



IP40

PROPERTY & EXHIBITS

IP40

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Property & Exhibits

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POLICY

1. To ensure that all property, exhibits and items received by the Delta Police Department (Department) are managed in an efficient and accountable manner consistent with law, policy and best practice.

REASON FOR POLICY

2. The Department will manage items seized, found or relinquished so as to:
 - a) provide for receipt, recording, storing, handling and disposition in a consistent and efficient manner;
 - b) ensure security by storage in designated secure areas specific to the property's attributes and conforming to any environmental requirements; and
 - c) limit access to the property storage area(s) to authorized employees.
3. All property coming into possession of a Department employee is dealt with in a manner that meets the requirements for continuity of evidence.

RELATED POLICIES

IC30 – Detention, Arrest & Post-Arrest Processing
IC32 – Search of Persons
IR22 – Forensic Identification Services
IP10 – Warrantless Search & Seizure



- IP11 – Warrants Search & Seizure
- IP42 – Drug Handling
- IP43 – Passports & Citizenship Documents

DEFINITIONS

4. For the purposes of this Policy, the following definitions will apply:

Seized Property: any property that comes into the possession of a member during the course of an investigation, and is not considered found property, relinquished property or property for safekeeping.

Found Property: any property that is found by the member to not be in the possession of the lawful owner, or person who claims to be the owner, and is not linked to an investigation or required for a future investigation.

Relinquishment: an owner of property may relinquish claim to the property by voluntarily turning it over to the police with the knowledge that the property will not be returned to them and will be otherwise disposed of by the police. Anyone in possession of property is deemed, in law, to be in lawful possession of the property, unless it is proven otherwise in a court of law.

Biological Exhibits (Bodily Fluids): the following are classified as biological exhibits (bodily fluids):

- a) any body fluids or tissues, such as blood, urine, semen, stomach contents, vitreous humour, bile, organ tissues and flesh; and
- b) any articles which may contain body fluids or tissues, including, but not limited to, clothing, bed linen or towels.

PROCEDURES

Safekeeping

5. Any property that belongs to a person in custody which is too large to be admitted by Detention Facility staff will be stored at the Property and Exhibits Unit. This also will apply to property that belongs to persons being apprehended under the Mental Health Act and too large to accompany the person at the hospital.



6. Property held for safekeeping that is not claimed within 30 days may be disposed of by the Property and Exhibits Unit.
7. Members arresting or apprehending an individual in possession of property requiring safekeeping must, whenever practical, provide the individual with the appropriate notice form, advising of the limited retention period.
8. Prior to disposal, the owner of property held for safekeeping must have been provided with reasonable notice of the 30-day retention time period, either by the arresting or transporting member providing the appropriate notice form, or by the Property and Exhibit Unit sending a notice letter to the owner's last known address.

Seizure of Property

9. The *Criminal Code of Canada* (CCC) detention procedures apply to anything seized. Seizure triggers the CCC Sections 489 and Section 490 requirements and, specifically, imposes on every Peace Officer the requirement to complete and submit a Report to a Justice in Form 5.2.
10. A member coming into possession of anything suspected of being stolen or obtained by crime must check it through the PRIME and CPIC systems.
11. If a member believes the possessor of property is neither the owner nor in lawful possession of the property, then the member is to conduct a 'possession of stolen property' investigation. The member cannot seek relinquishment of the property but can only seize the property.
12. All reports regarding property shall be completed prior to the end of the member's shift unless the delay is authorized by a supervisor.
13. Property is generally seized and retained for one of two reasons:
 - a) charges have been laid regarding an offence and the item will afford evidence of the offence against the accused; or
 - b) an offence has been committed and no charges have been laid, but the item may afford evidence in the event charges will be laid in the future.
14. To determine if items seized should be retained, the member will consider whether:



- a) there is any dispute as to who is entitled to lawful possession of the item, and, if entitlement is in dispute, the seized item should be retained; or
 - b) the continued retention of the item is required for the purpose of any investigation or preliminary inquiry, trial or other proceeding, and if it is, whether can be released under the Photograph and Release Procedures of this policy.
15. Seizure is not always necessary. An item may be left in the possession of the person with whom it is found if the member has reason to believe that:
- a) the person in possession of the item obtained it lawfully; or
 - b) the seizure and continued retention of the item is not required for the purposes of any investigation or preliminary trial or other proceeding.
16. When property is not seized the member will photograph the item(s) in accordance with the Photograph and Release Procedures in this policy.
17. Where another person asserts ownership rights to something over those of a person in possession, members will not intervene in the dispute, but will advise them to seek legal counsel to resolve such issues in civil proceedings.
18. No member will keep, buy, barter or accept as a gift anything that is seized, found, relinquished or intended to be relinquished to the Department.

