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Commissioner's Instructions

LIBRARY & INFORMATION SERVICES
NSW POLICE
McDERMOTT DRIVE
GOULBURN NSW 2580



New South Wales Police Service



Instruction 29

Detectives and plainclothes police

Detectives and plainclothes police

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Organisation of detectives and plainclothes officers 29.01

Specialist groups of detectives have been formed under the State Commander to assist in investigating specified crimes.

Criminal investigation staff attached to regions, districts, and patrols are under the control of the region commander, who is responsible for their training, deployment, and composition of groups. Region crime squads provide specialist investigative skills, training, and resources to support patrol centred community based policing. They also conduct major complex and protracted investigations in specialist investigative disciplines at the direction of their region commander.

Major investigations

Police generally

Refer to Instruction 65, Police Service plans regarding support from specialist units from outside your region, or advice on task force policy.

Application and selection for plain clothes duty 29.02

Applications

Applicants for plainclothes duty

To be selected for detective duty, you should hold the rank of constable and show an interest in, and an aptitude for criminal investigation. You should have a history of proven reliability and knowledge of police procedures and the ability to carry them out. Apply by manuscript report, including your relevant experience.

When your application is supported by region, district and patrol commanders, your name is included on the ungraded list of applicants for plainclothes duty in your region. Your patrol commander will permit you to

Detectives and plainclothes police

perform duty with detectives to gain practical experience, subject to roster requirements.

You will attend a group induction day at your region investigative group and visit the various specialist units where you are addressed by detectives. You will receive a "Potential Detectives (ungraded) Study Manual", to help you prepare for an interview by a selection committee.

If you are considered a suitable applicant, you will be graded. As vacancies occur, you may be transferred to a patrol to perform permanent plainclothes duty as a student detective.

Patrol commanders

Forward applications with your recommendation through your district commander to the region office.

Selection committee interviews

Applicants for plainclothes duty

If your name is on the ungraded list, you will appear before a selection committee to assess your suitability to continue training in criminal investigation.

You are assessed on your appearance, demeanour, manner of speech, experience, knowledge of practice and procedure, and Acts of Parliament. If successful, your name is included on the graded list of applicants for plainclothes duty.

The selection committee, at the prerogative of the region commander, is comprised of at least three experienced officers and the staff officer (Personnel).

Training and education

29.03

Preliminary training

Detectives in training

When selected by the committee, you are normally attached to a patrol while training in criminal investigation.

Detectives and plainclothes police

A field advisor who is an experienced detective is responsible for your supervision and training.

After a probationary period, you may be transferred to permanent criminal investigation duties.

Subject to staffing requirements, you may be deployed at the region investigative group. The unit leader will maintain a record of your progress.

Records of applicants and training

*Region staff
officer, personnel*

Maintain records of applicants, results of selection committee interviews and selection for detectives' courses. Forward the records to the Co-ordinator, School of Investigation where a priority list of applicants will be maintained. Selection for courses will be determined by the School, with priority being decided according to the date applicants met the entry criteria.

Investigators course

The Investigators Course is district based. Selection of candidates is based on applications by operational officers, at the level of constable or above, to their District Training Co-ordinator.

Detective Education Programme

The criteria for inclusion in the Detectives Education Programme are:

- a minimum of three years service
- a desire to pursue a career in criminal investigation
- successful completion of the investigators course

Detectives and plainclothes police

- currently occupy an authorised investigative position with six months experience in that position
- engagement in criminal investigation duties throughout the course

Supervision of plainclothes officers

29.04

Commanders

You are responsible for the efficiency of plainclothes officers and detectives. Should you become aware of flaws in methods, apathy in the discharge of duty, or absence of results tending to show unsuitability, and the position does not improve following counselling, report the facts and recommend transfer.

Keep senior officers apprised

Detectives and plainclothes officers

Report progress made in investigations to your commander and record important developments. When investigations cannot be completed within a reasonable time, and progress is unlikely, seek assistance from the commander of a specialised squad or section. Where serious unsolved crimes attract community and media attention, keep the district commander apprised.

Responsibilities

Promptly and efficiently investigate criminal matters, irrespective of time or the hours of duty performed. Where practical, prevent crime, suppress vice, and detect and arrest criminals.

Gratuities and payments

Refer to Clause 11 of the Police Service Regulation regarding gratuities and payments from private citizens.

Apply to your commander for expenses or an advance.

Co-operation

Ensure effective co-operation is maintained to detect criminals. Do not seek individual credit. Freely exchange information and constantly adopt fresh and unexpected methods. Bring information which may secure the arrest of a criminal, or clear up a crime, to the attention of the commander or senior detective. Maintain cordial relationships with the public from whom useful information may be obtained.

Detective (Technical)

29.05

Fingerprint technicians

When performing duty at either the Fingerprint Section or any District Crime Scene Unit, you will qualify for the designation "Detective (Technical)" provided:-

- you have satisfied the criteria for 'expert' status and hold the Certificate of Expertise
- you are engaged on full-time fingerprint duties
- the designation is recommended by the Commander, Fingerprint Section to the Group Commander, Technical Support Group

Physical evidence personnel

When performing physical evidence duties, you will similarly qualify for the designation of "Detective (Technical)" provided:

- you have completed four (4) years or more continuous service on a specific area of physical evidence duties (i.e. crime scene, mapping, etc.)
- you have satisfactorily passed all internal and other courses as required
- you are engaged on full-time physical evidence duties

Detectives and plainclothes police

- the designation is recommended by the Commander, Physical Evidence Section to the Group Commander, Technical Support Group.

The designation is not transferable if you choose to perform criminal investigation activities, unless you are eligible and qualified to hold the normal designation of "Detective".

Additionally, the designation does not attract any additional allowance.

In circumstances where you transfer from criminal investigation duties to fingerprint or physical evidence duties, the question of you retaining the designation of "Detective" or assuming the designation "Detective (Technical)" will be considered on its merits. Present incumbents who are eligible and qualified to hold the normal designation of "Detective" will continue to retain that privilege.

When you are designated "Detective (Technical)" you may abbreviate the title to "Detective (Technical)" when appending your signature to Police Service correspondence, reports, etc.

You may also identify yourself as a "Detective Constable/Detective Sergeant", omitting the term "Technical", when in day to day contact with the public or deposing whilst presenting evidence.



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New South Wales Police Service



Instruction 37

Arrests and checkpoints

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Arrests and checkpoints

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Arrests and checkpoints

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Basic powers of arrest

37.01

Police generally

Your basic powers of arrest are contained in S. 352 of the Crimes Act and it is important you know this legislation well. A variety of other Acts contain specific powers of arrest and refer to the Miscellaneous Legislation section of the Instructions. The general powers of arrest for offences under any Act also relate to offences under regulations, ordinances or by-laws made pursuant to any such Act. Take note that some of these prescribe the persons entitled to take proceedings, and exclude your general powers of arrest under the Crimes Act.

Although the law has given you broad powers of arrest, the circumstances of each offence will determine whether, in the particular case, the extreme action of arrest is warranted in the public interest. You must bear in mind other forms of process (see Instruction 96). In some cases, arrest may be the only effective means of enforcing the law. Matters to which you should have regard include :

- ensuring the person will appear at court
- conducting investigative procedures authorised by statute
- preventing interference with the administration of justice
- preventing the continuation or repetition of a criminal offence
- ensuring the safety of any person or property (e.g. by the imposition of a bail condition)
- establishing the identity of the offender

If proceeding by summons, immediately record the particulars of the offender and do not detain him or her unnecessarily.

Arrests and checkpoints

Refer to the following instructions for specific arrest procedures:

- Instruction 121, Non-citizens - convictions and deportations
- Instruction 123, Diplomatic agents and consular representatives

Refer to Commissioner's Instruction 74 for general arrest and search powers in respect of Commonwealth offences.

General participation and co-operation

Police generally

Co-operate with all branches of the Service in preventing and detecting crime, and arresting offenders. Exchange available information freely and do not withhold information from your commander.

Do not be jealous or suspicious of another member's loyalty.

When an arrested person is also the subject of a police circulation, immediately inform the officer initiating the circulation. If you execute a First Instance Warrant, immediately notify the officer who took out the warrant. If you cannot contact an officer, immediately inform the officer's commander.

Person arrested while on parole

When you arrest a person who is subject to parole, contact the Corrective Service's, Offenders Review Board and supply the offender's name, date of birth, the charges to be presented as well as the name and station of the officer in charge of the case.

Establishing identity of suspect

*Amended
see psc 94/19*

When arresting a suspect by warrant or otherwise,

Arrests and checkpoints

ensure you are certain of the identity of that person. Among other things a search of all available information and intelligence systems is advised. Failure to take care in this regard is viewed seriously and may lead to a legal liability being made against police. When you arrest a person for an offence involving violence, firearms or narcotics, refer to Instruction 118, Firearms and prohibited weapons, Inquiries to be conducted concerning violent offences.

Wherever practical obtain the driver's licence particulars of all persons of interest, victims and witnesses. This will aid the linking process on the Computerised Operational Policing System (COPS).

Riot, affray, assault, etc.

Police generally

The Crimes (Amendment) Act, 1988, abolished the common law offences of riot, rout and affray and created statutory offences of riot and affray. The Act made all assaults indictable offences.

If you see an actual breach of the peace, riot, assault, etc., identify yourself if not in uniform and intervene immediately. Separate the combatants, and prevent others from joining in. If the offence is serious, or the offenders do not immediately stop, take them into custody, as well as principal instigators of the disturbance. Do your utmost to restore order.

Police generally

If the number of police present is insufficient to quell the disturbance, or it is not expedient to arrest then, note carefully the ringleaders for later proceedings. Be firm and endeavour to restore order.

When a breach of the peace appears likely to occur, as when people are openly preparing to fight, tell them to stop. If they continue, arrest them. If they enter a house etc., and prepare to fight within, enter to prevent them continuing and if necessary arrest them.

Arrests and checkpoints

If a person draws a weapon upon another and attempts to strike, take the person into custody.

If people are merely quarrelling or insulting each verbally, you have no right to arrest unless offensive, indecent, etc., language is used in or near a public place, etc. Be ready to prevent a breach of the peace.

Breaches of the peace

You may arrest, without warrant, any person you see committing a breach of the peace while there is a danger of its renewal.

You have no power to arrest for a breach of the peace when it is over and there is no danger of its renewal, unless such breach is a statutory offence also.

Public mischief

Police generally The offence of "public mischief" is made punishable by S.547B of the Crimes Act. It relates to a person who gives a false report that an act has been, or will be done, or that any event has occurred or will occur, which calls for a police investigation. You can arrest the offender without warrant.

Indecent articles and classified publications

Be conversant with the provisions of the following Acts, however, if you suspect an offence, confer with your commander before commencing action.

Police generally The Indecent Articles and Classified Publications (Amendment) Act deals with publications which have been classified as:

- prohibited
- category 1, restricted
- category 2, restricted.

Arrests and checkpoints

The Film and Video Tape Classification Act deals with:

- classifying films
- displaying films
- selling films
- purchasing of certain films by minors
- selling "R" films to minors
- advertising for films
- prescribed markings on containers
- minors attending the showing of certain films
- procuring children for child abuse films.

S.39 of the Act relate to search warrants and S.41 with the forfeiture of films after seizure.

Arrest by warrant

Endeavour to effect arrest immediately a warrant is issued, or as soon as possible thereafter; a warrant remains in force until executed. When executing a warrant, state your authority and, if requested, produce the warrant, if you have it. Never part with a warrant prior to its execution.

After arrest, read the warrant at the station, and hand it to the station officer or lockup-keeper for production at court.

For further information regarding warrants see Instruction 88.

Arrests and checkpoints

Complainants taking action

Police generally

Consult the clerk of the local court when you receive a complaint of an alleged offence and you consider it inappropriate to arrest without a warrant. Exercise caution in allegations of embezzlement, etc., and when proof of an allegation rests on the uncorroborated evidence of the complainant.

In these circumstances lay an information before a justice and if a warrant is to issue, have the matter thereof substantiated by the oath of the complainant or a witness. S.23 Justices Act.

When a complainant lays an information personally, that person becomes a party to the proceedings.

There have been occasions when although police investigated an alleged offence and prepared the matter for court, the presiding magistrate required the informant to conduct the prosecution.

Investigating officer

If you decide that court action against an alleged offender is justified but consider the complainant should demonstrate good faith, lay an information before a justice and have the matter thereof substantiated by the oath of the complainant as a witness.

Adopt this course whether the information laid is for the issue of a warrant or summons. It removes objection to a police prosecutor appearing in the proceedings and demonstrates the complainant's good faith.

Adopt a similar procedure when it is required that the matter of an information be substantiated on oath and you have insufficient knowledge of the facts to do so.

Clerks of the court recommending police assistance

Police generally

If a private citizen lays an information and process is issued for a criminal offence, the clerk of the local court could suggest that police assist in placing the facts properly before the court.

If this occurs, submit a report promptly to your district commander. If necessary, telephone the commander and report the facts. Your district commander decides whether police assistance is warranted.

Advise the informant that the court may rule he or she prosecute the matter and to consider obtaining legal representation for that purpose.

District commander

When process is issued against a member of the Service regarding actions in the course of his or her duty, as a general rule, do not instruct another police officer to assist the informant by investigating the allegations for the purpose of court proceedings.

If you consider circumstances warrant a departure from this procedure, report the matter to the Assistant Commissioner, Professional Responsibility, for a direction.

Transport authorities

When requested, give assistance to State Rail Authority or State Transit Authority officers for offences against the Government Railways Act (or by-laws) or the Transport Act. If an officer of the State Rail or State Transit Authority arrests a person, take the person into custody if:

- the officer is willing to sign the charge
- you are satisfied an offence has been committed.

Station officer

Arrests and checkpoints

Prefer the charge under the Act and Section requested by the officer. If an employee of the State Rail or State Transit Authorities commits a breach of the Government Railways Act or its by-laws or the Transport Act and is given into your custody by an officer of those Authorities, the prosecution is conducted by a representative of those Authorities.

Forcing entry to premises 37.02

Police generally

Where entry is reasonably necessary to effect an arrest without warrant pursuant to Section 352 of the Crimes Act, you may use force to do so, but only when two pre-conditions are satisfied. First you must believe on reasonable and probable grounds, before entry, that the person to be arrested is on the premises.

Secondly, except in exigent circumstances, that is urgent circumstances or circumstances requiring immediate action, you must also first announce your identity, claim authority to enter and give the occupier an opportunity to allow entry without force. Forcing entry should be the last resort.

You may force entry when you believe on reasonable grounds a breach of the peace is imminent or is taking place. Except in exigent circumstances, that is urgent circumstances requiring immediate action, you should first announce your identity, claim authority to enter and give the occupier an opportunity to allow entry without force. Forcible entry is only justified where the breach of the peace is imminent or is taking place.

Where entry into private premises is considered necessary, assess the level of response appropriate to gain entry. Forced entry without delay may be appropriate where you consider an emergency exists. In less urgent situations seek alternate methods of gaining entry which will cause the least damage.

Power to stop and search

37.03

Arresting officer

Refer to Commissioner's Instruction 74 in respect of Commonwealth offences. At common law, you do not have a general power to stop and search a person prior to arrest, except where that person gives consent. The circumstances in which you can exercise your statutory powers of stop, search and detain are contained in S.357E of the Crimes Act, S.37(4) of the Drug (Misuse and Trafficking) Act and S. 8 of the Search Warrants Act.

When you arrest a person for any offence and you have reasonable cause to believe that any property or evidence connected with the offence is on the premises occupied by the offender, search those premises, and any receptacles contained within, in the offender's presence. However, remember that, unless acting in compliance with a search warrant, you have no general power to enter upon or search private premises without the occupier's consent.

Personal searches of the body in the absence of an arrest are confined to "frisk" type searches unless the seriousness and urgency of the circumstances require and justify a more intrusive search of the surface of the body.

Do not strip-search a person prior to arrest unless there are clearly justifiable reasons. Do not search body cavities. For procedures regarding strip-searches refer to Commissioner's Instruction 155.03.01.

Whenever you search a person, record the search and the reason for it in your notebook. Also record any items found (particularly money) and whether they were left in the person's possession. Request the person's signature to verify your action.

Damage to private property **37.04**

Police generally Repairs to private premises damaged during the course of your normal duties, should not be the responsibility of the Police Service. If the conditions outlined in 37.02 have been met, then no liability rests with the Police Service for any damaged caused.

Never admit liability for any damage caused or make any offer of payment or settlement.

Record pertinent information regarding any damage to private property caused in the execution of your duty in your notebook and as an "occurrence only" entry to the event on the Computerised Operational Policing System (COPS) or on the general station pad if the matter is not recorded on COPS.

Claims for compensation

Police generally Refer requests for compensation to your patrol commander.

