



## Evidential Property Policy (Surrey and Sussex) (1128/2025)

### Abstract

Surrey Police and Sussex Police will maintain and develop systems for ensuring that seized property coming into the possession or control of police is dealt with in line with all relevant legislation.

This policy relates to seized property only as dealt with by the Evidential Property Service and exhibiting / seizing officers.

### Policy

#### 1. Introduction

1.1 This joint policy provides instruction for all seized property coming into the possession of the Forces to ensure that it is lawfully seized, audited, retained and disposed of correctly. This includes Deoxyribonucleic Acid (DNA), Police and Criminal Evidence Act 1984 (PACE) DNA and Biological Material, and fingerprints, but excludes vehicles, and South East Regional Organised Crime Unit (SEROUC) Exhibits. This policy will ensure there is a consistent and corporate approach adopted across both Surrey Police and Sussex Police (hereafter referred to as the Forces) in respect of the integrity of all property recorded within the NICHE Property Management System (NICHE PMS), legacy systems, Home Office Large Major Enquiry System (HOLMES) and ALTIA for Specialist Crime Investigations (SCC).

#### 2. Scope

2.1 This policy and associated guidance, appendices and hyperlinks incorporate all aspects of seized property managed through the respective Force property database. NICHE PMS is the current database being used for the management and storage of seized property records for all departments outside of SCC. SCC use the property databases within HOLMES and ALTIA applications.

#### 3. Policy Statement

3.1 The Forces ensure all property seized for the purpose of investigation is recorded and managed appropriately throughout its' life cycle and in line with this policy and current legislation in order to safeguard the integrity of any evidence that may be required in any criminal or civil investigation or proceedings.

### Procedure

#### 1. Application

1.1 This policy applies to police officers, along with Policing Support Officers, Police Community Support Officers (PCSOs), police staff, Police Support Volunteers, Special Constables, and Community Support Volunteers. When designated to use any power or duty of a constable (other than listed exclusions – see Part 1 of Schedule B to the Police Reform Act 2002, who are authorised to seize property and who have responsibility for the decision to seize, manage, retain, or dispose of any property that has been seized by police. Property can only be seized in certain circumstances refer to Section 3.

## **2. Evidence Preparation**

2.1 Good preparation and handling of evidence plays an important part in ensuring a robust evidential property management process with respect to continuity and integrity. Where any evidence of contact is required, it is vital that there can be no allegation or suggestions of contamination or cross-contamination from any other individual or item. Accordingly, procedures must be set in place for the handling, packaging, transportation, continuity, and integrity of exhibits, so as to be able to prove this beyond all reasonable doubt in a court of law.

2.2 Continuity: the continuous, complete, and accurate record of all movements of evidential material from identification at the crime scene, through the process of recovery, transportation, examination, storage and any other investigative processes, until production at court. (NB: It is absolutely necessary for officers and Evidential Property Staff to update the NICHE PMS records throughout the property lifecycle to ensure continuity and accuracy). Exhibits and Disclosure (E&D) Officers within the E&D Team of SCC will maintain all records for property entered onto HOLMES and ALTIA databases, unless the investigation is fully retained by the originating department, where they will maintain the records.

2.3 Integrity: the correct handling, labelling, packaging, transportation, storage, and security of evidential material that can demonstrate beyond all doubt that there has been no interference, contamination, cross-transfer, tampering, destruction, damage, or loss that could have occurred to the item, either intentionally or accidentally.

2.4 Contamination: when something is added to an evidential sample from an individual, either accidentally or intentionally, e.g., an officer's DNA is allowed to contaminate an evidential item that is to be examined for DNA from the victim or offender. As a priority, contamination of evidence must be avoided. In cases where an officer is aware that this has happened, they must inform a line manager immediately.

2.5 Cross-Contamination: the process by which material from one location, person individual, or item is transferred to another, e.g., when an officer who has been to the crime scene then arrests a suspect and transfers material from the scene onto the suspect. Where this happens, the process in step 2.4 must be followed.

## **3. Powers to Seize**

3.1 The seizure of property must be completed in line with both legal requirements and internal policies and procedures. The main powers to seize property are defined in PACE Section 19 (2,3). Similar powers can also be conferred by other legislation see; How do I? Manage Seized Property related documents: Powers of Seizure or Police National Legal Database (PNLD) for information. Police powers also include digital devices

obtained through voluntary agreement as outlined with the Police, Crime, Sentencing and Courts Act 2022.

