

WILTSHIRE POLICE FORCE POLICY & PROCEDURE



SEIZURE, STORAGE, RETENTION AND DISPOSAL OF SPECIAL PROPERTY

Effective from: May 2012
Last Review Date: May 2015
Version: 3.2
Next Review Date: May 2017

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POLICY STATEMENT

This document covers the Policy and Procedure for Special Property and supersedes all previous policy and procedure documents. It is to be used in conjunction with the Wiltshire Police Special Property Instruction/Guidance Manual.

Wiltshire Police recognises that the efficient management of its Special Property is necessary to comply with its legal and statutory obligations including the Management of Police Information Code of Practice and other statutory obligations. Effective Special Property management will contribute positively to the performance, efficiency, continuity and productivity of the force strategic policing aims and objectives.

Special Property seized and managed by Wiltshire Police are its organisational memory, providing evidence of actions and decisions, and represent a vital asset to support the Force's daily functions and operations. The Force will maintain records that are complete, authentic, reliable, secure and accessible, and manage those records and property in accordance with good practice, including legislative requirements throughout their lifecycle.

All property coming into the possession of Wiltshire Police will be dealt with responsibly with due respect for owners' rights and title.

POLICY AIM

To competently seize, store, retain and dispose of Special Property held for policing activity in an efficient and consistent manner to support the objectives and vision of Wiltshire Police and ensure that national and local objectives are met.

APPLICABILITY

This policy applies to all staff and officers who handle Special Property throughout the course of its lifecycle.

LEGAL BASIS AND DRIVING FORCE

To:

- To ensure that Wiltshire Police complies with the legal requirements for the seizure, storage, retention and disposal of property
- To ensure the integrity of all property seized as evidence
- To ensure that property taken into police possession is retained for the minimum amount of time necessary and in compliance with MOPI Guidelines, CPIA and the Police Property Act
- To ensure that all records related to Special Property taken into the possession of Wiltshire Police are accurately recorded and maintained, ensuring a complete audit trail of the items concerned from seizure to disposal

STRATEGIC PRIORITIES

The Force Priorities linked to this document are set out below.

Force Priorities Linked to this Policy
Drive up standards of customer service

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RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS

Special Property Instruction/Guidance Manual

[Seizure and Retention of Money Procedure](#)

[Home Office Code of Practice on the Management of Police Information 2005](#)

[Wilson's Auction for the Disposal of SPR Procedure](#)

[Cannabis Factory Procedure](#)

[Ad Hoc Information Sharing Form](#)

AUTHORISED PROFESSIONAL PRACTICE

The Authorised Professional Practice area relevant to this policy and Procedure is [Information Management](#)

DATA PROTECTION

Any information relating to an identified or identifiable living individual recorded as a consequence of this procedure will be processed in accordance with the Data Protection Act 2018, General Data Protection Regulations (GDPR) and the [Force Data Protection Policy](#).

FREEDOM OF INFORMATION ACT 2000

This document has been assessed as suitable for public release.

MONITORING AND REVIEW

This policy will be monitored through the,

- Quality of items booked into Special Property (and subsequent rejections)
- Judgments made when considering if it is necessary to book items into Special Property (and the photographing of evidence in preference to seizure where appropriate)
- Legal compliance relating to the seizure, storage, retention and disposal of Special Property
- Maintaining of integrity and correct management of Special Property throughout its lifecycle

This policy will be next reviewed in May 2017 by the Special Property Supervisor.

WHO TO CONTACT ABOUT THIS POLICY

This procedure is the responsibility of the Records Management Department.

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PROCEDURE

1. Special Property Management Within Wiltshire Police

The efficient management of Special Property is essential to the policing activities and impacts upon public confidence. Once seized, Special Property must be systematically managed according to the management procedure and standard working principles highlighted within this document.

2. Scope

Wiltshire Police will only seize property when it is necessary and either permitted by law or for the protection of property (safekeeping). Property will not be seized solely because of disputed ownership.

2.1 Investigation

Unless another power provides justification, property will only be seized or retained when section 22 Police and Criminal Evidence Act (PACE) 1984 applies i.e.