Seizure from Lawyer Claiming Solicitor-Client Privilege

19. A police officer who has seized items under the authority of the CCC or any other Federal Act from a lawyer claiming solicitor-client privilege regarding the items seized will:
- a) seal them in an envelope without examining them or making copies;
 - b) convey the items without delay to the Justice who issued the warrant; and
 - c) ensure the items are subject to any terms and conditions that might have been imposed by the Judge in the warrant itself.
20. A Judge, on application, will subsequently examine the items and make a ruling regarding disclosure and detention.



Form 5.2 Report to a Justice

21. A member who seizes any item, including drugs, with or without warrant, must complete and submit a Form 5.2 Report to a Justice, whether or not the item is intended to be used as evidence in any proceedings. This includes items seized under Federal and Provincial statutory authority or under common law powers.
22. The completed Form 5.2 must be submitted to the Court Liaison section. Court Liaison will forward it to the Justice of the Peace, and make the required notation into the associated PRIME File of when it was submitted and when the Detention Order is granted.
23. The member seizing the items is responsible for the Form 5.2 Report to Justice and any applications required for further detention of items.
24. Where the identity of the person lawfully entitled to possession of the property is in dispute or unknown, this will be noted on the Form 5.2, which will set out the circumstances of the dispute as to entitlement.
25. A Form 5.2 is not needed for:
 - a) items voluntarily turned over to police by a complainant or witness;
 - b) items found or delivered to police where the person lawfully entitled to possession of the item is unknown or cannot be determined;
 - c) items of little or no real monetary value abandoned or left at a crime scene (e.g. a broken tail light lens from a hit-and-run, or scientific evidence such as fingerprints, fibres or broken glass);
 - d) photocopies of documents required for court;
 - e) documents generated by the member and intended as evidence such as breath certificates, notices of intention, statements, photographs or video / audio tapes of police interviews;
 - f) items held for safekeeping and eventual return to the owner (e.g., property of a person upon arrest or hospitalization); and
 - g) Items seized for a brief period for the purpose of taking control of the item.



Undercover Drug Buys

26. In the case of an undercover drug purchase, submission of the Form 5.2 may be delayed during the course of an ongoing investigation, but only as long as the member considers it necessary to preserve the integrity of the ongoing investigation.
27. Where the member does not submit the Form 5.2 to the Property and Exhibits Unit, along with the drug exhibit, a notation will be made on the exhibit report indicating brief circumstances of the seizure (e.g. 'undercover drug buy – ongoing investigation').
28. The member must submit the Form 5.2 as soon as there is no longer a need to preserve the integrity of an ongoing investigation.

Retention of Item Where Charges Laid

29. Once a Form 5.2 has been completed and submitted to a Justice, and a charge laid in support of which the property is required, the property may continue to be retained until the conclusion of all court proceedings and appeal periods, unless a Judge or the Crown authorizes release to the person lawfully entitled to its possession.

Retention of Item Where No Charges Have Been Laid

30. After completing a Form 5.2, the property may only be retained for a period of three (3) months from the day of seizure at which time the property seized can be reclaimed by the owner. However, a member may apply for continued retention for investigative purposes under CCC Section 490(2).
31. Before a detention order expires, the investigating member will, in writing, either authorize the release of the property to the person entitled to possession or apply to court for an extension of the order.
32. Authorization for retention longer than one year from the date of seizure, under Section 490(3) CCC, may only be obtained from a Judge of the Superior Court upon evidence demonstrating the need for further retention based on the complex nature of the investigation.

Release of Seized Item to Person Lawfully Entitled to Possession

33. In accordance with Section 489.1 of the CCC, where there is no dispute as to who is lawfully entitled to possession of the seized item and the continued retention of the item seized is not required for the purposes of any



- investigation or preliminary inquiry, trial or other proceeding, the member must return the item to the person entitled to possession as soon as is practicable.
34. In the first instance of submitting the Form 5.2, if the investigating member determines that the retention of the item is no longer necessary, and the member can return the item to a person lawfully entitled to its possession, the member will state that under the Disposition section on the Form 5.2 and obtain that person's signature in their police notebook to document receipt of the item.
 35. A Property and Exhibit Custodian may only release an item to a person lawfully entitled to possession, or his or her authorized agent, upon approval of the investigating member or where directed by Court Order. The investigating member is required to add a text page to the general occurrence report (GO) to authorize the release of the item.
 36. No item may be released without identification and signature of the person accepting the item.

