

1.9 Property & Evidence

1.9.3 General Property Policy and Procedure

(Effective: 2012.05.31)

This policy is currently undergoing review. Please see [Cash & Valuables handling bulletin](#) for further information.

POLICY

All property coming into the possession of a Vancouver Police Department employee for evidentiary purposes, safekeeping or forfeiture shall be handled in a professional, ethical manner that maintains the requirements of continuity of evidence. All reports regarding the property shall be completed prior to the end of the member's tour of duty, unless the officer is authorized by a supervisor to do otherwise. A Vancouver Police Department employee shall not keep, buy, barter or accept as a gift any property that is found, seized by, surrendered to, or intended to be surrendered to the Vancouver Police Department.

Federal and Provincial statutes, including the Criminal Code of Canada, provide a police officer with the authority to seize property in prescribed circumstances. Members who seize property must have reasonable and probable grounds to do so, and must conduct a thorough investigation in relation to that property. In some circumstances, whether or not there is sufficient evidence to recommend charges, it is appropriate to seize certain items where lawful authority exists (e.g., drugs, prohibited weapons). Where suspected stolen property is involved, it is expected that members will draw on electronic resources such as PRIME-BC and CPIC to verify the status of the property, give the stolen property warning, interview the person from whom the item is seized, and take other necessary steps to ensure a thorough investigation is completed. Where the threshold of reasonable and probable grounds has not been met, there is no lawful authority to seize property believed to be stolen. Where the reasonable and probable grounds threshold has been met but there is insufficient evidence to recommend a charge, then the seizing member must intend to pursue the investigation, or request (via GO report) that a follow-up unit continue the investigation. Where there is insufficient evidence for a charge and no timely follow-up investigation is intended, the suspect property shall not be seized.

DEFINITIONS

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.

Found Property as Evidence: 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, but is linked to an investigation or required for a future investigation.

Safekeeping: Any property that belongs to a person in custody which is too large to be admitted by Vancouver Jail staff shall be stored at the Property Office.

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. If a member believes the possessor of property is neither the owner nor in lawful possession of the property, then the member is conducting a possession of stolen property investigation. In that case, the member cannot seek relinquishment of the

property but can only seize the property, if reasonable grounds exist, during the course of the possession of stolen property investigation.

PROCEDURE

Property Office

1. When the Property Office is open, members shall tag property (except large items) at the Property Office. A General Occurrence (GO) report clearly indicating disposition of the property shall be submitted for all tagged items. Any property seized by members pursuant to a criminal investigation must be reported on a 5.2 Report to a Justice ([Section 1.9.4 - Seized Property](#)). This does not include found property or relinquished property which does not require a Form 5.2. All property shall be entered on an Evidence Continuity Page of the PRIME GO report. In cases where there is a serial number or other identifiable markings on the property, a "C" shall be entered in the study field of the GO report to alert CPIC staff to enter the property on CPIC.

Property Seized for Destruction

2. In cases where property, such as prohibited weapons, is seized for forfeiture (commonly referred to as destruction), and where no charges are laid and no further investigation is required, a GO report shall be submitted for the substantive offence, such as possession of a prohibited weapon. In addition, the member shall:
 - a. Complete and submit a Form 5.2 and request that the property be detained;
 - b. Complete and serve the person from whom the property was seized with a Notice of Application for Hearing;
 - c. Complete the Affidavit for Service and attach it to the Forfeiture Order; and,
 - d. Submit a copy of the Notice of Application for Hearing, Affidavit for Service and Forfeiture Order to the Property Office clerk who will forward the documents for the scheduled Hearing Date with the Justice of the Peace and request that an order be granted for forfeiture.
3. In cases where the seized item is a controlled substance for destruction, and where no charges are laid and no further investigation is required, a GO report shall be submitted for the substantive offence, such as possession of a controlled substance. Members shall also refer to [Section 1.6.12\(ii\), Drug Handling Procedures](#).