- 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 when there are grounds for believing that it has been obtained in consequence of the commission of an offence

2.2 Arranging to photograph, image or copy, any document or article

The removal of large volumes of material, much of which may not ultimately be retainable, may have serious implications for the owner. Officers must carefully consider if arranging to photograph the relevant material would be a satisfactory alternative to removing the original property.

The retention of a copy or photograph rather than the original is reasonable in all circumstances except when the evidential weight of the property or evidence contained within it cannot be transferred or captured in a photograph / digital extraction.

In some circumstances, it may be unreasonable or insufficient to photograph property where the original presents information in a more usable format, for example DNA relating to an un-matched major crime or a stained knife used in a crime of murder that clearly presents evidence in a more usable format than a copy or photograph. Special care needs to be taken when deciding to seize original property relating to Major Crime and MOPI Group 1 offences (retain the original when a photograph or copy is not sufficient).

Consideration should be given to:

- The physical size of property, for example it is unreasonable to keep an entire mattress that relates to a sexual assault or a tree trunk used to conceal a body in a murder. A photograph is sufficient following examination and extraction of DNA samples from the material.
- The physical volume of property, for example it is unreasonable to keep all drugs seized from a drugs production operation or all items seized that relate to a theft. A photograph in support of information already held on police systems relating to the crime in question is sufficient.
- During an investigation a number of items may have been collected that do not have any independent significance. It is not necessary to keep all these items simply because they are attached to a major crime marked for retention.

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The Criminal Justice and Police Act 2001 (CJPA), Part 2 gives officers' limited powers to seize property from premises and persons so they can examine it elsewhere. Officers must be careful they only exercise these powers when it is essential and they do not remove any more material than is necessary.

2.3 Safekeeping

Property will only be taken into Police possession for safekeeping if its value or vulnerability dictates such action. When property is retained details must be entered into Special Property Register.

2.4 Sudden Death

In cases of sudden death the responsibility of the police is to ensure, as far as practicable, the safe custody of the deceased's property.

When no relatives are known or they cannot easily be traced the responsibility for further enquiries and the disposal of property should be determined by the Officer in Charge (OIC) in consultation with the Coroner's Officer and/or Local Authority.

In the cases of sudden death, the Coroners Officer will authorise the disposal of property.

3. Packaging Property

When an item is to be entered into Special Property it must be suitably packaged in accordance with force procedure (as listed below). Every item of property, including forensic exhibits must have an exhibit label attached to it. The following packaging rules must be followed:

- In instances where the OIC is known at the time of sealing the evidence bag, items contained will be listed accordingly and individually exhibited with the OIC's name and shoulder number clearly marked.
- Bank notes will be bagged in suitable bags and a money label endorsed (in cases of individual seizures above £50,000 the Litigation and Insurance Manager needs to be notified by the OIC). For full details in relation to the Seizure and Retention of Money see the [SEIZURE AND RETENTION OF MONEY PROCEDURE](#)
- Place sharp instruments in knife tubes
- Firearms and their respective ammunition will be bagged separately
- Place hypodermic needles or syringes into an approved sharps container or knife tube
- Put drugs in a self-seal drug bag (in instances where practicable)
- Staff will wear surgical gloves when dealing with substances they believe to be drugs and they must never intentionally taste or allow the substances to come into contact with their body or any other persons
- Package clothing, bedding and footwear in clear plastic or brown paper evidence bags. In instances where brown bags are used, ensure that the items are placed within a clear bag and sealed with a recordable seal. This will ensure that it can be evidenced, as with our existing exhibits, who has opened the exhibit to maintain the continuity/chain of evidence'
- Items stained with wet or dried body fluid present a health and safety risk; therefore, endorse the packaging with health hazard tape
- All property must be clearly listed and labelled
- Accelerants in Nylon bags

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- Damp/Wet clothing must be dried before being sealed into property bags
- All mobile phone/media devices submitted to the MTU (Mobile Telephone Unit) via the 1025_MTU form must be exhibited in a clear media evidence bag or a clear bag with a seal, tag and exhibit label. All property must be clearly listed and labelled.
- When seizing items that have strong magnetic fields be mindful that these items can have an adverse affect on digital media devices. Ensure that these items are sufficiently insulated and the risk is appropriately marked on the packaging and within the special property record

4. Use of security seals

When a seal is used to secure property, it must be entered onto the Special Property Register, and any subsequent breaking and or re-sealing must be recorded. Any authorised person can make and break seals provided this is reflected on the record.