Patrol commander Decide whether the actions were in compliance with the conditions outlined in 37.02.

If you consider the actions to be justified advise the claimant that no compensation will be made. If the claimant is a landlord or agent advise them to direct their claim to the tenant or approach the Rental Bond Board for access to the bond to make good the repairs required.

If you consider the actions to be unjustified or possibly negligent have the officer complete and submit Form P.446 in duplicate together with two quotations from the claimant for the cost of repairs. Record the submission of the form as an action on the COPS event or on the general station pad if the matter has not been recorded on COPS. Examine the form and ensure it reflects the owner's claim.

Arrests and checkpoints

Where the Police Service could be liable, refer the claim to your regional Legal Services for determination.

If approval is given to pay the claim and the amount is under \$100, arrange for a cheque to be drawn. Arrange for regional Legal Services staff to prepare a suitable form of indemnity which is to be signed by the claimant prior to the cheque being handed over.

If approval is given to pay the claim and the amount is over \$100, refer it to the NSW Treasury Managed Fund with the appropriate claim form and documentation for consideration as a liability claim. Advise the claimant of this action. Do not make any promise or comment on the possible outcome of their claim.

Securing vacant premises

Police generally

Secure vacant premises damaged in the execution of your duty and to notify the owner, occupier or agent as soon as possible. You may arrange temporary repairs to be carried out urgently by the Department of Public Works. If the conditions outlined in 37.02 have been met any permanent repairs remain the responsibility of the owner, occupier or agent.

Patrol commander

You may approve permanent repairs to be carried out by the Department of Public Works, in situations where genuine hardship exists.

In these instances it is necessary for a "Permit to Enter and Perform Certain Works" form to be completed, signed and witnessed (see example form at the end of this instruction).

*Arrests and checkpoints***Ex-gratia payments for compensation**

Police generally In some situations the Police Service may not be liable for damage caused to private property, but the owner still seeks compensation. If due to extenuating circumstances an ex-gratia payment is considered appropriate, complete and submit Form P.446 in duplicate together with two quotations from the claimant for the cost of repairs.

Record the submission of the form as an action on the COPS event or on the general station pad if the matter has not been recorded on COPS. Advise the claimant of your actions. Do not make any promise or comment on the possible outcome of their claim.

Patrol commander Examine the form and ensure it reflects the owner's claim. Forward the form to the State Commander.

State commander Determine whether the claim is to be referred to the Minister for consideration as an ex-gratia payment or if the claim can be dealt with as an investigative cost.

Patrol commander If approval is given for the claim to be paid arrange for a cheque to be drawn. Arrange for regional Legal Services staff to prepare a suitable form of indemnity which is to signed by the claimant prior to the cheque being handed over.

If an application is refused, inform the claimant of the decision.

Permit to enter and perform certain works without prejudice

I.....of.....in the State of New South Wales, being the owner of premises located at

agree to the Department of Public Works carrying out the following repairs on behalf of the New South Wales Police Service:

Arrests and checkpoints

I further confirm that the repairs listed above are the full extent of work to be carried out following police activity on my property on (date).....and, subject to satisfactory and reasonable workmanship, no further claim will be made by myself or any other person acting on my behalf for any other work to be effected.

I give permission for officers of the Department of Public Works to enter the abovementioned premises to carry out the repairs agreed upon herewith.

.....
Signature of owner

Dated this.....day of
.....19..

.....
Signature of witness

Preserving evidence in serious cases

37.05

Operational responsibilities

Crime/incident scene management is a major concern of the Police Service. Arising from the action (or inaction) of police and civilians, it is apparent that crime and incident scenes are being contaminated or altered with ensuing loss or degradation of physical evidence and/or fingerprints. This has the potential to destroy valuable evidence and render forensic examinations meaningless.

Arrests and checkpoints

Attendance of region crime scene examiners (physical evidence and fingerprints) at a crime/incident scene

Police generally When you attend a serious crime or incident requiring the examination of the scene and/or the recording of physical/fingerprint evidence which could be interfered with, lost or destroyed if not examined immediately, you are to promptly notify Crime Scene examiners to attend.

Preserving physical evidence at a crime/incident scene

Investigating officer When arresting a person for a felony involving death or wounding, minutely examine the prisoner's hands, clothing and any other property found upon him or her. Also examine the place where the offence was alleged to have occurred. Preserve the scene and seek assistance of the Crime Scene Unit.

If you find footprints, tyre marks, etc., which appear to be associated with the crime, do not interfere with them. Preserve the scene and where necessary detail a constable to guard them and inform a crime scene examiner (CSE) for your area of the details regarding the scene and investigation. After consultation a decision is made regarding attendance.

If a prospective witness appears likely to die before the date of hearing, endeavour to take their declaration or deposition - See Instruction 58, Dying depositions and declarations.

Contact procedures

Police generally Contact your crime scene unit direct during office hours. Outside these hours contact is through the Duty Operations Inspector (DOI), in the Metropolitan Area, the Senior Operations Officer (SOO) at Newcastle and

Arrests and checkpoints

Wollongong or patrol commanders in country areas.

Crime scene units - division of responsibilities

*Region crime
squad
commander*

On delegation from your region commander, you are responsible for the following operational functions:

- job tasking, i.e., deciding the type of crime scene or incident which CSE attend
- counselling and disciplinary issues regarding operational matters
- processing operational costs in performing duties
- arranging accommodation and meeting running expenses
- providing short term support staff
- providing motor vehicles when required.

Control of crime/incident scenes



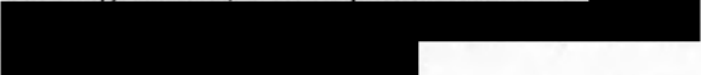
*First officer at
scene*

You are responsible for preserving the crime/incident scene for examination. Your duties include:

- assessing hazards, e.g., electrical, gas, chemical, and taking appropriate action
- rendering or arranging for first aid to be given to any person
- determining the nature and size of the scene

- 

Arrests and checkpoints

- 
- calling for:
 - a supervisor if necessary to co-ordinate control of the scene (scene co-ordinator)
 - CSE
 - investigators
- defining the boundary of the scene with scene tape
- protecting endangered physical evidence and recording action taken in your notebook
- recording in your notebook any action by you which may have changed the scene, e.g., forcing entry or moving objects
- guarding and preventing persons, regardless of rank or status who do not have a specified task to perform, from entering the scene
- advising the DOI, SOO or patrol commander 

- recording a log in your notebook and including rank, name, station, time of entry and exit and reason for specified tasks for each person entering the scene until you are formally relieved of this responsibility
- providing the senior investigating officer (SIO) and CSE with all information before you leave the scene
- obtaining the signature of the SIO in your notebook

Arrests and checkpoints

when you are relieved of recording duties

*senior
investigating
officer at scene*

Your responsibilities include:

- checking that scene preservation procedures are in place and confirming this to the DOI, SOO or patrol commander and giving your call sign and name
- checking with the first officer at scene regarding the attendance of CSE
- ensuring that a log of events is being kept by the first officer
- signing the recording officer's notebook when crime scene preservation requirements are completed
- informing the CSE when he or she arrives, that another examiner has arrived, is on the way, has not been called or has left the scene, etc, and providing the examiner with details of the incident.

When a CSE is called to an incident, you have the overall responsibility for investigating the incident.

Promptly inform CSE of the progress of an investigation, pertinent developments, location of further items of physical evidence, arrest of offender, earliest warning of paper committal service dates, court dates, plea, etc.

*Scene
co-ordinator*

You are responsible for:

- ensuring scene preservation steps outlined above are in place including the log of events
- seeking out any additional witnesses and recording their particulars including their driver's licence No. where practical. This will aid the linking process on COPS.
- controlling traffic

Arrests and checkpoints

*Crime scene
examiner*

- controlling and liaising with media
- arranging for other assistance at scene as advised by the SIO or CSE.

Your responsibilities include:

- examining, assessing, recording, and collating physical or fingerprint evidence at the scene
- co-ordinating and being responsible for all physical evidence involved in the investigation.
- promptly providing the SIO with details of any developments (results of own or laboratory examinations, producing plans, etc.) on physical evidence aspects of the investigation.

When you collect evidence at a scene you are the only link, unless exceptional circumstances exist, between the investigator and the laboratory for the submission of items, progress information and receiving results of analyses. This reduces the number of inquiries to the laboratory and maintains the investigator's integrity and impartiality.

Re-enactments

Where an offence has been committed or may have been committed, arrangements may be made for an on-site re-enactment of the offence. This should be held promptly after the event and approved by the patrol commander to ensure the crime scene and other exhibits have been properly preserved.

In conducting a re-enactment make every effort to [REDACTED]. The re-enactment should be supervised and recorded by an independent officer nominated by the patrol commander.

Conveying arrested person to nearest police station 37.06

Arresting
officer

wisest →
see cc
96/97

Take an arrested person, as soon as practicable, to the nearest police station with charging facilities. ↑ If you wish to issue a CAN take the person to the nearest police station where this can be done.

When escorting an offender through a busy location where a crowd is likely to gather and the risk of you being assaulted is increased, use every practical means to hasten the offender's removal to a police station. If a departmental vehicle is not available you are authorised to hire any public or private vehicle available. Always utilise the third party liability insurance available from the hirer. Only use approved hire car companies. If the offender wishes to pay for the conveyance, accept the offer provided the cost is not defrayed from money suspected of being stolen. Keep arrested offenders under observation when escorting them to a station to ensure they do not dispose of any property.

When a person is arrested by a citizen and handed over to you, satisfy yourself there is sufficient proof of the offender's guilt.

If you have doubts regarding the bona fides of the charge or of the person making it, avoid making an arrest, if possible, and request the person against whom the complaint has been made to accompany you to the nearest station, so that the merits or legality of the charge can be inquired into. (Refer to Instruction 92.18).

Remember, unless you arrest a person, you have no power to insist that person accompanies you to a police station. The person is free to come and go as he or she pleases.

Arrests and checkpoints

Photographing and care of prisoners

Do not allow a prisoner to be photographed other than for police purposes. Also, treat prisoners fairly. Only impose restraint sufficient to ensure safe custody as excessive restraint may give cause to legal liability.

Multiple charges

37.07*resting officer*

Do not prefer multiple charges against offenders when it is unlikely that lesser charges will be pursued. Secondary charges are frequently desirable as an alternative to a major charge, but before preferring charges, consider the following:

- whether the charges can be established to a prima facie degree
- the likelihood of proceeding to a hearing
- whether the charges are substantially alternative in nature to be used as a second choice only.

Prostitution offences

37.08*Police generally*

Familiarise yourself with the Prostitution Act and relevant sections of the Summary Offences Act regarding prostitution and associated offences. If uncertain of the course to adopt, discuss the matter with your patrol commander or region legal services.

Offences include:

- living on the earnings of prostitution
- prostitution or soliciting in massage parlours
- allowing premises to be used for prostitution
- advertising for prostitutes or premises used for prostitution
- soliciting
- public acts of prostitution.
- search warrants for prostitution.

Arrests and checkpoints

If you are required to attend premises used for prostitution in the course of your duty, avoid allegations of impropriety by making an entry in your notebook, diary or duty book showing the purpose of the visit.

Supervisors Monitor police attending these premises.

Consorting

37.09

Police generally It is an offence under S.546A of the Crimes Act for a person to habitually consort with a person he or she knows has been convicted of an indictable offence. On conviction before a stipendiary magistrate the person is liable to imprisonment or a fine.

Procedure to enable enforcement

Police generally If you see a person consorting warn that person that the person with whom he or she is consorting has been convicted of an indictable offence.

Record the following in your notebook:

- date, time and place of consorting
- name, date of birth and address of each person seen including their driver's licence No. if practical. This will aid the linking process on COPS
- photograph or other criminal reference
- particulars of the warning given and the response of each person
- details of any motor vehicle involved and any other relevant matter.

If other members of the Service are with you at the time, have them certify the entry as being true and correct together with the date and time of the

Arrests and checkpoints

certification.

Enter details as an information report on the Computerised Operational Policing System (COPS) and disseminate it through your local intelligence officer to the State Intelligence Group for recording. Endorse the form "Warned for consorting".

*Commander,
State Intelligence
Group*

Maintain a record of all consorting bookings and notify the commander of the appropriate region crime squad when a particular individual has sufficient bookings to enable action to be taken. Furnish the necessary documentation and record when proceedings are commenced.

Consorting notices

Police generally

If you charge a person with consorting, promptly serve the person with a notice setting out the dates on which consorting occurred and the names of the persons with whom he or she is alleged to have consorted. Obtain notice forms through your district commander.

Taxation information regarding serious offences, etc 37.10

Police generally

The Commissioner of Taxation has discretion to disclose taxation information to authorised law enforcement agencies in cases of serious offences and proceeds of crime orders. Agencies cannot probe indiscriminately and applications are restricted. It is unlikely that the Commissioner will release information which you can obtain from other sources.

Definition of serious offence or proceeds of crime

The Commissioner of Taxation has to be satisfied that the information requested is relevant to establishing

Arrests and checkpoints

whether a serious offence has been or is being committed, or is relevant to the making, or proposed or possible making of a proceeds of crime order.

A serious offence means an offence against a law of the Commonwealth, of a State or a Territory, that may be dealt with as an indictable offence, even if it may, in some circumstances, be dealt with as a summary offence.

A proceeds of crime order means:

- an order under Part II or Part III of the (Commonwealth) Proceeds of Crime Act, or under a corresponding State or Territory law
- an order under Division 3 of Part XIII of the Customs Act, being an order:
 - made in respect of a person who has been convicted (within the meaning of S.5 or the Proceeds of Crime Act, as a serious offence, and
 - that related to that offence

Applications for taxation information

Police generally Make applications for information by confidential report, in duplicate, through your region or branch commander who considers whether the application is appropriate.

Region/branch commander If you support the application have the papers delivered by hand if appropriate, or forward them under confidential cover to the Commander State Intelligence Group for consideration and attention.

Delegated authority to receive information

Police generally The Commander, State Intelligence Group is the only member of the Service with the delegated authority of the Commissioner of Police to process and receive

Arrests and checkpoints

information from the Australian Taxation Office in accordance with the Act.

Format for report supporting application

Your report supporting the application contains:

- names, last known addresses and any other relevant details of the persons and associates to whom the offence relates
- the nature of the offence being investigated or, in relation to which a proceeds of crime order might be made
- the legislative provision which determines that it is an indictable offence, or under which a proceeds of crime order might be made
- the penalties attached to that offence
- the precise nature of the information sought, the reason it is required and its relevance to:
 - establishing whether a serious offence has been or is being committed, or
 - the making, or proposed or possible making, of a proceeds of crime order.

Effect of secrecy provisions

Police generally

Do not divulge or communicate taxation information received to any other person or make a record of the information unless it is for:

- the investigation of a serious offence, or
- an investigation in connection with the making, or proposed or possible making, or a proceeds of crime order.

Arrests and checkpoints

The provisions do not limit the use of taxation information for prosecutions for tax related offences or proceeds of crime order proceedings.

Breaching the secrecy provisions renders a person liable to severe penalties, i.e., a substantial fine or imprisonment, or both.

If you need advice, direct your inquiry confidentially to the Commander, State Intelligence Group.

Drug Trafficking (Civil Proceedings) Act 37.11

Police generally

This Act allows the forfeiture of unlawfully acquired wealth of those involved in drug trafficking and applies to drug related activity that occurred during the previous six years.

Drug related activity includes any indictable drug offence as well as offences that are committed in connection with drug offences, i.e., bribery, attempt to pervert the course of justice, theft, fraud, etc.

The Act also allows the forfeiture of property if it is under the effective control of the suspect.

The State Drug Crime Commission (SDCC) initiates court applications under this Act.

Police role

Investigating officer

You are encouraged to contact the SDCC to seek advice about this legislation.

When you charge a person or lay an information, alleging an offence involving an indictable quantity of a drug, within 24 hours, send by facsimile, or deliver personally, to the Director of the Civil Forfeiture Division of the SDCC the following:

- a copy of the facts
- a completed copy (as far as possible to do so) of the suspect's financial profile questionnaire.

Obtain the questionnaire from your patrol intelligence officer.

Send a copy of the above documents, within 24 hours, to the patrol intelligence officer who retains them for the information of the patrol commander and for

Arrests and checkpoints

liaising with the SDCC, if necessary.

Patrol intelligence officer

Photocopy the questionnaire and retain copies for police use. Obtain the forms from the Manager, Printing Services Section.

Previous offenders

Investigating officer

When you have reasonable grounds to suspect that a person has engaged in a drug related activity within the previous six years, you may submit a Suspect's financial profile questionnaire to the SDCC, together with a statement of the facts. Supply a copy of the documents to your patrol intelligence officer.

