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Forensic Materials - Retention, Storage and Destruction

The National Police Chiefs Council has agreed to these revised guidelines being adopted by Police Forces in England and Wales.

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Guidance

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1 Introduction

- 1.1. The **RETENTION, STORAGE, and DESTRUCTION of EVIDENTIAL MATERIAL** is encompassed within Criminal Procedure and Investigations Act 1996 (CPIA) [code of practice record, retain, and reveal], which is about ensuring a fair judicial process including post-conviction access to material gathered during the police investigation to assist with any appeal or Criminal Cases Review Commission (CCRC) investigation.
- 1.2. It is accepted that the **RETENTION of POLICE RECORDS** is managed under the College of Policing APP Management of Police Information (MoPI)¹ which is about the management of the risk posed by known offenders and other potentially dangerous individuals and the need to retain appropriate information or records so that this risk can be managed with a view to preventing crime.
- 1.3. In the context of Forensics, information and records generated are generally unique to the scientific examination and are considered to be materials to which they relate as defined by CPIA. They provide no assistance with managing the risk posed by an individual so are not subject to retention under MoPI.

2 Purpose

- 2.1. The purpose of this document is to provide guidance on the requirements for the retention, storage and destruction of materials and records relating specifically to **FORENSIC EXAMINATION**, as defined within requirements of CPIA, held by both police and third party (those that are not part of the police), and enable compliance by relevant parties to legislation; including policing and Forensic Service Providers.
- 2.2. Third party providers should have regard to CPIA principles and where they do retain case materials and records as part of their service to Police Investigators, that they do so in a manner to assist forces to fulfil their duty under CPIA.
- 2.3. For cases where no suspect is identified, there is still a requirement to appropriately store and retain evidence if that evidence may assist with future investigations and it will still be in the public interest to prosecute.

3 Governance and Scope

- 3.1. This guidance is produced by the Forensic Capability Network (FCN) working under the NPCC Forensic Quality Board of the NPCC Forensic Science Portfolio.
- 3.2. This guidance applies only to England and Wales for forensic materials and records relating to criminal investigations.
- 3.3. The management and retention of material generated and held by Sexual Assault Referral Centres (SARCs) from self-referral and non-police cases is excluded from this guidance but is governed by the Faculty of Forensic and Legal Medicine (FFLM).

¹ Guidance on MOPI can be found here:

<https://www.college.police.uk/app/information-management/management-police-information>

4 Terms and Definitions

- 4.1. The meanings of [abbreviations and acronyms](#) are given in section 16.
- 4.2. The definition of terms as used in this Guidance is given in the [Glossary](#) in section 17.

5 Legislation, Regulation and Other Related Guidance

- 5.1. This guidance has been prepared to ensure the various legal, regulatory, and other requirements, which apply to the retention, storage and destruction of forensic materials and records, can be complied with.
- 5.2. Understanding of this guidance does not require an in-depth knowledge of the referred to sources, but the source of these requirements is given in the [Bibliography](#) in section 15.

6 Duties and Responsibilities

- 6.1. The LEA Investigator has overall responsibility to determine whether relevant material is recorded, retained, and revealed to the prosecutor, to ensure the prosecutor can fulfil their duty to disclose relevant material to the defence.
- 6.2. Material may be photographed, video-recorded, captured digitally or otherwise retained resulting in the form of a **COPY** rather than the original where it is reasonable given the circumstances (e.g., perishable material, copies of digital data, large items).
- 6.3. The LEA Investigator has responsibility to determine that the retention of a copy only is sufficient. The provisions of this guidance should be applied as they would have applied to the original.

7 Types of Forensic Materials

- 7.1. CPIA defines material as, including information and objects, which is obtained or inspected in the course of a criminal investigation, and which may be relevant to the investigation.
- 7.2. This includes not only material coming into the possession of the investigator (such as documents seized in the course of searching premises) but also material generated by them (such as interview records).
- 7.3. For the purpose of this guidance **FORENSIC MATERIAL** is a general term for **MATERIALS and RECORDS** relating to a forensic examination, including the original item/exhibit, and anything recovered, sampled, captured, or generated from the original item/exhibit during the Forensic Examination and applies to all forensic material both physical and digital. Examples include but are not limited to, marks and trace material, swabs, slides, digital data, and extracts.
- 7.4. There can be several types of Forensic Records which can be broadly categorised as 'Forensic Case Records' and 'Other Forensic Records' as defined in the glossary.

8 Retention of Forensic Materials

8.1 There is a statutory obligation to maintain a documented audit trail in relation to retained and destroyed material.²

8.2 Collected, Seized and Submitted Items/exhibits.

8.2.1 Original items/exhibits collected or seized by, or submitted for forensic examination should be returned to the commissioning LEA, as soon as possible after the examination is complete, except where:

- i. They fall within the special provisions set out in 8.6 below,
- ii. They are/were submitted to NABIS (see 8.7.2)
- iii. Agreement has been reached for the Forensic Unit to retain them, or part of them, under specialised storage conditions, for reference purposes, training purposes, for possible future re-examination using improved techniques or continued retention at the LEA's request (perhaps to allow subsequent review of the case).
- iv. Where a request is made for the Forensic Unit to retain material not linked to the critical findings in the case, a charge may be levied by the Forensic Unit. Such agreements and requests are considered out of scope for the purpose of this guidance.

8.2.2 When returning a firearm to the submitting LEA the Forensic Unit may recommend its submission to one of the national collections. This may be required following a judge's decision.

8.2.3 Items collected/seized by or submitted to a Forensic Unit but not examined are subject to the same principles of retention, storage, and destruction.

8.3 Recovered Materials³

8.3.1 All recovered material from the original item(s) or scene should be packaged and labelled by the Forensic Unit. Relevant recovered materials should also be exhibited by the Forensic Unit. Recovered materials should be returned to the commissioning LEA with the original item(s) unless:

- i. Special circumstances exist whereby it is retained or destroyed by the Forensic Unit
- ii. Any of the conditions set out in 8.2.1 apply

8.3.2 The determination of the relevance of such materials should be described within Forensic Unit policies and protocols and should support proportionate retention. Further guidance for this may be found in the CPS Disclosure Manual.

