

Police Notices

22 September 2003

PN 03/34

Retention and disposal of exhibits

The Exhibits guideline in the *Police Handbook* is under review. Until the review is completed and until further notice, all exhibits in prosecutions involving serious indictable matters and all sexual assaults (including those matters dealt with summarily) where exhibits are obtained, irrespective of whether or not DNA evidence is extracted from them, are to be retained by local area commands.

Under no circumstances whatsoever, are these exhibits to be destroyed or disposed of, (whether a person has been charged or not). This includes after all proceedings have been finalised as well as any appeal. Local area commands are to ensure that these exhibits are secured in an environment to reduce the risk of contamination.

This notice enforces the interim moratorium issued and authorised by the then Deputy Commissioner in a state wide MEMO on 11 January 2002 and a further state wide MEMO on 18 August 2003, concerning the retention of all exhibits until further notice in regard to all sexual assaults and other serious indictable matters, including after all proceedings have been finalised.

The government has announced that it will overturn the 800 year old rule of 'double jeopardy' by introducing retrospective legislation in cases where compelling new evidence comes to notice after the accused has been acquitted for an offence that carries a maximum penalty of

life in prison. These offences include murder, manslaughter, gang rape and serious drug supply offences. Until the legislation is enacted, all exhibits for these offences are to be secured and are not to be destroyed or disposed of until further notice.

If the owner of any property held as exhibit in the above mentioned matters desires the return of that property, a report is to be submitted to the Director, Legal Services, for advice.

D Madden

Deputy Commissioner Operations

INDEX HEADINGS:

EXHIBITS – Retention of in all serious indictable matters and all sexual assault offences and acquittals for offences that carry a maximum penalty of life in prison until further notice.

ACQUITTALS – Retention of all exhibits for offences that carry a maximum penalty of life in prison until further notice.

INDICTABLE MATTERS (SERIOUS) & ALL SEXUAL ASSAULT OFFENCES – Retention of all exhibits until further notice.

SEXUAL ASSAULT OFFENCES (ALL) – Retention of all exhibits until further notice.

Enquiries: 45281

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