological Specimens**

During post mortem examination the pathologist may take a number of biological specimens to assist in determining cause of death and identity. In the case of biological specimens taken from the body of the deceased by the pathologist, there are number of examinations possible, these include:

- Toxicology
- Histopathological
- Bacteriological
- Virological
- DNA (Identification)

In all circumstances except DNA for identification, the samples will be submitted for analysis by the pathologist.

In the case of DNA for identification police may be requested to convey these samples to the Division of Analytical Laboratories (Biology) at Lidcombe. All samples are to be recorded in EFIMS as an exhibit and the appropriate forensic analysis job is created.

Samples may include:

- Buccal swabs
- Hair
- Blood
- Fingernail clippings

- Bone
- Skin

In any circumstances where identification has not been established, police are to ensure samples for DNA analysis are collected at post mortem and conveyed to DAL as soon as possible. (Police should also consider fingerprint and dental identification)

***NB: If requested by the pathologist to assist in having other types of specimens examined, police should seek the advice of the pathologist as to where samples are to be taken and what forensic analysis job is required on the items.***

### **Drug Exhibits relating to a Death**

Where a prohibited drug has been implicated in a death, an order for the destruction of relevant drug exhibits should only be made after consultation with:

- The Officer in Charge of the investigation; and
- The Registry of the Office of the NSW State Coroner

### **Exhibits collected at Post Mortem**

During a post mortem examination a number of physical exhibits may be collected, these can include:

- Clothing
- Trace evidence (Hair, Fibre, Paint Flakes, glass)
- Swabs (unknown substances, trace DNA from an offender, residues)
- Items of property (jewellery etc)
- Projectiles

These items are to be packaged appropriately by the Forensic Investigator/Crime Scene Officer or the pathologist and managed as any other exhibit collected in connection with an investigation. Analysis of these types of exhibits should be arranged in consultation with the Forensic Investigator/Crime Scene Officer.

### ***Non coronial matters***

Record specimens as exhibits in EFIMS and check if OHS warnings apply. Create the required forensic analysis job in EFIMS.

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

- In the case of flammable liquids the DAL issues a certificate. If necessary, the Chief Inspector of Dangerous Goods, WorkCover Authority issues a certificate on the nature of the substance.
- DAL – explosive/powder residues.
- Royal Botanical Gardens – plants, leaves and grasses.
- Seed laboratory, Dept of Agriculture – seeds.
- IFM – teeth and dentures.
- Electricity Authority – electrical equipment.

### ***Taking exhibits/specimens to laboratory***

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

Send samples for analysis as soon as possible. If it is a toxicological sample send it to the lab within 48 hours. An analysis job should be created in EFIMS to track the forensic process.

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

### **Delivery outside normal hours**

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

If you must, follow these procedures:

- Body specimens – arrange to deliver the specimens by courier company (for most mortem specimens) or escorting police (for other exhibits) to the Sydney Crime Scene Section (Sydney Police Centre). The escorting police retrieve the exhibits on the next Monday and escorts them to the appropriate laboratory. Record exhibit movements in EFIMS.
- [REDACTED]  
drawer and keep the key. Return on the next day of business, reclaim the exhibit and hand the key to the shift supervisor. Take the exhibit to the appropriate lab. Record exhibit movements in EFIMS.
- [REDACTED]  
record receipt and return of these. Record exhibit movements in EFIMS.
- Other exhibits – before leaving your station, contact the Shift Commander, [REDACTED] so the Controller, Exhibit Centre gets prior notice.



### **Collecting exhibits from laboratories**

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

### ***Poisoning – samples for analysis***

When someone appears to have been poisoned, a 24 hour urine specimen is taken for analysis as well as all vomit. An analysis job should be created in EFIMS to track the forensic process.

Search for any glasses, bottles etc, likely to have contained poison.

Before sending samples for analysis, consult the Senior Forensic Toxicologist, Division of Analytical Laboratories.

### ***Homicides/suspected homicides (including all deaths in custody)***

Contact the Crime Scene Section for your area, immediately. A scene attendance job should be created in EFIMS to track the forensic process. The Crime Scene investigator will coordinate all other expert services.

Country area – Crime scene investigator

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

### ***Collecting and handling medicines***

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

### ***DNA (Deoxyribonucleic Acid Analysis)***

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

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

When exhibits are submitted to the Division of Analytical Laboratories, Lidcombe (DAL) for DNA examination, the analysts require samples of the suspect's DNA (reference sample) and the victim's DNA (elimination sample).

This allows for more certainty in the results of the analyses and for avoiding having victim DNA entered unnecessarily on the offenders' DNA database. Moreover it minimises delays and confusion for the forensic Biologists. Consequently staff of the DAL have been instructed not to proceed with DNA testing until elimination (and reference – where available) samples are provided.

Submitting police are advised that victim and suspect DNA should preferably be provided as buccal swabs.

When submitting these samples to the DAL separate to crime scene swabs police should ensure that they clearly cross-reference the sample with the DAL reference number and event number.

### ***Blood, saliva, hair samples***

Section 138 Power to examine person in custody (LEPRA), sets out the circumstances in which someone in lawful custody may be medically examined to obtain evidence (this may include taking blood, saliva, and hair samples).

A request for such an examination can only be made by a sergeant or above. Refer to 138 for full details. If you are in any doubt about whether you can request a medical examination contact Commander, Police Prosecutions Command before contacting a medical practitioner.

### **Metropolitan area**

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

### **Country area**

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

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

### **Involuntary samples**

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

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

### **Voluntary samples**

While s138 LEPRA gives authority to have someone in custody medically examined, a person may voluntarily submit to an examination.

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

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

*"I ... hereby authorise Doctor ... to take sufficient blood, saliva, and hair from my body for testing/analysing or causing the same to be tested/analysed/ grouped. Having had the medical examination procedure explained to me, I*

*give authority freely and voluntarily. No inducement, threat or promise has been held out to me."*

*Signed...*

*Witnessed...*

If appropriate, record the consent on ERISP.

### **Helping practitioners**

If you are needed to help the doctor:

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

### **Physical evidence**

Record physical evidence taken from crime scenes (eg: soil, arson debris, vegetable matter etc) as exhibits in EFIMS.

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

Create the appropriate forensic analysis job in EFIMS to track the forensic process.

### **Local crime scene examiner**

Record the exhibit movement (check in) in EFIMS and the have the transporting officer validate the movement with their domain (windows) password. Issue a receipt if required.

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

### **Plaster casts**

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

# DNA Review Panel and Double Jeopardy Exhibits Retention

*(This section is under review and should be read in conjunction with Commissioner's Policy Notice 10/12 – Maintenance of Exhibits in the September 2010 issue of the Police Monthly Magazine).*

## **Officer In Charge (OIC)**

All police involved in prosecution cases which fall within the compass of this revised moratorium are required to ensure that all the evidence which relates to these cases, in NSW Police possession is properly identified and secured.

The brief case file records and all associated NSW Police documents that relate to these prosecutions are also to be identified. None of these prosecution documents or exhibits can be disposed of until further notice.

The Commissioner expects that all investigative police will assist exhibits staff in identifying cases to which this moratorium applies. In all instances the exhibits should be retained and be available for use in a prosecution, unless there is a court order or legislative provision which requires the exhibit's disposal. This is to ensure the Crown can proceed in the case where:

- the Director of Public Prosecutions (DPP) decides to seek to use the Double Jeopardy laws and re-prosecute (ie: in the case of an acquittal)
- there is a successful claim by an offender to the DNA Review Panel and the Court of Criminal Appeal orders a retrial.

