

HTA evidence template: police holdings

When completed, please file this document with the establishment's licensing records.

The power of the police to seize samples (including human tissue) “.....*that is evidence in relation to an offence....*” is under s19 of the Police and Criminal Evidence Act 1984 (PACE).

The police also have power to seize material under common law.

The power to retain seized samples “.....*for so long as it is necessary in all the circumstances*” is under s22 of PACE.

Name of lead inspector	
Name(s) of support inspector(s)	
Name(s) of other attendee(s)*	

Name of establishment inspected	
HTA licensing number	
Date of inspection	

No. and nature of category 3 items stored	
Blocks and slides storage (Approximate number of items)	
Police forces they are stored for	

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Audit trail

For audit of police holdings, a few samples should be selected. Their location within store should be compared with any paper or electronic records of that location held by the establishment.

Ideally this should include (where possible) audit trail of a case where tissue was returned or disposed of following instructions that police interest/need for continued retention had ended.

Inspectors should ask for:

- a) records of date of receipt of the samples/or the corresponding record of retention at PM;
- b) documentation of the authority to hold the material on behalf of the police; and
- c) any documents relating to requests for updates and continuation of the authority to hold.

Audit trail notes:

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Reference number: HTA-TEM-012 Last reviewed on: 27 May 2015
Version number: 15.0 Next review due: 27 May 2016

Documentation review

If an establishment has documented procedures specifically relating to police holdings, these should be reviewed with particular emphasis on:

- a) how they provide for continuing traceability/continuity of evidence,
- b) provisions for audit,
- c) requesting updates on need to continue hold,
- d) how instructions for disposal are obtained
- e) the procedure for return of material to the next of kin where this is requested.

Documentation review notes:

If there is a specific interview in relation to police holdings then you may wish to record it using the following:

Interview started at	
Interview finished at	
Establishment name	
HTA licensing number	
Date of site visit:	
Interviewer's name & job title	
Interviewee's name & job title	

Explain that you will be taking notes in order to contribute to the inspection report (though police holdings will not be specified within the report) and clarify the issues to be covered

Question	Answer
For which forces do you hold material under police authority?	
Under what power was it originally retained? <i>Determine if they are advised of the powers under PACE/Common Law or if they assume it is the authority of the Coroner</i>	

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Question	Answer
<p>Where and how is this material stored? <i>Ask to see the store if you have not already done so</i></p>	
<p>What recording/traceability systems and numbering is used for police held material? <i>Ask for details/evidence showing how the system works</i></p>	
<p>What kinds of material do you hold under police authority? <i>Blocks and slides, wet tissue, organs</i></p>	
<p>Have you ever been asked to dispose of tissue held under police authority? <i>Ask when and how they were advised and by what force</i> <i>Ask how the disposal was managed and what communication there was with the relevant police force</i></p>	
<p>Has a police force ever contacted you to arrange for a periodic review of tissue held under police authority? <i>Obtain details about how this was managed</i></p>	

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Question	Answer
<p>Have you ever contacted a police force to ask for advice about the tissue you are holding for them?</p>	
<p>Do Home Office Registered Forensic Pathologists carry out forensic PMs here?</p>	
<p>How is tissue taken during forensic PM recorded? <i>Obtain details of the system used and note any special provisions for tissue taken in connection with a suspicious death</i></p>	
<p>Does the recording of tissue taken differentiate between that taken on behalf of the coroner and tissue taken under police powers? <i>Coroner is for cause of death/identification</i></p>	
<p>Is tissue taken during forensic PM examinations processed and stored here or sent elsewhere? <i>Clarify the procedures</i></p>	

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Question	Answer
<p>What procedures are followed if, during a PM the pathologist considers there may be a suspicious element to the death? <i>How are the police informed?</i> <i>How is the tissue dealt with?</i></p>	
<p>Do Home Office Registered Forensic Pathologists ever take tissues away with them? <i>Clarify how that is recorded/noted and where tissues are taken</i></p>	
<p>Are tissue samples or organs ever sent elsewhere for specialist analysis? <i>Clarify how that happens and is recorded</i></p>	
<p>Are defence post mortem examinations ever carried out here? <i>Clarify how this is arranged and if samples are provided</i> <i>Are additional tissues taken by the defence pathologist and how is this recorded?</i> <i>What systems are in place to ensure that samples are returned?</i></p>	

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Question	Answer
<p>Do you have a named contact within the police you can approach for clarification/advice?</p>	
<p>Is there a single controlled list of PM tissue retained in suspicious death/homicide cases? <i>Ask to see a copy</i> <i>Does it indicate under whose authority each item was retained?</i> <i>Is the list auditable –i.e. does it provide a record of the history of each item?</i></p>	
<p>Police guidance states that there should be a formal and documented debrief at the end of a suspicious death/homicide enquiry to decide on questions of tissue retention. This should include the pathologist. <i>Are you aware if this has ever happened here?</i></p>	
<p>Can you tell me the last time you disposed of material held under police powers and how that was instigated? <i>Try to find out what communication there was with the police and the coroner's office</i></p>	

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Question	Answer
<p>Are you satisfied with the communication you have with police forces for which you are storing tissue? <i>Get a feel for whether they give any thought to this or just unquestioningly hang on to them.</i></p>	

Questions specifically for Coroners Officer

Question	Answer
<p>How do you liaise with the police where there is a forensic post mortem (suspicious death?) <i>Ask how this happens</i></p>	
<p>Are you informed of what tissues are taken during a forensic PM? <i>Clarify if tissue may be recorded as taken for the coroner or under police powers</i></p>	
<p>Who deals with the family when tissue is taken at a forensic PM? <i>Check for liaison with FLOs</i></p>	
<p>When a death is no longer held to be suspicious, how is the Coroner informed? <i>Ask for details/evidence showing how the system works</i></p>	

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Question	Answer
<p>Are you advised when the police have decided tissues held as evidence do not need to be held any longer (in criminal cases)? <i>Clarify if there is communication with Coroner when police decide that tissues need no longer be held under PACE</i></p>	
<p>How is communication regarding family wishes dealt with following release of tissues from the police? <i>Clarify how communication between family and mortuary is managed</i></p>	

Additional notes:

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