3.2 Property that has not been seized under any police powers will not be accepted into the Evidential Property Store. Property should only be taken into police possession for safekeeping if its value or vulnerability dictates such action. When property is retained under these circumstances details can be entered onto NICHE PMS under Found.

3.3 Property must not be seized solely because of disputed ownership. Unclaimed / disputed ownership or circumstances where an owner cannot be identified is governed by the Police Property Act 1897 / Police (Property) Regulations 1997.

3.4 The Evidential Property Service (EPS) and the Exhibit and Disclosure Officers within SCC will take reasonable steps to repatriate property with the lawful owner e.g. (liaising with investigators, sending system generated letters to last known addresses, sending emails and making telephone calls). Where an owner of property cannot be ascertained it must be kept in possession of the Police for one year before it can be disposed but where property is unclaimed, perishable, expensive or inconvenient to keep it may be sold at any time and the proceeds of sale shall not be disposed of until they have remained in the possession of the police for one year. For more information refer to Police Property Act 1897 / Police (Property) Regulations 1997.

#### **4. What to Seize**

4.1 Consideration must be given to the best method for gathering the evidence. Only seize what is necessary, and where there is uncertainty on the need to secure items, these should be discussed with a supervisor in advance of seizure. There are certain types of evidence where a court will require the original item to be produced but PACE Section 22(4) states that nothing may be retained if a photograph or copy would be sufficient for that purpose. Where this is sufficient the expectation is that a photograph or copy will be used.

4.2 If it is decided that evidential property can be retained by the holder in preference to seizure (e.g. Where a shoplifting / theft offence has taken place, where clothing has been stolen, or examples when property has been recovered post event and can be returned to the owner, such as a stolen pedal cycle) a C18 - Agreement to Retain and Produce Property at Court form must be used.

Seized property must only be booked into a designated property store or authorised location when it is physically presented at that location.

4.3 Perishables must be photographed and then returned to the rightful owner or destroyed. Perishable food items will not be accepted into the evidential property store unless there is justifying circumstances detailed in writing as to why they need to be secured by the police. All perishable items accepted under these circumstances will be disposed of within seven days from time of seizure. Where such items are required for forensic examination, advice should be sought from a Force Crime Scene Investigator (CSI).

4.4 For non-evidential cannabis plant material:

Surrey refer to Cannabis: Residential Cannabis Farm Policy

Sussex refer to the Drugs Policy (1147). Cannabis Cultivation Standard Operating Procedure

4.5 Below is a list of Property Items that necessitate Specific Handling Requirements:

- Accelerants
- Pedal Cycles
- Cash
- Counterfeit Currency
- Contaminated items
- CS Incapacitants (including CAPTOR)
- DNA
- Drugs
- Explosives and Munitions (Firearms / Ammunition / Fireworks)
- Forensic Exhibits
- Human Tissue
- Passports
- Religious Artefacts
- Time Expired Pyrotechnics
- Perishables
- Prescription drugs
- Child Protection Team Material
- Police Discharged Conductive Energy Devices (Taser) Material

(Redacted text)

## **5. Health and Safety**

5.1 Appropriate Personal Protection Equipment (PPE) must be worn when retrieving, packaging, and sealing any exhibit that may contain a biohazard or sharp item. This includes all intimate samples and items for DNA profiling.

5.2 Individuals seizing a hazardous substance must first undertake a risk assessment and identify appropriate control measures. If in doubt a search can be carried out on the internet for the manufacturer's safety data sheets for information on risks posed by different items. Where a substance cannot be identified an initial risk assessment must be undertaken by the most suitably qualified member of staff in attendance and interim control measures put in place.

5.3 All biohazards or sharps risk must be sealed within an appropriate container. All biohazards and blood-stained items are to be correctly identified using yellow 'Health / Bio-Hazard' tape.

5.4 The EPS will refuse to accept any item which is wet / soiled as this will represent a health or storage hazard unless advice from a Force Crime Scene Investigator (CSI) has been sought.

5.5 Cannabis plants / vegetable matter if incorrectly packaged in plastic bags can deteriorate very quickly and could become a health hazard if allowed to go mouldy. Evidential samples that deteriorate will be destroyed and the EPS will notify the Officer in Charge (OIC).

