



## Evidence Management Force Policy

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|-----------------------------------|--------------------------------------------------|
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## **SECTION 1 - Integrity Statement**

Staffordshire Police will maintain an efficient Evidential Management Facility and Records Management System that ensures all exhibits remain secure, retrievable and auditable continuity for all movement.

This policy is designed to manage the continuity of evidence, whilst safeguarding the integrity of all exhibits received by the Evidential Management Unit in order to support the prevention and detection of crime, support victims and the most vulnerable members of our community. Increasing public confidence and customer satisfaction levels, which forms a key part of our policing pledge and by enabling property item(s) to be returned to their rightful owner(s), legally and as timely as practicable.

Staffordshire Police acknowledges its legislative and common law duty to protect Evidential items, and maintain their obligation to ensure that all sentimental, religious and cultural items are handled, stored and returned to their rightful owner(s) as timely as practicable and with the appropriate level of sensitivity.

The correct handling of evidence is vitally important in order to protect the integrity and reputation of Staffordshire Police.

It is in the best interest of all colleagues handling evidence, that a high level of care, confidentiality and professionalism is maintained whilst dealing with all matters covered within this policy document.

### **Aims & Objectives**

- To ensure Staffordshire Police meets its legal obligations when dealing with evidential property that is seized as part of criminal investigations.
- To ensure Staffordshire Police does not deprive owners having lawful possession of their property, except when not in the public interest and / or subject to the conditions provided for by law.
- To ensure all Police Officers and Staff involved with Evidential Management follow the same guidance and principles whilst handling evidence and process items in a consistent, secure and transparent manner.
- To ensure evidence is ethically handled, recorded and stored in a secure, safe and professional manner.
- To ensure timely and fully auditable return to owner or destructions occur in order to ensure that the Evidential Management Unit can utilise all available storage space.
- To ensure all employees are aware of their personal responsibility and accountability for all evidence they handle.

- To prevent unlawful retention of evidence no longer required for a policing purpose.
- To provide a full audit trail for each evidential item.

### Outcomes

- Improved handling, recording, storage, owner return / destruction of all evidence.
- Improve public confidence and customer satisfaction levels.
- Reduce demand for secure storage space which pose health & safety risks.

## SECTION 2 – Legislative Requirements

This Policy ensures compliance with:

- Sections 19 to 22 of the Police & Criminal Evidence Act 1984 Section B7 of the PACE codes of Practice.
- The Police (Property) Act of 1897 & 1997
- Home Office Circular 42/1997 – New Regulations providing for the Disposal Retention of Property in the Possession of the Police.
- Data Protection Act 2018.
- Human Rights Act.

The seizure, retention and return to owner / destruction of items occurs in accordance with the following regulations:

- Proceeds of Crime Act 2002
- Misuse of Drugs Act 1971
- Criminal Courts (Sentencing) Act 2000
- Management of Police Information (MoPI)

A summary of current legislation, how it applies and how income from the disposal of the items is used, can be seen in the chart below:

| Legislation                         | Circumstances                                                                                                                                                                                                                                                                                                           |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Police & Criminal Evidence Act 1984 | <p>Evidential Property seized if:</p> <ul style="list-style-type: none"> <li>• It is obtained in the consequence of an offence</li> <li>• Property is evidence in relation to an offence</li> <li>• It is necessary to seize the property to prevent it being concealed, lost, altered, damaged or destroyed</li> </ul> |

|                                                                     |                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeds of Crime Act 2002                                          | <p>Evidential Property seized if:</p> <ul style="list-style-type: none"> <li>• Criminal asset recovery - confiscation of items / money triggered by a court conviction</li> <li>• Property seized is shown to the satisfaction of the court to relate to a drug or drug trafficking offence</li> </ul>                                                                                       |
| Misuse of Drugs Act 1971                                            | <p>Evidential Property seized if:</p> <ul style="list-style-type: none"> <li>• Property seized is shown to the satisfaction of the court to relate to a drug or drug trafficking offence</li> </ul>                                                                                                                                                                                          |
| Criminal Courts (Sentencing) Act 2000                               | <p>The court or someone legally convicting is satisfied that:</p> <ul style="list-style-type: none"> <li>• Property has been used for the purpose of committing or facilitating the commission of any offence</li> <li>• Property was intended to be used for that purpose</li> </ul>                                                                                                        |
| The Police Property Act 1897 & The Police Property Regulations 1997 | <ul style="list-style-type: none"> <li>• Property which has come into the possession of the police in connection with their investigation of a suspected offence where the owner of the property has not been ascertained and no order of a competent court has been made in respect of it</li> <li>• Property which has been forfeited by a convicted person by order of a court</li> </ul> |
| The Police Act 1997                                                 | <ul style="list-style-type: none"> <li>• Found property handed over to the Police</li> </ul>                                                                                                                                                                                                                                                                                                 |

## **Police (Property) Act 1897 and Police (Property) Regulations 1997**

The Police (Property) Act 1997 came into force on the 17th May 1997. It amends the Police (Property) Act 1897, introducing changes such as allowing the Police Authority to retain unclaimed property that previously had to be disposed of and can be used for police purposes.

The Police (Disposal of Property) Regulations have been replaced by the Police (Property) Regulations 1997. These set out the procedure to be followed for any unclaimed property.

### **Disposal - Pursuant to the Police (Property) Act 1897**

Where evidential property has come into the possession of Staffordshire Police in connection with their investigation of a suspected offence, it can be disposed of pursuant to the above legislation.

To assess whether the Police (Property) Act 1897 is appropriate, the OIC must consider:

- Are there two or more claimants? If so, seek advice from the Force Legal Team.
- If there is only one claimant, can they prove that they are the rightful owner?
- If the claimant is merely the person who has possessory title and unable to determine ownership, it will be necessary to issue a Police (Property) Act 1897 application for the disposal of the item(s).

### **Disposal – Exception in Pursuant to the Police (Property) Act 1897**

S.2 (2) & (3) of the act allows for the disposal of evidential property at any time in cases where the evidential property is a perishable article, or its custody involves unreasonable expense or inconvenience to the force.

Proceeds from the sale may be applied to the expense of executing the regulations, and the force shall retain any remainder for a period of one year.

### **Application for Disposal / Destruction under the Police (Property) Act 1897**

If an application is made under the Act for an order to dispose or destroy the evidential item, the Force must retain items:

- Pending a hearing at a Magistrates Court; and for a further six months after an order has been granted, to allow sufficient time for any appeal to be lodged pursuant to the Act.

## **SECTION 3 – Auditing & Accountability**

- Estates Management and Health & Safety Management will monitor the environment in which property is stored on an annual basis.
- The force lead for Waste Management will monitor the disposal of property on an annual basis.
- The day-to-day auditing, stores compliance checks and Niche Property data quality reviews will be the responsibility of the Evidential Management Unit Operations Manager.
- Regular location inspections will be undertaken to ensure compliance and consistency with current force policy and will be the responsibility of the Evidential Management Unit Operations Manager.

### **Accountability**

- Evidential Property records that comply with current policy and procedure.
- Evidence stored is handled, packaged safely, labelled accurately and auditable.
- Property is returned to owners or destroyed in accordance with this policy or is subject to a written report justifying additional retention, including a new review date.

## **SECTION 4 - Roles & Responsibilities**

### **LPT Commander**

LPT Commanders and Heads of Department are responsible for:

- Ensuring their LPT site remains clear of all seized evidence.
- Maintain Health & Safety of their site and performing regular evidence inspections.
- Direct staff to utilise Official Temp Store Locations.
- Escalate security risks as appropriate.

### **Supervisor Responsibilities**

Supervisors responsible for Police Officers / Staff member under their command, and who seize evidence on behalf of Staffordshire Police must:

- Perform property exhibit checks as part of their investigation review discussions.
- Proactively monitor the storage of evidence and focus on disposals rather than retention where appropriate.
- Ensure that all Niche 'Tasking' received from the Evidential Management Unit is dealt with promptly.

- Ensure that retention is authorised and fully auditable within Niche when retention guidelines are exceeded and only when active lines of enquiry are being pursued / specified justification will apply.
- Comply with force Policy & Procedures for all seized evidence.
- Ensure Niche 'Property' is kept updated in a timely and accurate manner.
- Escalate 'Exception Reporting' to the Superintendent (Risk Owner) for their team's non-compliance against the Evidential Management Policy.

### **Police Officers/PCSO's/Special Constables/Police Staff/Volunteers**

Employees must take personal responsibility for all evidential property they seize or handle and ensure:

- An accurate record is created in Niche and P Number marked clearly on the evidence bag.
- The integrity of all evidence is maintained and continuity fully auditable.
- Evidence is safely, securely packaged and clearly labelled in order that:
  - The integrity of the exhibit is protected
  - Cross contamination is prevented
  - Loss or damage is prevented
  - The Health, Safety & Wellbeing of all colleagues who handle, transport, store, return or dispose of evidence is protected.
- The accurate location of the evidence is captured in Niche.
- Evidence is retained and disposed of promptly following the finalisation of the case.
- Enquiries to trace property owners is carried out by the officer seizing the property.
- Items must not be retained unlawfully in the Evidential Management Unit.
- Evidence is proactively monitored, with the emphasis being on disposals.
- All Niche tasking received from the Evidential Management Unit must be dealt with promptly.
- Additional retention, beyond current guidelines, must be authorised in Niche when either lines of enquiry are still being actively pursued or there is a justified reason for continued retention. 'Just in Case' is not a justified reason.
- Evidence seized is examined for Smart Water / Ultraviolet markers and any other form of marking where appropriate.
- Property is returned to the rightful owner upon finalisation, without undue delay.
- Officers / staff do not have the right to claim property items they have seized, handled or found whilst on duty.
- Every seized item handled during the course of their duty must be entered onto Niche Property and continuity maintained and managed throughout their investigation.

## **Chief Inspector for Custody & Evidence Management**

The Chief Inspector maintains the overarching responsibility for auditing and inspecting adherence to this policy.

Regular inspections should be undertaken at the Evidential Management Unit facility in order to ensure compliance and consistency against force policy and procedure. These should be carried out by the Operations Manager at regular intervals. No warning should be given for random inspections.) These inspections should form part of the Chief Inspector's quarterly performance review.

*The inspection should consist of at least 5 occurrences (either live or closed) picked at random by the Evidential Operations Manager and all aspects of evidence management should be checked for accuracy. 95% accuracy rates expected to be maintained.*

## **Senior Evidence Manager**

The Senior Evidence Manager is responsible for:

- Maintaining and reviewing the forces Evidential Management Policy.
- Ownership of associated procedures.
- Working closely with the Chief Inspector for Custody & Property Management, the EMU Operations Manager and Force Archive Supervisor in order to enforce Evidential Management compliance with existing Force Policy.
- Provide regular management information for inclusion at force meetings.
- Escalate non compliance with force policy and procedures to senior management and recommending management advice.
- Ensuring the EMU Operations Manager & Force Archive Supervisor receives appropriate training, mentoring and guidance with regards to:
  - Unit procedures.
  - Health & Safety awareness.
  - Niche RMS and Property Module training, navigation and research opportunities.
  - Data quality.
- Maintaining accurate records of EMU & Force Archive training and expiry dates.
- Perform finalised drug audits prior to the release and transportation to the approved disposal site.
- Ownership of the departmental R Drive Folders and contents.
- Ownership of site improvements in order to maintain the smooth running and operational efficiency of the EMU facility.

- Managing complaints / disputes regarding evidential property received from members of the public. Where necessary seeking legal advice from the Forces Legal Team.
- Liaising with Professional Standards with regards to any compensation matters or issues that cannot be resolved locally.
- Management of the departmental disposal contractor budget.
- Management of the Restore external document storage contract.
- Management of the forces eBay collaboration contract with Sussex.
- Managing recruitment campaigns for Evidential Management and Force Archives.

### **Evidential Management Unit - Operations Manager**

The Operations Manager is responsible for:

- Implementing and monitoring associated procedures for the management of all evidential items held within the departments control.
- Working closely with the Senior Evidence Manager, Chief Inspector for Custody & Evidence Management and Health & Safety Officer, in order to enforce Evidential Management procedures and compliance with existing Force Policy.
- Providing regular management information with regards to store capacity, owner return totals and disposal totals.
- Escalating non compliance with force policy and procedures to officers' supervision and recommending appropriate action in order to remedy the issues.
- Ensuring all Evidential Management Unit Officers receive appropriate training, mentoring and guidance with regards to:
  - Handling, processing, storing, transporting, returning to owners and disposing of all types of property safely.
  - Niche RMS and Property Module training, navigation, research and data quality input is maintained. Maintaining accurate records of teams training and expiry.
- Perform random checks on evidential items within the facility to ensure compliance, quality control and health & safety measures are maintained accordingly.
- (e.g. Select a live occurrence and request all associated items involved in order to check force policy and procedures are being adhered to)
- Maintain an auditable spreadsheet of dip sampling performed and the regularity.
- Escalate site improvements in order to maintain the smooth running and operational efficiency of the facility and Official Temp Stores.
- Reviewing complaints / disputes regarding evidential property received from members of the public. If necessary seek legal advice from the Force Solicitor or Professional Standards Unit with regards to any compensation matters or issues that cannot be resolved locally.
- Ensuring that all item information includes the source from which the seizure originated, to ensure that at the point of disposal.

- Supporting the eBay collaboration contract with Sussex and the preparation of suitable items identified for onward sale.

## **Evidential Management Officers**

Evidential Management Officers are responsible for:

- Working closely with the Operations Manager to enforce Evidential Management Unit Procedures and compliance with Force Policy for all items held within the main facility.
- Providing personal performance data when requested, in order to develop the property module dashboard with management information that will help to inform senior managers with regards to future store capacity, property returns, disposals and overall demand for department services.
- Escalating officers none compliance to the Operations Manager in order that swift action is taken to remedy issues.
- Maintaining professional knowledge in order to perform their role of EMO:
  - Handling, processing, storing, transporting, returning and disposing of all types of evidence safely.
  - Navigating, researching and quality data input onto the Niche RMS Property Module for all items they process.
- Support the Operations Manager with random checks of items within the main facility.
- Support the Operations Manager with internal / external audit requirements.
- Escalate general site repairs to the Contractor Helpdesk and inform the Operations Manager to maintain the smooth running and operational efficiency of the facility.
- Maintaining safekeeping and continuity of all evidence received in the main facility.
- Maintaining accurate records within Niche Property, including location and all movement of every item.
- Proactively reviewing property held in the main facility that has not been authorised by officer tasking for potential destruction or return to owner.
- Creating Niche tasks for urgent updates relating to finalised investigations in order that items can be processed and removed from the facility.
- Returning property from finalised investigations back to owners in accordance with current policy and procedures, providing waste management advice for items requested for destruction.
- Adhering to MoPI Guidelines with regards to retention periods specifically for serious offence types and liaising with the Senior Evidence Manager for any advice and guidance on retention periods and storage options.
- Ensuring all items are stored safely and those identified as a potential 'risk of injury' within the facility are clearly labelled, safely packaged and stored on suitable shelving in order to protect the health & safety of colleagues.

- Property items must not be disposed of by any other means other than those described within this Policy, unless directed to or with the express permission of the Operations Manager. (or Senior Evidence Manager in their absence).
- Under no circumstances should evidence be transported to other sites via the force postal team. All movement must be recorded on Niche to maintain auditable continuity and in order that items transported do so in vehicles fitted with appropriate levels of security and tracking devices and managed through the official 'Temp Stores'.

