

# DETAINED PROPERTY

## Executive Summary:

The purpose of this policy and associated procedural documents are to detail the requirements and legislation in line with the seizure, management and storage of property within WMP.

The correct handling of property is vital to the efficiency, outcomes and good reputation of West Midlands Police. It is in the interest of all officers and staff handling property that great care is taken when dealing with all matters covered by this policy document.

### **Aim**

The aim of this policy is to ensure that WMP officers and staff coming into contact with property in the course of their duties manage property in accordance with their legal obligations at all stages. It is intended to ensure that:

- There is a consistent and corporate approach to the seizure, management and disposal of property;
- Property is handled, recorded and stored securely and professionally;
- The integrity of evidence is maintained;
- The retention and disposal of all property is lawful and critically reviewed;
- The health and safety of all those involved in the handling of property is protected;
- WMP is consistent with its mission to protect the public and prevent crime;
- WMP storage space is used efficiently and effectively.

## Authorised Professional Practice (APP):

- This policy has been checked against APP. West Midlands Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by West Midlands Police.

Those provisions are shown in the links below and can be accessed via the home page of the APP website

### [APP CONTENT](#)

## Policy Statements:

- The policy and attached procedural guidance must be read and adhered to.

## SEIZURE OF PROPERTY

- Property should only be brought into police possession if it is:
  - Necessary for evidential purposes or known or suspected to be proceeds of crime or there is a dispute over ownership
  - An offensive weapon or implements used to facilitate crime
  - Illegal to possess i.e. unlicensed firearms and ammunition, forged documents
  - Required for forensic examination
  - Police possession is required for the protection of the property (safekeeping)
- [S.19 of PACE](#) states that a constable may seize anything which is on premises where he has reasonable grounds to believe that:
  - It has been obtained in consequence of the commission of an offence; or
  - It is evidence in relation to an offence which he is investigating or any other offence; and
  - It is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.

- Property must be seized and packaged following the appropriate procedural guidance
- All items coming into police possession (including property disposed at point of seizure) must be recorded.
- Property should not be retained for use as evidence or for the purposes of an investigation if a photograph(s) or a copy would be sufficient for those purposes (PACE Codes of Practice Code B6.6 and 6.7).
- The seizing officer is the decision maker for detained property/exhibits until an OIC is identified or the property leaves police possession.
- The seizing officer will be responsible for the management of the property/exhibit and its retention until an OIC is identified or the property leaves police possession.
- The seizing officer must undertake enquiries to establish ownership of seized items where necessary.
- Further information can be found under [PACE](#) legislation:
  - [General Power of Seizure](#)
  - [Extension of powers of seizure to computerised information](#)
  - [Access and copying](#)
  - [Retention](#)

### **SEIZURE OF CASH**

- WMP can seize money (including sterling or foreign currency in notes and/or coins) if it can be described as:
  - a) Known to be stolen
  - b) Money believed to be the proceeds of crime.
  - c) Money suspected of being (a) or (b) which is subsequently 'disclaimed' by the person from whom seized, and no true owner is established
  - d) Money suspected of being (a) or (b), which subsequently forms the basis of a dispute between two or more parties as to ownership.
  - e) Mutilated money e.g. money with dye, attempts to alter original form or blood stained
- Money seized under the provisions of the Proceeds of Crime Act 2002 (POCA) does not need to be counted before it is entered into the DP System.
- Refer to the Seizure of Cash (Sterling) process attached to this policy.
- The earlier that ECU are informed of large amount cash seizures, the greater the chance of recovering assets through confiscation.

### **RETENTION OF MONEY IN ORIGINAL FORM**

- Seized money will only be retained in its original form if:
  - It is required for forensic examination.
  - It is to be produced as an exhibit in court.
  - It is obvious from initial enquiries that the money will only need to be retained pending identification by serial numbers or other markings.

- A Chief Inspector or above must provide a [WG401](#) requesting the cash be retained and not banked.
- The WG401 must be attached to the DP system record and sent through to the relevant store via e-mail or using [My Service Portal](#).
- Each case will be subject to review.
- At the end of the retention period, further approval will be required for extensions.

