

POLICY IDENTIFICATION PAGE

 Warwickshire POLICE	POLICY	
Security Classification:	Not Protectively Marked	
Disclosable under Freedom of Information Act 2000	Yes / No	Yes

POLICY TITLE:	Property (Lost, Found and Detained) Policy
POLICY REFERENCE NUMBER:	1189595

POLICY OWNERSHIP	
Business Area:	Operations Directorate
Department Responsible:	Incident Resolution
Post-holder: (Title and name)	Superintendent Adrian McGee

POLICY IMPLEMENTATION DATE:	2005
POLICY REVIEW DATE:	March 2013

Warwickshire Police welcomes comments and suggestions from the public and staff about the contents and implementation of this policy. Please write to the Force Policy Manager, Corporate Services Department, at Leek Wootton, Warwick, CV35 7QB or complete the feedback form located on our website (<http://www.warwickshire.police.uk/contactingthepolice/ccf>)

1. POLICY STATEMENT

- 1.1 Warwickshire Police has a Lost, Found and Detained Property Management System that provides the public and the Police with appropriate standards in documentation, storage, handling and security; having due regard to the financial consequences for all found and detained property.
- 1.2 The main points of this policy are presented as flowchart appended at the end.
- 1.3 At all times members of Warwickshire Police who handle property will act with the highest ethical standards. In particular, knowledge gained by means of their office or position should not be used to secure any advantage in respect of the disposal of property.
- 1.4 The following principles must be adopted on every occasion:
- a) Found property will only be retained when necessary to:
 - Prevent offences
 - Establish ownership
 - b) Detained property will only be seized or retained when necessary in order to:
 - Prevent or detect offences
 - Satisfy evidential requirements
 - Identify a lawful owner
- Where possible alternative means should be used e.g. the use of digital images.
- 1.5 Procedures are set out as follows:
Appendix A – Lost and Found Property
Appendix B – Detained Property
Appendix C – Possession and Photography of Detained Property
Appendix D – Hazardous Items
Appendix E – Audit Process
The administration management and operation of the station stores holding property throughout the County is set out in the appendices.

2. RATIONALE

- 2.1 This policy sets out the policy, rules and advice necessary for the effective management of the Warwickshire Police Lost, Found and Detained Property Management System including within newly formed group agencies handling such property.
- 2.2 The legislation taken into account in writing this policy is listed in para 8 References.

3. IMPLICATIONS OF THE POLICY

- 3.1 **Resources** - There are no direct resource implications arising from implementation of this policy. Property officer posts are an established requirement within the police staff structure.
- 3.2 **Consultation** - All Senior Warwickshire Property Officers have been involved in the content and design of the PMS Policy and Procedures together with ISD Project Team and Front Office Supervisors.

4. LEGAL COMPLIANCE

- 4.1 At the time of ratifying this policy, the policy owner was satisfied that this document complies with all the relevant legislation.
- 4.2 Under this policy no person will be treated less favourably on grounds of race, colour, nationality, ethnic or national origin, disability, gender, marital or parental status, age, religion or belief, sexual orientation, proposed or actual gender re-assignment, economic group, employment status, politics, staff association or trade union membership, or any other condition which cannot be shown to be wholly justified in relation to employment with Warwickshire Police or in delivering services to the community.

5. MONITORING / EVALUATION

This policy and procedure will be reviewed bi-annually for compliance with current legislation and practice. The practice will be subjected to monthly self-audit and annual audit by the central audit and inspection team to ensure compliance with procedure.

6. POLICY REVIEW / DOCUMENT HISTORY

- It is necessary to have a review date 2 years hence to ensure the policy remains accurate, fit for purpose, and compliant with emergent legislation and case law.
- Include what the review will entail and who will undertake it.

Version & Date	Author	Amendment	Approval
V 1 12-04	CI Hayward		FPG 12-04
V 1.1 7-04-06	CI Hayward	All additions highlighted in blue	
03-07 / 1113911	Paul Hoskins	Modified in keeping with the new policy and procedure template. Brought in line with the Property Audit and Inspection Manual.	M Chishty
V2 2010	Denise Gilbert	Complete revision	JNCC 3/3/2011 FEB 22/3/2011
Dec 2012	Dave Gardner	Alteration to procedures	DCC Brunton 15.11.2012

8. REFERENCES / LINKS

The following legislation has been taken into consideration in writing this policy:

- Police and Criminal Evidence Act 1984 and Code of Practice
- Criminal Procedure and Investigations Act 1996 and Code of Practice
- Police Property Act 1897 and Regulations
- Police (Disposal of Property) Regulations 1975
- Forfeiture and Confiscation Orders
- Torts (Interference with Goods) Act 1977

- Treasure Act 1996
- Theft Act 1968
- Misuse of Drugs Act 1971
- Drugs Trafficking Act 1986

8.1 Other references:

- Warwickshire Police Counterfeit Currency Policy
- Warwickshire Police Authority Vehicle Recovery Management Scheme
- K.I.M. Computer Software
- Warwickshire's Cannabis factory SOP
- Hertfordshire Constabulary SOP
- Storage of Tape Records Management policy
- West Mercia SOP

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PROPERTY POLICY

PROCEDURES

Lost and Found Property

1.0 RESPONSIBILITIES FOR LOST / FOUND PROPERTY

- 1.1 In most cases Lost and Found property will be the initial responsibility of the Enquiry Officers (EO's). After taking possession of lost and found items, these will be retained by Front Office in a secure cupboard until disposal.
- 1.2 EO's will staff the stores during normal office hours.
- 1.3 No member of the public should be allowed access to the Property stores, at any time.

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2.0 LOST PROPERTY REPORTS

2.1 Reports at Police Stations

With the exception of the items listed below when a person reports the loss of property at a Police Station, and before making a lost entry, the Property Management System (PMS) must be searched for the item being reported as it may already have been found or detained. A detailed description will be taken together with the date, time and location of the loss, name and address of the loser and time reported. It will then be recorded on the PMS System. The person reporting the loss should be informed that further contact would only be made if the property was found.

Items that are not recorded are reports of lost mobile phones or documents/cards issued by a third party, which enable the owner to be identified.

Warwickshire will not process reports of lost mobile phones nor provide any such reference number for such reports.

In accordance with Home Office advice a member of the public who reports that a mobile phone has been lost should be advised to contact their network operator as soon as possible quoting the phone's International Mobile Equipment Identity (IMEI) handset number if known.

The network operator can disable the phone by registering it with the industry's database and provide any reference number that is necessary.

The loss of documents/cards issued by government agencies/departments and other third parties (Banks etc) will not be recorded. Losers should be advised to contact the issuing body.

EO's will not take reports of lost cash, such as DSS monies (true owner never identified).

Any report of lost driving licence or bank cards, the loser should be informed that driving licence will be cut into two and returned to DVLA. Bank cards will be cut up and disposed of confidentially.

Lost reports of any item will not be taken if more than 21 days have elapsed since the loss or item was lost outside the Warwickshire area.

Warwickshire Police will not take reports of lost cash of less than £200 from members of the public as it is unidentifiable if found.

Any items of property lost by members of staff using shared agency facilities, i.e. Justice Centre, notification should also be made to Local Management Company and enquiries made with other agencies held within the same building to identify if any item found.

2.2 Reports in the Street

Members of the public who report lost property to a police officer or other Warwickshire Police employee outside of a police station should be assisted, whenever possible, by the officer contacting the police station via Airwave terminal and filing the loss report.

Such action will minimise the administrative burden upon uniformed Warwickshire Police employees of duplicating reports of lost property, ensure that those details required by the PMS are accurately recorded and enable a check against found property to be made at the same time.

2.3 Reports on Private Premises

If a loser states that property has been lost in a shop, theatre, public service vehicle, or other private premises, in addition to reporting the loss to the Police, they should be advised to make separate enquiries at that location. An entry on the PMS will still be made.

2.4 Found Property of Similar Description

A person reporting lost property that appears to be identical with an item recorded as found and retained by the finder, (see paragraph 3.6) will be supplied with their name and address and the property reference number, with the verbal agreement of the finder, so that it may be claimed. Should the finder not wish to have their details disclosed to a loser then the Enquiry Officer or Property Officer will act as mediator. The loser should be asked to subsequently inform the station whether the property was recovered in order that the records can be updated.

2.5 If Loser Finds Property

Where a person has reported a loss of property to the Police and subsequently finds the property concerned, that person should be advised to contact a Police Station within the Force area it was first reported so that the appropriate entry on the PMS can be cancelled.

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3.0 FOUND PROPERTY REPORTS

Members of the public will be encouraged to report items that they find but property will not be accepted unless it is easily identifiable (e.g. a driving licence), unlawful (e.g. classified drug), or dangerous for the finder to hold on to (e.g. firearm). Property that is worthless will not be accepted. Wherever possible easily identifiable property will always be returned to the owner or issuer.

3.1 Persons employed by the Warwickshire Police

All property found by members of Warwickshire Police (Police Officers and Police Staff) and not claimed by the owner will be dealt with as unclaimed property. This rule does not apply to employees who are working on Warwickshire Police property as sub-contractors.

Any items of property lost by members of staff using shared agency facilities, i.e. Justice Centre, notification should also be made to Local Management Company and enquiries made with other agencies held within the same building to identify if any item found.

3.2 Use of PMS (Property Management System)

The details of all reported found property, whether deposited with the police or retained by the finder, must be entered on the PMS. In the case of deposited property a receipt should be printed from the PMS and given to the finder to satisfy the need to demonstrate to the finder that the property has been properly recorded. The generation of the receipt will automatically be recorded within the PMS and a hard copy will be kept for 12 months.

Items will be individually listed unless they have no real value and are unlikely to be separated at any point during the property life cycle, e.g., a suitcase of clothing or miscellaneous papers in a purse or wallet. It is essential that the contents of any purse, handbag, suitcase, wallet etc., be checked for valuables in the presence of the finder.

Items of significant value e.g. cash should be counter verified by another EO at the time of booking in. This should then be placed in a secure Found Property area.

Where a person removes property from any temporary location, the PMS entry must be updated to show who has possession of the property and preserve the audit trail.

When property is reported as found, a check of the PMS LOST entries should always be made by the person making the entry. In relation to found property such as cycles and other items, which may be specifically described, a check of the Crime Recording System should also be made.

In cases where a unique identifier is found on the item, reference should also be made to the PNC Property Index and other indices.

3.3 On Private Premises

Police should not normally accept custody of property found on private premises such as a hotel, theatre, etc. However, if it would be unreasonable, on account of the circumstances for the finder to return the property to the owner of the premises, we may accept it but arrangements should be made to inform the owner of the premises.

3.4 On Public Service Vehicles

The Police should not normally retain items of property that have been found on public service vehicles or Network rail. The finder should be advised to hand the property to the vehicle operator or the British Transport Police, but if this could cause great inconvenience, we may accept it. In such cases, the vehicle operator or the BTP should be informed.

3.5 If property is not retained by the finder or placed in the optional low value bin system (outlined in paragraph 8 below): -

- (i) It will be placed, by the person receiving the property, in a transparent property bag together with the appropriate label and sealed with a numbered tag. Larger items, unsuitable for placing in a bag, will have a numbered tag attached to them.
- (i) The seal number must be logged on the PMS and endorsed by the receiving Officer.
- (iii) Items of suspected high value or items obviously/possibly crime related should be notified to the Crime Desk for further investigation.

3.6 Retention by Finder

A finder is under no obligation to surrender property to the police, nor is there a legal duty to report the finding provided reasonable steps are taken to trace the owner.

When the finder retains an item, appropriate details should be entered onto the PMS together with the fact that the finder has retained the item. They should be advised, in order to minimise any criminal or civil liability, to retain the item for at least 21 days before disposing of it.

The finder should be encouraged to retain property, except where the following criteria require it to be kept at a Police Station: -

- (i) the finder is under 18 years of age
- (ii) has no fixed abode
- (iii) property is identifiable to its owner
- (iv) property is suspected to be proceeds of crime
- (v) finder is a person employed by the Police Authority
- (vii) property has some security value
- (viii) property is dangerous i.e. knives and weapons
- (viii) property is of an obscene nature (e.g. books, magazines and other publications) or cinematography films, dvds, or video cassettes the subject matter of which is unknown
- (ix) Property is a service uniform or piece of equipment or which is unlawful for the finder to retain.
- (x) is an imitation firearm
- (xi) is an identity/warrant//military card
- (xii) property has already been reported lost

Where the finder retains the property they must be made aware that their details will be passed to any person reporting the loss of property of a similar description. Where a finder does not wish to retain an item of found property it will be the policy of Warwickshire Police to retain the item for 21 days before disposing of it. Deposited found property (except where it has been required to be surrendered) will not be returned to a finder.