## **Local Area Commanders and OICs of exhibit holding areas**

The new laws provide a mechanism for the disposal of exhibits in certain circumstances. However for the time being until the procedures under the new laws are known, all officers are instructed not to dispose of exhibits where the accused/offender is still alive unless there is a valid court order. Place the exhibit on hold in EFIMS. This stops the exhibit becoming a candidate for disposal. Where an exhibit is required to be returned it is to be photographed. The photograph should be scanned and uploaded into EFIMS against the relevant exhibit. If it is suspected it may contain biological material arrangements must be made to convey the item to the Division of Analytical Laboratories for examination. Record the exhibit movement in EFIMS and create the appropriate forensic analysis job in EFIMS to track the forensic process.

It is currently proposed to centrally store the DNA Review and Double Jeopardy exhibits and case files. Once they have been identified the exhibits should be isolated from the other general exhibits to facilitate their transfer and so that accurate numbers can be identified to source sufficient storage space.

All other exhibits that have been retained as a result of the moratorium may be disposed of in accordance with LEPR. Record disposal details in EFIMS.

### ***Policy Issues: Current Prosecutions***

To activate the retrial provision under the Double Jeopardy laws, one or more appeals need to be lodged to the Court of Criminal Appeal (CCA) by the DPP.

There are a number of operational issues which still need to be determined by the Deputy Commissioner (Operations) in relation to these cases. Until such determination, if there is a possibility that a retrial could occur NSW will retain the exhibits until a determination is made by the DPP.

In the event that there is some uncertainty about whether the exhibit or case qualifies for disposal or retention in Double Jeopardy and DNA Review Panel cases the procedure is to err on the side of caution and retain the exhibits.

### ***Policy Issues: Special Circumstance applications to the DNA Review Panel***

The current Double Jeopardy amendments permit any offender convicted of any offence punishable by imprisonment to apply to the DNA Review Panel under what are termed special circumstances. As a matter of policy it has been determined that if the DNA Review Panel advises NSW Police that they have received an application from a "special circumstance" offender NSW Police will retain all exhibits that are in our possession until advice is received from the DNA Review Panel that the exhibits can be disposed of.

In the interim NSW has advised that they will be disposing of all evidence that is not affected by the new laws according to the LEPR rules. The Director General of the Attorney General's Dept has been asked for his advice on whether any such "special circumstance" applications have already been received so that NSW can isolate these cases.

## ***DNA Review Panel***

### **Introduction**

Part 7 of the Crimes (Appeal and Review) Act 2001 commenced. This Part of the Act provides for the establishment of a DNA Review Panel. Eligible persons, convicted before 19 September, 2006 and imprisoned for a relevant offence, may make application to the Panel, if and only if, the person's claim of innocence may be effected by DNA information obtained from biological material specified in the application.

The Panel is to refuse to consider or otherwise deal with an application if it appears that the biological material specified in the application does not exist or cannot be found. The Panel has a sunset clause of 7 years. Subject to a review by the Attorney

General after 5 years and a report to both Houses of Parliament, the Panel may continue to operate beyond 7 years.

Separate guidelines have been approved for inclusion in the Police Handbook concerning the retention of exhibits under Part 8 of the Crimes (Appeal and Review) Act 2001 which commenced on 15 December, 2006, relating to double jeopardy. Currently, the Exhibit and Drugs – Prohibited drugs and plants guidelines in the Police Handbook are being revised to include the provisions of Part 17 of the Law Enforcement (Powers and Responsibilities) Act 2002 and recent amendments to the Drug Misuse and Trafficking Act 1985.

### **Retention of exhibits and briefs of evidence**

Where a person was convicted before 19 September, 2006, of an offence punishable by imprisonment for life or a period of 20 years or more, all exhibits are to be retained. This includes all items that contained or potentially may contain 'biological material' whether or not the item was analysed for DNA and the results were presented in evidence in the prosecution of that person or any other co-accused person or was held in police possession and control from the investigation and was not analysed or used in evidence. Place the exhibit on hold in EFIMS. This stops the exhibit becoming a candidate for disposal.

Retention of all such exhibits is to apply whilst the convicted person continues to be: subject to the sentence imposed on conviction (whether the person is in custody or has been released on parole); or is the subject of supervision; or detention under the Crimes (Serious Sex Offenders) Act 2006, in connection with the offence for which the person was convicted. To use this provision to dispose of exhibits will require official advice from the Dept of Corrective Services that an offender has served his or her sentence and is no longer subject to parole.

***NB: Relevant briefs of evidence must also be retained.***

These guidelines apply to both NSW and Commonwealth offences (punishable by imprisonment for life or a period of 20 years or more), where the matter was investigated by NSW police and the exhibits are still in the possession and control of NSW Police.

Biological material is defined in Part 7 of the Act and means human blood, semen, hair, saliva, skin tissue or other biological material from which DNA may be obtained, whether the material separately identified or present in other material.

The retention of an exhibit containing relevant biological material does not apply if the:

- exhibit is required to be returned, by the order of any court, to the person to whom it belongs;
- the owner of the exhibit is the victim of the offence and is required to be returned promptly to minimise any inconvenience; NB: Unless the exhibit is

required for a prosecution or investigative process. The fact that there is a possibility of a retrial as part of the DNA Review Panel legislation means these items should normally be retained;

- exhibit is of such size or nature as to render its retention impracticable (but only if steps are taken to retain a portion of the relevant material sufficient for DNA testing);
- eligible convicted person ceases to be an eligible convicted person i.e., has served the relevant term of imprisonment, completed parole, no longer under supervision or detention under the Crimes (Serious Sex Offenders) Act or has exhausted all avenues of appeal including the DNA Review Panel in regard to the relevant offence;
- material is required by or under any Act to be given to another person or destroyed; or
- the material has already been subjected to DNA testing and the testing indicates that it relates only to the eligible convicted person concerned.

### **Duty of police and other State officers to retain biological material evidence**

It is a legal requirement of members of the NSW Police Force as well as members of any other authority of the State to retain relevant biological material in their possession or control except as outlined above. This requirement also applies to physical evidence comprising or containing biological material:

- that was obtained by any member of NSW Police Force in connection with the investigation or prosecution of the offence for which an eligible convicted person was convicted (but only if the person was convicted of an offence punishable by imprisonment for life or for 20 years or more), and
- that is in the possession or control of any member of NSW Police Force on the commencement of this section (section 96(1) of the Crimes (Appeal and Review) Act 2001.

There is a criminal sanction for breaching this section. It states:

*" A person who, knowing that relevant biological material is required to be retained ....., destroys or tampers with the material with the intention of preventing the material being subjected to DNA testing is guilty of an offence."*

The maximum penalty for this offence is 10 years imprisonment.

This statutory requirement does not apply in relation to a conviction that occurred on or after 19 September 2006.

Apart from the retention of all exhibits for the DNA Review Panel and in compliance with the changes to the rule of double jeopardy, all other exhibits retained in police possession and control during the moratorium since 11 January, 2002, whether or not they were used in a criminal prosecution are to be managed by Local Area Commands

in accordance with Part 17 of the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA).