SDCC response to questionnaire

On receipt of the above information the SDCC carries out various searches, contacts you and decides whether the matter is appropriate for action.

If inquiries are necessary the Director, Civil Forfeiture Division, liaises with your patrol commander through the patrol intelligence officer.

The request is forwarded by facsimile. Similarly, confirm your response in writing.

Early identification of offender's assets

Investigating officer

When you intend to arrest or search an offender and such might alert a person to police investigations, inform the SDCC as early as you can of the proposed action. This enables the identification of assets for the purpose of obtaining a restraining order to prevent disposal of such property.

In the course of your investigations you may become aware of taxation returns, group certificates, documents relating to business transactions etc., which may assist in compiling a suspect's financial profile.

While the particulars of such may be noted, you have no power to seize such information unless in accordance with a search warrant or court order.g., when you have reasonable grounds to suspect the documents are evidence of fraud, imposition, etc. An example would be bank books, statements, etc., in false names.

Contact the SDCC direct during office hours and outside these hours, through the Duty Operations Inspector.

Interstate offences and arrests 37.12

Police generally For information on making an arrest for an offence committed in another State, see Instruction 88, Warrants,

Arrest of offenders in other States

When the arrest of an offender outside the State is desired, submit the papers to the district commander for approval.

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For information on the arrest and extradition of fugitive offenders, see Instruction 97, Extraditions. For information on arrests and extradition of offenders between States, see the Service and Execution of Process (Commonwealth) Act.

Refusing to aid police in the execution of duty **37.13**

Refusing to aid and assist police in the execution of their duty of preserving the peace is an indictable misdemeanour at common law.

When you require assistance to effect an arrest you may call upon any person present to assist.

That person is bound to do so. If that person refuses, without lawful excuse or reason of physical impossibility, he or she commits an offence.

Investigating a crime — questioning people **37.14**

Investigating officer

When investigating a crime or suspected crime, you are entitled to question any person about the crime, whether suspect or not, from whom you believe useful information can be obtained.

Arresting and cautioning suspects

Investigating officer

Refer to Commissioner's Instruction 74, if you arrest a person for a Commonwealth offence.

When you arrest a person, inform that person of that fact and the grounds for the arrest, unless the actions of the person being arrested or the surrounding circumstances render this impracticable.

Arrests and checkpoints

Before accompanying a person to a police station, inform the person whether he or she is under arrest, or not. If the person has not been arrested, that person is not obliged to accompany you anywhere, although they may do so voluntarily.

Issue a caution before questioning a person upon first reaching either of the following:

- you arrest the person (this includes where you would not let the person leave if the person wanted to or where you give the person reasonable grounds to believe you would not let the person leave if the person wanted to.)
- you believe there is sufficient evidence to establish the person has committed the offence.

Use the following caution:

I am going to ask you certain questions. You are not obliged to say or do anything unless you wish to do so, but whatever you say or do may be used in evidence. Do you understand that?

Where you intend to record the questions use the following caution:

I am going to ask you certain questions which will be recorded (on a typewriter, tape recorder, video etc.). You are not obliged to say or do anything unless you wish to do so, but whatever you say or do will be recorded and may be used in evidence. Do you understand that?

Guidelines for questioning people

Investigating
Officer

Refer to Commissioner's Instruction, if you want to question a person arrested for committing a Commonwealth offence.

The following instructions are a guide. However,

Arrests and checkpoints

substantial non-conformity is liable to result in answers to questions, and written statements, being excluded from evidence in subsequent criminal proceedings. Remember, be fair to the person you are questioning. Avoid any behaviour which could be regarded as unfair or oppressive.

It is a fundamental and overriding condition of the admissibility in evidence against any person of any answer given by that person to a question put by a police officer, and of any statement made by that person, that it shall have been voluntary.

In general, an answer or statement obtained by representations known to be untrue or any threat or promise made or held out by a person in authority or obtained by any form of oppression is not a voluntary answer or statement. An answer given or statement obtained in these circumstances is not admissible in evidence.

This effect may be removed if, before the trial, some person in authority causes the maker of it to understand clearly that any further statements should be voluntary.

This may be achieved if the person concerned states that he or she understands what has been said and expresses a willingness to make a further statement. The opening of such statement should set out:

- the date and place of the previous statements and to whom made
- the steps taken, in detail, to remove such inducement
- that anything said or done previously either did not operate on his or her mind or no longer does so.

When dealing with infirm people, those with feeble understanding or special disability, or apparently unfamiliar with the English language, take appropriate measures to ensure a fair interrogation.

Questioning prior to arrest

Investigating officer

Prior to arrest, you have no authority to exercise any restraint whatever upon a person being questioned or to detain that person in any way, whether upon police premises or elsewhere. Such person is free to come and go as he or she pleases.

Suspect requesting presence of independent observer

If the person being questioned requests that any other person, then in his or her company or in the immediate vicinity (other than a suspected accomplice), remain within hearing during the questioning, do not prevent this unless:

- exigencies of the occasion require otherwise
- the presence of the person would hinder or obstruct the questioning.

Questioning of developmentally delayed or drug affected people

If you suspect the person being questioned is developmentally delayed or drug affected, question the person in the presence of an appropriate adult, unless there is proper and sufficient reason for not doing so.

Investigating officer

The term 'appropriate adult' means:

- a relative, guardian, friend, or some other person responsible for the care or custody of the suspect concerned
- a person who has professional experience in dealing with such persons but does not include a police

Arrests and checkpoints

officer or a person employed by the Police Service.

If an appropriate adult is unavailable, use a responsible adult who is not a police officer or a person employed by the Police Service.

The term, 'proper and sufficient reason':

As a general rule the term proper and sufficient reason does not include mere difficulty in finding an appropriate or responsible adult. However, it is recognised there will be instances when police will have to ask questions without an appropriate or responsible adult being present, e.g. in cases of urgency or where police are not endeavouring to elicit legally admissible evidence.

General advice

Investigating officer

- before questioning you should be satisfied that the person fully understands the caution and the implication of any actions following the caution:-
- make it clear in simple terms that the person has the right to remain silent
- take care when questioning to ensure that each question is understood
- do not assume that the person understands even simple questions
- phrase questions in a way that avoids a simple 'yes' or 'no' answer. this will ensure the person has some understanding of the question.

Suspect or prisoner consulting legal representative

If the person being questioned wants to consult a legal

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adviser, give the person every opportunity to do so. If the person so desires, defer further questioning, except in special circumstances, but only for such short period as is reasonably necessary to enable the person to attempt to obtain legal advice by telephone or otherwise.

When a person who has been arrested or charged, or against whom any information has been laid, expresses a desire to obtain legal advice or representation, afford such reasonable facilities as may be possible to meet the person's request.

Showing suspect another person's statement, etc.

There is no objection to a person, after arrest and while in custody, being shown and allowed to read or be given a copy of a statement of, or record of interview by, some other person concerning the offence, so long as it is directed to confirming or dispelling the suspicion on which the arrest was based. Administer the usual caution prior to the person making any comment on the statement or interview.

Questioning after arrest

Investigating officer

You do not have a general power to detain a citizen merely to question that person.

Bring an arrested person before a justice without unreasonable delay.

In determining what is an unreasonable delay allowance may be had for the making of a decision to prefer a charge or not. In making this decision it may only be fair to question the arrested person (after you administer a caution) and conduct inquiries to confirm or dispel the suspicion on which the arrest was based.

Arrests and checkpoints

When a person does not wish to be questioned, do not persist.

When asking questions, it is proper to anticipate defences which may be raised.

Accordingly, be conscious to obtain evidence which may negate them eg., evidence to rebut an alibi or evidence of similar acts.

Questioning and inquiries, provided they are directed to confirming or dispelling the suspicion on which the arrest was based, may therefore be occasioned by a number of factors, including:

Investigating officer

- geographical considerations
- time of day when the arrest takes place
- the making of a statement by the arrested person in relation to the offence for which the person was arrested or other offences and the taking of a record of interview
- the necessity to provide the arrested person with medical treatment
- the necessity to interview the alleged victim and/or available witnesses
- the necessity to interview alleged co-offenders
- the proper assessment of material relevant to conducting an interview
- the necessity to seek legal advice on framing the correct charge.
- the necessity in special cases to await the arrival of experienced investigators or other persons with the necessary scientific, technical, investigative, etc., skills to conduct the interview, particularly where complex or serious offences are involved

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*Investigating
officer*

- the necessity to await the arrival of an interpreter, legal practitioner, or in the case of child offenders, a parent, friend, etc., whose presence is necessary
- awaiting the results of medical or other necessary examinations
- in some special cases, the necessity to convey the arrested person to some location for the purpose of obtaining evidence relevant to the suspected offence
- the necessity to conduct an identification parade (with the consent of the person arrested)
- the necessity to conduct procedures authorised under S.353A of the Crimes Act

Except in the case of young persons, there is no legal right for any person other than the person being interrogated and the necessary police to be present. However, each case should be judged on its own particular circumstances.

After a person has been charged, that person shall be questioned in respect of such charge only in exceptional circumstances (after cautioning) when:

- such questions are necessary for the purpose of preventing or minimising harm or loss to some other person or the public
- they are for the purpose of recovering property or in respect of new or fresh matters.

Telephone calls by or on behalf of persons charged and intoxicated persons

See Instruction 155, People in custody.

Statement forms - P190, P190A 37.15

Use forms P190 and P190A for taking a statement from an offender or witness, whether the statement is typed or handwritten.

Statements and records of interview generally 37.16

Refer to Instruction 92, Local courts, Paper committals - Procedures under the Justices Act and Instruction 92, Local Courts, Confidentiality of witness's personal particulars.

Whenever you sign or witness a statement include, underneath your signature, your name, rank, and the date upon which you signed the document.

*Investigating
officer*

The admissibility in evidence against a person of answers to questions or a statement made, either orally or in writing, by such person depends upon the court's decision on whether such answers and/or statement were free and voluntary. Therefore, ensure that such statements are freely and voluntarily made and answers to questions are freely and voluntarily given.

Ask a person whether he or she wishes to write his or her own statement. If the person wants to write it, provide the means to do so.

If a person does not want to write the statement, accurately record a complete statement of what the person says, in the exact words used.

When the making or dictating of the statement or record of interview is completed, hand the document to the person and ask the person to read the document aloud.

If the person refuses to do so, refer the matter to the supervising sergeant, patrol commander or

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commissioned officer.

*Supervising
sergeant, patrol
commander or
commissioned
officer*

Inquire discreetly as to the reason for the person not reading the document aloud and record the response in your official notebook.

If the offender does not wish to read the document aloud or is unable to do so, read the document to the person, in the presence of the investigating police, and invite the person to sign the document.

If the person is unable to write his or her name, the person can make his or her mark in lieu of a signature. You and the investigating police witness the procedure. Record any comment made by the person.

*Investigating
officer*

Do not question the person thereon but you may draw his or her attention to any matters therein which are not clear and the person may be asked if he or she wishes to say anything further.

Invite the person to make any correction or note he or she wishes.

After the person does this, invite the person to sign the document if he or she is willing to do so.

Then ask the following questions. Type or write the questions and answers at the foot of the statement or record of interview:

Q. Have you read this statement (or record of interview)? (In the event of the person making the statement or being interviewed being unable to read, he or she should be asked: "Has this statement (or record of interview) been read over to you?")

A.....

Q. Have you made this statement of your own free will? (In the case of a record of interview: "Have the answers you have given as recorded in this record of interview been made of your own free will?")

Arrests and checkpoints

A.....

Q. Has any inducement, threat or promise been held out to you to make this statement (or to give the answers recorded herein)?

A.....

When a statement has been taken, the following questions should be added to the foot thereof:

Q. Were you cautioned before making this statement that you were not obliged to make this statement unless you so desired, but any statement you did make may be used in evidence ?

A.....

When a record of interview has been taken, administer and record the caution at the appropriate time.

Invite the person making a statement or being interviewed to initial all corrections and additions in the statement or record of interview. When the statement or record of interview consists of more than one page, each page is signed by the person making the statement or being interviewed and by the person witnessing his or her signature.

Investigating officer

Take care that the statement or record of interview contains, if reasonably possible, only information regarding one offence.

Oversight by senior member available

When the recording of the statement or record of interview is complete, immediately consult the senior police officer available, (wherever possible, not concerned in the investigation).

Senior member available

Ask the person who made the statement, or was

Arrests and checkpoints

interviewed, the following:

- whether the document is that person's statement, or
- a true record of the interview
- whether the statement was free and voluntary, or
- whether the answers recorded in the record of interview were given freely and voluntarily

- whether the person has any complaints in respect of it.

Initial and date the document and keep a detailed and permanent record of the time, place and circumstances. Immediately report any complaint made by the person.

*Officer in charge
of investigation*

If the senior member is not immediately available, comply with this instruction as soon as is reasonably possible.

Supplying copy of statement

*Officer in charge
of investigation*

When a statement is written or an interview recorded, forthwith supply the person concerned or that person's legal adviser, with a copy thereof.

This applies whether or not the person has signed the document.

If you consider a copy of the statement or record of interview should not be released, because of either security reasons or to maintain the confidentiality of inquiries, you may decline to release the document and seek a direction on further action. In these circumstances, advise the person in question that he or she will not be supplied with a copy of the statement or record of interview until a direction has been obtained.

Arrests and checkpoints

Submit a comprehensive report, together with a copy of the document to your region legal services office for comment, prior to a direction by your region commander.

Reduce oral statements to writing as soon as possible. If rough notes only are made at the time or immediately afterwards, preserve the pieces of paper on which they are made, even after a complete typewritten statement has been compiled.

When oral admissions or statements corroborating evidence of the commission of an offence are recorded contemporaneously in a notebook or other document, follow the procedures outlined previously in this paragraph regarding statements, oversighting by senior member and supplying a copy to a witness, etc.

Doubtful confessions

Police generally Many people, from psychopathic or other causes, confess to crimes they did not commit, therefore, closely examine confessions before accepting them as statements of fact.

Before charging a person with a criminal offence on the basis of a confession, carefully investigate further to adduce independent corroborative evidence of the complicity of that person in the crime.

If you cannot find such corroboration, refer the matter to a senior officer for review, preferably one with detective experience, before preferring a charge.

Questioning child offenders at a police station

Refer to Instruction 75, Child offenders and Investigating Commonwealth offences, Persons under 18, this instruction.

Induced statement

Arrests and checkpoints

An induced statement is one taken from a suspect, or an offender who has been charged and is a potential prosecution witness, where that person gives the statement following an inducement that no information given in the statement will be used in any criminal proceedings against that person in any court in New South Wales. It includes statements recorded electronically or in writing.

Investigating officer

Before taking an induced statement, request written advice from the Solicitor for Public Prosecutions as to its appropriateness. Make your request in writing, supported by copies of all relevant documents, under confidential cover.

If you require urgent advice outside the business hours of the Office of the Solicitor for Public Prosecutions, contact the Commander, Region Legal Services, in the region where the offence occurred. After receiving that advice forward the following to the Solicitor for Public Prosecutions under confidential cover, as soon as possible, or in any case within 24 hours:

- copies of relevant documents
- written summary of the advice received
- name of the officer who gave that advice.

Do not fax your request and the relevant documents when requesting advice.

*Commander,
Region Legal
Services*

Provide advice only in urgent cases outside business hours of the Office of the Solicitor for Public Prosecutions. Where you consider the matter is not urgent, direct the investigating officer to make a written request to the Solicitor for Public Prosecutions.

Investigating officer

Keep your patrol/unit commander informed of any developments. Comply with the advice given. If you want a review of the Region Legal Service's advice, consult your patrol/unit commander.

*Patrol/unit
commander*

Arrests and checkpoints

Where you consider a review is warranted, refer the matter to the Solicitor for Public Prosecutions.

*Investigating
officer*

At the commencement of an induced statement, record the following:

"I am making this statement after a promise held out to me by ... (full name and rank of police officer) ... that no information given in it will be used in any criminal proceedings against me in any court of law of New South Wales, except in respect of the falsity of my statement or for the purpose of establishing the falsity of evidence given by me as a witness".

Questioning members of the Police Service 37.17

Investigating officer

When inquiring into the conduct of another police officer, observe the following procedures:

- when criminal conduct is alleged, do not give special treatment to police but investigate the matter as you would any criminal allegation made against a member of the public.
- when, in your opinion, evidence is forthcoming to establish a prima facie case against the officer you are interviewing for a criminal offence, caution the officer as described previously in this instruction.
- after issuing the caution, continue the questioning so long as necessary or until the officer declines to answer further questions.
- when, on the evidence as it stands, a person could lawfully be convicted of an offence, there is said to be a prima facie case for that offence. When investigating whether a prima facie case has been established, it is not necessary to consider if the person should be convicted, but only whether at that stage there is evidence, which if believed, is capable of establishing each of the ingredients of the offence beyond a reasonable doubt.
- when the officer declines to answer further questions, terminate the interview. Do not submit the investigation file at this stage unless you consider sufficient evidence is available to support a criminal charge or if you consider advice should be obtained from the DPP. Do not prefer a criminal charge against an officer without obtaining permission from the Commander, Professional Responsibility.

