



Human Tissue (seizure and disposal) Policy (Surrey and Sussex) (1254/2026)

Abstract

The Human Tissue Act was introduced in 2004 and regulates the removal, storage, use and disposal of human tissue from both living and deceased individuals in England, Wales and Northern Ireland. This policy outlines how Surrey Police and Sussex Police adhere to their responsibilities in relation to the Human Tissue Act 2004.

Policy

1. Introduction

1.1 This policy outlines the Surrey Police and Sussex Police policy for matters relating to the lawful seizure and disposal of victim human tissue in cases of suspicious death and homicide cases.

2. Scope

2.1 This policy provides information for all police personnel who carry out tasks relating to seizure and disposal of human tissue, including what material is classed as 'relevant material', liaising with His Majesty's (HM) coroners / pathologists and the retention and continuity of human tissue material in relation to storage.

3. Policy Statement

3.1 In cases where the police are investigating a suspicious death or a suspected homicide, a forensic post-mortem examination will be required to:

- Determine the identity of the deceased person
- Determine the cause and circumstances of the death, and
- Facilitate the collection of forensic evidence to assist in the investigation of the death.

All of the above elements form part of the criminal investigation with the first two elements also being part of the coroner's investigation.

If a death is deemed non-suspicious, the case will be handed to the coroner. The police do not typically conduct a post-mortem examination but may continue to investigate the circumstances of the death. This policy relates to any material that is stored as a result of the police seizing relevant human tissue. Whether suspicious, non-suspicious or

suspected homicide, although the main relevance of this policy is towards cases of suspicious death or suspected homicide.

[Section 14 of the Coroners and Justice Act 2009](#) allows a senior coroner to authorise a post-mortem examination of the body of a deceased person. Where a homicide offence is suspected, the coroner must consult with the senior police investigator about who should make the post-mortem examination. [Regulation 13\(5\)\(a\) of the Coroners \(Investigations\) Regulations 2013 \(CIR 2013\)](#) allow for a representative of the senior investigator to be present during a forensic post-mortem examination.

During the post-mortem examination, certain samples may be removed from the body for the purpose of further investigation such as toxicology, histology and examination by other experts.

The pathologist shall set out in writing the reasons for removal and retention of samples and shall seek the prior approval of HM coroner in advance of any further specialist tests.

These further examinations can sometimes take many weeks to conclude but in the case of significant parts of the body, such as whole organs, every effort is made to return them to the body prior to cremation or burial. This is done through liaising with the next of kin of the deceased individual to ascertain their wishes in relation to whether the human tissue to repatriated back to the body or respectfully disposed of.

A list of relevant material under the [Human Tissue Act 2004](#) can be found by reviewing Appendix A: Relevant Material under the Human Tissue Act 2004.

Under the Human Tissue Act 2004 the fundamental concept of relevant material is that if a sample is known to contain even a single cell that has come from a human body, then the sample should be classified as relevant material.

Procedure

1. Police seizure of human tissue.

1.1 In any criminal investigations, the main sources of law relating to powers of seizure of evidence are provided under the [Police and Criminal Evidence Act 1984](#) (PACE 1984 – Particularly [Section 19](#)) and the common law.

1.2 Under Section 19 of PACE 1984, an officer lawfully on premises may seize material which he has reasonable grounds for believing is evidence of an offence and that it is necessary to seize it in order to prevent it being lost, altered or destroyed.

1.3 Police will rely on their common law powers of seizure when they are not on premises, however it is important to note the definition in [Section 23 of PACE 1984](#) is broad. It outlines ‘any place’ and in particular vehicles, tents and movable structures, so in reality, rarely will it be necessary for the police to rely on their common law powers.

1.4 The police have a lawful right to be present at a post-mortem examination and have a right to take tissue samples under Section 19 of PACE, provided of course that the requirements of this section are met. In some circumstances, material initially taken by the forensic pathologist at a post-mortem examination on behalf of the coroner may need

to be seized as evidence by the police. Such cases may arise when later information comes to light that leads the police to believe that they are dealing with a homicide or that the death is suspicious.