The finder will be told that they will be unable to lay claim to a deposited item of property and that they should retain the property themselves if they might later wish to 'claim' the item if it is not subsequently reported as lost.

A PMS generated receipt will be given to a person depositing found property, it should be pointed out to the finder that if an item is retained by them, the onus is with them to submit the receipt to Warwickshire Police after a period of 21 days has elapsed

Where an item of found property, which has been retained by the finder, is subsequently reported as lost, the finder should be notified of the owner's claim by telephone, letter or email and requested:

- To allow Warwickshire Police to pass details on to the owner in order to facilitate recovery, or
- Bring the item to the police station in order that the owner may collect it.

Where a finder refuses to consider either of the above actions it should be explained that further retention might result in civil proceedings being taken by the original owner.

- 3.7** If any part of found property is unsuitable for retention by the finder, then no part will be retained e.g. Driving licence found in a wallet, both will be retained by the Police.

3.8 Property Audits

The Area Property Officer will make a quarterly audit of property recorded on the PMS against property held in the Property Store as directed by the Property Audit and Inspection Manual. Any discrepancies/deficiencies will be reported to the Central Audit and Inspection Unit.

3.9 Audits at Area

It will be the responsibility of the Central Audit and Inspection Unit to undertake regular audits of property held within the Area.

Any discrepancy will be brought to the attention of the Area Commander. If the discrepancy cannot be satisfactorily resolved, it will be referred to the Area Commander for action.

If the property cannot be accounted for, the Head of Professional Standards should be informed immediately.

3.10 Property Receipt

The Property finder will be given a Property Receipt. The Property Reference number, contact address and telephone number is on the Property Receipt and will explain to the finder the time limitations of property retention.

3.11 Property Found handed to an Officer in the Street

When property is handed to an officer in the street, the officer must obtain the name and address of the finder and a full description of the property, which should be recorded in the officer's pocket book, in the presence of the finder, who should sign the entry. Details of any money or valuables must be carefully checked with the finder. If the finder does not wish to retain the property, the officer will take possession of it.

After depositing at the station, the officer receiving the report must post the Property Receipt to the finder.

3.12 Non-perishable Food and Drink

Food and drink (whether intoxicating liquor or not) which are not immediately perishable, if not returned to the owner against a signature for receipt, will be disposed of by the APO.

3.14 Items of High Value

Items of high value are considered to be those that are

- (i) Consignments of goods, valuable items or similarly vulnerable property reasonably considered to be over **£5000** in value
- (ii) Single items reasonably considered to be over £1,000 in value

3.15 Insurance

Property items that are known, or suspected, to be of high value must be notified to the Risk and Insurance Manager by email, with full description and details, as soon as practical, in order that Police insurance coverage can be extended if necessary. Property of high value will be entered on to the PMS at the earliest opportunity. It will be placed as soon as possible in the main Property store. Items will be checked and verified by at least two Officers or members of staff, who will endorse the PMS.

3.16 Treasure-trove

Refer to paragraph 23.

3.17 Description of Articles as Gold or Silver

Articles of found property will not be described 'gold',
All articles must be carefully and accurately described, especially personal valuable items, including condition, e.g. damaged, soiled, badly worn, etc. They should always be described as 'yellow metal' or 'white metal'.
Items should never be shown as 'a Quantity of jewellery' or a 'Quantity of cash.'

3.18 Suitcases and Parcels.

Locked suitcases and secured parcels may be considered as suspicious items and should be opened with care with a second person to verify the contents. If circumstances dictate, isolate the case and inform a first line supervisor. Probes should be used for this purpose wherever possible or where the risk dictates.

Suitcases containing property should not be shown as "Suitcases containing property". A full list must be made of all the contents.

3.19 Confidential Documents

Official documents, of a confidential or secret nature, including Security Passes, Military and Government ID cards, should be rendered unusable immediately upon being handed in by cutting into four pieces and the relevant authority informed.

All UK Passports will be forwarded to the passport office at Peterborough after being recorded on the PMS. A UK Passport remains the property of H.M. Government and in order to maintain the integrity of the British passport it must, within 24 hours of coming into police possession, be returned to the UK Passport service to be recorded as recovered and then destroyed. The passport should be sent by secure means to UKPS, PO Box 654 Peterborough PE1 1WP. **Prior to sending any passport, the top right hand corner of the front and back cover and the person details page should be cut off to physically cancel the passport to make it unusable. The corner removed from the details page should cut across the machine readable code along the bottom of the page to render the document useless.**

3.20 Premium Savings Bonds

Bonds handed in as found property should be sent direct to the Stocks and Bonds Division, General Post Office, Moreland Road, Lytham St Anne's, Lancashire, FY3 9YP' together with a receipt which will be returned endorsed in due course.

3.21 Vehicle Excise Licences

Vehicle Excise Licences handed in as Found Property and not claimed within 7 days will be sent to the DVLA, Swansea, SA7 0EE.

Any licence seized for evidential purposes having been used in the commission of crime or in contravention of the Vehicles (Excise) Act 1971 will be recorded as Detained Property.

Expired licences will be destroyed, if not required for evidential purposes.

3.22 Found Cash

Found cash, wallets, purses and other items of property containing cash, if not wanted to be retained by the finder, will be thoroughly checked in the presence of the finder or the person depositing them and entered on to PMS. This will be stored in the relevant safe for 28 days or an appropriate period of time. The ASO will deposit the cash in a bank at the earliest opportunity.

3.23 Cheque Cards, Credit Cards, etc.

All cheque and credit cards are the property of the issuing company or bank. The EO on receipt of any such card will cut up and suitably destroy.

3.24 Counterfeit Currency

Any currency (coin or paper) suspected as counterfeit will be dealt in accordance with the Counterfeit Currency policy

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4.0 STORAGE

4.1 The role of Enquiry Office Staff

EO's will be responsible for the safe custody of all found property and also responsible for sending out relevant letters and disposal of item. Any item found within Warwickshire's multi agency Justice Centres must be booked in as normal procedure, email to all staff via agency managers to advise of found item to attempt to locate owner and return.

4.2 Temporary Store

If a temporary store is used rather than the main store, the Temporary Property Store should be a locked room, cupboard or cabinet. The temporary Store key will be available to staff from the EO or, out of hours, from the station key safe. The store will be used for portable property, which is not especially valuable, or, though valuable, is not suitable for storage in a safe.

4.3 Section Stations Temporary Stores

Section Stations may not always be able to carry out the procedures in 4.2, due to lack of staff and opening times.

Finders should be encouraged either to retain the property or take it to a main Station.

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5.0 RESTORATION OF PROPERTY TO CLAIMANT

5.1 Prior to property being deposited the EO receiving it should examine it to discover any clue as to the owner and check it against the list of items recorded on the lost property index. If a possible loser is identified they should be notified and requested to collect their property against proof of identification.

5.2 Returned to Owner

On collection of property by the owner, a signature will be required.

5.3 Returned to owner via owner's agent.

Any person collecting on behalf of an owner who is unable to collect, must have a signed authority from the owner and identification. This authority will be retained by the Police.

5.4 By Officer in the Street

When found property handed to an Officer in the street is claimed before it has been possible to deposit it at the station, the Officer should, if satisfied regarding ownership, hand the property over obtaining a signature for receipt against the original pocket book entry. (Money and valuables found in the street will not be restored to a claimant unless reasonable proof of identity is provided.)

5.5 Rewards to Finders

Members of the Police should not advise members of the public regarding the amount of a reward to be offered for the recovery of lost property nor should a reference to any Police Station for the payment of the reward be allowed in any notice. Police should not accept rewards or accept one with the intention of handing it on to a finder.

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6.0 PEDAL CYCLES

6.1 Cycle stores will be maintained at Area, and where appropriate, Section Stations. EO's will be responsible for found pedal cycles in Police possession. Full details of pedal cycles which may be the subject of criminal enquiries should be entered on to PMS.

6.2 Checks

Front Office EO's will ensure regular checks are made between found, lost and stolen pedal cycle records ensure early identification of same and enable restoration to owner. Cycles will be kept for a maximum of 4 weeks before disposal.

6.3 Identification of marked Cycles

When a cycle is found to have etched or stamped identification marks on it, the company supplying the markings will be contacted for owner identification by Front Office EO.

6.4 Identification of Seized Cycles

No member of the public will be allowed in any of the cycle stores. A cycle that is to be viewed by a claimant for identification purposes will be taken to a location away from the store. When a complainant visiting a store identifies their cycle, which is the subject of criminal enquiries, the Officer must explain to the claimant that the cycle is required for evidential purposes and cannot be restored to them until a PACE 66 form has been completed.

6.5 Disposal of Pedal Cycles

The Property Officer can dispose of pedal cycles by one of the following methods.

- (i) By auction. Cycles in good condition will be listed on the auction form in consecutive number order from the PMS.
- (ii) The APO may dispose of cycles or cycle parts to a recognised recycling scheme such as Action 21.
- (iii) Those cycles that are in such a poor condition may go as scrap.
- (iv) As part of the Bumblebee procedure

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7.0 DOGS

Reports of lost and found dogs (and other animals) will not be recorded on the PMS and there will be no separate lost/found dogs registers.

Lost and found dogs are now the responsibility of local Councils through Animal Warden Service who operate "normal hours" until 6/7pm depending on local areas, information is available from Council websites.

Members of the public need to be advised of the above and encouraged out of hours to retain the animal and contact their local Council the following day.

Warwickshire Police no longer have any facility to house lost/found dogs or any other animal. In the case of genuine emergencies during out of hours there may be local arrangements in place with local vets or kennels.

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8.0 LOW VALUE BIN

8.1 Areas must have suitable plastic bins at stations to receive low value found property.

It is important that before dealing with the property, the system is explained to the finder and they are made aware that no records will be completed.

Property should be placed in a separate low value bin, i.e. keys, purses, spectacles, worn items of clothing and other small items of little value.

8.2 If a finder does not wish to retain or claim the property, it is unidentifiable to an owner and of low value it may be dealt with in accordance with the following procedure.

- (i) The property will be examined thoroughly by the receiving Officer, to ensure that only unidentifiable property is binned.
- (ii) The bins will be retained in the FO behind the counter.
- (iii) The property will be deposited into the relevant bin, where possible in the presence of the finder. A receipt will not be issued. If the finder wishes to be issued with a receipt the property will be dealt with in accordance with normal found property procedure and entered on the PMS.
- (iv) A claimant should describe the property before having access to the relevant bin.
- (v) A claimant in the presence of a Police Officer, EO or APO may search the relevant bin.
- (vi) Property claimed will be returned without any paperwork if the Police Officer, EO or APO is satisfied that the claim is legitimate.
- (vii) The Area Commander or their Deputy will resolve any dispute regarding ownership.
- (viii) The bins will be emptied by the EO when full and then items disposed of in the normal fashion.

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9.0 HAZARDOUS PROPERTY ITEMS

9.1 Property items that appear to be of a hazardous nature - Bottled chemicals, petroleum spirit, drugs, drug equipment, firearms, ammunition, edged and pointed items, explosives etc. must be handled with great care and rendered safe as soon as possible. Health and Safety at Work regulations must be followed at all times. Guidance notes are to be found in Appendix D.

9.2 Perishable Property

Property of a perishable nature that the finder does not wish to retain, such as flowers, fish, soft fruit, etc., should be disposed of at the discretion of the EO.

Outside normal office hours the Cadre Inspector will dispose of any such item not required for return, which may be a health hazard, specifically at bank holidays.

Small quantities of perishable items may be disposed of in the Station refuse bins. Large amounts may require to be disposed of by the local Council Refuse department who should be contacted through the relevant environmental department.

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10.0 AUCTIONS AND TENDERS

APO's will be responsible for disposing of Found property to auction.

Property which is authorised for disposal by an officer of the rank of Inspector or above, for which there is no known owner and is of saleable quality, can be disposed of through auction or tender. Property being sent to auction will be listed on the Auction Form in consecutive number order from the PMS. Each item of property will be identified with an auction sticker and placed in a secure stores area ready for collection. The Auctioneers collect all property by arrangement with the relevant APO's.

NOT PROTECTIVELY MARKED

They will check and agree the property against the prepared lists on the Auction Form, sign the list and take receipt of the top copy with the property. The APO's retain a second copy of the Auction Form.

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NOT PROTECTIVELY MARKED

APPENDIX B

Detained Property

1.0 DEFINITION

Detained property includes any property coming into possession of the police which is suspected or known to be the proceeds of crime or which may be required for evidential purposes, or when its origin or ownership is in doubt.