Arrests and checkpoints

- if you consider the prima facie level has not been reached, if necessary conduct an investigation on a departmental basis about possible breaches of discipline as soon as practicable after termination of the criminal interview. During the interview, the officer being interrogated should be clearly advised that the caution previously administered no longer applies and he or she is required to answer questions in accordance with Clause 9 (1) of the Police Service Regulation. Before commencing this interview you should allow a short break for general comfort and welfare reasons and if necessary to permit the officer to make a telephone call to arrange the attendance of an observer. The length of the break is at your discretion.
- when the inquiry is completed, forward the investigation file through the line of command for a decision on whether departmental charges are to be preferred against the officer.

Interstate and New Zealand police committing a crime in NSW

Police generally If you detect a member of any Australian or New Zealand Police Service committing a criminal offence, a serious traffic offence or an offence which results in a driving licence cancellation or suspension notify your commander at the first available opportunity, and in any case within 48 hours.

Commanders On notification, inform the Assistant Commissioner, Professional Responsibility in writing without delay. The Assistant Commissioner will then take steps to advise his or her counterpart in the respective jurisdiction.

Identification parades

37.18

Police generally

Refer to Commissioner's Instruction 74 for procedures

Arrests and checkpoints

when investigating Commonwealth offences.

When it is necessary to effect the identification of a suspect or an accused person in police custody, the identification is to be carried out fairly, under the supervision of the patrol commander or the patrol commander's nominee.

*Patrol
commander or
nominee*

Inform the suspect of the reason for the identification parade before the suspect or accused is taken into the room where the parade is to be conducted. If the person is to be identified in respect of more than one offence, explain this to the person prior to the parade taking place.

Police investigating the matter, though present, take no part in the identification proceedings.

Identification parades are conducted only with the consent of the suspect or the accused.

When the person is already in custody, under arrest, the identification parade should only be conducted to confirm or dispel the suspicion on which the arrest was based.

Use an identification parade form, P455, when conducting identification parades.

Position of suspect in parade

Place the suspect or person charged among not less than five other persons who are of similar age, height, appearance, and class of life, to the suspect. Do not allow a change of clothing.

If eight or more persons can be procured, this should be done. Do not use police for this purpose unless it is a case in which a police officer is the suspect.

*Patrol
commander or
nominee*

Invite the suspect or accused to stand where he or she pleases. Do not allocate a position.

Arrests and checkpoints

Ask the person whether he or she objects to any of the persons selected or arrangements made. Accede to any reasonable request made by the suspect.

The suspect or person charged may have a solicitor present at the identification, but it must be distinctly understood that such solicitor may not in any way interfere with proceedings, either by action or words.

Numbered boards for parade members

Each member of an identification parade is identified by a numbered board. Once you select a suitable area, place a numbered board at the feet of each parade member, in consecutive order.

District commanders are responsible for supplying approximately ten numbered boards, about 20cm by 20cm in size.

Isolating witnesses from accused

Do not allow witnesses to see the suspect or accused, or other members of the parade before the identification process begins. Ensure witnesses are not shown any photograph or given a verbal description of the suspect or accused.

Do not announce the name or address of a witness attempting identification in the presence of the parade. If there is more than one witness, allocate each a number and call them to the identification room by number and not by name.

Witness procedure in identification

*Patrol
commander or
nominee*

Have witness brought in to the identification room individually. Each hands you a sheet of paper with his or her witness order number, name and address recorded thereon. Sign the paper and retain it with the

Arrests and checkpoints

record of the proceedings for use at court, if required.

Address the witness as, sir, madam or miss, and not by name. Tell the witness that if he or she sees the person who allegedly committed the offence, to state in a loud clear voice the number on the board in front of that person.

Ensure the identification procedure, and any conversation between you and the witness, is heard by all people in the identification parade.

Recording of identification by witness

If the witness makes an identification, have the witness write the relevant number on a blank sheet of paper.

Ensure this sheet of paper is shown to the suspect prior to the witness entering the room and that it remains within the suspect's vision until the witness is in a position to nominate a person in the line-up. Have an assistant hand you the paper. Then, you hand it to the witness.

Immediately a witness writes a number on the paper, read out that number audibly and show the paper to the suspect. If the witness cannot write the number, have the number suitably recorded on the piece of paper and inform the suspect of the procedure you are adopting. Fairness is paramount.

Record the following details on that paper:

- time and date
- location
- signature, name, rank and station.

Attach the paper identifying the suspect to the sheet of paper with the witness's name and address thereon.

People in the identification parade may be viewed from

*Patrol
commander or
nominee*

Arrests and checkpoints

back or front, with hats on or off, or under any other conditions under which the witness first saw the offender.

Record the actual words, if any, used by a witness when identifying or failing to identify a suspect. Do not use generalised expressions such as unable to identify, did not identify or, could not assist, when recording the failure of a witness to identify a suspect.

Communication between witnesses

Do not allow witnesses to communicate with each other in any way. After people are placed for identification, police are not to communicate with any witness.

Ensure no person, outside the place in which identification is to be carried out, knows what is taking place within. Prevent those inside from communicating with any person outside. When the suspect has taken his or her position in the line, do not allow anyone who has seen the suspect in that position, or, even before, to leave the room.

Direct someone outside, who has no knowledge of the position of the suspect, to send in a witness. Follow this procedure until all witnesses have viewed the suspect.

After a witness makes or attempts an identification, move the witness to a position out of view and hearing of the proceedings. Do this before the next witness is brought into the room and before informing the suspect of his or her right to change position in the parade before further identification attempts are made.

*Patrol
commander or
nominee*

Ensure there is no communication between a person who has attempted identification and a prospective witnesses.

Names and addresses of witnesses

*Patrol
commander or
nominee*

Record the names and addresses of all witnesses,

Arrests and checkpoints

whether they identify the accused or not, and any other circumstances, on the general station. If the incidence of identification parades warrants a special book being taken into use, record the particulars in that book.

Do not record the names and addresses of the people brought in and amongst whom the suspect was placed during the identification parade.

Police generally

When you consider it necessary for a witness to identify a suspect, arrange an identification parade. Do not confront a suspect with a prospective witness, either alone or in the company of police, even if a suspect requests such confrontation.

Identification by photographs 37.19

Investigating officer

Refer to Commissioner's Instruction 74 for procedures when investigating Commonwealth offences.

When a crime has been committed, you are entitled to show photographs of a suspected person to others to obtain information as part of the detection process, that is, to determine who to arrest. As a general rule, however, do not show photographs of an arrested or detained person to witnesses who will be called upon to identify the person as the offender or to give evidence against that person.

If a suspect refuses to take part in an identification parade or an identification parade cannot be conducted with fairness to the suspect (eg., because of the suspect having a distinguishing physical feature), or for any other reason an identification parade cannot be conducted, you can resort to identification by photographs.

Investigating officer

When a person is identified by photographs after arrest, the admissibility of evidence of such identification is subject to judicial discretion and therefore must be exercised as fairly as possible. Use spare, unmounted and unmarked copies of photographs, as many as possible and arranged fairly. Ensure that future evidence is not prejudiced by giving witnesses to understand that the accused has been convicted previously or that his or her photograph was contained in a criminal photo book.

Senior investigating officer

When identification is established by photographs, you must be able to produce to the court, if required, all the photographs used.

Record the actual words, if any, used by a witness when identifying or failing to identify a suspect. Again, do not use generalised expressions such as unable to identify, did not identify or could not assist, to record the failure of a witness to identify a suspect.

Use of police photographs

The established and accepted policy involving police, who are the subject of internal investigations, is that they may be directed to participate in an identification parade. However, where an identification parade is not possible or the investigation is of a nature that such a method is considered unsuitable, there is no legal impediment to the use of photographs. Duplicates of police identification photographs are retained for record purposes at the Security Management Office.

Where identification is an issue, the senior investigator conducting the investigation of complaint should try to obtain the best form of identification available, ordinarily an identification parade. However, where the best form of identification available is the use of police photographs, those photographs on hand at the Security Management Office may be used in the investigation.

Usual legal procedures and safeguards must be applied, such as fairness exhibited in the type, number, selection and presentation.

Access will not be permitted without the approval of the Assistant Commissioner, Professional Responsibility or an officer acting in that position. Approval is to be sought in writing through command lines by the senior investigator, including the reason why photographic identification in that particular investigation is the best form.

Where doubt exists regarding the appropriateness of the use of police identification photographs comment/advice should be included by Region Legal Services. If a non-region investigation, refer to the Office of the Solicitor.

Identification from crowd scene 37.20

Investigating officer

Refer to Commissioner's Instruction 74 for procedures when investigating Commonwealth offences.

You are entitled also to ask a witness to identify a suspect from a crowd scene.

Any crowd scene is appropriate providing:

- it involves a typical cross section of the community in terms of sex, age, height and build etc.
- sufficient lighting is available to enable an accurate identification.

Examples of suitable scenes include shopping malls, hotels, foyers of public theatres and, in the case of an already accused person, the public foyer of a court house.

Senior investigating officer

If you are involved in this form of identification, keep a record of:

- time and date of identification
- location of the scene
- approximate number of people present
- description of people present, including sex, age-range, clothing worn etc.

This record must be available for production at court.

Again, record the actual words used by the witness when identifying or failing to identify a suspect. Do not use generalised expressions such as, unable to identify, did not identify or could not assist, to record the failure of a witness to identify a suspect.

Police generally

You may use these methods of identification even though the witness may be called upon to give evidence against the suspect, however, record the

reason why either of the above alternative methods were used in preference to an identification parade.

Caution required when effecting arrests and stopping motorists 37.21

Police generally

It is better to call for assistance, particularly when assistance and facilities are readily available, whereby the arrest of an offender could be effected without great danger or loss of life. When practicable, seek the advice of a commissioned officer before undertaking the arrest of an armed or dangerous person. Consider the possibility of the dangerous criminal's escape or unnecessary risk to police attempting to effect the arrest.

Refer to Instruction 142, State protection group and rescue squad, for assistance available.

Checkpoints – general procedures 37.22

Police generally

Checkpoints are established and terminated at the direction of a patrol commander or deputy.

They are set up only in cases of serious crime and at times and in circumstances when there is a substantial chance of success.

The following instructions do not apply to roadblocks, set up because of floods, bushfires, overturned vehicles, etc.

Patrol commander

Select suitable sites for checkpoints in your patrol and ensure your personnel know the locations and a list is available for all to peruse.

Prior to authorising a checkpoint being set up, consider the following:

- the need for it, i.e., serious crime, descriptions of

Arrests and checkpoints

person and vehicle

- time lapse since the occurrence or offence
- time necessary to establish the checkpoint
- possibility of success.

If you decide to set one up, appoint a member to be in charge of it.

Do not establish a checkpoint merely to check drivers of motor vehicles for alcohol consumption, stolen motor vehicles or similar purposes.

Criteria for selecting site

*Patrol
commander*

When selecting a site, consider the following:

- physical features which help in slowing down, channelling and stopping traffic, eg., bridges, culverts, cuttings and underpasses
- do not choose a site visible from an intersecting street unless the access is part of a trap system
- allow approaching motorists at least 300 metres clear vision of the site
- consider possible escape routes
- view of traffic in both directions and ability to see vehicles reversing or turning away.
- the quality of radio communications from the site

Arrange with local councils and representatives of the Roads and Traffic Authority to supply lighting and equipment.

General procedures

*Checkpoint
commander*

Adopt the following procedures where practicable:

- use not less than six police
- ensure police observe officer safety procedures and approach each vehicle in the recommended manner
- have uniform police direct traffic, and plainclothes members perform other duties at the site
- ensure police carry out assigned duties and do not congregate and render themselves easy targets
- consider the role of the State Protection Group and district support groups as covering officers

*Checkpoint
commander*

- park marked police vehicles in prominent positions and illuminate police signs and blue flashing lights when practicable
- at night, illuminate the area and consider the Rescue Squad as possible supplier
- if a vehicle is pursued from the checkpoint and not stopped, ensure officers concerned inform VKG or local radio centre
- if the authorising officer considers the traffic should be checked in both directions, set the checkpoints 75 metres apart
- do not permit police or private vehicles or other obstacles to obstruct traffic
- clearly and explicitly instruct police, and ensure they do not discharge firearms at a vehicle merely for failing to stop at the checkpoint
- position covering police to protect police involved in the operation and ensure their line of fire is not

Arrests and checkpoints

obstructed by other police or vehicles

- ensure Instructions regarding the discharge of firearms are strictly observed
- ensure radio contact is maintained between all vehicles engaged in the checkpoint
- when the checkpoint is terminated immediately inform all police involved and ensure equipment is collected and returned without delay to the issuing authority.

Checkpoints – duties at

Checkpoint commander

Ensure police are properly briefed and understand their duties.

Deploy police and vehicles as set out hereunder and appoint:

- a vehicle control officer, who is in uniform
- a checking officer
- two covering officers
- two observation officers to each checking officer.

Vehicle control officer

Stop all traffic at the checkpoint and direct vehicles forward one at a time to the checking officer. Wear white gauntlets and carry a powerful light if directing vehicles at night. Use police radar stop signs to stop traffic when they are available.

Vehicle checking officer

Check vehicles and occupants thoroughly and ensure drivers of vehicles to be checked turn engines off when reaching the checking point. Explain the purpose of the checkpoint to drivers and seek their co-operation. Do not allow a vehicle to pass through the checkpoint merely because its driver is favourably known to you; a

Arrests and checkpoints

concealed fugitive criminal could be directing the actions of the driver.

Checkpoint commander

If sufficient police are available and you want to increase the traffic flow through the checkpoint, you can appoint more than one checking officer

Covering officer

Ensure your vehicle is parked just off the carriageway and inclined away from the checkpoint at an angle of 45 degrees, about ten metres from the checking officer, positioned so that it can be driven away immediately. Pursue and investigate any vehicle which fails to stop at the checkpoint.

One covering officer, appropriately armed and at the ready, stands beside the nearside of the vehicle and closely observes proceedings at the checking point. The principal role of this officer is protecting the checking officer.

The second covering officer occupies the driving position of the vehicle, ready to drive off immediately.

Observation officer

Park your vehicle on the approach side of the checkpoint, on the opposite side of the carriageway, approximately 150 metres from the checking officer.

Your function is pursuing and investigating vehicles turning from the checkpoint, persons leaving vehicles and decamping on foot, attempts to dispose of property, etc.

Checkpoints – condition of vehicles

Checkpoint commander

Ensure vehicles at the scene are maintained and are able to meet any emergency and that police:

- conserve batteries
- have sufficient fuel in anticipation of a long chase, extended patrol or search

Arrests and checkpoints

- inform local radio control centre of any problems so that repairs are carried out immediately.



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Instruction 59

Crime reporting and the Computerised Operational Policing System (COPS)

Crime reporting and the Computerised Operational Policing System (COPS)

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Crime reporting and the Computerised Operational Policing System (COPS)

Crime Reporting and the Computerised Operational Policing System (COPS) 59.01

The Computerised Operational Policing System (COPS) was implemented on 4 April 1994. It is a sophisticated crime reporting and intelligence gathering system.

Limited data from the Crime Information and Intelligence System (CIIS) has been converted into COPS. Contact the Crime Data Centre, State Intelligence Group for further information if required.

Input of data into COPS 59.02

Police generally

When attending an incident, enter all relevant details into your notebook. (see Commissioner's Instruction No 25, Notebooks and Duty Books).

On return to the station enter all event and intelligence information into the Computerised Operational Policing System (COPS) as soon as possible after completion of the incident and in any case prior to the completion of your rostered shift unless special circumstances exist.

Shift Supervisor/

Verify all event data input into the Computerised Operational Policing System (COPS), as soon as possible after the information has been entered and before the completion of your rostered shift unless special circumstances exist.

Intelligence

Verify all intelligence data on the Computerised Operational Policing System (COPS) as soon as possible after the information has been entered and before the completion of your rostered shift unless special circumstances exist.

General Support Officers (GSO's) may input data into the Computerised Operational Policing System (COPS) in certain cases, eg: Stolen Vehicle Reports, updating property lists for Break and Enter and Steal offences,

Crime reporting and the Computerised Operational Policing System (COPS)

lost property etc. However any such entry must first be assessed and accepted by a police officer. The police officer's name must be endorsed in the narrative as "accepted by Constable Smith". The police officer who assessed the incident or event will be responsible for the incident details as reported on COPS.