1.5 Sections 19 and [22](#) of PACE 1984 are drafted widely to justify the retention of human material for so long as there remains a compelling criminal justice purpose. Conversely the developed common law police power of retention of seized items permits them to be retained for the duration of criminal proceedings but for no longer.

When considering the lawfulness of retention, it is important to be able to demonstrate that certain requirements are met, for example:

- The rationale for retention should be recorded with reference to the test in Section 22 of PACE 1984 (where applicable).
- The lines of authority and decision-maker/s should be clearly defined.
- There should be provision for reasonably regular reviews of the question of retention.

1.6 There should always be an attempt to identify an end date for police retention of any such material wherever possible. Material taken from the body and seized under Section 19 of PACE 1984 or the common law is subject to the same level of continuity as any other police criminal property or exhibit. For this reason, a trained exhibits officer should be present at the post-mortem to ensure that tissue is correctly documented and proper continuity is maintained.

1.7 It is important to note that if a forensic post-mortem examination is ordered by a coroner in circumstances where a criminal offence is not suspected, the powers under PACE 1984 will not be engaged.

1.8 The seizing officer will retain responsibility for the material until such point that it has been handed to an Investigating Officer.

1.9 The Senior Investigating Officer (SIO) should also consider (in consultation with the forensic pathologist and Crown Prosecution Service (CPS) whether an image or histological samples would be sufficient when deciding whether to retain human tissue during the police investigation and for subsequent trial and potential appeal purposes.

2. Documentation

2.1 A single list of all material retained at the post-mortem examination should be produced and a copy provided to the SIO, forensic pathologist and the coroner. The list should specify under what authority the material was taken (i.e. the coroner's authority or the police's authority).

2.2 This single list must be updated if material is returned to the body or to the next of kin or personal representative/s of the deceased; sent for further examination; or returned to the coroner for disposal. It should act as a comprehensive history detailing the continuity of material, which is easily auditable and from which the provenance of the material can be clearly ascertained. This principle also applies to material taken at any subsequent post-mortem examination(s) - for instance a second or 'defence' post-mortem.

3. Retention and continuity of human tissue material (within the UK)

3.1 Like any other property seized as part of a criminal investigation, material retained must be kept in secure storage and under suitable conditions (the pathologist will advise on this). The location of material must be properly recorded, indexed and easily accessible.

3.2 On occasions, human tissue material may be submitted for specialist examination and will be out of direct police control; the SIO must therefore ensure that the specialists who handle the exhibit maintain its integrity and continuity by fully documenting the receipt, storage and disposal of the tissue, alongside provided the required updates in the relevant police system (NICHE / HOLMES).

3.3 The police must maintain a system of tracking the location and storage of human tissue, and the holding institution (for instance the mortuary or hospital laboratory) must be informed of any instructions relating to its retention or disposal - taking into consideration the wishes of the next of kin and the deceased's personal representative/s.

3.4 In cases outside of Major Crime, human tissue should be listed on the NICHE system under the appropriate "Investigative samples / forensics" heading, and then the relevant description. The location should be accurate at ALL times. A list of all NICHE categories that should be used for human tissue can be found in Appendix B: NICHE Categories

3.5 Recording of information relating to material seized should clearly state:

- Property reference
- NICHE occurrence number
- Officer details
- Exhibit number
- Relevant description of the item.

3.6 Human tissue stored with Major Crime will be recorded and updated on the HOLMES 2 system ensuring that all relevant information is detailed as above.

4. Consultation with the pathologist

4.1 The SIO should consult with the pathologist regarding any aspect of the investigation that may have a bearing on the continued retention or disposal of human tissue. This will ensure that tissue that is no longer required can be respectfully disposed of in a timely manner and conversely that police only retain tissue that is required for investigation purposes. Nevertheless, the final decision as to disposal rests with the SIO.

4.2 On occasions, samples are sent by the forensic pathologist conducting the initial post-mortem, to a second forensic pathologist acting for the defence. In such cases, the first forensic pathologist should seek permission from the SIO to do this, and

mechanisms should be put in place to ensure that such samples are returned to police to facilitate disposal in an appropriate manner.