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2.0 RETENTION OF PROPERTY

2.1 Every effort must be made to restore property to its legal owner at the earliest opportunity.

Property **should not** be brought into police possession and retained except in the following circumstances: -

- (i) items are necessary for evidential purposes or are known or suspected to be the proceeds of crime
- (ii) The legal owner is not known.
- (iii) items are offensive weapons or implements used to facilitate crime.
(Where necessary, Court Orders should be sought for destruction of such items.)
- (iv) items are forged documents,
- (v) items are required for forensic examination.

Where the items are Dangerous or Illegal:

Items should not be returned to individuals if they do not have a legal right to possess such items (which might include - drugs, firearms and obscene publications etc).

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3.0 NON-RETENTION OF PROPERTY

3.1 Property must not be retained by the police except in the circumstances outlined in paragraph 2.1

Officers must make use of the Section 66 PACE certificate and where possible leave property with its possessor. Officers, who are uncertain if the property should be left with its possessor should use the guidance notes in Appendix C attached or if further information is required, contact the Area D/I or APO before seizing the property.

3.2 Photography of Property

Property shall not be retained for use as evidence or for the purposes of investigation if a photograph or copy would be sufficient for those purposes - resolution as Appendix C attached.

APO's will advise on the use of photographs as a substitute to the retention of property. Officers in the Case (O.I.C) will be responsible for the photography of property items and will ensure sufficient copies for all relevant record purposes. Property items that are photographed must be recorded on the PMS.

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4.0 MANAGEMENT OF DETAINED PROPERTY

4.1 Seizing Officer/O.I.C

The Seizing Officer and the O.I.C may be the same person. When detained property is seized, the seizing officer is responsible for ensuring that the property is recorded at the earliest opportunity on the PMS. The Officer booking in property to PMS is responsible for ensuring required information is contained within the entry, i.e. the OIC details, crime number if available, STORM reference number and any additional information.

When a Warwickshire Officer has occasion to detain property on behalf of a foreign force, it is essential that a contact name and collar number (phone number if possible) are taken and entered on PMS.

4.2 Area Property Officer

The APO is responsible for the management of all property entered onto the PMS under the guidance of a designated line manager. Daily checks will be made by the APO of property that should be located in the Temporary Store against the PMS entries. The APO is also responsible for monitoring the progress of booked out property and instigating enquiries through Supervisors for all outstanding items by use of PMS.

4.3 Out of Office Hours

Outside normal office hours Detained Property will be placed in the Temporary Property Store. This will be a locked room, cupboard or cabinet and the key will normally be available to staff from the EO but out of hours from the station key safe. The store will be used for portable property that is not especially valuable or, though valuable, is not suitable for storage in a safe. Detained Property will remain in the Temporary Store before transfer by the APO to the appropriate Property Store.

4.4 Main Property Store

The Main Property Store is to be used for all Detained Property It will be kept locked and the key will remain in the possession of the APO.

There will be no access to the Main Store outside normal office hours. Call outs of the Property Officers may be necessary from time to time and will be financed from the appropriate budget.

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5.0 HAZARDOUS PROPERTY ITEMS

5.1 Property items that appear to be of a hazardous nature - Bottled chemicals, drugs and drugs equipment, firearms and ammunition, edged and pointed items, explosives etc. must be handled with great care and rendered safe as soon as possible. Health and Safety at Work regulations must be followed at all times. Guidance notes are to be found in **Appendices D - H attached.**

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6.0 PROPERTY AUDITS

6.1 Property Audits

The Area Property Officer will make a quarterly audit of property recorded on the PMS against property held in the Property Store as directed by the Property Audit and Inspection Manual. Any discrepancies or deficiencies will be reported to the Central Audit and Inspection Team.

6.2 Audits at Area

It will be the responsibility of the Central Audit and Inspection Unit to undertake regular audits of all detained property held within the Area. It is expected that audits will not be undertaken at the same time every year and that a sample of property records will be examined, as determined by the audit formula.

Any discrepancy will be brought to the attention of the District Commander. If the discrepancy cannot be satisfactorily resolved, it will be referred to the Area Commander for action.

If the property cannot be accounted for, the Head of Professional Standards should be informed immediately.

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7.0 ITEMS OF HIGH VALUE

7.1 Definition

Items of high value are considered to be those that are:

- (i) Consignments of goods, valuable items or similarly vulnerable property reasonably considered being over £5000 in value
- (ii) Single items reasonably considered to be over £1,000 in value

7.2 Insurance

Property items that are known, or suspected, to be of high value must be notified to Force Risk & Insurance Manager by email, with full details and description, as soon as practical, in order that Police insurance coverage can be extended. Property of high value will be entered on to the PMS and then placed in the main Property store. Items will be checked and verified by at least two Officers or members of staff, who will endorse the PMS.

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8.0 GUIDANCE ON THE PACKING OF PROPERTY

- 8.1** Property must be placed in an appropriate property bag together with the correct property label and sealed. Where the item is too large for the use of a bag, a property label sealed in a small bag must be securely attached to the property.

The following action must be undertaken: -

- (i) The use of an ultra violet light to find any identifying marks on the property that could assist in establishing ownership of the property.
- (ii) The neck of the bag must be tightly closed with a secure property seal
- (iii) Soiled, stained or polluted items must bear a warning in a clearly visible position
- (iv) Damp or wet items must be left to dry thoroughly before sealing in a plastic bag. Evidential items of clothing must be packed in paper bags.
- (v) Cash, drugs and valuable items must be removed from pockets, handbags, wallets, etc. and secured separately in a safe.
- (vi) Any item having a sharp blade or point must be placed in the sharps/knife tubes. Knives with retractable or folding blades should have a rubber band placed around them so that the blade cannot become accidentally exposed.
- (vii) Glass, antiques and similar fragile items should be wrapped and sealed in a manner that will avoid damage during transit and labelled 'Fragile'.

- (viii) Batteries should be removed from radios, cassette players, torches and similar appliances and placed separately in the property bag.

Where property is likely to be submitted to the Forensic Science Laboratory, The SOCO department should be contacted for guidance on packing.

- (x) Where entry on the PMS requires the use of more than one bag, an additional property label should be placed in each bag.
- (xi) Drugs will be bagged separately from other items.**
- (xii) Guns and ammunition must be bagged separately from each other.**

8.2 Paper Exhibits

Paper exhibits will be treated as any other property and will be placed in a property bag together with a property label and sealed.

Photographs should be stored as any other property, bagged accordingly.

If it is considered that copies of the exhibit may be required during the progress of a case, then the O.I.C should take a photocopy of the exhibit and place in the case file. This action will reduce unnecessary movement in and out of the property store and provide greater security for the paper exhibits.

8.3 Initial Storage

After an item of property has been entered on the PMS and correctly packed and sealed, the Seizing Officer/O.I.C. or Property Officer will place the property in the Temporary Store, clearly indicating the reason for retention and the length of time it is to be retained.

The Area Property Officer will be responsible for future movement of the property.

Unless an item of property is required for Court, ongoing enquiries or returned to an owner, etc. it must always be stored in the Main Property Stores. Property must never be kept away from a store for longer than is absolutely necessary.

If an O.I.C intends to retain an item of property and not place it in the Temporary or Main Store, it must be booked out on the PMS.

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9.0 DAILY CHECKS

9.1 Establishment of Property Location

Property recorded should be accounted for by either:

- (i) Its physical presence in the safe or store
- (ii) An entry on the PMS indicating that it has been moved and stating the reason for that movement, its current location, date of removal and by whom.

9.2 Property Location Not Traced

If Area Property Officers can not satisfy themselves as to the location of an item of property entered onto the PMS, the following action will be taken: -

- (i) If the last known handler of the property is immediately available, enquiries will be made of that person.
- (ii) If the response received at (i) is unsatisfactory or the last known handler is not available, the Area Property Officer will update PMS and advise OIC accordingly.

- (iii) Appropriate action should be taken by the officer of the rank of Inspector or above to account for the property and inform the Area Property Officer of progress.

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10.0 MOVEMENT OF PROPERTY

10.1 Responsibility

Whenever property is removed from either Property Store, an entry must be made on the PMS to indicate that it has been removed.

The entry should include: -

- the date
- removed by
- reason for its removal
- its new location.

The PMS will also record when items are returned to the store.

10.2 Early Identification

It is important that when an officer is aware that they will require an item of property for court, enquiries, etc. they must ensure that the Area Property Officer is provided with advance notice where possible. This will allow Area Property Officers to make arrangements for it to be available when required.

10.3 Transfer of Property

When an officer identifies that they require an item of property, they will request the property from the Area Property Officer who will ensure that the movement of property is recorded on the PMS.

The receiving officer and the officer handing over the property will jointly check the seal numbers.

10.4 Returning Property to the Property Store

When an Officer, having received an item of property from the Property Store for completion of enquiries, wishes to return the property back to its originating store they will hand it to the Property Officer/Enquiry Officer. The property may be left in the temporary store if the main property store is not available.

If property is returned to the main store, the Property Officer receiving the property with the details of the Officer returning the property and the new seal number will update the PMS.

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11.0 REMINDERS FOR OUTSTANDING PROPERTY

Due to storage limitations at Property Stores, property must be handled and disposed of as expediently as possible and PO's will be responsible for issuing reminders.

At 56 days from the date of the entry the OIC will be requested to review the continued retention of the item and update the PMS entry with a legitimate retention requirement.

70 days later from the date of the entry a 'chaser' memorandum will be generated if a PO has not received a legitimate retention requirement; and

At 84 days from the date of the entry a 'second chaser' memorandum will be generated if a PO has not received a legitimate retention requirement.

7 days following the third reminder the Property Officer will contact, by PMS, the supervisor in respect of non compliance by OIC and retention/disposal of detained item. If no reply is received after 21 days then the item will be destroyed. In the event of a non reply the OIC/Supervisor takes full responsibility if the item is disposed of and later required as evidence/for further enquiries.

The ultimate responsibility for the disposal of Detained property rests with the O.I.C (or the creator of the record if there is no O.I.C.)

Non-compliance with this policy WILL result in notification to a Senior Officer/Dept. Head in order that appropriate action can be taken, e.g. discipline or report to PSD.

11.1 Automatic Disposal Where Retention Requirement Absent Experience dictates that the majority of detained property can be disposed of within a short period of time and that rigorous application of this policy can reduce the storage needs and henceforth costs to Warwickshire Police.

The lack of information recorded by officers in relation to detained property makes it extremely difficult for Property Officers and others to effectively manage property. For these reasons this policy exists.

Detained Property will NOT be retained in excess of three months unless the PMS contains a legitimate retention requirement capable of independent audit.

Seized or detained property will be liable to immediate disposal 91 days after initial entry onto the PMS where: -

- ☐ The OIC has not detailed a legitimate retention requirement (as described above); and
- ☐ The OIC has not responded adequately to a follow up enquiry generated by the PO, or the OIC remains unidentified despite consultation with an appropriate supervisory officer by a PO;

Where the PMS entry suggests the property may be connected with a non-volume crime e.g. fatal incident, serious-other etc, the matter will be referred to an officer of the rank of inspector or above before actual disposal or return takes place.

Where a legitimate retention requirement is not made out the relevant property officer should take all necessary steps to arrange disposal or return of the property; subject to any retention requirements of the Police (Property) Act 1897 or arrangements to be made under the Torts (Interference with Goods) Act 1977 etc.

11.2 Further Review Dates

Where a PO is satisfied that a legitimate retention requirement has been entered onto the PMS they should manually update the relevant record with a review date.

If such a date is not apparent, e.g. a court or bail date not set, this review date should be set at no more than six months from the date of the original entry.

If a legitimate retention requirement exists after this date, review dates will be set at no more than six months unless a specified review date has been provided by the OIC.

11.3 Property Booked Out For Enquiries

It will be the responsibility of the Area Property Officer to identify items of property booked out for enquiries and to regularly check the location of the property. If the property remains booked out for an excessive period of time and is not returned or

finalised through receipt of a Property Reminder letter, the Area Property Officer will take action as at paragraph 9.2. The definition of an excessive period of time will depend on the nature of the items booked out, the reason for their removal and will be at the discretion of the Area Property Officer.

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12.0 RETURN OF DETAINED PROPERTY

All detained property is to be returned to its owner or their agent at the earliest opportunity. Detained property must not be retained for longer than is absolutely necessary.

12.1 Property Returned to Owner - General Guidelines

- (i) Property, which is to be returned to its owner, must be booked out on the PMS.
- (ii) After handing the property to the owner, a Detained Property Receipt must be signed by the recipient to indicate receipt of that property and returned to the Property Officer.