### **Front Counter Officers - Lost & Found Property**

Front counter officers are responsible for:

- Ensuring found drugs safes are closely monitored and transportation to the Official Temp Stores is arranged at the earliest opportunity by a warranted officer and clearly marked for destruction.
- Ensuring found cash safes are closely monitored to ensure all found cash is removed after 28 days if unclaimed and in order to ensure that force insurance limits are not exceeded.
- Ensuring a full audit trail of found items is maintained, including signed for owner returns or documented charity donations.
- Ensuring that all found property is recorded onto Niche and full details of the person handing over the item is captured correctly.
- Ensuring Niche tasking received from police officers and staff must be dealt with in an appropriate and timely manner, in order that found property is not kept in excess of 28 days.
- Endorsing the Niche Occurrence / OEL to confirm that all pre-requisite checks have been completed for each item of found property.

## **SECTION 5 - Health & Safety Management**

The Health & Safety Manager is responsible for:

- Performing risk assessments associated with the Evidential Management Unit environment and to support best practice in relation to the storage and disposal of hazardous substances and materials which are brought into police possession.
- Providing Health & Safety guidance for the safe storage and handling of hazardous and heavy items within the main facility or whilst being transported by the Evidential Management Officers within their remit of responsibility.
- Providing advice, guidance and support to the Operations Manager and Senior Evidence Manager by performing Health & Safety inspections within the facility.

## SECTION 6 - Official Temp Stores

Evidential Management Officers are responsible for securing and storing evidence entering the main facility and will collect evidence from the Official Temp Stores at set intervals and update Niche with this movement to ensure continuity is maintained.

Official Temp Stores are located at Watling, NACF, Burton, Leek & Lichfield for officer convenience. All evidence must be submitted to one of the Official Temp Stores or transported directly to the central Evidential Management Unit at Watling, during weekday office hours.

No other unauthorised locations will be used for the security of evidence, and only item locations within Niche should be utilised in order to maintain continuity of the evidence being seized.

If you cannot attend one of the Official Temp Stores during your shift, then you should book the item out to yourself until you are able to deliver the item securely. It is critical that the item remains secure and location updated in Niche in the case of another colleague or department requiring the evidence for interview or forensic testing etc.

### Depositing Exhibits into an Official Temp Store Fridge / Freezer

It must first be established whether individual exhibits should be chilled or frozen.

- Responsibility for booking items into the Official Temp Store Fridge / Freezer rests with the OIC.
- **NO ITEMS** other than forensic exhibits / samples relating to an investigation will be stored in the Official Temp Store Fridge / Freezer.
- There must be a Niche P Number marked on each evidence bag deposited in the Fridge / Freezer, along with the description and exhibit reference of the item(s).
- The evidence bag must be sealed and include the OIC's signature.
- Exhibits deposited in the Official Temp Store Fridge / Freezer, must be booked into the location on Niche by the OIC.
- All exhibits with a biohazard or sharps risk must be clearly labelled using yellow "health hazard" tape.
- The Evidential Management Unit Officer collecting from the Official Temp Store will regularly check and log the temperature of the Fridge / Freezer to ensure it retains adequate temperature for the exhibits to be stored.
- All faults will be reported immediately to the Facilities contractor.

- The Evidential Management Officer will ensure that the Official Temp Store Fridge / Freezer is emptied regularly to ensure evidence remains secure and stored at a manageable level.
- There should be a section marked in the Fridge / Freezer as “Items for Forensics” so that items can be placed in this section and when collected by the EMU Officer, it can be processed in readiness for the Forensics collections that take place from Watling.

All exhibits collected will be checked for packaging compliance and if not accurate, the EMU Officer will contact the OIC and their supervisor in order that remedial action is taken.

Once established that all exhibits are sealed and marked correctly, they will be removed and transported to the main Evidential Management Unit at Watling for processing and storing in the industrial Fridge / Freezers.

All Fridge / Freezer items will be transported in an approved plug in refrigeration box, in order to withstand the journey and maintain temperature until they arrive at the main Watling facility.

### **Removing Items from the Watling Secure Fridge /Freezer Units**

Any item requested to be retrieved from the Evidential Management Unit Fridge / Freezer must adhere to the following:

- The item must be requested on Niche by the OIC.
- The OIC must provide clear instructions on the movement of the item. I.e. Submit for Forensic Testing.
- Any item being moved from one location to another must be transported in an approved plug in refrigeration box.
- The OIC must update the Niche Occurrence for any items ready for destruction.
- Any Fridge / Frozen item for destruction must be placed in a hazardous yellow bag.
- The EMU Officers will mark the Niche record as destroyed when processed.

If the guidelines are not followed, then the officer responsible for submitting the exhibits will be held accountable for any loss or deterioration of the evidential item.

## **SECTION 7 - Preserving Evidence**

- Exhibits that are damp or wet **MUST** be dried and made safe before they can be accepted into the Official Temp Stores.

*\*\*Officers will be contacted directly to resolve damp/wet items for remedial action.*

## **SECTION 8 – Exhibit Labelling**

- Evidence submitted as a crime exhibit but with no Niche occurrence number will not be processed by the Evidential Management Unit. Where evidence is submitted without being accurately and appropriately recorded onto Niche, the evidence in the first instance will be returned to the relevant OIC at their nearest Official Temp Store and will require remedial action as a matter of urgency for continuity reasons.
- In the absence of any OIC details, the items will be placed on the shelving within the Official Temp Stores marked as 'Requiring Urgent Action'.

## **SECTION 9 - Exhibit Packaging**

Every item of evidence, including forensic exhibits, must be endorsed with a P number, a Niche Occurrence Number and signed by the OIC. (Even when being sent to an outside agency for examination).

Appropriate packaging or containers must be used to secure the evidence (e.g., Knife Tubes for sharps or broken glass and wet items in breathable evidence bags). If in doubt advice and guidance should be sought from the Evidential Management Unit / Forensic Management Unit or refer to the Forensic Science Policy available on the forces Policy database on the intranet.

Notwithstanding the advice given for evidential items, any officer packaging evidence must give due consideration to:

- The integrity and continuity of the evidential item and only use an Official Temp Store.
- Prevent the loss of the item, or any part of it by correctly sealing evidence bags.
- Prevent damage to any items containing glass or breakables.
- Use appropriate hazard warning tape where appropriate (e.g., biohazard, irritant, poison)
- Use approved knife tubes and sharps boxes, to prevent interference, cross contamination and protect colleagues from injury.
- Where an item may cause injury to anyone handling the item (e.g., knives, firearms, sharps etc.) that packaging must be robust and appropriate for transit, storage and handling.
- When multiple exhibits have been recovered for the same investigation then once packaged securely, they should be grouped together in clear plastic open bags to support transit and handling.

## **SECTION 10 - Property Markers**

### **Smart Water Marking**

Smart Water is a harmless forensic solution, which is intended to mark a person or item of property in a covert manner invisible to the naked eye. It is designed to be unique for each application and allow its origins to be readily traced back to source.

All evidential property must be checked by using UV light for the presence of Smart Water. Testing for its presence when an item of evidential property is seized should be undertaken by the officer booking the item in. An entry should be made on the OEL to signify that it has been checked for the presence of Smart Water. Additional information is available in the publication "Smart Water Guidance".

### **Ultraviolet Marking**

The use of Ultraviolet marker pens on property to record an identifying mark such as house number and postcode is common practice. This type of marker is invisible to the naked eye and is only capable of being viewed under an ultraviolet light.

The Home Office Crime Reduction and APP advise that the UV marker pen should be used as the sole method of marking only where visible and permanent marking is not possible or is not appropriate (in case the property is damaged, or its appearance made unacceptable). These UV marker guidelines are provided following advice from the ACPO Sub-Committee on Crime & Disorder Reduction and the Action against Crime & Disorder Unit of the Home Office, and the Home Office Crime Reduction Centre.

All evidential property must be checked using UV light for the presence of any UV fluorescing identification markers by the officer booking in the item(s). Removing the cover of items such as mobile phones should be considered when searching for UV markers.

### **Overt Marking**

The use of Overt Marking such as house number and postcode stamped onto a pedal cycle frame or the use of tamper proof stickers, barcodes etc. are other common practices. The Officer in Charge is responsible for the initial search for such marking and subsequent enquiries if one is located.

*All evidential property items must be checked for property markers.*

*All evidence should be checked for the presence of overt markers and carried out by the OIC booking in the item. The Evidential Management Unit are not responsible or authorised to open sealed evidence bags to remove suspected overt markers.*

## **SECTION 11 - Niche Property Module**

- All Evidential items should be entered onto Niche and the P Number captured.
- All staff are reminded that any entry made against a living individual's name is subject to the requirements of the Data Protection Act 2018, including the requirements to ensure the entry is accurate, relevant, kept up to date and secure.
- Named individuals on any Occurrence will also be entitled to exercise the right of access to the information pertaining to them.
- Data Quality within Niche is of the utmost importance.
- The OIC must ensure the Evidential Management Unit is notified via Niche tasking, when the case is either concluded or discontinued, and update Niche with regards to the disposal method or any further retention requirements.

Exhibits will only be processed and disposed when the OIC has reviewed the item on Niche and there is no further practical or legal requirement to retain.

Notice must be taken of Section 5 of the Codes of Practice to the Criminal Proceedings and Investigations Act 1996, which provides guidance on retention periods (e.g., retain all case material for at least six months after conviction and / or a custodial sentence is imposed and retained for the length of that sentence plus 6 months to cater for the right of appeal).

If an exhibit is no longer required for court but is still subject to retention it must remain secure within the Evidential Management Unit and Niche clearly marked with the retention requirements and include a future review date or disposal date.

## **SECTION 12 – Firearms Management, ARV Recovery & Disposal**

For the purposes of these guidelines, the following are included:

- Section 1 Firearms
- Shotguns
- Section 5 Firearms (including CS spray)
- Air Weapons
- Imitation Firearms
- Component parts of a firearm
- Articles which fire blank cartridges
- Ammunition and other ordnance
- Any Explosive Device

- Pyrotechnics (Fireworks)
- Any item capable of firing any projectile (e.g. Nail Guns/Captive Bolt Guns/Crossbows)

### **General Firearms Safety Notice**

- Under no circumstances, should a firearm be pointed at anyone.
- Firearms, suspected explosive devices, ordnance or pyrotechnics, must not be handled unless absolutely necessary.

### **Firearms Recovery ARV's – Safety Procedure**

This should be read in conjunction with the Firearms "Made Safe" Standard Operating Procedure.

The forces Armed Response Officers (ARVs) are available to assist and give advice when encountering firearms and ammunition. They will make weapons and ammunition safe and advise on their initial safe handling and storage of each item.

Only Authorised Firearms Officers and Firearms and Explosives Enquiry Officers are authorised to make Firearms and Ammunition safe.

When attending the scene of reported found explosives or pyrotechnics (if converted into an improvised explosive device or believed industrial or unstable) the Force First Response Unit and if necessary, the Joint Forces Bomb Disposal Unit (EOD) must be contacted via the Force Incident Manager.

On attending the scene of a recovery of a firearm or ammunition, including when such items are handed into a Police Station, it is the responsibility of the ARV officer dealing to complete the necessary 'Made Safe' documentation and attach the 'Made Safe' yellow tag to the firearm or ammunition.

If a firearm is handed in at a Police Station, then handling must be kept to a minimum and the firearm / ammunition placed in a secure gun cabinet without delay. An Occurrence must be created immediately and requesting attendance of an ARV officer to perform the 'Make Safe' procedure. If at an address, then a request should be made via the Force Incident Manager requesting attendance by an ARV to perform the 'Make Safe' procedure at the location.

If an ARV officer cannot make a weapon safe, they will take immediate custody of it. The weapon will be transported immediately to the Forces Armory as per the Firearms 'Make Safe' Operating Procedure.

The forces Official Temp Stores each have a dedicated secure firearms cabinet which can hold firearms and ammunition that have been made safe by an ARV. The cabinets have separate

lockable compartments within them for the secure deposit of ammunition. The key for the Firearms cabinet is located in a secure wall mounted key safe and only authorised persons (ARV Officers/Evidential Management Officers) have the combination code to extract the key.

In the case of both firearms and ammunition, once the items have been 'Made Safe' and 'Yellow Tagged' appropriately by the ARV, the ARV dealing must deliver the item(s) as soon as possible to an Official Temp Store, The Evidential Management Unit at Watling or the HQ Armoury.

The fact that a firearm or ammunition has come into the possession of Staffordshire Police it **MUST** immediately be recorded on Niche. Where an item is evidence in a case already recorded within Niche, the original Occurrence Property tab must be updated.

Where firearms and ammunition are recovered together, they should be packaged and made safe as separate items and enables separate storage. In cases where a crime involving the firearm or ammunition is suspected, advice from the forensic department should be obtained, along with CID for a NABIS recovery before this separation takes place to minimise the loss of any potential evidential source.

Firearms and Ammunition are subject to close scrutiny and regular reviews, with an auditable procedure for the destruction of these high-risk items.

#### **EMU Officer - Firearms Procedure**

Firearms, ammunition and pyrotechnics (not converted into an improvised explosive device or believed industrial or unstable) are subject to the same administrative procedures as all other evidence. The only difference being they must be treated with a much higher level of security at all times due to the high-risk category and handled with care with a yellow 'Made Safe' label attached.

Evidential Management Officers will not accept any firearm or ammunition that has not been 'Yellow Tagged' by an Authorised Firearms Officer or Armourer.

Explosives, unstable ordnance, and pyrotechnics (converted into an improvised explosive device or believed industrial or unstable) must NOT be stored in the Evidential Management Unit Armoury. These types of devices will be the subject of consultation and agreement with the forces Bomb Disposal Unit as to the best course of action to be undertaken regarding safe storage and disposal.

Advice should be sought from the ARVs or Forces Bomb Disposal Unit via the Force Incident Manager (FIM) if there is any doubt about the storage of these items.

Large numbers of fireworks or those suspected to be in a dangerous condition, should be removed by Fire Service colleagues in partnership with the force.

The Evidential Management Unit has a designated bin for fireworks to be stored and is located in an outside secure area. Arrangements should be made for the disposal of such items as soon as is practicable after the case is finalised.

### **Voluntary Surrender of Firearms, Ammunition, Explosives and Pyrotechnics**

If a member of the public voluntarily surrenders a firearm, ammunition, explosives and/or pyrotechnics, the item(s) should be placed into a secure firearms cabinet until such times as can be 'Made Safe by an ARV or Firearms & Explosives Enquiry Officer and any certificates of ownership (i.e. Shotgun License) should be sent to the HQ Firearms Licensing Department for the notification and termination of the license.

### **Firearms Disposal**

Other than in exceptional circumstances (details of which must be recorded on the OEL), once an officer notifies the Evidential Management Unit that a firearm or ammunition is no longer required for evidential purposes, the item(s) must be disposed of by being placed in a disposal bin in the secure Armory and all movement recorded on Niche. Weapons listed for destruction will be audited and transported by the Tactical Support Team under armed escort to an approved disposal facility.

The ARV Officers assigned to deal with the firearms and ammunition for disposal will dispose of the item as per the forces Firearms Management Procedure and update Niche to show the item(s) destroyed on Niche once disposed of by the method approved by the Force.

Audit records of items checked and destruction must be completed by an officer not below the rank of Inspector and will not be connected with the Firearms Department. Records will be retained on the EMU R Drive Firearms Folder for future scrutiny.

The Evidential Operations Manager will liaise directly with the Ammunitions department of the Army regarding the collection and disposal of ammunition. Records will be retained on the EMU R Drive Firearms Folder for future scrutiny.

Staffordshire Police will not return a certified firearm or ammunition to an owner unless they hold a valid Firearms Licence / Shotgun Certificate. The holder must provide photographic ID when arriving to collect along with their Licence / Certificate.

Copies of documents and Receipts will be scanned onto the Occurrence for future scrutiny.

