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**LOST AND FOUND PROPERTY
FORCE REFERENCE DOCUMENT**

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POLICY

1. It is the policy of Northern Constabulary to adhere to Part VI of the Civic Government (Scotland) Act 1982 which sets out the procedure for the handling, custody and disposal of lost and abandoned property.

STANDARDS

1. INTRODUCTION

- 1.1 The police powers contained within this document are derived from Part VI of The Civic Government (Scotland) Act 1982.
- 1.2 Any and all members of staff who are involved in making any decisions or recommendations based on this document must give due consideration to all information available to them prior to making any decision or recommendation. Such a decision or recommendation must utilise the least intrusive option possible in the particular circumstances and must not be discriminatory.

2. LOST/FOUND PROPERTY REGISTERS

2.1 Found Property Register

- 2.1.1 The deposit of items of found property with the police will be recorded in triplicate in the Found Property Register:

- | | | | |
|----|-----------------------------------|---|---|
| a) | Yellow (Original) | - | receipt to finder |
| b) | White (1 st Copy) | - | station record (not to be removed from book) |
| c) | White card (2 nd Copy) | - | each station files its own as per local procedures. |

Each part of the Register bears a serial number which then becomes the found property reference number.

- 2.1.2 A detachable label forms part of the white card. This requires to be removed and firmly secured to the item of found property.
- 2.1.3 Where appropriate, the Form OP/42/2 receipt will, on return with signature, be attached to the white counterfoil (station record).

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- 2.1.4 Entries in the Register require to be neatly written and legible. A full description of the found articles will be recorded and in the case of bank notes, the denomination, serial number and bank of issue will be recorded for each note.
- 2.1.5 Unused registers require to be securely stored and a stock record of the numerical sequence of registers issued maintained at issuing stations.

2.2 Lost Property Register

2.2.1 Property reported to the police as being lost will be recorded in duplicate, in the Lost Property Register:

- a) White (Original) - station record
- b) Green Card (Copy) - each station files its own as per local procedures.

The Lost Property Register serial number is the lost property reference number.

3. CLASSIFICATION OF PROPERTY

3.1 To assist in documentation of lost/found property, the description of the article will be preceded by its classification.

3.2 The list of classifications which will be used is as follows:

- 1. CLOTHING
- 2. CYCLES
- 3. FOODSTUFFS (including perishables)
- 4. FOOTWEAR
- 5. JEWELLERY (including watches, rings, ear-rings etc)
- 6. KEYS
- 7. MISCELLANEOUS
- 8. MONEY (including postal orders, cheques etc)
- 9. PURSES AND WALLETS (with or without money or other contents)
- 10. SPECTACLES (including spectacle cases etc)
- 11. TOOLS
- 12. VEHICLE ACCESSORIES (including spare wheels, discs, petrol tank caps, number plates, tarpaulins etc)
- 13. CAMERAS, BINOCULARS (including photographic equipment)
- 14. TAX DISCS
- 15. BAGS (including handbags, rucksacks, suitcases etc)
- 16. MOBILE PHONES
- 17. PASSPORTS

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18. BANK/BUILDING SOCIETY CHEQUE GUARANTEE CREDIT/ AUTOBANK CARDS

4. PROCEDURES ON RECEIPT OF FOUND PROPERTY

- 4.1 All articles of found property deposited at a police station will be recorded without delay in the Found Property Register.
- 4.2 Any police officer who receives found property outwith the police station will record full details in his/her official notebook. An official receipt will be issued to the finder once the details have been recorded in the Register.
- 4.3 When a finder deposits property, the member of staff receiving the property will ascertain if the finder wishes to have the property returned to him/her if not claimed during the 2 month retention period. If the finder does not require to have the property returned he/she will be required to sign the appropriate disclaimer section of the form.
- 4.4 Examples of articles which will not be returned to the finder are contained in the Guidance Section.
- 4.5 Any identification marks or distinguishing feature of the property will be recorded in the Register and reasonable enquiry made to identify the loser. (Consider UV markings where appropriate).
- 4.6 A cross-check should be made against the Lost Property Register.
- 4.7 Any article of found property suspected of being stolen will be reported to the duty officer.
- 4.8 For advice/guidance on the arrangements for handling found cash, please refer to the appropriate section of the Financial Management Handbook on NoW.

5. ACTION TO BE TAKEN ON RECEIPT OF A LOST/ STOLEN/ MISAPPROPRIATED PASSPORT

NB: Force Special Branch require to be notified of all reported stolen or lost passports. This applies to both UK and non-UK passports. Full details should be forwarded either by telephone (01463 720223) or (01463 720668).

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5.1 Found UK Passports

- 5.1.1 Under no circumstances must a passport handed in to the Police as lost and found or a passport found by an Officer during the course of his/her duties, be returned to the rightful holder. No attempt should be made by the Police to try and trace the holder to return the passport. A passport remains the property of HM Government and in order to maintain integrity of the British Passport it must be returned to UK Passport Service (UKPS) at the following address to be recorded as recovered and then destroyed:-

PO Box 654, Peterborough, PE1 1WP.