Photograph & Release Procedures

37. Where the item to be released could provide evidence of an offence, but continued retention is not required, the member may arrange to have the item photographed before it is released to the person entitled to possession. Section 491.2 of the CCC refers.
38. The Photograph and Release Procedures do not apply to:
 - a) weapons used in the commission of a crime or any item necessary to show the aggravated nature of a crime;
 - b) negotiable objects, including cash and currency;
 - c) items illegal to possess (or subject to control) under federal, provincial or municipal law;
 - d) evidentiary items requiring technical or laboratory examination;
 - e) any item where entitlement to possession is in dispute or cannot be positively established; or
 - f) any item seized in relation to offences other than those listed in Section 491.2 of the CCC.



39. In accordance with CCC Section 491.2, property seized in respect of the following offence sections of the CCC may be photographed and certified, and is then admissible in evidence:
- a) Section 334 (Theft);
 - b) Section 344 (Robbery);
 - c) Section 348 (Break and Enter);
 - d) Section 354 (Possession of Property Obtained by Crime);
 - e) Section 355.2 (Trafficking in Property Obtained by Crime);
 - f) Section 355.4 (Possession of Property Obtained by Crime, for Trafficking);
 - g) Section 362 (False Pretense or False Statement); and
 - h) Section 380 (Fraud).
40. Once photographed and certified, if the person lawfully entitled to possession is known and there is no dispute as to ownership, the property may be returned.

Photographing Procedures

41. Items requiring photography for Court process, should, if at all possible, be photographed by Lower Mainland District Integrated Forensic Identification Service (LMD IFIS) to ensure a correct representation of the item, including its size, shape and colour.
42. The item will be marked, where possible, in an inconspicuous place. For large items, a card is to be attached with the case number, date and Personal Identification Number (PIN).
43. The photograph will be taken with the identifying marks or any characteristics evident.
44. One digital copy of the photograph will be kept with the file (i.e. on CD or attached to the PRIME file). One hard copy of the photo will be printed and supplied to Crown (two (2) copies if the photo is in colour) for disclosure purposes. This does not take in to account the procedures for electronic disclosure per the MOU with Crown.



45. The person who took the photograph will put his or her initials, PIN, date, time and case number on the back of the photograph or on the CD or DVD on which the photographs are submitted.
46. A member who took a photograph and seeks to submit it in evidence at a trial, without attending court, must consult with Crown Counsel and provide a certificate in accordance with Section 491.2 CCC, stating that:
 - a) the photograph was taken under the authority of Section 491.2 of the CCC;
 - b) the person is a peace officer or took the photograph under the direction of a peace officer; and
 - c) the photograph is a true depiction of the property.
47. If the photographing member did not originally seize the item, but seeks to submit the photograph in evidence at a trial without attending court, the seizing member must prepare an affidavit or solemn declaration stating that:
 - a) the property was seized and retained by him or her from the time he or she took possession until the photograph was taken; and
 - b) the property was not altered in any manner before the photograph was taken.
48. The original photograph, certificate and solemn declaration are to be submitted to a Property and Exhibit Custodian and to Court Liaison.

Property & Exhibits Unit

49. The Property and Exhibits Unit is the primary designated storage facility of items recovered, received, seized as an exhibit or held for safekeeping, with only the Criminal Investigations Branch (CIB) authorized to maintain secondary, temporary investigation specific, secure storage facilities, as set out in procedure below.
50. No person will be permitted access to the secure Property and Exhibits Unit, except where permitted and accompanied by an Property and Exhibit Custodian or approved by the Branch Manager, a Deputy Chief or Chief Constable.
51. Additional temporary storage facilities may be authorized by the Deputy Chief of Administration.



52. A member will only place items recovered, received, seized as an exhibit or held for safekeeping in designated storage facilities.
53. A member will not send items destined for the Property and Exhibits Unit through the internal mail, but must use designated exhibit lockers or deliver the items to the Unit personally.
54. CIB may maintain investigation specific temporary secure storage facilities, with access as designated by the Inspector CIB or by a Deputy Chief or the Chief Constable.
55. Any member of CIB who requires evidence to be kept outside of the Property and Exhibits Unit will enter that property onto a property page, in the GO, and then complete their evidence continuity, explaining where the property is being held. All members keeping exhibits outside the Property and Exhibits Unit must maintain adequate systems to ensure continuity and integrity of those exhibits.