The following types of property are excluded:

- Major Crime Incidents
- Vehicles

All property taken into police possession must be recorded in:

- Niche RMS Property/Holmes or MIR Form 21' and delete the bullet point 'Drugs Recording System (DRS)' (as we no longer use DRS)
- Polaris for motor vehicles (updated by the vehicle recovery contractor)
- Drugs Recording System (DRS)

5. Storage

Newly seized property will be held within a temporary store until it can be transferred to a Divisional Property Store or returned to the owner. Where present, the maintenance of the temporary store is the responsibility of the nominated Police staff, or nominated Police officer (SPOC contact) at that station. Nominated members will be clearly identified at the station.

Property stored within the temporary store remains the responsibility of the officer recording it or the OIC and is not the responsibility of the Divisional Property Officer.

The temporary store will only be used for short periods of time, no more than **7 days** unless a request to retain it for a longer period of time has been made.

If the property is to be retained in the temporary store for more than **7 days**, authority of the member of staff's immediate supervisor will be required. A note will be attached to the property clearly stating the authorising officer and the date the property is required to be retained until (and in addition a note made within the corresponding exhibit record in Niche RMS Property to reflect this).

Departments must ensure that any property seized by a member of staff is placed within a secure store as soon as possible. The OBI (Officer Booking In) or OIC will ensure that quality assurance takes place at this point to visually check that contents lists, OIC details (if known) are present and the seal is in tact. If the property is bagged incorrectly or not marked sufficiently it will not be accepted into the main divisional storage offices. If this store is not an authorised store, the property will be classified as still being in the possession of the OBI or OIC.

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6. Accepting property into the property store

Divisional Property Officers will not accept any property into the property store if the following have not been done:

- The property has not been recorded within the Niche RMS Property system
- It is not packaged correctly – bulky items need not be bagged but they must be correctly labelled with a property reference number, a list of content and the OIC clearly identified
- The property bag has not been sealed with a property seal (where required).
- The seal or bag has been broken without explanation
- The information recorded within the Niche RMS Property system does not match the actual property
- Firearms have not been made safe by an authorised Firearms Officer or Firearms Enquiry Officer

Any discrepancies will be brought to the attention of the OIC or their supervisor by the Divisional Property Officer. Property left in the temporary store or coming into the possession of the Divisional Property Officer without any identification as to its origins will be disposed of by the Divisional Property Officer in consultation with the Special Property Supervisor or the Special Property Manager (and after reasonable efforts have been made to identify the property). The period of time that the unidentified property is retained for will not exceed six months.

At the point of acceptance into the Divisional Property stores, all Drugs will be weighed and the weight stated within the Niche RMS Property system.

7. Maintaining the property store

The Special Property Manager will ensure that stations are responsible for certifying that sufficient property storage of a secure nature is available within their areas of responsibility. Such storage areas shall be authorised for use only where the security of property and the health and safety of staff is commensurate with the type of property to be stored within it.

- Jewellery, watches, cash and other valuables will be retained in a locked safe or cabinet within a Divisional Property Store. The key to this safe/cabinet will be restricted to the Divisional Property Officer and, **where appropriate**, a local manager/supervisor.
- It is essential for both the maintenance of security and the well being of staff that firearms are stored securely, and **in a separate cabinet** from ammunition. A secure cabinet(s) will be provided which enables firearms and ammunition to be stored in this way, and separately from other property. This cabinet will be within a secure property store and the keys to these cabinet(s) will be restricted to the Divisional Property Officer.
- Any movement of property (internally) within or to another store must be recorded to ensure continuity.
- Any movement of property from the property store will be recorded with details of the individual removing it along with the reason and date. The member of staff removing the property must sign out the property on the Special Property sheet/database (where appropriate).
- When the property is returned to the Property Store the Special Property record will be updated by the Divisional Property Officer.

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8. Statutory Retention Requirements

The retention of all items of property taken into police possession must be for no longer than necessary and must be fully justified.

