



# TRANSIT POLICE EXHIBIT/PROPERTY CONTROL

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## TABLE OF CONTENTS (with Quick Links)<sup>1</sup>:

POLICY .....	1
Definitions .....	1
Authority .....	3
General .....	4
PROCEDURES .....	4
PART A – DOCUMENTING AND SUBMITTING PROPERTY .....	4
Member .....	4
Exhibit Custodian .....	5
PART B – STORING, HANDLING AND DISPOSAL OF PROPERTY .....	5
JPD or IIO Controlled Investigation Items .....	5
Items Requiring Fingerprinting .....	6
Items Requiring DNA Testing .....	6
Counterfeit Currency .....	6
Counterfeit Fare Media .....	7
Credit Cards/Debit Cards .....	7
Money and Valuables .....	7
Passports .....	8
Drugs and Drug-Use Related Sharps .....	8
Flammable and Dangerous Goods .....	8
Firearms and Ammunition .....	9
Liquor .....	10
Perishable Goods .....	11
Digital Evidence .....	11
Found Property .....	12
Relinquished Property .....	13
Safekeeping Property .....	14
Seized property .....	14
PART C – AUDIT .....	15

## POLICY

### Definitions

BCPPS – BC Provincial Policing Standards.

Chief Officer – The Transit Police Chief Officer or delegate.

<sup>1</sup> Use **CTRL + HOME** to return to the Table of Contents from anywhere in this document.

Court Liaison Officer (“CLO”) – For the purpose of this policy, the Transit Police Personnel position that manages and monitors court related Transit Police files.

Digital evidence – For the purpose of this policy, includes but is not limited to, digital photographs, audio recordings and video recordings captured or obtained by Transit Police during a police investigation.

Drug Exhibit – Any seized controlled drug or substance or prescription drug, anything suspected of being a controlled drug or substance or prescription drug, or anything believed to be contaminated by a controlled drug or substance or prescription drug (e.g. drug paraphernalia) [See also definition for “Sharps” in this policy].

Evidence – For the purpose of this policy, any items seized or acquired by a Member during the course of any investigation or for the purposes of any investigation or court proceeding, including any original paper documents. Evidence can be physical (e.g. knife) or digital (e.g. digital photo of a knife).

Exhibit Custodian – The Transit Police Personnel designated by position to maintain property control for the Transit Police. This position has Special Provincial Constable status.

Exhibit Locker – A designated secure storage location to secure property. [BCPPS E4.1.8] [NOTE: *Members will use a temporary exhibit locker to secure property until they have processed it, before moving it to an Exhibit Locker.*]

Exhibit Room – A secured facility used by the Transit Police Exhibit Custodian to store all property collected by Transit Police.

Form 5.2 Report to a Justice – A Form 5.2 Report to a Justice is required to document and report the items seized by a peace officer during the execution of their duties, where either ownership is in dispute or the continued detention of the thing seized is required for the purposes of any investigation or court proceedings.

Found Property – Any property found by a Member or provided to a Member by a person who found the property and who is not the lawful owner, excluding relinquished and seized property in accordance with this policy.

IIO – Independent Investigation Office, established under the *Police Act*.

IMS – Information Management Section of Transit Police.

JPD – Jurisdictional Police Department.

Member – For the purpose of this policy, includes a Designated Constable (all ranks), the Chief Officer or a Deputy Chief Officer, and a Designated Law Enforcement Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name for the South Coast British Columbia Transportation Authority Police Service.

PRIME Property Module – This is a subsystem of the PRIME Records Management System (RMS) that is used to record comprehensive information on property.

Relinquished Property – Any property voluntarily surrendered to Transit Police by the lawful owner (or person in lawful possession) knowing that the property will not be returned to them and will be disposed of by Transit Police.

Safekeeping Property – Any property turned over to Transit Police for a temporary period of time, with the expectation that it will be returned. This will also include a prisoner's property that is not taken by sheriffs when the prisoner is transported to court.