12.2 Return to Owner - Property Retained at an Area Property Office

- (i) No members of the public are allowed access to a Property Store or Office.
- (ii) At each stage of handing the property on, signatures of the receiving Officer/Member of public will be obtained on a Detained Property Receipt and returned to the Property Officer

12.3 Property Returned to Owner Outside Office Hours

- (i) The O.I.C must inform the Area Property Officer in good time to allow transfer of the property to the relevant Temporary Store. All movements of the property will be recorded on the PMS. The entry should show where the property has been transferred.
- (ii) The property will be placed in the Temporary Store.
- (iii) Prior to the property being handed to the owner, the PMS must be updated listing all items to be returned. The property recipient will sign a Property Receipt, which will be kept on record and the PMS endorsed accordingly.

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13.0 DISPOSAL OF DETAINED PROPERTY

13.1 Prisoners' Property Retained at Area For Transfer or Disposal

Prisoner's property will be retained in the Custody suite until such a time that a prisoner leaves the Custody suite to go to Prison, on Remand, to Hospital or is released.

Any property that is left by a prisoner will be transferred to the Main Property stores, into the care of the Area Property Officer. Prisoner's property will be entered onto the PMS. Prisoner's property will be disposed of in the same way as any other Detained Property.

13.2 Disputed Ownership of Property

When this occurs, the relevant O.I.C. should make a full report, in the form of a general report, and submitted to the District Commander who can seek further advice from the County Solicitor.

13.3 Failure of Owners to Collect Property

A second class letter will be sent to the owner requesting that they arrange collection of their property within 14 days and informing them that failure to do so will result in the disposal of the property through the Police Property Act 1897. If no reply is received the property will be disposed of by the Area Property Officer. This includes serving

prisoners, with relevant enquiries made with Prison Authority. Failure to reply within 90 days will result in disposal of property by Property Officers.

13.4 Detained Property with No Known Owner

Detained property in a case which is complete and for which no owner can be found, can be disposed of twelve months **after the property was first taken into police possession** provided the following guidelines are satisfied: -

- (i) The Officer in the case must have exhausted all reasonable courses of action in establishing ownership of the property
- (ii) Once the case has been finalised and no owner has been found, the O.I.C must report and authorise the property for disposal to the relevant Area Property Officer.
- (iv) Should the property have sentimental value, e.g. an inscribed pocket watch. The property will be retained for a further six months.
- (iv) Records must be kept of property disposed of at auction. Money from the sale will remain banked for twelve months before use from the Property Fund.

13.5 Return of High Value Property

Where property is considered to be of a high value, in accordance with paragraph 7.1 above, the owner should be advised by registered letter: -

- (i) that the property must be collected in person or by an authorised Agent.
- (ii) If the owner requests that the property is to be delivered, it will be **sent at the owners' cost**, by a Security Courier to an address nominated by the property owner.

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14.0 PLASTIC CARDS AND CHEQUES

14.1 In the event of property being recovered that is the proceeds of criminal misuse of any plastic card(s) and / or cheques issued by any bank, then contact should be made with the fraud prevention department of the relevant bank by the Property Officer.

14.3 Any recovered monies should be paid into the nominated account using a completed Bank Giro Credit slip supplied by Area Support.

14.4 Traveller's cheques will be returned to the issuing authority with a letter of explanation.

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15.0 SEIZED MONEY

15.1 Definition

Such money can be described as: -

- (i) actual stolen money
- (ii) money believed to be the proceeds of crime
- (iii) money suspected of being (i) or (ii) which has been subsequently 'disclaimed' by the person from whom seized, and no true owner is established
- (iv) suspected of being (i) or (ii) which subsequently forms the basis of a dispute between two or more parties as to ownership

15.2 Counterfeit Currency

Any currency (coin or paper) suspected as counterfeit must be dealt with in accordance with the Counterfeit Currency policy.

15.3 Checking and Initial Storage of Seized Monies

The O.I.C, together with another officer, will check the total value of the money. Details will be entered on the PMS. Wherever possible cash should be counted. The amount must be recorded on PMS. The cash must then be double-bagged. Where possible, record the denominations. It may be useful to photograph the cash.

In some circumstances, it may be advisable not to count it, for example, if forensic examination is necessary. In these instances, the value must be estimated and recorded on DMS. The reason for not counting should also be recorded. The cash must then be double-bagged. Where possible, record the denominations. It may be useful to photograph the cash.

If the cash is £1,000 or more, the officer must contact the Financial Investigation team.

If the cash is £5,000 or more, the officer must contact the Financial Investigation team and the Property Officer, who then contacts the Force Insurance Manager.

15.4 Monies Retained in Original Form

The only circumstances when seized money will be retained in its original form are as follows:

- (i) When it is from the proceeds of a drug-related crime. All money must be held as detained property for production in court. All cash must be kept in the Property store. In accordance with 15.3, the Financial Investigation team should be contacted if the cash is £1,000 or more and the Property Officer should be contacted if the cash is £5,000 or more.
- (ii) If it is required for Forensic Examination.
- (iii) If the money is to be produced as an exhibit in court. In such circumstances, the responsibility falls to the OIC in consultation with CPS and Line Manager if necessary.
- (iv) If it is obvious from initial enquiries that the money will only need to be retained for a short period, i.e. retention pending identification by its serial numbers or other markings.
- (v) Foreign currency will be held in the station safe, unless of high value. In which case the District Detective Inspector may sanction the money to be placed in a Bank account

Note - Money that is retained at a station of value over £5000 must be notified to Force Risk & Insurance Manager for extension of the Police Insurance coverage.

If monies are subject of the cash seizure provisions of the Proceeds of Crime Act then further advice should be sought from the Economic Crime Unit (Financial Investigation).

15.5 Action for Seized Money

All seized monies will be banked by the Sector Admin Officer with support from the Property Officer at the earliest opportunity, as in the majority of cases, there is no requirement for them to be retained in their original form. The exception to this rule is money seized as part of drugs related crime.

15.6 Procedure for Banking Seized Monies

If monies are subject of the cash seizure provisions of the Proceeds of Crime Act then further advice should be sort from the Economic Crime Unit (Financial Investigation).

All seized monies should to be supplied to Area Support for banking. Such monies will be accompanied by instructions from the O.I.C giving: -

- (i) Written instruction that banking is appropriate.
- (ii) Details of
 - a. PMS Number
 - b. Crime Reference Number
 - c. Amount of Money to be banked

It is advisable that money believed to been used in connection with Drugs related crime should be tested for any contamination.

15.7 Reminders

Reminders in respect of seized money whether retained in its original form or banked will be in accordance with paragraph 11 of this procedure.

15.8 Money Paid Out from Bank Accounts

When the O.I.C has to return detained money to its owner or agent, formal application will be made to the Area Administration Support Officer, in the form of an email or report, with an authorisation by the District Detective Inspector.

The request must have the PMS and Crime Reference Numbers on, the date the original money was banked, the amount of money to be paid and the reasons for payment. The request must also state if the money is to be paid by cheque or in cash.

The Area Administration Support Officer will either raise a cheque or obtain the cash to cover the amount of money and issue it to the O.I.C.

The O.I.C will arrange for the owner or their agent to collect the money and will ensure the recipient signs a receipt and the PMS is updated.

15.9 Money Transferred into the Police Property Act Fund or Police Funds

If it has been agreed that banked seized monies are to be transferred into other funds, the following procedure will apply: -

- (i) The O.I.C will make a formal application to the Area Administration Support Officer in the form of an email or report with an authorisation by the District Detective Inspector to include:
 - Detained Property and Crime Reference Numbers
 - Amount banked/amount to be transferred if different
 - Date banked
 - Which Fund to be transferred to
 - Copy of any Forfeiture Order
- (ii) The O.I.C will inform the Area Property Officer of the transfer of the money and ensure that the PMS is updated.

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16.0 CASH / VALUABLE IN TRANSIT – GUIDELINES

Officers transporting cash and valuables between locations in or outside the county should observe the following security levels -

- | | |
|-----------------------|-------------------------|
| (i) Up to £2,000 | One able bodied person |
| (ii) £2,001 and above | Two able bodied persons |

Note All money in transit is covered by insurance, with a £100 excess on any claim. Where possible, the time of visits to the bank should be varied.

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17.0 DRUGS

The following procedure relates specifically to the handling and storage of drugs as detained property. A SOP is available in Force for guidance.

17.1 Drugs are to be entered on the PMS.

It is important that drugs are entered as a separate record and that no other category of property is entered on the same record even if it is from the same case.

17.2 Officers must ensure that the PMS number is entered onto the tamper proof bag and the property exhibit label in the Property Reference section.

17.3 Initial storage in the Temporary Property store

Initially drugs at the Area will be stored in the Temporary Store until they are removed either for transport to the Forensic Laboratory for analysis or by the Area Property Officer for storage in the Secure Drugs Cabinet as soon as possible.

Needles will be placed into a sharps box unless required for evidential purposes. In the latter case needles will be placed in a well-marked knife box.

17.4 Movement of Drugs

Drugs may be moved from a Section Station to a main District Station by a Area Property Officer, under the Misuse of Drugs Regulations 1985 - Regulation 6 (7) (f.).

17.5 Destruction of Drugs

Drugs are authorised for destruction by the O.I.C or an officer of the rank of Inspector or above.

The designated drugs will be removed from the Drugs cabinet and the PMS updated. The drugs will be bagged in a single bag and sealed. The drugs will be stored in drugs disposal bin. These bins are emptied regularly by the force contractor who provides paper records confirming the destruction. These paper records will be filed by the Property Officer for audit purposes.

17.6 Reminders

The procedure for issuing reminders in respect of drugs will be in accordance with paragraph 11 of this procedure.

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18.0 SEIZED VALUABLE ITEMS

18.1 Recording

The O.I.C, together with another officer will check the valuable item, record it and then seal it in a bag. A full description of the valuable item will be entered onto the PMS eg ladies yellow metal ring, blue stone, ladies Accurist watch black leather strap, silver coloured chain length 16".

Items should not be shown as 'a Quantity of jewellery'.

Articles of property will not be described 'gold' but as yellow or white metal.' At all times the valuable item will be retained in a sealed bag.

18.2 Retention

If it is necessary to retain the valuable item on Area for investigation purposes, and it is of high value, eg, consignment of goods estimated to be valued at £5,000 or a single item estimated to be £1,000 it will be dealt with in accordance with paragraph 7 of this procedure.

Extra insurance may be required for high value items, advice to be obtained from Force Risk and Insurance Manager.

18.3 Valuable items will be kept in a safe. A list detailing all the items contained in the sealed bag will be forwarded with the property. The Area Property Officer will retain this list in order to check the contents of the bag in the event that the bag has to be opened for the contents to be valued or disposed of.

18.4 If valuable items are received at the Area Property Office without an accompanying list, the Officer in Charge will be requested to provide the list as soon as possible. Failure to do this will result in the Officer having to attend the Area Property Office and opening the sealed bag in the presence of the Area Property Officer. Together they will agree the contents of the bag and prepare the necessary list. The bag will then be resealed and the new seal number recorded as appropriate.

18.5 Valuation

If the valuation is for disposal reasons only, then the Area Property Officer could take it for evaluation. If for evidential purposes it should be taken by the O.I.C for continuity of evidence. The valuation costs should be entered on the Crime file in order that these expenses can be brought to the attention of the court. Valuations of high value, antiques etc. may need to be sent to specialist valuers. Advice on approved specialist valuers may be obtained from the Force Risk & Insurance Manager

18.6 Valuation - Property Held at an Area Property Office

The following procedure should be followed: -

- (i) The Area Property Officer and Administration Support officer will check the seal number against the entry in the safe custody register and on the PMS.
- (ii) Both officers will sign the sealed bag out of safe custody.
- (iii) The seal should be broken and the contents checked against the list of property. Any discrepancies should immediately be notified to the District Commander. The list will be signed and dated by both Officers agreeing the contents.
- (iv) Immediately after the valuable item has been checked the O.I.C/Area Property Officer will take it to the valuer.
- (v) As a general rule all valuations will take place at the valuers.
- (vi) If the valuable item is to be left with the valuer, the valuer must sign two copies of the list of the property, one copy retained with the valuable item and a second copy to be retained by the O.I.C/Area Property Officer.
- (vii) After valuation, the O.I.C/Area Property Officer and Administration Support Officer will check the property back into safe custody until disposal arrangements are known. The bag will be given a new seal and PMS number. The new PMS number will be cross-referenced to the previous PMS number on the system. The new Property entry will be agreed and signed by the Area Property Officer and the depositing Officer.
- (viii) If required the new seal and PMS number should be entered on the original list of valuable items in the PMS Safe register.
- (ix) A copy of the list and valuation will be retained/forwarded to the O.I.C. The Area Property Officer retaining copies for their files.

18.7 Disposal

The Area Property Officer will only undertake disposal of valuable items after receiving written instructions from the O.I.C/Officer of the rank of Inspector or above. Any item which would appear to be over the value of £1000 and intended for auction or retention for Police use must be accompanied by an official valuation.