- Officers will be reminded that the Human Rights Act 1998 requires that no one shall be deprived of their possessions except in the public interest and subject to the conditions provided by law
- Where property can be returned to an owner no retention requirement is usually imposed by legislation
- Specific retention requirements for certain classes of property are determined by legislation

Various statutory requirements relate to property seized or detained by the police and these are set out in the following subsection of procedure:

- Police and Criminal Evidence Act 1984 and Code of Practice, PACE and Code B.
- The Management of Police Information Guidelines (MOPI)

9. Disposal

It is the responsibility of the officer in charge of the investigation to make sure that property, where there is no power to retain, is returned as soon as reasonably practicable after examination. Delay is only warranted if very clear and compelling reasons exist, e.g. unavailability of the person to whom the property is to be returned.

Appendix (A) provides guidance for the Divisional Property Officers when undertaking reviews of property held by Wiltshire Police.

In disposing of property in the possession of the police it is important that the integrity of Wiltshire Police is maintained and a full audit trail recorded.

The constraints of the Data Protection Act 2018 and General Data Protection Regulations (GDPR), which may not always be obvious, must also be observed.

The appropriate method of disposal will be determined by the Divisional Property Officer.

The general disposal options available to the police are **(in order of preference)**:-

- Return to owner
- Sale by public auction
- Retention and use by the police
- Donation to charity
- Destruction

In certain circumstances (i.e. disputed ownership, exceptionally high value) the Special Property Supervisor or Special Property Manager will be consulted before property is disposed to ensure that procedure and legal requirements have been correctly applied.

Disposal will be effective within 28 days of the authorisation (or as soon as is practicable) and arrangements made within this period for the appropriate method of disposal to take place.

10. Receipts

All property leaving police possession – being handed over to the owner or otherwise authorised person, will be signed for by that person and witnessed by the member of staff handing over the property on the rear of the Form 22, these will be retained in accordance with Force Guidelines **and scanned electronically into Niche RMS within the associated occurrence.**

11. Return to owner

In instances where property can be returned any owners of property will be established and every reasonable attempt made to contact the legal owner.

When an item of property is to be returned to an owner it will be collected by the owner from a Wiltshire Police premises in order to minimise cost and inconvenience to the organisation.

Other means of returning property to the owner may include:-

- By hand
- Property sent to the Police Station nearest the recipient for collection

When property is disposed of or returned to the rightful owner, a record will be kept of all actions taken and signatures obtained.

The Form 22 will be completed when returning property to its respective owner.

- When an item is returned to the owner, (the persons returning the property will also sign and date the document as a witness).
- When the property is being disposed of, the person disposing of the property will also sign and date the document ensuring that any appropriate permissions have been received, and a record of these permissions will be scanned electronically into Niche RMS within the associated occurrence.
- In instances where authorisation is given for disposal over the phone from the property owner, the caller's details will be obtained including the date (and time) of when the call was made. These details will be noted within the Niche RMS OEL (Investigation Log) within the associated occurrence.
- If items are to be returned via post or courier a record of posting or collection will also be obtained. These records will be scanned electronically into Niche RMS within the associated occurrence. Wiltshire Police are not responsible for items damaged in the post; whilst items will be packaged sufficiently they are sent at the owners risk'

In instances where property is unclaimed, a letter will be sent to the legal owner, explaining that it will be disposed of accordingly if not collected within **21 days**.

After this period, disposal of the property will be acceptable under the Torts (Interference with Goods) Act 1977. Section 12 (3) states that providing the following have been met the property may subsequently be disposed of by sale or other means, in accordance with the guidelines laid down elsewhere in this guide :-

- Notice has been given to the owner, of an intention to dispose of property under this section
- The police have failed to trace or communicate with the owner, with the intention of giving them such notice (having taken reasonable steps to do so)
- The police are reasonably satisfied that the person is the owner of the property

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Wiltshire Police will not store property on behalf of the owner or other third parties if the property is unable to be collected, or is not collected following an arrangement to collect.

Wiltshire Police will make every reasonable attempt to contact owners of property, using the most up-to-date contact details available within Niche RMS. Wiltshire Police is unable to accommodate for changes of contact details that they themselves have not been notified of.

In instances where it is judged that the return of property may cause emotional distress to an individual, property will be destroyed in preference to return.

Wiltshire Police will not return property which would, if the packaging holding the items was opened, present a significant hazard to its staff.

12. Other Documentation

Paperwork must be returned to the Justice Division Archivists. Justice Archivists will weed the paperwork in line with MOPI guidelines.