- 5.1.2 Prior to sending any passports, the top right corner of the front and back cover and the person details page of the passport should be cut off to physically cancel the passport. The corner removed from the details page should cut across the Machine Readable Code in order to render the passport useless.

5.2 Lost/Stolen UK Passports

- 5.2.1 Should any staff receive a report from a member of the public that his/her passport has been lost or stolen the person will be given a form LS01, which can be downloaded from the UKPS website. If this is not possible, the person should be provided with details of the website in order that they may report the loss/theft on-line at www.passport.gov.uk.
- 5.2.2 If a member of staff issues a form LS01 it is helpful to the UKPS if a station stamp is printed onto the form to indicate the issuing station. There is no requirement to include the report of a LOST passport in a lost property register. However, in the circumstances where a lost passport is shown at some later stage to have been used in the commission of a criminal offence, it would be helpful to the UKPS to be able to cross reference the crime with the location of the original report of the loss.

5.3 Non-UK Passports

- 5.3.1 If a foreign national has lost his/her Passport/Identity Card and he/she attends a police station to claim it, the Passport/ID Card should be returned to the person providing the Passport/ID Card appears genuine and has not been interfered with.

It is recommended that non-UK passports, ID cards and other travel documents are retained for 7 days before being sent to the National Document Fraud Unit (NDFU). This will allow the loser to reclaim his/her document from the police in the period immediately after losing it.

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All foreign national passports and other travel documents that are not claimed should be sent by secure means to the NDFU at the following address :-

NDFU, PO Box 1000, Haynes, Middlesex, UB3 5WB.

Non-UK Passports or ID Cards may not be cut, marked or interfered with as they are the property of the respective issuing government.

6. STORAGE PROCEDURES

- 6.1 When an article has been recorded in the Register, the label bearing the reference number will be detached from the white card and securely fixed to the article.
- 6.2 Small items which fit into a found property envelope will be secured by sellotape or staple and enclosed within. Items of found property require to be securely stored at all times. The label bearing the reference number must be put inside the envelope, with number clearly visible.
- 6.3 The person appointed "Custodier" and up to one other nominated person will hold the only keys to any place where found property is stored.

7. PROPERTY FOUND IN ONE AREA AND DEPOSITED IN ANOTHER

7.1 In-Force

- 7.1.1 When found property is deposited at a police station outwith the Division in which it was found, the item will be forwarded with Form OP/42/1 to the principal station in that Division and the finder advised accordingly. The receiving station will complete the receipt on Form OP/42/1 and return to the station of origin where it will be affixed to the white copy of the register. The white copy of the register will be endorsed with serial number and details of the station to which it was sent.
- 7.1.2 The receiving station will enter the property in the Found Property Register and endorse the entry to show at which station the property was first lodged.

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7.2 Other Force Area

- 7.2.1 Property found in another force area and deposited at a station in this Force will be accepted, entered in the Found Property Register and a receipt issued to the finder. The property will be forwarded to the force in question accompanied by Form OP/42/1. On return of the receipt, it will be attached to the white copy of the register. The white copy will be endorsed with details of serial number and station sent to.

8. DISPOSAL OF PROPERTY

- 8.1 Property which has been found will be retained for a period of 3 months.
- 8.2 Finders of found property will be informed by letter if the property is claimed by the owner.
- 8.3 The onus of lodging a claim for the return of unclaimed property and collecting same rests with the finder who, upon collection, will require to sign either the white portion of the Found Property Register or a receipt (Form OP/42/2).
- 8.4 Property unclaimed by loser or finder within one month after the expiry of the statutory 2 month period will be sold at public auction in accordance with local arrangements. Proceeds from the sale will be dealt with as police income accounting for VAT. (Refer to Financial Instructions on NoW (Recording of Income I3) for detailed procedures).
- 8.5 Unclaimed articles which have no intrinsic value and which are unsuitable for public auction may, where practicable, be donated either to a local charity outlet or, where appropriate, to a recycling organisation registered with the Environmental Protection Agency. The Found Property Register will be appropriately endorsed and a verifying signature obtained from the receiving charity. The destruction of such items should only be resorted to as a last option.
- 8.6 Perishable goods, if unclaimed within a 24 hour period, may be destroyed and the Found Property Register endorsed accordingly.
- 8.7 Routine checks of all records relating to the disposal of property will be undertaken by supervisory staff on a regular basis.
- 8.8 Mobile phones and sim cards will not be returned to the finder (Section 2 of Guidance). They will be placed in a mobile phone productions box (more than one phone can be placed in one box) and sent to Stores at Headquarters for disposal.

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- 8.9 Headquarters Stores will dispose of mobile phones and sim cards by the normal secure system of disposal of computer assets.