5.6 Caution must be exercised when dealing with heavy items and they must still be exhibited correctly and labelled as such. Any items not exhibited correctly will be rejected by the EPS.

## **6. Do not seize**

6.1 Unidentifiable substances and chemicals or other items that may pose a danger or harm to others.

6.2 However, if any control substances hazardous to health, (COSHH) items are seized they must remain at policing hubs and be placed in the bunded cabinets (resilient chemical storage) provided at these locations.

6.3 Hazardous material and suspicious substances. Refer to the Chemical, Biological, Radiological & Nuclear (CBRN) Force Training, Resourcing and Operational Deployment Policy (Surrey and Sussex) (564)

6.4 Vehicles, including E-Scooters and E-Bikes. Refer to the Joint Vehicle Recovery Service Policy (Surrey and Sussex) (141).

Under no circumstances must a seized E-Scooter or E-Bike be taken to a police premises or placed in a property store.

These vehicles are powered by lithium batteries that degrade and can become unstable when damaged or subject to a power drain.

## **7. NICHE Property Management System (PMS) Recording**

7.1 There are certain elements of information that must be recorded clearly in order to assist in the ongoing management of evidential property. Recording of information relating to the seized item must be clearly stated within the NICHE PMS record. Any damage to a property item must be recorded, photographed and downloaded into the NICHE PMS. (Redacted text)

## **8. Seizing Officer**

8.1 All property booked in is the responsibility of the seizing officer until an investigating officer has been allocated to the occurrence.

8.2 It is the responsibility of the seizing officer to ensure that:

- The seizure of the items is lawful, relevant, necessary, and not excessive.
- That signs of damage to property received is fully recorded in the notes field of the property record (e.g. smashed mobile phone / laptop screen), and a signature obtained from whom the property was seized, noting the damage and that an image of the damaged item has been downloaded into NICHE PMS.
- The contents of all seized property have been examined to determine any lines of enquiry.
- Initial safety checks are carried out for all seized property to identify and deal with any potentially hazardous implications.
- All seized property is booked into NICHE PMS as soon as reasonably practicable and in any event before booking off duty.
- All seized property is booked into a designated evidential property store. Property must not be stored in any other location such as a desk drawer, office filing cabinet, or supervisors desk etc.
- All property is correctly barcoded with the appropriate barcode label, containing the unique property reference number, P number and associated NICHE occurrence number.
- All items are packaged and labelled correctly. Never use packaging that has been used previously. (Redacted text)
- The property has been photographed if required, the EPS are not authorised to photograph / photocopy on behalf of the Investigating Officer or seizing officer.

8.3 Property seized for an SCC investigation and taken direct to the SCC E&D Temporary Evidential Property Stores (redacted text) will be entered into the Temporary Evidential Property Store (TEPS) register before going off duty. A copy of the Officers seizing statement must be attached to the property.

If seized property for an SCC investigation is booked into NICHE PMS the E&D officers will arrange transfer to the E&D storage facilities (redacted text) and the property will be entered onto either the HOLMES or ALTIA database, and NICHE PMS updated.

## **9. Investigating Officer**

9.1 It is the responsibility of the Investigating Officer to ensure that:

- Retention of the property is lawful.
- Integrity of the evidence is maintained throughout the property life cycle when not held in an evidential property store.
- The property is accurately recorded on the NICHE PMS.
- The property is continuously rather than periodically reviewed to confirm that continued retention is both lawful and necessary, refer to the Criminal Procedure and Investigations Act 1996 (Redacted text).

9.2 If the named Investigating Officer no longer holds any responsibilities in relation to the property item, they have a positive duty to bring this fact to the attention of their immediate supervisor who will designate a new Investigating Officer adding a reference to NICHE PMS to justify their designation.

## **10. Immediate Supervisor (not rank specific)**

10.1 It is the responsibility of a supervisor to ensure that all individuals under their supervision comply with the appropriate legal requirements, policies, and procedures. This will be ensured by proactively monitoring NICHE PMS tasking, booking in, review, retention and disposal of seized property taken into police possession ensuring no property is retained for longer than is absolutely necessary.

10.2 It will be the responsibility of the OIC to identify if any person involved in the investigation is recorded as vulnerable or intimidated. The return of any property to that vulnerable person will then be subject to a review by their supervisor with an awareness of the investigation / incident.

This review will assess whether any property could cause any physical or physiological harm and/or have any significant impact on their mental wellbeing and would therefore not be in their best interest to return to them.