18.8 On receipt of these instructions the Area Property Officer will deal with the items as outlined at paragraph 13. The Auctioneers will collect the valuable item from the Area Property Officer. The Auctioneer will sign a receipt for the items individually.

18.9 Where an item, which has not previously been valued, is considered by the Auctioneer to be of some value, the Auctioneer will record the value against the item on the accompanying list. A copy of the list of valuable items for disposal will be left with the Auctioneers. The Area Property Officer will retain a copy for audit purposes.

18.10 Collection of Valuable Items from the Property Office

The Officer in the Case should collect the valuable item retained in safe custody in Area Property Office, which is to be returned to a claimant, where practicable. The collecting Officer should know the seal number under which the valuable item was recorded. If it has been necessary for the seal to be broken due to valuation, then the collecting Officer should be aware of the new seal number, which can be obtained from the valuation list. The seal number should be checked against the PMS safe custody entry.

18.11 Receipt of Items

The Officer returning the property must individually list all items for return on a PMS receipt, and the person receiving the items must sign the PMS receipt.

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19.0 NON-PERISHABLE FOOD and DRINK

Food and drink (whether intoxicating liquor or not) which are not immediately perishable, if not returned to the owner against a signature, will be disposed of by the Area Property Officer

All items of food will be photographed before disposal, see **Appendix C**.

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20.0 PERISHABLE GOODS

Where a perishable item is required for forensic examination advice should be sought from SOCO. When ownership is unknown the O.I.C / Area Property Officer should decide upon the method of immediate disposal in accordance with the Police Property Act 1897.

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21.0 PROPERTY RECOVERED FROM PAWNBROKERS

21.1 Receipt

When the Police request a pawnbroker to retain possession of articles, which have been pledged, the Officer requesting retention of the property will complete a Pace S66 form describing the articles to be retained and provide a copy to the pawnbroker. If the items are seized from the pawnbroker and taken into police possession as detained property then a S66 PACE form is not required.

21.2 Criminal Proceedings

Where criminal proceedings follow seizure of property, the Police should ensure that the pawnbroker is made aware of the place, date and time of the court hearing so that

they may be represented. The pawnbroker, and any other party concerned, will be informed if it is proposed to deal with the property under the Police Property Act. They will also inform all parties of any order that is subsequently made and the right to contest the order within six months.

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22.0 PEDAL CYCLES

22.1 Cycle stores will be maintained at Area, and where appropriate Section Stations Property Officers will be responsible for pedal cycles in Police possession

22.2 Checks

22.3 The EOs will ensure regular checks are made between found and stolen/lost pedal cycle records to ensure early identification of lost /stolen cycles and restoration to owner.

22.3 Identification of Seized Cycles

No member of the public will be allowed in any of the cycle stores.

A cycle, which is to be viewed by a claimant for identification purposes, will be taken from the store to be viewed in the Station yard. The O.I.C can then show the cycle to the complainant without any other cycles being seen.

When a complainant visiting a Store identifies as their property a pedal cycle which is the subject of criminal enquiry, the Officer must explain to the claimant that the cycle is required for evidential purposes and cannot be restored to them until a property Retention Form has been completed.

22.4 . Disposal of Pedal Cycles

The Property Officer can dispose of pedal cycles for which no owner can be found by one of the following methods.

- (ii) By auction. Cycles in good condition will be listed on the auction form in consecutive number order from the PMS. .
- (v) (ii) The APO may dispose of cycles or cycle parts to a recognised recycling scheme such as Action 21. This should be the preferred method for economic reasons.
- (vi) Those cycles that are in such a poor condition may go to scrap dealer.
- (vii) Disposal by way of Bumblebee auction site.

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23.0 TREASURE

23.1 Treasure (formerly referred to as Treasure Trove) is defined in Section 1 (1) of The Treasure Act 1996. In general terms it relates to articles over 300 years old although The Secretary of State has power to designate certain articles over 200 years old as treasure.

A Coroner has jurisdiction to hold inquests on treasure-

23.2 A person who finds an object which he believes or has reasonable grounds for believing is treasure must notify the coroner for the district in which the object was found before the end of the notice period - 14 days.

23.3 If it comes to the knowledge of Police that any of the above articles have been found or any objects of general or antiquarian interest discovered, the facts must be reported at

once to the Coroner. A report regarding any finding of treasure or of objects of general or antiquarian interest is also to be sent to the District Detective Inspector by the Area Property Officer indicating whether the Coroner has been informed.

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24.0 AUCTIONS

- 24.1** (i) Area Property Officers will be responsible for disposing of property to auction.
- (ii) Property which is authorised for disposal by the O.I.C, for which there is no known owner and is of saleable quality can be disposed of through auction or Bumblebee auction site.
- (iii) Property being sent to auction will be listed on the auction form in consecutive number order from the PMS. Each item of property will be identified with an auction sticker and placed in a secure area ready for collection.
- (iv) The Auctioneers collect all property by arrangement with the relevant Area Property Officers.
- (v) The Auctioneers will check and agree the property against the prepared lists on the Action Form. The lists will be signed by the Auctioneers who will take a receipt for the property.
- (vi) The Area Property Officers retain a copy of the Auction Form.
- 24.2** Any items that can be resold and are likely to generate income for the force, should be sold on the Bumblebee auction website. This is the responsibility of the Property Officer to decide and manage.

25 RETENTION OF DETAINED PROPERTY FOR POLICE USE

- 25.1** Unclaimed detained property must be kept for a minimum period of 1 year. Legislation does not allow Police Forces to automatically retain and reuse ANY items, specific procedures should be followed:-
- a) Following 12 month period of retention, item identified of use to Police personnel for re-use, application should be made by email to designated staff who will then be responsible for requesting retention by the Chief Constable of Warwickshire Police. Following agreement by the Chief Constable for the item's re-use then the designated member of staff will advertise full details of the item together with the intention of use by Warwickshire Police on the Force website for a period of 28 days. If no objection raised within 28 days then the item will be allowed to be re-used. Difficulties are experienced with computers due to content and systems held or required.

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26 PROPERTY CONNECTED WITH DECEASED PERSONS:

- (i) In a Street or Public Place - in non-suspicious circumstances a careful search of the body should be made to establish identity. Under normal circumstances the officer will remove the deceased person's property before the deceased is placed in the mortuary, under no circumstances should Undertakers or Ambulance personnel carry out this task. The officer must record a full description of the property then ensure the property is recorded at the earliest opportunity on the PMS and the appropriate Coroner's Officer informed. If the death is suspicious the advice of a supervisor must be obtained.

- (ii) In a Hospital – any property taken from a person who has died in a hospital is the responsibility of the hospital authorities. Except when the circumstances surrounding the death are suspicious then the advice of a supervisor must be obtained.
- (iii) At home – where there is a relative or next of kin present, property should be entrusted to them. It will be their responsibility to secure the premises. Where the deceased person cannot immediately be identified, and/or a relative or next of kin cannot attend within a reasonable time, and there is concern over security, a search of the premises should be made. Any transportable items of value such as money, jewellery etc.. should be seized. The officer must record a full description of the property seized then ensure the property is recorded at the earliest opportunity on the PMS and the appropriate Coroner's Officer informed. It is recommended that personal jewellery is not removed but should be recorded in the officer's pocket book. If the death is suspicious the advice of a supervisor must be obtained.

27 DISPOSAL OF DETAINED MOBILE PHONES/ELECTRONIC ORGANISERS

Mobile phones, laptops etc. should be destroyed by incineration along with the majority of items for disposal. This is unless there may be a force use for the item. In this case, the Property Officer should liaise with the relevant business owner.

28 DISPOSAL OF ITEMS FROM FOREIGN FORCE

Any item recovered from Foreign Forces should be disposed of after 12 months, contacting named contact from relevant Force before disposal.

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Possession and the Photography of Detained Property

1.0 GUIDELINES / REGULATIONS / LEGISLATION

- 1.1 Precise instructions for taking property into Police possession cannot be specific in every case. The following notes are to give guidance and examples to the O.I.C and APO's in making the necessary decisions.

Detained property falls into two broad categories:

- Seizures from suspects or premises, retained for evidence at trial, examination or investigating an offence, or pending a decision of the lawful owner.
- Property recovered other than from a suspect to the above purpose.

- 1.2 **Pace - Code of practice (B) 1984** already places restrictions on the seizure of property from suspects in that they state, **"that property may only be seized where this is necessary to prevent its concealment, alteration, loss, damage or deterioration"**.

In the case of a suspected criminal there would be grounds to believe that one of these things will happen to the property if left with the suspect, and for this reason we are obliged to take possession of such property.

Where property, which is evidence or subject of crime, is in the possession of people other than a suspect, the same criteria apply. However if this person is acting innocently there will be less cause to suspect that the property will be concealed, altered, lost etc. and the presumption in favour of taking possession of the property will be less.

In these cases the types of considerations to be taken into account in deciding whether to take property into police possession are:

- **The need for immediate examination because the evidence may deteriorate e.g. blood, fingerprints.**

The need for examination is not in itself a reason to take possession of property, for example an innocent buyer in possession of a suspected stolen vehicle with a suspected changed identity may be able to retain the vehicle pending examination by a specialist officer by appointment.

- **The necessity to produce the actual exhibit in court.**

For example, an innocent purchaser of a numbered and identifiable video player, will be able to give evidence of buying it from the suspect. If no alteration to the nature of the property is alleged to have taken place, the property itself may not be at issue in Court. Whilst it may still be required in Court it may be an acceptable risk to allow its safe keeping to its current owner and for them to produce it at any Court hearing.

- **Will photographs suffice?**

For example, a case of stolen whisky is found concealed in a suspect's garden. The suspect denies ownership and the nature of the property itself is not in dispute. In this case the whisky and case can be photographed in situ, examined for fingerprints at the site and then returned to its lawful owner.

- **The Police would generally avoid taking into possession valuable property from innocent purchasers.**

Once the original owner/loser becomes aware that the police have the property, we are not able to dispose of it until the civil issue of ownership is resolved. This can be a lengthy process which has to be decided by a civil court (there is a misapprehension that the Police Property Act can be used to decide ownership in these cases. In fact the Act is generally for found property or property recovered from a suspect. The case of *Lyons and Co. v. Commissioner of the Metropolitan Police* 1975 clearly states that the Police Property Act cannot be used to decide

ownership in genuine civil cases). Our long-term retention of this property causes problems to the Police and the innocent purchaser.

1.3. Use of Photographs/Copies

The below section of policy is still subject to consultation with the CPS. Every effort should be made to follow the below policy from now BUT until confirmation of the precise detail of this policy is agreed with the CPS, it will be necessary to confer with the CPS on a case by case basis.

Photographing property is to be encouraged in cases where it does not appear that there will be a need to produce the item as an exhibit in court.

PACE provides that property should **not** be retained if a photograph or copy would suffice and the Criminal Procedure & Investigation Act 1996 does not require retention by the police if an item has been returned to its owner. The original item need only be retained if it has some intrinsic value to the investigation itself, otherwise the 'secondary' source of evidence e.g. the photograph/copy/ fingerprint lift will suffice.

It may however be necessary to ensure that the article is retained by the person in lawful possession of it and made available to the court if required.

Where an item has been retained the OIC must consider why a photograph or copy will not suffice and make a realistic judgement (if necessary in conjunction with the CPS) as to whether the continued retention of an item is necessary.

Scenes of Crime Officers will generally take photographs of property and the photographs will be filed at Headquarters in 'negative' form or digital images. If the Crown Prosecution Service requires copies of the photographs they will be produced, upon request, via the Divisional Scenes of Crime Department.

In relation to documents, a photocopy will usually suffice for police purposes. However, in some cases it may be more appropriate for the original to be retained by the police and the owner to be provided with a photocopy. In case of doubt the CPS should be consulted.

1.4 Detained Property Later Regarded as Found Property

Where enquiries reveal that an article, found at or near the scene of a crime and recorded on the PMS as DETAINED, is in no way connected with the crime, the appropriate entry may be marked as disposed by the PO, and referred to as a note on the original property record.

1.5 Statutory Retention Requirements

Various statutory retention requirements relate to property seized or detained by the police and these are set out in the following subsections of policy.

Police and Criminal Evidence Act 1984 & Code of Practice	Provides general powers of retention.
Criminal Procedure and Investigations Act 1996 & Code of Practice	This applies pre and post trial.
Appeals Process	This applies immediately following a conviction and where a later appeal is notified.
Acts imposing specific retention periods	These apply pre and post trial.
Forfeiture and Confiscation Orders	These apply post trial.
Police Property Act (1897) and Regulations	This applies to property the owner of which is not identified. This also applies to some forfeiture orders.
Torts (Interference with Goods) Act 1977	Imposes notification and retention requirements before disposal where an owner is known.