8.3.3 The existence of recovered material should be documented on the case file and the returns inventory so that the submitting LEA is aware of its existence.

8.4 Generated Materials

8.4.1 Generated material should be retained or returned by the Forensic Unit in line with agreed protocols between the Forensic Unit and LEA.

8.4.2 The existence and location of generated material should be documented on the case file.

8.5 Intermediary Generated Materials

² Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 42.1.3 a,d

³ Recovered materials relate to physical forensics evidence only and not to digital forensics.

- 8.5.1 The examination of items or recovered and generated materials may lead to the production of intermediary generated materials which on their own, have no evidential value. These are materials which are used at intermediate stages in the process and are created with the intention that their existence should be short lived. Their continued existence is not, in general, required for the purposes of the CJS.
- 8.5.2 Examples include (but are not exclusive to) the following:
- i. Solutions of material believed to be drugs,
 - ii. Some materials created during the steps in the DNA analysis process,
 - iii. DNA dispersions used for dilution,
 - iv. Virtualised copies of data,
 - v. Data exported from the original capture/extract, which is not evidentially relevant,
 - vi. JSON files and image files for CAID upload,
 - vii. Temp files generated by applications during their normal use,
 - viii. Carved digital data generated during the process of reverse engineering file systems.
- 8.5.3 Intermediate generated materials do not normally need to be retained under this guidance and may be destroyed at the discretion of the Forensic Unit. The creation, existence and destruction of such materials must be clear from the records maintained (which in some circumstances may be covered by detail within the method standard operating procedure).
- 8.5.4 The fact that retention is not required by this guidance does not require immediate destruction of the materials. The Forensic Unit may wish to retain the materials for purposes such as to allow reconsideration of results, re-examination or investigation of issues surrounding the examination or analysis.
- 8.5.5 Intermediate generated materials must not be knowingly destroyed if the destruction would adversely affect the interests of the CJS. It is not possible to give a comprehensive list of such circumstances, but an example would be where the material may contain the only opportunity left for re-examination.
- 8.6 Special Provisions
- 8.6.1 Material that is subject to legal control or prohibition on possession, production or use (e.g., human tissue, indecent images of children, drugs, dangerous goods or firearms) should be retained, returned or destroyed by the Forensic Unit as per the legal controls and as agreed between the Unit and the commissioning LEA.
- 8.6.2 Although items posing a potential biohazard (for example stained with or containing a body fluid) may be packaged and labelled appropriately enabling safe return to the commissioning LEA, there may be circumstances under which the Forensic Unit are required to destroy the item/material rather than return it (e.g., where there is infestation). Where destruction is required then the reason for doing so and the LEA agreement to do so must be documented in the forensic case file. The LEA should be notified of the destruction.
- 8.6.3 Urine and liquid blood samples submitted for toxicological analysis under Sections 4, 5 and 5A of the Road Traffic Act 1988 should not be returned to the commissioning LEA (unless specifically requested i.e. in connection with serious injury or fatal offences); these exhibits shall be retained by the Forensic Unit under appropriate storage conditions for a minimum period of 6 months after the report issue date. Following this retention period, the exhibits shall be destroyed by the Forensic Unit. NOTE: that liquid blood and urine samples submitted to a Forensic Unit for toxicological analysis in relation to all other offences (often referred to as 'casework toxicology') shall be returned to the commissioning LEA as soon as possible after the examination is complete. Other exhibits deemed to be 'perishable' items should be

destroyed by the Forensic Unit, after the examination is complete unless the circumstances of the case necessitate the exhibit be returned to the submitting LEA.

- 8.6.4 Where destruction is undertaken then the LEA should be notified of the fact.
- 8.6.5 LEAs seeking to retain a sample returned to them should consider the appropriate storage conditions of the material and any specific factors which may affect the ability to gain an accurate result; for example, a substance may degrade over time, or the classification of an offence may change periodically.
- 8.6.6 Provisions above for the destruction of biohazardous material including liquid body fluids reflect procedures established by a series of Home Office Circulars (HOC) which must be adhered to.

8.7 Specific Forensic Unit Provisions

8.7.1 **Forensic Archive Ltd (FAL)**

- 8.7.1.1 Any remaining case records or materials submitted to, or recovered/generated by, the Forensic Science Service (FSS), along with records recovered from Forensic Telecommunications Services (FTS) after its liquidation are now held by the FAL.
- 8.7.1.2 These materials shall be held by the FAL on the basis that it has been requested to retain the material on behalf of the submitting LEA. As FAL is centrally funded this will not involve a charge to the LEA. FAL undertake regular reviews of material held to ensure compliance on behalf of LEAs
- 8.7.1.3 Should there be any newly generated material to a case retained within FAL, this new material should be returned for retention with the case.
- 8.7.1.4 Forensic Unit working procedures should reflect the requirement to identify what materials are being returned including notification to the relevant LEA of any additional material generated and any material that has been exhausted or destroyed.

8.7.2 **National Ballistics Intelligence Service (NABIS)**

- 8.7.2.1 All cartridge cases and bullets submitted to NABIS from shots-fired incidents shall be retained by NABIS on the basis that the submitting force has requested its retention for a minimum of 30 years with the authority to destroy after that period.
- 8.7.2.2 Items can be returned to the submitting LEA for court purposes but should subsequently be returned to NABIS for continued comparisons after the judicial process has been completed.
- 8.7.2.3 With the exception of homicides, test fired material generated by NABIS will be retained for three years and then destroyed, unless a written request to the contrary is received from the submitting force. Images of the test fires are retained on the Integrated Ballistics Identification System (IBIS).
- 8.7.2.4 If NABIS submits ballistic material (bullets and cartridge cases) and/or test fires to another (non-NABIS) Forensic Unit for examination, then following that examination materials for return should be sent to NABIS. If the submitting LEA requests that materials are returned directly to them (rather than to NABIS) then NABIS must be informed to ensure that ballistic material is retained for future comparisons against the NABIS Open Case Files (OCF).

9 **Forensic Case Records and Forensic Other Records**

- 9.1 The purpose of retaining case materials and their associated records is to allow for any future review, investigation, prosecution, or appeal.