Submitting Items to the Property & Exhibits Unit

56. Whenever a member submits an item to the Property and Exhibits Unit, he or she will prepare a GO and property report, and complete and attach an exhibit tag to each item.
57. Members submitting an item that contains individual other items, e.g., a suitcase or backpack, must search the primary item and separately package and tag any individual items of value, drugs, weapons or items causing safety concerns. If the search did not reveal any such items, the member will document this in the GO.
58. All submitted items are subject to retention periods monitored by Property and Exhibit Custodians. When a member receives a property notification in their workflow, requesting direction as to whether an item may be disposed of, the member will respond in writing by adding a text page into the GO with instructions.
59. A member who generates a property report specific to a serial numbered item must attempt to establish the ownership of the item by querying its serial number in Department records systems, before submitting it to the Property and Exhibits Unit and before subsequently authorizing its disposal.
60. A member requiring forensic examination of an item may place it directly in a LMD IFIS locker and must complete a property report and contact LMD



IFIS, indicating whether the item is being retained for court purposes or will be returned to the person lawfully entitled to possession.

61. All property to be submitted to the RCMP Crime Laboratory for analysis must be pre-authorized by first submitting to the Laboratory a Request for Analysis RCMP Form C-414.
62. A member must count all currency and record the amount and denominations on a currency tag attached to a clear tamper-proof bag, and update the property report. The amount must be verified by another member or custodian and confirmed by signing the envelope. The envelope will be placed in an exhibit locker.
63. When no longer required as an exhibit, and unless otherwise directed by an order, money will be disposed of by forwarding it to the General Revenue Account of the City of Delta.

Counterfeit Money Recovered

64. When submitting counterfeit money to the Property and Exhibits Unit, members will clearly mark on the property report that the money is 'counterfeit.'

Hazardous or Bulky Items

65. Members submitting an item too hazardous to be stored indoors will prepare a property report, and store the item in designated secure temporary outdoor storage facilities. This applies to items such as, but not limited to, gas cans, flares, fireworks, firecrackers, propane, oxygen, and acetylene tanks, and other implements containing a flammable or volatile substance. Such items may not be stored inside a police building.
66. Members are to contact the Duty NCO when they become aware of items that may pose a safety risk when handling, transporting or storage of such item.
67. Members will store bicycles and bulky items in designated secure temporary outdoor storage facilities, for subsequent secure outdoor storage by a Property and Exhibit Custodian.
68. Ammunition may be submitted to the Property and Exhibits Unit by placing it in an exhibit locker.



69. All items stored outside will have a property tag attached to it and the property tag must be protected from the weather and sun to avoid degrading the tag or markings.

Items Requiring Refrigeration/Freezing

70. When the Property and Exhibits Unit is open, a member must deliver items requiring refrigeration or freezing to a Property and Exhibit Custodian directly.
71. When the Property and Exhibit Unit is closed:
- a) a member requiring refrigeration or freezing of an item must request the Duty NCO to provide access to the secure temporary storage refrigerator and freezer boxes at HQ or the Public Safety Building and advise the Custodian by placing the key into an Exhibit locker and sending an email to the Unit;
 - b) Property and Exhibit Custodians must obtain access to the refrigerator and freezer as soon as practicable and transfer items therein to the Property and Exhibit Unit freezer; and
 - c) when an item is too large to fit into the temporary refrigerator and freezer, Exhibits or the ISS Sergeant or delegate should be consulted to make alternate storage arrangements.

Items Inventoried from Seized Vehicles

72. Where the driver of a seized vehicle is not present at the scene, the investigating member must inventory ALL items in the vehicle, and all valuable loose articles, including parcels and baggage, must be removed and processed as seized property.
73. Where the driver of a seized vehicle is present at the scene, the member will determine if there are any valuable articles in the vehicle and, if requested by the driver to keep such articles safe and it is practical to do so, the member will submit the articles to the Property and Exhibits Unit.
74. The member will advise the owner or operator of the vehicle of the removal of any the property and, if it is not required to be retained, where it may be claimed.