Firearms disposals must be overseen by the Chief Inspector / Custody Manager and supported by the Tactical Support Team and undertaken in line with the Firearms Management Procedure. Firearms disposals must be authorised and fully auditable prior to any disposal taking place.

## **SECTION 13 – Drug Seizures, Testing & Disposal**

Any drug exhibits received that do not have a P Number, are not packaged and sealed correctly, or are not correctly signed, will require urgent contact with the seizing officer for remedial action and escalation to their supervisor, otherwise items may rot, leak or have the potential to attract mite infestation and cause a total loss of any evidential value.

If required for future forensic testing, these would be rejected by Forensics Management.

When the quality checks have been completed, the process is as follows:

- All items must have a P Number for searching
- Check Niche for the associated Property entries
- Select a suitable location for the items to be securely stored
- Add the item to the correct store location

### **Drug Submissions Requests**

Drugs requested for submission to the Forensics Management Unit for examination must be entered in Niche by the OIC in the first instance, in order that continuity of the item remains fully auditable throughout.

- The OIC must ensure that every sealed exhibit bag includes a relevant Niche Occurrence number and P number and includes their signature.
- The OIC retaining possession of an exhibit or forwarding it on for Forensic testing must ensure all movement is captured on Niche.
- If delivering items direct to Forensics Management Unit, the OIC must book them out to themselves during transportation, otherwise there is no trace of the item and continuity chain broken.

### **Drugs Removal Requests**

If there is a need to remove drug exhibits from the EMU facility, other than for destruction, the following procedure must be followed:

- The officer requesting the release from the EMU facility must input this in Niche for continuity and audit purposes. The officer is now fully responsible for its security and safe return to the Evidential Management Unit or booking it back into an Official Temp Store for EMU collection.

- The officer is responsible for maintaining the accuracy of the items' location within Niche whilst in their possession.
- The Evidential Management Officer handling the return of the drugs exhibit must book the item back into the main facility before putting onto the shelving. They will also check the OEL to check if the OIC has stated it can now be destroyed.
- The Evidential Management Unit Officer will check that the item has been returned in a sealed evidence bag. Any discrepancies will be reported to the EMU Operations Manager or Senior Evidence Manager for continuity reasons and to enable this to be escalated as a break in the continuity of evidence trail.
- All movement of drug exhibits from the Official Temp Stores to the main EMU facility must be accurately recorded in Niche.
- The Evidential Management Unit Officer must ensure that any drug exhibit marked for immediate disposal by the OIC in Niche, is then moved to the DD Bag location in Niche and the item is placed into the next available DD Bag. (Drugs Disposal)
- The Evidential Management Unit Officers are responsible for sealing all full DD Bags with a plastic security tag and marking the tag number on the audit sheet which they will place inside the pre-sealed bag.

### **Drugs Auditing**

- Drugs are the subject of close scrutiny and auditing prior to being transported for destruction.
- The Senior Evidence Manager will perform a 10% dip sample audit of all sealed bags contents prior to them leaving the EMU facility.
- Following each DD Bag Audit the Senior Evidence Manager will copy the audit sheets and place one copy and a new seal attached to the bag pending disposal, and scan a copy of the DD Bag audit sheet onto the R Drive Audit Folder.
- The Evidential Operations Manager will monitor the volume of drugs within the facility and coordinate the transportation and destruction of these high-risk items at regular intervals.
- The Senior Evidence Manager will monitor compliance in accordance with current Force Policy / Procedures and take remedial action to resolve any identified risks and consideration for escalation to the Forces Risk Register.

### **Drug Disposal Runs**

The Evidential Operations Manager will arrange transportation for the drug disposal runs and transfer all audited drugs for destruction by the approved contractor.

All drug exhibits should be stored securely pending removal and transport to the destruction site.

When the destruction run occurs, the Evidential Operations Manager will request a warranted Police Officer, with no involvement in the original seizure or investigation of the items, in order to act as an 'Independent Observer' of the destruction and provide support during transportation.

- The EMU Officers will print off an itemised list of all the drugs that have been prepared for the destruction run. The list will be checked and verified by the 'Independent Observer' to maintain a full audit trail.
- The warranted officer will capture the destruction processes on their Body Worn Device in order to maintain continuity and protect the integrity of the force.
- The witnessed audit sheets will be scanned onto the Evidential Management Unit R Drive Drugs Audit Folder.

## **SECTION 14 - Sudden Death Medication**

- Medication retained from a Sudden Death must be secured until the conclusion of Inquest Proceedings and the OIC authorises the destruction or the Coroners' Office gives authority to dispose of the items.
- Any 'Return to Owner' property letters must be created within Niche by the OIC and a workflow sent to the Evidential Management Unit in order that the 28-day owner returns process can commence.
- Formal authority to dispose of evidential property must be received from the OIC in Niche prior to undertaking disposal / destruction. This prevents the force being left open to civil claims in respect of conversion and trespass to property, and can only be made by the OIC or by an officer not below the rank of Inspector.
- For advice in relation to any Police (Property) Act matters, contact the Forces Legal Team in the first instance.

## **SECTION 15 – Cannabis Seizures**

### **Operation Levidrome**

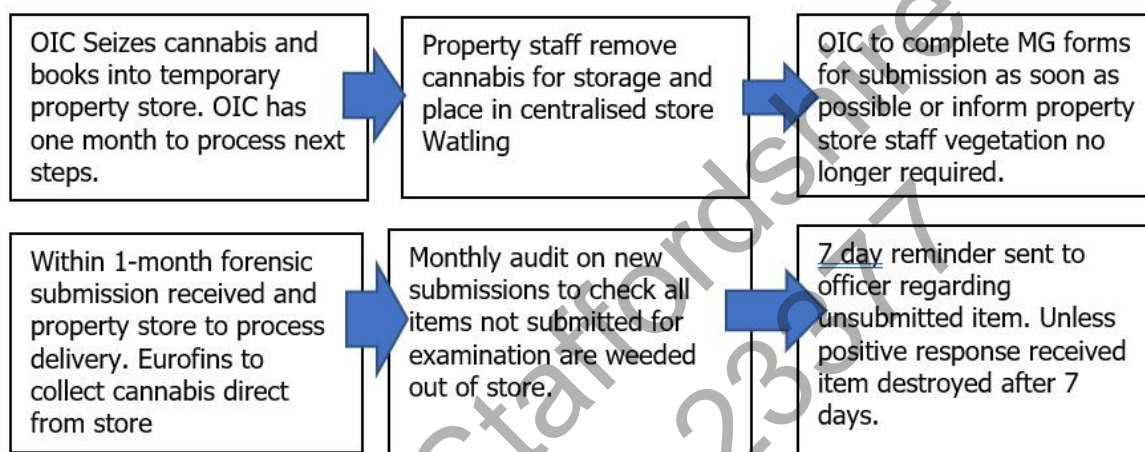
Cannabis Factory plants must be managed in accordance with Operation Levidrome. Guidance can be found on the force intranet.

- Undried cannabis will only be stored for one month in the Evidential Management Unit secure facility. During the one-month storage period the OIC must submit the plant for examination

at the Forensic Laboratory or the item will be disposed. These measures are in place to prevent infestation of the EMU facility.

- The Forensic Laboratory confirm that any scientific value of cannabis reduces significantly once it is no longer being cultivated. Although the identification of cannabis is still likely, the breakdown of chemical constituents makes the identification of yield, crop and weight minimal. This reduces investigation standards and decreases the chance of a successful prosecution.

### Operation Levidrome Flow Chart



Any cannabis plants seized as part of a criminal investigation should be limited to 1 plant which should be placed in a breathable paper bag and clearly marked with the Occurrence and P Number along with the OIC's signature.

All other cannabis waste plants should be disposed of in the skips provided at the Official Temp Store Locations.

Niche must be updated with regards to all actions and movement of the cannabis to ensure that continuity of evidence is maintained and the integrity of the OIC and force is protected.

Officers must not seize soil, plant feed, bulbs, lamps or any other equipment associated with the cultivation of cannabis. Photographs can be taken to support quality investigations.

## **SECTION 16 – Cash Seizures**

### **Cash Seizures of £5,000 and Under**

The below guidance is provided for the management of cash exhibits being seized as part of criminal investigations and seizing officers are advised to proceed as following:

- The seizing officer must count the cash, where safe and reasonable to do so and seal it in a clear evidence bag.
- If the cash cannot be counted at the location, the seizing officer must count the cash as soon as is reasonably practicable, otherwise the force is not covered by the safes' insurance provider.
- Ensure cash values are captured in the value field on the Niche Occurrence. Incorrect cash values are detrimental to quality investigations and can bring the OIC's integrity into question.
- All sealed bags of cash must be clearly marked with the Occurrence No, the P Number and the OIC's details and signature.
- Once completed the sealed evidence bag must be transported to one of the Official Temp Store Locations, which the location must be recorded accurately on Niche.
- Upon arrival at the Official Temp Store Location the OIC can deposit the cash exhibit in the letter box style safe. These safes are not accessible to any other colleagues apart from the EMU Officers collecting evidence from the Temp Stores.
- The Official Temp Stores are installed with CCTV and your evidence and continuity trail is secure.
- The OIC must update the EMU when the case is finalised and instructions on how to proceed with the return of cash to owner or it can now be banked.

### **Cash Seizures over £5,000**

- The seizing officer must count the cash, where safe and reasonable to do so and seal it in a clear evidence bag.
- If the cash cannot be counted at the location, the seizing officer must count the cash as soon as is reasonably practicable, otherwise the force is not covered by the safes' insurance provider.
- Ensure cash values are captured in the value field on the Niche Occurrence. Incorrect cash values are detrimental to quality investigations and can bring the OIC's integrity into question.
- All sealed bags of cash must be clearly marked with the Occurrence No, the P Number and the OIC's details and signature.
- The OIC will create a Workflow within Niche (Task) to the Financial Investigation Unit (FIU) to raise their awareness of the seizure.
- The OIC must contact the Force Incident Manager for details of the on call Financial Investigator.
- The sealed evidence bag must be transported to one of the Official Temp Store Locations, which must be recorded accurately on Niche. Upon arrival at the Official Temp Store Location the OIC can deposit the cash exhibit in the letter box style safe. These safes are not accessible to any other colleagues apart from the EMU Officers collecting evidence from the Official Temp Store.

Or

- Transport the high value exhibit direct to the FIU at HQ.
- All movement of the cash exhibits will be recorded.
- The Official Temp Stores are installed with CCTV and your evidence and continuity trail is protected.
- The OIC must update the EMU when the case is finalised and instructions on how to proceed with the return of cash to owner or it can now be banked.

Please note that uncounted cash exhibits and counterfeit cash exhibits must be packaged separately.

### **Financial Investigation Unit**

Advice should be sought from the Financial Investigation Unit prior to any seized cash being returned to an owner.

This is to protect the force in cases where there could be a forfeiture order in place.

### **Counterfeit Notes & Coins**

If suspected counterfeit currency is brought to an officers' attention, the following will be applied:

- It should be seized and preserved within sealed evidence bags.
- It should be handled as little as possible. Officers should wear appropriate PPE as to not interfere with any forensic testing opportunities.
- For initial recording purposes it must be booked into the Niche Property System as a Crime Exhibit / Found property as appropriate to the circumstances of the recovery.
- The word counterfeit must **NOT** be written on any suspected counterfeit paper currency.
- The plastic evidence bag must be clearly marked with the Niche Occurrence Number, time & date of seizure and OIC details and signature.
- If an innocent handler asks what their position is when money is seized, it should be explained that if the money proves to be counterfeit, they will lose all rights to it and it will be removed from circulation and destroyed. If the money proves to be genuine it will be handed back.
- A Form NCO 1 or 2 should be completed.
- The suspect currency must be forwarded together with the completed NCO 1 or 2 (and witness statement if appropriate) to the UKNCO, P.O. Box 8000, London, SE11 5EN. (This should be done within 7 days of the counterfeit cash coming into the possession of the Police except in exceptional circumstances)
- Niche should be updated by indicating the disposal and that it has been sent to "Other Agency" and the remarks column annotated to say sent to UKNCO, P.O. Box 8000, London, SE11 5EN with the date sent.
- The OEL should be updated to say sent to UKNCO and the date sent.

If the requirement to identify a banknote as counterfeit is urgent the officer may contact UKNCO by email ([www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)) and give them the serial number of the suspected counterfeit bank note. The information required must be included on the initial enquiry together with how the banknote was obtained and a contact telephone number.

The UKNCO should respond by telephone to advise if the banknote is counterfeit or not.

When the currency is returned from the UKNCO the OIC or employee receiving it must ensure it is booked back in Niche on the original Occurrence and the OIC notified of its return.

If determined to be counterfeit currency but no legal proceedings occur the currency should be then sent together with the NCO 1 and a covering report giving the result of any enquiries to the UKNCO who will undertake storage for seven (7) years followed by destruction of the currency.

If determined to be counterfeit currency and legal proceedings do occur then at the conclusion of the court case the counterfeit currency should be marked in the Niche Property system as sent to "Other Agency" and the remarks column annotated as sent to UKNCO, P.O. Box 8000, London, SE11 5EN along with a covering report giving the result of the proceedings. The UKNCO will then store the currency for seven (7) years prior to its destruction. If the requirements to retain the currency extend beyond seven years, then this must be the subject of alternative arrangements agreed with the UKNCO.

### **Suspected Counterfeit Cash & Coins - Proven Genuine**

If the money turns out to be genuine, UKNCO should return the banknote. The currency should be booked back onto the occurrence, but should be given a new property number (re-book it in) and lodged in safe (with a note in the remarks column that the innocent handler should be contacted as per the 28 Day Owner Procedure

### **Seized Cash Cabinets - Safety Awareness**

Some cash cabinets are primed with exploding dyes and timer switches. If this is suspected, then they must be treated as a fire / bomb hazard.

- Cash cabinets must be booked into an external secure caged area until made safe by the appropriately trained bomb disposal team. However, if suspected to be such a hazard it must be clearly marked to identify the hazard and paying due regard to it's believed contents.
- Liaison should take place with the owner (if known), the manufacturer (if identifiable) and then if perceived dangerous, should be treated as an explosive device and the Force Incident Manager notified immediately in order that the Bomb Disposal Team can attend and deactivate the device and the FIM will put measures in place to make the location safe and protect the public and officers from harm.

- Niche must be updated with full details of location of the item and of any expert intervention taking place, in order to maintain the safety of colleagues and contractors onsite.

## **SECTION 17 - Hazardous Substance Seizures**

Hazardous substances are defined as any material that poses a threat to public health and/or the environment. Typically, hazardous substances are materials that are toxic, corrosive, ignitable, explosive or chemically reactive.

- Staffordshire Police must ensure hazardous substances are managed safely to ensure risks to officer and staff who may encounter them are as low as reasonably practicable.
- If an item is believed to be a harmful substance and is deemed to be located in the street with no suspicion that it may be required as an evidential exhibit, then consideration should be given to contacting the Local Environmental Health Authority as they have a duty of care (under the Public Health Act) to examine and dispose of hazardous substances found. If this approach is undertaken, then all action should be recorded on the OEL to say it was immediately collected for destruction by the Local Environmental Health Authority and there would be no need to book the item in on Niche Property.  
(It must however, be entered onto the OEL to show its destruction).

*Please note the Local Environmental Health Authority will only deal with hazardous substances found in the street.*

- Once an item has been seized and brought onto police premises it becomes the responsibility of Staffordshire Police to safely store and dispose of the item.
- Consideration must be given to requesting that the Local Environmental Health Authority attend the scene of any recovery.

