

Lincolnshire Police

Policy Document



Property in police possession policy PD 109

Policy document information

Reference number:	PD 109
Policy sponsor:	ACC
Policy owner:	Business Support Manager – Janet Allenby
Author:	Support Services Manager – Pennie Haslehurst
Publication date:	April 2026
Review date:	April 2028

Version history

Version	Date	Reason for issue
6	June 2017	Review and Amendments following Audit
7	September 2019	Biennial Review
8	December 2021	Biennial Review
9	February 2024	Biennial Review
10	April 2026	Biennial Review

Code of Ethics

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public.

Legislative compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the staff and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

For evidential property, seizure, retention, and disposal is set within a legal framework comprising both statute and case law drawn primarily, but not exclusively, from:

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Crime and Disorder Act 1998](#)
- [H&S legislation](#)
- [Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)
- [Police Property Act 1997](#)
- [Police and Criminal Evidence Act \(PACE\) 1984](#)
- [Criminal Procedure and Investigations Act \(CPIA\) 1996](#)
- [Criminal Procedure and Investigations Act \(CPIA\) \(Code of Practice\) Order 2025](#)
- [Criminal Justice Act 2023](#)

Police involvement in non-evidential property (Lost and Found) is not prescribed by statute but was subject to review at NPCC Chief's Council in 2018 and the national processes changed accordingly.

Security classification

Policy to be published on Intranet: Yes

Policy to be published on Force Website: Yes

Authorised Professional Practice (APP)

This Policy has been checked against APP. Lincolnshire Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by Lincolnshire Police.

1. Policy aims (Purpose)

- 1.1. Lincolnshire Police take temporary possession of thousands of items of property in the course of investigating crime and conducting other policing and public protection duties. The purpose of this policy is to ensure that Lincolnshire Police meets its legal obligations when dealing with property that comes into its possession in the course of an investigation, or as a result of being found.
- 1.2. Lincolnshire Police will not deprive others of the peaceful enjoyment of their possessions, except in the public interest and subject to the conditions provided for by law.
- 1.3. The seizure, retention and disposal of property shall be legal, and property shall be retained no longer than is operationally prudent and lawful.
- 1.4. This policy aims to ensure that all Officers and Staff who are involved with Property follow the same principles, deal with it in a corporate manner, treat people fairly and we are transparent in our processes. The policy provides detailed guidance to assist and confirms the processes to be followed.

2. Policy statement (Key information)

2.1. General principles

- 2.1.1. The policy sets down the main principles associated with the procedures to be applied when dealing with Crime Seized, Miscellaneous and Found Property which comes into the possession of Lincolnshire Police, including reports of Lost Property.
- 2.1.2. The detention of property by Lincolnshire Police must be undertaken in line with both legal requirements and internal policies and procedures.
- 2.1.3. There are a number of questions that an Officer needs to answer before detaining any property:
 - Do I have lawful authority to detain the property?

- What evidential value is the property?
- Is this property required for Forensic examination?
- Do I need to retain this property OR
- Can it be photographed (Sec 22 PACE 1984) OR
- Retained by the owner who can produce it in court if necessary
(consider serving a notice under Section 66 of PACE.) – Form P190D

2.1.4. Detained property includes all property coming into the possession of the Police which is suspected or known to have been obtained following the commission of a criminal offence, is evidence of such an offence, is in relation to any unexplained death, or retained for safe keeping.

Lincolnshire Police will only detain property where it is necessary and permitted by law.

Property will not be detained solely because of disputed ownership.

2.1.5. The procedures relating to evidential property shall apply to all aspects of the management of property coming into police possession by Lincolnshire Police or those who take their governance from Lincolnshire Police. These procedures shall only be available internally, exempted from the Freedom of Information Act by virtue of Section 31.1(a) of the Act.

2.1.6. The Common Law allows the seizure of evidence for court purposes as does Section 19 of the Police and Criminal Evidence Act, 1984 which creates a general power to detain property under certain circumstances. Wherever possible, statutory powers should be adhered to.

2.1.7. Where an item has been retained, consideration must be given as to whether a photograph or a copy will suffice and make a realistic judgment, if necessary, as to whether the continued retention of an item is necessary.

2.1.8. All evidential property, once in the possession of Lincolnshire Police, shall be recorded immediately onto the NICHE Evidence Management System and placed into a Force-approved temporary holding store, as soon as possible following seizure and in any event before the end of the period of duty for the seizing officer.

2.2. Responsibilities and Management

- 2.2.1. It is considered essential that Property detained by Lincolnshire Police is dealt with in an efficient and effective manner, if it is not then the integrity of the Police is placed at risk and public confidence will be affected.
- 2.2.2. All personnel engaged in the evidence management process shall comply with the evidence management standards, this policy and the Standard Operating Procedure.
- 2.2.3. It is expected that all personnel shall act only within the confines of their role as documented within this policy or detailed within the Standard Operating Procedure.
- 2.2.4. It is the responsibility of immediate supervisors and line managers proactively to ensure that all personnel involved in the evidential property process who are under their supervision comply with this policy and the procedures within the Standard Operating Procedure.
- 2.2.5. The Officer in Charge of the Case (OIC) has primary responsibility for property relating to an investigation. In the absence of an assigned OIC at the point of seizure, the seizing officer taking possession of the property on behalf of Lincolnshire Police, will assume the role of OIC until such time as an OIC is allocated. It is the seizing officer's responsibility to update Niche with the details of the OIC.
- 2.2.6. Property subject to Police (Property) Act 1897 may not be accepted into storage if undue costs or inconvenience would be incurred by doing so as defined by the Act. Spontaneous bulk seizures will need to be assessed at the point of seizure to identify the most appropriate storage whereas planned seizures of this nature should be authorised in advance.
- 2.2.7. The OIC has overall responsibility for any property, especially identifiable property that is detained or received, ensuring:
- It is correctly and fully recorded on NICHE
 - It is packaged and labelled correctly.
 - It is stored securely and safely.