This decision will be recorded and ratified by a minimum rank of sergeant (or staff equivalent) and the property then marked for return or destruction as appropriate.

## **11. Temporary Evidential Property Store (TEPS) Guidance**

11.1 All property items that are required to be retained will initially be taken to the most appropriate Temporary Evidential Property Store (TEPS). All property recorded on the NICHE PMS must be booked into a TEPS, or at a designated location agreed with the Evidential Property Manager.

11.2 Cash and valuable items must be placed in cash drop safes in authorised TEPS.

11.3 Frozen / Forensic exhibits must be placed in the TEPS fridge / freezer.

11.4 Drugs must be left in the drug drop safe.

11.5 Firearms that have not been cleared must be labelled with a red tag and placed into the red cabinet and National Ballistics Intelligence Service (NABIS) notification template via NICHE submitted. Ammunition does not need to be made safe and can be green tagged, it must be bagged separately from firearms and explosives. Photographs and Serial Numbers must be taken of all seized items.

Firearms, ammunition and ordnance must be made safe by an Authorised Firearms Officer (AFO) or Force NABIS Officer prior to relabelling and depositing in a green cabinet.

The green firearms cabinet will be checked regularly by EPS staff and all safe firearms with a green label attached will be relocated to the Main Evidential Property Store (MEPS). All Tasers must have an 'amber label' (orange or yellow) attached, after being checked and made safe by an AFO or Force NABIS Officer.

Please refer to (Redacted text) Seizure of Legally Held Firearms and Certificates Policy (Surrey and Sussex) (1173) information on correct handling and legal requirements when seizing these items. The documents include risk assessments needed for this activity.

Firearms or ammunition cannot be returned or destroyed without authorisation from NABIS or Firearms and Explosive Licensing Unit (FELU).

11.6 Property must not be removed from a TEPS without it being booked out on NICHE PMS correctly. If removing an item of property from the TEPS, (e.g., for investigation purposes), the integrity of the property item remains with the individual booking out until it is returned to the TEPS at the earliest opportunity.

11.7 A NICHE PMS vehicle location will be entered into the NICHE Property Management System whenever property items are being transported by EPS staff.

11.8 If an individual places property in a TEPS and regular access will be required to that property over a forthcoming period, then a request can be made to the EPS to leave that item within the TEPS rather than relocate it to the Main Evidential Property Store (MEPS). Once the period of regular access has passed, the item will then be relocated to the MEPS or disposed of accordingly.

11.9 When seized property comes into the TEPS and exhibits are split over more than one bag for an occurrence then they will remain in these bags when processed by the EPS. It will be assumed the individual has intentionally kept them separate and they are from different suspects / victims / addresses to reduce risk of cross contamination. Similarly, if CSI request items that are from different bags, they will be presented to them in separate bags.

11.10 If a number of exhibits are in one bag they will not be separated by the EPS. It will be assumed that the individual or CSI has considered that cross contamination is not an issue. Multiple items in a shared bag must have the occurrence number written on the bag or have the appropriate paperwork attached.

11.11 All property placed into the SCC E&D TEPS will be entered onto HOLMES or ALTIA by the SCC E&D staff. The property will be stored within the secure storage facilities for SCC Investigations.

11.12 The E&D staff within SCC will maintain the property databases and enter movements if seized property is required for examination by an officer or it is to be sent to another location such as a laboratory for Forensic examination.

11.13 SCC E&D staff will ensure seized property is bagged and sealed correctly and that continuity is maintained throughout.

11.14 E&D staff will liaise with the Investigating officers if they identify something seized that could be worthy of further examination to the investigating team.

11.15 E&D staff within SCC will attend all operational briefings to answer any questions regarding seized property.

## **12. Main Evidential Property Store (MEPS) and SCC E&D Property Stores**

12.1 EPS and E&D staff where practicable will check property for damage and ensure that any damage is recorded on the property record.

12.2 The new MEPS location must be entered onto NICHE PMS or HOLMES / ALTIA by EPS or E&D staff.

12.3 Property items will be appropriately stored by EPS giving full consideration to the size, weight and nature of exhibits.

12.4 Cash, jewellery, and high value items must be kept in a safe. EPS staff will follow the Specified Process for Cash / High Value Exhibits guidance for cash exhibits also refer to the Seizure, Security and Retention of Money Policy (Surrey and Sussex) (1014).