General instructions in relation to the entry of data into COPS 59.03

Narratives

Police generally

When entering data into the narrative portion of COPS be mindful that as much detail as possible should be included, so as to be beneficial to other users.

The narrative should be a summary of the incident and include such details as:

- event details - what happened (including relevant conversations)
- manner of infliction of any injuries
- actions
- matters not for press
- if statements were obtained and have been filed, their location should be indicated.

Always start the narrative with a full description of all parties involved i.e., Offender 1 - Ian Rea, Offender 2 - Brad Cable, Victim - Christine McMiles.

After the initial identification of each person refer to them as "offender 1" or "victim 1" from then on.

Crime reporting and the Computerised Operational Policing System (COPS)

Warnings

The timely placement and removal of warnings is an essential factor in effective policing.

Police generally

If a warning on a person of interest is required enter details onto the Computerised Operational Policing System (COPS) at the time of creating the event or information report. If in doubt discuss it with your shift supervisor.

Remember other police will take appropriate action dependent upon your warnings. Ensure all warnings are current. Remove obsolete warnings as soon as possible.

When placing warnings onto COPS be mindful of the Commissioner's Instructions, civil liberties restrictions, privacy guidelines and other restrictions relating to Persons of Interest (POI's).

Warnings from other Law Enforcement Agencies will be entered and removed from the system by the Crime Data Centre, State Intelligence Group.

Shift supervisor

Check the Outstanding Warnings Report weekly. Ensure that all warnings listed on the report are still required. If not take immediate action to remove them from the system.

Accepting and rejecting reports

It is your prerogative, after evaluation of a crime report, to classify it as either accepted, doubtful or rejected. Endorse the appropriate field. Include the reasons for your decision in the narrative if you reject the report or consider it doubtful.

Crime reporting and the Computerised Operational Policing System (COPS)**Outstanding Tasks Report***Shift supervisor*

During or prior to the completion of your rostered shift obtain a copy of the Outstanding Tasks Report from the Computerised Operational Policing System (COPS) and ensure adequate follow-up action is taken to bring to finality each matter in a timely manner.

*Patrol tactician/
station controller*

Randomly check copies of the Outstanding Tasks Report to ensure appropriate action has been taken in bringing all matters to a finality in a timely manner.

Reporting serious crime or serious incidents - COPS 59.04

Inform senior officers of all serious crime or serious incidents by dissemination through the Computerised Operational Policing System (COPS) unless this course is inappropriate.

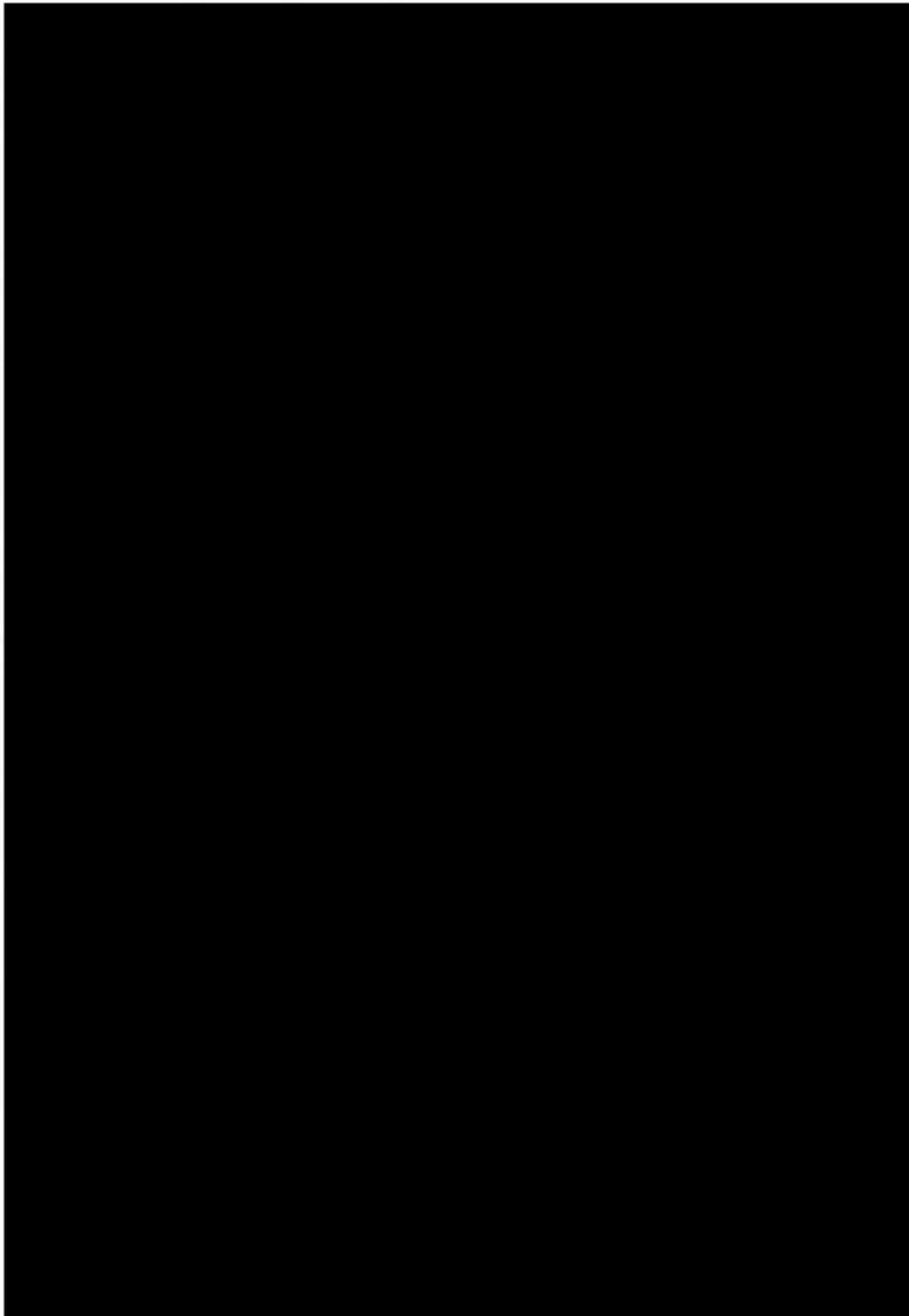
Any serious crime or serious incident should be recorded as an event and included on the Station Summary and flagged as being of Statewide significance

Send these messages as soon as they are recorded.

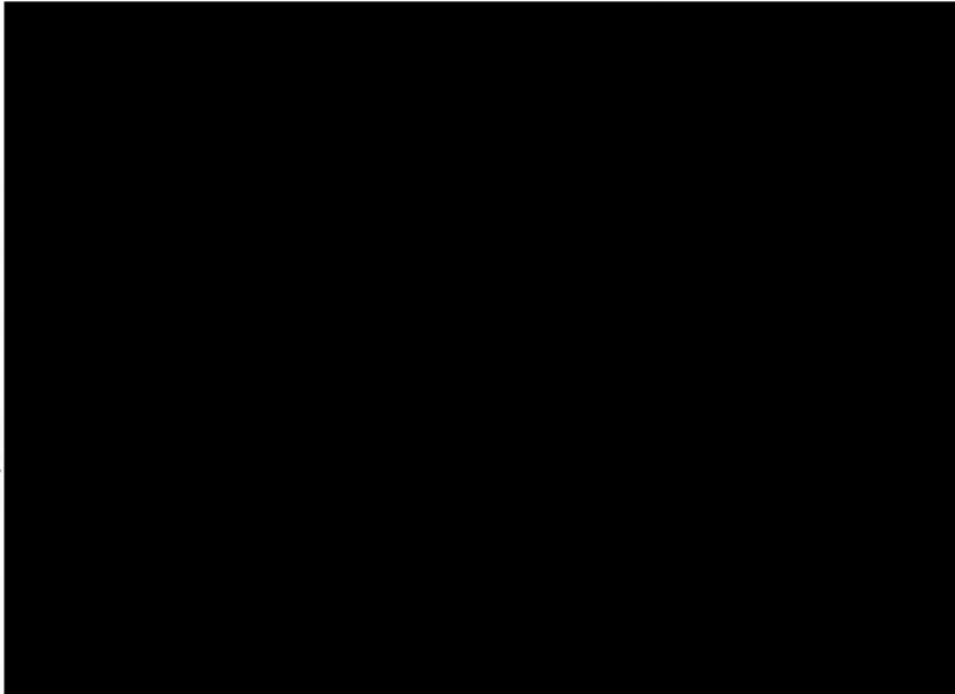
When full particulars are not immediately at hand transmit the information available and update the event as soon as possible.



Crime reporting and the Computerised Operational Policing System (COPS)



Crime reporting and the Computerised Operational Policing System (COPS)



Matters not for press

Police generally

When you consider information contained in an event should not be released to the media, give supporting reasons under a heading, "Not For Press" in the first line of the narrative.

Confidential matters

Caution should be exercised when including sensitive or confidential event information not intended for users generally. This information should be relayed separately.

Crime reporting and the Computerised Operational Policing System (COPS)

Responsibilities of police in charge of incidents

Police generally

Ensure you:

- include those matters mentioned on the station summary and as being of Statewide significance
- that information is accurate and current
- place information onto the Computerised Operational Policing System (COPS) promptly
- remove outdated "warnings" from the Computerised Operational Policing System (COPS) as soon as possible
- have no outstanding "unverified" events

Shift supervisor

Ensure you:

- verify all events as soon as possible
- suitably flag those events of statewide significance

Ensure you:

Intelligence officer

- verify all information reports as soon as possible
- appropriately restrict confidential or sensitive information contained in intelligence reports

Crime reporting and the Computerised Operational Policing System (COPS)



Summons matters

59.06

Police generally

When you proceed by summons, report the incident and offender in the same manner by completion of the Legal Process option as described above.

Stolen vehicles, trailers, and mini bikes

59.07

Enter details into the Computerised Operational Policing System (COPS) when:

- a registration, engine, chassis, or frame number cannot be supplied
- an offender is arrested while in possession of a stolen vehicle

See Commissioner's Instruction No 60 (Stolen Motor Vehicles and Boats) for further information in relation to stolen vehicles.

Drugs

59.08

When you arrest a person who is under the influence of alcohol or a drug and the offence was committed to support a drug dependency and/or was the direct result of the influence of the drug sub-culture (e.g., violence or death, robbery of a drug dealer, etc.) complete the appropriate field on the Computerised Operational Policing System (COPS).

The value, method of concealment and weight (less packaging) of the drug seized should be accurately determined and recorded onto the Computerised Operational Policing System (COPS).

Description of lost or found property

59.09

Describe property as accurately as possible.

Jewellery

Enter the details into the relevant fields including the "distinguishing feature" field. This includes any engravings, hallmarks, description of stones etc.

General property

Include model number, serial number, and inscriptions when possible. If the object fields do not fully allow a choice to describe the property, use the "further description" field.

Domestic animals and livestock

Include breed, brands, marks, sex, colour, condition, tattoos, ear or tail tags, size, other distinguishing marks, and estimated value.

Crime reporting and the Computerised Operational Policing System (COPS)

Wool

Include type of sheep, class, markings on bales, brands, weight, and estimated value.

Stealing/receiving same property — separate reports 59.10

Police generally

When property previously reported stolen is recovered and a person is subsequently charged with receiving, enter details of arrest as a separate incident and link the property recovered to the original report of stealing.

Microfilm records — requests for information 59.11

Make requests for information from microfilm records to the Crime Data Centre, State Intelligence Group. This includes the Crime Information and Intelligence System (CIIS) tapes.

Passports

59.12

Enter intelligence details into the Computerised Operational Policing System (COPS) when you know or suspect that a criminal or person of interest is:

- likely to obtain a passport to travel into or out of Australia.

Also consider placing particulars of the Person of Interest (POI) in the Passenger Automatic Selection System (PASS).

Passenger Automatic Selection System (PASS)

The Australian Federal Police have access to a computerised system known as PASS, in use at international airports throughout Australia. The objectives of the system are to:

- prevent persons wanted on criminal matters from escaping by air
- provide a means of obtaining travel intelligence of persons of interest to police on real and substantial grounds
- prevent the illegal removal of children from Australia in contravention of the Migration Act and the Family Law Act
- monitor the movement of local and international criminals into and out of Australia.

Advice on the PASS System is available from the Crime Data Centre, State Intelligence Group.

Crime reporting and the Computerised Operational Policing System (COPS)

Lost or stolen passports

Police generally For details of reporting lost or stolen passports see Instruction 81, Miscellaneous property, Lost or stolen passports.

Inquiries by police

59.13

Credit cards

When credit cards have been stolen, or used to commit a crime, telephone the Security Manager, Cardlink Services Pty. Ltd., if the card is:

- Bankcard
- Mastercard
- Visacard.

This applies for all institutions except Westpac, Diners Club and American Express and Citibank.

Bad debts, etc.

Do not become involved in or make inquiries in connection with bad debts eg., doubtful cheques, etc., unless there is evidence of some criminal offence.

Poker machine crimes **59.14**

Contact the State Licensing Investigative Command (SLIC) concerning any indications of misappropriation of money from poker machines at clubs registered under the Registered Clubs Act or premises licensed under the Liquor Act.

Stations that do not have access to the Police mainframe **59.15**

Police generally

At Police Stations that do not have access to the Police mainframe computer, arrangements should be made, where practical, to attend the nearest station within your Patrol that has computer access, at least once a week. Details should be entered into the COPS direct from your notebook.

It will be the responsibility of the shift supervisor at the Patrol that has computer access to quality assure (verify) those events.

Where it is considered the event is of an important and urgent nature and transport is not available, arrangements should be made to convey the information to the nearest station with terminal access by other means eg., telephone.

The police officer receiving the message shall immediately input details of the event into COPS. In the narrative section of the Event include the name and station of the police officer who attended the incident. eg., Details received from Const. 1/C I. J. Rea, Carinda.

Investigation priorities

59.16

Police generally When responding to a crime or incident, conduct a thorough initial investigation and gather all available evidence. Ensure all information is recorded in your COPS entry.

Investigation priorities criteria

Case management supervisor Examine all COPS entries to determine whether or not an investigation should be continued. Take into account the Broad Principles and any local criteria when allocating available resources or seeking additional resources. Record your decision and reasons on the COPS Case Management System.

Broad principles (mandatory state wide criteria)

- Nature and circumstances of the offence
- Solvability (the offence is potentially solvable based on an assessment of all available evidence)
- Victim needs (the impact on primary and secondary victims taking into consideration their needs and expectations)
- Community needs (the impact on the community if further investigation was not undertaken).

Local criteria

Patrol commander Develop local criteria in consultation with the community to satisfy local priorities.

Local criteria must not act as a substitute for the application of the broad principles, but may be developed as an enhancement to them.

Crime reporting and the Computerised Operational Policing System (COPS)

Case suspension

Police generally After further investigation, you may recommend to the case management supervisor that a case allocated to you be suspended provided:

- the suspect has been circulated and the person's whereabouts is unknown
- a warrant has been issued
- a resource cost benefit analysis indicates further investigation is not warranted
- the offender is not known or cannot be identified
- the DPP, Service Solicitor, Legal Services Branch or chief of detectives advises not to prosecute
- other sufficient reason exists (nominate).

Record your recommendation and reasons on the COPS Case Management System.

Case management supervisor

Review the recommendation and record your decision onto the COPS Case Management System.

Case rejection

Police generally You may recommend to the case management supervisor that a case allocated to you be rejected if, after further investigation, you determine the allegation is false or incorrect and it is desirable for the statistics connected with the COPS event to be removed. Record your recommendation and reasons on the COPS Case Management System.

*Case management supervisor
Patrol commander*

Review the recommendation and record your decision onto the COPS Case Management System.

Constantly monitor all decisions relating to Investigation Priorities.



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Instruction 62

Coroners and inquests

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Coroners Act

62.01

Become thoroughly conversant with the provisions of the Coroners Act, as amended.

Part III of the Act, requires that a coroner hold or dispense with an inquest or inquiry when informed of certain deaths, fires or explosions by a member of the Police Service or any other person.

A coroner oversees coronial matters generally and may give directions to police concerning investigations to be carried out for the purpose of an inquest or inquiry.

By arrangement, the Australian Federal Police (AFP) report deaths or fires occurring in places where the AFP exercise control, to the commander of the nearest NSW police station. This procedure applies only to those deaths or fires occurring in circumstances requiring a report to the coroner under the terms of the Act.

*Patrol
commander*

On receiving such a report from a member of the AFP, arrange the necessary investigation and appropriate report to a coroner.

Powers of Coroner

62.02

*Investigating
officer*

The coroner relies on you to ensure that an investigation is properly and professionally conducted and may request that a particular aspect receive specific attention. If you receive such a request, accede to it in a proper and timely manner.

