



Policy Title: Non-Evidential Property Management

Date Reviewed: March 2016

1. Rationale

1.1. Thames Valley Police (TVP) takes temporary possession of thousands of items of property in the course of investigating crime and conducting other policing and public protection duties. The Force is committed to applying certain legal, operational and other standards to the management of all items of property in the possession of police.

2. Intention

2.1. This policy describes business rules associated with the procedures for the management of non-evidential property items.

2.2. It is the intention that the property standards shall apply to all aspects of the management of property coming into police possession.

2.3. The Property Portal shall provide tactical guidance to officers, staff and volunteers engaged in the property process in order that the Property Standards shall be met. The property procedures and standards which shall be available only internally, exempted from Freedom of Information Act by virtue of Section 31.1 (a) of the Act. A summary of the property standards can be found below.

2.4. This policy shall apply to the management of Non-Evidential Property. Non-Evidential Property is property that is not material to the investigation of a crime. This shall include items traditionally known as Lost or Found Property. The Property Standards, with the exception of the Legal Standards, also apply.

3. General Principles

3.1. Until such time as a Force electronic Property Management System is introduced, the definitive record of property transactions shall be the appropriate Force Property Registers and associated Force Property Forms. However, it is recommended that Property Offices and Front Counters utilise spreadsheet systems to enable the sorting and listing of property as an aid to scheduling retention and disposal.

3.2. All property once in the possession of TVP shall be recorded fully within the Property Management System.

3.3. All aspects of the management of property shall satisfy this policy, standards and procedures as addressed in the Property Portal.

4. Responsibility and Performance

4.1. All personnel engaged in the property process shall comply with the property standards, this policy and the procedures contained within the Property Portal which includes the responsibility for obtaining a disclaimer from the owner of that property so that forensic testing can be carried out. This is because items may become a health hazard as a consequence of chemical treatment used as part of the forensic examination process.

4.2. It is expected that all personnel shall act only within the confines of their role as documented within this policy or detailed within the Property Portal.

4.3. It is the responsibility of immediate supervisors and line managers proactively to ensure that all personnel involved in the property process who are under their supervision comply with the procedures within the Property.

4.4. It is the duty of all personnel within the Front Counter teams to:

- Ensure all items of found property are fully documented highlighting discrepancies where appropriate.
- Take all reasonable actions to identify and manage property under their control to support the successful prosecution of offenders.
- Ensure that only authorised personnel have access to property and storage facilities to maintain the integrity of all property in the possession of TVP.

4.5. Once the original record has been created and saved, only amendments which add detail are permitted.

4.6. Established Force disciplinary or poor performance procedures shall be utilised where individuals fail to comply with this policy, standards and procedures outlined in the Property Portal.

5. Performance & Systems Management

5.1. The Front Counter Manager shall have primary responsibility for the strategic development and communication of the Non-Evidential property policy and the property procedures contained within the Property Portal.

5.2. The Front Counter Manager shall also have business ownership of all systems and processes relating to the Non Evidential property management systems.

5.3. The Front Counter Manager is also ultimately responsible for maintaining performance regarding the property policy and procedures which include the support and allocation of sufficient resources.

5.4. Complaints regarding the failure to meet the property procedures by any individual or corporately shall be directed to the Front Counter Manager.

6. Storage of Property

6.1. Property subject to Police (Property) Act 1897 may not be accepted into storage if undue costs or inconvenience would be incurred by so doing as defined by the Act.

6.2. Certain types of property as detailed within the Property Portal shall be subject to additional corroboration processes to protect the individuals and the organisation.

7. Lost Property Principles

7.1. TVP shall record unidentifiable lost property where the circumstances of the loss would indicate the item is likely to be found by another member of the public. Further information on reporting conditions is included as Appendix A.

8. Found Property Principles

8.1. This policy is designed to control the costs associated with the administration of non-evidential property whilst still providing an acceptable service to the community.

8.2. Other than for the following reasons there is no legal requirement for the police to deal with non-evidential property. The exceptions are:

8.2.1. When the police act as evidence gatherers

8.2.2. When the police, as crown servants, are lawfully permitted to have custody of certain categories of property; e.g. drugs, firearms, pornography

8.2.3. Where the police believe it would pose a risk to the community to leave the property in the public domain or would in any case be unwise to do so.

8.3. Finders of property, possession of which may be fundamentally legal, are under no legal obligation to hand in the found property providing they have made reasonable attempt to return the property to the owner. Whilst finders may be under a moral obligation to hand in property, they shall be encouraged to retain the property from the outset except under the following circumstances:

- Where the finder is a paid or unpaid servant of Thames Valley Police.
- Where the property was found on police premises or in a police vehicle or in a vehicle hired to police or otherwise used by police.