9. RECLAIMING OF PROPERTY

- 9.1 Where the owner, or person with a right to possession, reclaims found property, the member of staff dealing with the claim will take reasonable steps to ascertain that the claimant has a rightful claim of ownership or possession. If there is doubt as to the validity of the claim, the property will be retained and a report submitted to the Divisional Commander/Service Unit Manager.
- 9.2 When the claimant has a valid claim and is agreeable to pay the appropriate reward (see 9.4) he/she will require to sign the white portion of the found Property Register or a receipt (Form OP/42/2). The property will then be returned to the claimant.
- 9.3 The design of the Found Property Register caters for the acceptance and disposal of rewards.
- 9.4 In all cases where money or valuable property is lodged as found property, the claimant will be informed that the finder should be given ten per cent of the value as a reward. Where any doubt exists over the value of an item the matter will be referred to the Divisional Commander/Service Unit Manager for a decision (refer to Guidance Notes, Section 6).
- 9.5 If the owner of the property agrees to pay this reward it will be accepted and delivered to the finder.
- 9.6 If the claimant refuses to pay the reward, the property will be retained by the police and the matter referred to the appropriate Divisional Commander/Service Unit Manager. Should it not prove possible to reconcile the issue, a full report will be prepared and submitted for reference in any possible appeal to the Sheriff by the owner or finder. (See Section 6, Guidance Notes for further information).

10. SUPERVISION

- 10.1 Routine checks of registers will be undertaken by supervisory officers on a regular basis.

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11. MOBILE PHONES

- 11.1 When mobile phones are handed in as found property, the Force can access the phone to try and find out who is the owner of the phone. This interrogation of the phone will be done locally. If the phone has a pin access on it, then it cannot be interrogated and it will be held locally for the required period. If not reclaimed, it will be disposed of as set out in paragraph 8.8.
- 11.2 If the Force requires to use the data for policing (criminal investigation, intelligence gathering) purposes then RIPSAs must be adhered to. The Force Computer Forensics Section must be used to interrogate the phone for potential policing purposes, to ensure the evidence gathered can be used in Court.

GUIDANCE

1. ADMINISTRATION

- 1.1 Before white (found property) and green (lost property) cards are filed, a cross-check should be made to ascertain whether any property reported as lost corresponds with any found property.
- 1.2 White cards should be filed in two sections namely:
- (a) "Live" section – current record of found property
 - (b) "Dead" section – record of found property disposed of.
- 1.3 Green cards should be destroyed:
- (a) immediately property is restored to the owner; and
 - (b) on removal from the Lost Property classification index after a period of 6 months from date of loss.

Found Property Registers to be retained for 2 years + current.
Lost Property Registers to be retained for 6 months.

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2. EXAMPLES OF ITEMS WHICH SHOULD NOT BE RETURNED TO THE FINDER

2.1 Certain items will not be returned to the finder and this should be explained by the member of staff receiving the property. Common sense should prevail in these circumstances but examples of items not to be returned would include:

- (a) prescribed drugs or medication
- (b) bank or building society credit cards
- (c) firearms or explosives
- (d) keys
- (e) ID papers
- (f) mobile phone (neither SIM card nor casing).

3. OFFICIAL DOCUMENTS

3.1 Government, Military and other official documents etc., which come into the hands of the police as found property, should be returned to the proper authority as soon as possible. Advice may be obtained from Special Branch, Headquarters if required.

3.2 When credit, bank cards etc., are deposited with the police, and the owner is not known, the card should, wherever practicable, be returned to the appropriate branch office against a signature on Form OP/42/2. If the card requires to be returned by post, it should be cut in half to prevent unauthorised use.

4. TREASURE TROVE

4.1 Treasure Trove is any gold or silver coin, plate or bullion found hidden, the owner of which is unknown. Unless, the person who hid it is traced, it goes to the Crown. If it comes to the knowledge of the police that any such articles or any objects of general or antiquarian interest have been discovered, the facts should be reported for the information of the Procurator Fiscal.

5. SALVAGE FROM SHIPWRECK

5.1 Under the Merchant Shipping Act 1894, any wreck which is found must, as soon as practicable, be delivered up to the Receiver of Wreck for the area concerned. In these circumstances the Senior Customs Officer will nominate the receiver to whom the wreck must be handed over.

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6. COMMENTS ON SECTION 70 OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – POWERS OF CHIEF CONSTABLE REGARDING REWARDS

- 6.1 Section 70 sets out the powers of the Chief Constable to make rewards to, or to give the property to, the finder and specifies the factors which should be taken into account in determining whether to make any reward or its amount. Subsection (2) provides that in assessing whether a reward is appropriate and, if so, its amount, the Chief Constable must take account of the nature and value of the property, the ability of any claimant to pay and the actions of the finder. The Chief Constable may decide to waive a reward, for example where the property is of little monetary value, or where the owner is impecunious or where there is doubt as to whether the finder took proper care of the property while in his possession. Custom and practice has determined that ten per cent of the value of the property should normally be acceptable. (Further information in relation to specific elements of the legislation is available on PINS).

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APPENDIX A

SCRS – LOST PROPERTY REGISTER AUDITING PROCESS