DVD and audio copy interview/witness tapes must be returned to the Justice Division Tape Librarians for the appropriate disposal/review in line with MOPI guidelines on return from Court.

All other DVD, video or audio copies will be disposed of in line with the other special property requirements as stipulated in this procedure.

13. Disclaimer

Where an owner has renounced any rights to the property, the property may only be disposed of once the disclaimer has been completed. These records will be scanned electronically into Niche RMS within the associated occurrence. If a disclaimer is obtained in a pocket note book a copy of these records will be scanned electronically into Niche RMS within the associated occurrence, this must be cross-referenced within the Special Property record within Niche RMS.

14. Property subject to disputed ownership

Where an item of property in the possession of Wiltshire Police is no longer required to be retained for police purposes and ownership is claimed by more than one person, the Special Property Officer or (in the majority of instances) the OIC are responsible for arranging disposal of the property in accordance with the following guidelines.

- The Special Property Officer or the OIC will arrange for the property to be returned to the person who appears to the officer to be the owner, where the item was not previously reported stolen and no other person appears to have a better claim this may be the person from whom it was originally seized. When an item was originally stolen title remains with the original owner and cannot be transferred to an innocent purchaser.
- The officer will advise any other claimant that this will take place within 14 days unless they commence proceedings under the Police (Property) Act 1997 and notifies the police of this.
- When the Special Property Officer or OIC considers the value of the property is likely to exceed **£5,000** they will (at time of sending letters to claimants) submit a brief report of the circumstances to the Special Property Supervisor.
- At the expiration of the 14 day period (unless instructed otherwise by the relevant manager/supervisor) return the property to the owner and obtain a signature from the owner on the Form 22.

- When an officer is unable to decide between two competing ownership claims they will seek advice from their immediate supervisor.

15. Sale by Public Auction / Wilsons Auctions

Property appearing to have some value that could be realised by sale will usually be disposed of by way of Wilsons Auctions. In public auctions the auctioneer accepts liability for compliance with relevant consumer protection legislation and employs suitably qualified staff to check items prior to sale. For more information please refer to the [Wilsons Auction for the Disposal of SPR Procedure](#).

16. Retention and use by Police

Regulation 7 of the Police (Property) Regulations 1997 permits the retention by police of items of property that are of such specific use that it would be more efficient to keep them for use in the police service rather than having to sell them at an inadequate price on the second-hand market.

Where an individual considers that an item of property in the possession of the police may be utilised for police purposes he/she will report the circumstances to the Special Property Supervisor or Special Property Manager who will consider the matter. A record will be made of the rationale supporting this decision.

The Purpose for which the property is used must be related to training or operational needs and used as a Divisional / Departmental / Force resource. It must not be retained by any one individual. Divisions / Departments must keep a record of property retained for police use.

17. Donations to Charity

In disposing of property that is likely to attract minimal value by way of sale **or excessive inconvenience to sell** it is only right that Wiltshire Police consider whether a charitable organisation could make effective use of such items. A charitable organisation is, for the purposes of this procedure, an organisation registered under the charities Act 1993 (a Registered Charity) or a non-profit making voluntary organisation approved by the Divisional / Department Commander, engaged in activities in support of communities within Wiltshire Police area.

Certain types of property may not be disposed of to charitable organisations **unless the property officer is satisfied that the organisation routinely repairs / recycles that type of property before it is supplied to any member of the public.**

The types of property to which this procedure applies includes:-

- Any electrical item
- Cycles
- Any other item that may, if not examined by a suitably qualified person, be likely to represent a risk to a future user of the item if it not repaired or refurbished, e.g. children's toys.
- Mobile phones.
- Any item which contains or could contain (if it cannot be confirmed) personal data

18. Destruction

Where the relevant decision maker considers that it is not in the public interest that an item of property will be sold or retained for police use, that charitable donation is inappropriate and the item cannot (for whatever reason) be returned to the owner, the property will be disposed of by way of destruction.

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The usual method of destruction will be by disposal as waste (either within general rubbish or by special arrangement with a licensed waste conveyancer) unless special treatment such as shredding, incineration etc is considered necessary (e.g. disposal of pornographic material). In disposing of items as waste, wherever possible property will be damaged sufficiently to prevent reuse and dissuade individuals from unauthorised removal of items placed in skips or bins etc. All packaging labels and tags, which identify Wiltshire Police as the source of the item, must be removed at all times.