To encourage and maintain best practice in relation to receipt, storage and disposal of hazardous substances which are brought into the Evidential Management chain, the Evidential Operations Manager in consultation with the forces Health & Safety Advisor, must ensure clear guidance is provided for the safe handling, storage and disposal of potentially hazardous substances. In all cases involving hazardous substances they are to be stored securely in a chemical storage compound at least 25 meters away from any building and with clear signage warning colleagues of the hazard within.

In the event of EMU being closed and outside of normal office hours, the on-call Duty Inspector should be informed in order that the appropriate auditable guidance can be provided regarding a suitable location or local Environmental Health Authority contact taking place.

There must be an entry on the OEL of any authorised removal or intervention and the EMU Operations Manager notified at the earliest opportunity when on duty.

It is the responsibility of the Evidential Operations Manager to ensure appropriate first aid materials and protective equipment is available for use within the main EMU facility and Official Temp Store locations to protect his team alongside appropriate signage in place.

It will be the responsibility of the Evidential Operations Manager to ensure that the day-to-day compliance with Health & Safety guidelines is maintained, and with support of the forces Health & Safety Manager to ensure regular Health & Safety Inspections are conducted.

The seizing Officer is responsible for ensuring the evidence is handled safely, appropriately packaged to protect against leaks or spillages, clearly labelled with the name of the suspected substance prior to collection / disposal.

In respect of any substance recovered from a Chemical, Biological, Radiological, Nuclear attack (CBRN), the item(s) will not be transported to Police premises without the authority of the CBRN Silver Command Lead. If a CBRN incident is resolved without the need to appoint a Silver Command Lead, then permission is required of an officer not below the rank of Inspector. This must be clearly captured and auditable within the Niche OEL.

Flammable liquids such as fuels, oils and chemicals must be store in an appropriate flammable storage compound, at least 25 metres away from the Evidential Management Unit Facility.

### **Hazardous Substance Storage**

- Hazardous substances must be secure in an approved location. Not Official Temp Stores.
- Do not store substances, especially liquids above chest height or where doors, trolleys etc. can strike them.
- Work carefully to avoid spills, splashes, and contamination of the working environment and after handling containers personnel must wash their hands and not eat or drink in the vicinity of where hazardous material is stored.
- Hazardous substances must be disposed of safely and responsibly to prevent injury or contamination to employees undertaking the disposal, other colleagues in the workplace and members of the public.

- When cleared following forensic examination etc. materials contaminated by bio-hazardous liquids such as blood and other body fluids may be made safe by using bacterial / viricidal spray. (e.g. Trigene or Response Spray)
- Sprays and spill kits should be available for use by all Evidential Management Officers. Always seek advice from the Evidential Operations Manager or forces Health & Safety Manager for the correct procedure for disposing of such materials.

*In most cases, disposal via a general sink / drain is not safe.*

## **SECTION 18 - Accelerants & Fuel Seizures**

Accelerants must only be stored in containers designed for that intended purpose.

Where the accelerant is being stored for the purposes of a sample to match traces found on suspects clothing etc.

- Consideration should be given to only retaining and storing sufficient accelerant for Forensic Lab testing purposes. In these cases, advice should be sought from the OIC or a Scenes of Crime Officer.
- Accelerant containers are required to be booked into the Evidential Management Unit, however, they should be stored in an outside container because of the health and safety risk they pose to colleagues. The Health & Safety Manager should be consulted for any queries.
- Where cans of fuel are identified they should be booked into Niche as Evidential items.

Such fuels can be disposed via JETS who have the facility to store and dispose of contaminated fuels. Empty, vented containers should then be disposed of in a chemical container and collection arranged via the contractor helpdesk.

## **SECTION 19 – Sudden Death Property Seizures**

All property seized from the location of a sudden death must be entered in Niche, and marked with a 'Sudden Death' Occurrence type.

A full description of the evidential item must be recorded as Property, together with a clear summary and nature of the incident, in order that the Evidential Management Officers understand why the seizure has taken place.

The name and address of the next of kin should be captured on the Occurrence where available.

The duration for retention of prescription drugs, that does not form part of the investigation, destruction must be approved by the OIC at the earliest opportunity. All drugs will be destroyed.

Details of all seized property must be included on the Sudden Death Report and the Niche Occurrence number included.

Evidential property connected with the death, such as medication, ropes, suicide notes etc. must be recorded on the sudden death report, for the information of the Coroner's Office.

Notes of any description must also be seized and documented for the attention of the Coroner's Office.

The OIC must ensure that any medication prescribed to the deceased is noted on the Sudden Death Report, including the name of the drug, date dispensed and pharmacy supplying.

Any medication available to the deceased but also intended for anyone else living with the deceased should be recorded but not seized if required by another occupant.

Prescribed medication not believed directly connected to the death should be booked into the Niche property system as found property and linked to the Sudden Death Occurrence on Niche unless circumstances dictate otherwise and referenced.

It is important to note the following:

- Deceased property may present a health and safety risk, therefore, if risk identified, endorse the packaging with a health hazard warning. (use hazard tape where appropriate)
- If there is a reason to take the deceased's property into police possession it cannot be released until the OIC or the Coroner's Office authorises it.
- If a next of kin can show they are entitled to it, this will normally be via a Letter of Administration or Grant of Probate or other form of suitable identification.
- Where a person dies intestate, without a known will, advice should be sought on disposal from the Forces Legal Team. Information is also available from the Treasury Solicitor's Department, Bona Vacantia Division. [www.bonavacantia.gov.uk](http://www.bonavacantia.gov.uk)
- Further advice regarding the property of the deceased can be sought from the Forces Coroner's Officer.

### **Sudden Death - Cash for Safekeeping**

The seizure of money for security and safekeeping at the scene of a sudden death, however, If there is someone present who is legally and practically able to secure money in this situation, then the money can be left in their care.

If an officer has any reason to remove a deceased person's money and take it into police possession, it cannot be released until somebody shows they are lawfully entitled to it. This will

usually be a Letter of Administration or Grant of Probate. The money taken should be entered on Niche as Found property and linked to the Sudden Death occurrence.

If the deceased leaves a will, executors will have been appointed:

- When the estate is small and there is a will with executors (who do not renounce or have not predeceased the deceased) then it is easy to establish whom the money should be paid out to. Staffordshire Police would need sight of the original Will and proof of identity of the executors to release any money.
- Copies should be obtained of any such documents and scanned onto the Niche Occurrence.
- In larger estates where a Will is being executed, a Grant of Probate is usually applied for; a copy of this must be requested in addition to the original Will and proof of identity before the money is released.
- If there is no will and no Grant of Probate a "Next of Kin" needs to be established. If there is a dispute over who is the Next of Kin a Grant of Letters of Administration will need to be sought. For assets over £5,000, a court will appoint administrators and an application made for Grants of Letters of Administration.
- When Social Services accept responsibility for disposing of the deceased's personal property, Staffordshire Police must give them any money in its possession. If Social Services state they are dealing with the deceased's estate, the money may be given to an officer of that authority who can show identification and produce documentation to support that responsibility.

### **Social Services Responsibilities**

#### **Deceased Property**

It is the duty of the local Social Services Department to bury or cremate the body of any person if no suitable arrangements have been made.

When Social Services accept responsibility for disposing of the deceased's body and property, Staffordshire Police must give them any property (including money, documents etc.) in its possession. If Social Services state they are dealing with the deceased's estate, the property may be given to an officer of that authority who can show identification and provide documentation to support that responsibility.

#### **Unnatural Causes / Unexplained Deaths**

When a person has died of unnatural causes / an unexplained death the OIC must keep their clothing and footwear in the case of it being needed at the inquest and any future trial.

Consideration should also be given to whether photographs would be adequate for purpose.

A forensic drying cabinet should be used if the clothing is wet, bloodstained, vomit stained, urine stained etc. Deceased clothing and footwear may present a health and safety risk therefore the packaging should be endorsed with health hazard warnings. (hazard tape)

At the conclusion of the inquest unless there are reasons to the contrary the clothing should be returned to a relative or authorized person unless they indicate otherwise. If the clothing is required to be returned, consideration should be given to consulting with the intended recipient should the clothing require cleaning.

## **SECTION 20 – Forensic Submissions**

If an officer authorises an exhibits' submission for forensic examination, the following guidance must be followed:

- Completion of an MG21 as directed by Forensic Submissions.
- Update Forensic Submissions via a Workflow (Task) that a request has been made.
- Update the Niche Occurrence with relevant details.
- The Evidential Management Unit Officers will make the item(s) available for collection by Forensic Management for onward transportation to the lab.
- Niche must be updated to capture a full audit trail of the exhibits' movements.
- Any frozen exhibits should be kept in a freezer until such time it is collected by the Forensics Management Unit.
- No item(s) will be sent for forensic analysis until booked onto Niche and allocated a P number.
- Any evidence received without the correct packaging and information, the OIC will be contacted along with their supervisor in order to arrange urgent remedial action.

All P numbers (Property Numbers) must be clearly marked on all exhibit bags in order to maintain continuity. Exhibits can then be easily identified once returned from the lab.

### **Phones for Forensic Examination**

Any OIC requesting phones to be examined must submit an authorisation form in Niche to the appropriate authoriser. If the item is booked into the main facility, the Evidential Management Officer will record the movement of the phone in Niche.

- The OIC remains responsible for the accurate recording and updating of exhibits in Niche, including items being submitted for forensic examination.

- The OIC may hand deliver a phone to the Forensic Management Unit, but only if authorised to do so by a Forensics Officer due to an urgent timescale. E.g. A Serious Incident has occurred.
- The OIC must ensure that Niche is updated accurately with the current location of the phone and auditable continuity of all movement.
- The Forensic Management Unit will book items out on Niche to be examined, and then update the items return in Niche.

*Any phones received by the Forensic Management Unit without pre-authorisation will be returned to the OIC for completion of the appropriate form and this will cause delays with the investigation and outcomes for the victim.*

### **Computers Requiring Forensic Examination**

- The OIC must submit an MG21 in the first instance, requesting the examination of a seized computer.
- The OIC must create a Niche OEL and update the system with the request dates.
- The Evidential Management Unit Officers will prepare the items for collection and ensure the occurrence remains updated and includes any movement of the exhibit.
- The Niche Occurrence must remain up to date with the investigation and outcomes and auditable decisions regarding the items' disposal following finalisation of the case.

### **Forensic Examination Outcomes**

If a forensic examination does not provide a positive result and does not form part of a prosecution case, the item should be returned to the owner or next of kin (for deceased persons) or if appropriate dealt with in accordance with the Forensic Science Policy.

The OIC should contact the Forensic Management Unit with any queries.

## **SECTION 21 - Dangerous Dogs Seizures**

- The seizure of dangerous dogs at relevant incidents should only be undertaken by specially trained dog handlers who will, in turn, deal with any property record.
- Attending officers should complete a seizure report that is then sent to the Dangerous Dogs Liaison Officer and enable them to liaise with an approved kennels and ensure appropriate follow up action is taken.
- It is vital that each dangerous dog seized has a separate form and if multiple dogs are seized at one location there is a comprehensive description to aid correct identification of each dog.

- Seizure forms must clearly identify if it is one of multiple dogs from the same incident by marking with a suffix of a, b, c etc.
- Niche must be updated accurately throughout the investigation and all decision making captured accordingly.

## **SECTION 22 – Confiscation of Alcohol or Tobacco**

The Confiscation of Alcohol (Young Persons) Act 1997 came into force on 1<sup>st</sup> August 1997. It allows Police Officers and Police Community Support Officers to confiscate open containers of alcohol from young persons under certain circumstances.

The Criminal Justice and Police Act 2001, and Section 155 of the Licensing Act 2003 have now amended the 1997 Act. The Act, as amended, now extends to sealed containers and persons over the age of eighteen years providing that the officer reasonably believes that the person is, or has been consuming, or intends to consume, alcohol.

Section 12 (2)(b) of the Criminal Justice and Police Act 2001 gives the Police, PCSOs and accredited persons powers to confiscate alcohol from people who are consuming or intend to consume alcohol in a public place to which drinking restrictions apply for example a designated public place order.

This legislation is intended to deal with situations where young people and adults are in possession of alcoholic drink and causing a nuisance or where their actions may lead to bad behaviour or where they are within a public place subject to a designated public place order.

### **Alcohol Confiscation**

If an item is reasonably believed to be an alcoholic drink, consideration should be given to treating alcohol as possible evidence against an offender, for example a shopkeeper in cases of a young person's illegal purchase of it. If the alcohol is to be treated as evidence, it should be treated as a crime exhibit. In all cases efforts should be made to determine where the alcohol has been purchased.

In all cases where young persons are involved, their parents or legal guardians must be informed.

If the alcohol is not to be treated as evidence, action should be taken as set out in the following paragraphs.

Open spirits bottles/beer containers/glasses and less than 6 sealed beer containers;

- Must be disposed of in front of the person (if appropriate).
- Electronic PNB should be updated.

- An Occurrence must be created to record the incident and an OEL entry made to reflect what has taken place.
- These items **MUST NOT** be recorded in Niche Property as Found.
- Supervision must be notified of action taken and also sign the electronic PNB.

More than 6 sealed beer cans/bottles and any sealed spirits bottles:

- Items must be retained.
- Electronic PNB should be updated.
- An Occurrence must be created to record the incident and an OEL entry made to reflect what has taken place.
- These items **MUST NOT** be recorded in Niche Property as Found.
- Item(s) must be disposed of as soon as practicable by pouring the contents away.
- Supervision must be notified of action taken and also sign the electronic PNB.

### **Confiscation of Tobacco**

The Children & Young Persons Act 1933 Section 7 provides Police Officers (and now as amended by the Police Reform Act to include Police Community Support Officers) tobacco confiscation powers from persons under the age of 16 years found smoking in a public place (includes travelling on public transport).

If cigarettes or other tobacco products are confiscated consideration must be given to treating the cigarettes or tobacco products as possible evidence against an offender, for example a shopkeeper in cases of a young person's illegal purchase. If the item(s) is/are to be treated as evidence, they should be treated as a crime exhibit. In all cases efforts should be made to determine where the item(s) have been purchased.

In all cases the young person's parents or legal guardians must be informed.

If the cigarettes or tobacco products are not to be treated as evidence the following should be undertaken.

Value appears less than £10

- Must be disposed of in front of the person (if appropriate).
- Electronic PNB entry must be made.
- An Occurrence must be created to record the incident.
- **MUST NOT** be booked into the Niche Property System as Found Property.
- Supervision must be informed of the action taken and sign the electronic PNB.
- OEL must be updated with details of the actions taken.

Value appears to be greater than £10

- Items must be photographed if required as evidence.
- Electronic PNB must be made.
- An Occurrence must be created to record details of the incident.
- Items **MUST NOT** be booked into the Niche Property System as Found Property but item(s) should be disposed via general waste.
- Supervisor must be informed of the action taken and sign the digital PNB.
- OEL must be updated with details of the actions taken.

## SECTION 23 – Alcohol, Perishable / Food Seizures

For the purposes of this policy officers are reminded of the following:

- Alcohol related items / glass bottles must be packaged and stored safely.
- Do not expose Alcohol related item to extreme heat or cold temperatures.
- Do not expose canned items to extreme heat or cold temperatures.
- Perishable foodstuffs must not be booked into the Official Temp Stores. These must be photographed if required for evidence and either return the item to the owner or mark the item for destruction and place in a general waste skip.
- The Niche Occurrence must be updated with the property item and the course of action taken.