Items of Deceased or Injured Persons

75. Items found on dead or injured persons, which are not required in connection with an investigation and not handed over to a responsible person authorized to receive them, must be retained by the investigating member and submitted to the Property and Exhibits Unit with a property report.
76. When questions arise regarding entitlement to items belonging to a deceased person or when some doubt exists as to the rightful Executor, the investigating member must submit the items to the Office of the Public Guardian and Trustee, and the party or parties concerned so notified.
77. Items handed over to a person authorized to receive them will be signed for in the member's notebook.
78. When the legal spouse of a deceased person can be contacted, the items belonging to a deceased person can be turned over to, or left in the care of, the spouse. The exception to this is firearms, which may only be released to an Executor of the deceased's estate, but not if the firearm is involved in an offence.
79. When a deceased person has been divorced, their belongings are to be turned over to the next-of-kin.
80. When the clothing or furniture of a child of a deceased person is at issue, the person caring for the child or the child's legal guardian will be allowed to remove those items for the child's benefit.
81. When there are no records of living relatives or when relatives live outside the province of British Columbia, a deceased person's items will be turned over to the Public Trustee.
82. When death occurs in a hotel, motel, boarding house or similar facility and a relative is not readily available, all valuables will be removed and placed in the Property and Exhibits Unit pending notification of the Public Trustee, and if removal of valuables is impracticable, the premises will be secured pending advice from the Public Trustee.
83. The Public Trustee will be requested to attend the Property and Exhibits Unit or place of death, to take receipt of any items.



Cellular Telephones (Stolen, Missing & Recovered)

84. To expedite the investigation process and return of a cellular telephone to the rightful owner, a GO involving a cellular telephone should specify the phone's:
- a) make and model, including the model number;
 - b) IMEI (International Mobile Equipment Identity) number or MEID (Mobile Equipment Identifier) number, if it can be accessed (a 14 to 17 digit code that uniquely identifies the phone, printed inside the phone under the back cover, or if the phone can be turned on and is not password protected, the number can be found under 'Settings/About Phone/Status/IMEI or MEID Information);
 - c) telephone number (if known); and
 - d) if the SIM card is present, the issuer and the ICCID (19 to 20 digit number printed on the SIM card).
85. When the member does not know the ESN, they may contact the appropriate cellular phone company for that information, and, once the information is received, the report will be supplemented.
86. When members urgently require identification or owner confirmation of a found or suspected stolen cellular phone, they will arrange identification through E-Comm 911 via Duty NCO.

Items Stolen/Recovered from a Second-Hand Store or Pawn Shop

87. Stolen items recovered from a second-hand store or a pawn shop will be seized in accordance with this policy and held as an exhibit until criminal proceedings have been finalized or until the items are released to the owner.
88. A member who seizes stolen items from a second-hand store or pawn shop will be responsible for the investigation of the person(s) who sold or pawned the items and, when appropriate, criminal charges will be laid.
89. A member will not encourage the rightful owner of stolen items to reimburse second-hand dealers, pawnbrokers or coin dealers for items recovered from their businesses, and proprietors of these businesses should be advised to seek legal counsel.



Items Recovered – Credit Card Offences

- 90. Items obtained by a credit card fraud will be seized in accordance with this policy and held as an exhibit until criminal proceedings have been finalized or until the item is released to an agent of the credit card issuing company.
- 91. When a fraudulent credit card sale was not completed, the item attempted to be purchased will be left with the merchant.

Found Items

- 92. An on-duty member or civilian employee who finds an item or receives an item from a member of the public must place the item in a property locker or deliver the property to the Property and Exhibits Unit, and prepare and submit a property report. No one who finds or receives property during working hours is eligible to claim the property.
- 93. A member who has submitted an item to the Department, found or received while not working, may apply for the return of the item.
- 94. Any found item that is not claimed must be retained for at least ninety (90) days from the date it comes into possession of the Department, unless it is unsafe, unsanitary or perishable, in which case it may be disposed of at any time.
- 95. A finder of an item is not to be promised return of the property, but will be informed that a written claim for the property must be submitted to the Chief Constable or his/her delegate, within thirty (30) days of the property having been received by the Department.
- 96. Found articles not claimed within ninety (90) days may be disposed of by the Property and Exhibits Unit.
- 97. Items of value will be disposed of as authorized by the Deputy Chief of Administration.

Bicycles

- 98. A member shall deliver a seized, found or recovered bicycle to the designated temporary outdoor Property and Exhibits Unit storage area and complete all required reports as per this policy.



99. A found bicycle will be held thirty (30) days and may then be disposed of, including through donation to a not-for-profit organization approved by the Chief Constable.