Seized Property – Any property taken by a Member during the course of an investigation, and is not considered found property, relinquished property or safekeeping property.

Sharps – For the purposes of this policy, includes medical devices when used for drug purposes that can puncture or cut skin (e.g., syringes or needles).

Transit Police - Jurisdictional Police Memorandum of Understanding ("TP-JPD MOU") – The TP-JPD MOU establishes the operational and procedural protocols between Transit Police and Jurisdictional Police with respect to policing and law enforcement within the Transportation Service Region.

Transit Police Personnel – Sworn Members and civilian staff who work for the Transit Police.

## Authority

1. The *BC Provincial Policing Standards*, established under the authority of the *Police Act*, require that police services in BC develop written policy outlining the functioning of their property management system to ensure continuity and consistency of operation.
2. The Transit Police property control policy has been developed in recognition of the important role of the property management function in serving the interests of the administration of justice.
3. The purpose of the Transit Police property control policy is to ensure that:
  - (1) all property<sup>2</sup> in the care, custody and control of the Transit Police will be handled, stored and disposed of in a safe, secure and accountable manner in compliance with the requirements of the *Police Act*, regulations and standards thereto, all as amended from time to time; and
  - (2) the integrity and continuity of evidence is protected.

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<sup>2</sup> For the purposes of this policy, property refers to items placed in the care, custody and control of Transit Police that are associated to a police file, and does not include property acquired by or on behalf of Transit Police as an asset for the use of Transit Police. [Refer to [Transit Police Policy AG010 – Property Management](#) for policy pertaining to property management of assets owned, leased, used or managed by Transit Police.]

## General

4. The Transit Police will establish and maintain an exhibit/property management function for property, that will:
  - (1) Provide for the safe receipt, recording, storing, handling and disposition of all property in a consistent manner.
  - (2) Ensure the security of all property by:
    - a. Storing property in a designated secure area(s), conforming with all environmental and safety requirements;
    - b. Storing property requiring added protection in separate, locked, secure areas located within the Transit Police property storage area(s); and
    - c. Limiting access to the property storage area(s) to authorized personnel.
  - (3) Provide for the security of property during periods when the Exhibit Room is closed [BCPPS E4.1.8];
  - (4) Ensure the integrity of the property management system through an annual, documented audit of seized and found property [BCPPS E4.1.3];
  - (5) Provide for the disposition and disposal of found, recovered and evidentiary property within twelve (12) months after legal requirements have been satisfied [BCPPS E4.1.9];
  - (6) Be described and documented (within the prescribed property management system); and
  - (7) Be administered under the authority of the Chief Officer and is the responsibility of the Deputy Chief Officer Administrative Services.
  
5. Transit Police disposal of property will comply with the *Police (Disposal of Property) Regulation* and *South Coast British Columbia Transportation Authority Police Service Complaints and Operations Regulation*.

## PROCEDURES

### PART A – DOCUMENTING AND SUBMITTING PROPERTY

#### Member

6. Members are required to record their actions in relation to the receipt and transfer/movement of property in their notebook, General Occurrence Report (“GO”) and/or PRIME Property Module, as appropriate. [NOTE: *This documentation will support testimony that a Member may be required to provide in Court*].
  
7. All property coming into the possession of a Member for evidentiary purposes, safekeeping or destruction will be recorded into the PRIME Property Module (or system otherwise determined by the Chief Officer) and submitted to the Exhibit Room prior to the end of the Member’s shift, by following the ‘Property Submission Procedures’ in this Policy as set out below, unless otherwise authorized by a Supervisor or otherwise directed by this policy.

**PROPERTY SUBMISSION PROCEDURES**

- (1) Open a GO file in PRIME, go to the Property Module, enter the property details and description;
- (2) Complete the property tag information, print the tag and affix to the property in such a manner as to prevent destruction or defacing;
- (3) Place the tagged property item inside an Exhibit Locker and lock the door of the Exhibit Locker; and
- (4) Make a notebook entry of the Exhibit Locker number that the property is placed in and note any other relevant details about the property.