If you genuinely hold serious objections to the course of action requested by a coroner, promptly bring the matter to the attention of the Commander, Legal Services, in your region, and seek a direction.

Reporting deaths to coroner 62.03

*Investigating
officer*

Promptly inform the coroner, who is the nearest Clerk of the Local Court, by submitting a P79A form in quadruplicate (a copy of which is immediately filed at your station), of the death of any person whose body is lying within NSW and who died:

- a violent or unnatural death
- a sudden death, the cause of which is unknown
- under suspicious or unusual circumstances
- and a medical practitioner has not given a certificate as to the cause of the death
- not having been attended by a medical practitioner within the period of three months immediately before death
- while under, or as a result of, or within a period of 24 hours after the administration to the deceased of an anaesthetic in the course of a medical, surgical or dental operation or procedure, except in the case of a local anaesthetic administered solely for the purpose of facilitating a procedure for resuscitation from apparent or impending death
- within a year and a day after the date of any accident where the cause of death is attributable to the accident
- while in the custody of a police officer or other lawful custody, or while escaping or attempting to escape from a police officer or other lawful custody
- as a result of, or in the course of, police operations
- while in, or temporarily absent from one of the following, while an inmate:

Coroners and Inquests

- an admission centre or mental hospital, within the meaning of the Mental Health Act
- a residential child care centre licensed under the Children (Care and Protection) Act, 1987
- a facility within the meaning of the Community Welfare Act, 1987
- a detention centre within the meaning of the Children (Detention Centres) Act, 1987
- a prison within the meaning of the Prisons Act, 1952, or a lockup.

Further, S.12A (1):

- A person who has reasonable grounds to believe that a death or suspected death would be examinable by a coroner under S.13 (3) and
- has reasonable grounds to believe that the death or suspected death has not been reported to a coroner, must report the death or suspected death to a member of the Police Service, or to a Coroner, as soon as possible after becoming aware of those grounds.

S.12A (2):

- a member of the Police Service to whom a death or suspected death is reported as provided by subsection (1), or by S.24(8) of the Registration of Births, Deaths and Marriages Act, is required to inform a coroner of the death or suspected death as soon as possible.

Coroners and inquests

Report to coroner when person charged with an indictable offence

Investigating officer

Inform the coroner as soon as possible when a person is charged with an indictable offence, eg. murder or manslaughter, etc., in respect to a death, or a person is charged with an indictable offence, eg. arson, regarding a fire. Enter the details on the P79A and the Computerised Operational Policing System (COPS). Submit a hardcopy of the COPS event to the coroner.

Coroner's responsibility regarding indictable offences

If, during an inquest or inquiry, the coroner forms the opinion that the evidence establishes a prima facie case against a known person for an indictable offence connected with the death or fire, the coroner terminates the hearing in accordance with S19(1) of the Coroners Act.

The coroner forwards the depositions, in confidence, to the Director of Public Prosecutions (DPP) with a signed statement specifying the name of the person, particulars of the offence, and recommends that the Director consider filing an ex-officio indictment against the person named.

Person charged or information laid for summary offence

If a person is charged or an information laid for a summary offence, or such is proposed, in circumstances connected with a death or fire, those proceedings must be adjourned until after the coroner has held or dispensed with the holding of an inquest or inquiry.

Coroners and Inquests

Observe the following procedure when related summary charges are preferred against a person, or such charges arise from the inquest or inquiry:

- immediately advise the sergeant assisting the coroner
- advise the police prosecutor at the local court each time the summary charges are mentioned so a further adjournment is sought until:
 - the coroner's inquiry is completed
 - the DPP advises it is not proposed to take action, ie., declines to file a bill
 - any indictable offence arising from a coroner's referral to the DPP is determined
 - any indictable charges brought by police are finalised.

These procedures are necessary to ensure that action on the more serious charges is not precluded by the fact the accused has already been dealt with on a summary offence arising from the same set of circumstances.

Police assisting coroners

62.04

Perform your duties in a completely impartial manner if detailed to assist a coroner during an inquest. Ensure all relevant material is placed before the coroner in the proper form.

*Patrol
commander*

Do not appoint police who are, or have been, actively engaged in the investigation of the death or fire to assist the coroner.

*District training
co-ordinator*

Ensure all police likely to assist the coroner during an inquest or inquiry, have a good understanding of their duties and responsibilities.

Coroner's Support Section 62.05

Investigating officer

When a coroner requests the assistance of the Coroner's Support Section, you still remain in charge of the matter. However, facilitate inquiries by members of the section and heed any advice offered in relation to the investigation generally.

Involvement of Police Internal Affairs 62.06

When during an investigation of a death, fire or crime it appears that a member of the Police Service may be implicated in the perpetration of the act, immediately report the matter, in writing, to the Commander, Police Internal Affairs Unit, in your region.

The Police Internal Affairs Unit is responsible for the proper investigation of the alleged breach of police discipline but shall not, unless otherwise directed, have carriage of the investigation into the death, fire or crime.

Facilitate inquiries by members of the Internal Affairs Unit and heed any advice offered in relation to the investigation generally.

Monitoring investigations 62.07

Patrol commander

In cases of death by violence, or when foul play is suspected, take an active interest from the time the matter first comes to your notice until it is finalised.

Experienced police to conduct inquiries 62.08

Patrol commander

When possible, nominate an experienced officer to investigate a death reported to you.

Do not appoint a probationary constable to be in charge of an investigation into the death of a person or a fire. Further, ensure P79A forms are submitted promptly to the coroner.

Advice to relatives

Investigating officer

At the first available opportunity cause the relatives of the deceased to be personally informed. Do not inform relatives by phone, except in exceptional circumstances and with the approval of the senior police officer on duty.

Police generally

Be sensitive when informing a deceased's relatives of the death.

Homicide involving children where abuse is suspected

Where it is suspected the death of a child is attributable to abuse, a member of the Child Protection and Investigation Team or in the case of the South West Region an officer who has specialised in the investigation and management of child abuse, is to be a member of the investigation team.

Preparing P79A form 62.09

Investigating officer

Prepare the P79A form in quadruplicate. Deliver the original and two copies direct to the coroner and file the remaining copy at your station.

Manner of death

Thoroughly set out the circumstances of death in the P79A form. When possible provide the deceased's medical history, including illnesses, if treated by a doctor, when and by whom, name of hospital etc. Include a reference to any medication recently taken or prescribed. Obtain a note from any doctor who saw the deceased within a period of six months prior to death and attach the note to your report.

If the body is unidentified, include a full description in the appropriate spaces on the form and commence inquiries to identify the deceased.

Spelling of deceased's name

It is essential that the deceased's names are fully and correctly stated. Pay attention to the correct spelling of names, and closely question persons identifying bodies or supplying names, regarding the correctness of the names given.

*Investigating
officer*

If possible, refer to official documents to establish the deceased's correct name. If known, include the deceased's date and place of birth.

Obtaining statements regarding deaths

When you officially report a death to a coroner by preparing and signing the P79A form, you are subject to the directions of the coroner and are responsible for collecting evidence, obtaining statements, warning nominated witnesses to attend the inquest, and attending the inquest yourself. When the coroner directs you to supply the statements of all witnesses, comply as soon as possible and in any case, within 28 days of the request.

When you make initial inquiry into a death, the cause of which arose outside your patrol, obtain statements to establish the identity of the deceased and the place and date of death. If requested, obtain statements from relatives regarding their requirements and the deceased's medical history.

The patrol commander for the locality in which the cause of death arose ensures that other necessary statements are obtained for the information of the coroner there.

Death occurring after transfer to another centre

When an injured person is transferred to another city or centre for treatment and subsequently dies there as a result of the injuries received, the death is reported to the nearest coroner.

The papers are then referred to the coroner for the area in which the incident causing death occurred, who has jurisdiction.

Consent of coroner required for release of information

Investigating officer

Do not reveal to any person the contents of witnesses' statements, suicide notes, or reports containing the outcome of inquiries, without the consent of the coroner. Do not release the identity of a deceased until relatives have been notified. However, a copy of a witness's own statement may be given to that witness at the time it is made. See also Instruction 52, Media policy, regarding information relating to deaths, etc.

Delays in submitting reports, etc

Submit P79A forms without delay and in any case within 24 hours, so funeral arrangements can be completed as soon as possible. Do not withhold or delay submission of the P79A for unidentified bodies. Submit a further P79A when the deceased is identified.

Body found in suspicious circumstances by police **62.10**

Police generally

When you find the body of a deceased person or a death is reported to you and it appears that an inquest is necessary, particularly when foul play is suspected or suspicious circumstances are present, carefully note in writing the position and appearance of the body. Preserve the scene until the body and area have been examined by physical evidence personnel

Exercise great care before removing dead bodies found in public parks, dwelling-houses, etc. Consult your patrol commander and local Crime Scene Examiner if you have any doubt or suspicion. See also Death when foul play suspected, and Search body and premises for exhibits, this instruction.

Body not recovered

When evidence suggests a death has occurred and the body is not recovered, make a careful investigation and furnish a detailed P79A report to the coroner within 14 days.

Death when foul play suspected **62.11**

Investigating officer

Immediately inform your patrol commander, by the quickest means, when you suspect foul play. In such circumstances ensure the Crime Scene Examiner is

promptly informed. The body should only be moved or disturbed after release by the Crime Scene Examiner, who will liaise with the Government Medical Officer (GMO) or if unavailable a medical practitioner.

Search body and premises for exhibits

62.12

Make a careful and thorough search of the body and the place where found for any article likely to have been connected with the death. If a medical practitioner is not present, note particularly the size, description, and position of any wounds, and do not allow the body, or any articles which could be connected with the death, to be removed or altered until a full investigation is completed.

When a post mortem examination is held, produce for the information of the medical officer conducting the examination, any weapons, bottles, packets or other things suspected of being connected with the cause of death, together with any clothing worn by the deceased showing bullet or knife holes.

Safe-keeping of money and other valuables found in the vicinity of a deceased

If you find a wallet or article containing money, jewellery or other valuable property in the vicinity of a body and you believe the property belongs to the deceased and it is not safe to leave it, take possession of the property. If not evident, do not undertake a search for such valuables.

Record a detailed description of the property in your notebook. If possible, have the entry verified by an independent member of the community or another member of the service. Take the property to your

Coroners and inquests

station and have particulars entered in the miscellaneous property and receipt book. Inform a relative of the deceased, or appropriate person, to collect the property.

When considering taking possession of property at the scene, have regard to the preservation of evidence particularly when you suspect a felony or the identity of the deceased is an issue.

In disasters, secure the scene and leave property in position until processed by disaster victim identification personnel.

If in doubt about the action to take, consult your patrol commander or shift supervisor.

Coroner's exhibits generally 62.13

Retain exhibits seized during a coronial investigation and record them in accordance with Instruction 78, Exhibits. When you believe the exhibit is the instrument which caused death or is otherwise relevant to the death, present it to the GMO performing the autopsy. Thereafter, retain the exhibit and, if required, produce it to the coroner.

Have physical exhibits photographed and attach copies of the photographs to the coroners brief. See Instruction 78, Exhibits, for detailed procedures.

Dispose of exhibits in accordance with Instruction 78, Exhibits, after the inquest or when the inquest is dispensed with.

Forwarding exhibits for analysis

*Investigating
officer*

In country areas, prepare an additional copy of each of the following forms when you report a death to the coroner and the death is not of a routine nature:

- report of death to the coroner, P79A

- specimen/exhibit examination form,P377
- post mortem report of medical officer
- specimens for toxicological analysis
- reports containing results of any other test or examination performed.

As soon as practicable after death, and without waiting for the inquest, send the copies under personal and confidential cover to the Senior Specialist, Country Forensic Services, Department of Health.

For procedures in submitting post mortem exhibits for examination or analysis, see Instruction 78, Exhibits.

Bullets and other items removed from the body

Bullets or items removed during an autopsy are obtained from the Government Medical Officer with that person's permission, and retained by Physical Evidence personnel for examination and later production to the coroner.

Exhibit items removed during autopsy, excluding specimens and items for analysis, are not left at the morgue.

After the inquest, or where such is dispensed with, dispose of the exhibit in accordance with Instruction 78, Exhibits.

Recording property found on deceased 62.14

Investigating officer

Refer to Instruction 81, Miscellaneous property.

Fatalities in mines**62.15**

If a fatality occurs in a coal mine, promptly inform the District Inspector of collieries, and in other mines, the District Inspector, appointed under the Mines Inspection Act. Notify these officers of the date and time of the inquest.

Mines include quarries, dredges and other places referred to in the Mines Inspection Act. The Coal Mines Regulation Act also defines a mine.

Suicides - collecting evidence 62.16

You are responsible for collecting evidence for the coroner. Accordingly, do not presume suicide and bear in mind the evidence adduced before the coroner must be sufficient to conclusively prove suicide.

To establish suicide you must produce evidence which shows conclusively that the deceased intended to take his or her own life. This can be done in a number of ways.

When investigating on behalf of the coroner, seek to establish definite evidence which either proves or disproves suicide.

Investigate carefully the place where the death occurred and the immediate area for the purposes of gathering evidence.

*Investigating
officer*

Inquire from relatives and friends of the deceased to ascertain the deceased's mental condition prior to death.

Search for a suicide note or correspondence from the deceased which may indicate an intention of the deceased. Remember, this may or may not be at the scene of the death.

Coroners and inquests

If you locate a suicide note or correspondence, have the writing, including any signature, verified as being that of the deceased by some person competent to do so. Family members or close acquaintances are appropriate.

Inquire at hospitals and mental institutions. Consult any medical practitioner to ascertain if the deceased had any treatment, psychiatric or otherwise, and general state of health prior to death.

Inquire from the deceased's employer and associates at work about the deceased's general outlook.

Make any other enquiries that could be beneficial in bringing evidence before the coroner to assist the latter in determining the reason for death, having regard to the circumstances existing at the time.

Obtain a statement from any person you consider is able to give relevant evidence and forward the statement to the coroner for possible use at any inquest.

Cause any document which may be of assistance to the coroner but is not in your possession to be produced at the inquest by having process issued upon the custodian.

Use the utmost tact and discretion so as not to cause undue distress to the deceased's family when making inquiries of this nature.

Overdoses**62.17**

<i>Patrol commander</i>	Nominate a detective, or member performing full time criminal investigation duties, to attend the scene of a death when evidence indicates that it may be the result of a drug related death.
<i>Investigating detective</i>	<p>Arrange for a thorough forensic examination to be carried out. This will include the attendance of a Crime Scene Examiner. The examination is to clearly determine that either death was caused by an unintentional drug overdose or by the administration, accidentally or otherwise, of a substance, or a combination of substances and other drugs, which may also have directly contributed to the death.</p> <p>You are responsible for determining whether the death is suspicious. If after investigation you are satisfied there are no suspicious circumstances endorse the relevant occurrence pad entry accordingly and provide a statement for inclusion in the brief to the coroner.</p>
<i>Patrol commander</i>	If there is no additional evidence to question the detective's determination, have inquiries completed by an experienced general duty patrol officer.
<i>Officer continuing investigation</i>	<p>Gather relevant intelligence including:</p> <ul style="list-style-type: none"> • circumstances leading to the death • circumstances under which the body was found • associates of the deceased • places frequented by deceased, and • any other matters of consequence arising during your inquiries.
<i>Officer continuing investigation</i>	Interview the deceased's parents, spouse, defacto, friends and witnesses. Examine available personal documents and records which belonged to the deceased in an attempt to establish the source of the drug,

identity of the supplier and perhaps providing a link to another death elsewhere. Endorse back of P79A.

Forward a copy of the above information to the prosecutor assisting the Coroner.

Ensure also that the deceased's criminal history, pertaining to drug matters is attached to the P79A at the time of the original report to the coroner.

Drownings

62.18

*Investigating
officer*

At the conclusion of an inquest into the death of a person by drowning, furnish a report, in duplicate, direct to your patrol commander setting out:

- the locality of the drowning
- brief facts of the incident
- cause of the drowning, if known
- if the drowning occurred in a swimming pool, include whether the pool is above or below ground level, surrounded by a fence or only fenced off from the street, and whether the deceased was a resident or visitor
- in the case of a person fishing from rocks drowning, whether the person was alone
- if the drowning occurred in a private dam, include the type and depth of the dam
- the coroner's finding
- if a member of the service attempted resuscitation, the type of resuscitation used, the length of time carried out and whether the deceased, at any time, showed any signs of recovery.

Coroners and inquests

Reports are not required in a suicide by drowning, but are required in a case of drowning in a submerged vehicle.

*Patrol
commander*

Forward reports to:

Original The Royal Life Saving Society of
Australia (NSW Branch), PO Box 133
St Peters, NSW 2044.