- 9.2 It follows that retention must be approached in a manner which meets that aim, while recognising that the retention of case materials and case files alone is unlikely to achieve the aim in all instances.
- 9.3 These materials and records may only be properly understood or be of any value if other records are also retained. For example, the results of analytical and digital forensics processes may be difficult to assess if the procedures are not available. Also, results may be of little value if it cannot be shown that the equipment used was properly calibrated/demonstrated as fit-for-use and the operator was competent.
- 9.4 The Forensic Unit should retain all forensic case records and other forensic records in-line with the relevant protocols, standards, and legislation.
- 9.5 In considering the retention of forensic case records the sequence of creation and the need for continuity and ability to challenge the results must be borne in mind. For example, many analytical systems produce electronic data which is converted to a useable format (for example, a graph).
- 9.6 In such circumstances the electronic data (or raw data file) is the important record as this is what is produced by the system and without it the authenticity and integrity of the result could be challenged.

10 Retention Periods

- 10.1 Forensic Units rarely know the outcome of a criminal investigation and as such retain materials according to default retention times. The LEA has ultimate responsibility for ensuring that materials from a given case are retained for a period of time appropriate to the outcome of that case and as such should consider the assigned retention time when undertaking their periodic review(s) of that case.
- 10.2 LEAs must give due consideration to the requirements of CPIA to ensure that materials are held for at least the life of any sentence and the requirements of the DPA (part 3) to ensure that personal data is not kept for any longer than is necessary.
- 10.3 The Forensic Unit should allocate a retention time to a case according to the offence identified by the submitting LEA at the point the submission is made.
- 10.4 For the purpose of assigning default retention periods, three 'Groups' are used. The classification of typical offences involving forensic examination can be seen in [Appendix 2](#).
- 10.5 *These groups also align to the MoPI categories to facilitate a consistent method⁴, although MoPI retention times do not apply to the retention of forensic material.*
- 10.6 Unless notified otherwise, and with the exception of the special and specific requirements described in Section 8, Forensic Units should retain case material as follows:

⁴ Each offence on the Police National Legal Database has a MoPI group recorded against it.

30 years	15 years	6 years	3 years	1 year <i>Police forensic units only</i>
MoPI 1 offences (major crime) with the exception of specified CSAM cases*	MoPI 2 offences (serious crime) digital forensics materials only – with the exception of specified CSAM cases*	MoPI 3 offences (non-serious/volume crime) with the exception of (i) simple possession of drugs and alcohol/drug driving offences and (ii) specified CSI materials	Simple possession of drugs and alcohol/drug driving offences	Specified CSI materials – those from MoPI 3 offences where no suspect is identified before the investigation is closed See 11.1.11
MoPI 2 offences (serious crime) NOT digital forensics materials		Specified CSAM cases* digital forensics materials only		

*IMPORTANT NOTE: For the purpose of this guidance 'specified Child Sexual Abuse Material (CSAM) cases' includes only cases of 'possession' and 'making' of indecent (or prohibited) images of children.

10.7 These retention periods are determined with consideration to:

- i. maximum sentence times for crime types within a grouping (to allow, for example, for any future appeal),
- ii. opportunity for future forensic examination (e.g., cold case review) and
- iii. risk associated with excessive retention (non-compliance with DPA). The increased risk of right to privacy concerns associated with the excessive retention of digital forensic data accounts for the differences in retention times for Group 2 offences.

10.8 The retention period should commence on 31 December of the year in which the Forensic Unit first received the case.

10.9 If the offence changes during the retention period, it is the responsibility of the LEA to notify the Forensic Unit of any requirement to amend the retention period.

10.10 There may be circumstances where alternative 'default' retention periods are required by LEA(s). Such requirements require formal agreement between the LEA and the Forensic Unit.

10.11 Where an alternative retention period is employed, the period must seek to remain compliant with the requirements of all relevant legislation, which, in the case of a conviction, requires materials to be retained for the life of the sentence.

10.12 Offences within Group 1 and 2 (major and serious crime) are typically those offences where it would still be within the public interest to prosecute several years after the original offence. Therefore, forensic cases with no suspect or where no suspect has been identified to the Forensic Unit and where the offence is within this category, should be retained as per the above schedule.

10.13 For Group 3 offences (non-serious / volume crime) with no suspect, materials should be retained for 6 years.

- 10.14 It is recognised that, considering Crime Scene Investigation (CSI) functions, Police Forensic Units recover and/or examine far more items than third party Forensic Units. The nature of CSI is such that they will accumulate far more material which has little or no evidential value if a suspect is not identified before the police investigation is closed. Such materials include, for example, control glass samples, footwear marks and controlled drug samples. Retaining these materials using the above retention times is excessive and unnecessary. As such, it is reasonable for Police Forensic Units to apply a shorter retention period for Group 3 volume crime offences where this is the only material in the case. The minimum retention period is recommended as 12 months.
- 10.15 If there is any ambiguity as to how long to retain material, the Forensic Unit should consult the submitting LEA which has ultimate responsibility as to how long to retain material.
- 10.16 Where retention requirements for a given case differ to those agreed between the LEA and a Forensic Unit, it is for the Investigator to inform the Forensic Unit of the required retention period and to provide a rationale for the change. Reasons for requiring an increase or decrease of retention time include:
- i. Where there are a number of linked offences of different types and the LEA wishes to determine the retention period on the basis, they were all of the most serious class,
 - ii. A minor sexual assault on an adult (volume crime) where body fluids have been detected but where the case remains undetected and where the case has the potential for cold case review; in such a case it may be that the investigating officer requests for the case material to be retained for 30 years,
 - iii. Through a court order for a specific case
 - iv. Due to a change in the wider force retention protocol
- 10.17 Where a conviction leads to the imposition of a sentence of imprisonment for public protection or a full life sentence which may exceed the 30-year retention period the LEA should notify the Forensic Unit that the default retention periods do not apply and inform them of the retention period to be applied.
- 10.18 Other parties may have legitimate reasons to request changes to retention periods. It will be for the submitting LEA to determine whether case materials and associated records are retained and (with the exception of the CCRC) this will be communicated to the Forensic Unit through the submitting LEA, examples of other parties might include:
- i. The Home Office,
 - ii. The prosecuting authority,
 - iii. Defendants and their lawyers,
 - iv. Complainants or victims and their families,
 - v. Parties to civil litigation,
 - vi. The Independent Office for Police Conduct (IOPC)
- 10.19 The CCRC can demand retention and disclosure of materials from any Forensic Unit which is part of a public body, or any private body after obtaining a court order. In such cases it could approach the Forensic Unit directly but may also send a request to the relevant LEA to obtain or preserve such material.
- 10.20 Should the submitting LEA need to change the retention period the LEA will request the change according to agreed protocols between the LEA and the Forensic Unit.
- 10.21 If there is a significant increase in retention time required, additional funding and associated commercial arrangements may apply.