Any documentation that contains personal data as defined by the Data Protection Act 2018 and GDPR must be destroyed via confidential waste or any other method that will prevent that information being accessed by a third party.

19. Special Disposal Provisions

The following property will be given special disposal provisions which are explained below.

- Computers and computer media & Mobile phones
- Firearms ammunition including fireworks
- Knives, dangerous instruments and offensive weapons
- Drugs
- Alcohol / intoxication liquor
- Perishable goods
- Propane / butane gas cylinders

19.1 Computers and computer media

Computers and computer media that are not returned to an owner will be destroyed because of the following:

- Computers may contain personal data as defined by the Data Protection Act 2018 and GDPR
- Unlicensed or defective software may be present on the hard drive
- The sale of a computer to a member of the public is subject to consumer protection laws relating to electrical appliances
- Computer media such as discs and tapes may contain confidential or privileged material, personal data or unlicensed software

The High-Tech Crime Unit (HTCU) must authorise the disposal of this property via the Form 232 (signed off by an authorised Inspector) or via a relevant Court Order.

19.2 Mobile phones

- Like computers mobile phones are likely to contain personal data, (both on the SIM card and on the phone memory itself) and adequate steps must be taken to ensure that the Data Protection Act 2018/GDPR principles are not transgressed.

19.3 Firearms Ammunition including Fireworks

Surrendered firearms, ammunition and fireworks together with any firearms, ammunition and fireworks subject to a forfeiture order under the Police (Property) Act 1897 will be forwarded to the Divisional Property Officer for destruction once such destruction is permitted or, where authorised.

- Firearms authorized for disposal are to be handed over to a Divisional Armourer as required and are to be destroyed by smelting and witnessed by a Police Officer.
- Ammunition and fireworks authorized for disposal are to be transferred to the possession of the Army Bomb Disposal Squad for disposal.
- Where items are being destroyed by a third party, a list will be signed by the person taking possession of the property and this list will be retained by the Divisional Property Officer.
- Storage and disposal of PAVA incapacitant spray will conform to the instructions given in the Force Procedure.
- Firearms of historic interest will be brought to the attention of the Manager of the Firearms Licensing Department who may dispose of these weapons via a Museum or other such organisation.

19.4 Knives dangerous instruments and offensive weapons

Knives, dangerous instruments and offensive weapons surrendered or subject to forfeiture order must be destroyed in accordance with legislation, and will be handed over to a Divisional Armourer for destruction.

19.5 Drugs

Controlled drugs will be disposed of appropriately, please contact the Special Property Supervisor for further details.

With respect to the disposal of the Cultivation equipment please see the [Cannabis Factory Procedure](#) which details the procedure involved.

19.6 Alcohol / Intoxicating Liquor

This applies to alcohol or intoxicating liquor seized from under 18's or in non designated areas.

Seized alcohol or intoxicating liquor will be disposed of by pouring into the nearest drain and the container disposed of in an appropriate manner e.g. litter bin in the persons presence. This action including the persons name and address (and warnings given) will be recorded in the officers pocket note book.

If operationally practicable, involved persons will be taken home to parents, legal guardian or other place of safety and alcohol disposed in their presence. An appropriate pocket note book entry will be made in all instances.

Where it is considered necessary to retain evidence of the alcohol disposed, a photograph will be taken and retained for these purposes.

In exceptional circumstances seized alcohol or intoxicating liquor in a closed container will be recovered to a police station and booked into Special Property. Such alcohol will be disposed of following a period of 28 days from the date of seizure.

19.7 Perishable Goods

In general, Divisional Property Officers **will not** accept perishable goods. In instances where there is no alternative, unclaimed foodstuffs will usually be destroyed within seven days and any item that becomes objectionable may be destroyed at any time. Where practicable, the OIC will endeavour to have a photograph taken of any perishable items before destruction or return to owner (where circumstances allow).

19.8 Propane / Butane Gas Cylinders

Propane / Butane Gas Cylinders will be handled with care and stored in designated areas. Once retention is no longer required the relevant supplier will be contacted for assistance in disposing of these items. For any other type of gas cylinder BOC (British Oxygen Company) will be contacted for advice.