1.5.1 Police and Criminal Evidence Act 1984 & Code of Practice

PACE and Code B of its Codes of Practice provide the general power of retention where police have seized property. Unless a specific power exists under another Act, property may only be retained against the wishes of an owner (or person with good title) if PACE permits (irrespective of any CPIA obligation).

The cases of *Webb v Chief Constable of Merseyside* (2001) and *Costello v Chief Constable of Derbyshire* (2001) confirmed that once the purposes of Section 22, PACE have been exhausted, the seized article must be returned to the person from whom it was seized, or its owner.

The more recent case of *Gough and Another v Chief Constable of West Midlands* (2004) reiterates that where the property is seized from a person; the police could defend a civil claim for its return only where there was a statutory power to retain it (irrespective of whether ownership can be proven).

These cases show that if goods are in the possession of a person, on the face of it he has the right to that possession. His right to possession may be suspended or temporarily divested if the police under lawful authority seize the goods. In the absence of any evidence that anybody else is the true owner, once the police right of retention comes to an end, the person from whom they were compulsorily taken is entitled to possession unless proceedings under the Police (Property) Act 1897 have been instigated by the police.

PACE Section 22

(2) (a) Anything seized for the purposes of a criminal investigation may be retained, except as provided by sub section (4):

- ☐ For use as evidence at a trial for an offence.
- ☐ For forensic examination or investigation in connection with an offence.
- ☐ For use as evidence in proceedings relating to the making of a confiscation order under Drug Trafficking Offences Act 1986, Part VI of the Criminal Justice Act 1998, Part I of the Drug Trafficking Act 1994, or Part 2 of the Proceeds of Crime Act 2002; or
- ☐ For forensic examination or for investigation in connection with a confiscation investigation or money laundering investigation; and

(2) (b) Anything may be retained in order to establish its lawful owner where there are reasonable grounds for believing that it has been obtained in consequence of the commission of an offence.

(4) Nothing may be retained for the purposes mentioned in sub section (2) (a) if a photograph or copy would be sufficient for that purpose.

Code of Practice

Code B (1.3) specifically highlights the right to respect for personal property afforded under the Human Rights Act.

Code B (7.5) of the Code reiterates that an officer must have regard to their statutory obligation to retain an original article only when a photograph or copy is not sufficient.

1.5.2 Criminal Procedure and Investigations Act 1996 & Code of Practice

Section 21(1) of the Criminal Procedure and Investigations Act (CPIA) repealed previous common law rules relating to the disclosure of material by the prosecutor. The Act and its Code of Practice introduced new disclosure provisions and requirements to retain material obtained in a criminal investigation; in general, Common Law retention requirements (such as those set out in R V Beckford (1995) have therefore been superseded.

The retention requirements of CPIA must be read in conjunction with Section 22 of the Police and Criminal Evidence Act 1984 (PACE); against which retention decisions should be regularly reviewed.

The notes for guidance (7G) PACE Code of Practice B (2003) state:

‘When material is seized under the powers of seizure conferred by PACE, the duty to retain it under the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 is subject to the provisions on retention of seized material in PACE, Section 22.’

The CPIA Code of Practice (5.2) states:

‘Where material has been seized in the exercise of the powers of seizure conferred by the Police and Criminal Evidence Act 1984, the duty to retain it under this code is subject to the provisions on the retention of seized material in Section 22 of that Act’.

The key issue in relation to the retention of material to meet the needs of CPIA is one of whether or not the material is ‘relevant material’.

Test of Relevance

Paragraph 2.1 of the Code states:

‘Material may be relevant to an investigation if it appears to the police that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case unless it is incapable of having any impact on the case.’

Where it is not clear whether material may be relevant to an investigation the advice of the Crown Prosecution Service should be sought.

If an item is not ‘relevant material’ CPIA imposes no retention requirement.

Retention Requirement

All material, which may be relevant to the investigation, must be retained:

- ☐ Until a decision is taken whether to institute proceedings against a person for an offence,
- ☐ Until the accused is acquitted or convicted, or the prosecutor decides not to proceed with the case,
- ☐ Where the accused is convicted until:
 - o The convicted person is released from custody or discharged from hospital, in cases where the court imposes a custodial sentence or Hospital Order.
 - o Six months from date of conviction in all other cases.

If the person is released from custody or discharged from hospital earlier than six months from the date of conviction all material, which may be relevant, must be retained at least until six months from the date of conviction.

Code of Practice, paragraphs 5.6 and 5.9.

NOTE

Material need not be retained post conviction if it was seized and is to be returned to its owner (Code of Practice, paragraph 5.10).

Post conviction and appeal period, Section 22 and Code B of PACE provides no power to retain a seized item.

Therefore a CPIA retention requirement for seized property will exist only where the owner has not been established, refuses to claim the item or has disclaimed it.

1.5.3 Appeals Process

Generally, persons convicted of an offence have either 14 or 28 days to lodge an appeal at a higher court.

Where an item has been physically exhibited at court (i.e. entered into evidence and shown to the judge, jury or magistrates), whether the owner of the item is identified or not, it will generally be desirable for the police to retain possession of the item (irrespective of there being no other retention requirement) until the expiry of any time limit for an appeal against conviction or sentence or until the determination of any appeal.

Where an item of property has been physically exhibited at court, return to the owner or disposal shall not take place until at least 28 days after the date of conviction or sentence (whatever is the later) or until the determination of any appeal. This also applies where the Criminal Cases Review Commission has indicated it is reviewing a conviction.

Section 22 PACE permits the retention of an exhibit that may be required to be produced at an appeal hearing.

Following this period, disposal may take place if further retention is not required by policy or legislation (such as the Codes of Practice issued under the Criminal Procedure and Investigations Act 1996, provisions relating to forfeiture orders etc.)

1.5.4 Acts Imposing Specific Retention Periods

There are specific pieces of legislation that provide for the seizure of items by the police and which detail retention periods that must be complied with if the item is not later claimed by the person from whom it was seized.

Criminal Justice and Public Order Act 1994

Dangerous Instruments/Offensive Weapons

Section 60 of the Criminal Justice and Public Order Act 1994 permits the seizure (where authority for a search has been given) of 'dangerous instruments or offensive weapons'.

The Police (Retention and Disposal of Items Seized) Regulations 2002 provide that where such items remain unclaimed and are not the subject of a court order they must be retained for a period of six months from the date of seizure, after which they may be destroyed or otherwise disposed of e.g a museum if of historical interest or retained for Police use..

Seized Disguises

Section 60AA of the Criminal Justice and Public Order Act 1994 permits the seizure, in certain circumstances, of articles used to conceal the identity of a person.

The Police (Retention and Disposal of Items Seized) Regulations 2002 provide that where such articles remain unclaimed and are not the subject of a court order they must be retained for a period of two months from the date of seizure, after which it will be destroyed.

Seized vehicles

Sections 62 and 64 of the Criminal Justice and Public Order Act 1994 provide powers of seizure of motor vehicles in connection with the trespassing upon land or in connection with illegal raves.

The Police (Retention and Disposal of Vehicles) Regulations 1995 provide that any such vehicles that remain unclaimed must be retained for a period of three months from the date of seizure, after which they may be destroyed or otherwise disposed of.

Police Reform Act 2002

Section 59 of the Police Reform Act 2002 provides the police with a power to seize vehicles in particular circumstances where alarm, anxiety etc. is caused to persons.

The Police (Retention and Disposal of Motor Vehicles) Regulations 2002 provide that where an owner has not claimed a vehicle the police may not dispose of such a vehicle until after three months from the date of seizure.

1.5.5 Forfeiture and Confiscation Orders

Powers of Criminal Courts (Sentencing) Act 2000

Generally orders made by courts for the forfeiture of property by an offender are made under section 143 Powers of Criminal Courts (Sentencing) Act 2000. An order made under this Act deprives an offender of the property and the property must be sold or disposed of in accordance with the Police (Property) Act 1897 and regulations made thereunder

The required retention period is six months from the date of the court order (or until the date determination of any appeal if this is more than six months after the order), unless the item is perishable or its storage represents an unreasonable inconvenience or expense.

An order made under this Act (Powers of Criminal Courts (Sentencing) Act 2000) is not the same as a confiscation order made under the Proceeds of Crime Act 2002 or any other similar legislation where the seizure of assets is ordered as part of a sentence. Therefore a forfeiture order made under this Act has no effect on any CPIA retention requirement.

Criminal Justice and Public Order Act 1994 (Forfeited Sound Equipment)

Section 66 of the Criminal Justice and Public Order Act 1994 permits a court to order the forfeiture of seized sound equipment following the conviction of an offender for a relevant offence.

The Police (Disposal of Sound Equipment) Regulations 1995 apply to such items and specifically impose a retention requirement of six months from the date of the order.

Disposal must be by way of sale by auction or tender unless a superintendent is satisfied this is not in the public interest and directs otherwise. Monies from such a sale must be paid into the Police Property Act fund.

In considering whether a sale is not in the public interest, superintendents should be aware that disposal of an electrical item by way of a gift to a charitable organisation or sale by tender (other than to a bona fide repairer) may render Warwickshire Police liable to criminal proceedings under consumer protection legislation if someone suffers injury because of a defect in the item.

Knives Act 1997

The Knives Act 1997 introduced offences relating to the marketing and sale of combat knives. Section 6 of this Act provides that following conviction a Forfeiture Order may be made in respect of any publications and knives. A six month retention period following the date of the order is imposed. The retention requirement is detailed within the Knives (Forfeited Property) Regulations 1997 and this requires that the forfeited items are disposed of by way of destruction unless of some historical importance.

1.5.6 Property Subject to a Confiscation Order

The Proceeds of Crime Act 2002 and other legislation enable a court to order the confiscation of assets (including money) upon the conviction of an offender.

A confiscation order is part of the sentence and disposal of any confiscated property must not take place until a period of at least 28 days has elapsed since the date of the order (to enable an appeal).

Where an appeal has been lodged, disposal must not take place until the determination of that appeal plus a further 28 days.

1.5.7 Police Property Act (1897) and Regulations

The Police Property Act (1897) and Police Property Regulations (1997) made under the Act deals with:

- ☐ Property which has come into the possession of the police in connection with the investigation of a suspected offence and where the owner is unknown;
- ☐ Property which has been ordered to be forfeited under Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000; and
- ☐ Property subject to disputed ownership where property has come into the possession of the police in connection with the investigation of a suspected offence

Retention Requirement

In general the police must retain property subject to a criminal investigation and for which no owner has been ascertained for a period of one year from the date of seizure.

Property detained following a forfeiture order made under the Powers of Criminal Courts (Sentencing) Act 2000 are required to be retained for six months from the date of the court order (or until the date determination of any appeal if this is more than six months after the order).

1.5.8 Torts (Interference with Goods) Act 1977

For the purpose of Section 12(1) Torts (Interference with Goods) Act 1977, an APO will forward a pro-forma letter to the person who is under obligation to take delivery of goods and request that they make arrangements for collection. It must be pointed out that failure to collect will result in the disposal of the goods 28 days after the date of the letter. Power of disposal is granted under Section 12(3) Torts (Interference with Goods) Act 1977.

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Hazardous Items

1.0 PETROLEUM SPIRIT

ALL HAZARDOUS SUBSTANCES SHOULD BE STORED IN SUITABLE AND SECURE CONTAINERS AWAY FROM HEAT SOURCES. THE CONTAINERS SHOULD BE MARKED CLEARLY WITH THE SUBSTANCE NAME AND DISPLAY THE RELEVANT HAZARD LABELS (I.E. HIGHLY FLAMMABLE).

AVOID DISCHARGE TO WATER SYSTEMS I.E. FROM CONTAINERS OR ACCIDENTAL RELEASE.

IF SECURED IN A SAFE AREA IT MUST NOT BE ACCESSIBLE BY THIRD PARTIES, I.E. ARSON ATTACK, IF OUTSIDE THEN A SUITABLE CAGE AWAY FROM THE BUILDING.

1.1 Petroleum spirit must be treated with care at all times and should only be brought back to Police premises if it is to be used for evidential purposes.. Petroleum in bottles or cans should not be kept at a Police station for longer than is necessary and should on no account be held inside any building. The spirit **must** be placed in a secure area in the open air. These should be stored in locked flammable cabinets until their safe disposal.

1.2 If the spirit is deemed to be Found Property the following action should be taken:

- Enter the details of the petroleum spirit onto the PMS.
- If the owner of the petroleum is known or can be traced, the Area Property Officer may authorise its return as soon as possible.
- If the Owner cannot be traced the Area Property Officer will arrange for the petroleum to be disposed of by either the Fleet Manager or at the County Council Garage at Warwick. The APO will update the PMS.