4.3 There may be occasions when the Home Office's registered forensic pathologist, or the pathologist acting for the defence, wishes to send human tissue for examination to an expert outside of the jurisdiction (for instance where no suitable forensic expert can be found in the UK). It should be noted that the export of evidence can give rise to problems, such as difficulty in supervising the actions of those in possession of the material and the risk of the material being lost being increased, alongside maintenance of continuity being more difficult. It is therefore recommended that human tissue is NOT exported outside of the three UK jurisdictions unless absolutely necessary (when for instance a suitable expert cannot be sourced within the UK).

5. Regular reviews of human tissue seized by police

5.1 It is the responsibility of the SIO to ensure that reviews of human tissue exhibits are undertaken regularly throughout the investigation. This is particularly important prior to the release of the body and at the post-trial debrief.

5.2 Regular tasks should be created in NICHE to ensure monthly reviews of any human tissue material is carried out as and when required. For Major Crime investigations, when a new case is created within the HOLMES 2 system, an action will be automatically raised as a matter of course ensuring that there are regular reviews of human tissue seized by the police.

6. Disposal of human tissue material

6.1 A debrief should take place at the end of each suspicious death or homicide inquiry to decide on the question of tissue retention. This should involve (as appropriate) the police, coroner, CPS and the forensic pathologist. This debrief should be documented in a recoverable form. This does not need to be a physical meeting, but clear decisions need to be made and recorded in consultation (by whatever means) concerning the retention and disposal of human tissue.

6.2 In cases where either:

- The outcome of the death investigation is not one of homicide; or
- The outcome of the death investigation is homicide, but the human tissue taken at post-mortem is not required for the ongoing investigation.

the human tissue should be returned to the body, if possible, prior to release to the next of kin / personal representative/s.

6.3 In cases where the body has already been returned to the next of kin or personal representative/s, tissue should be disposed of in accordance with the next of kin or personal representative/s wishes.

6.4 In any event, material should NOT be disposed of without prior consultation with the coroner who may wish to retain it for the purpose of their duties at an inquest.

6.5 Where appropriate, the CPS should also be consulted before final disposal of any tissue samples. Advice from the forensic pathologist will assist the SIO and CPS in this decision-making process.

6.6 Material no longer required for a criminal justice purpose is divided into three categories as per the Forensic Science Regulator's guidance. How material is disposed of depends on which category the material falls into, and each should be considered on a case-by-case basis. Flowcharts in conjunction with the National Decision Model can assist in the decision-making process and can be found in Appendix C: Decision Making Flowcharts.

The three categories are as follows:

- Category 1 – Material taken at the post-mortem examination, which would not generally be considered part of the body. For example, such things as scrapings, fingernails and stomach contents.
- Category 2 – Samples of human tissue which are not a significant part of the body. For example, such things as small tissue samples, blocks or slides.
- Category 3 – Samples of human tissue that incorporate a significant part of the body. For example, such things as organs or limbs.

7. Next of kin and personal representative/s wishes regarding return of body / disposal of human tissue

7.1 Families should be asked if they wish to wait to receive the body complete (this could take a long time), or if they would prefer the body (even if not complete) to be returned as soon as possible. Those in a qualifying relationship to make this decision are in the following order:

- a) Spouse or partner (Including civil or same sex partner)
- b) Parent or child
- c) Brother or sister
- d) Grandparent or grandchild
- e) Niece or nephew
- f) Stepfather or stepmother
- g) Half-brother or half-sister
- h) Friend of long standing

It is important to note that on occasion there may need to be consideration given to the culture of the deceased individual and their family. It may be felt that the material seized is not significant but due to cultural beliefs the family may have a differing view and may

request repatriation. Each culture has different beliefs with regards the removal of human tissue and that should always be considered where necessary.