*The Evidential Operations Manager or Senior Evidence Manager can authorise the immediate disposal of such items if they are found in the main EMU facility and update Niche with the course of action taken.*

## SECTION 24 – Exhibits Required for Court

- Police Officers must notify the Evidential Management Unit at least two working days in advance of exhibits being required for court.
- The notice provided by the court should be supplied and the OIC taking into consideration the items potential storage location, the volume of exhibits being requested and the appropriate transportation and security arrangements.
- The officer requesting the exhibits for production at court, is responsible for updating Niche and returning the exhibit to the Evidential Management Unit or booking the exhibit into an Official Temp Store for collection by the EMU. All movement must be captured within Niche.

## **SECTION 25 – Safe Keys / Digital Combination Code Management**

- Keys and combination codes to safes within the EMU Facility should be strictly controlled by the Evidential Operations Manager, with access restricted to authorised personnel only.
- The Evidential Operations Manager will be responsible for twice yearly code changes to free standing equipment.
- The Evidential Management Unit now has a fully auditable and electronic safe that is wall mounted within the main Facility.
- Only authorised Personnel are set up to use the electronic safe and access is monitored by the Evidential Operations Manager.
- Any faults associated with the equipment will be raised immediately with the Facilities Helpdesk for urgent action to ensure the security of evidence store is maintained.

### **Access to Safes Outside Normal Office Hours**

- All cash seized must be booked into an Official Temp Store by the OIC and deposited within the letter box style safe.
- All movement must be recorded within Niche to provide a full audit trail and maintain continuity.
- Access to Safes outside of normal office hours is not permitted and no keys remain onsite at any of the Official Temp Store locations.
- Items can only be auditably retrieved by the EMU Officers whilst they are onsite performing Official Temp Store collections and deposits.

## **SECTION 26 – Property Returns to Owner**

Property must be returned to the rightful owner, unless possession would constitute an offence or would be prejudicial to the public interest, providing the OIC authorises the items release and the following conditions are met:

- There is only one owner, and no other claimants
- A photograph or copy will suffice for evidential purposes
- The requirement to retain the exhibit has ceased
- Returning the item would not contravene The Criminal Procedure & Investigations Act 1996
- Niche has been updated accurately with the OIC decision.

## 28 Day Owner Returns Process

When the OIC authorised the return of owners' property, they will update Niche with the details of their decision and complete a 28 Day Owner Returns Letter and send this via a Workflow (Task) to the EMU.

- The EMU Officer will locate and retrieve the items authorised for return and place them in the RTO boxes.
- The EMU Officer will print off 2 copies of the letter completed by the OIC and send one out in the post to the owner and attach the other copy to the RTO box with the relevant '28 Day' date on it.
- The owner then has 28 days to attend Watling and collect their item(s). Full instructions on location, opening days and hours are included within the owner letter.
- Any uncollected items will be assessed for best way to dispose of the item and Niche will be updated accordingly.

## Receipting Procedure

If you are returning items that have been in police possession, you must adhere to the following:

- Fill in a property receipt
- Ask the person receiving the item(s) to sign the receipt
- Endorse the property entry on Niche with the type of identity used by the claimant
- Give the person receiving the item(s) a copy of the receipt if they request one
- Scan and attach the property receipt on the reports tab of the Niche Occurrence with the P Number as the record title e.g., P17110001
- Update the property record on Niche to show as 'Disposed'

## SECTION 27 – Property Disposal Methods

### Items that MUST be Destroyed

- Alcohol
- Perishable / Out of Date Food
- Counterfeit items
- Car Radio Parts
- Two-Way Radios
- Scanners
- Baseball bats
- Knives

- Any item adapted / designed for use in criminal activity
- Items where the retention is not in the public interest
- Items chemically treated during Lab Testing (Handling Conditions will Apply)

\*Handling Conditions guidance is available via the EMU Operations Manager or H&S Officer

*The OIC must report details of the reason why it is not in the public interest to return an item to the owner, and this must be endorsed by a supervisor not below the rank of a Sergeant, and a photograph of the item in question must be attached to the reports tab on the Niche Occurrence.*

Where property has not been collected by / returned to the owner, and this is fully auditable in Niche, Staffordshire Police can justify disposals and apply one of the approved disposal methods as follows:

- Scrap Metal
- POCA Funding (Cash Banking)
- eBay Auctions (Forces Collaboration Contract)
- Charitable Donations
- Stone Group Ltd - Electronic devices capable of storing personal data

## **Scrap Metal**

Property disposed of for scrap reimbursement, will be requested through the Facilities contractor.

## **POCA – PROCEEDS OF CRIME ACT**

### **Banking Uncollected / Unclaimed cash**

Upon finalisation of a criminal investigation or court case, any uncollected or unclaimed cash (not counterfeit) can be banked under POCA (Proceeds of Crime Act) funding.

The OIC must update Niche with the outcome of the case and instruct the EMU Officers how to proceed with the cash.

If the cash is return to owner, then it will become part of the 28 Day Owner Returns Process, and if unclaimed will then be banked by the EMU Officers and Niche updated accordingly.

## eBay Auction

Any items collated and submitted to Sussex Police as part of the eBay Collaboration Contract will be marked within Niche as disposed and all evidence packaging removed. Sussex request items to be sent in clear plastic bags where possible to assist with categorising the items.

A full list of items pending transportation to Sussex will be printed from Niche and emailed to Sussex ahead of an arranged delivery.

Upon receipt of the delivery, Sussex eBay Officers unpack, photograph, value and create individual listings for all items received.

All listings are run as bidding auctions.

Sussex eBay officers then record any sales on a spreadsheet, minus their agreed commission, and transfer any profits over to Staffordshire on a Monthly basis. (or an appropriate timescale to each consignment they receive)

Property collated for eBay auction, are selected randomly by the EMU Officers against an approved list of items provided by Sussex. There is no timescale associated to the resale due to Sussex also collaborating with other forces and items are not marked as pending eBay sale within Niche, and no scheduled deliveries take place.

The measures in place protect the integrity of the force and individual officers have no way of identifying if items from their criminal investigations have been collected by owners or selected for eBay auction, Registered Charity Donation, Stone Group Disposal/valuation, Scrap Metal Collection or put into General Waste Bins etc.

eBay is an online selling platform and open to all members of the public to competitively bid against an item by way of an auction.

Any proceeds from eBay auctions is transferred back into force as POCA funding and covers transportation costs down to Sussex and any profit reinvested in improvements.

The eBay contract supports sustainability and negates the need for items to go to landfill through general waste, which also supports the forces carbon footprint and realises recycling opportunities.

## Charitable Donations

Under Police (Property) Regulations 1997, the Chief Constable, with authority delegated to the Evidential Operations Manager or Senior Evidence Manager, they may approve suitable items to be donated to a registered charity or local community cause.

### Pedal Cycle

Could render Staffordshire Police liable to criminal proceedings under the Consumer Protection Legislation and **Will Not** be donated to a registered Charity or local Community Group **Unless** they have an official repair person.

Requests must be sincere and not for a commercial motive.

\*Any Pedal Cycle collection by registered Charities or local Community Groups will be asked to sign a waiver, which will be saved on the R Drive Charity Folder for future scrutiny.

### Electrical Equipment

Could render Staffordshire Police liable to criminal proceedings under the Consumer Protection Legislation and **Will Not** be donated to a registered Charity or local Community Group **Unless** they have an official repair person.

Requests must be sincere and not for a commercial motive.

\*Any Electrical Equipment collection by registered Charities or local Community Groups will be asked to sign a waiver, which will be saved on the R Drive Charity Folder for future scrutiny.

## Stone Group Ltd Recycling

The Stone Group contract, enables Staffordshire Police to dispose of Mobile Phones, Laptops, Hard Drives, Computer Towers, Base Units, X Boxes etc securely and safely.

### Mobile Phones

The Stone Group collect and transport surplus Mobile Phones to their secure facility, and perform a total system wipe prior to their Shredding or Valuation for rebate if proven resalable.

## **Laptops, Hard Drives, Computer Towers, Base Units, X Boxes etc**

The Stone Group collect and transport surplus Hardware to their secure facility, and perform a total system wipe prior to their Shredding or Valuation for rebate if proven resalable.

## **Official Document Disposal**

Where an owner is not traced, the Evidential Management Unit Officers will shred the documents in order to prevent future circulation.

Such documents include:

- Passports
- Birth Certificates
- Death Certificates
- Bank Books
- Social Security documents
- Driving Licenses
- Bank Cards (shredding must include any magnetic strip or chip)
- Membership Documents
- Membership Cards

## **Items of No Value**

Items deemed to have no monetary value will be destroyed in general waste Biffa Bins or Recycling Bins.

## **Unclaimed Items Retained for a Policing Purpose**

Unclaimed items (but not cash) may be retained and used for a policing purpose by the force pursuant to Section 2 Police (Property) Act 1897 as amended by the Police (Property) Act 1997. The Act allows the Chief Constable to delegate to the Evidential Operations Manager or an officer not below the rank of Inspector, to retain any items providing the following criteria are met:

- The item has remained in the possession of the police for a year.
- The force would, under the regulations, have the power to sell the item.
- In the opinion of the Chief Constable or their nominated representative, the item can be used for a police purpose.

- The Chief Constable or their nominated representative determines, as prescribed by the regulations, that the item is to be retained.

If a member of Staffordshire Police determines that an item, (other than cash) which is auditable in the Niche Property system, can be used for a police purpose they should forward a report to the Evidential Operations Manager or Senior Evidence Manager for their consideration to authorise the use of the item on behalf of the Chief Constable.

## **Forfeiture Orders**

The OIC should authorise the Evidential Management Unit to dispose of items, which are subject of a Forfeiture Order, by scanning a copy of the Order onto the Reports tab of the Occurrence within Niche and updating the OEL with the exact items which are to be forfeited.

If case material is subject to a Forfeiture Order, the order takes priority over the Criminal Procedure and Investigations Act 1996. These items will be disposed of.

## **Instant Caution, Reprimand or Final Warning Sanctions**

Where an offender receives an Instant Caution, Reprimand or Final Warning, and evidence has been seized, the OIC must obtain a disclaimer for the items in the form of a signed entry on their electronic PNB and then uploaded this to the Niche occurrence.

The property entry should be marked that the owner has relinquished ownership.

If any evidence seized, as part of the investigation, is not returned or disposed of immediately after Instant Caution, Reprimand or Final Warning, enter it in the Niche Property System and clearly endorse the record with the rationale provided.

## **SECTION 28 - Legacy Evidence Storage & Retention**

Following the outcome and finalisation of a MoPI Category 1 offence criminal investigation, the OIC updates the outcome in Niche and EMU will retain the item in accordance with the OIC's instructions.

MoPI 1 Category offences have a recommended timescale of 100 years of evidence retention or until the suspect / victim dies.

Force Archive will now securely store Evidential Exhibits that fall under the MoPI 1 Offence Category i.e. Murders etc...

EMU Officers will mark up the Niche Occurrence with the Force Archive retention location and transport items when they perform collections from the Official Temp Store at Leek.

Archive Operatives receive the items, book them in on KIM (Key Information Management system) create a barcode for each item and then place it on the designated shelving within the main Archive Store, which is protected by security card access controls and only authorised personnel having access.

MoPI 1 Category offences should be reviewed by the OIC every 10 years to ensure further retention remains valid.

## **SECTION 29 - Equipment Conforming to Home Office Standards**

### **Evidential Fridges / Freezers**

The number and size of appliances used for the freezing of forensic exhibits within force will depend on the volume of exhibits that are regularly received by the Evidential Management Unit. However, the specification of the appliance used must conform to the below standards.

Small Fridge / Freezer within each Official Temp Store should be, at least, the following:

- Minimum Capacity: 45 Litres
- Easy-Clean - fully moulded plastic interior
- Lockable door(s)
- Easy to grip door handle(s)
- CFC and HCFC Free
- Spark free interior
- Temperature set point range -18C to -23C
- Digital temperature display
- Operator controlled defrost facility only

Tall Fridge / Freezers located in the main Evidential Management Facility should be, at least, the following:

- Minimum capacity: 370 Litres
- Easy-Clean fully moulded plastic interior
- Lockable door(s)
- Easy-grip door handle(s)
- Spark-free interior
- CFC and HCFC free

- Temperature set point range -18C to -23C
- Digital temperature display
- Operator controlled defrost facility only

### **Cool Boxes**

Cool Boxes used for the transportation of Frozen Exhibits should be as follows:

- Capacity: 24 Litres
- Foam filled insulation
- Easy-Clean fully moulded plastic interior
- Fitted insulated lid
- Easy-grip handle

### **Ice Packs**

Ice Packs used to retain the temperature within Cool Boxes should be as follows:

- Non-toxic freezable filling (approximate size 180mm x 100mm x 30mm)

## **SECTION 30 - Fridge / Freezer Servicing & Maintenance**

All requests for servicing and maintenance for EMU Fridges and Freezers, must be made through the Facilities Helpdesk.

(Urgent out of hours risks should be progressed through the on-call engineer).

The Chief Inspector responsible for Custody & Evidence Management must appoint a Single Point of Contact (SPOC) ie the Evidential Operations Manager to ensure that the following points are adhered to:

- All freezers purchased conform to the required specifications as standard.
- All appliances are defrosted as per manufacturer's guidelines and cleaned once a month.
- All appliances are serviced annually by an approved and Contracted Engineer.
- The temperature of individual Fridges / Freezers must be checked on a daily basis, where working hours permit, to ensure that the appliances remain operating efficiently.
- Fridge / Freezer temperatures should be set to -20C and any significant drop or increase in temperature of more than + or - 5C that continues for longer than one hour **MUST** be reported immediately to the Facilities Helpdesk or Out of hours on-call Engineer.
- All Fridges / Freezers must have clear and visible signage, stating at which temperature range the appliance should be working at and how to report faults.

- Any fault or breakdown **MUST** be reported immediately to the Facilities Helpdesk or out of hours on-call Engineer.
- All appliances **MUST** be kept in a secure environment, which also has ventilation.
- All access **MUST** be restricted to authorised personnel only and appropriate locking mechanisms fitted.
- Cool boxes and Ice Packs must be accessible, clean and kept frozen when not in use.
- A Maintenance Log should be retained for each Fridge / Freezer and should be readily available for Health & Safety Inspections.
- Temperature checks Log should be retained for each Fridge / Freezer and should be readily available for Health & Safety Inspections.
- A Cleaning Log should be retained for each Fridge / Freezer and should be readily available for Health & Safety Inspections.
- Defrosting Logs should be retained for each Fridge / Freezer and should be readily available for Health & Safety Inspections.
- All logs must include the date and time of each check, the employees collar number or contractor ID Number, and signed by the individual performing the task.

## **SECTION 31 – eBay Resales for Unclaimed Property Items**

In order to maintain the newly approved eBay contract, governed by Sussex Police, any evidential items that are now ready for disposal following finalisation of the investigation and that are unclaimed by the owner, these items will now be collated in the eBay Resales Bay at Watling and marked as pending disposal on Niche.

The EMU Operations Manager will monitor volumes and when sufficient has been collated to make a courier run profitable, a request will be made through the approved courier contractor in consultation with the Sussex eBay Team.

An auditable assignment document will be printed off for all items being sent and will join the delivery down to Sussex.

Upon arrival of the courier at Sussex, all pending disposal items on the assignment will be marked as disposed.

Sussex will list the items for auction as soon as they are received and provide Staffordshire Finance Department with monthly sales values, minus their agreed commission and associated postal charges.

Sussex have provided a list of items that they except for resale and this will be closely monitored by the EMU Operations Manager.

No soiled or damaged items will be sent for resale and any gold/silver/platinum jewellery will be independently valued prior to resale by an approved jeweller appointed by Sussex Police as part of the eBay contract.

The EMU Project Board will monitor resales figures in order to support future decision making.

Any queries regarding the eBay contract should be directed to the Senior Evidence Manager or Custody & Evidence Chief Inspector.