8. Pursuant to section 7 of this policy, if a Member receives a Supervisor's authorization for a reasonable additional time to process the property (beyond the end of their shift), the Member will use a temporary exhibit locker to store the property, documenting in the GO and their notebook the reasons for the delay and all steps taken.[NOTE: High risk property, such as drugs, firearms and money/valuables are to be expeditiously processed.]
9. Members will complete a Report to Justice (e.g., Form 5.2) and extension requests as legally required, every time property is seized, with or without a warrant, whether or not it is intended to be used as evidence in any proceedings, unless otherwise directed by a Supervisor.

**[Refer to Transit Police [Policy: OD130 – Seizure](#)]**

**Exhibit Custodian**

10. The Exhibit Custodian will log receipt and/or retrieval of property and any subsequent transfer or movement of the property, including the disposition of the property, using the PRIME Property Module and/or Evidence Continuity Page, as appropriate.
11. Once property is within the custody and control of the Exhibit Custodian, the Exhibit Custodian will only release property as per the authority of the lead investigating Member to ensure the chain of custody is preserved.
12. It is within the primary responsibilities of the Exhibit Custodian to ensure that property held under the custody of the Exhibit Custodian maintains its evidentiary value.

**PART B – STORING, HANDLING AND DISPOSAL OF PROPERTY**

**JPD or IIO Controlled Investigation Items**

13. When a Member is assisting a JPD member or IIO in an investigation, the Member will take care not to handle or seize any exhibit that the JPD or IIO will need to seize, unless requested to do so by the lead JPD or by the IIO.

**[Refer to [IIO MOU and IIO Guidelines](#) and [TP-JPD MOU](#) for details]**

### **Items Requiring Fingerprinting**

14. When submitting property for fingerprinting examination, the Member will place the item in a sealed paper bag (not plastic), follow the Property Submission Procedures [refer to section 7 of this policy], and make arrangements with the appropriate JPD Forensic Identification Section.

(1) Members may consult with the Exhibit Custodian if assistance is needed.

### **Items Requiring DNA Testing**

15. Property that is wet or bloodied and requires DNA testing will be transferred by the Member to the appropriate JPD in accordance with the [TP-JPD MOU](#).

### **Counterfeit Currency**

16. Suspected counterfeit currency will be counted in the presence of two Members and then sealed in an envelope, as soon as practicable. A description of the currency (i.e., quantity, denominations, and any other observations/details) will be documented on the face of the envelope, both Members will sign and date the envelope and submit to the Exhibit Room in accordance with the Property Submission Procedures [refer to section 7 of this policy].

(1) A Supervisor will attend to oversee the counting/handling of any suspected counterfeit currency estimated to be over a value of \$10,000, where practicable.

17. Suspected counterfeit currency must be checked on CPIC by the Member.

(1) If charges are pending, the Member will submit a completed RCMP Form C-414 Request for Forensic Laboratory Analysis ([TP Form OZ0240A](#)) to the Exhibit Custodian who will send the suspected counterfeit currency to the RCMP National Anti-Counterfeiting Bureau (“NACB”) in Ottawa.

(2) If there are no charges and the currency is believed to be counterfeit, the Exhibit Custodian will send the currency to NACB with a completed RCMP Form 3774 ([TP Form OZ0740](#)), for disposal.

18. If the suspected counterfeit currency is determined to be genuine and is not required to be retained for any investigative purposes, Members will follow the process for disposition in the same way as other seized evidence in an investigation [refer to [Transit Police Policy – OD130 Seizure](#) and the Seized Property section of this policy chapter].

### Counterfeit Fare Media

19. When counterfeit fare media is suspected, the TransLink's Director Compass Operations will be advised/consulted by the Member.
20. If the fare media is fraudulent and charges pending, the fare media will be seized as evidence by the Member and processed in the same way as other seized evidence in an investigation. If no charges are pending, the Member will label the fare media as counterfeit and deposit the fare media in a designated Compass Card return box within Transit Police facilities or make other arrangements with TransLink to provide them with the counterfeit fare media.