12.5 All Firearms must be stored in the gun store. (Redacted text)

12.6 All ammunition must be kept in the armoury. Ammunition does not need to be red tagged but must be bagged separately to any firearms or explosive. (Redacted text).

12.7 Drugs must be stored in the drugs storeroom.

12.8 Frozen exhibits must be stored in the freezers.

12.9 Protection of Freedoms Act (PoFA) exhibits must be stored in the PoFA freezers refer to the DNA Policy (Surrey and Sussex) (1152)

12.10 (Redacted text)

### **13. Evidential Property Storage and Handling Responsibilities**

13.1 The Evidential Property Team Leader is responsible for ensuring that:

- All aspects of evidential property management between the TEPS and the MEPS and the transit of exhibits to and from service providers.
- Ensuring risk assessments are adhered to in respect to safe and appropriate retention, storage, or disposal of evidential property items.
- Ensuring that all Evidential Property staff are trained in the safe handling of evidential property and adhere to control measures in place.
- The ongoing integrity and condition of the evidential item is preserved within suitable storage environments.
- Property is disposed of in accordance with the relevant legislation and policies.

### **14. Requesting Items and Forensic submission**

14.1 Occasionally, evidential property items may be required to be returned to the officer for investigative purposes or for submission to the Court.

14.2 It is the officer's responsibility to ensure that items are requested in a timely manner.

14.3 The Evidential Property team will regularly review items left in the temporary stores for officers to collect. Items returned to the officer will be left in the TEPS for a period of 14 clear days after which they will be returned to the MEPS.

14.4 For information on forensic submission including DNA refer to the DNA Policy (Surrey and Sussex) (1152)

14.5 For information on indecent digital media contact Public Protection teams / Online Child Abuse Team (OCAT). Also refer to

Surrey: Child Abuse Investigation Policy

Sussex: Viewing Digital Material of an Indecent Nature Policy (1169)

(Redacted text)

## **15. Property Review**

15.1 All exhibits will be held whilst they retain any evidential value to the investigation process. However, once items no longer have any evidential value, they must be disposed of in the most suitable manner.

15.2 It is the responsibility of the individual in charge of the case to regularly review their caseload and advise the EPS of any items that must not be discarded as part of the automatic disposal process.

15.3 The stages at which a property review must be undertaken are

- When initial enquiries have been concluded,
- Where a decision has been made on the outcome of a case (i.e., Charge, Caution, No Further Action (NFA)),
- Where a matter has proceeded to court and resulted in an acquittal,
- Where a conviction has been secured,
- Or every three months whichever is the earliest.

15.4 NICHE PMS generates automatic reminders. The Investigating Officer MUST respond to the reminder, within the defined time limits (unless confirmed that an associated task already remains open and awaits actioning by the evidential property store). Failure to do so could lead to an item of property being authorised for disposal when it should have been retained. This may result in the loss of evidence in a criminal trial and subsequently the collapse of that trial. Cases where this occurs will be referred to the respective Force Professional Standards Department (PSD) to review for conduct.

If the Investigating Officer has changed, the recipient of the task is required to remove themselves and add the correct Investigating Officer details, forwarding on the automated task for review. The updated Investigating Officer is then required to action and reply to the task.

## **16. Property Retention**

16.1 To effectively manage seized property thorough accurate record keeping on NICHE PMS, HOLMES and ALTIA is key.

16.2 It is anticipated that the majority of retained property can be disposed of within a short period of time.

Investigators and supervisors will consider the legal necessity to retain property as part of an ongoing review of their investigation.

16.3 Property will be retained in line with the Criminal Procedure and Investigations Act 1996 (CPIA) retention periods, unless a sufficient rationale explaining a legitimate retention requirement is provided.

When an update or task reply is sent to the EPS, property will not be destroyed without authorisation due to the risks to prejudicing a prosecution or other enquiry. However, failure to respond to a task notification within 28 days, will be taken as your authority to dispose, and the default CPIA retention periods will be followed. The process outlined in 15.4 may then be followed.

#### 16.4 Long Term Retention

Evidential Property will only be accepted for retention beyond three years and transferred to the relevant Forces Property long term retention store in the following circumstances.