1.3 If the petroleum spirit is suspected of being involved in a crime: -

- Enter the details of the petroleum spirit onto the PMS.
- The O.I.C or the APO will arrange for a Scene of Crime Officer to take samples from any petroleum containers, at the earliest opportunity.
- If the owner of the petroleum is known or can be traced, the District Detective Inspector may authorise its return. If the containers are required for evidence, the petroleum will be returned to the owner in substitute containers of an approved type.
- If the owner cannot be traced the District Detective Inspector may authorise in writing, the petroleum to be disposed of by either the Fleet Manager or at the County Council Garage at Warwick. A copy of the authorisation will be sent to the APO to update the PMS.
- The detained containers will be made safe by filling with water and being placed in the Main Property store.

- 1.4 If the petroleum spirit is contaminated, the Area Property Officer should be contacted and disposal arranged via specialist disposal company.

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2.0 CHEMICALS

- 2.1 Chemicals in containers cover many differing types. All chemicals entered on the PMS must be regarded as hazardous until identified as safe by a competent person. Unless sealed, labels on containers must never be regarded as evidence of the containers true contents.

EO's and APO's may contact the Fire Brigade or the County Council Environmental department for advice on the identification, storage and disposal of hazardous chemicals. Non-hazardous chemicals may also require special methods of disposal to reduce or stop environmental problems. **Under no circumstances can chemicals be discharged to Warwickshire Police drains.**

- 2.3 Suspect chemical containers must be placed in the open air in a secure place. Persons carrying suspect chemicals must be suitably protected with the appropriate safety equipment and clothing.

Competent advise must be sought to ensure that incompatible chemicals are not stored together. An example which could have disastrous effects is the storage of flammable substances and oxygen / oxidising substances.

Similarly flammable substances and gases may react exothermically causing fire or explosion.

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3.0 EDGED WEAPON / SYRINGES

- 3.1 Edged weapons come in a variety of guises.
Edged weapons may only be returned to owners when they are stolen property.
The written authority of the District Detective Inspector will be required for the APO to return any such items.

All edged weapons will be entered on the PMS. The Crime desk will be notified by report of any weapons that are found or surrendered to the police to be checked for association with a crime.

- 3.2 Any weapons that require to be sent for forensic tests will be the responsibility of the O.I.C, who will notify the APO.

APOs should always wear needlestick gloves or use ample probes that have been provided when handling sharps. All edged weapons must be stored in a knife tube to ensure that any one handling the item will not be injured.

- 3.3 Weapons will be disposed of by the following method: -

- The O.I.C will notify the APO that the weapon is to be destroyed or that a Court Order for its destruction has been issued.
- If a collection of found or surrendered weapons has accumulated in the Property Store, the APO will arrange destruction in their next available authorisation destruction of such property.

- 3.4 Needles and syringes will be placed into a sharps box unless required for evidential purposes. In the latter case they will be placed in a well-marked knife box.

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4.0 FIREARMS AND AMMUNITION

- 4.1 Firearms and ammunition come into police possession in three ways: -

- Detained as part of a crime
- Surrendered by a member of the public
- As found property.

- 4.2 Safety with firearms is paramount. Officers receiving firearms must always regard a firearm as dangerous in whatever condition or age, until declared safe by a competent person. A competent person is any member of staff who has successfully completed a Firearms appreciation course conducted by the Firearms Support Unit.

- 4.3 The following basic precautions must be taken immediately on taking possession of a firearm that has not been declared safe: -

- **DO NOT touch the trigger**
- **Do not point it at other people**
- **Do not handle unnecessarily until made safe**
- **Do not stand the firearm against a wall or anywhere it can fall over**
- **Call a competent Officer immediately to carry out a make safe operation**

If there is no Officer on duty at the Station, call the communications centre for assistance.

If you are a **competent person** and are **completely familiar** with the firearm's action remove any ammunition, magazine or, if a muzzle loading weapon remove the flint or percussion cap. Leave the firearm either broken or the action open. When the firearm is given to another person ensure that they see the firearm in the broken, action open, situation to show it is in a safe condition.

- 4.4 **All firearms and ammunition entering the property system will have all details entered onto the PMS, and each firearm and batch of ammunition will be labelled with the requisite section of the FA.27 form.**

The FA27 is a three-part form. If a firearm or ammunition is surrendered voluntarily the person handing in the items must sign part 2 of the form and the receiving Officer must witness the signature. The person surrendering the items must be told and understand that they are abandoning all further rights to the items, unless the weapon is being surrendered to the safe keeping of the Police for a short duration (i.e. by a member of the family while the licence holder is sick and unable to fulfil their requirements under the licence).

- 4.5 Detach part 1 of the form and give it to the person surrendering the items or in the case of a detained firearm or ammunition give, or send, to the O.I.C for inclusion in the crime file. Parts 2 and 3 will be firmly attached to the firearms or ammunition.

- 4.6 **It is essential that when firearms are surrendered the person handing them in should also surrender the relevant certificate. This will stop any further firearm purchase or fraudulent use of the certificate.**

- 4.7 All firearms and ammunition must be placed into the Station armoury or a locked gun cabinet for safekeeping.

4.8 APO's are not allowed to transport any firearms between Stations unless accompanied by a Police Officer.

4.9.1 Any firearms that require to be sent for forensic tests will be the responsibility of the O.I.C, who will notify the APO.

4.9.2 When a firearm or ammunition comes into possession of the Police, the APO must ensure that the OIC makes an assessment as to the circumstances of the recovery to ascertain if the items are suspected to have been involved in criminal activity. It is the OIC's responsibility to make a decision as to whether criminal activity is suspected. If there is any suspicion that the firearm or ammunition (relevant type listed under the NaBIS standing orders) has been involved in crime then the items need to be sent to the local NaBIS hub for examination. These items will be directed through to the hub via the forensic chain and Central Submissions at HQ.

4.9.3 If a firearm or ammunition (of the relevant type) is assessed not to have been involved in criminal activity then disposal will be made by the APO liaising with the Firearms Licensing Department for weapons and ammunition that are surrendered by Licensed Firearms holders, or the Firearms Support Unit for other relevant weapons that are not licensed.

4.10 Firearms will be disposed of by the following method:

- The O.I.C will notify the APO that firearms are to be destroyed or that a Court Order for its destruction has been issued.
- Where a collection of found or surrendered weapons has accumulated in the Station Armoury or gun cabinet, the APO will make a request in writing, with a full description of each firearm taken from the PMS, to the Area Commander to authorise the destruction of the firearms.
- The APO will liaise with the Firearms Support Unit at HQ and, at an agreed time, organize the delivery of the weapons and ammunition to HQ. The weapons and ammunition will be accompanied with a full listing and description of the items for destruction. The listing is essential to ensure an audit trail for each firearm.

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5.0 EXPLOSIVES, DEVICES AND PYROTECHNICS

5.1 It is rare for explosive items to come into a Station as found or detained property. If the explosives / incendiary devices are handed over the Station counter the EO should notify EOD and advise of all steps taken below:

1. Place the device/item on the floor immediately. Do not pick it up/shake it or handle it in any way. If it is home made ordnance it may be friction based. If it is old military explosive (hand grenade) it may be unstable. Look at the item, and attempt to memorize as much as possible about it. (Will be highly useful if MILITARY EOD are called out)
2. Notify the senior officer, and also if on duty POLSA. (POLICE SEARCH ADVISOR-Communications supervisor will advise.)
3. Evacuate the area.
4. When evacuating, the responsible person should consider leaving an open route for a specialist to examine the device. (Propping open doors etc) EOD may use a robot to approach it! Car must be taken to prevent risk and spread of fire if the device explodes
5. Responsible person to ensure that the area is secured to ensure no unsuspecting staff or members of the public 'wander in' and place themselves in danger.

6. On duty Police supervisor should consider relevant cordons. (depending on the size of the device.)
7. All staff within the vicinity should switch off radios. Current advice suggests that a hand held UHF radio should not be used for transmitting within 25 metres of a device. Similarly vehicle -borne VHF transmissions should not be used within 50 metres of a device. It is also recommended that mobile telephones are not used in the close proximity of suspect devices)
8. Await arrival of EOD. (Explosives ordnance department-MILITARY Bomb Disposal).

5.2 Property may be received into a store as either found or detained, which on further inspection by an APO is suspected to contain explosives or devices. The following action will be taken: -

- **Do not move or handle the explosive or device**
- **Secure the immediate area to ensure that nobody will touch the item**
- **Inform an officer of the rank of Inspector or above**
- **Ensure that all Airwave hand terminals and mobile phones are turned off in the immediate area**
- **Contact, via the communications centre, the Duty POLSA Officer.**
Provide them with a description and location of the explosive or device. The POLSA Officer will direct the nearest qualified Officer to the Station who will decide on any further action.
- **If the explosive or device gives any indication of being active or unstable it may be necessary to evacuate the immediate area or the Station, before the POLSA or a qualified Officer arrives. Use the Station evacuation procedure to carry out this action.**

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Audit Process

1.0 FOUND AND DETAINED PROPERTY

- 1.1** 1.1 The Audit Inspection Unit will consider audits of detained property. The frequency and type will be determined by the current risk assessment.
- 1.2** 1.2 Property Officers will also carry out quality assurance on records as they manage items in their stores.
- 1.3** 1.3 Errors and problems identified by audits and quality assurance checks should be communicated to relevant managers, e.g. area Superintendents..

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2.0 ACTION

- 2.1** The possible outcomes of any audit are: -
- **All property items in the sample are correct and match the Register entries.**
No further action needed
 - **Property located in the store, but PMS entry incorrect.**
Audit report will be made, listing errors and forwarded to the Area management for resolution
Local management will report to the Area Operations Superintendent on completed action to rectify error/s
 - **Property cannot be found in the store or at last location indicated on the PMS.**
The Senior Officer must immediately institute a search via the audit trail and carry out the necessary action stipulated in the PMS procedures.

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3.0 ANNUAL STOCK CHECK

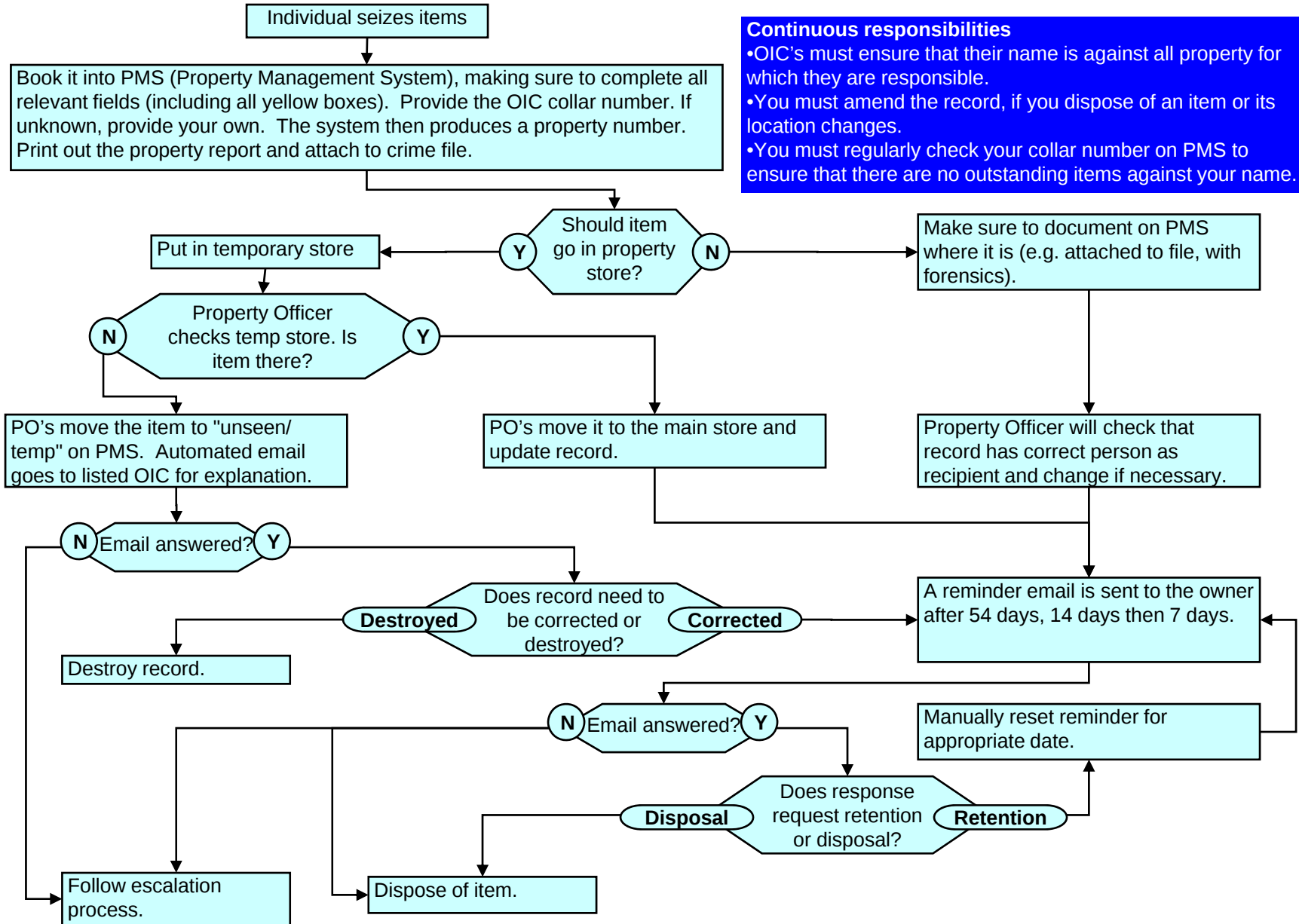
- 3.1** The monthly audits and annual audits of Found and Detained property will be additional and complementary to the annual stock check of the Area Property stores.