### Credit Cards/Debit Cards

21. The legal owner of a credit card/debit card is the issuing institution. All cards coming into the possession of a Member will be submitted to the Exhibit Room in accordance with the Property Submission Procedures [refer to section 7 of this policy].
  - (1) In the case of seized credit cards, Members will process in the same way as other seized evidence in an investigation [refer to the Seized Property section of this policy and [Transit Police Policy – OD130 Seizure](#)].
22. The Exhibit Custodian will destroy or return to the institution (as appropriate) all cards except for:
  - (1) Cards held for evidentiary purposes; and
  - (2) Cards held for safekeeping and where there was no opportunity for the card to be used illegally. These cards may be returned to the cardholder.

### Money and Valuables

23. Money and valuables seized, received or found will be counted/handled in the presence of two Members and then sealed in an envelope, as soon as practicable. A description of the money and valuables (i.e., quantity, denominations, and any other observations/details) will be documented on the face of the envelope and both Members will sign and date the envelope
  - (1) A Supervisor will attend to oversee the counting/handling of any money and valuables estimated to be over a value of \$10,000, where practicable.
24. If money or valuables are received from another person, the Member will:
  - (1) Count the money or list the valuables in the person's possession;
  - (2) Make an entry on a separate page of their notebook with the inventory of money and/or valuables received, have the person certify that the inventory is correct, and have the person sign the Member's notebook as confirmation.; and

- (3) Retain the original signed receipt as evidence.
25. Members will submit all money and valuables to the Exhibit Room in accordance with the Property Submission Procedures [refer to section 7 of this policy].
26. The Exhibit Custodian will place all money and other valuable items in the safe, as appropriate [BCPPS E4.1.5].
27. For property that is of potentially significant monetary value, but where the actual value is unknown, the Member will consult with the Exhibit Custodian to arrange for an appraisal of the property's value.

### Passports

28. Members who recover or receive a lost or stolen passport (Canadian or any other country) will follow the procedures set out in [Transit Police Policy OB300 – Passports](#).
29. The Exhibit Custodian is responsible for forwarding all recovered passports to the appropriate agency as set out in [Transit Police Policy OB300 – Passports](#).
30. Members will process seized passports in the same way as other seized evidence in an investigation. Further, for Canadian passports seized, Members will notify Passport Canada via CPIC as set out in [Transit Police Policy OB300 – Passports](#).

### Drugs and Drug-Use Related Sharps

31. Only sharps seized for court will be submitted to the Exhibit Room in accordance with the Property Submission Procedures [refer to section 7 of this policy], with all other sharps disposed of immediately in the sharps containers labelled “BIOHAZARD” placed throughout Transit Police facilities.
32. For all drugs and drug-use related sharps, Members will follow the processing, documentation and disposal procedures as set out in [Transit Police Policy OB100 - Drugs](#).

### Flammable and Dangerous Goods

33. No flammable or hazardous<sup>3</sup> materials (or materials suspected of being flammable or hazardous) will be stored at the Transit Police facility. If required for court, New Westminster Police Service (NWPS) has a Flammable Room and the Patrol Supervisor or designate will contact the NWPS or other JPD to arrange storage [refer to [TP-JPD MOU](#)].

- (1) Members will consult with the Exhibit Custodian if unsure whether an item is permitted to be stored at the Transit Police facility.

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<sup>3</sup> For guidance please refer to the [WorkSafeBC website](#) for information on Workplace Hazardous Materials Information System (WHMIS).