For active cases where:

- Investigation is ongoing.
- Completed cases, where an offender is subject to detention in custody / hospital order and their expected release date (not length of sentence) is more than 3 Years from the date the property was seized.
- It relates to a Child Sexual Exploitation (CSE) related case.
- It relates to an undercover policing related case.
- An offender is shown as outstanding on Police National Database (PND).
- An unidentified DNA profile or fingerprint has been loaded onto the relevant.
- National database and it remains in the public interest to prosecute.
- Unresolved cases relate to serious and major crime categories.
- There are non-standard Property Retention Periods.
- Outstanding missing persons.

Where property has been seized, but the occurrence has not been allocated for secondary investigation to a warranted / accredited investigator, exhibits will be retained as per 'Unconvicted Crimes'. (Redacted text)

16.5 The long term retention of SCC Investigations is governed by Management of Police Information (MOPI). Most SCC Investigations (murder, manslaughter, and serious assaults) come under MOPI Group 1. All MOPI Group 1 offences are retained for 100 years from the date of birth of the offender or in the case of an undetected MOPI Group 1 offence 100 years from date of offence.

Any exhibit used in the Court trial will be retained for the time stipulated for the MOPI grading of the offence. These exhibits and the case papers will be filed in long term storage with a retention date set by the E&D Manager. The Records and Management

Unit hold the spreadsheet of all retained SCC Investigations. These long-term held investigations will be subject to review every 10 years to ensure legitimate retention under MOPI.

## **17. Property Disposal**

17.1 If a seized property item holds minimal consequence to the outcome of a case or is not required as best evidence, it must be disposed of at the earliest opportunity. The decision to retain or dispose of evidential property items will be determined either by:

- The Investigating Officer in charge of the case or their immediate supervisor.
- Any other appropriate police officer of the rank of Inspector or above.
- Any individual with the express authority of the Superintendent within SCC.
- An automatic disposal process based on pre-agreed criteria.

The EPS will only dispose of property items once directed by, or with the express permission of these individuals.

- At the end of an SCC Investigation a full exhibits review will be carried out by the exhibits officer with the Senior Investigating Officer (SIO) and the case officer where decisions will be made regarding retention, destruction or returning of all seized exhibits. The SCC E&D staff will return or dispose of all property.

- NB. Firearms can be requested for disposal by the OIC but must be authorised by NABIS and FELU Chief Inspector before actioning.

17.2 The Investigating Officer's decision will take priority over the automated process when a valid rationale is provided. It is the role of the investigating officer to ensure that property management is progressed at the earliest opportunity.

17.3 Once disposal of property has been authorised it is the responsibility of the EPS or Facilities Services to arrange for the safe disposal of the property item. It is essential, the reputational risk to the Forces posed by either retaining or disposing of property is considered.

Examples of the disposal options available are:

- Return to owner / next of kin (NOK) / executor
- Sale by public auction.
- Retention by the Police for training purposes
- Donation to Charity
- Destruction

Methods of disposal will be at the discretion of the Evidential Property Team Leader unless otherwise mandated.

17.4 If you work for or are acting on behalf of the Forces, it is prohibited to purchase property directly from the EPS. Individuals can however bid for an item of property that has been placed on any authorised auction site.

17.5 Material pertaining to the protection of children is governed by the Protection of Children Act 1978. If there is no longer a legitimate reason for the retention of property but it contains or is suspected to contain (for example if an electronic device in an OCAT investigation is password protected and access cannot be gained) any indecent photograph, or pseudo-photograph of a child, the property must not be returned to the owner and should be destroyed in accordance with an appropriate power. In cases that result in conviction, a deprivation order must be applied for in respect of the property.

If a Deprivation Order is not available as an option but the OIC has reasonable grounds for believing the property contains indecent image(s) of children, then the process for a Forfeiture Notice under the Protection of Children Act 1978 must be followed. If the owner does not contest the Forfeiture Notice within the mandated timeframe, then the property must be destroyed / reset as appropriate. If the owner contests the Forfeiture Notice, then (redacted text) must be notified and advice taken. Forfeiture Notice and guidance link here: [Online Child Abuse Team \(OCAT\) - Sussex](#)

17.6 Court Orders must be complied with. If a Court Orders requires the immediate disposal of the property (which can include cash, mobile phones, and paraphernalia as well as drugs).

The following must be considered:

- Property may not be returned where possession would amount to an offence.
- Property may not be returned where it presents a possible risk to the public (e.g., weapons).
- Property may not be returned where it presents a risk to health or the environment.
- Property may not be returned where this in itself would amount to an offence (includes unlawful disclosure of data under the Applied UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018).