Duplicate The Director, Resuscitation Unit
Medical Services Branch, Avery
Building

Private pool drowning of children 0-5 yrs

*Investigating
officer*

When inquiring into the circumstances of a drowning death of a child 0-5 years, complete form P.530 with form P.79A and the brief of evidence, and forward them to the Coroner as soon as possible.

Deceased wearing diving equipment

*Investigating
officer*

When inquiring into the death of a person who at the time was wearing a compressed air apparatus and weight belt, the Police Diving Section can assist you. In such cases, take possession of the complete apparatus and belt as an exhibit. At the same time, seal and conserve any compressed gas within the apparatus. Take particular notice of the condition of the apparatus and the method of attachment to the deceased. Have photographs taken of the apparatus in its original condition, if possible.

Forward the diving apparatus and weight belt, together with a covering report, to the Commander, Police Diving Section.

*Commander,
Police Diving
Section*

Arrange for the Government Analyst to test a sample of the gas and for a qualified member of the Police Diving Section to carry out a physical test. Have the belt

weighed by the Department of Weights and Measures and obtain a certificate.

Ensure statements, certificates and photographs are prepared and forwarded to the investigating officer for presentation to the coroner.

Suspected poisoning 62.19

Investigating officer

When giving evidence at an inquest into a death by poisoning, state whether you ascertained the source of supply of the poison and whether the package, bottle, etc., bore the label of the manufacturer and distributor. Also, whether it was labelled in accordance with the regulations under the Poisons Act.

Prosecutor

Ascertain the source of supply of the poison from any witness, if possible.

Fatalities, serious accidents, electrocutions or gassings in the workplace 62.20

Investigating officer

When a fatality or serious accident occurs in the workplace, or while a person is engaged in pursuing an occupation, contact the local WorkCover Authority office or use the 24-hour emergency number (02) 260 0450.

When a fatality or serious accident involves electricity, gas or water, notify the supplying authority.

Afford the WorkCover Authority representative reasonable opportunity to inspect the scene and evidence. For this purpose, preserve the scene for a reasonable time. In fatalities, it is not necessary for the body to remain at the scene.

Security of equipment and exhibits seized in the course of the investigation is your responsibility. WorkCover is permitted to have access to the exhibits. Irrespective of whether police examine the equipment, WorkCover's report will be sought by the Coroner.

Advise the Coroner of WorkCover's involvement and of any difficulties which may arise.

Skeletal material of suspected human origin

62.21

Submit a P79A for the information of the coroner when skeletal material, suspected of being of human origin, is brought to your attention. Conduct the investigation in respect of skeletal remains in the same manner as for a deceased person.

Skeletal remains of unsuspecting nature

When nothing of a suspicious nature is evident and you believe the material is of ancient Aboriginal origin, endeavour to ensure the site and immediate area is not disturbed further until experts attend.

If you doubt the Aboriginality of the remains, contact your nearest Physical Evidence Section.

Contact the Regional Office of the National Parks and Wildlife Service and advise:

- the location of the discovery
- features of the site
- police in charge and contact telephone number
- any other relevant information.

Inform your regional Police Aborigine Liaison Unit.

Refer to Instruction 120, Aborigines, for detailed procedures.

Mass fatalities

62.22

Aircraft incidents – post mortem examinations

Immediately notify the coroner when an aircraft crash results in a fatality and inform the Department of Transport of the incident. The coroner directs where the post mortem examination is to be performed.

Aircraft or public transport incident

Investigating officer

Immediately inform, the Sergeant in Charge, State Coroners Court, Glebe, by telephone, when mass fatalities result from an aircraft or regular public transport accident. The Division of Forensic Medicine, Sydney, undertakes post mortem examinations and pathology services in these circumstances. The area pathologist is not involved.

Forwarding bio-chemical and histopathological material for analysis

The pathologist forwards bio-chemical and histopathological material to the Division of Forensic Medicine, Sydney, for analysis.

Arrange transportation of the material. The Australian Department of Transport supplies packaging material for this purpose.

Boating fatalities

62.23

Refer to Instruction 47, Water craft.

*Coroners and inquests***Fatal or serious accidents on SRA trains 62.24**

First police officer on scene Refer to Instruction 40, Accidents (Excluding traffic accidents), Fatal or serious accidents on SRA trains - breath testing drivers.

Deaths in police custody and deaths arising from police shootings or pursuits 62.25

Patrol commander Immediately report a death in custody to the Coronial Investigation Unit in addition to the usual procedures.

Senior investigating officer Such deaths are to be investigated in accordance with the guidelines of Commissioner's Instruction 155.18.

Deaths of pensioners 62.26

Police generally For procedure regarding deaths of pensioners or other social security beneficiaries, see Instruction 136, Australian government matters affecting police, under the heading "Social Security, etc."

Photographing unidentified bodies prior to burial 62.27

Investigating officer If a body is unidentified when the order for burial is given, arrange for photographs to be taken as directed below and if considered necessary, obtain assistance from specialist branches of the Service.

Consult Missing Persons Unit (MPU) regarding unidentified bodies

Information concerning unidentified bodies is recorded at the MPU for checking against missing persons' record cards to assist in possible identification.

When finger prints fail to identify a body and there are no other means of identification, disseminate the Computerised Operational Policing System (COPS) event to the MPU setting out:

- full description of the body, including apparent age
- length of time dead
- particulars of clothing and jewellery found on body.

Also, submit a report to the coroner setting out all facts known about the deceased to assist in possible identification on the balance of probability.

Dental chart and photographs of unidentified bodies

Investigating officer

Attach a dental chart to the report as well as a full length photograph of the body. Have the deceased's head photographed, one taken directly above head (full face) and one taken side on to head (profile). Attach copies of each photograph to the P79A form filed at your station and also supply copies to the coroner for filing.

Police photographer

Ensure if possible, that you take the photographs before the post mortem examination. Before taking the photographs, ensure the deceased's face is cleaned, hair tidied and eyes opened, to facilitate identification by

Coroners and inquests

members of the public. Enlarge the photographs to a reasonable size.

Notifying defence force of deceased member **62.28**

If the deceased is a member of the defence forces, inform the appropriate authority of the circumstances without delay.

Transporting deceased persons by ambulance **62.29**

The Department of Health, Ambulance Service, has adopted the following policy concerning the removal of deceased persons by ambulance:

- transport is effected when ambulance officers believe that resuscitation procedures should continue
- transport should be effected when the attending ambulance officers become aware that the deceased has agreed to donate organs or other body tissues
- transport is effected, when sudden death has occurred and the body is in public view
- when police insist the body remain where it is for investigatory reasons, the government contractor is called and the ambulance released from the scene.

Investigating officer

Unless there are special circumstances, ambulance officers are not required to transport a person who has been deceased for more than 24 hours.

While preserving the scene, do not prevent the removal of an apparently dead body by ambulance personnel, unless you have doubt regarding the manner of death or vital evidence would be lost by removal of the body. When there is a necessity to record the position of the

body on the roadway, "chalk" its position before removal.

Removal of bodies by contract undertakers 62.30

Investigating officer

When an ambulance officer does not remove a deceased person, seek the services of a contractor for the removal, in accordance with the provisions of the contract arranged by the Government Supply Office for "Coffins and Internments (Section A - Removal of bodies...)"

Do not call a contractor to the scene if you establish the person is an organ donor or there are other reasons for using the Ambulance Service.

Where possible ascertain the identity of the deceased person's medical practitioner and have that person attend the scene to issue a certificate of death. Do not arrange for the attendance of government contractors until it is obvious that a certificate as to the cause of death is not forthcoming. Also arrange for the contractor to be informed when they may attend, if circumstances preclude immediated removal (eg. crime scene examiner to attend scene).

Where the medical practitioner is unknown or unavailable contact the government contractor and have the body removed to the nearest hospital or Government Medical Officer to have life pronounced extinct. Then have the body conveyed to the morgue.

If a certificate as to the cause of death is issued and the body is not otherwise required to be conveyed to the morgue, relatives or friends should arrange for the body to be transported by a funeral director of their choice. The cost of this is to be borne by the relatives or friends.

Coroners and inquests

Remember, police officers of or above the rank of sergeant or any member of the Police Service in charge of the scene have authority to direct that a body be removed by a government contractor (funeral director) to the nearest hospital or GMO to have life pronounced extinct.

Nature of service under contracts

Services provided by funeral directors under contract are specific, but the conditions of the contracts impose no obligation on any private person to use the contractor for private funerals. As the choice of a funeral director for privately arranged interments is entirely at the discretion of the relatives, do not make any recommendation to influence this decision.

Unsatisfactory service by contractor

*District
commander*

If the services of a funeral director, under government contract, are unsatisfactory, immediately advise the State Contracts Control Board, Government Supply Office, of the deficiency.

Assistance to Human Organ Donor Co-ordinators (HODC's) 62.31

*Investigating
officer*

Attend a hospital promptly to effect identification of a deceased person in cases involving proposed organ retrieval surgery and make speedy inquiries to ascertain the circumstances surrounding the death.

If approached by a Human Organ Donor Co-ordinator (HODC) for information regarding the donor, inspect the person's photographic identification card and if satisfied of the person's bona fides contact the senior Duty Operations Inspector by telephone. This officer is responsible for supplying the HODC with the required information. Co-operate with the Transplant Co-ordinator and assist the next of kin as appropriate. After organ retrieval surgery, follow the usual Coroner's case procedures.

Admitting body to morgue 62.32

A body must not be admitted to a morgue without police present, except at the Westmead Mortuary in circumstances where the death is not suspicious. In this instance, the body is to be searched and then tagged for the purpose of identification.

OIC of case

Fix the identification tag to the body at the scene. The tag is to contain the name of the deceased or where the body was located, your signature, name, rank and station.

As to searching the body, see Commissioner's Instruction 81.04.

Liaise with the contractor as to a mutual and probable time of arrival at the morgue, to avoid undue delays. Ensure a contractor is not called to an accident or other site, when a person has just died and you establish that the person is an organ donor, or there are other reasons for using the Ambulance Service.

Death certificate issued before admission of body to morgue 62.33

Investigating officer

Before a body is admitted to a morgue, obtain a certificate from a medical practitioner that life is extinct and attach the certificate to the P79A report to the coroner. After a medical officer has certified that life is extinct, act under the coroner's instructions as far as practicable.

Identifying deceased person to GMO 62.34

Investigating officer

When a body is identified to you, personally identify the body to the GMO.

Identifying deceased persons whose features may have been altered

Where visual identification may be impaired (eg. by burning, facial injury, decomposition) contact the duty officer, Institute of Forensic Medicine, Glebe or Westmead, or the Coroner, for advice. Do not rely solely on visual identification as the means of identifying the deceased.

Post mortem examinations 62.35

Police duties at post mortem examinations

Officer in charge

Prior to attending the mortuary supply to the Coroner or Coroner's Sergeant, the P79A form and any other relevant documentation. Then attend on the Forensic Pathologist (GMO in the country) for the purpose of identifying the deceased. Confer with the Forensic

Pathologist or GMO who can indicate whether the death is routine.

In respect of routine cases you are not obliged to remain at the post mortem. It is a matter of discretion as to whether you elect to remain to further your coronial/investigatory knowledge.

In relation to other deaths (homicide, manslaughter, culpable driving, criminal negligence, in police custody, due to a police pursuit or a police operation, or suspicious deaths) you and other designated officers (eg. P.E.U., Ballistics, Internal Affairs, Fingerprints) are to be present at the post mortem if directed by the Coroner.

Police generally You are not to participate in the conduct of a post mortem examination.

Police duties regarding post mortem specimens

Police generally Upon receipt of sealed post mortem specimens and required documentation from the doctor performing the examination arrange for transportation to the Division of Analytical Laboratories, Lidcombe or such other laboratory as is appropriate under Instructions 62.13 and 78.23.

Post mortem conducted at hospital

When the coroner approves a post mortem examination to be conducted at a teaching hospital, immediately have the deceased's body identified to you at the hospital by a relative or other acceptable person. Doctors or hospital staff are not acceptable persons in these circumstances.

Identify the body to the hospital pathologist authorised to conduct the post mortem examination. If this is not practicable, you may identify the body to some other

Coroners and inquests

person in authority at the hospital, preferably a medical officer, but certainly not nursing staff. Such person can later identify the body to the pathologist.

In these cases, clearly set out the method of identification in your statement of evidence, for the coroner's information.

Post mortem requirements when murder charge likely

See Instruction 78, Exhibits, for requirements when a post mortem examination is scheduled in the country in a case in which a person has been charged or is likely to be charged with murder.

Reimbursing witnesses for identifying deceased persons

Police generally When a death is reported to the coroner, but the body is not identified, a person requested by you to travel a long distance to identify the deceased, may be entitled to the reimbursement of reasonable expenses by the Attorney General's Department.

Approval required for witness to travel

Before requesting a person to travel a long distance to identify a deceased person, confer with your patrol commander.

Patrol commander Ensure the most economical means is used to effect the identification. Satisfy yourself that no other means of identification are available locally, before giving approval for a person to be requested to travel a long distance for this purpose.

Take care that the person is not undertaking the journey for another purpose, that is, funeral or collecting property.

Coroners and inquests

*Investigating
officer*

When the death is the subject of an inquest and the person making the identification is called as a witness, any claim for reimbursement of expenses incurred in connection with the identification is made when claiming expenses for attending the Coroner's Court.

Should a person, who is requested to make an identification, require the Police Service to pay the fare to the place where the identification is to be made, arrange this in accordance with the procedures laid down for Crown Witnesses. Any order or requisition issued for this purpose is endorsed "recoverable from the Attorney General's Department".

*Investigating
officer*

When the coroner dispenses with an inquest, or where the claimant is not called as a witness, or desires payment prior to the inquest, any claim for reimbursement of expenses incurred by the person making the identification is the subject of a report. Set out in detail all expenses claimed and forward the report through your patrol commander to the district commander.

*District
commander*

Consider the matter and make a recommendation for consideration by the Attorney General's Department.

Police prosecutors assisting coroners at inquests

62.36

*Investigating
officer*

At larger centres, police prosecutors assist coroners in conducting their courts. If outside those centres, apply to the Commander, Legal Services, in your region when you are involved in a complex inquiry and consider the services of a police prosecutor should be obtained. Ensure the application, together with copies of relevant statements, reaches the commander's office at least seven days before the hearing.

*Commander,
Region Legal
Services*

Coroners and inquests

Decide, in consultation with the coroner, whether such assistance is warranted.

Advising next-of-kin and witnesses in ample time

Investigating officer

Advise the next-of-kin and witnesses required by the coroner to give evidence, of the time and the date of the hearing of the inquest and of any subsequent adjournment. Have the next-of-kin personally informed and in ample time before the inquest.

Exhibits relevant to inquest 62.37

Investigating officer

In all cases, whether or not criminal proceedings are pending, when an exhibit in your possession relates materially to the cause of the death of a person or the cause of a fire, retain the exhibit pending a discussion with the coroner. Do not dispose of the exhibit until the coroner directs accordingly.

If the exhibit is a motor vehicle, have it mechanically examined to ascertain whether a defect may have contributed to the fatality. Have firearms expertly tested at the Ballistics Unit and obtain a certificate for presentation to the court

These instructions do not apply when an indictable charge, has been preferred against a person relating to the cause of the death being investigated. In such cases, the coroner merely hears evidence to establish the identity of the deceased and the place and date of death. The coroner then terminates the inquest and the indictable charge or charges are then the subject of proceedings in a local court. Deal with exhibits in accordance with Instruction 78, Exhibits.

Production of articles

At the inquest, produce any papers or other property found on the body of the deceased, and any weapon or instrument that may have been the means of death, or any bottle or papers containing, or thought to have contained, poison.

Removal of clothing from bodies 62.38

City Morgue, Glebe

*Investigating
officer*

Clothing is removed on instruction by the Medical Officer and is cut only in extreme circumstances. Clothing is kept at all times and stored with the body or handed to police if required for evidentiary purposes. If not required by police, the clothing is released with the body to the undertaker and specifically signed for.

If you require clothing for evidentiary purposes, deal with it as an exhibit and in accordance with, Exhibits relevant to inquest, this instruction.

Country area

*Patrol
commander*

Make local arrangements. When practicable, adopt the procedure laid down for the City Morgue, Glebe. Confer with your local coroner and issue additional instructions as required.

Procedures for property at the City Morgue, Glebe 62.39

Refer to Instruction 81, Miscellaneous property.

Retention of police records 62.40

*Patrol
commander*

Coroners and inquests

Ordinarily, diaries, duty books and notebooks are retained for five years before they are destroyed. However, when so directed by a coroner or magistrate, such records are retained until released by order of the State Coroner, Chief Magistrate or a Judge.

When police records are retained in these circumstances, make an appropriate notation on the relevant record card.