## **SECTION 32 – Lost / Found Property (Owned by Contact Services)**

### **Found Drugs**

- All found drugs must be recorded as found property on Niche and placed in the secure drug safe within the front counter local police station store and transported by a warranted officer to an Official Temp Store for immediate destruction.
- Any found drugs must be marked clearly with a white destruction label which can be found on the shelving within the Official Temp Stores.
- The Evidential Management Unit will collect these high-risk items from the Official Temp Stores and dispose of them at the earliest opportunity via approved destruction methods and auditable decisions captured within Niche.
- All movement of drugs between locations must be recorded on Niche to ensure a full audit trail is maintained.

### **Found Cash**

Any found property where cash is involved (i.e., wallet, contents, and cash), the cash should be booked in separately and booked into a safe but should be cross referenced on the property tab with any other property involved in this occurrence so it can be easily matched if an owner is identified within the 28 days retention period.

All found items once booked in should be cross checked against the Niche database and lost database by the officer / staff member booking in the found item for any possible matches and if positive should facilitate the return of the property to the rightful owner at the earliest opportunity. (within the 28 days retention period)

The Front Counter Officers should update the OEL with any searches performed for future audit scrutiny.

Found property is to be stored for a period of 28 days to allow enquiries to trace the owner by the officer who books the item into the front counter found store.

If the owner is not located within 28 days, the finder can then claim the item.

The members of public who hands in found property should be advised that they may register a claim to the found item if the true owner is not located or does not claim it within 28 days (except for exempt items). Under these circumstances the finder has 28 days after the initial 28 days holding period in which to collect the found item. However, if the true owner is later found after the 28-day holding period, and the finder has claimed the item, the finder will be liable to return the item or pay recompense if the item is no longer available.

Records of items claimed by the finder after 28 days will be maintained by Front Counter Management for one year from the date the finder collected the item.

### **Lost / Found Property That Must Be Destroyed**

Identifiable property (to include where overt / covert markers are present) or when believed crime related.

The following are examples of specific items a finder must not be authorised to keep:

- War medals / HM Force's equipment
- Confidential / Identifiable documents
- Drugs, prescription medicines and poisons
- Postal Orders / Gift Vouchers
- Mobile telephones and equipment capable of holding personal data, e.g., MP3, MP4 and PDA
- Where continued possession by the finder would be unlawful
- Firearms and Ammunition
- Items where there is a risk to the health, safety or wellbeing of the finder or members of the general public
- Bladed / Sharp Items

### **Lost / Found Property Advice**

Members of the public should be advised to register lost items, where the item has serial number, at [www.immobilise.com](http://www.immobilise.com) this service is free of charge.

This will help the police force if property is identified in the future.

You can report a loss at several places online for example:

[www.lostbox.co.uk](http://www.lostbox.co.uk) this service is also free of charge.

[www.reportmyloss.com](http://www.reportmyloss.com) this service allows users to print a numbered ownership certificate, confirming the details of the loss. There is a charge for this service.

### **Lost / Found Pedal Cycles**

Found pedal cycles **MUST NOT** be accepted by officers or front counter staff.

Colleagues should recommend that owners / finders register and report the item at [www.bikeregister.com](http://www.bikeregister.com) this is a free service to members of the general public.

Details of losses reported via these methods are made available to Police Forces throughout the UK. This ensures the best chance of reuniting bikes with owners.

This website is already available to insurance companies and service providers using the NMPR and Bike Register System.

### **Lost / Found Property in a Public Place**

For lost property in a Public Place / Premised or on Public Transport (see list below) they should make direct contact as councils and private companies often operate their own lost and found property service and are better placed to deal with your enquiry:

- **Licensed Premises** (Pubs, Bars, Nightclubs, Concert Venues)
- **Private Premises** (House, Hotel, Hostel)
- **Business Premises** (Restaurants, Shops, Supermarkets, Offices, Cinemas)
- **Educational Premises** (Schools, Universities, Colleges, Childcare)
- **Public Transport** (Trains, Buses, Trams)
- **Taxis** (Including Private Hire Vehicles)
- **Airports** (Including Flight Providers, Airport Lounges)

### **Found Property – PNC Consideration**

If a member of the public reports found property, the Caller Handler / Front Counter Officer should ascertain whether the property has been recorded on NICHE and if negative should seek advice from the PNC Bureau regarding its suitability for inclusion on PNC as found property.

- Plant Equipment
- Engines
- Trailers & Sidecars
- Animals
- Boats etc.
- Firearms

### **Identifiable Found Property**

Items should be returned to the rightful owner.

The owner collects the item in person and the Front Counter Officer updates the Niche record with the collection details.

When the Front Counter Officer communicates with the items owner to invite them to attend police premises, they should check if the owner has any special requirements, e.g. health issues, disabilities, access issues. If so, reasonable adjustments should be made to facilitate the collection.

If an owner cannot attend police premises, then they can nominate a family member or friend to collect the item on their behalf, but must provide written authority and the nominated attendee must provide photo ID. I.e. passport or Driving Licence.

All details must to updated on the Niche Occurrence as follows:

- The occurrence number and P number of the item(s).
- Where the owner can collect the item(s) from and the opening times.
- Confirm that Staffordshire Police do not charge the owner for the collection of the item.

Advice owners of found property that any uncollected items will be disposed of after 28 days.

### **Stray Dogs**

The Clean Neighbourhoods and Environmental Act 2005 places the responsibility for all functions relating to stray dogs upon local authorities. As a result, police statutory duties in relation to stray dogs ceased on 6<sup>th</sup> April 2008

### **Other Animals**

Staffordshire Police does not have any facilities for impounding animals.

If someone reports that they have found an animal, the person receiving the report must find a suitable place for it to be kept, such as a farm, field or stable. Before the animal is left in any of these places, permission must have been obtained from the owner of the land.

Advice should be sought from a Force Wildlife Officer and/or the Royal Society for the Prevention of Cruelty to Animals (RSPCA).

Details of the animal should be recorded in a found property Occurrence within Niche. The Police National Computer (PNC) should also be checked to ensure it is not recorded as a lost animal.

It is the sole responsibility of the receiving officer to investigate whether the animal has any form of identification e.g., microchip, freeze band, ear tag, tattoo, leg ring, species marker, company and contact name.

### **Found Livestock**

If livestock (i.e., a farm animal) is found, details should be entered in a found property Occurrence within Niche and arrangements for it to be taken to a farm, or other suitable place where it can be fed and tendered by a responsible person on a temporary basis.

The Police National Computer (PNC) should also be checked to ensure it is not recorded as lost. The OEL should state where the animal has been left.

The finder may keep livestock but should be advised not to dispose of it until they place an advertisement in a local newspaper, and can only keep the animal after the 28 day retention has passed.

### **Found Imported Animals**

It is the responsibility of the local authority, not the police, to seize illegally imported animals.

### **Found Wild Birds**

It is an offence to take the eggs, kill or harm any wild bird. If a member of the public reports they have found a ringed wild bird, they should be advised to report it to either:

The British Trust for Ornithology, the Nunnery, Thetford, Norfolk, IP24 2PU.

Telephone 01842 750050 or Email [info@bto.org](mailto:info@bto.org)

Or

British Bird Council, Hampstead House, Condoval Road, West Heath, Birmingham, B31 3QY.

Telephone 0121 476 5999 or Email [info@britishbirdcouncil.com](mailto:info@britishbirdcouncil.com).

You can also seek advice from the Force Wildlife Officer, the Royal Society for the Protection of Birds (RSPB) or The Royal Society for the Prevention of Cruelty to Animals (RSPCA).

### **Found Racing Pigeons**

If a "ringed" pigeon is found advice should be sought from:

The General Manager, The Royal Pigeon Racing Assoc, The Redding's, Cheltenham, GL51 6RN.  
Telephone 01452 713529 or Email [gm@rpra.org](mailto:gm@rpra.org).

### **National Missing Pet Register**

An animal registered with this organisation has a unique reference number on a brass disc or red plastic tag with a contact telephone number.

Enquiries may also be made at [www.nationalpetregister.org](http://www.nationalpetregister.org)

### **(APPENDIX A)**

## **Police (Property) Act 1897**

### **1897 CHAPTER 30**

*An Act to make further provision with respect to the Disposal of Property in the Possession of the Police*

[6th August 1897]

#### ***1 Power to make orders with respect to property in possession of police***

- (1) Where any property has come into the possession of the police in connection [with their investigation of a suspected offence], a court of summary jurisdiction may, on application, either by an officer of police or by a claimant of the property, make an order for the delivery of the property to the person appearing to the magistrate or court to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as to the magistrate or court may seem meet.*
- (2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.*

(3) . . .

## NOTES

### Initial Commencement

#### *Royal Assent*

Royal Assent: 6 August 1897: (no specific commencement provision).

#### **Amendment Repealed, in relation to Northern Ireland, by the Police (Northern Ireland) Act 1998, s 74, Sch 6.**

Date in force: 1 April 1999: see the Police (1998 Act) (Commencement No 3)

Order (Northern Ireland) 1999, SI 1999/176, art 3.

Sub-s (1): words in square brackets substituted by the Criminal Justice Act 1972, s 58 and the Police (Property) Act 1997, s 4(1); words omitted repealed by the Theft Act 1968, ss 33(3), 36(2), (3), Sch 3, Part III, the Consumer Credit Act 1974, s 192(3) (b), Sch 5, Part

I, and the Statute Law (Repeals) Act 1989.

Sub-s (3): repealed by the Statute Law (Repeals) Act 1989.

#### **Extent**

This Act does not extend to Scotland: see s 3(1).

### ***2 Regulations with respect to unclaimed property in possession of police***

(1) *A Secretary of State may make regulations for the disposal of property which has come into the possession of the police under the circumstances mentioned in this Act in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect thereto.*

(2) *The regulations may authorize the sale of any such property, and the application of the proceeds of any such sale, and the application of any money of which the owner cannot be ascertained, to all or any of the following purposes:*

*(a) the expenses of executing the regulations;*

*(b) the payment of reasonable compensation to any person by whom the property has been delivered into the possession of the police;*

*(c) the making of payments for the benefit of discharged prisoners or of persons dependent on prisoners or discharged prisoners; or*

*(d) Such other purposes as the Secretary of State may consider expedient.*

(2A) *The regulations may also provide that where, in the case of property other than money,*

- (a) *the property has remained in the possession of the police for a year,*
- (b) *the police would under the regulations have power to sell the property,*
- (c) *in the opinion of the relevant authority, the property can be used for police purposes, and*
- (d) *the relevant authority determine, in such manner as may be prescribed by the regulations, that the property is to be retained by the authority,*

*The relevant authority is to become the owner of the property on the making of the determination or at such later time as the regulations may specify.*

(2B) *In subsection (2A) above “the relevant authority” means*

- (a) *in relation to a police area in England and Wales . . . , the police authority (within the meaning of that Act);*
- (b) *. . .*
- (c) *In relation to Northern Ireland, the Police Authority for Northern Ireland.*

*[(2B) The relevant authority for the purposes of subsection (2A) is the police authority.]]*

(3) *Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold at any time, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for a year. In any other case the property shall not be sold until it has remained in the possession of the police for a year.*

(a) *The regulations may also provide for the investment of money and for the audit of accounts.*

(4A) *The regulations may also provide for the publication of determinations falling within subsection (2A) (d) above.*

(4) *The regulations shall apply whether the property to which they relate has come into the possession of the police before or after . . . the making of the regulations.*

(6) *In relation to England and Wales, the power to make regulations under this section is exercisable by statutory instrument; and a statutory instrument made in the exercise of that power is subject to annulment in pursuance of a resolution of either House of Parliament.*

(7) *In relation to Northern Ireland, the power to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order*

*1979; and regulations made in the exercise of that power are subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall have effect accordingly.]*

## NOTES

### Initial Commencement

#### ***Royal Assent***

Royal Assent: 6 August 1897: (no specific commencement provision).

#### **Amendment**

Repealed, in relation to Northern Ireland, by the Police (Northern Ireland) Act 1998, s 74, Sch 6.

Date in force: 1 April 1999: see the Police (1998 Act) (Commencement No 3)

Order (Northern Ireland) 1999, SI 1999/176, art 3.

Sub-ss (2A), (2B), (4A): inserted by the Police (Property) Act 1997, s 1(2), (3).

Sub-s (2B): substituted by the Police Reform Act 2002, s 77(2).

Date in force: to be appointed: see the Police Reform Act 2002, s 108(2).

Sub-s (2B): in para (a) words omitted repealed by the Greater London Authority Act 1999, ss 325, 423, Sch 27, para 10(1), (2) (a), Sch 34, Pt VII.

Date in force: 3 July 2000: see SI 2000/1648, art 2, Schedule.

Sub-s (2B): para (b) repealed by the Greater London Authority Act 1999, ss 325, 423, Sch 27, para 10(1), (2) (b), Sch 34, Pt VII.

Date in force: 3 July 2000: see SI 2000/1648, art 2, Schedule.

Sub-s (5): words omitted repealed by the Statute Law Revision Act 1908. Sub-ss (6), (7): substituted for original sub-s (6), by the Police (Property) Act 1997, s 1(4).

#### **Extent**

This Act does not extend to Scotland: see s 3(1).

#### **[2A Application to NCS]**

[(1) This Act applies to property which has come into the possession of the National Crime Squad as it applies to property that has come into the possession of the police.]

(2) In relation to property that has come into the possession of the National Crime Squad

- (a) the reference in section 1(1) to an officer of police is a reference to a member of that Squad; and

(b) References in section 2 to the property remaining in the possession of the police are references to its remaining in the possession of that Squad.

(3) The power to make regulations under section 2 has effect in relation to property that has come into the possession of the National Crime Squad as if—

(a) the relevant authority for the purposes of subsection (2A) of that section were the Service Authority for that Squad; and

(b) The reference in subsection (2A) (c) of that section to police purposes were a reference to the purposes of that Squad.]

## NOTES

### **Amendment**

Inserted by the Police Reform Act 2002, s 77(1).

Date in force: to be appointed: see the Police Reform Act 2002, s 108(2).

### **Extent**

This Act does not extend to Scotland: see s 3(1).

### **3 Extent and short title**

*(1) This Act shall not extend to Scotland.*

*(2), (3) . . .*

*(4) This Act may be cited as the Police (Property) Act 1897.*

## NOTES

### **Initial Commencement**

### **Royal Assent**

Royal Assent: 6 August 1897: (no specific commencement provision).

### **Amendment**

Repealed, in relation to Northern Ireland, by the Police (Northern Ireland) Act 1998, s 74,

Sch 6.

Date in force: 1 April 1999: see the Police (1998 Act) (Commencement No 3)

Order (Northern Ireland) 1999, SI 1999/176, art 3.

Sub-s (2): repealed by the Police (Property) Act 1997, s 4(2).

Sub-s (3): repealed by the Statute Law Revision Act 1908.

### **Extent**

This Act does not extend to Scotland: see s 3(1).

## **(APPENDIX B)**

### **The Police (Property) Regulations 1997**

Made 31st July 1997

Laid before Parliament 7th August 1997

Coming into force 1st September 1997

The Secretary of State, in pursuance of section 2 of the Police (Property) Act 1897(1), and section 43(5), (6) and (7) of the Powers of Criminal Courts Act 1973(2), hereby makes the following Regulations:

1. These Regulations may be cited as the Police (Property) Regulations 1997 and shall come into force on 1st September 1997.
2. The Police (Disposal of Property) Regulations 1975(3) are hereby revoked.
3. in these Regulations:

“The relevant authority” means

- (a) in relation to a police area in England and Wales listed in Schedule 1 to the Police Act 1996(4) or the City of London police area, the police authority (within the meaning of that Act);
- (b) In relation to the metropolitan police district, the Receiver for the Metropolitan Police District;

“The 1897 Act” means the Police (Property) Act 1897.

