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Event History

Policy owned by Operational Services**Property - Detained (Seized), Found & Lost****1. Policy Purpose and key drivers**

The purpose of this policy is to ensure appropriate procedures are followed in dealing with detained (seized), found and lost property coming into the possession of, or being reported to, Staffordshire Police.

It provides a focus on roles and responsibilities and encourages greater awareness of the issues concerning the continuity, care and correct handling of property from reporting, detention (seizure) and storage through to disposal.

The correct handling of property will assist in the detection of crime whilst protecting the rights and freedoms of others in accordance with Article 1 of the first Protocol of the Human Rights Act 1998.

Human Rights Consideration

First Protocol, Article 1 – Protection of Property:

‘Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.’

Whilst the policy has the potential to engage this protocol the emphasis in the attached procedures is about allowing people to retain property where appropriate and if property is taken into police possession it is only retained for the minimum period as necessary in relation to the individual enquiry or case.

Related Documents

Links to related documents:

[Property - Cash Seizures \(Procedure\)](#)
[Property - Detained \(Seized\) \(Procedure\)](#)
[Property - Firearms & Ammunition \(Procedure\)](#)
[Property - Lost & Found \(Procedure\)](#)
[Property - Police Property Act & Interpleader Proceedings \(Procedure\)](#)
[Property - Release of Firearms from Store \(Procedure\)](#)
[Property - Roles & Responsibilities \(Procedure\)](#)

Gatekeeper - the Author suggested the following Procedure document(s) to link to.

Property - Cash Seizures; Property - Detained (Seized); Property - Firearms & Ammunition; Property - Lost & Found; Property - Police Property Act & Interpleader Proceedings; Property - Roles & Responsibilities

Relevant Dates and Review Period

Effective Date: 18/08/2015

Review Date: 18/02/2019

Review Frequency: Annually

Policy Basis and Implications**2. Legal Basis:**

The Police (Property) Act 1897;
 The Police (Property) Act 1997;
 The Police (Property) Regulations 1997;
 The Police (Property) Regulations 2002;
 The Powers of Criminal Courts (Sentencing) Act 2000;
 Police and Criminal Evidence Act 1984;
 Theft Act 1968;

Criminal Justice and Police Act 2001;
Criminal Procedure and Investigations Act 1996.

Police (Property) Act 1897 – The court may determine who the ‘owner’ of property is according to its ordinary popular meaning i.e. the person who is entitled to the goods and not simply the person who happened to have them in his possession at the time of seizure. The court can order the return to the owner or such other order as may seem appropriate. This can include ‘to be sold by the police’, ‘destroyed’ or ‘disposed’ of in some way, ‘other’ e.g. used for police purposes. There is no right of appeal although an aggrieved party may within six months from the date of the order, start civil proceedings in the County or High Court.

Police (Property) Act 1997 – Applies to property in police possession where the owner has not been ascertained and no court order has been made. These regulations require such property to remain in police possession for ONE YEAR before it can be disposed of, UNLESS that property is perishable or its continued retention will involve unreasonable expense or inconvenience. A working definition of unreasonable would be where the cost of continued storage outweighs the value of the goods.

Criminal Procedure and Investigations Act 1996 – The code of practice at paragraphs 5.1 to 5.5 are concerned with the duty to retain material obtained as a result of a criminal investigation and relevant to that investigation. The definition of ‘material’ for retention is any kind of material including information and objects which are obtained in the course of a criminal investigation and which may be relevant to the investigation unless they are incapable of having an impact on the case. The code of practice 5.6 to 5.10 (Criminal Procedure & Investigations Act 1996) are concerned with the length of time for which material is to be retained, as detailed below:-

Paragraph 5.6 – All material which may be relevant to the investigation must be retained until the decision is taken whether to institute proceedings against a person for an offence.

Paragraph 5.7 – If a criminal investigation results in proceedings being instituted, all material which may be relevant must be retained at least until the accused is acquitted or convicted or the case is not proceeded with.

Paragraph 5.8 – Where the accused is convicted, all material which may be relevant must be retained at least until:

- a. The convicted person is released from custody, or discharged from hospital, in cases where the court imposes a custodial sentence or hospital order.
- b. Six months from the date of conviction in all other cases.

Paragraph 5.9 – If an appeal against conviction is in progress when the release or discharge occurs, or at the end of the period of six months specified in paragraph 5.8, all material which may be relevant must be retained until the appeal is determined.

Paragraph 5.10 – Material need not be retained by the police, as required in paragraph 5.8, if it was seized and is to be returned to its owner.

Powers of Criminal Courts (Sentencing) Act 2000 – Section 143 of the Act (forfeiture of proceeds of crime), allows the courts to order the forfeiture by a convicted person of certain property which was used or intended to be used for the purposes of crime, or is in the unlawful possession of the defendant. This includes the forfeiture of any vehicle used to commit serious traffic offences. See also, Section 144 (reclaiming proceeds forfeited under Section 143).

Where an order of forfeiture has been made by a court under the

Powers of Criminal Courts Act 1973, the property will be retained for a period of six months from the date of the order to allow any other party to apply for possession under the Police (Property) Act 1897.

Where an order of forfeiture, destruction or other disposal is made under order of the court, the property may be dealt with in accordance with the court order as soon as the time allowed for appeal has passed. A court order for forfeiture or other disposal should be recorded against the relevant property reference in the 'notes' field on the Property Management System.

PACE Code of Practice B, paragraphs 7.9 to 7.9C emphasise the requirement for the return, as soon as reasonably practicable, of material seized under the new powers contained in Part II of the Criminal Justice and Police Act 2001, which is subsequently determined not to be retainable. Requirements to secure and return property apply equally to all copies or images or all other material the creation of which may have been facilitated by the seizure of the original property.

3. Management of Police Information (MoPI):

MoPI Policing Purpose:

Protecting Life and Property, Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law

MoPI Review, Retention and Disposal addressed as follows:

Lost/Found property records have an automatic weed date of 12 months whereas 'Detained' property has a weed date of 6 years unless manually extended due to the specific circumstances of the individual case.

4. Associated Benefits:

The storage of property is costly. By ensuring that only that property which is essential for police purposes, or by its nature, is seized, and that it is only retained for the minimum period necessary and promptly disposed of, the budgetary impact on the public purse will be reduced to an efficient yet effective level.

5. Consultation:

Force Property Manager;
Force Property System Administrator;
LPT Commanders re Local Support Officers (Lost & Found Property);
Unison;
Police Federation;
Police Superintendents Association;
High Tech Crime Unit;
Financial Investigation Unit;
Professional Standards.

6. Financial Implications:

There are no new financial implications to the implementation of this policy and procedures. The maintenance and upgrade of the KIM system/software is budgeted for on an annual basis.

7. Human Resources / Training:

The Force Learning and Development Team will be responsible for providing familiarisation courses to Property Officers and key users. It is not envisaged that training courses will be required for all Police Officers, as a familiarisation guide for Officers is published on the Force Intranet. However, all student officers, PCSOs and Special Constables have an input at their initial training stage.

8. Associated Policy:

Firearms Policy;
Forensics Policy;
Drugs Policy;
Force Information Security Policy.

FOI, Human Rights and Equality Impact Assessment Indicators

FOIA: Release to Public

ECHR: Compliant

EIA: Compliant

Indexing

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Crime Investigation
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