Liquor Exhibits & Disposal

100. A member seizing liquor will properly seal each container and prepare a property report, detailing the brand name, number of bottles and whether they are full, partial or empty.
101. Liquor cannot be disposed of by public auction, and found liquor not claimed within ninety (90) days will be disposed of.

Exhibits for Court

102. Members obtaining an item from the Property and Exhibits Unit, for Court or any other purpose, must electronically sign the Evidence Continuity Report in PRIME.
103. Property and Exhibits Custodians must track the movement of all items in the custody of that Unit in PRIME.
104. A member must return any exhibits not entered as evidence in court as soon as practicable.
105. When an accused is convicted, the member must wait the statutory period of thirty (30) days allowed for an appeal to be entered, or for the decision if an appeal is entered, before authorizing the release of any exhibits as authorized by the court.

Firearms - General

106. All firearms submitted to the Property and Exhibits Unit must be registered to the Department by a Property and Exhibit Custodian through the Canadian Firearms Registry.
107. As soon as practical and in every case before being placed into a property locker, a member coming into possession of a firearm must ensure that it is unloaded, proven safe and the member must attach a safety wire or other means of rendering the firearm inoperable.
108. When a firearm is relinquished by the owner or an authorized designate, the member receiving the firearm must obtain written authorization from the owner to destroy the firearm or for the Department to retain it.



Seized Firearms

109. Where a member seizes a firearm in the course of an investigation involving violence or potential violence, but no charge is laid and the firearm is not subject to automatic forfeiture (e.g. prohibited weapons), the member must make an application for a Prohibition Order, if the member assesses that it would be in the interest of the safety of any person.
110. When a person is charged with an offence involving actual, attempted or threatened violence or any other offence causing concern for the safety of the offender or any other person, an interim firearms prohibition should be considered as a condition of release.
111. When a member attends an attempted suicide complaint, any firearm(s) in the custody or care or control of that individual may be seized, regardless of whether a firearm was used for the attempted suicide. An Application for an Order of Disposition of Articles Seized (Form F-8) will be submitted with the firearm(s) and the member must complete all associated paperwork within seventy-two (72) hours.

Found Firearms

112. A member who finds a firearm or who takes possession of a found firearm must submit it to the Property and Exhibits Unit as per the procedures of this policy.
113. All found prohibited firearms will be disposed of by the Property and Exhibits Unit upon authorization by the investigating member.
114. A finder who wishes to make a claim for a firearm, must do so by submitting a request to the Chief Constable within thirty (30) days of the item having been received by the Department, but will only have the claim considered if the finder possesses an appropriate valid firearm license.

Release & Disposal of Firearms

115. When the return of a firearm does not constitute a danger to the owner or other members of the public, the firearm will be released to the lawful owner (in the case of a restricted firearm, the owner must provide the appropriate transport permit prior to the firearm's release).
116. When the owner is known but will not accept the return of, or otherwise claim, the firearm, the Property and Exhibits Unit will notify the owner by certified mail, advising of his or her right to the firearm, and failing



- acceptance or claim of the firearm by the owner, the investigating member may approve disposal of the Firearm.
117. When a firearm is in the custody of the Department and an Order of Prohibition against ownership has been issued, the owner will be advised by the investigating member that he or she may transfer ownership of the firearm to a qualified individual and if such arrangement is not completed within ninety (90) days, the firearm will be destroyed pursuant to the provisions of the CCC.
 118. Upon destruction of any firearm, a Property and Exhibit Custodian must register the destruction with the Canadian Firearms Registry.
 119. The following persons will be present to witness the destruction of a firearm:
 - a) two Property and Exhibit Custodians; and
 - b) two members.
 120. At the discretion of the Deputy Chief of Administration, and if authorized in the destruction Order, a firearm may be turned over to the RCMP Forensic Laboratory.

Statements

121. All handwritten statements, except those taken in a member's notebook, will be submitted to the Information Services Branch in a Key Material Envelope. A copy of the statement will be attached to the outside of the Key Material Envelope unless the material is of sensitive nature. If the material is of sensitive nature, the reason for sensitivity is to be indicated on the outside of the Key Material Envelope.
122. All master audio or audio/video evidence must be entered as property and submitted to the Property and Exhibits Unit. This includes 911, cell block video, interview statements and material both downloaded internally and from digital equipment.

Biological Exhibit Handling (Bodily Fluids)

123. A biological exhibit must be either air-dried or frozen prior to being packaged and placed in the Property & Exhibits Unit.