- 10.22 [Appendix 1](#) provides a summary of the retention process for case materials and their associated records.

11 Security of Retention

- 11.1 Designated storage areas/facilities shall be secure, and access controlled to safeguard the physical security of retained materials and records.⁵
- 11.2 Forensic Units must have processes in place to protect electronic materials and records from malicious access.⁶
- 11.3 Forensic Units must have processes in place to ensure that the retention of materials and records in their possession will be maintained if they withdraw (for any reason) from the provision of forensic science services in England and Wales.⁷
- 11.4 Forensic Units must have processes in place to preserve and/or recover retained materials and records held at a contracted Forensic Unit facility or contracted storage facility, should that contractor or subcontractor cease business.⁸

12 Storage

- 12.1 The storage conditions must be those necessary to maintain the integrity of the evidence and, by doing so, achieve the aims of retention.⁹
- 12.2 Forensic Units are required to index and store any retained materials to facilitate orderly storage and retrieval¹⁰.
- 12.3 The storage conditions must maintain the reliability of the evidence and as such be designed to:
- i. Preserve the evidence
 - ii. Avoid, to the extent possible, any deterioration of the evidence
 - iii. Avoid any contamination of the evidence
 - iv. Maintain continuity of materials
 - v. Ensure security of the materials
 - vi. Avoid any event which could interfere with the future use of the evidence.¹¹
- 12.4 Guidance on the storage of retained materials is given in [Appendix 3](#)
- 12.5 Where materials and records are held in an electronic format the Forensic Unit must maintain the capability to access those materials and records throughout the retention period.¹² It is particularly important to consider electronic material and records which will be retained for 30 years or more as the future for systems and retrievable information can be unknown. There must be a continuity plan associated with the retained electronic material

⁵ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 42.1.9,10

⁶ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.1.4 e

⁷ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 16.1.2 b

⁸ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.2.9

⁹ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 16.1.5

¹⁰ Forensic Units may benefit from storing biometric samples (DNA and Fingerprints) separately to facilitate their destruction in compliance with Police and Criminal Evidence Act 1984 (PACE) (through the amendment provided by the Protection of Freedoms Act 2012 (PoFA)) and data protection legislation.

¹¹ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 103.4.1-2

¹² Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.2.9

and records.¹³ This may include the retention of appropriate review software and hardware and/or periodic consideration to the conversion of material and records to a more common or stable format.

- 12.6 The storage must be designed to avoid external events (e.g., power cuts, flooding, etc.) interfering with the requirements set out above.¹⁴
- 12.7 The Forensic Unit must have processes in place to deal with any external event which is likely to have an adverse impact on achieving the requirements set out above.¹⁵

13 Access to Retained Materials

- 13.1 The Forensic Unit should facilitate access to relevant retained forensic case materials and records where that request is appropriate.¹⁶
- 13.2 Access by the submitting LEA shall be a matter for local agreement (including funding of requests) but should be efficient.
- 13.3 As a result of police co-operation some submitting LEAs may wish other forces to have routine access to its case materials and records. Where the Forensic Unit has been notified of such an arrangement the Unit shall treat a request from a relevant force in the same way it would deal with a request from the submitting LEA.
- 13.4 Access by any other person/body acting with lawful authority (e.g., the CCRC exercising its investigative powers) shall be dealt with on an individual basis in accordance with data protection legislation. The submitting force should be notified, at the earliest practical opportunity, of the access.
- 13.5 Access by any other person/body shall only be permitted on the authority of the submitting LEA or the CPS.

14 Destruction

- 14.1 At least 6 months prior to the expiry of the retention period for Group 1 and Group 2 offences (major and serious crime), the Forensic Unit should provide notification to the LEA of the intention to destroy the retained materials, and the LEA should only respond to the notification if the retention period is to be extended.
- 14.2 Where no response is made then this will be deemed authority to progress with the destruction and the Forensic Unit can dispose of the materials which may include the case records, submitted items, recovered materials, and generated materials.
- 14.3 Forensic Units are not required to provide notification to the LEA of the intended destruction of Group 3 offence (volume crime) or specific CSAM case materials.
- 14.4 The destruction of case materials does not have to be attended or supervised by the submitting LEA unless there is a reason for doing so (for example Judge's orders).
- 14.5 The disposal process must:
 - i. Comply with all relevant legal requirements,

¹³ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.9.1

¹⁴ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.9.3

¹⁵ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.2.4

¹⁶ Forensic Science Regulator Code of Practice March 2023 Ver 1 Sec 32.2.9

- ii. Address any health and safety risks posed by the materials (e.g., body fluid samples).
- 14.6 Where the materials/records to be destroyed are subject to legal restriction or prohibition (e.g., drugs, firearms or indecent images of children) the product of the destruction process must be of a form or state which is no longer subject to the restriction/prohibition.
- 14.7 Special consideration may also be required where:
 - i. The material is linked to an individual (e.g., fingerprints or DNA),
 - ii. The material is someone's personal property,
 - iii. The case materials have achieved notoriety as a result of their involvement in a crime (e.g., a murder weapon or clothing of a victim)
- 14.8 All case records, held in hard copy, must be incinerated, or shredded before being disposed of. The nature of the shredding process should be appropriate to the sensitivity of the records. In all cases the shredding must result in a product which means, that for all practical purpose, the original records cannot be recreated.
- 14.9 Where case materials and case records are held in electronic format the approach to destruction depends on the nature of the media.
 - i. For permanent media (e.g., CD or DVD) the material must be physically destroyed in a manner which means that, for all practical purposes, the records cannot be recreated.
 - ii. For digital storage media (e.g., hard drives or USB drives) the device must be subjected to a process which, for all practical purposes, means the records cannot be recreated. If, however individual records are to be removed (rather than the whole device) then consideration needs to be given to data held in temporary storage locations. If there is no intention to reuse the device, then physical destruction may be used instead.
- 14.10 The Forensic Unit shall maintain records to demonstrate the destruction of all case materials and case records.
- 14.11 Other Forensic Records not covered by the above should be disposed of in a manner appropriate to their sensitivity and/or protective marking.