Next of kin making funeral arrangements **62.41**

Investigating officer

If the deceased's next-of-kin or legal representative seeks your permission for a particular funeral director to remove the body to the morgue or such other place you direct, give approval unless you have a valid reason for refusing. Accordingly, do not obtain the services of the Government contractor until you visit the place where the body is lying.

When giving approval, advise the applicant that police supervise the removal of the body and the cost is not met by the Police Service or the Government.

Police not to become involved in cremations **62.42**

When a death is not violent, unnatural or unexplained and there are no suspicious circumstances, and the next-of-kin wants the body cremated but the medical referee, under the Public Health Act, refuses permission because the two medical certificates do not comply with Regulation 78 and you are requested to have the body conveyed to a morgue, do not intervene.

Allow the deceased's representatives to make appropriate arrangements for disposing of the body either by cremation or burial.

Draw the attention of the person making the representations to the provisions of Part X of the above Regulation.

Certificate issued for destitute deaths

62.43

Investigating officer

When a destitute person's body is transported to the City Morgue for storage, pending burial, submit a comprehensive report forthwith, for the information of the Sergeant at the Coroner's Court and the Coroner. Keep the Coroner's Office informed of the progress of your inquiries.

Fires

62.44

As soon as possible, report direct to the coroner, who is the nearest Clerk of the Local Court, by forwarding a hardcopy of the Computerised Operational Policing (COPS) event, the required details of all fires coming to your notice when property of value is destroyed or damaged. This instruction applies not only to real property, but to all property of value, including motor vehicles and their loads, contents of buildings, crops, stock, fencing equipment, etc.

Ensure there is sufficient information on COPS event to inform the coroner of the cause and origin of the fire.

If requested by fire brigade authorities, provide information regarding the amount and particulars of insurance upon any premises where a fire occurred.

Explosions

Notify a coroner of an explosion which has caused damage to property, yet not fire has occurred, by following the reporting procedures as for fires.

Sudden infant death syndrome (SIDS) - suspected cases 62.45

*Patrol
commander*

Suspected Sudden Infant Death Syndrome (S.I.D.S.) cases are examinable by a Coroner and must be attended to as a matter of urgency by an experienced investigator. Assign the investigator keeping in mind any directions given by the local Coroner. The investigator should become involved in the matter at an early point of time (i.e. with the body in situ) to exclude all other possible causes of death.

*Investigating
officer*

Approach the matter with sensitivity. However, obtain detailed information for the Coroner and Forensic Pathologist.

Be aware of the requirements of the local Coroner.

Police generally

If you are attending a suspected S.I.D.S. case, make yourself familiar with the departmental instructional material e.g., OTJ lecture 90.

Treat the case with sensitivity. The parents and family will be under stress and emotionally upset and may have feelings of personal guilt or failure.

Minimise police presence at the scene. This also applies to other persons who do not have a relevant function to perform or an interest which requires them to be present.

Even though you may feel compelled to hasten the inquiry to remove yourself from the emotional circumstances, you must be patient when interviewing the parents, carers and witnesses.

Do not enter into a counselling session with the parents and relatives - expressing your sympathy and a considerate approach is sufficient.

Preface questioning of the parents and witnesses with a clear explanation that the information is required to

assist the authorities to ascertain the medical cause of death and to consider the surrounding circumstances.

Common SIDS features

Common features of SIDS generally manifest themselves in infants aged between two weeks and two years and include:

- the infants were previously healthy
- the presence of a bloody froth may appear around the mouth and nose
- skin may be discoloured and resemble bruising due to lividity
- there could be excessive perspiration and death occurs during sleep.

In S.I.D.S cases the body is not to be undressed. It is not necessary for bedding, blankets or wrap the body was found in to accompany the body unless, in your opinion, the opinion of the Coroner or the pathologist, they are required to assist in the medical examination or investigation.

Afford the parents final contact with their infant under supervision after the initial investigation is completed.

Transfer of country SIDS cases for specialist autopsy

SIDS cases in the country must be examined by a specialist forensic pathologist at the Institute of Forensic Medicine, Glebe. Those cases within the Westmead coronial jurisdiction must be examined by a specialist forensic pathologist at Westmead Hospital.

Support organisations

The Grief Counselling Service (attached to the Institute of Forensic Medicine, Glebe and available to Westmead) and the Sudden Infant Death Association are available to assist parents and families in S.I.D.S cases. Contact these organisations through the Institute of Forensic Medicine, the Glebe/Westmead Coroner's Office and the Police Service Communications network.

Counselling for police

If you experience emotional difficulties in the investigation of SIDS cases, seek assistance from the Police Welfare Unit.

*Patrol
commander*

Look for signs of emotional upset or stress displayed by any officer involved with a death, particularly a SIDS case and promptly initiate counselling. Professional assistance is available from the Police Employee Assistance Branch (Medical, Occupational Health, Psychology, Welfare Officers).

Various publications are available from Sudden Infant Deaths Association organisations, which may assist you in understanding associated problems.

SIDS death scene investigation checklist

Note: This is a guide to the information the Coroner requires and is not an exhaustive list. You are required to examine each case on its merits and undertake a thorough investigation. Print out a copy for use at the scene, but do not utilise it as a substitute for a thorough investigation.

(Important: When conducting an interview, refer to the dead infant by name)

Coroners and inquests

- 1.Surname..... Given names:.....
- 2.Date of birth:..... Male/Female
- 3.Place of birth:..... Hospital:.....
Town/City:.....Country:.....
4. Birth Weight:.....grams/lbs:.....
5. Was he/she born prematurely? yes/no
6. Does he/she have any brothers/sisters? yes/no
7. Has he/she been to an early childhood centre?
yes/no
8. Has he/she received any vaccinations? yes/no

If yes list types and dates (e.g. Triple antigen (or DPT), Polio (or Sabin).

Without limiting the areas of investigation ascertain the following information:

- the type of premises
- the condition of the premises, outside and inside
- the weather
- conditions within the premises (e.g., ventilation, stifling, draughty, warm, cold etc.)
- persons present, their relationship, appearance, demeanour.

In relation to the deceased infant:

- check for signs of life. If ambulance officers or medical personnel are present, ask them to check for signs of life or confirm that they have done so.
- ascertain where the infant was located (if the infant is being nursed or has been moved, request the

Coroners and inquests

infant be placed back in the position where found. Do not express urgency for compliance with this request).

- carefully examine the infant and the location where found
- do not disturb, interfere or move the infant unless satisfied that the circumstances are not suspicious and do not warrant the attendance of physical evidence investigators.

Interviewing and questioning

Carefully explain to the parents, family or carer the need to fully explore the circumstances in an attempt to establish the cause of death. Do not hurry the interview.

Ascertain:

- when the infant was last fed before having been put to bed
- what the infant was last fed
- any difficulties during or after feeding when the infant was put to bed
- whether and when the infant was checked between being put to bed and being found. Anything done, i.e., nappy change, dummy, bottle, medicine, pat, re-adjust position.
- was anything unusual noticed during any visits to the infant
- whether the infant was settled or restless when put to bed, period of time unsettled
- any noises or sounds coming from the place where the infant was put to bed

Coroners and inquests

- did the infant sleep alone or share the bedroom (and with whom)
- when was the infant found
- how did the infant come to be found (random check, noise, moaning, etc)
- what was seen when the infant was found, i.e., position, appearance, colour, clothes, bedding, etc
- was anything found in the cot or bed with the infant
- was the infant moved, picked up or otherwise interfered with when or after being found (bathed, groomed, shaken, cuddled etc.)
- was resuscitation attempted, if so how (do not ask this question in a manner which suggests a failure for not having done so)
- was the clothing, bedding or anything else changed after the infant was found
- when were the medical authorities/police called. How long was it before they arrived.
- was anything done between the time the authorities were contacted and their arrival.

Medical and physical history

Obtain information in relation to:

- the infant's recent health, medical history, symptoms, treatment, falls, traumas and medication
- the health and medical background including any medications, of any other member of the family

Coroners and inquests

- any family history of unexplained sleep related deaths
- any previous instances of infant trauma or abuse
- name and location of the infant's doctor and the family doctor.

Exhibits

Seize and produce to the pathologist anything you consider significant to the cause of death, i.e., medications, food, etc.

Explain to the parents or carer that any items or articles seized are required by the medical officer to assist their inquiries with regard to the cause of death. Further explain that the items or articles will be returned after the Coroner has had the opportunity to consider the matter fully.

Medical certificates relating to deaths - procedure re 62.46

Cause of Death certificates

*Investigating
officer*

A "Cause of Death" certificate merely states the cause of death - do not confuse it with a "Life Pronounced Extinct" certificate.

A "Cause of Death" certificate is to be issued only by a medical practitioner who has seen the deceased within the last three months and where cause of death is a condition for which that practitioner had been treating the deceased.

A "Cause of Death" certificate cannot be issued where the death must be reported to a coroner, i.e. violent or

unnatural death, sudden death where cause is not known, etc.

Where a "Cause of Death" certificate is not issued immediately, the practitioner will sometimes issue a "Notice of Intention to Sign a Cause of Death" certificate. This does not constitute a certificate as to the cause of death.

Where the body is admitted to the City Morgue, you are to inform relatives and their representatives that if a "Cause of Death" certificate is not received by the coroner within 48 hours after the death has been reported to the coroner, a post mortem examination may be performed.

If a "Cause of Death" certificate is not issued, continue your inquiries in relation to the death until you see that certificate.

Life pronounced extinct certificates

These certificates do not state the cause of death. They are issued by a medical practitioner to certify that life is extinct - do not confuse them with a "Cause of Death" certificate.

Bodies to be examined by forensic pathologist in situ **62.47**

The State Coroner has directed the bodies of deceased who die under the following circumstances should not to be removed from the scene until a forensic pathologist or Government Medical Officer examines them in situ:

- aviation deaths
- deaths in custody (police or gaol)

Coroners and inquests

- decomposed bodies and skeletal remains
- homicides
- multiple deaths

- suspicious deaths
- unusual, controversial or high-profile cases.

In these cases seek advice from the Duty Forensic Pathologist, Glebe, Newcastle or Westmead.

In other situations where you consider an in situ examination of the body is desirable seek advice from the respective Coroners\Duty Pathologist.

As time is of the essence contact the State Coroner through the Duty Operations Inspector, Sydney, the Senior Deputy State Coroner or the Newcastle Coroner through Penrith or Newcastle Police Radio Operations, respectively.

Where a death occurs in a country location you must take action in consultation with the local Coroner.

Transfer of bodies to Glebe, Newcastle Westmead, for specialist autopsy 62.48

The State Coroner requires the body of a person who dies under the following circumstances to undergo a post mortem at the Institute of Forensic Medicine, Glebe:

- aviation deaths
- homicides
- in custody
- under five years

Coroners and inquests

- women during pregnancy, while giving birth or within one year of having been pregnant
- suspicious circumstances
- underwater diving
- any other case where the State Coroner so directs, (e.g. conflict of interest regarding the local GMO and the deceased, unusual, controversial or high profile cases etc.).

Deaths under like circumstances occurring within the Newcastle or Westmead Coroners' jurisdiction are to undergo a specialist post mortem in those locations.

Costs for transportation of the body to the Glebe, Newcastle or Westmead mortuaries and return, either by road or plane are met by the Local Courts Administration. Do not transport by plane until you have approval of the local coroner or the office of the State Coroner.

*Investigating
officer*

Deal with above deaths urgently, particularly if the body requires transportation from a country locations.

After life has been pronounced extinct by a registered medical practitioner, arrange for identification tags (hospital type wrist bands) to be attached to the body. The tags must show the full name and date of death of the deceased and bear the name, registered number and signature of the police officer who identified the body.

In the Sydney, Newcastle and Westmead areas, follow the procedures for the admission of a body to the respective mortuaries and for its transfer there by a government contractor.

If such deaths occur in country areas, you or the local Coroner are to notify the duty Pathologist at the Institute of Forensic Medicine, Glebe by telephone and advise him/her of the circumstances.

Coroners and inquests

When investigating a country death involving homicide (or suspicious death) you are to accompany the body to the Glebe Mortuary. In all other cases you are not to accompany the body unless requested to do so by the duty Pathologist.

Submit a copy of the P79A form (Report of Death to the Coroner) promptly, for orders to be issued for the post mortem.

Endeavour to ensure that any medical reports or hospital notes pertaining to the medical history of the deceased are placed in a sealed envelope and accompany the body.

If medical institutions are reluctant to release such records, advise them the NSW Health Department has directed they are to forward medical records with a body being transported for post mortem.

Should you experience any difficulty in obtaining such records, obtain an order from the Coroner requiring their release, under Section 14(6) of the Coroner's Act, 1980.

In suspected SIDS cases it is vital that information in relation to the health and medical circumstances of the infant be provided to the pathologist conducting the post mortem.

The body of the deceased is to be returned to the area from which it came, or if requested by the next-of-kin, to the location where they reside. Inform the government contractor before the body is sent to the Mortuary of the location to which the body is to be sent, if known, after its release.

Deaths remain under the jurisdiction of the Coroner for the area where the death occurred. Direct all inquiries to that Coroner.

Take an active role to communicate with the parents/relatives of the deceased.

Informing coroner of major incidents

62.49

Notify the State Coroner through the Duty Operations Inspector, Communications Section, of significant public interest incidents such as:

- major fires
- disasters involving multiple deaths
- deaths in custody.

Account Name: [Faint text]

[Faint text]

[Faint text]

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CC

Coroner's Support Section 62.05

Investigating officer

When a coroner requests the assistance of the Coroner's Support Section, you still remain in charge of the matter. However, facilitate inquiries by members of the section and heed any advice offered in relation to the investigation generally.

Involvement of Police Internal Affairs 62.06

When during an investigation of a death, fire or crime it appears that a member of the Police Service may be implicated in the perpetration of the act, immediately report the matter, in writing, to the Commander, Police Internal Affairs Unit, in your region.

The Police Internal Affairs Unit is responsible for the proper investigation of the alleged breach of police discipline but shall not, unless otherwise directed, have carriage of the investigation into the death, fire or crime.

Facilitate inquiries by members of the Internal Affairs Unit and heed any advice offered in relation to the investigation generally.

Monitoring investigations 62.07

Patrol commander

In cases of death by violence, or when foul play is suspected, take an active interest from the time the matter first comes to your notice until it is finalised.

Experienced police to conduct inquiries 62.08

Patrol commander

When possible, nominate an experienced officer to investigate a death reported to you.

*Amended
see ppc 90/15*

Do not appoint a probationary constable to be in charge of an investigation into the death of a person or a fire. Further, ensure P79A forms are submitted promptly to the coroner.

Advice to relatives

Investigating officer

At the first available opportunity cause the relatives of the deceased to be personally informed. Do not inform relatives by phone, except in exceptional circumstances and with the approval of the senior police officer on duty.

Police generally

Be sensitive when informing a deceased's relatives of the death.

Homicide involving children where abuse is suspected

Where it is suspected the death of a child is attributable to abuse, a member of the Child Protection and Investigation Team or in the case of the South West Region an officer who has specialised in the investigation and management of child abuse, is to be a member of the investigation team.

Preparing P79A form 62.09

Investigating officer

Prepare the P79A form in quadruplicate. Deliver the original and two copies direct to the coroner and file the remaining copy at your station.



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Commissioner's Instructions

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New South Wales Police Service

Introduction to this Index

The Commissioner's Instructions have been structured to allow you to easily locate information by using both the index, and/or the "tabbed" Sections within each volume.

Finding information without using the Index

To locate information in these Instructions without using the Index:

1. Check the tabbed headings on the spine of each volume to see if the information you require falls within the broad range of information covered by that heading. For example, if you require information on "summonses", check to see if one or more tabbed headings would contain such information: the tab "Courts and legal process" appears most likely.
2. Examine the "Table of contents" page at the beginning of each tabbed Section to see if an instruction appears relevant to your needs. "Instruction 96, Court attendance notices, summonses, and other process" is the one you want.
3. Examine the "Table of contents" page at the beginning of each Instruction to locate the specific information you require.

Using the Index to locate information

This Index was designed to guide you to the *area* in which the information you require may be found. Index entries closely resemble the main Section headings found in each Instruction. Minor headings (those without numbers) are not recorded in the Index. *It is important* therefore, once you locate the Index entry you want, to consult the "Table of contents" at the beginning of the Instruction to see if there are any additional headings which may help.

Index entries are either primary or secondary. In the example below, "Exhibits" is a primary Index entry and "photographing exhibits" a secondary entry.

Subject	Inst.
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The entry is also cross-referenced with "photographing exhibits" appearing as a primary entry under "P". Each reference lists the Instruction number and Section (78.10).

Note: Each Instruction is individually numbered.

The Index is only one feature of a larger structure designed to make locating information easier. Use the Index together with the tabbed Sections, the "Table of contents" at the beginning of each Section, and the "Table of contents" at the beginning of each Instruction to gain the best result.

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