Before commencing any action to dispose of the exhibits, for example, returning an exhibit to the rightful owner, auction or destruction etc, in accordance with LEPRA, allow for any appeal or notice of intention to appeal to be lodged within 28 days of the proceedings by the convicted person, their legal representative or by the Crown. This includes compliance with any direction from a superior court registry to retain exhibits until further notice or in accordance with a set procedure which may exist from time to time and which requires that exhibits be retained for a period greater than 28 days despite no appeal being lodged.

### **Assisting the DNA Review Panel**

Whilst it is expected that the management and supply of exhibits to the DNA Review Panel by NSW Police will be centralised all members of the NSW Police Force are required to cooperate and assist the DNA Review Panel in performing its functions should they be officially requested to do so. This may include the supply of information, the conduct of searches for the existence of relevant biological material, provision of results from DNA analysis and the supply of evidence and exhibit material to the Panel in connection with an application from an eligible convicted person

### **Police generally**

All police investigators are required to assist exhibit staff at Local Area Commands to identify which particular prosecution cases (including relevant exhibits and briefs of evidence) that have been retained under the previous moratorium that may now fall within the scope of the DNA Review Panel or double jeopardy laws. They are also required to assist in a timely manner all other matters where the exhibit property may now be disposed of in accordance with Part 17 of LEPRA.

### **Local Area Commands**

Exhibit staff within LACs will be contacted concerning the relocation of all relevant exhibits and briefs of evidence to a proposed central storage facility in regard to matters that fall within the scope of the DNA Review Panel or double jeopardy. Update EFIMS with the exhibit movement.

### ***Double Jeopardy***

The guidelines below apply where the defendant has been acquitted prior to and after the commencement of Part 8 of the Crimes (Appeal and Review) Act 2001, on 15 December, 2006.

The law now permits the DPP to appeal against an acquittal in four (4) circumstances to the Court of Criminal Appeal and seek a retrial. As with all appeals all exhibits should be retained pending the appeal result. The new appeals are:



## **Fresh and Compelling evidence appeal**

This appeal relates to cases where the DPP intends to re prosecute an acquitted person for an offence punishable by imprisonment for life including:

- Murder (s. 19A the Crimes Act 1900);
- Aggravated Sexual Assault in Company (s.61JA (1)) of the Crimes Act;
- An offence relating to a large quantity of certain prohibited drugs or plants [(s 23(S), 24(2), 25(2), 25(2A), 26, 27 or 28 of the Drug Misuse and Trafficking Act 1985)];
- Manslaughter if acquitted for that offence or a lesser offence but not if acquitted for a life sentence offence and the defendant is convicted of manslaughter or a lesser offence;
- And where:
  - there is fresh and compelling evidence against the acquitted person; and
  - in all the circumstances it is in the interests of justice for the retrial order to be made.

## **Tainted acquittals appeal**

This appeal relates to cases where the DPP wants to re prosecute a "tainted" acquittal because the accused or another person has been convicted of an 'administration of justice offence' in NSW or elsewhere. This offence was committed in connection with the proceedings in which the person was acquitted and, but for the commission of the administration of justice offence, it is likely the person would have been convicted and it is in the interests of justice for the retrial order to be made.

An acquittal is not tainted if the conviction for the administration of justice offence is subject to appeal. An 'administration of justice offence' means an offence of:

- bribery of, or interference with a juror, witness or judicial officer;
- perversion of (or conspiracy to pervert) the course of justice;
- perjury, and
- extends to an offence outside NSW if the law where the proceedings were held and the defendant was acquitted permits that person to be retried and is not inconsistent with the Commonwealth Constitution or a law of the Commonwealth.

It is important to note that it is not the offence that the person was originally acquitted of that justifies this appeal. The DPP must want to retry the acquitted person for a life sentence offence (in the case of a fresh and compelling appeal) or for an offence carrying fifteen years or more (for a tainted conviction appeal) before they can lodge this type of appeal.

## **Verdict by direction appeal**

This appeal relates to acquittals that have occurred after the commencement of the Double Jeopardy laws. It permits the DPP to lodge an appeal within 28 days for any trial matter where the accused was acquitted as a result of a verdict by direction.

Question of law appeal relates to all four (4) avenues of double jeopardy appeals.

The Attorney General or the Director of Public Prosecutions can appeal to the Court of Criminal Appeal (CCA) on any question of law arising at or in connection with an acquittal trial. Success at this appeal alone does not permit a retrial. It is yet to be determined whether a successful appeal on the exclusion of evidence by a trial judge will provide sufficient justification for a retrial based on a second appeal lodged by the DPP under the fresh and compelling evidence rules.

All police are advised that the hearing and determination of any question under this appeal section will be held in camera and that the publication of any report of a submission made or any report of proceedings that discloses the identity of the person charged at the trial or affected by the decision given at the trial is punishable as a contempt of the Supreme Court. There is no time restriction on the lodging of this type of appeal.

### **Requirements of Officer in charge of the case**

In all cases where there is an acquittal the OIC is to furnish a report after the proceedings have concluded (including any appeal by the Crown involving a question of law alone) to the Local Area Commander where all relevant exhibits are held, identifying the particular case, for the purpose of arranging for the exhibits to be conveyed to a secure central exhibit storage area. The brief of evidence and associated investigation papers should be stored securely pending further advice from your commander.

The report should include any indication that the matter is likely to be the subject of a future application for a police investigation and/or application for a retrial. Include the outcome of any debriefing with the ODPP lawyer or Crown Prosecutor who had carriage of the prosecution and any advice you may have received about the possibility of an appeal by the DPP.

### **Fresh and compelling evidence against the acquitted person**

If any police officer comes into possession of fresh and compelling evidence against an acquitted person for any offence punishable by imprisonment for life, the OIC must furnish a confidential report with that evidence to their Local Area Commander (or equivalent within a specialist command) making application for written consent and authorisation from the Director of Public Prosecutions (DPP) to investigate the matter or the acquittal to be quashed by the Court of Criminal Appeal and the person to be retried.

'Fresh evidence' means the evidence that was not adduced in the proceedings in which the person was acquitted and it could not have been adduced in those

proceedings with the exercise of reasonable diligence. 'Compelling evidence' is evidence that is reliable, substantial and in the context of the issues in dispute in the proceedings in which the person was acquitted, it is highly probative of the case against the acquitted person. Evidence that would be admissible on a retrial is not precluded from being fresh and compelling evidence merely because it would have been inadmissible in the earlier proceedings against the acquitted person.

DO NOT commence or authorise any investigation without prior written consent and authorisation from the DPP. This applies to any arrest, questioning or searching of the acquitted person, issuing a warrant for the arrest of that person, conducting any forensic procedure on that person or any search or seizure of premises or property of or occupied by that person regardless of whether the person has given consent or not.

Take into account that for the Commissioner or a Deputy Commissioner to submit to the DPP, an application for the police investigation they must be satisfied that relevant evidence for the purposes of an application for a retrial has been obtained or is likely to be obtained as a result of the investigation.

DPP also needs to be satisfied that there is, or there is likely, as a result the investigation, to be sufficient new evidence to warrant that investigation and it is in the public interest to proceed with that investigation.

In the case of an application for the acquittal to be quashed and the seeking of an order for a retrial, the DPP and the Court of Criminal Appeal will take into account:

- the interests of justice;
- that the acquitted person is likely to receive a fair retrial in the circumstances;
- there is good and sufficient cause for a retrial despite the length of time since the acquitted person allegedly committed the offence and,
- whether any police officer or prosecutor failed to act with reasonable diligence or expedition.