4. (1) Subject to regulation 5 below, this regulation applies to property in the possession of the police to which the 1897 Act applies in respect of which the owner has not been ascertained and no order of a competent court has been made.
- (2) Subject to section 2(3) of the 1897 Act (which provides for the sale of property which is perishable or the custody of which involves unreasonable expense or inconvenience) property to which this regulation applies shall not be disposed of until it has remained in the possession of the police for a year.
5. (1) This regulation applies to property which is in the possession of the police by virtue of section 43 of the Powers of Criminal Courts Act 1973 and in respect of which no application by a claimant has been made within six months of the making of the order under that section or no such application has succeeded.
- (2) Subject to section 2(3) of the 1897 Act, property to which this regulation applies shall not be disposed of until the expiration of six months from the date on which the order in respect of the property was made under that section on the conviction of an offender or, if an application by a claimant of the property has been made within that period or the offender has appealed against the conviction or sentence, until that application or appeal has been determined.
6. (1) After the expiration of the period referred to in regulation 4(2) or 5(2) above, as applicable, property to which these regulations apply (other than money) may be sold.
- (2) The proceeds of all sales under these Regulations and any money to which these Regulations apply shall be paid to the relevant authority and shall be kept in a separate account to be called the Police Property Act Fund ("the Fund").
- (3) The Fund or any part thereof may be invested as the relevant authority think fit and the income derived from the investments shall be added to and become part of the Fund.
- (4) The moneys, including income from investments standing to the credit of the Fund shall be applicable To defray expenses incurred in the conveyance, storage and safe custody of the property and in connection with its sale and otherwise in executing these Regulations;
- (a) to pay reasonable compensation, the amount of which shall be fixed by the relevant authority, to persons by whom property has been delivered to the police;
- (b) to make payments of such amounts as the relevant authority may determine for such charitable purposes as they may select.

(5) The Chief Officer of Police may, at the request of the relevant authority, exercise the powers and perform the duties of the authority under the foregoing paragraphs of this regulation.

(6) The Fund shall be audited by an auditor nominated for that purpose by the relevant authority.

7. (1) After the expiration of the period referred to in regulation 4(2) or 5(2) above, as applicable, if in the opinion of the relevant authority property to which these Regulations apply (other than money) can be used for police purposes, the relevant authority may determine that the property is to be retained by the authority and the property shall vest in them on the making of the determination.

(2) A determination under paragraph (1) above shall be recorded in writing and published in such manner as the authority think fit and that record shall include the date on which the determination is made.

(3) No determination under paragraph (1) above may be made in relation to any property in relation to which an order has been made under section 43A of the Powers of Criminal Courts Act 1973(5).

8. If the Chief Officer of Police is satisfied that the nature of any property to which these Regulations apply is such that it is not in the public interest that it should be sold or retained, it shall be destroyed or otherwise disposed of in accordance with his directions.

Alun Michael

Minister of State - Home Office

31st July 1997

Explanatory Note (This note is not part of the Regulations)

These Regulations, which extend to England and Wales only, revoke the Police (Disposal of Property) Regulations 1975. They substantially re-enact the provisions in those regulations relating to sale and disposal of property in the possession of the police to which the Police (Property) Act 1897 ("the 1897 Act") applies with drafting amendments. The regulations also make provision for the retention of property by the police in certain circumstances following amendment to the 1897 Act by the Police (Property) Act 1997 (c. 30).

(1) 1897 c. 30; section 2 was amended by section 1 of the Police (Property) Act 1997 (c. 30).

(2) 1973 c. 62; section 43(5) was amended and subsections (6) and (7) added by section 2 of the Police (Property) Act 1997.

(3) S.I. 1975/1474.

(4) c. 16.

(5) Section 43A was inserted by section 107 of the Criminal Justice Act 1988 (c. 33).

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## **(APPENDIX C)**



### Police (Property) Act 1997

#### 1996 CHAPTER 30

An Act to make further provision with respect to property in the possession of the police.

[19th March 1997]

Enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Power of police authority to retain unclaimed property.

(1) Section 2 of the Police (Property) Act 1997 (regulations with respect to unclaimed property in possession of police) is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) The regulations may also provide that where, in the case of property other than money—

- (a) the property has remained in the possession of the police for a year,
- (b) the police would under the regulations have power to sell the property,
- (c) in the opinion of the relevant authority, the property can be used for police purposes, and
- (d) the relevant authority determine, in such manner as may be prescribed by the regulations, that the property is to be retained by the authority,

the relevant authority is to become the owner of the property on the making of the determination or at such later time as the regulations may specify.

(2B) In subsection (2A) above “the relevant authority” means—

- (a) in relation to a police area in England and Wales listed in Schedule 1 to the Police Act 1996 or the City of London police area, the police authority (within the meaning of that Act);
- (b) in relation to the metropolitan police district, the Receiver for the Metropolitan Police District;
- (c) in relation to Northern Ireland, the Police Authority for Northern Ireland.”

(3) After subsection (4) there is inserted—

“(4A) The regulations may also provide for the publication of determinations falling within subsection (2A)(d) above.”

(4) For subsection (6) there is substituted—

“(6) In relation to England and Wales, the power to make regulations under this section is exercisable by statutory instrument; and a statutory instrument made in the exercise of that power is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In relation to Northern Ireland, the power to make regulations under this section is exercisable by statutory rule for the purposes of the M2Statutory Rules (Northern Ireland) Order 1979; and regulations made in the exercise of that power are subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the M3Statutory Instruments Act 1946 shall have effect accordingly.”

3 Disposal of property used, or intended for use, for purposes of crime: Northern Ireland.

(1) Article 11 of the M1Criminal Justice (Northern Ireland) Order 1994 (power to deprive offender of property used, or intended for use, for purposes of crime) is amended as follows.

(2)In paragraph (8)—

(a)for “section 2(1)” there is substituted “ section 2 ”,

(b)after “may” there is inserted “ subject to paragraph (8A) ”, and

(c)after “provision for disposal” there is inserted “ (including disposal by vesting in the Police Authority for Northern Ireland) ”.

(3)After that paragraph there is inserted—

“(8A)The regulations may not provide for the vesting in the Police Authority for Northern Ireland of property in relation to which an order has been made under Article 12.

(8B)Nothing in subsection (2A)(a) or (3) of section 2 of the M2Police (Property) Act 1897 limits the power to make regulations under that section by virtue of paragraph (8).” 4 Further amendments of Police (Property) Act 1897: Northern Ireland.

(1)In section 1(1) of the Police (Property) Act 1897 (power of court to make orders in respect of property which has come into the possession of the police in connection with a criminal charge), for “with any criminal charge” there is substituted “ with their investigation of a suspected offence ”.

(2)Section 3(2) of that Act (which modified references to the Secretary of State in the application of the Act to Northern Ireland and is spent) is hereby repealed.

5 Repeal of s. 9 of Constabulary (Ireland) Act 1874.

Section 9 of the Constabulary (Ireland) Act 1874 (which makes provision as to unclaimed money and goods found or stolen) is hereby repealed.

6 Property in possession etc. of person taken into police custody in Scotland.

(1)The M1Civic Government (Scotland) Act 1982 is amended as follows.

(2)In section 80 (application of Part VII of that Act), for paragraph (b) of subsection (2) there is substituted—

“(b)property which the prosecutor determines is or may be required as a production in criminal proceedings or which he determines is or may be required for any other purpose relating to such proceedings;”.

(3)In section 83 (provision as to certain property in possession of person taken into police custody)—

(a)for “the property”, where those words first occur, there is substituted “ property to which this Part of this Act applies ”; and

(b)at the end there is added “ (the property being regarded, for the purposes of those provisions, as being found by the constable arresting or detaining the person so taken) ”.

(4)After Part VII there is inserted the following Part

“Part VIIA Property In Unlawful Possession of Persons Taken Into Police Custody and Certain Other Property to which Part VII does not apply 86A Application of Part VIIA to property.

(1)Subject to subsection (2) below, this Part of this Act applies to property to which, by virtue only of paragraph (a) or (b) of section 80(2) of this Act, Part VII of this Act does not apply.

(2)This Part of this Act does not apply to property—

(a)possession of which has passed to the prosecutor and is for the time being retained by him or, in accordance with arrangements made by him, by some person other than the chief constable or himself; or

(b)in respect of which a suspended forfeiture order or a restraint order has been—

(i)made and not recalled; or

(ii)applied for and not refused.

(3)In subsection (2) above, “suspended forfeiture order” and “restraint order” shall be construed in accordance with, respectively, sections 21(2) and 28(1) of the M2Proceeds of Crime (Scotland) Act 1995.

86B Certification by prosecutor.

The prosecutor may certify that, notwithstanding any determination under section 80(2)(b) of this Act, property to which this Part of this Act applies is not, or is no longer, required as a production in criminal proceedings or for any other purpose relating to such proceedings (property which he has so certified being, in the following provisions of this Part, referred to as “relevant” property).

86C Claims by owner etc. prior to disposal.

(1)The owner, or the person having right to possession, of any property to which this Part of this Act applies and which is in the possession of the chief constable, or of another person under arrangements made by the chief constable, may at any time prior to its disposal under section 86E of this Act claim that property in accordance with such procedure as the chief constable may direct.

(2) The chief constable shall consider any claims to property made under subsection (1) above and, on being satisfied that the property is relevant property and that the claimant is the owner of it or has a right to possession of it, shall deliver it, or arrange for its delivery, to the claimant on such conditions (if any) as the chief constable thinks fit, as for example, but without prejudice to the generality of this subsection, for payment of such reasonable charges (including any reasonable expenses incurred in relation to the property by or on behalf of the chief constable) as the chief constable may determine.

86D Duty of care etc.

Subject to the proviso to section 17(3)(b) of the M3Police (Scotland) Act 1967 (duty to comply with instructions received from prosecutor), the chief constable shall make such arrangements as he considers appropriate for the care and custody of property to which this Part of this Act applies; and if he has reason to believe that the person taken into police custody is not the owner or the person having right to possession of it, shall take reasonable steps to ascertain the identity of the owner or of the person with that right and to notify him of the procedures directed under section 86C(1) of this Act.

86E Disposal of relevant property.

(1) If relevant property cannot, in the opinion of the chief constable, safely be kept he may dispose of it or arrange for its disposal in such manner as he thinks fit.

(2) The chief constable may sell relevant property or, if in his opinion it would be impracticable to sell it, may dispose of it (or make arrangements for its disposal) otherwise as he thinks fit; but subject to subsection (1) above he shall not do so—

(a) before the expiry of a period of two months after the date on which the property was found in the possession or in the charge of the person taken into police custody; or

(b) if it would be inconvenient to keep the property until the expiry of that period, before the expiry of such shorter period as is reasonable in all the circumstances.

(3) Sections 71, 72 and 77(1) of this Act shall apply to a disposal under this section as they apply to a disposal under section 68 of this Act.

86F Retention of relevant property by police authority.

(1) Where a chief constable has power under section 86E(2) of this Act to sell or otherwise dispose of property and that property (not being money) has remained—

(a) for any continuous period of twelve months in his possession; or

(b) for part of any such period in his possession and for the rest of it in the possession of the prosecutor,

the police authority may, if they are of the opinion that the property can be used for police purposes, determine that the property is to be retained by the authority; and the property shall vest in them on the making of the determination.

(2)A determination under subsection (1) above shall be recorded in writing; and that record shall include the date on which the determination is made.

(3)Any person who, immediately before the date on which a determination under subsection (1) above is made, owns the property in question, shall be entitled within one year after that date to recover possession of it as owner.

(4)In subsection (1) above, “police authority” has the meaning assigned to it by section 2(1), as read with section 19(9)(a), of the M4Police (Scotland) Act 1967; and “the police authority” means the police authority for the area for which the chief constable’s force is maintained.

#### 86G Appeals.

(1)A claimant under section 86C(2) of this Act may appeal to the sheriff against any decision of the chief constable made under that section as respects the claim.

(2)The previous owner of any property disposed of for value under section 86E of this Act may appeal to the sheriff against any decision of the chief constable made under section 72 of this Act as applied by subsection (3) of section 86E.

(3)Subsections (3) to (5) of section 76 of this Act shall apply to an appeal under this section as they apply to an appeal under section 76.

#### 86H Crown application of Part VIIA.

(1)Subject to subsection (2) below, this Part of this Act binds the Crown.

(2)Rights which the Crown has in lost or abandoned property shall be capable of being extinguished in accordance with the provisions of section 71 (as applied by section 86E(3)) or 86F(1) of this Act; but nothing in this Part of this Act otherwise affects the Crown’s right of ownership in such property. 86I Further financial provision.

Subsection (2) of section 77 of this Act shall apply in respect of functions under this Part of this Act as that subsection applies in respect of functions under Part VI of this Act. 86J References in this Part to “chief constable”.

In this Part of this Act, “chief constable” means the chief constable for the police area in which the person taken into custody, within the meaning of section 80 of this Act, is so taken; and includes a constable acting under the direction of the chief constable for the purposes of this Part of this Act.”.

(5) In section 131 (provisions of that Act which apply to the Crown), for “Parts VI and VII” there is substituted “ Parts VI to VIIA ”. Annotations: Help about Annotation

7 Short title, commencement and extent.

(1) This Act may be cited as the Police (Property) Act 1997.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) In this Act

(a) section 1 extends to England, Wales and Northern Ireland only,

(b).....

(c) sections 3 to 5 extend to Northern Ireland only, and

(d) section 6 extends to Scotland only.

Produced by Staffordshire Police  
for FOI 23377

## **(APPENDIX D)**

Section 19 to 22 of The Police and Criminal Evidence Act 1984 Seizure etc.

19 General power of seizure etc.

- (1) The powers conferred by subsections (2), (3) and (4) below are exercisable by a constable who is lawfully on any premises.
- (2) The constable may seize anything which is on the premises if he has reasonable grounds for believing
  - (a) that it has been obtained in consequence of the commission of an offence; and
  - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (3) The constable may seize anything which is on the premises if he has reasonable grounds for believing
  - (a) that it is evidence in relation to an offence which he is investigating or any other offence; and
  - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.
- (4) The constable may require any information which is [F1stored in any electronic form] and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible [F2or from which it can readily be produced in a visible and legible form if he has reasonable grounds for believing
  - (a) that
    - (i) it is evidence in relation to an offence which he is investigating or any other offence; or
    - (ii) it has been obtained in consequence of the commission of an offence; and
  - (b) that it is necessary to do so in order to prevent it being concealed, lost, tampered with or destroyed.

(5) The powers conferred by this section are in addition to any power otherwise conferred.

(6) No power of seizure conferred on a constable under any enactment (including an enactment contained in an Act passed after this Act) is to be taken to authorise the seizure of an item which the constable exercising the power has reasonable grounds for believing to be subject to legal privilege.

## 20 Extension of powers of seizure to computerised information.

(1) Every power of seizure which is conferred by an enactment to which this section applies on a constable who has entered premises in the exercise of a power conferred by an enactment shall be construed as including a power to require any information stored in any electronic form contained in a computer and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible form from which it can readily be produced in a visible and legible form.

(2) This section applies

- (a) to any enactment contained in an Act passed before this Act;
- (b) to sections 8 and 18 above;
- (c) to paragraph 13 of Schedule 1 to this Act; and
- (d) to any enactment contained in an Act passed after this Act.

