

COMMISSIONER'S POLICY NOTICE 10/12

Maintenance of exhibits by the NSW Police Force

This guide explains how exhibits subject to the DNA Review Panel and Double Jeopardy provisions of the *Crimes (Appeal & Review) Act 2001* should be maintained.

It should be read in addition to the general provisions for the handling of exhibits by police covered by the *NSW Police Force Handbook*.

No exhibit should be disposed of until 28 days after the matter is finalised by a court.

If exhibits are affected by DNA review panel or double jeopardy provisions, the exhibit must be kept in a condition ready for the prosecution of the matter.

Where an exhibit relates to an offence that does not fit either of these criteria, that exhibit may be disposed of as per the usual NSWPF procedures outlined in the *NSW Police Force Handbook*.

How can these exhibits be disposed of?

DNA review panel: Material being kept in case of a review by the DNA review panel may only be disposed of in the following circumstances:

1. The accused person's sentence is complete (including parole).
2. The officer in charge has obtained a certificate from the Commissioner of Corrective Services under S.260 of the *Crimes (Administration of Sentences) Act 1999* to that effect.
3. Once you're satisfied that the accused person is no longer subject to the sentence or otherwise held in gaol for the offence, the exhibit may be returned or destroyed.

Double jeopardy: Where an accused person has been acquitted of an offence that has a maximum penalty of less than 15 years' imprisonment, an exhibit may be returned or disposed of after 28 days have passed and the officer in charge has confirmed there have been no appeals lodged or received. Other exhibits must be kept.

Will I be liable if material is destroyed by accident?

You can not be prosecuted for mistakenly destroying an exhibit where you have acted in good faith.

For more information about this project turn to page 19.

*Deputy Commissioner Dave Owens
Field Operations*

	Conviction date	Maximum penalty	Status of matter	Exhibit type	Action
DNA review panel	Prior to 19/9/2006	Any form of imprisonment	Serving sentence	Comprises of or may contain biological matter	Must be kept till sentence complete
Double Jeopardy	Not relevant	15 years or more imprisonment	Acquitted of matter	Any	Must be kept

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