



## POLICE NOTICE 07/15

File No: NSWPD/2007/135876 • Enquiries: [REDACTED] / 45462

### Change to existing exhibit moratorium

On 11 January 2002 I directed that there be a moratorium on the disposal of exhibits. This was because of the Government's stated desire to enact legislation which created a DNA Review Panel and laws which overturned the double jeopardy rules in serious cases.

Both pieces of legislation have now been passed by Parliament and the scope and compass of the new laws is now known. As such I have determined that the current moratorium should be amended to match the scope of the new laws. Guidelines have been developed for inclusion in the *Police Handbook* and these provide details of my expectations in relation to these new laws. They should be referred to when dealing with these cases. Below is an overview of the changes.

From 31 August 2007 I only require all exhibits to be retained by a Local Area Command or Region in relation to these new laws when the exhibits relate to one of the following:

1. A conviction case **before 19 September, 2006** where any offence

that has been proven carries a maximum penalty of life imprisonment or 20 years and above.

2. Any acquittal case where any offence charged carries a maximum penalty of 15 years or more.
3. A matter before the court which is awaiting finalisation including those cases waiting for consideration of an appeal or where any appeal period is yet to expire.

I note the new laws provide for exhibits to be lawfully disposed of in the conviction cases listed in point one above. However this is **not to occur** and no exhibits should be disposed of in such cases as they may be needed for a reinvestigation, appeal or retrial. In all instances the exhibits should be retained to permit a retrial unless there is a court order or legislative provision which requires the exhibit's disposal.

In relation to all other exhibits which have been retained under the current moratorium and which are no longer affected by the moratorium I expect that

every officer in charge of a matter will arrange for the necessary documentation to be provided to exhibit staff, to permit the early disposal of all those exhibits which can be lawfully disposed of.

I remind all police that it has always been my expectation that they will properly manage the evidence they gather and this extends to responding to requests from exhibit staff in a timely manner.

In relation to all other unsolved crimes, commanders are to exercise their discretion to retain or dispose of exhibits based on normal investigative processes. I expect that this will be done on a case by case basis.

I note that currently, details of the actual cases affected by the new laws are being determined and I expect that the requirement to keep exhibits in completed matters will be further defined once this information is to hand.

*K. Moroney AQ, APM  
Commissioner of Police  
21/8/07*