- The integrity of evidence is maintained.
- It is retained or dealt with as appropriate.
- It is returned or disposed of correctly and at the earliest opportunity.

They will also be required to apply by way of the Crown Prosecution Service (CPS) for court orders to dispose of property (forfeiture / destruction / confiscation orders).

The responsibility for items of property detained remains with the OIC at all times.

2.2.8. It is the responsibility of Property Administrators to:

- ensure all items are correctly bagged, labelled and sealed; and that the property details are recorded accurately on NICHE, highlighting discrepancies where appropriate
- ensure all property items temporarily in the custody of Lincolnshire Police are securely stored and handled having regard to any possible hazards
- ensure that only authorised personnel have access to property and storage facilities to maintain the integrity of all property in the possession of Lincolnshire Police
- ensure all instructions given by the OIC in relation to the release or disposal of property are followed appropriately and according to policy.

2.2.9. Seizures of money under the Proceeds of Crime Act 2002 must be dealt with in accordance with the separate Force procedures for these seizures – under Policy PD207.

It is the responsibility of the officer taking the property into police possession and/or the officer in the case to liaise with the Property Administrator to ensure that money is dealt with correctly and expeditiously.

2.2.10. Where there is a Major Incident the exhibits will be moved to the Major Incident Store and be managed by the Major Incident Exhibits Officer. The Exhibits Officer will be responsible for the property from seizure to disposal.

2.3. Packaging property

- 2.3.1. Where an item is to be entered into the property system, it must be suitably packaged in accordance with this policy, the associated internal procedures and in line with the Forensic Packaging Guide for Officers which can be found on the Lincolnshire Police intranet.
- 2.3.2. Every item of property, including forensic exhibits must have a NICHE tag number securely attached to it, by way of being recorded on the packaging and on the exhibit label even when being sent to an outside agency for examination
- 2.3.3. If any Officer requires further help or guidance they should seek the assistance of a Crime Scene Investigator (CSI), Supervisor or Property Administrator.
- 2.3.4. Property should be placed in a temporary store at the earliest opportunity in order to be moved to a main secure store at the earliest opportunity.

2.4. Retention and Release

- 2.4.1. All property which may be relevant, must be retained until a decision is taken whether to institute proceedings against a person for an offence. The CPIA states property may be relevant to an investigation if it appears to the police that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case unless it is incapable of having any impact on the case.
- 2.4.2. The Criminal Procedure and Investigations Act, 1996 requires the Police to retain all case material for at least six months after conviction and, if a custodial sentence is imposed, for the length of that sentence.
- 2.4.3. At the conclusion of a case the OIC must review, at the earliest opportunity, what property, including forensic items, needs to be retained as a relevant exhibit, and what can be disposed of.

- 2.4.4. Property must be retained while any appeal is in progress until the appeal is determined or the Criminal Cases Review Commission considers an application.
- 2.4.5. Property should be returned as soon as the OIC has determined it is no longer relevant. Where it is not clear whether property may be relevant to an investigation, the advice of the CPS should be sought.
- 2.4.6. In general under the Police (Property) Act, 1897, the police must retain property subject to a criminal investigation and for which no owner has been ascertained for a period of one year from the date of seizure except where special retention considerations may apply.
- 2.4.7. Authorisation to dispose of property can only be given by the OIC, the OIC's Supervisor, the seizing police officer where the item is not directly linked to a court case, or any other Police Officer of the rank of Inspector or above. Authorisation should be given via the evidence management system.
- 2.4.8. Where the property has been chemically treated throughout the course of the investigation, it shall not be returned, in line with current safety guidance.
- 2.4.9. All property leaving police possession - being handed over to the owner or other authorised person, should be signed for by that person and witnessed by the member of staff handing over the property on the receipt.
- 2.4.10. Identification from the person collecting the property must be confirmed before the property is released.
- 2.4.11. Unclaimed property shall be disposed of by sale or destruction following the issue of a Torts Act Interference Letter, and the appropriate timescales have expired.
- 2.4.12. Where appropriate and in line with legislation, the Business Support Manager can authorise alternative disposal methods or for operational use or training. Applications must be made in writing, including by email.

3. Other related documents and appendices

Lincolnshire Police Property in Police Possession Standard Operating Procedure (for internal use only) currently under review.

Lincolnshire Police Stop and Search Policy (PD108)

Lincolnshire Police Seizure of Cash Policy (PD207)

[NPCC National Digital and Physical Evidence Retention Guidance](#)

4. Monitoring and review

- 4.1 The policy will be formally reviewed on a biennial basis or when there are any procedural or legislative changes which impact on the policy.

5. Who to contact about this policy

- 5.1. This policy is owned by The Business Support Manager. Any enquires about this policy should be directed to Janet Allenby 07867 646422 janet.allenby@lincs.police.uk.