20. Continuity of Exhibits

It is imperative that the continuity and integrity of all exhibits is maintained throughout the property process and that records are kept accurately and in accordance with MOPI.

21. Functions and Responsibilities Summary

21.1 The Special Property Supervisor

The Special Property Supervisor is to ensure the proper administration of the Divisional Property Offices on behalf of the Divisional Management Team. This includes the following,

- Confirming items for disposal have the appropriate authorisation (where appropriate/necessary)
- Auditing records to ensure accurate correlation between computer, paper records and the physical storage of the items
- Overseeing the sale of property via auction or local disposal
- Provide reports/feedback to the Special Property Manager in regards to performance and the running of the Special Property store
- Ensure the design and function of the Special Property Store complies with Health and Safety Regulations
- Provide line management support for the Divisional Property Officers

21.2 Divisional Property Officer

The responsibilities of the Divisional Property Officer are to ensure the proper administration of the various functions in respect to Special Property, and for ensuring that all items of property entering the store are,

- Accurately recorded, giving the details of all property coming into store and record all movements of property in and out
- Securely stored having regard to any possible hazards
- Divisional Property Officer will undertake special property reviews
- Divisional Property Officer will dispose of Special Property in accordance with the Force procedural documentation

21.3 The Special Property Manager

This procedure document gives the Force Special Property Manager all responsibility, ownership and overall decision making powers in respect to property within the force storage centres.

The Special Property Manager will ensure that all legal requirements as stipulated in this procedure document are adhered to. The Special Property Manager will delegate such responsibilities and duties to the Property Supervisor and Force Divisional Property officers as he/she deems fit.

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21.4 Officer Booking In (OBI) / Officer in the Case (OIC)

It is the responsibility of the (OBI/OIC) seizing the property to ensure it is booked into special Property as soon as is practicable, ensuring that;

- The appropriate information is recorded in the Special Property book or other designated area
- It is either handed directly to a Divisional Property Officer or is stored securely and safely in a designated temporary store
- The integrity of the evidence is maintained
- It is packaged, content and OIC listed and labelled correctly
- That an exhibit label is completed for each exhibited item

22. Retention and Disposal of Special Property (Seized Property)

During a Police investigation a number of pieces of information assets will have been collected which have been booked in as Special Property. Some items will contribute to the understanding of the circumstances of an offence or the risk the defendant poses to society.

A distinction is made between property that provides information about an individual and property that provides information towards an investigation. The former contribute to enhance the ability of the police service to undertake future operational detections and apprehension of crime; such information will need to be retained for the time period specified by the MOPI Code of Practice.

Conversely, records that provide information towards an investigation are useful as long as Wiltshire Police is likely to further that enquiry. Following the closure of an investigation, that record becomes historic. **The greatest bulk of Special Property and exhibits will become historic once the likelihood of their future use has ceased and the case has been closed.**

Appendix (A) provides guidance for the Divisional Property Officers when undertaking reviews of property held by Wiltshire Police.