***NB: Only one application for a retrial of an acquitted person can be made by the DPP to the Court of Criminal Appeal after the person has been charged, or an arrest warrant has been issued with the approval of the DPP for the offence which the retrial is sought.***

#### **Commander**

Send ALL applications under confidential cover with your comments to the relevant Deputy Commissioner. It is unnecessary to attach the relevant brief of evidence with the application. If the application is endorsed, the Deputy Commissioner shall send the application to the chambers of the DPP (Locked Bag A8 Sydney South NSW 1232 or 265 Castlereagh Street, Sydney). If legal advice is required, the application may be sent to the Commander, Police Prosecutions Command. Do not send any application or request for legal advice directly to the DPP except through the Deputy Commissioner or the Commissioner of Police.

### **Restrictions on publication**

All police should be aware that it is a Contempt of the Supreme Court to publish details of matters the subject of a "fresh and compelling" evidence reinvestigation or retrial, unless the publication is authorised by order of the Court of Criminal Appeal or of the Court before which the acquitted person is being retried. Specifically:

A person must not publish any matter for the purpose of identifying or having the effect of identifying:

- an acquitted person the subject of a police investigation referred to in section 109 (or of an application for authority for such an investigation); or
- an acquitted person the subject of an application for a retrial under Division 2 or an appeal under Division 3; or
- the acquitted person the subject of an order for retrial under this Part or who is being retried under this Part.

### **Retention of all exhibits and briefs of evidence**

In relation to Double Jeopardy cases all relevant exhibits and briefs of evidence are to be retained as long as is necessary for an investigation and/or prosecution purpose. Place the exhibit on hold in EFIMS. This stops the exhibit becoming a candidate for disposal.

In order to retain the exhibits for a lengthy period having regard to Part 17 of the Law Enforcement (Powers & Responsibilities) Act 2002, it may be necessary to:

- Obtain written consent from the rightful owner of the exhibit property to retain and dispose or return the property when no longer required;
- Negotiate a reasonable amount from the command's allocation (fees for obtaining evidence) to compensate the owner for the surrender and ownership of the exhibit property to NSWPF;
- Advise the person, if appropriate, that they may apply to the Local Court for the return of their property; or
- Apply for an order to a magistrate in accordance with s.88 of the Crimes (Forensic Procedures) Act 2000, extending the period for which DNA samples may be retained by police.

If impracticable to retain the entire exhibit, due its size and nature, steps may be taken if not already done so (by consent or negotiations with the rightful owner) to retain any relevant part of the exhibit after photographing and/or video recording the complete exhibit.

Pending advice from the Deputy Commissioner Operations exhibit staff within LACs should isolate all relevant exhibits and briefs of evidence that fall within the scope of the reform to the rule of double jeopardy to enable them to be moved to a proposed

central storage facility in regard to matters. Update EFIMS with the exhibit movement.

**Police Prosecutors.**

There is a presumption in favour of bail in respect of a person who is charged with an offence for which a retrial is sought under the Double Jeopardy Appeal legislation until the application is dealt with by the Court of Criminal Appeal.

# Disposal of forfeited exhibits

## ***Local commanders***

Dispose of exhibits forfeited by a court in accordance with any direction. Record the disposal details in EFIMS.

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

## ***Firearms and dangerous weapons***

Ensure the firearm/weapon is labelled or tagged with an EFIMS barcode number and recorded in EFIMS as an exhibit.

Take the weapon to the FBS if an examination is needed. Weapons to be examined must have the appropriate forensic analysis job created in EFIMS to track the forensic process.

Ensure firearms have been rendered safe and dangerous weapons and electrical discharge devices are packaged accordingly. Do not place foreign objects in the breech.

Ensure items are required to be examined. Weapons/firearms/ammunition must NOT be submitted for examination to the Forensic Ballistics Section (FBS) where the nature of the item (proof of firearm or prohibited weapon) is not in dispute. If the item has come into Police custody through possession or licence offences, then they are NOT to be submitted to the FBS until the matter has appeared before the Court, a 'Not Guilty' plea entered and the proof of firearm or prohibited weapon is in dispute. If unsure, contact the FBS for advice.

## **Refer to Commissioner's Notice 96/119**

## **Weapons disposal staff**

Compare the details recorded in the exhibit record in EFIMS with the firearm/weapon received. If satisfied, record the exhibit movement (check in) in EFIMS and the have the transporting officer validate the movement with their domain (windows) password. Issue a receipt.

## **Station/exhibit officer**

Ensure the exhibit movement is recorded in EFIMS. Check the exhibit record in EFIMS to verify the item was received by Weapons Disposal Section.

## ***Liquor Exhibits***

Destroy any liquor which is unfit for human consumption.

Liquor seized in after hours trading offences is the property of those from whom it was taken. Record seized liquor as an exhibit in EFIMS. After court proceedings, return the liquor to the owner. Record the disposal details in EFIMS.

### **Metropolitan area**

For liquor forfeited to the Crown and unclaimed liquor, contact the Metropolitan Exhibit and Property Centre for collection. Record the exhibit movement in EFIMS.

### **Country area**

Obtain tenders from licensed retailers or arrange for the liquor to be sold by auction. Send proceeds to Accounts. Record the disposal details in EFIMS.

### **Money exhibits**

Send forfeited money, with a covering report, to Accounts for payment to Treasury.

When an offender is convicted of 'offer bribe' and no court order is made for the return of the money, deal with it in the same manner.

### **Instruments of gaming**

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

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

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

### **Audio/video recordings**

Send audio/video recordings, except items which are to be destroyed, to the Metropolitan Exhibit and Property Centre, [REDACTED]. Record the exhibit movement in EFIMS.

### **Exhibits subject to customs control**

When cargo, subject to Customs' control, is no longer needed as an exhibit, deliver it to the Collector of Customs or authorised agent and get a receipt. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit. Record the disposal details in EFIMS.

### **Credit cards**

Return them when no longer needed to the issuing authority (eg: bank, credit union) and get a receipt. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit. Record the disposal details in EFIMS.

### ***Counterfeit currency***

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

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

At the end of inquiries or when the exhibit is no longer needed, send it by security post to the AFP Currency Team and ask for a receipt to clear exhibit records. The receipt should be scanned and uploaded into EFIMS against the relevant exhibit. Record the disposal details in EFIMS.

### ***Electrical goods***

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

If an article is found to be faulty, have it destroyed in front of you. Record the disposal details in EFIMS.

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

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

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

Record the disposal details in EFIMS and retain the papers (scan or file).



# Drug Exhibits

***(Refer to the NSW Police Handbook chapter, "Drugs – Prohibited Drugs and Plants" for policy and procedure on the handling of drug exhibits).***

## ***Taking a drug as an exhibit***

In planned operations, where it is likely that drugs will be taken into police possession, follow the instructions for 'planned operations' section of the Handbook and the SOPs and Guidelines on the Drugs Strategy Map, NSW Police Intranet.

For street level detection, attempt to have PAB 18 drug bags available for immediate storage of drug exhibits. Follow the 'Use of PAB 18s' section of the Handbook chapter.