124. Members requiring DNA testing of a biological exhibit will complete a RCMP Form C-414 and submit the exhibit for analysis to the RCMP Forensic Laboratory, either directly or in consultation with LMD IFIS.

Personal Protection

125. A member handling a biological exhibit must:
- a) treat it as if it is contaminated with an infectious disease;
 - b) use a fresh pair of disposable gloves for each exhibit, and upon removal, immediately discard used gloves in the available biohazard garbage receptacle; and
 - c) wear a face mask if spending an extended period of time in close proximity to biological exhibits at a scene (e.g. maintaining continuity).

Avoiding Cross-Contamination of Exhibits

126. A member must make all reasonable efforts not to allow a biological exhibit, seized from an accused person, to come in contact with exhibits seized from the victim, the scene or any other exhibit.
127. In order to avoid cross contamination, whenever possible, one member will seize biological exhibits from an accused and another member will seize exhibits from the victim or scene.
128. If the same member is required to seize biological exhibits from the accused and the victim or scene, the member will wear disposable protective coveralls, latex gloves and face mask; and change each disposable item between seizing sets of exhibits.

Wet Biological Exhibits Requiring DNA Examination

129. Wet biological exhibits requiring an examination for DNA must be brought by the seizing member to the Department's drying facility, as follows:
- a) place the wet exhibit into a heavy paper bag (not a plastic bag, as that would cause material to degrade) and, where applicable, place footwear in a separate paper bag;
 - b) mark each bag with the member's name, PIN, and time and date of seizure; and



- c) transport the bagged wet exhibit to the drying facility, ensuring wet exhibit is processed immediately.

Packaging Dried Exhibits Requiring DNA Examination

130. After drying an exhibit, the member who seized the exhibits will package it by:
 - a) removing the exhibit from its locker and package it on a table;
 - b) heat-seal dried exhibit in plastic bags, and where applicable, package shoes in paper bags;
 - c) treat the paper lining the locker floor as an exhibit and heat-seal it in a plastic bag;
 - d) attach a completed property tag and a 'Bio-hazard' sticker on the outside of all evidence bags; and
 - e) completing any drying specific check sheet.

Clean-Up

131. Once exhibits have been packaged, the member who seized the exhibit will follow all relevant posted step-by-step clean-up procedures.
132. The completed 'Drying Locker Check Sheet' will be processed as an exhibit.
133. All contaminated waste, including all bags, containers and disposable protective clothing, will be placed in a bio-hazard garbage bag, secured with a twist-tie and placed in the bio-hazard garbage receptacle.

Storage

134. All dried exhibits will be entered into the Property and Exhibits Unit as soon as practicable.

Wet Biological Exhibits Not Requiring DNA Examination

135. The lead investigator for the file, or an exhibit officer, will whenever possible, ensure wet biological exhibits are first dried in the drying facility. If the items do not require an examination for DNA, they are to be submitted to the Property and Exhibits Unit during hours of operation.



136. When the Property and Exhibits Unit is not open, wet biological exhibits are to be submitted via an evidence locker. Consideration is to be given to the degree of saturation, ensuring there is no impact on other lockers or any area outside of the locker.
137. A wet biological exhibit will be submitted in a heavy paper bag (not a plastic bag, as that would cause material to degrade):
 - a) marked with the members name, PIN, and time and date of seizure, and with a property tag attached;
 - b) mark the outside of the bag with the word 'WET'; and
 - c) with a 'Bio-hazard' sticker on the outside.

Processing Exhibits Contaminated by Insects or Vermin

138. Members processing an exhibit containing insect eggs, maggots, flies or other vermin will:
 - a) if possible, carefully shake off or remove any insect eggs, maggots, flies or other vermin from the exhibit to be processed;
 - b) carefully flatten the exhibit;
 - c) seal the exhibit in a plastic bag;
 - d) freeze for seventy-two (72) hours; and
 - e) remove the exhibit from the plastic bag, place in a drying locker in accordance with drying procedures.

Wet Non-Biological Exhibits Handling

139. Wet or damp non-biological exhibits will be submitted to the Property and Exhibits Unit to be air-dried in preparation for storage.
140. Whenever possible, wet or damp exhibits are to be submitted to the Property and Exhibits Unit during hours of operation.
141. When the Property and Exhibits Unit is not open, wet exhibits are to be submitted via an evidence locker, taking care to ensure that the degree of wetness does not impact other lockers or any area outside of the locker.