17.7 When appropriate and where necessary with the authorisation from the court, CPS, or forensic specialists (forfeiture, disposal, or confiscation orders) property must be returned or disposed of appropriately and in a timely manner at the earliest opportunity. In cases of evidential complexity, advice should be sought from the CPS.

17.8 The Criminal Procedures and Investigations Act 1996, places a requirement upon the Forces to Record, Retain, Reveal and Review, evidence held by them, which will include items seized as part of an investigation.

Any unused evidential material should be examined as part of a robust post-case review and consideration should be given to the need for retention or disposal under the Criminal Procedure and Investigations Act (CPIA) 1996.

## **18. Returning Property Items to Owner**

18.1 Where an item of property is arranged for return by the EPS the property should be collected from a police station (for alternative methods to be used in exceptional circumstances refer to section 18.7). All packaging and labels identifying the Forces must be removed.

18.2 Property to be returned by the Front Office Counters Service will be placed in the relevant front office secure storage location until collection.

18.3 A notification to collect the property will be sent to either the owner or their representative. This notification specifies 28 days to arrange the collection. Contact will be made by telephone call, e-mail or post. If the owner is in prison the notification will specify 56 days requesting that they nominate another person to collect the property on their behalf.

18.4 The individual collecting the property must produce appropriate identification (photo driving licence, passport, etc.,) before the property is released. If the item is to be returned to a third party, a prior letter authorising the item's return is required from the owner, stating that this is acceptable. The full name and address of the third party is required, and they will also need to bring appropriate identification.

18.5 All property leaving police possession (being handed over to the owner or otherwise authorised person) must be signed for on the receipt produced by NICHE PMS, HOLMES or ALTIA and witnessed by the member of staff handing over the property. Signatures can be obtained in an electronic format. Any signed receipts or disclaimers must be scanned onto the NICHE PMS, HOLMES or ALTIA as soon as reasonably practicable by the member of staff handing over the property. Any outstanding property is to then be updated on NICHE and closed down as "returned to owner / NOK" to ensure any NICHE automated tasks are minimised.

18.6 A police officer, Special Constable or PCSO can substitute a NICHE PMS, HOLMES or ALTIA generated receipt by recording a signature from the recipient in a Pocket Notebook (PNB), Investigators Notebook (INB) or Mobile Data Terminals (MDT) which must then be scanned onto NICHE PMS, HOLMES or ALTIA. Any outstanding property is to then be updated on NICHE and closed down as "returned to owner/NOK" to ensure any NICHE automated tasks are minimised.

18.7 In cases where property cannot be collected, consideration must be given to either:

- The property being delivered by the investigation officer if practicable.
- Sending by most appropriate postal method, valuable items must be sent by registered Post.

Where special arrangements for delivery are considered appropriate, they must be agreed in advance with the owner / agent and the Force reimbursed of any associated costs in advance by provision of a BACs Payment or cheque payable to the respective Forces Police and Crime Commissioner (PCC).

18.8 In cases where an owner fails to respond to requests to collect property or, having arranged collection fails to do so, or refuses to sign a disclaimer, the property may be disposed of in accordance with Section 12, Torts (Interference with Goods) Act 1977, by sending a system prepared letter by post. After the 28 or 56 day time limit, if the item has not been collected, it can be removed from storage and disposed of.

18.9 If the owner is of no fixed address and a decision has been made to finalise the case, a period of 28 days will be given to allow time for the owner to contact the Police to

arrange return of the property. If no contact is made within 28 days, the property will be removed from storage and disposed of.

Where the item is recorded as being valuable or would cause a substantial civil claim a second letter or email will be sent to the owner's last known address.

In cases where the property is being disposed of to someone other than the lawful owner and the property is valued at over £15,000 legal advice should be sought from respective Force solicitors prior to disposal.

For any questions or guidance please contact the Surrey or Sussex Evidential Property Service.

## **19. Lost / Missing Items**

19.1 Where an item booked into the property system has been identified as missing or lost, the Evidential Property Team Leader will conduct an internal investigation and complete all reasonable lines of enquiry to locate it and update the OIC accordingly.

The Evidential Property Team Leader will follow the 'lost or missing' standard operating procedure, which includes the circumstances in which PSD will be informed. (Redacted text)

**Team:** Estates and Facilities