



# Service Procedure

## THE SEIZURE, RETENTION AND DISPOSAL OF EVIDENCE – RELATED PROPERTY

SP Identification Number 9/15

Protective Marking **Not Protectively Marked**

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Department Service Improvement Department  
Branch S2  
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Abstract: Guidance for, and responsibilities of, PSNI personnel and Managed Services staff regarding the seizure, retention, management and disposal of evidence – related property

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## 1. AIM OF SERVICE PROCEDURE

This Service Procedure is intended to ensure that:-

- PSNI has a consistent and corporate approach to the seizure, retention and disposal of evidence-related property
- Property is seized when it is appropriate.
- Property is handled, recorded and stored professionally;
- The integrity of evidence is maintained;
- The retention and disposal of all property is critically reviewed;
- An improved service is provided to the public;
- The health and safety of all those involved in the handling of property is protected

## 2. INTRODUCTION

### (1) Background

Section 32 of the Police (Northern Ireland) Act 2000 specifies the general functions of the police. These functions include protecting life and property; preventing the commission of offences and where an offence has been committed, to take measures to bring the offender to justice. The correct seizure, retention and management of property is integral to these general functions and to the presentation of prosecution evidence at Court.

It must also be borne in mind that every piece of property creates a bureaucracy taking up space and creating accommodation costs. PSNI have limited storage and capacity to process property. It is important that officers make balanced, proportionate and effective decisions on **what** should be seized, **why** they are seizing it, and that retention follows corporate guidelines and is in compliance with legislation.

The Victim Charter which will be placed on a legal footing (Section 28 (1) Justice Act (NI) 2015) in autumn 2015 contains the following draft "Charter Standard" regarding the return of property:-

The police are usually responsible for the return of property taken to help the police investigation or court proceedings, generally on the advice of the Public Prosecution Service. Following a decision by the police you are **entitled** to have any recoverable property returned to you as soon as possible, unless it is needed for the purpose of the police investigation or criminal proceedings or its return would constitute an offence. The police will make arrangements with you, for the return of the property, at a police station

### (2) Origin

The PSNI is committed to ensuring all property coming into Police possession is effectively handled, recorded, stored, retained or disposed of in line with organisational business requirements.

### (3) Implication

It is necessary that Districts/Departments have robust governance arrangements in place for the management of property. This will include providing adequate storage facilities and staffing capacity to comply with requirements.

### (4) Application

- (a) This Service Procedure has been prepared for police officers, police support staff, managed services staff and other agencies involved in crime investigation and property management.

- (b) It applies to all evidence-related property coming into the possession of police as a consequence of the investigation of crime.

### **3. LEGAL BASIS**

#### **(1) Lost and Found**

The management of lost and found property is not governed by any legislative framework requiring the police to maintain responsibility. However the Police have traditionally accepted responsibility for recording lost and found property and for providing a system whereby the owners of identifiable property are established and items restored into their possession. Procedures regarding Lost and Found property are covered in separate guidance.

#### **(2) Legislative provision referred to within this Service Procedure**

- (a) The Police and Criminal Evidence (NI) Order 1989;
- (b) The Police and Criminal Evidence (Amendment) (NI) Order 2007
- (c) The Criminal Procedure and Investigation Act 1996;
- (d) The Criminal Justice (NI) Order 1994
- (e) The Human Rights Act 1998
- (f) Data Protection Act 1998;
- (g) Freedom of Information Act 2000;
- (h) Health and safety at Work Order 1978;
- (i) Proceeds of Crime Act 2002
- (j) MSER 2006 NI (Safety)
- (k) The Firearms NI Order 2004
- (l) The Explosives NI Act 1970
- (m) Misuse of Drugs Act 1971
- (n) Misuse of Drugs Regulations (NI) 2002
- (o) Criminal Justice (Northern Ireland) Act 2013
- (p) Protection of Freedoms Act 2012
- (q) The Police (NI) Act 2000
- (r) The Police (NI) Act 1998
- (s) The Police (Property) Regulations (NI) 1997

### **4. POLICY LINKS**

This Service Procedure should be read in conjunction with

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- (1) The Safe Recovery of Firearms from Scenes, Searches and Incidents Involving the Police
- (2) Appendix to PSNIGRA 107, Safe Recovery of Firearms From Scenes, Searches and Incidents Involving Police
- (3) Guidance Procedure For Disposal of Firearms, Munitions and Ancillary Equipment.
- (4) ESBU /Home Office explosive store and armoury requirements
- (5) Major Incident Room Standardised Administrative Procedures (MIRSAP)
- (6) Murder Investigation Manual (MIM);
- (7) HOLMES User Guides
- (8) PSNI HOLMES Manual of Guidance
- (9) SP 8/2013, Police Investigations Into Unexpected, Unexplained or Suspicious Deaths and Human Tissue Retention.
- (10) Road and Armed Support Branch 'Guidance'
- (11) SP 6/2012, Animal/Wildlife Offences/Welfare
- (12) Service Procedure No: 9-12 (Active): Misconduct Procedures For Police Officers
- (13) Policy directive No: 4/10: Investigations carried out by the police service of Northern Ireland
- (14) Cash Seizures,
- (15) SP 8/2010, Asset Recovery Incentivisation Scheme (ARIS)
- (16) Counterfeit Currency,
- (17) Counterfeit Goods
- (18) IT Equipment,
- (19) PD 08/09 Police Response to CBRN Incidents (Chemical, Biological, Radiological and Nuclear) and Incidents Involving White Powders and Other Substances

**5. CONSULTATION**

- (1) Legal Services Branch;
- (2) Discipline/Anti-Corruption Branch
- (3) Corporate Property Management Group. (CPMG)
- (4) Crime Operations Department
- (5) District Commanders
- (6) PSNI Business Service Managers
- (7) Firearms and Explosives Branch
- (8) ICS
- (9) Health and Safety Branch.

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- (10) Police College Training
- (11) CIFEx
- (12) Weapon Control
- (13) Managed Services Property Managers

**6. HUMAN RIGHTS/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION**

- (1) An effective Police Service is required to protect national security, promote successful law enforcement and meet criminal justice obligations. Potential conflict with Article 8 'Right to respect for private and family life' could arise;
- (2) This Procedure may well also engage Convention 9.18, Protocol No.1, Article 1 'Protection of Property' namely *"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived 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....."*
- (3) Article 8 of the Code of Ethics, in particular, applies:-  
*"Police officers shall ensure that property, monies or equipment entrusted to them in their role as police officers are handled and maintained as required by law and Police Service policy. You may commit a disciplinary offence under this Article if you lose, destroy or cause damage to police property which has been entrusted to you in the course of your duties, or you fail to report the loss, destruction of or damage to any such property, however caused."*
- (4) This Service Procedure is deemed to be Human Rights compliant. It has been screened for Section 75 considerations and complies with the PSNI Code of Ethics. It is suitable for public disclosure in accordance with the Freedom of Information Act 2000.

**7. MONITORING AND REVIEW**

- (1) It will be reviewed on an ongoing basis to take into consideration impending NICHE updates and changes in business processes as a consequence of RPA changes and budget reductions
- (2) Feedback on any aspect of this Service Procedure should be forwarded via email.