### **SEIZURE OF JEWELLERY**

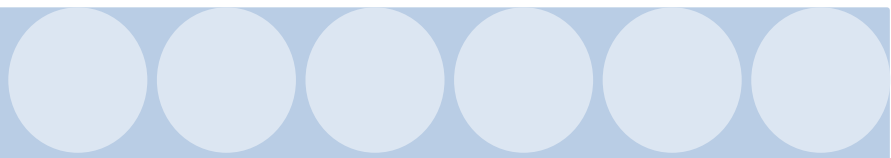
- Checking and initial storage of jewellery:
  - The OIC, together with one other person will check the jewellery
  - The item(s) will be sealed in a self-seal evidential property bag. Each item must be placed in a separate bag.
  - The item must be recorded on the DP system including a full description of each item of jewellery.
  - Items should not be described as being gold or silver, but gold or silver coloured.
  - If an item of jewellery has a certificate of high value, contact should be made with Corporate Asset Management - Facilities.
  - Items of high value must be stored centrally and not at local property holding stores.
- If a valuation of the jewellery needs to be undertaken for court purposes, the OIC will make the necessary arrangements.
- The valuation costs must be entered on the file in order that these expenses can be brought to the attention of the court.

### **SEIZURE OF PROPERTY – SUDDEN DEATHS**

- Property from persons deceased must not be booked in to the DP system as 'FOUND' property. It must be booked in as 'CRIME' property.
- Refer to Sudden Death Property process procedural guidance

### **SEIZURE OF PROPERTY – PERSONS IN CUSTODY**

- PIC belongings must **not** be booked into DP.
- DP must only be booked in if either suspected or known to have been obtained following the commission of a criminal offence or entered onto the system as Found.
- PIC belongings must be stored in the allocated room within Custody and not left in property holding stores.
- See [Prisoner Bulk Property Guidance](#)



### **RETENTION OF PROPERTY BY OWNER/POSSESSOR (FORM WG530)**

- It is possible to allow an owner or possessor to retain an item of property instead of seizing it into police possession
- They must agree not to dispose of the item and produce the item at any subsequent court proceedings or upon request.
- Consideration should be given to photographing the item in situ.
- A WG530 form must be issued to the owner/possessor.
- The owner/possessor must be informed that if the property is disposed of during this time, they may be liable to civil or criminal proceedings.
- If there is any uncertainty to leave the property with the possessor, seek advice from a supervisor.

### **PAWNBROKERS**

- If the possessor is a pawnbroker, the [WG530](#) must specify that the items are not to be sold and give a detailed description of the item(s).
- Where criminal proceedings result, the OIC must inform the Pawnbroker of the place, date and time of any Court hearings so that they may be represented.
- The OIC may consider if appropriate claim for compensation forms be included in the case papers on behalf of the Pawnbrokers.
- If the Court makes no order regarding the disposal of items, the Pawnbroker and any other party concerned, will be informed how it is proposed to deal with the property.

### **LOST PROPERTY**

- WMP no longer record lost property, refer to the Lost Property procedural guidance for possible signposting options
- Public Contact Office staff should use professional judgement to ensure that those who are **vulnerable** are supported in making reports online at the station.

### **Hazardous Items**

- Items such as:
  - Firearms
  - Shotguns
  - Ammunition
  - Explosives
  - Poisons
  - Toxins
  - Chemicals

- Advice should be sought from specialist teams such as:
  - Firearms
  - Facilities
  - Armory
  - Haz-Chem Consultative Officer
  - Fire Service
- Police Forces are expected to allocate appropriate resources to manage and handle the loss of a dangerous item of property e.g. a firearm.

### **FOUND PROPERTY**

- The Police Front Counters Forum (PFCF) recommends that found property should be retained by the public. The police service will not accept and record found property unless:
  - The finder is a paid or unpaid servant of the Police service
  - The property was found on police premises, in a police vehicle, in a vehicle hired to police or otherwise used by police
  - The property is suspected of being of evidential value or could be used to support the commission of offences, this should be processed as crime
  - The property is an item requiring special action, hazardous / dangerous
  - It would be unlawful for the finder to retain the property
  - In the opinion of an approved person it would be unwise to retain the property
  - The item(s) contain personal data
- WMP will only accept and record the following items as found property:
  - Items that may contain personal data, for example mobile phones, computers, MP3, tablets etc.
  - Cash within wallets that are identifiable
  - Unidentifiable cash (you don't know who it belongs to)
  - Items suspected of being involved in crime
  - Drugs
  - Chemicals (seek further from specialist teams as detailed below)
  - Firearms, ammunition and explosives (seek further advice from specialist teams as detailed below)
  - Identifiable documents:
    - Passports
    - Bank cards
    - Identity cards
    - Personal documentation such as bank statements and benefit books
    - Birth, marriage and death certificates
    - Driving licenses
    - High value items
- Public Contact Office staff / OIC's will always use their professional judgement when an item is handed in but is not on the standard list of accepted items.
- There could be times where an item is handed in and it be absolutely appropriate for WMP to take a record of it
- Public Contact Office staff / OICs will provide the finder with contact details for Customer Services (0121 626 5100).