Where there is a seizure of a large quantity of cannabis leaf, either use the larger PAB 24 bags following the instruction in that section of the Handbook. For Cannabis plantations, follow the instruction in the 'Cannabis plantations' and 'Removing and destroying Cannabis plants' sections of the Handbook chapter.

## ***Recording a drug exhibit***

### **Station/exhibit officer**

When necessary, weigh and/or count the exhibit in front of the case exhibits officer and, where possible, the alleged offender.

Weigh drugs as they are eg: in foil, capsule or other container to minimise handling. The exhibit officer estimates the weight of the container and assesses the net weight of the drug. Also weigh the empty drug bag and take its weight into account. If neither of you is able to make an assessment, seek help from a more experienced officer.

Record a detailed description of the exhibit, including weight, last signed seal number and bag serial number in EFIMS.

Never record drug exhibits as miscellaneous property in EFIMS.

Secure exhibits in the drug security cabinet.

### **Opening a PAB 18 drug bag**

Check to see if there is an obvious 'chain like' pattern on the seal indicating the bag has been interfered with. If you are concerned the bag has been interfered with, do not open the bag, safely store it and contact the Local Area Commander.

Use the special cutter to open the bag.

Opening the bag to facilitate photographing, fingerprinting or use during an interview will not normally be allowed, except in exceptional circumstances. If the bag is opened to weigh the contents, it may be an opportunity to separate the wrappers

required for these other purposes. Otherwise, wrappers needed for fingerprinting etc may be removed when the bag is opened by the analyst.

When resealing the drug bag use the inked box sections provided under each seal. Make your entry in the sections immediately below the previously used seal. Use a black pen and include date, time, offender's name, name of officer witnessing the weighing of the exhibit, your name, registered number and signature.

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

On returning to the station with the exhibit, make an 'occurrence only' entry on COPS and keep a hardcopy. Hand a copy and the bag to the exhibit officer.

The exhibit officer will check the exhibit in front of the person returning it. Place the old bag and the hardcopy in a new bag.

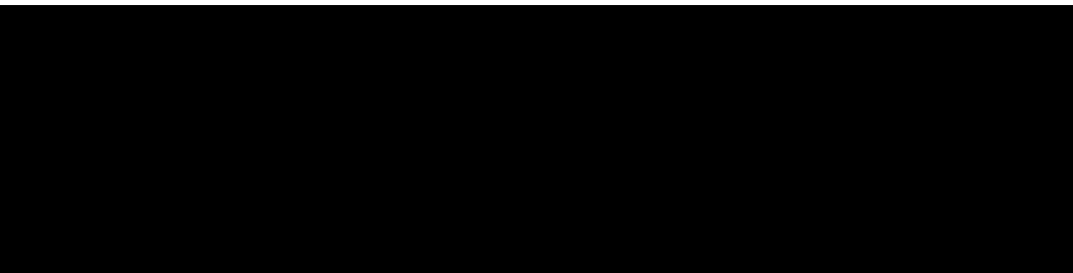
Record your name and signature, and the name and signature of the returning officer on the seal, then seal the bag. In EFIMS record the reason why the bag was opened.

#### **Opening a PAB 24 drug bag**

If you need to open a bag, cut it below the original seal in front of the person wanting access, and if possible, the officer in charge. If that officer is unavailable, ensure an independent NSW Police Force member such as the commander, or exhibit officer is present. Never open bags when only one person is there.

To reseal the bag:

- Place the cut off original seal in the bag
- fold the top of the bag over and seal by stapling
- sign across the fold with the witness
- cover the line of staples and signatures with clear adhesive
- if there is insufficient room, reseal in a new bag with the original bag inside, using the same method



#### **Transferred exhibits**

On receipt of an exhibit in a sealed drug bag (transferred from another station in accordance with 'Exhibits' these Guidelines), inspect it in front of the transporting officer to ensure the seals are intact and there has been no interference. Record the

exhibit movement (check in) in EFIMS and have the returning officer validate the exhibit movement.

View the record in EFIMS and visually check:

Drug bag no/s.....received from .....(Station)

EFIMS barcode number.....seals intact.

Obtain a copy of the exhibit evaluation from the forwarding station's escort officer. A copy of the evaluation should be scanned and uploaded into EFIMS against the relevant exhibit.

### **Drug bags opened at court**

*(See instructions in the NSW Police Handbook)*

## ***Analysing a drug exhibit***

### **Get an analyst's certificate when:**

- the drug weighs the indictable amount or more, regardless of the defendant's plea
- the defendant pleads not guilty – regardless of drug weight
- the defendant is not before court
- no one is charged and the drug seized is not less than the trafficable quantity. Refer also 'No one charged – prohibited drug seized' this section.
- a pre-trial destruction order is given by a court or superintendent. Refer also 'Destruction procedures – pre-trial orders' this section.
- the drug weighs less than the minimum amount and the identity of the offender is known. Refer also 'Person arrested – less than minimum amount' this section.

### **Fingerprinting drug exhibits**

Tell the analyst if the exhibit is to be fingerprinted to ensure correct handling. The exhibit is analysed beforehand to ensure a detailed and correct description, including the container, is recorded.

### **Procedure at the Division of Analytical Laboratories**

Tell the analyst about the seizure and the number of defendants connected with the total drug exhibit. This ensures a separate certificate is issued for each amount as it relates to different defendants.

Make a notation in EFIMS in relation to each exhibit needing individual certificates.

### **Notifying analyst of hearing date and case completion**

When a case involving a drug exhibit analysis is listed for hearing (defended) or the court has fixed a 'deadline' for the analysis to be completed, record the details in EFIMS and promptly notify the DAL in writing of the date. Include the DAL reference

number. If a case is completed, before the analysis, promptly advise the DAL whether the analysis is still needed. If not needed, withdraw the analysis job in EFIMS.

#### **Plea of guilty – less than minimum amount**

If the defendant pleads guilty, there is usually no need to have the prohibited drug analysed. Ask that the drug be destroyed. Do not, however, destroy the drug until the appeal period (three months) has expired. When destroyed, record the destruction details in EFIMS.

#### **No one charged – prohibited drug seized**

When a suspected prohibited drug is seized and no one is charged, only take it to the DAL when the quantity is not less than the trafficable quantity and there is little or no likelihood of identifying the offender. If the substance is prohibited:

- seek an order under s39M for destruction if the weight is less than the minimum amount,
- seek a court order within 21 days [s39D(1)] if the weight is not less than the minimum amount, and the drug has not been destroyed through a superintendent's direction under s39C.

### ***Bulk quantities of drugs***

#### **Commander**

If necessary, arrange to transfer an exhibit to the [REDACTED] where there are special facilities. Record the exhibit movement in EFIMS.

Transfer the exhibit during business hours when permanent exhibit staff are on duty. If this is not possible, contact the Station Controller, [REDACTED] and make alternative arrangements.

#### **How to record sub-samples of the original drug exhibit**

Once a drug had gone to DAL for analysis and had been sub sampled, the modified drug exhibit no longer matched the original description.

Essentially, the bulk drug will retain the original EFIMS barcode reference. When this item arrives at a police location after being sub sampled or analysed at DAL (or any other place), this item must be 'Checked In'.

As the description and possibly the quantity no longer matches the drug description initially recorded in EFIMS, the differences must be recorded. The agreed procedure to explain the differences is:

- Scan the DAL Drug Sampling Sheet and attach to the item's record in EFIMS (through the Files tab).
- Create a Note in the item explaining the relevant differences and reference the attachments.