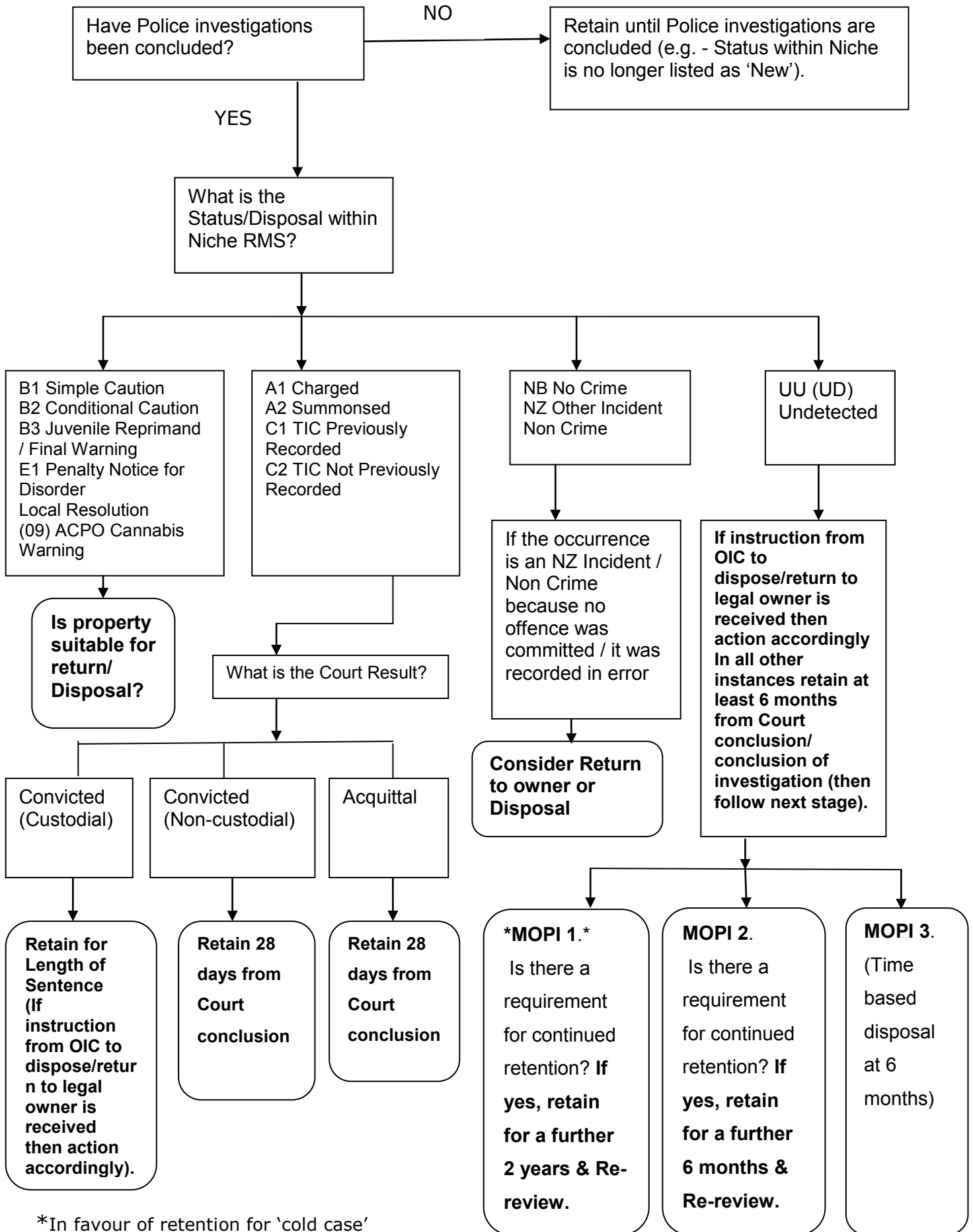
23. Out of Force Sharing Requests

The [Ad Hoc Information Sharing Form](#) is to be completed where information held within Special Property is to be shared outside the organization. This will include other forces requesting Special Property (or part of it) or other agencies and partner organizations being provided with information outside the normal criminal Justice process involving transfer of material to Crown Prosecutions (CPS).

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Appendix (A)

Review, Retention and Disposal of Special Property Guide (Decision Making Flow)



*In favour of retention for 'cold case'

Review, Retention and Disposal of Special Property Guide (Guidance Notes)

The suitability of an item for return to the legal owner will need to be judged on a case by case basis. Special Property Policy and Procedure states that:-

- **In instances where it is judged that the return of property may cause emotional distress to an individual, property will be destroyed in preference to return.**
- **Wiltshire Police will not return property which would, if the packaging holding the items was opened, presents a significant hazard to its staff.**

Wiltshire Police will make every reasonable attempt to return property to its legal owner. Special Property Policy and Procedure states that:-

- **Wiltshire Police will make every reasonable attempt to contact owners of property, using the most up-to-date contact details available within Niche RMS. Wiltshire Police is unable to accommodate for changes of contact details that they themselves have not been notified of.**

Property Review

The severity, circumstances and MOPI Grouping of the incident need to be considered when judging if there is a requirement to retain exhibits at this point. Special care needs to be taken specifically when accessing the retention of exhibits linked to MOPI Group 1 offences.

Requirement for Retention - The retention number (in years) is from the date the incident occurred.

In instances where there are queries or further advice is required contact the Special Property Supervisor.