- An owner wishing to claim found property will need to provide proof/evidence of ownership before the item will be returned to them. If they are unable to do so, the property will not be returned.
- The finder can phone Customer Services after 4 weeks to claim an item if the owner has not been identified or come forward. The finder has 14 days to claim an item before it is disposed.
- Items containing personal information or items deemed unsuitable will not be able to be claimed by finders and requests will be denied.
- The return to owner process should be followed to make an appointment to claim items.
- Property marked as 'FOUND' will be disposed of from stores after 6 weeks.
- WMP employees are **not** eligible to claim any found items.

### TREASURE

- Finders **must** report all finds of [Treasure](#) to a coroner for the district in which they are found either **within 14 days** after the day on which the discovery is made or **within 14 days** after the day on which realising the find might be treasure.

### RECORDING PROPERTY

- [Authorised Professional Practice \(APP\)– Managing Investigations - s.8 Exhibit Management](#)
- Items coming into police possession (seized or found) will be recorded onto the DP system as soon as practicable by the seizing officer/OIC.
- Items of property that could be linked to an offence must always be recorded as crime property, including:
  - Property from sudden deaths
  - Cash
  - Drugs
  - Possible crime linked items
- Recording the above items as crime applies the correct handling and retention.
- The person booking in the property is responsible for the initial storage of all detained property.
- Property audit trails are disclosable upon request
- Once logged, it is the responsibility of the OIC to ensure that the property is disposed of as expeditiously as possible.

### MOVEMENTS/TRANSFERS OF PROPERTY

- **All** property movements and actions must be recorded on the DP system to provide continuity until the item leaves WMP possession.

- The DP record update should detail:
  - The reasons for the movement
  - The name of the person who removed it
  - When it was removed
  - Who it has been transferred to
- If an officer retains the property and does not put it into the holding store (e.g. for the purposes of an interview) the property must be booked out on the DP system to the officer.
- Once the property is no longer required it must be booked back in on the DP system and placed into holding stores.

#### MOVEMENT/TRANSFERS OF PROPERTY IN HOLDING STORES

- As well as the DP system, WMP utilises additional paper booking out forms within holding stores. This ensures accurate records of item locations and full audit trails.
- Any officer who is a property user can book out items while the property is in the holding store.

#### MOVEMENT/TRANSFERS OF PROPERTY FROM HOLDING STORES TO CENTRAL PROPERTY STORES

- WMP is moving toward a Centralised Detained Property solution as part of the Estates Programme.
- A number of stores are now operating centrally and the following will apply:
  - Officers and staff can use any designated DP computer at these locations to book property in
  - Property must be aligned to the 'central detained property store' instead of a particular NPU.
  - Detained property items (property items, cash, drugs) in the holding stores will be collected daily (Mon-Fri, no weekend or PHL service) by fleet drivers and taken to the central property store.
  - Freezer items are collected once a week.
  - Exhibits transferred to central property stores will be managed by the Central Property Store Team.
  - A detained property request form must be completed through the [My Service Portal](#) to return any items of property.
  - Fleet drivers will deliver property to the pre-arranged location (any holding store across the force) within 2-5 working days.
  - Once delivered to the holding stores, officers can collect the property.
  - If a NPU has a live property store (not centrally) or property has been previously deposited in an existing store, contact the local delivery teams directly. They will assist with the storage and movement request for any detained property items.

#### URGENT RETURN OF PROPERTY REQUESTS

- A detained property request form must be completed for urgent requests for property (for Court or for interview for example) from the Central Detained Property Store.
- Detained property request forms must be sent through My Service Portal. Requests will not be processed unless received and recorded onto My Service Portal.