## ***Auditing drug exhibits***

### **Inspecting exhibits**

Inspect drug exhibits based on risk according to the CMF. As this is a high risk area it is recommended inspection frequencies be no greater than one month apart.

Once a year a thorough audit should be conducted which includes assessment of all aspects of the exhibit system and record keeping, as well as the accounting for each exhibit.

The [REDACTED] have authority for altered audit procedures, (refer to Central Metropolitan Region for details).

### **Missing exhibits**

If you find a drug exhibit missing, follow the procedures outlined in the section on ['Exhibits – Inspecting exhibits'](#) – ['Exhibits Missing or interfered with'](#).

## ***Destroying drug exhibits***

Refer to the *Drug Misuse and Trafficking Act* for authorities regarding drug destruction. In particular, superintendents should note their powers.

Section 39PB of the *Drug Misuse and Trafficking Act* commenced on 24 July, 2006, as outlined in Law Note 06/03 and was amended on 2 February, 2007, by the Crimes and Courts Legislation Amendment Act 2006.

Section 39PB of the Act now provides that a superintendent or above may order the destruction of less than a trafficable quantity of a prohibited drug or suspected prohibited drug, and less than an indictable quantity of a prohibited plant or suspected prohibited plant, provided no person has been charged with an offence respecting the drug, plant or substance and the officer is of the opinion no person is likely to be charged.

Such orders may also be issued where a caution/warning or conference has been administered under the Young Offenders Act 1997, or a caution has been issued under the Cannabis Cautioning Scheme. The prohibited drug, prohibited plant or suspected substance/plant is to be recorded as an exhibit in EFIMS and if considered appropriate, photographed and two samples taken to allow analysis by the Division of Analytical Laboratories (DAL), before the drug exhibit is destroyed. Ensure a forensic analysis job is created in EFIMS to track the forensic process. Record the destruction details in EFIMS.

To assist in the process of issuing these orders and the disposal of these exhibits, a new application and destruction order form (P.965) is now on the NSW Police Force intranet > Forms > Exhibits and Miscellaneous Property Forms.

### **Destruction and Disposal of Dangerous Exhibits**

Section 39PA of the Drug Misuse and Trafficking Act allows for a police officer of or above the rank of Superintendent to authorise, in writing, the destruction or disposal of dangerous exhibits.

This may occur if:

- a) the substance or article has been seized and retained for the purposes of proceedings for an offence of manufacture, supply, use or cultivate prohibited drug or plant; and
- b) the analyst certifies in writing that, in the interests of health or safety, the substance or article is required to be destroyed or otherwise disposed of.

Prior to destruction or disposal, the substance or articles should be recorded on video and/or photographed and two samples of the substance, each of sufficient quantity to allow its analysis, be taken and retained. The owner should be given 35 days written notice of the intention to destroy or dispose of the substance or article, except where the analyst orders the immediate destruction of the substance in the interests of health and safety.

### **Destruction procedures – pre-trial orders**

When the OIC of the case reports the court has made a pre-trial destruction order, the Commander will arrange for the bulk of the exhibit to be destroyed, as soon as possible, after seven days (or longer as the court may specify).

Ensure the prohibited drug is properly sampled for analysis before destruction and particulars recorded in EFIMS are correct. Record the destruction details in EFIMS.

### **Destruction of drugs in exhibit bags**

When a court orders pre-trial destruction, of bulk drug exhibits, observe all safety and inspection procedures. Those responsible for signing the certificate examine the seals. If the bag is intact, the bulk is removed by using the cutter. Do not pull seals apart. Leave the exhibit in the polythene sleeve and destroy it. Place a photocopy or certified copy of the destruction certificate in the bag for court purposes.

If the court hearing is finalised and the entire exhibit is to be destroyed, check the seals and destroy the bag and contents. Record the destruction details in EFIMS. If interference is detected or suspected, do not destroy the exhibit. Return it to the station of origin and begin an inquiry. Ensure the exhibit movement (check in) is recorded in EFIMS.

### **Discretion to destroy exhibits - Superintendents and above**

If there is not already a court order for the prohibited drug, exercise discretion to authorise destruction, provided you believe the drug cannot be securely kept, pending an order by a magistrate (refer s39C).

Section 39C does not indemnify police or the NSW Police Force against any loss or damage to property while the drug is being destroyed. Consider this when choosing an area and method of destruction.

Section 39C does not allow the destruction of any growing prohibited plants. If the prohibited drug is to be retained, the trial court determines whether or not it should be retained when the matter is first mentioned at court, S39L.

#### **Co-offenders charged over the same exhibit**

Do not destroy a drug exhibit if there are conflicting orders for destruction.

#### **Drug exhibits in Coroner's matters**

In all cases, whether criminal proceedings are pending or not, when an exhibit relates materially to the cause of death, or a fire, keep it pending a discussion with the coroner. Record the exhibit in EFIMS and store.

Do not dispose of the exhibit until the coroner directs.

#### **People present when drug destroyed**

Destroy the exhibit in front of an officer of or above inspector rank or a duty officer, an independent witness and an officer who can identify the exhibit. The witness should be a JP from the Local Courts Administration.

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

- member of the Salvation Army
- minister of religion
- agronomist
- bank manager
- council or shire health officer
- weed inspector
- government analyst
- legal practitioner
- postmaster
- pharmacist
- reputable citizen with permanent residential status in the area.

#### **Destruction procedures**

Before destruction, all three parties check the drug against the exhibit record in EFIMS. Do not destroy if there is evidence of interference or identification is doubtful. Immediately report any irregularity to your commander.

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

Ensure destruction details are recorded in EFIMS.

**Destruction certificate**

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

Name..... rank/position..... signature

Commissioned officer

Independent witness

Identifying officer

**Safe handling of drug exhibits**

*(See Work Health and Safety chapter of this manual)*



# Workplace Health and Safety

***(Refer to the Human Resources – Safety Command Intranet site for guidance on policy and procedure for manual handling and dealing with hazardous materials).***

## **Introduction**

Exhibits and other property potentially pose a number of workplace health and safety risks to employees and others coming into contact with them. These include injuries can be caused by, amongst other things:

- manual lifting
- exposure to hazardous chemicals
- sharps
- explosive and flammable materials
- biologically degradable material

The local workplace health and safety committee should undertake assessments of exhibit storage and management at their workplace and where appropriate, have expert guidance gathered for them in relation to specific dangers.

Consultation with the Workforce Safety Command and supporting material upon the Intranet site is important in assessing and understanding the risks involved.

*(See the Safety Management System site on the Workforce Safety Intranet site)*

## **Drugs and Prohibited Plants**

### **Precautions for handling Cannabis plants/leaf**

Observe the following precautions:

- wear gloves and other reasonable protective clothing as common sense dictates  
eg: overalls
- use tools where possible
- keep quantities and storage time to a minimum
- stay upwind when plants are being burnt.

The State Crime Command, Drug Unit recommends the following as minimum personal protective equipment when handling bulk quantities of Cannabis plants:

- A Tyvex suit/long sleeve overalls
- A P2 Standard Mask – organic filter
- Gloves – Ansell “Touch N Tuff” disposable Nitrile gloves. These protect against any
- liquids such as from chemical spills. These can be worn under gardening gloves or a
- leather type glove. There is also a high grade blue and yellow glove which is both
- hard-wearing (benefits of leather) and good for chemical spills (liquid-proof).