In addition, the member shall:

- a. Complete and submit a Form 5.2; and
- b. Enter the seized drug information in the Drugs for Destruction Log Book located at the Property Office.

Relinquished Property

4. In cases where the ownership of property is not disputed and the owner voluntarily relinquishes the property to the member, the property shall be tagged at the Property Office with the disposition "RELINQUISHED" written on the tag. A photocopy of the receipt of relinquishment obtained by the member in their notebook shall be attached to the property. The receipt shall state the following:
 - a. "I, (name of owner) do hereby voluntarily relinquish my property to the police to be disposed of in accordance with departmental policy";
 - b. List of property being relinquished;
 - c. Signature of owner; and,
 - d. Signature of member.

Note: In these types of cases, where the property is a dangerous weapon or controlled substance, for example, a GO report shall be submitted for the substantive offence such as possession of a dangerous weapon or possession of a controlled substance.

After Hours

5. When the Property Office is closed, members shall:
 - a. Place money and valuables in an envelope and list the contents on the face of the envelope (including the total amount of money and all denominations);
 - b. Have another member verify the contents, seal and initial the envelope in their presence;
 - c. Ensure that both members' names, signatures and PIN numbers are on the envelope. Document the witness name and PIN number in your notebook or GO report;
 - d. Place money and valuables in the Property Office cash drop in the presence of the witnessing officer and register the money and/or valuables in the Property Log Book;
 - e. Place small items, drugs and weapons in the Property Office as required (e.g. Drug or exhibit locker, counter area);
 - f. Tag each item separately and register it in the Property Log Book; and,
 - g. Maintain security of the Property Office, and the continuity of the evidence it contains, by ensuring that the Property Office door remains closed and locked.

Non-compliance and 'Right of Refusal'

6. Any seized property that is not properly tagged and/or not reported on a Property Continuity Page of the GO report, and in the case of seizures, on a Form 5.2 shall be refused by the Property Office staff. The Property Office staff member will send a message to the seizing member's supervisor and request that the member return to the Property Office and complete the tagging procedure before the property will be logged into the Property Office.

Oversize Drop-Off

7. The Oversize Drop-Off is a facility designed for storing larger seized or recovered property at the Property Office.
8. Members placing property in the Oversize Drop-Off shall:
 - a. Tag each item with a VPD 34 Property Tag <LINK> (including a bar code sticker) and include the appropriate report(s) detailing both the circumstances of seizure and the requested disposition of the property;
 - b. Attach a copy of the Form 5.2 to the property; and
 - c. Record submission of property in Property Log Book.

Dangerous Goods

9. The City of Vancouver classifies the following as Dangerous Goods:
By-Law 5572 "Dangerous Goods":

Class 1: Explosives, including explosives within the meaning of the Explosives Act.

Class 2: Gases: compressed gases, liquefied petroleum, liquefied natural gas, and liquefied or dissolved gases under pressure

Class 3: Flammable liquids and combustible liquids.

Class 4: Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases.

Class 5: Oxidising substances; organic peroxides, chlorates, nitrates, etc.

Class 6: Poisonous (toxic) and infectious substances.

Class 7: Radioactive materials and prescribed substances within the meaning of the Atomic Energy Control Act.

Class 8: Corrosives.

Class 9: Miscellaneous products, substances, or organisms considered dangerous to life, health, or the environment, not included in any of the above classes.

Dangerous Goods-Handling

- a. Members whose investigations involve dangerous, biologically contaminated, or explosive substances should make every effort to have the substance photographed if the substance(s) might be required as an exhibit in a court case. (Members must determine that the dangerous goods etc. can be photographed without danger, e.g. flash photography may cause an explosion; if in doubt, an "Incendiary Explosive Device" qualified member must be consulted).