- Requests must include date and time required for (court / interview etc.) and approval from an Inspector or above must be attached.
- Please note property returned by Fleet to holding stores can often be accommodated next day or within 48 hours.
- Officer's may only collect property from the central store in exceptional circumstances and must have Inspector or above approval.
- A suitable date and collection time must be agreed with the Central Store Management.
- For property stores located on NPU (not central), contact the relevant Local Delivery Teams.

#### **TRANSFER OF PROPERTY BETWEEN NPUs/FORCES**

- When property is transferred between NPUs or Central Store, Property Stores will be responsible for accepting the property and updating / closing the DP record.
- When requesting transfer of property to another Force, OICs must:
  - Forward suitable approval and transfer details to stores (via the CX Portal or DP system) to arrange the transfer of the property.
  - Obtain a [WG586](#) receipt on handover of the property (if transferring in person at NPU), which must be forwarded to stores

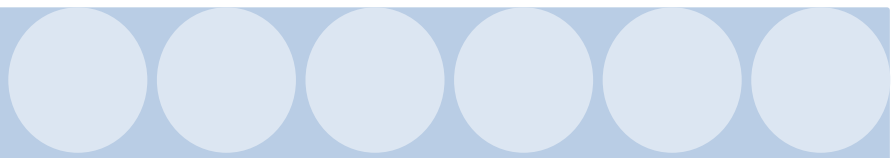
#### **MISSING PROPERTY FROM STORES**

- Property will be marked missing within 24 hours if:
  - It is booked in on the DP system and not physically placed within holding stores / received, without being booked out to an officer or justification updated onto DP record
  - The property is removed without a DP record update/booking out form completed
- Once set missing an automated reminder will be generated to the assigned OIC for action within 14 days.
- The OIC will be responsible for the return of the property back to the holding store / stores following use
- Property location, storage and audit trails must be maintained for continuity of evidence at all times
- Missing property items will be escalated to Supervision

#### **RETENTION OF PROPERTY**

- See Property/Evidence Retention Policy for further guidance and instruction.
- For general retention advice, please refer to the [Information Management intranet pages](#).





## PROPERTY REMINDERS

- OICs will receive an e-mail requesting an update as to the current status of the investigation after 28 days of the property being initially booked in.
- OICs will receive reminders into their own account and an advisory note on the home page of the property system.
- The OIC must be satisfied that continued retention of the property is legally justified in order to request an extension.
- The OIC must respond to the reminder on the property system within 14 days.
- If Legal Services Department are dealing with the matter, the OIC must respond to the reminder and include the Legal Services reference number.
- OIC's must respond to reminders with a full and valid reason for on-going retention.
- Updates with notes such as "Retain", "On-going", "Still required", "Enquiries" do not provide enough detail for management in stores.
- OICs must consider appropriate periods for further review (Over 3 months would not be accepted without a suitable rationale provided i.e. Offence type or length of prison sentences, court date etc)
- If no response is received within 14 days or the response is unsatisfactory, property staff may refer the matter to the OICs supervisor or stores management for decision making.
- If the property is to be retained, the details will be entered on the property record.
- Further reminders for ongoing review will be sent as appropriate.

## DISPOSAL OF PROPERTY

- We must not keep property unnecessarily
- When property is no longer required, the appropriate disposal method must be chosen to remove the item from WMP's control:
  - Return to owner
  - Return to relative or next of kin (deceased persons property)
  - Sold by auction
  - Moved to non WMP controlled banking /Police Property Fund
  - Repurposed for Police use
  - Donated to charity
  - Transfer to another Force
  - Disposed or destroyed
- Disposal / destruction methods will depend on the item type, risk, volume and provision available within Force.

- Disposal and destruction methods will:
  - Be managed through Facilities Management
  - Be in accordance with contractual arrangements
  - Take into account H&S, Data Protection and appropriate security requirements.