## 21 Access and copying.

(1) A constable who seizes anything in the exercise of a power conferred by any enactment, including an enactment contained in an Act passed after this Act, shall, if so requested by a person showing himself

(a) to be the occupier of premises on which it was seized; or

(b) to have had custody or control of it immediately before the seizure, provide that person with a record of what he seized.

(2) The officer shall provide the record within a reasonable time from the making of the request for it.

(3) Subject to subsection (8) below, if a request for permission to be granted access to anything which

(a) has been seized by a constable; and

(b) is retained by the police for the purpose of investigating an offence, is made to the officer in charge of the investigation by a person who had custody or control of the thing immediately before it was so seized or by someone acting on behalf of such a person, the officer shall allow the person who made the request access to it under the supervision of a constable.

- (4) Subject to subsection (8) below, if a request for a photograph or copy of any such thing is made to the officer in charge of the investigation by a person who had custody or control of the thing immediately before it was so seized, or by someone acting on behalf of such a person, the officer shall
- (a) allow the person who made the request access to it under the supervision of a constable for the purpose of photographing or copying it; or
  - (b) photograph or copy it, or cause it to be photographed or copied.
- (5) A constable may also photograph or copy, or have photographed or copied, anything which he has power to seize, without a request being made under subsection (4) above.
- (6) Where anything is photographed or copied under subsection (4)(b) above, the photograph or copy shall be supplied to the person who made the request.
- (7) The photograph or copy shall be so supplied within a reasonable time from the making of the request.
- (8) There is no duty under this section to grant access to, or to supply a photograph or copy of, anything if the officer in charge of the investigation for the purposes of which it was seized has reasonable grounds for believing that to do so would prejudice
- (a) that investigation;
  - (b) the investigation of an offence other than the offence for the purposes of investigating which the thing was seized; or
  - (c) any criminal proceedings which may be brought as a result of
    - (i) the investigation of which he is in charge; or
    - (ii) any such investigation as is mentioned in paragraph (b) above.
- (9) The references to a constable in subsections (1), (2), (3)(a) and (5) include a person authorised under section 16(2) to accompany a constable executing a warrant.
- (10) The references to a constable in subsections (1) and (2) do not include a constable who has seized a thing under paragraph 19ZE of Schedule 3 to the Police Reform Act 2002.

## 22 Retention.

- (1) Subject to subsection (4) below, anything which has been seized by a constable or taken away by a constable following a requirement made by virtue of section 19 or 20 above may be retained so long as is necessary in all the circumstances.
- (2) Without prejudice to the generality of subsection (1) above

(a) anything seized for the purposes of a criminal investigation may be retained, except as provided by subsection (4) below

(i) for use as evidence at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence; and

(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.

(11) Nothing seized on the ground that it may be used

(a) to cause physical injury to any person;

(b) to damage property;

(c) to interfere with evidence; or

(d) to assist in escape from police detention or lawful custody,

may be retained when the person from whom it was seized is no longer in police detention or the custody of a court or is in the custody of a court but has been released on bail.

(12) Nothing may be retained for either of the purposes mentioned in subsection (2)(a) above if a photograph or copy would be sufficient for that purpose.

(13) Nothing in this section affects any power of a court to make an order under section 1 of the M1 Police (Property) Act 1897.

(14) This section also applies to anything retained by the police under section 28H (5) of the M2 Immigration Act 1971.

(15) The reference in subsection (1) to anything seized by a constable includes anything seized by a person authorised under section 16(2) to accompany a constable executing a warrant.

## **(APPENDIX E)**

Section B7 of the PACE Codes of Practice.

### **7. Seizure and Retention of Property**

#### **Seizure**

7.1 Subject to paragraph 7.2 an officer who is searching any person or premises under any statutory power or with the consent of the occupier may seize anything.

- Covered by a warrant.
- The officer has reasonable grounds for believing is evidence of an offence or has been obtained in consequence of the commission of an offence but only if seizure is necessary to prevent the items being concealed, lost, disposed of, altered, damaged, destroyed or tampered with.
- Covered by the powers in the Criminal Justice and Police Act 2001, Part 2 allowing an officer to seize property from persons or premises and retain it for sifting of examination elsewhere

7.2 No item may be seized which an officer has reasonable grounds for believing to be subject to legal privilege, as define in PACE, Section 10, other than under the Criminal Justice and Police Act 2001, Part 2.

7.3 Officers must be aware of the provisions in the Criminal Justice and Police Act 2001, section 59, allowing for applications to a judicial authority for the return of property seized and the subsequently duty to secure in section 60. (See paragraph 7.12 (iii)).

7.4 An officer may decide it is not appropriate to seize property because of an explanation from the person holding it but may nevertheless have reasonable grounds for believing it was obtained in consequence of an offence by some person. In these circumstances, the officer should identify the property to the holder, inform the holders of their suspicions and explain the holder may be liable to civil or criminal proceedings if they dispose of, alter or destroy the property.

7.5 An officer may arrange to photograph, image or copy, any document or other article they have the power to seize in accordance with paragraph 7.1. This is subject to specific restrictions on the examination, imaging or copying of certain property seized under the Criminal Justice and Police Act 2001, Part 2. An officer must have regard to their statutory

obligation to retain an original document or other article only when photograph or copy is not sufficient.

7.6 If an officer considers information stored in any electronic form and accessible from the premises could be used in evidence, they may require the information to be produced in a form.

- Which can be taken away and in which it is visible and legible, or from which it can readily be produced in a visible and legible form.
- Criminal Justice and Police Act 2001: Specific procedures for seize and sift powers.

7.7 The Criminal Justice and Police Act 2001, Part 2 gives officers limited powers to seize property from premises or persons so they can sift or examine it elsewhere. Officers must be careful they only exercise these powers when it is essential and they do not remove any more material than necessary. The removal of large volumes of material, much of which may not ultimately be retainable, may have serious implications for the owners, particularly when they are involved in business or activities such as journalism or the provision of medical services. Officers must carefully consider if removing copies or images of relevant material or data would be a satisfactory alternative to removing originals. When originals are taken, officers must be prepared to facilitate the provision of copies or images for the owners when reasonably practicable. (See Note 7C).

7.8 Property seized under the Criminal Justice and Police Act 2001, sections 50 or 51 must be kept securely and separately from any material seized under other powers. An examination under section 53 to determine which elements may be retained must be carried out at the earliest practicable time, having due regard to the desirability of allowing the person from whom the property was seized, or a person with an interest in the property, an opportunity of being present or represented at the examination.

7.8a All reasonable steps should be taken to accommodate an interested person's request to be present, provided the request is reasonable and subject to the need to prevent harm to, interference with, or unreasonable delay to the investigatory process. If an examination proceeds in the absence of an interested person who asked to attend or their representative, the officer who exercised the relevant seizure power must give that person a written notice of why the examination was carried out in those circumstances. If it is necessary for security reasons or to maintain confidentiality officers may exclude interested persons from decryption or other processes which facilitate the examination but do not form part of it. (See Note 7D).

7.9 It is the responsibility of the Officer in Charge of the investigation to make sure property is returned in accordance with sections 53 to 55. Material which there is no power to retain must be:

- Separated from the rest of the seized property, and returned as soon as reasonably practicable after examination of all the seized property.

7.9A Delay is only warranted if very clear and compelling reasons exist, for example:

- The unavailability of the person to whom the material is to be returned, or the need to agree a convenient time to return a large volume of material.

7.9B Legally privileged, excluded or special procedure material which cannot be retained must be returned.

- As soon as reasonably practicable, and without waiting for the whole examination.

7.9C as set out in section 58, material must be returned to the person from whom it was seized, except when it is clear some other person has a better right to it. (See Note 7E).

7.10 When an officer involved in the investigation has reasonable grounds to believe a person with a relevant interest in property seized under section 50 or 51 intends to make an application under section 59 for the return of any legally privileged, special procedure or excluded material, the Officer in Charge of the investigation should be informed as soon as practicable and the material seized should be kept secure in accordance with section 61. (See Note 7C).

7.11 The Officer in Charge of the investigation is responsible for making sure property is properly secured. Securing involves making sure the property is not examined, copied, imaged or put to any other use except at the request, or with the consent, of the applicant or in accordance with the directions of the appropriate judicial authority. A request, consent or directions must be recorded in writing and signed by both the initiator and the officer in charge of the investigation. (See Notes 7F and 7G).

7.12 Where an officer exercises a power of seizure conferred by sections 50 or 51 they shall provide the occupier of the premises or the person from whom the property is being seized with a written notice.

- (i) Specifying what has been seized under the powers conferred by that section.
- (ii) Specifying the grounds for those powers.

- (iii) Setting out the effect of sections 59 to 61 covering the grounds for a person with a relevant interest in seized property to apply to a judicial authority for its return and the duty of officers to secure property in certain circumstances when an application is made, and
- (iv) Specifying the name and address of the person whom:
  - Notice of an application to the appropriate judicial authority in respect of any the seized property must be given;
  - An application may be made to allow attendance at the initial examination of the property.

7.13 If the occupier is not present but there is someone in charge of the premises, the notice shall be given to them. If not suitable is available, so the notice will easily ne found it should either be:

- Left in a prominent place on the premises, or
- Attached to the exterior of the premises.

## **Retention**

7.14 Subject to paragraph 7.15, anything seized in accordance with the above provisions may be retained only for as long is necessary. It may be retained, among other purposes.

- (i) For use as evidence at a trial for an offence.
- (ii) To facilitate the use in any investigation or proceedings of anything to which it is inextricably linked. (See Note 7H).
- (iii) For forensic examination or other investigation in connection with an offence.
- (iv) In order to establish its lawful owner when there are reasonable grounds for believing it has been stolen or obtained by the commission of an offence.

7.15 Property shall not be retained under paragraph 7.14 (i), (ii) or (iii) if a copy or image would be sufficient.

- (d) Rights of Owners etc.

7.16 If property is retained, the person who had custody or control of it immediately before seizure must, on request, be provided with a list or description of the property within a reasonable time.

7.17 That person or their representative must be allowed supervised access to the property to examine it or have it photographed or copied, or must be provided with a photograph or copy, in either case within a reasonable time of any request and at their own expense, unless the officer in charge of an investigation has reasonable grounds for believing this would:

- (i) Prejudice the investigation of any offence or criminal proceedings: or
- (ii) Lead to the commission of an offence by providing access to unlawful material such as pornography.

A record of the grounds shall be made when access is denied.

Notes for Guidance.

- 7A. Any person claiming property seized by the police may apply to a magistrates' court under the Police (Property) Act 1897 for its possession and should; if applicable, be advised of this procedure.
- 7B. The powers of seizure conferred by PACE, sections 18(2) and 19(3) extend to the seizure of the whole premises when it is physically possible to seize and retain the premises in their totality and practical considerations make seizure desirable. For example, Police may remove premises such as tents, vehicles or caravans to a Police Station for the purpose of retaining evidence.
- 7C. Officers should consider reaching agreement with owners and/or other interested parties on the procedures for examining a specific set of property, rather than awaiting the judicial authority's determination. Agreement can sometimes give a quicker and more satisfactory route for all concerned and minimize costs and legal complexities.
- 7D. What constitutes a relevant interest in specific material may depend on the nature of that material and the circumstances in which it was seized. Anyone with a reasonable claim to ownership of the material and anyone entrusted with its safe keeping by the owner should be considered.
- 7E. Requirements to secure and return property equally apply to all copies, images or other material created because of seizure of the original property.

- 7F. The mechanics of securing property vary according to the circumstances, “bagging up”, i.e. placing material in sealed bags or containers and strict subsequent control of access is the appropriate procedure in many cases.
- 7G. 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.
- 7H. Paragraph 7.14 (ii) applies if inextricably linked material is seized under the Criminal Justice and Police Act 2001, sections 50 or 51. Inextricably linked material it is not reasonably practicable to separate from other linked material without prejudicing the use of that other material in any investigation or proceedings. For example, it may not be possible to separate items of data held on computer disk without damaging their evidential integrity. Inextricably linked material must not be examined, imaged, copied, or used for any purpose other than for providing the source and/or integrity of the linked material.

## (APPENDIX F)

### Exhibit Storage Recommendations

The following outlines the recommended storage for some common exhibits requiring freezing:

N.B items that are only sealed into paper evidence bags **MUST NOT** be frozen. Damp or wet items such as small pieces of clothing should be wrapped in a sterile brown paper or place into a paper evidence bag (without sealing, and then this is sealed into a tamper evident bag before being frozen.

| <b>FREEZE</b>                                                                      | <b>CONTAINER</b>                                                                         |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>Swabs</b> (Except Gunshot residue – which must be stored at normal temperature) | Swab then place into original sterile swab tube and then seal into a tamper evident bag  |
| <b>Hairs (From any part of the body)</b>                                           | Use only Staffordshire Police approved Hair Collection Module                            |
| <b>Fingernail Clippings:</b>                                                       | Use only Staffordshire Police approved Nail/Hand Collection Module                       |
| <b>Liquid Saliva:</b> e.g. for the presence of semen or other evidential material  | Seal into rigid sterile plastic container and then into a tamper evident bag             |
| <b>Liquid or Wet Semen:</b>                                                        | Swab then place into original sterile swab tube and then into a tamper evident bag       |
| <b>Urine:</b> For alcohol and drugs                                                | Use only Staffordshire Police approved Alcohol/Drug urine Module                         |
| <b>Blood:</b> recovered from scene (wet or damp)                                   | Swab then place into original sterile swab tube and then place into a tamper evident bag |
| <b>Blood:</b> Preserved for DNA                                                    | “Sterlin” or EDTA vial and then into a tamper evident bag                                |
| <b>Blood:</b> preserved for alcohol, carbon monoxide, volatiles and drugs          | Use only Staffordshire Police approved Alcohol/Drug Blood Module                         |
| <b>Sanitary Wear:</b> e.g. Tampons, sanitary towels, disposable nappies etc        | Use only Staffordshire Police approved Sanitary Wear collection Module                   |
| <b>Condoms:</b>                                                                    | Use only Staffordshire Police approved Condom Collection Module                          |
| <b>Bone Shaft (Including Marrow):</b>                                              | Seal into rigid sterile plastic container and then into a tamper evident bag             |
| <b>Bones:</b>                                                                      | Seal into a rigid sterile plastic container and then into a tamper evident bag           |
| <b>Cigarette End:</b> (Only if wet)                                                | Seal into a clear sterile plastic evidence box and then into a tamper evident bag        |

|                                                           |                                                                                                                                           |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Foodstuff:</b> (including Chewing Gum etc.)            | Sealed into a clear sterile plastic box and then into a tamper evident bag.                                                               |
| <b>Stomach Contents:</b> for semen (liquid or a stain)    | Seal into a rigid sterile plastic container and then into a tamper evident bag                                                            |
| <b>Stomach and Contents:</b> for drugs                    | Seal into a rigid sterile plastic container and then into a tamper evident bag                                                            |
| <b>Deep Muscle Tissue:</b>                                | Seal into a rigid sterile (no preservatives or fixative) plastic container and then into a tamper evident bag                             |
| <b>Small Items of Underwear:</b> i.e. Only if damp or wet | Wrap in sterile brown paper or place into a paper evidence bag (without sealing then seal this into tamper evident bag                    |
| <b>Liver:</b> for drugs                                   | Seal into rigid sterile plastic container and then into a tamper evident bag.                                                             |
| <b>Lungs:</b> for volatiles                               | Place into a sealed sterile nylon bag and then place into a rigid container and then into a tamper evident bag                            |
| <b>Vitreous Humour:</b> preserved for alcohol and drugs   | Seal into a septum seated RTA type vial i.e. a container with fluoride preservative and anticoagulant and then into a tamper evident bag. |
| <b>Teeth:</b>                                             | Seal into rigid sterile plastic container and then into a tamper evident bag                                                              |