7.2 It is important to ensure that the next of kin or personal representative are informed that some material from the body may be preserved for further examination or evidential reasons and possibly retained for many months or even years. It is essential to explain to the next of kin or personal representative/s that small samples, such as blocks and slides, may be retained indefinitely (usually up to 30 years) depending on the individual circumstances of each case, and a record of the fact that this has been explained to them should be made and retained. This may be particularly so in cases where the perpetrator has been convicted and the material is retained until the convicted person is released from prison, or in un-detected cases which will be subject to review.

7.3 The wishes of the next of kin or personal representative/s regarding eventual disposal of human tissue taken at post-mortem should be ascertained in writing using the form found in Appendix D: Police and Criminal Evidence Act 1984 (PACE). Human Tissue Act (HTA) 2004 form. This form should be completed by the relevant Family Liaison Officer where one has been allocated, but in cases that are deemed non-suspicious or when a Family Liaison Officer has not been deployed, it is the responsibility of the SIO to complete. The HTA form includes the following options:

- Return of material to the next of kin or personal representative/s for burial or cremation; or
- Disposal by incineration at the request of the police.

Human tissue can be retained for research purposes, but this is on a case by case basis and not something the mortuary can facilitate. Consent cannot be given to something that the mortuary cannot facilitate and as such this option has been removed from the HTA form. The Coroner's Office can consent for research if it was consented in life or there is a designated research code that they are aware that the tissue will be sent to, but this is on a case by case basis and outside of the current Human Tissue process.

Occasionally, a properly interested person or person in a qualifying relationship cannot be located or is too distressed to discuss the options outlined above. Unless consent is given, tissue should be disposed of in a lawful manner within three months of the expiry of the coroner's authority.

7.4 Retention of human tissue should always align with any requirements of Management of Police Information (MOPI).

7.5 If the material is to be returned to the next of kin, or personal representative/s for burial or cremation the family must decide whether to proceed with the funeral, or request to have the body stored until all tissue is repatriated. This may not always be possible.

7.6 Where the next of kin, or personal representative/s have directed the police to dispose of material by incineration, contact should be made with the local mortuary and a fully signed copy of the HTA form provided to them. This form must be signed by the family representative. Arrangements can then be made to transfer the material to the mortuary to incinerate as required. This material must NOT be incinerated with any other clinical waste and above all must be dealt with respectfully.

7.7 Material retained for medical research is governed by the Human Tissue Authority who issue the licences for the storage and use of human tissue, carries out inspections on licensed premises and promote good practice. The mortuary organises this and as such should be liaised with to complete this process.

8. Disposal of other human tissue material held on authority of the police

8.1 Pregnancy remains. Regarding the disposal of pregnancy remains, which may have been retained in connection with a criminal inquiry; although the seizure will likely have been made under the relevant provisions of PACE 1984 or the common law, disposal in these extremely sensitive cases should be conducted, where possible, and dependant on the circumstances of the case, in the spirit of the HTA publication 'Guidance on the disposal of pregnancy remains following pregnancy loss or termination'.

8.2 Historically held human tissue. Human tissue taken at post-mortem is sometimes discovered at mortuaries and hospital laboratories during routine inspections of post-mortem establishments. Such discoveries will be reported to the Home Office Forensic Pathology Unit (HOFPU), and they will liaise with the relevant police force to determine whether it should be disposed of.

The police must confirm to the holding establishment (e.g. mortuary or pathology laboratory etc.) whether the human tissue is still required for a criminal justice purpose, or whether it should be respectfully disposed of.

9. Summary

9.1 All human tissue must be accounted for and capable of audit at all stages of the investigation, from initial seizure through to final lawful disposal.

9.2 The SIO must therefore be confident of:

- A lawful power to seize.
- A continuing lawful purpose to retain and examine.
- A clear policy for disposal.
- The fact that the coroner has been informed in writing of all material preserved; and updated where the status of the investigation reverts to non-criminal.

9.3 The Forces have adopted a policy whereby human tissue exhibits are reviewed periodically by relevant individuals, as reliance cannot be placed on those originally investigating homicide cases, due to the passage of time and the retirement and turnover of staff. This will help to prevent human tissue exhibits being overlooked and retained unnecessarily when they are no longer required for a criminal justice purpose.

Team: Forensic Investigations – Specialist Crime Command