15 Bibliography

15.1 Legislation

- Forensic Science Regulators Act 2021 Section 2 Code of Practice
- Data Protection Act 2018
- Regulation of Investigatory Powers Act 2016
- Criminal Procedure and Investigations Act 2015 Code of Practice
- Protection of Freedoms Act 2012
- Human Tissue Act 2004
- Police Reform Act 2002
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Criminal Appeal Act 1995
- Police and Criminal Evidence Act 1984 (PACE)
- The Health and Safety at Work Act 1974

15.2 Regulation

- The Forensic Science Regulator's Codes of Practice and Conduct [issue 7] discuss relevant requirements as follows:

- Section 16.1 – Control of records
- Section 26.3 – Exhibit handling, protection, and storage
- Section 26.4 – Exhibit return and disposal
- Section 28.5 – Retention, recording, revelation, and prosecution disclosure
- FSR Regulatory Notice 02/2020
- Misuse of Drugs Regulations 2001: (to include 2015 Amendments)

15.3 Standards and related documents

- BS EN ISO/IEC 17020:2012, General criteria for the operation of various types of bodies performing inspection
- BS EN ISO/IEC 17025:2017, General requirements for the competence of testing and calibration laboratories
- Legal Issues in Forensic Pathology and Tissue Retention, Forensic Science Regulator, FSR-G-203

15.4 Home Office Circulars¹⁷

- Home Office Circular 40 of 1973; Handling and disposal of blood samples
- Home Office Circular 41 of 1973; Handling and disposal of blood samples
- Home Office Circular 125 of 1976; Handling and disposal of saliva samples
- Home Office Circular 55 of 1980; Risk of infection from stained exhibits
- Home Office Circular 25 of 1987; Disposal of body samples

15.5 Guidance and Other Documents

- NPCC National Digital and Physical Evidence Retention Guidance
- NPCC Guidance on Digital Forensics Data Management
- Management of Police Information Authorised Professional Practice (MoPI APP)
- Major Incident Room Standard Administrative Procedures (MIRSAP)
- Forensic Science Regulator Guidance - Legal Issues in Forensic Pathology and Tissue Retention
- College of Policing Practical Advice: The Medical Investigation of Suspected Homicide
- Information Commissioner's Office Investigation Report on Mobile Phone Data Extraction (June 2020)
- FFLM: Forensic Records: Frequently Asked Questions of all Healthcare Professionals (Dec 2019)
- FFLM: SARC Storage of Forensic Samples and the Human Tissue Act: Frequently Asked Questions (Jan 2021)
- Report on the Police Human Tissue Audit 2010-2012, Association of Chief Police Officers of England Wales and Northern Ireland and National Policing Improvement Agency, 2012
- Attorney General's Guidelines on Disclosure (2005)
- Attorney General's Guidelines on Disclosure: Supplementary Guidelines on Digitally Stored Material (2011)

¹⁷ Home Office Circulars can be obtained from: <https://www.gov.uk/government/collections/home-office-circulars-2013>

16 Abbreviations and Acronyms

Abbreviation/Acronym	Meaning
AFSP	Association of Forensic Science Providers
CAID	Child Abuse Image Database
CCRC	Criminal Cases Review Commission
CD	Compact Disc
CJS	Criminal Justice System
CPIA	Criminal Procedure and Investigations Act 1996
CPS	Crown Prosecution Service
CSAM	Child Sexual Abuse Materials
CSI	Crime Scene Investigation
DNA	Deoxyribonucleic Acid
DPA	Data Protection Act 2018
DVD	Digital Versatile Disc
EDTA	Ethylenediaminetetra-acetic acid
ESLA	Electrostatic Lifting Apparatus
FAL	Forensic Archive Ltd
FCN	Forensic Capability Network
FFLM	Faculty of Forensic & Legal Medicine
FSR	Forensic Science Regulator
FSS	Forensic Science Service
GSR	Gun Shot Residue
HVAC	Heating/Ventilation Air Conditioning
IEC	International Electrotechnical Commission
ISO	International Standards Organisation
JSON	JavaScript Object Notation
LEA	Law Enforcement Agency
MoPI	Management of Police Information
NABIS	National Ballistics Intelligence Service
NPCC	National Police Chiefs' Council
PT	Proficiency Test
QMS	Quality Management System
RGWG	Retention Guidance Working Group
SARC	Sexual Assault Referral Centre
UK	United Kingdom
USB	Universal Serial Bus

17 Glossary

17.1 Retention

- 17.1.1 For this purpose of this document, retention is the continued storage of and controlled access to forensic material held for a purpose which has been justified through an evaluation and review process.

17.2 Storage

- 17.2.1 For the purpose of this document, storage is the long and short-term holding of forensic material that has the potential to be evidence.

17.3 Destruction

- 17.3.1 For the purpose of this document, destruction is the permanent and justified disposal of forensic material from storage through a review process to an extent that it cannot be restored.

17.4 Forensic Materials

17.4.1 **Evidence:**

- 17.4.1.1 A general term, which refers to any physical property or digital data/media downloaded/recovered, which could potentially form part of the evidence of a criminal offence, and which may become a court exhibit in any judicial proceedings.

- 17.4.1.2 This could include for example:

- i. clothing,
- ii. weapons,
- iii. suspected drugs,
- iv. downloads from mobile phones,
- v. CCTV,

17.4.2 **Contemporaneous Records:**

- i. record or note made by the examiner on which they later make a statement,
- ii. record related to contact with suspects, victims, or witnesses,
- iii. records of actions carried out by the examiner.