- Uvex goggles or similar
- Footwear with a minimum standard of the Police issue general purpose water proof
- boot to protect against liquid spills.

Wherever possible, use drug security exhibit bags, except for moist substances, including green Cannabis plants and leaf (the bags are airtight and cause exhibits to deteriorate). If condensation or mould is detected in the bag, take the exhibit to the DAL as soon as possible. Ensure a forensic analysis job is created in EFIMS to track the forensic process.

Where Cannabis plant and leaf material is deteriorating and has been analysed, contain any spores by repackaging the exhibit in an airtight container and arrange for destruction as soon as possible using the procedures described in the 'Destruction and Disposal of Dangerous Exhibits' section in the Drug chapter of this manual.

### **Contaminated Waste Disposal Service**

'Hazardous Exhibit / Waste' generally means any hazardous materials, hazardous substances, waste chemicals, waste containing controlled substances, contaminated debris, equipment, apparatus, etc seized at the site of a Clandestine Drug Laboratory.

To meet with the requirements of the Work Health and Safety Act, Dangerous Goods Act and other legislation relating to the removal, packaging, transportation and storage of hazardous waste the service will be provided by a qualified contaminated waste disposal service, contracted to the NSW Police Force.

### **Dangerous exhibits – special requirements**

#### **Handling needles and syringes**

Be careful to avoid injury when handling uncapped, used hypodermic needles and syringes.

#### **Required for examination**

Where syringes require examination for forensic evidence, the item must be submitted via Forensic Services Group. All syringes submitted must be packaged in a suitable, labelled protective container. Generally, syringes will only be examined where they have been involved in serious matters. For further advice on the submission or handling of syringes, contact the local crime scene section.

#### **Not required for examination**

To minimise risk, use the sharps containers provided.

Use single needle/syringe containers to store them for evidence, further inquiries or examinations.

Use multiple containers when not needed for evidence or other purposes.

Ensure these containers have warning labels about their contents.

### **Supervisors**

Before sending syringes to the DAL for examination, ring them as they only accept exhibits of this nature in exceptional circumstances.

### **Disposal**

Destroy only by incineration. Record destruction details in EFIMS.

### **Safety precautions**

Ensure you update the Occupational Health and Safety (OHS) warning symbols in EFIMS that are relevant.

Wear disposable latex rubber gloves and observe normal hygiene. For further guidance on safety issues refer to the NSW Police Force Infectious Diseases Control Policy.

### **Purchase of containers**

Obtain containers from Becton Dickinson Pty Ltd, Lane Cove or Charles Hunter Pty Ltd, Blair Athol, SA.

### **Large and heavy exhibits**

Consideration should also be given to the use of lifting equipment for manual handling tasks such as lifting transformers and air filters. The Police Rescue Squad may be of assistance in the provision of ladders, trolleys, cutting equipment and tools for the dismantling of large pieces of equipment.

### ***Heavy lifting***

The following guidelines from Safetycare Australia Pty Ltd are provided by the Workforce Safety command. Follow the link below for more information:

[http://intranet.police.nsw.gov.au/\\_data/assets/file/0005/349214/Principles\\_of\\_Safe\\_Lifting\\_and\\_Carrying.pdf](http://intranet.police.nsw.gov.au/_data/assets/file/0005/349214/Principles_of_Safe_Lifting_and_Carrying.pdf)

### **Assessing the lift**

The first step in any lifting operation is to assess the lift. Look at the load, and the environment through which it must be moved.

Clear the area of hazards. These could include such things as hoses, leads (power cords), tools and other obstructions on the floor, and ensure the surface is not slippery or greasy.

Check the load for potential hazards, such as sharp edges and protruding staples, make sure there are no leaks or spills and wear appropriate shoes, as well as any additional protective clothing - such as gloves, if necessary. Gauge the weight of the load before you lift.

This can be done by a combination of reading any information that may be printed on the item to be lifted that may indicate the contents and weight of the load and by simply moving the load sideways, or backwards and forwards.

This is a very important step as it allows the person to ascertain whether or not the load to be lifted is within their own lifting capacity.

Do not attempt a lift if you are not convinced you can handle the load safely.

### **Preparing to lift**

Now that you have judged the path is clear, and the object is safe to lift, you can prepare to lift it.

Stand close to the load, preferably in the direction you wish to move. Use a wide stance to ensure you are stable and balanced.

As a general rule the front foot should be beside the object and if possible pointing in the direction of travel. The back foot should be slightly behind and be comfortably apart from the front foot. This achieves a stable base and allows for an even distribution of weight.

Now that you are properly positioned, bend your knees. Bending your knees enables you to get down to the load and to use your legs to lift. This way, instead of straining the back, the thigh and leg muscles are used and these are the strongest part of the body.

Now you can obtain a proper hold on the object. Ideally with the proper hold the arms should be straight, with the hands diagonally opposite, for security and comfort.

Try to use the full length of your fingers and where possible, the palms of the hands to avoid fatigue. Make sure the back is kept as straight as possible and as close to upright as possible, with your head level.

This will help keep the spine straight and enable you to see where you are going.

### **Lifting**

Now you are fully in position, and ready to lift.

With your back as upright as possible, your head level, and your arms straight, tighten your abdominal muscles and begin to lift with your legs.

Avoid jerking and use smooth, even motions. Do not twist your body as you lift. If you need to change direction, wait until you are fully upright and turn using your feet.

### **Carrying**

When carrying a load, remember to keep your movements smooth, and to avoid any fast or jerky motion. Do not change your grip while carrying and do not twist your body.

Keep the load close to your waist, and all loads should be carried between your waist and your shoulders – as this will allow you the most stability and control.

When setting down a load, the reverse procedure to lifting should be applied, using your legs – not your back – to handle the load.

Do not twist as you are putting down the load. If the load requires adjustment, lower it first, then push or pull it into place.

Regardless of the shape and appearance of the object, the principles of safe lifting remain the same.

So, in summary, the basic steps for safe lifting are:

- clear and assess the area
- Check and size up the load
- take proper foot position
- bend your knees
- keep back upright
- take proper hold
- lift with your legs
- keep load close to your waist

By following these simple steps you will significantly reduce the risk of injury when lifting, but remember you're the key.

The Golden Rule when lifting must be to always lift within your own lifting capacity and if in doubt get help or use a mechanical lifting device. Never lift an object or a weight that is beyond your own lifting capacity.

If a team lift is required, the same principles still apply. Ideally the people involved in a team lift should be of a similar height and physique. The load should be evenly shared but most importantly, one person should take responsibility for the operation and act as coordinator.

Many objects simply because of their shape invite the use of incorrect lifting techniques. Regardless of the object, following the correct procedure is vital to minimize the risk of injury.

When using a hand trolley or barrow, the principles of safe lifting still apply. Your arms should be extended and by your sides with your back straight.

And finally, having examined all the steps necessary for safe lifting, the other obvious factor to consider when carrying or when using a mechanical lifting device is to ensure you have adequate vision.

Obscured vision can easily lead to injury not only to the person carrying or moving the load but also to other people as well as to the goods themselves.

## Factors governing manual handling

As well as understanding the steps necessary to ensure safe lifting the following three factors should be taken into account to minimize the risk of accidents and injuries.