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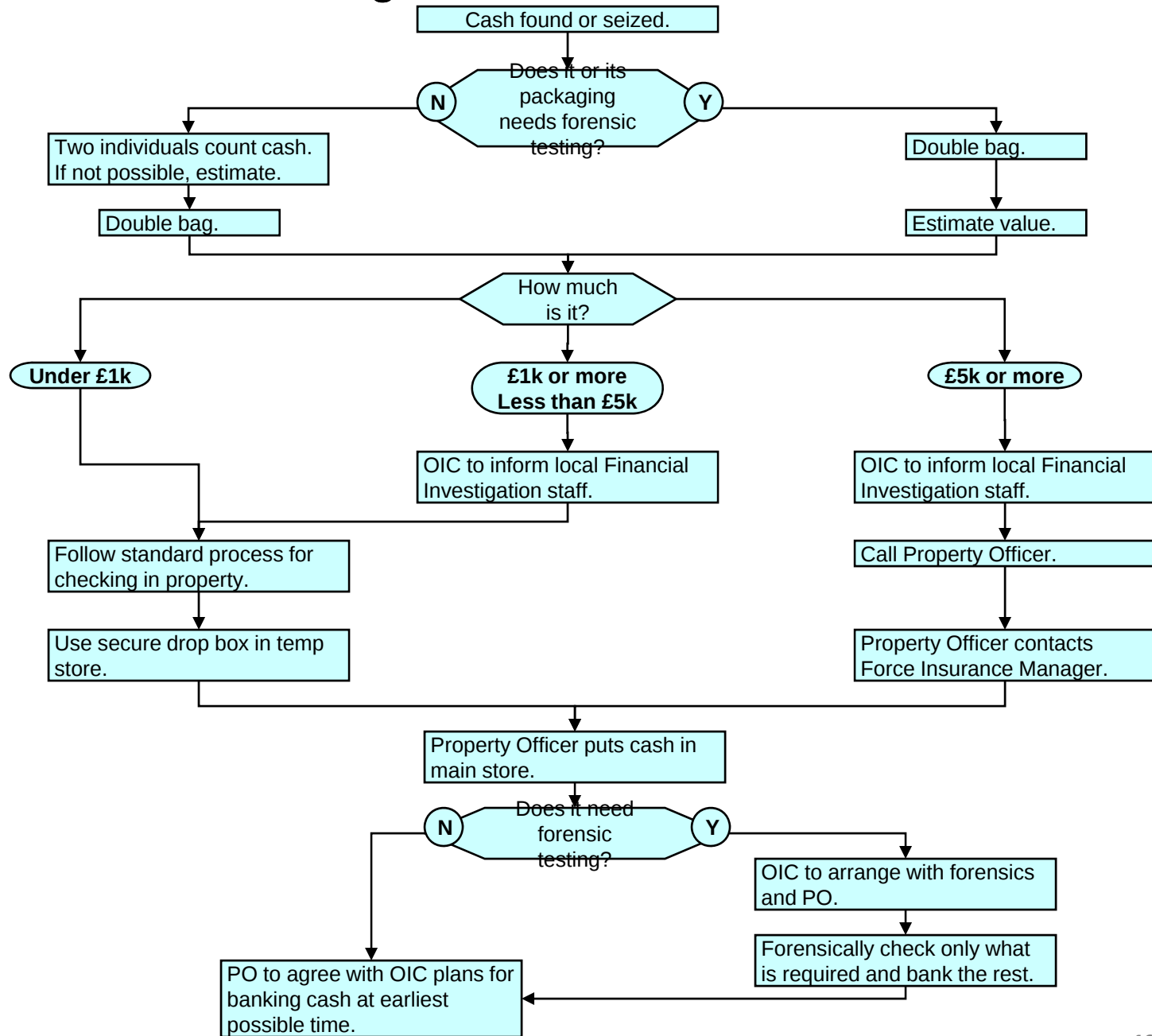
Management of Detained Property from Seizure

Continuous responsibilities

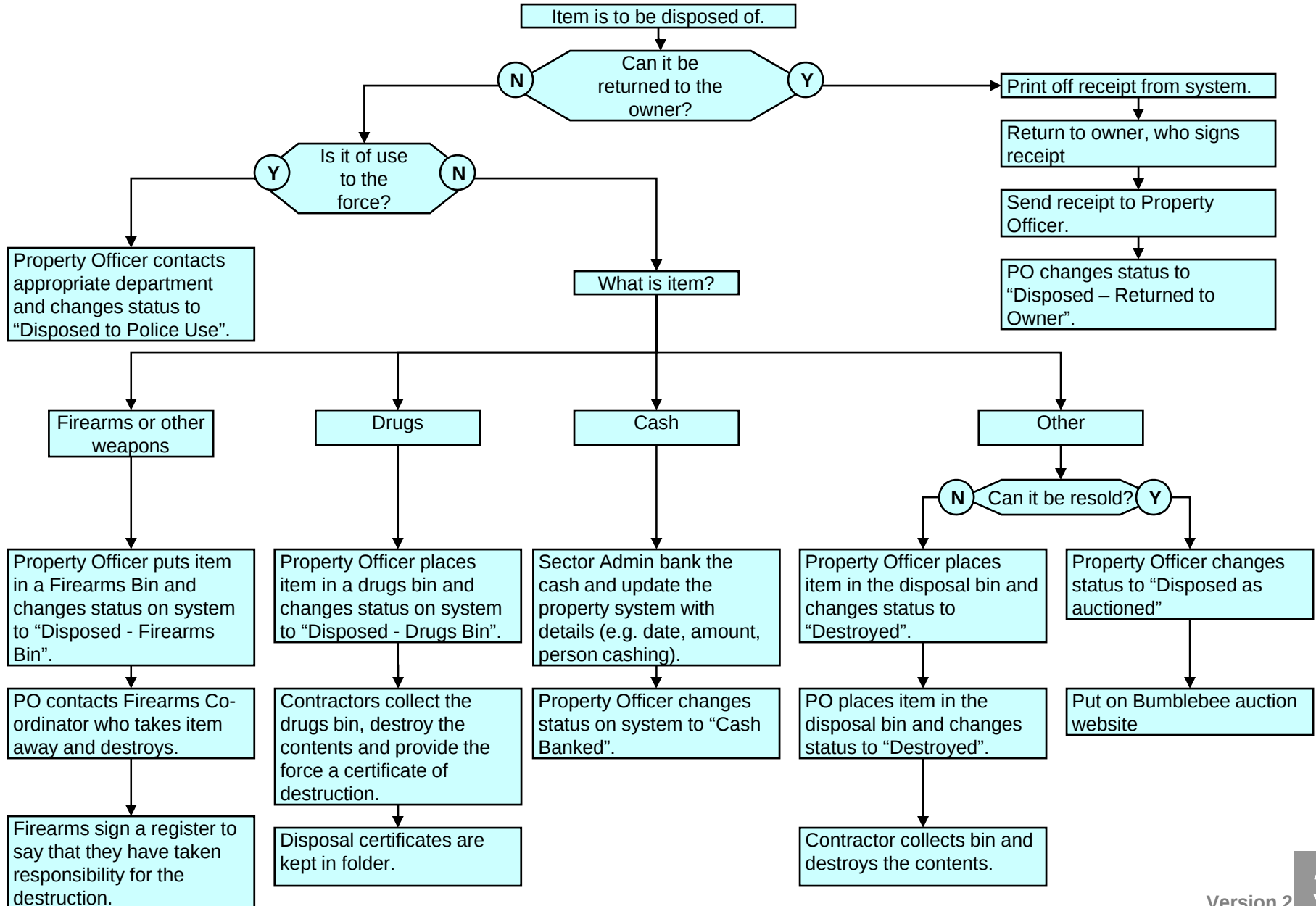
- OIC's must ensure that their name is against all property for which they are responsible.
- You must amend the record, if you dispose of an item or its location changes.
- You must regularly check your collar number on PMS to ensure that there are no outstanding items against your name.



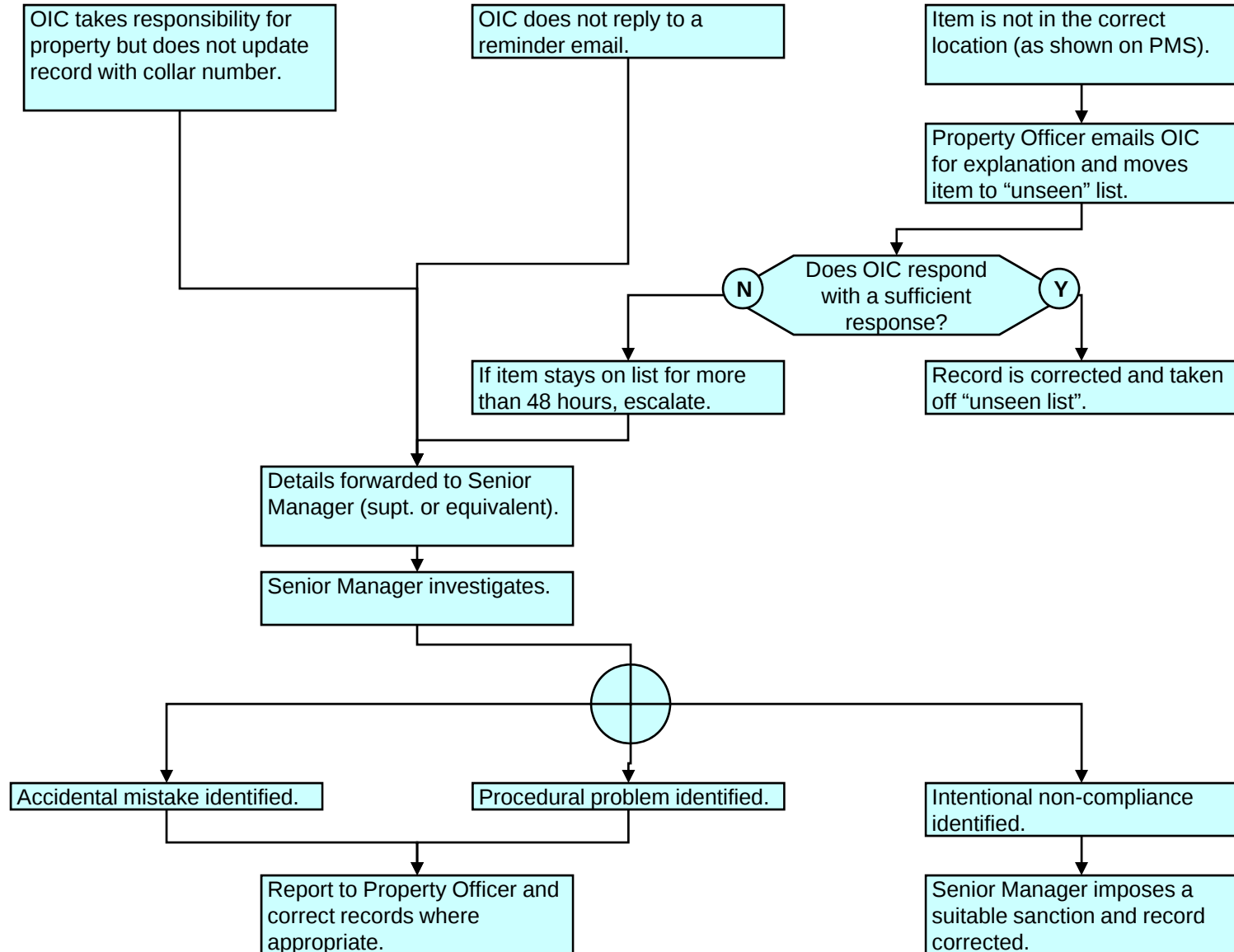
Management of Seized Cash



Disposal of property



Escalation Process



Management of Found Property