- 17.4.3 Final versions of witness statements (and draft versions where their content differs from the final version), including any exhibits mentioned (unless these have been returned to their owner on the understanding that they will be produced in court if required)

- 17.4.4 Material relating to other suspects in the investigation; Communications between the police and experts such as forensic scientists, reports of work carried out by experts, and schedules of scientific material prepared by the expert for the investigator, for the purposes of criminal proceedings.

17.5 Forensic Case Records

- 17.5.1 Records received, generated, and held in association with a Forensic Examination in relation to a given case. These can be in electronic or hard copy and may include but is not limited to the following:

- i. Records of item (source item) recovery,

- ii. Records of submission,
- iii. Copies of audio and of still or video images (printouts, analogue or digital format) and other records accompanying the submission that are intended to assist the examination,
- iv. Records of communications/instructions,
- v. Records of examination,
- vi. Analytical reports
- vii. Records of continuity
- viii. Copies of results reports and statements (the original being that issued to, and held by, the LEA).
- ix. Analytical data
- x. Laboratory Information Management System (LIMS) data
- xi. Forensic case management system data
- xii. Police crime recording and property systems.

17.6 Other Forensic Records

17.6.1 Records support the validity of the Forensic Case Records and include documents within quality management systems (for example ISO/IEC 17025, ISO/IEC 17020 and the FSR Codes of Practice for further information) such as:

- i. Staff training and competence records
- ii. Training manuals
- iii. Technical Procedures and supporting validations of methodology
- iv. Standard operating procedures
- v. Documents supporting the standard operating procedures (for example, supporting literature, equipment use records etc)
- vi. Records to identify the periods in which specific procedures were in use
- vii. Records to demonstrate appropriate authorisation of procedures and changes to procedures
- viii. Equipment calibration, environmental monitoring, and related records
- ix. Records of complaints and non-conformities
- x. Other QMS documentation including audits, PT etc.

17.7 Critical Findings

17.7.1 Typically, observations or results that meet one or more of the following criteria:

- i. Have a significant impact on the conclusion reached and the interpretation and opinion provided
- ii. Cannot be repeated or checked in the absence of the exhibit or sample
- iii. Could be interpreted differently.

17.8 Child Sexual Assault Material (CSAM)

17.8.1 Any representation by whatever means of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child primarily for sexual purposes. For the purpose of this guidance the 'specified CSAM group' refers only to cases of 'possession' or 'making' of indecent (or prohibited) images of children.

17.9 NABIS OCF

17.9.1 The Collection of bullets and cartridge cases recovered from firearms incidents in the UK, and which are retained at the NABIS or NABIS affiliated laboratories for comparison against future firearm's discharges.

17.10 Case File

17.10.1 A collection of records which record the examinations undertaken and support the conclusions drawn such that a second competent person could evaluate what had been performed and draw their own conclusions. It is acknowledged that not all Forensic Units or departments within Forensic Units hold their records as a case file. See also Forensic Case Records.

17.11 Forensic Unit

17.11.1 Any organisation, or part of an organisation, which provides forensic science services to the CJS. Examples include:

- i. Any private forensic science provider
- ii. Any public forensic science provider
- iii. Any part of a police force, or other LEA providing such services. Note: for the purpose of this document, where the Forensic Unit is part of a Police Force the terms 'Forensic Unit' and 'Police Force/LEA' should be interpreted respectively as
 - that part of the force providing forensic science services, and
 - that part of the force responsible for the investigation.
- iv. The FAL
- v. NABIS
- vi. Forensic Pathologists
- vii. Defence organisations including sole traders.