- The nature of the load
- The working conditions, and
- The personal limitations of the individuals performing the task.

The nature of the load. A load may be difficult to handle safely if it's too awkward, if it's too soft to control, is unbalanced, unstable or has contents which are liable to shift, contains moving parts, is difficult to grip or is poorly positioned.

In addition there may be physical hazards such as whether the object has sharp edges, or is hot or cold to touch.

Loads can also be chemically hazardous and can be potentially dangerous if they leak or are spilled or even in some circumstances if they come into direct contact with the skin.

Chemical loads also present the possibility of the inhalation of dangerous vapours or hazardous particles.

Working conditions. The layout of the work area should take into account the distance over which typical loads have to be moved and the height of shelves and tables. Gangways and work areas should be significantly spacious to allow easy moveability.

Floors and other walking surfaces should be level and firm. Slippery, greasy or wet surfaces are obviously particularly dangerous.

Adequate illumination of the work area is important and care should be taken where uncomfortable temperatures exist. High temperatures can result in fatigue and loss of handling efficiency and low temperatures can lead to numbness of the hands and loss of manual dexterity.

Personal limitations. Lifting, carrying and moving loads consumes muscular energy. People vary enormously in their capacity to produce such energy and full account should be taken of an individual's limitations.

The individual's capacity is largely determined by:

- age
- strength and degree of body development
- general state of health
- degree of skill and experience, and
- susceptibility to fatigue.

Stretching, either before a lift or at the start of the day can be most helpful, and you should always try to give yourself time to recover from strenuous tasks by alternating them with fewer tasks that are less physically demanding. Regardless of where you are or what the objects may be, the steps towards safe lifting are always the same, even for familiar objects, such as a box of paper, a stack of books, or even for a chair.

The essential lifting message is the more you bend your knees, the less you'll use your back.

### ***Other exhibit related considerations***

Conduct risk assessments prior to commencing new projects, new equipment acquisition or use, work practices, premises, introducing new shift working arrangements, hazardous or biological substances, hazardous manual tasks, environment and situations where there is potential for harm.

If the situation is covered by SOPs or authorised industry reference material, these should be followed. If in doubt, consult a supervisor or Duty Officer, or the Workforce Safety.

Do not attempt to handle a situation requiring expertise outside your qualifications and experience. In emergency situations, all care should be taken. Containment and isolation of dangerous items such as chemicals, ferocious animals, explosives, etc is the recommended response until such times as expert advice and guidance can be obtained.

The local command management should ensure that an appropriate level of first aid resources are available to staff.

# Exhibit, Forensic Information and Miscellaneous Property System (EFIMS)

*[Refer to the Exhibit, Forensic Information and Miscellaneous Property System (EFIMS) chapter within the NSW Police Handbook]*

## **Introduction**

The EFIM System has two primary functions:

- Record exhibits and miscellaneous property coming into police possession, and
- Managing their movement in processes such as analysis, presentation at court and disposal

The primary method of this record keeping is through computer records and bar-coding.

The EFIM System is administered by the Forensic Services Group and it is they, in combination with the Corporate Spokesperson for Exhibits and in consultation with the field, who are responsible for providing the appropriate documentation and support to guide and instruct the NSW Police Force in its use of that system and exhibit handling policy and methodology.

*(Refer to the EFIMS site on the NSW Police Intranet)*

## **Basic functions on EFIMS**

### **Exhibit Packaging**

*(Refer to The Drug – Prohibited Drugs and Plants chapter of the NSW Police Handbook and relevant Policies and Procedures documents on the EFIMS Intranet site).*

- All exhibits recorded in EFIMS are required to be labelled and/or 'tagged' with an EFIMS barcode.
- Only one EFIMS barcode label is required for each exhibit item (generally the larger one).
- The smaller duplicate barcode labels (10mm X 40mm) are provided for attachment to documents (e.g. forms or receipts) and/or notebook and field seizure book entries associated with the item.
- Stick the EFIMS barcode label on the outside of the exhibit packaging in a visible position.



- If an item cannot be packaged, attach a tag and stick the EFIMS barcode label on the tag. If the exhibit is an animal, stick the EFIMS barcode label on a card and photograph the animal with the card and barcode label visible.
- Never stick the EFIMS barcode label on the exhibit. Tagging and/or labelling should not prevent or contaminate the forensic analysis process.
- If the EFIMS barcode label is damaged, void the label by striking it with a red pen and sign your name on the label. Place a new EFIMS barcode label on the packaging or tag. Do not place the new barcode label over the top of the old barcode label. Update EFIMS with the new barcode label and record a note to explain why the barcode label number has been updated.
- Always use a barcode scanner at the point of recording the exhibit item to avoid incorrect data input.
- Decide prior to recording the exhibit in EFIMS whether to record as one item or split over several items. For example, if you have multiple items and one of these items requires forensic analysis, you may record that item as a separate item in EFIMS. Alternatively, you could record as one item and then create a sub-exhibit at a later stage for the item that requires forensic analysis.

*(Refer to Forensic Services Group SOPs and manuals for the handling and packaging of exhibits requiring biological, fingerprint or other analysis)*

## **Recording an Exhibit**

*(Refer to NSW Police Intranet EFIMS site for policies and procedures, training and support material and forms and resources)*

## **Requests for Forensic Jobs**

Forensic jobs include:

- Scene attendance
- DNA analysis
- Other biological analysis
- Drug identification
- Physical evidence analysis such as ignitable fluids and paint matching
- Toxicological analysis
- Fingerprint comparison
- Handwriting comparison
- Firearm examination
- Request a certificate/statement from a laboratory

*(Refer to NSW Police Intranet EFIMS site for policies and procedures, training and support material and forms and resources)*

### ***Auditing of Exhibits and Miscellaneous Property recorded on EFIMS***

*(Refer to the 'Auditing of Exhibits and Miscellaneous Property recorded on EFIMS' document on the Policies and Procedures page of the EFIMS NSW Police Intranet site).*

The above document will give guidance on how to record auditing actions on EFIMS. Due diligence is required for assuring the auditor of the integrity and presence of the entirety of the exhibit, rather than simply auditing the presence of a barcode.

# Miscellaneous Property

*(Refer to the Miscellaneous Property chapter of the NSW Police Handbook)*

The objective and function of creating adequate records of how police manage property coming into their possession is two-fold. Firstly, it allows for a transparent explanation of how the property was dealt with, allowing for accountability and facilitation of appropriate and reasonable decision-making. Secondly, it allows police to be able to determine the location and status of property at any given time. This is of particular assistance when enquiries about property may be made at a location different to where it has been located.

Miscellaneous property, (not connected to the investigation of an offence), that comes into police possession should have all reasonable attempts made to locate and return it to the lawful owner.

Where the owner is able to be determined, take immediate steps to contact them for return of their property. Make an EFIMS record regardless of the likelihood of a quick return of the property.

Where initial identification of the owner is unable to be made and the property is:

- valued at \$1000 or more
- identifiable (serial number, inscriptions, markings, brand, model, uniqueness etc – to be recorded as traceable property)
- money (only if it is \$250 or more)

make a corresponding COPS entry in parallel to the EFIMS record and cross-reference each to the other.

Likewise, if there is some dispute over ownership or return of the property, create a COPS entry, regardless of value.

*(Refer to NSW Police Intranet EFIMS site for policies and procedures, training and support material and forms and resources)*