

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Seized, Lost & Found Property
REFERENCE NUMBER	WMP035
Version	1.2

POLICY OWNERSHIP	
DIRECTORATE	BUSINESS SERVICES
BUSINESS AREA	BUSINESS OPERATIONS

INITIAL IMPLEMENTATION DATE	April 2020
NEXT REVIEW DATE:	July 2024
RISK RATING	MEDIUM
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

1.1 Seized Property

- 1.1.1 West Mercia Police have an IT system to manage all aspects of the seizure, retention, disposal of Seized and Found Property and the recording of Lost Property **when applicable**.
- 1.1.2 This Policy is intended to ensure:
- Property is handled professionally
 - The integrity of evidence is maintained
 - The retention of all property is critically reviewed
 - The safety of all those involved in the handling of property
- 1.1.3 This Policy relates to all staff not just Police Officers and Property Officers, who have any dealings with Seized, Found or Lost Property
- 1.1.4 Property once seized will be retained for the minimum period necessary to meet the needs of West Mercia Police. It will be the responsibility of the Officer in the case to provide legitimate reasons for retaining property.
- 1.1.5 In order to achieve the management of retained seized property the Property Management System will have a series of built-in reminders to Officers which will ensure that timely decisions are made in respect of this property.

1.2 Found Property

- 1.2.1 Where a member of the public finds property in a public place they generally acquire good title to it if the owner cannot be ascertained, unless there is a prohibition on retention [i.e. drugs, firearms, offensive weapons, pornography].
- 1.2.2 The finder is under no obligation to surrender the property to the Police nor is there a legal duty to report the finding provided reasonable steps are taken to trace the owner.
- 1.2.3 Similarly, West Mercia Police have no general duty to deal with found property and, in particular, have no legal obligation to collect found items, nor to store them.
- 1.2.4 It is for these reasons that West Mercia Police will encourage finders to retain property rather than deposit it at a Police Station unless a prohibition on retention applies.
- 1.2.5 Where property is reported as found **and deemed to be an Accepted and Recorded item(s)** an entry will be made on the Property Management System
- 1.2.6 Where such property remains unclaimed for 28 days it will be disposed of either by sale, destruction or, in the case of money, payment into the Police Property Act Fund which will be used for charitable purposes.
- 1.2.7 The constraints of the Data Protection Act, 1998, determine that under no circumstances will details of a finder be provided to any person, including the original

owner, unless the finder has given their express permission and this has been recorded on the Property Management System.

1.3 Lost Property

As from 1st October 2018:-

Over the years the police service has traditionally accepted the responsibility of recording lost and found property. They have made the enquiries to re-unite owners with their lost property, however, there is no statutory duty for the police to maintain a system of recording non-evidential property (lost and found).

1.3.1 West Mercia Police will **not** accept and record reports of lost property where the **item(s)** have been lost within **any Force area**.

The only current exception to this is. 'Non-UK passport, driving licences/ID Cards will continue to record as lost on PMS subject to any instruction changes from the Immigration Office in relation to OP HOLE'

2.0 PURPOSE OF POLICY

2.1 Police Officers are given the power to seize property by virtue of the Police and Criminal Evidence Act, 1984. Before seizing any property an Officer must question the evidential value of each item and ensure that it does need to be retained.

2.2 Generally property should only be seized and retained:

- For use as evidence at a trial for an offence.
- For forensic examination or investigation in connection with an offence.
- In order to establish its lawful owner where there are grounds for believing that it has been obtained in consequence of the commission of an offence.

3.0 IMPLICATIONS OF THE POLICY

3.1 If property is not dealt with in a fitting and appropriate manner the integrity of West Mercia Police will be placed at risk and public confidence will be adversely affected. The desire to retain items must be balanced against the property rights of individuals, legal powers and the costs associated with the administration and storage of property.

3.2 The unwarranted and unnecessary retention of seized property by West Mercia Police contravenes the property rights of the individual by virtue of the Human Rights Act, 1998. It has financial implications for the Force which leads to substantial storage difficulties and leaves the Force vulnerable to litigation. In view of this, consideration must be given to the taking of a photograph of the property for use in court allowing the property to be returned to the owner, as permitted under Codes B 7.5 and 7.6 of the Codes of Practice, Police and Criminal Evidence Act, 1984.

3.3 Retention of property is governed by the Criminal Procedure and Investigations Act, 1996, in conjunction with Section 22 of the Police and Criminal Evidence Act, 1984.

- 3.4 Other Acts of Parliament also give specific periods for retention of property and these must be followed. ie:- Knives (Forfeited Property) Regulations 1997.
- 3.5 Staff who work in this business area are already trained and appointed, therefore, there are no financial staff implications.
- 3.6 This policy links with the following Force policies:
- Vehicle Recovery Scheme Procedures
 - Proceeds of Crime Act, 2002, and ECU Procedures Cash Seizures
 - Major Investigations
 - Irritant Spray
 - Health and Safety
 - Front counter services policy
- 3.7 Related Policies, procedures and information sources:
- The Police and Criminal Evidence Act, 1984.
 - Proceeds of Crime Act, 2002.
 - Forensic Science Service Advice.
 - Human Rights Act, 1998.
 - Criminal Investigation and Procedures Act, 1996.
 - Police Property Act, 1897 and Regulations.
 - Police Property Regulations, 1997.
 - Powers of Criminal Courts (Sentencing) Act, 2000.
 - Section 12 (Torts interference with goods Act) 1977.
 - Knives (Forfeited Property) Regulations 1997.
 - Knives Act, 1997
 - Criminal Justice and Public Order Act, 1994.
 - Police (Disposal of Sound Equipment) Regulations, 1995.
 - Criminal Justice and Police Act 2001.
 - Freedom of Information Act, 2000.
 - Data Protection Act, 1998.

4.0 PROCEDURE

A procedure is available on a separate document.

5.0 CONSULTATION

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Head of Operational Support

Head of Forensic Services
 Chief Inspectors, Local Policing
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 Staff Associations,(West Mercia): Unison, Police Federation, Superintendents
 Association
 Internal Audit

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Helen Danks	July2022

6.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Approval / Adoption
		Previously Approved at JNCC meeting	JNCC 19/06/2019
Mar 2020	Andy Barnett	Reviewed – No changes revert back to West Mercia Policy v1.0	April 2020
Jan 2021	Andy Barnett	Reviewed – minor changes to procedure policy version number changed in-line v1.1	Jan 2021
Jun 2022	Andy Barnett	Reviewed – Minor wording changes to procedure v1.2	July 2022