17.12 Standard operating procedure

17.12.1 A written procedure that describes how to perform certain examination or test activities.

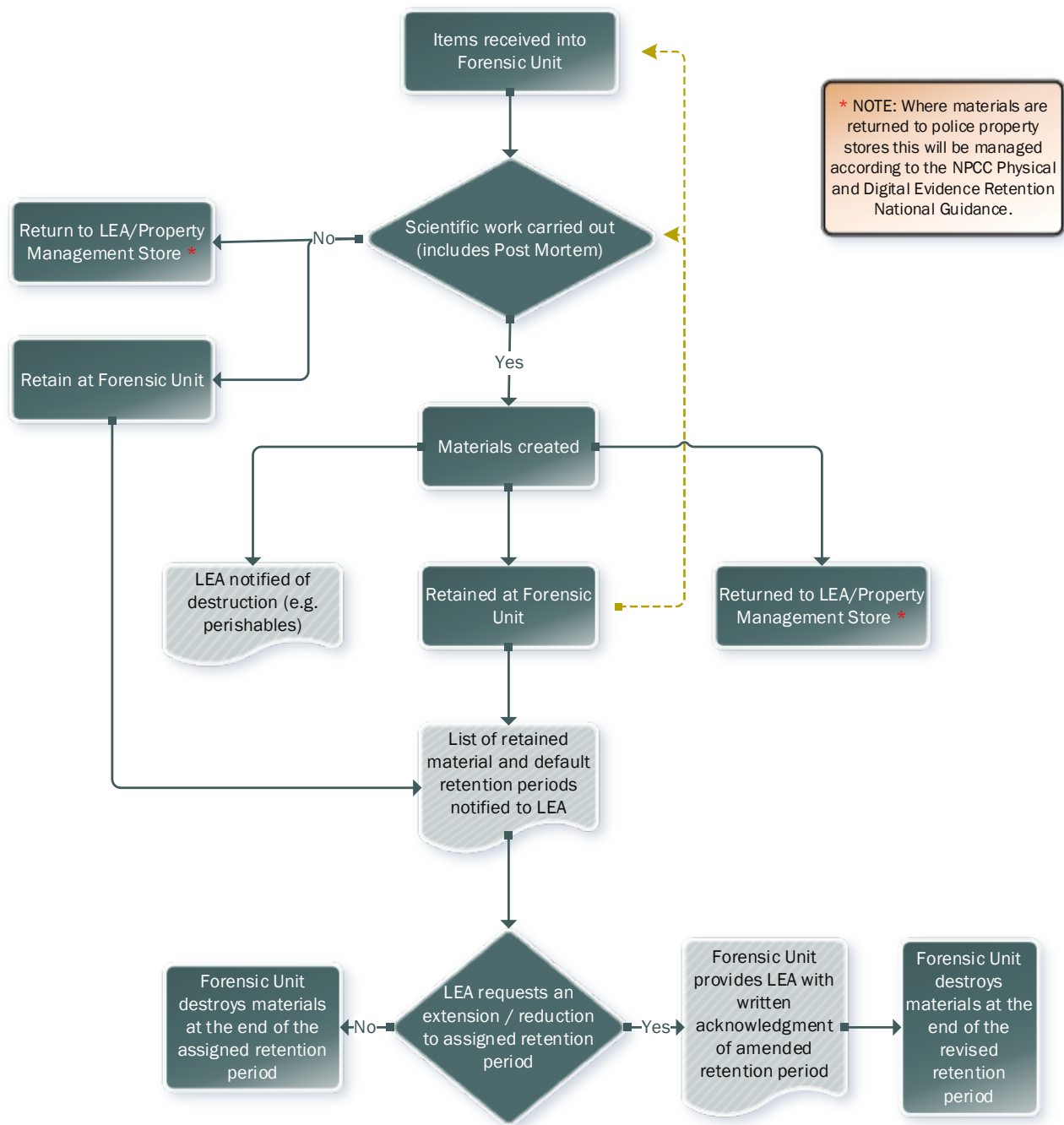
17.13 Investigator

17.13.1 A police officer or civilian involved in the conduct of a criminal investigation.

17.14 Competent

17.14.1 Having the skills, knowledge and understanding required to carry out a role, evidenced consistently over time through performance in the workplace.

Appendix 1 – Retention Process



Appendix 2 – Classification of Offences

Examples of cases/offences as Group 1 (**major crime**)

- Murder
- Manslaughter
- Infanticide
- Child destruction
- Kidnapping
- Terrorist related crimes
- Aggravated burglary
- Arson and Arson intent life endangered
- Causing; death by dangerous driving, or death/injury by driving under influence of drink/drugs
- Hold a person in slavery or servitude
- Indecent assault (of child or adult)
- Possession of a firearm/shotgun/air weapon or imitation firearm with intent
- Rape (including attempts)
- Robbery or assault with intent to commit robbery
- Sexual and violent offending against children and vulnerable adults,
- Wounding - with intent or GBH (grievous bodily harm) with intent (Section 18)
- Robbery - firearms or ABH (actual bodily harm) injury
- Throw/cast a destructive/explosive/corrosive substance with intent

Examples of cases/offences as Group 2 (**serious crime**)

- Assault occasioning actual bodily harm/common assault
- Blackmail
- Drug supply/production of class A, B or C controlled drug
- Harassment
- Possession of offensive weapon/knife
- Public order (including affray, violent disorder and racially motivated)
- Racial aggravated wounding / grievous bodily harm (Section 20)
- Racially/Religiously aggravated violence, harassment, Intent to stir hatred
- Racially/Religiously aggravated criminal damage
- Sexual exposure
- Soliciting for prostitution
- Violent disorder

Examples of cases/offences categorised as Group 3 (**non-serious and volume**)

- Burglary - residential and non-residential
- Criminal damage
- Driving offences (exception see listed under Group 1/2)
- Firearms Act offences in relation to licences
- Going equipped
- Handling stolen goods
- Money laundering
- Obtaining property or services by deception
- Poaching / animal related / wildlife crime
- Possession of class A, B or C controlled drugs
- Product contamination
- Theft from the person or motor vehicle, theft of motor vehicle

Appendix 3 – Storage Guidance

1. The table below provides guidance for the packaging and storage of retained items/exhibits and their associated recovered and generated materials.
2. All packaging should be clearly labelled to identify the item and securely sealed to maintain its integrity.
3. Items should be clearly labelled with any applicable warnings. For example, 'biohazard'.
4. Forensic Units must employ appropriate measures to segregate physical materials relating to the complainant, suspect and/or scene as appropriate to maintain the integrity of the evidence.
5. Freeze/thaw cycles of frozen exhibits should be minimised when DNA evidence is relevant to the material.
6. Data generated by digital forensic units must be retained with due regard to the DPA obligation of the right to privacy.

Table 1 - Packaging and storage of retained materials:

Materials for Retention	Forensic Opportunity	Packaging Type	Storage Conditions
Microscope slides	DNA, fibres, hair, other trace	Secure container to prevent slides from breaking	Ambient dry storage
Tape lifts	Fibres, hair, other trace	Clear Plastic non-porous bag	Ambient dry storage
DNA and fabric extracts (in Eppendorfs and other tubes)	DNA, other	Clear Plastic non-porous bag	Freezer temp range -15 to -30°C
Clothing/fabric – DRY	DNA, fibres, glass, other trace <i>excluding accelerant</i>	Paper/breathable bag	Ambient dry storage
Clothing/fabric – WET	DNA, fibres, glass other trace <i>excluding accelerant</i>	Clear Plastic non-porous bag	Freezer temp range -15 to -30°C
Clothing/fabric - WET & DRY	Accelerant - hydrocarbon based (e.g., lighter fluid, petrol, white spirit), kerosene-based liquids (paraffin) and diesel.	Double nylon bagged –sealed at top with swan-neck tie or Inner nylon bag and outer polythene bag for freezing	WET – freezer temp range -15 to -30°C Dry - ambient dry storage
Clothing/fabric - WET & DRY	Accelerant – Non-hydrocarbon-based alcohols (e.g., methylated spirits) and ketones (e.g., nail varnish remover or MEK, an industrial solvent)	Double wrap, first in 'nylon' and then in polythene – sealed at top with swan-neck tie	WET- freezer temp range -15 to -30°C DRY - ambient dry storage