OFFICIAL

- Where the property is suspected of being of evidential value or could be used to support the commission of an offence.
- Where other legislation or guidance is relevant, e.g Data Protection Act the property shall not be retained by the finder. This includes Cheque books, gift voucher credit cards, drugs, firearms, explosives, postal orders/giros, mobile phones, electronic hardware that is capable of storing personal information. This list is not exhaustive.
- Where it would be unlawful for the finder to retain the property or in the opinion of TVP it would be unwise to retain the property. This shall include items of treasure trove, drugs, firearms, other weapons etc. This list is not exhaustive.

8.4. Retention of the property by the finder will not affect the legal title to the property if the true owner should subsequently establish a claim.

8.5. Non-identifiable property such as, keys, walking sticks and umbrellas shall be held at police stations for inspection for two weeks and shall not be recorded.

8.6. Found property of negligible value, knives and sharps for destruction shall not be recorded and shall be disposed of immediately unless considered to be of evidential value.

8.7. Found property shall not be accepted from businesses as appropriate procedures for the safe storage and disposal of property should be established within that business.

8.8. Property relating to domestic disputes shall not be accepted for safekeeping or transfer between parties. TVP has no legal basis for the retention of such property.

8.9. Recordable found property handed in at the police station shall be recorded immediately.

8.10. Where found property is accepted by officers whilst on patrol a pocket notebook entry shall be made and countersigned by the finder. A full record shall be made as soon as the officer returns to the station.

9. General Property Principles

9.1. It is a responsibility when booking in property to ensure reasonable measures are taken in searching relevant TVP systems.

9.2. Unclaimed found property shall be disposed of by sale or destruction after 6 weeks.

9.3. The Data Protection Act 2018 places a duty of care on TVP to ensure that personal information is not unlawfully disclosed to third parties. Therefore, any found property capable of containing personal information, whether in text, photographic or any other format, shall not be given to third parties. We are unable to ensure that certain property is free from personal information, and as such passing it on to third

OFFICIAL

parties may amount to a breach of the Act.

9.4. Proof of identity and appropriate documented authority shall be required by any person collecting property in person.

9.5. Where the property belongs to or is issued by another organisation, it shall be returned to that organisation or destroyed on the instruction of an authorised person from that organisation.

9.6. The Property (Evidence) Manager can authorise the donation of property to a registered charity after eight weeks. Applications must be made in writing and are subject to certain conditions.

9.7. Where appropriate and in line with legislation, the Property (Evidence) Manager can authorise (where appropriate) alternative disposal methods, e.g. for Police Operations, training etc as detailed in the Property Portal.

9.8. All sales of unclaimed property shall be conducted through the Internet by a third party under the approved contractual agreement with Thames Valley Police.

9.9. No property may pass directly into the personal possession of any paid or unpaid servant of TVP. They may however purchase property offered for sale in public competition through the internet provided that they have not been involved in, or are not responsible for, the administration of any aspect of the sale of the item(s), and cannot therefore be perceived as having gained unfair advantage through their association with TVP.

9.10. Physical inspection, with a view to purchasing items to be processed for sale through an internet auction shall not be permitted.

9.11. Found property handed to the police may be returned to the finder subject to the conditions outlined above and the following:

9.11.1. The finder has obtained a signed receipt at the time of depositing the property.

9.11.2. The onus is on the finder to apply to the relevant Property Office no less than 4 weeks and no later than six weeks from the date of the deposit receipt.

9.11.3. The finder shall collect the property in person, on production of the original receipt; production of satisfactory identification and a signature matching that on the original receipt.

9.11.4. The finder shall recognise that the original loser subsequently may establish best title to the property and that in order for them to do so TVP shall not withhold details of the finder.

10. Security & Audit

10.1. The security and audit of property shall be conducted in accordance with the property procedures.

11. Legality

11.1. The legality of policy and procedures relating to Non-Evidential property is based on common law and custom and arises from the General Statement of Purpose of the police service – “to protect life and property, maintain order, prevent and detect crime and to bring about the prosecution of those who offend against the peace.”

12 Challenges and Representations

Any challenges or representations in respect of this policy should be made in writing to:

C/Supt Neighbourhood Policing and Partnerships
Thames Valley Police HQ
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

13 Communication

13.1 Links to Police National Legal Database Other

None required.

13.2 Implementation Strategy

This policy shall be made available on the TVP intranet and the public TVP website.

14 Compliance and Certification

14.1 Human Rights Certification

(i) Legal Basis

- The Police (Property) Act 1897
- The Police (Property) Act 1997
- The Police (Property) Regulations 1997
- Hazardous Waste Regulations 2005
- Common Law

Police involvement in Non-Evidential Property is not prescribed by statute but has developed over time as customary practice.