142. A wet non-biological exhibit will be submitted in a heavy paper bag (not a plastic bag, as that would cause material to degrade), marked with the members name, PIN, and time and date of seizure, and with a property tag attached.
143. All clothing should be submitted in paper bags, unless it has been placed in a drying locker first. Clothing and shoes may appear dry, but even the smallest amount of moisture, once sealed inside a plastic bag, will cause the material to degrade and or mold.

DNA Exhibit Management

144. Seized Exhibits requiring DNA analysis will be processed in accordance with the section of this policy; Biological Exhibit Handling.
145. After analysis, the RCMP Forensic Laboratory returns all residual DNA samples (cuttings and extracts) to the submitting member and that member must re-enter them into the Property and Exhibits Unit, with suitable Bio-hazard indications on the outside packaging when required.
146. Freezer storage of returned residual samples is not required after analysis, unless a member specifically advises.
147. Written requests to release of residual DNA samples for independent analysis will include the name of a person specifically designated to receive the sample (e.g. named legal counsel), and samples will not be released to agents or second parties of the person named in the authorization.
148. A member assessing whether to authorize the disposition of an original exhibit must give consideration to the following:
 - a) residual DNA samples will have been extracted from a cutting taken from the original exhibit (e.g. blood-stained shirt or saliva on a tissue), and both the extract and cutting will be retained as a frozen sample in perpetuity, unless the member and Crown counsel jointly instruct otherwise; and
 - b) while the original exhibit item retains no further value as a DNA exhibit, it may have evidentiary value and consultation with Crown Counsel may be advisable before deciding on disposition.



Sex Offence Exhibit Handling

149. A member seizing an exhibit containing blood or body fluids will handle it in accordance with paragraph relating to Biological Exhibit Handling.
150. A sexual assault kit and other pertinent exhibits required as evidence in a sexual offence case will be forwarded to the RCMP Forensic Laboratory by the investigating member if forensic analysis is necessary to facilitate the prosecution.

Fraud Exhibits

151. A member will handle fraud exhibits in a manner which will preserve them for fingerprinting.
152. A member will seal all fraud exhibit envelopes, add his or her signature over the seal and complete an exhibit report.
153. When a fraud exhibit envelope has been opened during court proceedings and the exhibit not retained by the court, the investigating member must note on the envelope that it has been opened and then reseal it and return it to the Property and Exhibit Unit.

Application for Retention of Items for Police Use

154. In exceptional circumstances, where a seized, found or relinquished item can aid a particular investigation or serve a specific Departmental purpose that cannot be met by other means, an application may be made to retain the item for police use.
155. An item sought to be retained must:
 - a) be identified as having the potential for assisting in some enforcement, investigative or training role;
 - b) be supported by a clear justification and all pertinent information relating to the request must be provided in writing; and
 - c) be of a condition that it can be utilized without resorting to costly repairs or servicing.
156. When the conditions outlined above are satisfied, the member initiating the request will forward a memorandum setting out a description of the exhibit(s), case file number, the reason the item is requested, and, if it is to



- be used in a sting operation, the likelihood of the exhibit(s) being recovered, to the Chief Constable or delegate for approval to seek to retain the property.
157. If approved, the Chief Constable will forward the request to the following:
- a) in relation to a seized item, to provincial Regional Crown counsel;
 - b) in relation to drugs, drug money or drug paraphernalia, to the federal Department of Justice and thereafter to the Office of Controlled Substances; and
 - c) in relation to found or relinquished firearms, to the RCMP – Canadian Firearms Program.
158. In relation to any item that the Department approves retention, or obtains approval to retain, notice of retention must be provided to the Police Board and the City of Delta, as soon as practicable, taking into consideration any investigative need to limit knowledge of the retention.
159. Upon receiving authorization from the appropriate agency to retain an item, the Deputy Chief of Operations will advise the Property and Exhibits Unit Supervisor to release the exhibit(s), in accordance with the following procedures:
- a) a designated member will sign for and take responsibility for all exhibits received;
 - b) if used for an operation and recovered, the exhibits will be re-entered into the Property and Exhibits Unit at the conclusion of the operation; and
 - c) if not recovered, the designated member will advise the Supervisor, Property and Exhibits Unit thereof, in writing.
160. The foregoing is not designed as a means of supplementing or replacing materials purchased through the budget process, but provides a mechanism whereby unique items that may be beneficial to police operations may be obtained.

*Revised Dates:
15 October 2018