Shoes - DRY	Footwear DNA Other trace	1 shoe per windowed paper/breathable exhibit bag (if for footwear comparison only, packaging as a pair is acceptable)	DRY - ambient dry storage
Shoes - WET	Footwear DNA Other trace	Dry within a controlled environment and package 1 shoes per windowed paper/breathable exhibit bag	Ambient dry storage
Acetate Lifted Impression	Footwear Fingerprints	Paper or plastic bag	Ambient dry storage if force policy defines retention
Gel Lifted Impression	Footwear Fingerprints	Do not replace original backing sheet (a clean sheet can be used if required). Secure in robust 'shed free' cardboard box or envelope/bag	Ambient dry storage
ESLA Lift	Footwear	Secure in robust 'shed free' cardboard box or, for a longer ESLA, roll and store in cardboard box or envelope. Can be packaged together. No plastic due to static	Ambient dry storage
Cast	Footwear Fingerprint	Secured in robust cardboard box	Ambient dry storage
Cast	Tool impression	Secure in ridged container and plastic exhibit bag	Ambient dry storage
Hair	DNA	Package whole item (e.g., brush) Paper or plastic bag. Consider tapings or Beecham's wrap for individual hairs	Ambient dry storage
Hair	Toxicology	Wrap in foil and plastic bag	Ambient dry storage
Blood	Toxicology DNA	EDTA tube within plastic container and plastic exhibit bag Mark packaging as Biohazard, or Blood collection module	Fridge (for max 4 weeks then freeze) temp range 0 to 8°C, Or Freeze temp range -15° to -30°C
Urine	Toxicology	Urine collection kit	Fridge (for max 4 weeks then freeze) temp range 0 to 8°C, Or Freeze temp range -15° to -30°C
Swab	DNA	Swab tube and plastic exhibit bag	Freezer temp range -15 to -30°C
Chewing Gum	DNA	Sterile plastic ridged container and plastic exhibit bag	Freezer temp range -15 to -30°C
Cigarette (smoked)	DNA	Sterile plastic ridged container and plastic exhibit bag	Ambient dry storage unless wet then freezer temp range -15 to -30°C
Condom	DNA	Condom collection kits (or sterile plastic screw lid container and plastic exhibit bag) Mark packaging as Biohazard	Freezer temp range -15 to -30°C
Sanitary Wear	DNA	Sanitary wear collection kit Mark packaging as Biohazard	Freezer temp range -15 to -30°C
Nappies	DNA	Plastic Exhibit Bag Mark packaging as Biohazard	Freezer temp range -15 to -30°C

Dry non-porous (e.g. metals / plastics / glass)	DNA, fingerprints and/ or footwear	Plastic Exhibit Bag or a tube/box. NB sharp hazardous items to be placed into ridged container prior to, or in preference to, bag. Use paper bag for footwear to minimise effects of static	Ambient dry storage
Wet non-porous Items (e.g. metals / plastics / glass)	DNA, fingerprints and/or footwear	Dry within a controlled environment and then package in plastic exhibit bag/tube or box. NB sharp hazardous items to be placed into ridged container prior to, or in preference to, bag. Use paper bag for footwear to minimise effects of static	WET exhibits - Freezer temp range -15 to -30°C Subsequent DRY exhibits - Ambient dry storage
Dry porous (e.g. paper, cardboard)	DNA, fingerprint or footwear	Plastic or paper exhibit bag/box	Ambient dry storage
Wet porous (e.g. paper, cardboard)	DNA, fingerprint or footwear	Dry within a controlled environment and package in plastic or paper exhibit bag/box	Ambient dry storage
Dry documents	Indented writing, handwriting comparison, footwear	Robust cardboard packaging and plastic exhibit bag as outer layer only. Do not sign exhibit label over contents. Use paper bag for footwear to minimise effects of static	Ambient dry storage
Liquid containing vessels	DNA Fingerprints Identification	Where possible decant contents into a plastic or glass sealable container. Package item in to plastic or cardboard container, if glass consider use of or knife tube where appropriate (Label keep upright)	Ambient dry storage
Firearms	DNA and /or Fingerprints Ballistics	Secured in a gun tube or robust cardboard box. Made Safe Label on outside	Ambient dry storage
Ammunition	DNA and /or Fingerprints Ballistics	Consider use of sealable plastic tube/vial or robust cardboard box and plastic exhibit bag.	Ambient dry storage
Broken Glass	DNA and /or Fingerprints	Robust cardboard packaging with hazard marking on outside	Ambient dry storage
Knives/ sharps/ tools	DNA and /or Fingerprints	Rigid impenetrable container or knife tube with hazard marking on outside	Ambient dry storage
Accelerants	Identification	Sealed glass accelerant vial for liquids within double layer nylon bag, swan-neck tied	Ambient dry storage
Post-mortem tissue/Body parts	DNA Toxicology Fingerprints	Suitable sealable plastic opaque container and plastic exhibit bag with Biohazard labelling on outside	Dependant on sample: Fridge (for max 4 weeks then freeze) temp range 0 to 8°C, Or Freeze temp range -15° to -30°C
Mini tapes	DNA	Mini tape collection kit, (or sealable plastic tube/vial and plastic exhibit bag)	Ambient temp
Gunshot residue	GSR	GSR Collection Kit	Ambient temp not stored with firearms or discharged ammunition

Tape media (analogue and digital)	Digital forensics	Original casing (or appropriate rigid box) within plastic exhibit bag	Heating/ventilation air conditioning (HVAC) regulated environment between 15 and 23 °C, with a relative humidity of 25-40%. Away from electromagnetic fields
Analogue / digital media and storage devices	Digital forensics	Plastic bag or a tube or box.	HVAC regulated environment below 50 °C, with a relative humidity of 25-55%.
Electronic device with exposed components	Digital forensics	Anti-static bag inside plastic bag or a tube or box	HVAC regulated environment below 50 °C, with a relative humidity of 25-55%.
Nitrate cellulose film stock	Digital forensics	Original metal canister (or appropriate metal box) within plastic exhibit bag. Labelled as flammable	HVAC regulated environment between 15 and 23 °C, with a relative humidity of 25-40%.
Acetate film stock	Digital forensics	Original canister (or appropriate rigid box) within plastic exhibit bag.	HVAC regulated environment between 15 and 23 °C, with a relative humidity of 25-40%.