(ii) Human Rights Articles Engaged

This policy has been drafted and audited in accordance with the Human Rights Act 1998.

OFFICIAL

Actions as a consequence of this policy, shall be taken in an impartial and fair way having due regard for natural justice, employment law and human rights.

It is acknowledged that this policy has the potential to engage the following articles:

Article 1 of the First Protocol (Protection of Property) – Right to the peaceful enjoyment of possessions

Article 6 (Right to a Fair Trial)

Article 1 of the First Protocol provides that: Every natural or legal person is entitled to the peaceful enjoyment 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.

The preceding provision shall not however, in any way impair the right of the state to enforce such laws as it deems necessary to control use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 1 of First Protocol – Legitimacy: The legitimate aims for interference of a person's rights by depriving them of their possessions are that:

The taking must be in the public interest; it must be subject to conditions provided by law; It must be subject to the conditions provided by the general principles of international law.

Article 6.1 provides that: In determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time and by an independent and impartial tribunal established by law.

Article 6.1 – Legitimacy: In the event that an article of the Convention is engaged, then the legitimacy for the engagement is provided for in the text of the Article.

Potential Interference: There is a potential interference of an individual's rights under these articles if there is inappropriate action taken in:

The period of time crime property is retained: The manner in which property is disposed of; The care taken to preserve the property in the form in which it originally came into police care; The recording of property if it discriminates against a particular group or individual.

(iii) Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the European Convention. Article 14 states that the enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or

social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

14.2 Diversity Impact Assessment

This policy has been assessed against the six strands of Diversity and has been rated as “LOW” relevance.

14.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

14.4 Management of Police Information (MoPI) Compliance

Information deemed ‘for a policing purpose’, or any data about an individual that is circulated or received by e-mail; or published/downloaded via the intranet or internet or circulated in any other format must comply with MoPI guidelines.

14.5 Community Engagement Strategy and Standards

This policy has the potential to engage the Force Community Engagement Standards.

Refer to the following for further information:

- Community Engagement Strategy
- Standards

14.6 Data Protection

Personal Data gathered in compliance with this policy shall be processed in accordance with the Data Protection Act 2018. It is acknowledged that ‘sensitive personal data’ (criminal records and their proceedings) shall be processed with due regard to relevant requirements.

14.7 Freedom of Information Act

This policy is available to the public and may be published under the Freedom of Information Act 2000 Thames Valley Police Publication Scheme. The Property Operating Manual of Procedures shall be exempted from publication under the Act by virtue of Section 31 .1 (a) of the Act.

14.8 Protective Markings

This policy has been assessed for its correct level of protective marking and shall be marked as Official.

14.9 Health & Safety at Work

The safe handling and disposal of property shall be in accordance with the Operating Manual of Procedures Chapter – Health & Safety. Reference should also be made to Force Risk Assessment GRA 2.3.

TVP commits, so far as is reasonably practicable, to the provision and maintenance of:

- safe and healthy work activities for all Force staff and for anyone else who may be affected by our policing
- resources, information, instruction, training and supervision
- reporting, recording, investigation and monitoring of all safety incidents using the PER 10 system

We shall comply with the requirements of the Health & Safety at Work Act 1974, the Police Health & Safety Act 1997 and relevant statutory provisions.

Further detail on TVP's structure and arrangements for the management of health and safety can be found in the TVP Health & Safety Management Policy.

15 Monitoring and Review

This policy shall be reviewed and revised on an annual basis. Each review should consider:

- Changes in legislation
 - Court rulings – Domestic, European and Human Rights
 - Examples of good practice from other Forces or other organisations
 - Changes in Home Office Circulars
 - Developments with ACPO Policy Unit
 - Representations made by individuals and relevant organisations
- Relevant Equality data

Appendix A

Lost property reporting conditions

Where a report of lost property is accepted, it shall be recorded at the earliest opportunity.

Where insurance companies in the processing of a claim are primarily accountable for recording the loss, TVP shall not take reports.

Identifiable items, including passports shall not be recorded with the exception of specific items as outlined in force policy.

OFFICIAL

Reports of lost mobile phones will not be taken however all losers will be forwarded to the Immobilise National Property Register to register their loss there.

Reports of lost personal Immigration documents papers (not Visas) shall be recorded as lost and a number provided.

Common unidentifiable items such as keys, umbrellas and walking sticks shall not be recorded.

Reports of property lost outside of the Thames Valley area shall be taken upon request and steps taken to ensure this information is passed to the relevant force area.

Reports of property lost on public transport or in public buildings shall not be recorded.

Reports of property lost whilst in the custody of public or private postal or courier services shall not be taken.

Reports of property lost at a public event managed by another agency shall not be taken e.g. festivals and shows.

Where the property has been lost for 8 weeks or more a lost report shall not be taken.