Under no circumstances should an member attempt to enter a dangerous, biologically contaminated or explosive substance(s) as a court exhibit. If the substance requires laboratory analysis the Vancouver Fire and Rescue Services, Health Department, City of Vancouver Environmental Protection Branch, and/or the Emergency Response Team (ERT) must be contacted to ensure proper handling of the substance. The Vancouver Fire and Rescue Services, Health Department, the City Environmental Protection Branch, and the RCMP are trained and equipped to identify and deal with dangerous, biologically contaminated, and explosive substances and their services must be utilized.

The City Health Department and the Environmental Protection Branch can be contacted 24 hours a day via the Vancouver Fire and Rescue Services ([Section 1.7.12: Explosive Devices](#)).

- b. If the owner of the substance ([Section 1.7.12: Explosive Devices](#)) cannot be identified or located and the substance is not required for any police purpose, the Health Department or Environmental Protection Branch should be contacted for disposal of the substance.
- c. The Property Office is not equipped to deal with dangerous, biologically contaminated or explosive substances. The Upper Police Garage may be used for the storage of these substances if the Vancouver Fire and Rescue Services, Health Department, the City Environmental Protection Branch and/or ERT is contacted prior to their storage. They will advise if these substances can be stored without risk and in compliance with Provincial and Federal Regulations

Dangerous Goods-Seizure

10. Members seizing property that may be dangerous shall have first determined that the property could be safely handled and stored by police personnel. The dangerous goods shall be clearly marked 'Dangerous' and the VPD 34 (Property Tag) shall indicate what type of dangerous goods the property is or is suspected to be. A GO report (including an Evidence Continuity Page) shall be submitted for all seized dangerous goods. The report shall indicate the circumstances of the seizure, who determined that the dangerous goods may be safely handled and stored by police personnel, and the required disposition of the property.

Seizure of Compressed Gas Cylinders

11. Under no circumstances shall compressed gas cylinders of any size be transported in any police vehicle or stored in any police building. Members requiring a gas cylinder for evidence shall

first consider photographing it and returning it to the owner. When seizure is absolutely necessary, members shall comply with the following procedure:

- a. Attach a VPD 34 Property Tag (including a bar code sticker) to each item;
- b. Attach a copy of the Form 5.2 to the property;
- c. Contact the City of Vancouver Streets Emergency Truck through Engineering Dispatch at 604-356-4820 to attend and transport the cylinder(s) to Manitoba Yards; and,
- d. Ensure that a copy of any applicable report is routed to the Property Office. The report shall contain the officer's instructions regarding the disposition of the property.

Flammable Materials

12. Members shall make every effort to locate the owner of the property, have it photographed for court purposes, and return it to the owner. If the owner cannot be located, photograph the item and contact the Vancouver Fire and Rescue Services for disposal instructions. Empty containers should then be placed in the Oversize Drop-Off with clear instructions to the Property Office staff regarding disposal and/or destruction of the item (they do not have facilities for long-term storage of flammable materials). Flammable materials shall not be stored at 2120 Cambie St., 3585 Graveley St., or 236 E. Cordova St..

If they are exhibits from a major crime scene:

- a. Contact and advise the appropriate investigative section;
- b. Liaise with the Arson Investigator;
- c. Contact the Vancouver Fire and Rescue Services regarding proper handling of the exhibit for laboratory analysis;
- d. Seized containers should be emptied (contact the Vancouver Fire and Rescue Services for disposal instructions);
- e. Store the exhibit in an air tight metal container supplied by the Vancouver Fire and Rescue Services;
- f. Place the exhibit in the Oversize Drop-Off; and,
- g. Attach a copy of a Form 5.2 to the container.

Continuity of Evidence

13. Members are reminded that the appropriate report must include the names, position and address of all non-VPD personnel who handled or seized the dangerous goods. Members must also clearly advise the required disposition (e.g. for evidence and/or analysis or for forfeiture) to all non-VPD personnel seizing dangerous goods.