#### RETURN TO OWNER/RELATIVE/NEXT OF KIN

- Every effort must be made to restore property to its owner/person entitled to lawful possession at the earliest opportunity.
- Items should not routinely be offered for postal or courier returns. In exceptional circumstances contact Customer Services Management / Central Detained Property Management.
- If the owner is unable to collect the item, they can nominate a designated person to collect on their behalf. Customer Services must be informed of this arrangement when booking the appointment.
- Suitable ID (photographic if available) and a letter of authorisation must be provided.
- If there is any doubt about ownership, The Police and Criminal Evidence Act 1984 states it is necessary to retain property in order to ascertain ownership even if criminal investigations have concluded.
- To establish ownership, further investigations may be required or civil proceedings instigated by Legal Services.
- See Return to Owner process document

#### SOLD AT AUCTION

- Property where there is no known owner and is of saleable quality can be disposed of through auction.
- Property Staff and Management will be responsible for the decision making and disposing of items through this method.
- In preparation for auction:
  - Items must be unpacked, seals removed, attached paperwork and information destroyed.
  - Details recorded appropriately on the DP system
  - A [WG518](#) form completed and attached to the DP record.
  - Comprehensive auction information and outcomes must be retained in accordance with the WMP retention schedule.

#### DONATED TO CHARITY/REPURPOSED FOR POLICE USE

- If an owner cannot be traced or has been disclaimed, arrangements can be made for property to transfer to police use or donation for charitable purposes.
- In all cases advice should be sought from Property Store Management to ensure fair process and decision making.
- Approval from an Inspector (or above) will be required upon request.
- All property records will be updated with the method of disposal.

## Definitions/Acronyms:

<b>Detained Property/Evidence</b>	Includes all property or digital information / data / media downloaded coming into the possession of West Midlands Police, which is either suspected or known to have been obtained following the commission of a criminal offence and which may become an exhibit in any judicial proceedings. It may also be referred to as evidential property, exhibits, items and material. Throughout this policy this definition applies to both digital and physical evidence
<b>Found Property</b>	Found property includes any property coming into the possession of the police which is not suspected or known to be the proceeds of crime or required for evidential purposes. Property recorded as found will be subject to shorter retention periods.
<b>Lost Property</b>	An item of property shall be deemed lost if the owner does not know its current whereabouts.
<b>Management of Property</b>	Refers to any interaction with an item of property whilst it is in the possession of WMP.
<b>Property Life Cycle</b>	Describes the life cycle of a property item from its initial seizure or creation and recording through the period of its 'active' use, then into a period of 'inactive' retention (such as closed cases which may still be referred to occasionally) and finally through to disposal options
<b>Disposal</b>	Options for when property is no longer required for Policing purpose include: return to its rightful owner, sold by way of public auction, donated to charity, retained for police use or destroyed.
<b>Treasure</b>	In general terms, treasure can be defined as an object or group of objects, or coins over 300 years old which contain 10% or more gold or silver (or if 10 plus, coins of any metal) together with any item of any substance found in association therewith. In addition, younger gold or silver apparently hidden for future recovery which would have been classified as 'treasure trove' under the old law, is defined as a treasure under the new law.
<b>DP</b>	Detained Property
<b>WMP</b>	West Midlands Police
<b>APP</b>	Authorised Professional Practice
<b>PACE</b>	Police and Criminal Evidence Act 1984
<b>OIC</b>	Officer in Charge
<b>ECU</b>	Economic Crime Unit
<b>NHL</b>	Neighbourhood Policing Unit
<b>PHL</b>	Public Holiday Leave
<b>PIC</b>	Person In Custody

## Procedural Guidance Documents List:

**Lost Property**  
**Sudden Deaths & Property**  
**Seized Cash (Sterling) Process**  
**Seizure of Hazardous Property**  
**Packaging Seized Property**  
**Recording Property Checklist**  
**Return to Owner**  
**Roles & Responsibilities**  
**Legislation & References**

**Publication Instructions:**

- Suitable for publication to public

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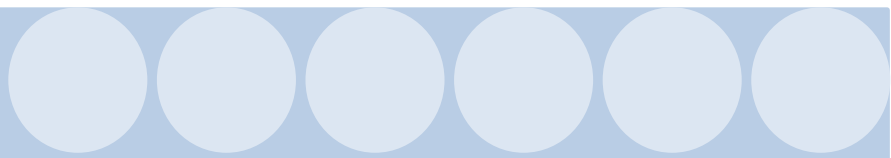
**Policy Contact: Ian Kent**

*Any enquiries in relation to this policy should be made directly with the policy contact shown above.*

**Force Executive Approval:**



**CHIEF CONSTABLE**



## Monitoring and Review

Version	Date Reviewed	No change / Minor Changes / Major Changes ( <i>detail</i> )	Amended / Agreed by	New review date