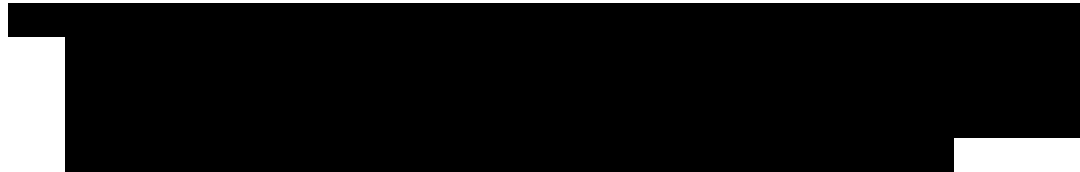


34. Under no circumstances will a Member attempt to enter a dangerous, biologically contaminated or explosive substance(s) as a court exhibit.
- (1) For investigations involving dangerous, biologically contaminated or explosive substances that may be required as an exhibit in a court case, Members must first determine if the substance can be photographed without danger, as flash photography may cause an explosion. If safe to do so, Members will take a photograph of the substance for court exhibit purposes.
  - (2) If the substance requires laboratory analysis, trained JPD personnel and/or the RCMP Disposal Unit must be contacted to ensure proper handling of the substance.
35. Members seizing property that may be dangerous (e.g., item contaminated with body fluids, item with sharp edges/points, etc.) will first determine that the property may be safely handled and stored by Transit Police personnel, before following these steps:
- (1) The dangerous goods will be clearly marked "DANGEROUS" in the property description field in the PRIME Property Module and clearly indicate what type of dangerous goods are present, ensuring that this is noted on the property tag;
  - (2) A plastic stand-up "CAUTION" warning sign will be placed inside the Exhibit Locker where it is clearly visible to the Exhibit Custodian when accessing the Exhibit Locker (unless other clear visible identifiers already exist);
  - (3) Objects with sharp edges (such as knives not in a sheath, scissors, broken glass) that are contaminated with body fluids or dry blood will be stored in a safe manner (e.g., in a box or clear plastic tube with cap) and clearly marked with a BIOHAZARD sticker;
  - (4) Knives in a protective sheath can be tagged alone as an exhibit; and
  - (5) Long knives/machetes which are too big for a box should be wrapped in cardboard (taping the cardboard around the sharp edges) to protect the exhibit handler.

### **Firearms and Ammunition**

36. Firearms and ammunition will be submitted to the Exhibit Room in accordance with the Property Submission Procedures [refer to section 7 of this policy] and following the additional guidelines below:
- (1) Members must ensure that firearms are submitted to the Exhibit Room unloaded and, if possible, with the breech open. Members will keep ammunition separate from the firearm. Where feasible, Members will use a trigger lock as an additional layer of safety (or consider using zap straps or other methods if necessary).

- a. The Member will consult a Supervisor if they are unsure how to unload and make the firearm safe.
  - (2) Members are not to do anything to a weapon that may damage the evidentiary value of the weapon (e.g., do NOT to pass a wire down the barrel of a firearm).
  - (3) The Exhibit Custodian, in consultation with the investigating Member, will ensure firearms forwarded to the RCMP National Forensic Laboratory Service ("NFLS") for examination are unloaded and made safe for handling and transportation in accordance with any NFLS requirements and federal/provincial regulations.
  - (4) Firearms and ammunition requiring forensic examination will be sent to either the NFLS or to a JPD, as determined by the investigating Member on a case-by-case basis. The Exhibit Custodian will package and label firearms and ammunition in accordance with NFLS requirements and federal/provincial regulations. Ammunition will be sent separately from any firearm.
37. The Exhibit Custodian will report to the Canadian Firearms Registry all firearms that come into the possession of the Transit Police, as required by Regulations.
38. The Exhibit Custodian will arrange for disposal and destruction of firearms and ammunition exhibits. The following procedures will be followed unless an exception to these procedures has been authorized by the Deputy Chief Officer Administrative Services:



- (2) The Exhibit Custodian will ensure all provincial and federal firearm and ammunition disposal reporting requirements are met.

## Liquor

39. Liquor seized pursuant to the *Liquor Control and Licensing Act*, or pursuant to *Criminal Code* offences for failure to comply with undertaking, release order or probation order, may be retained and submitted to the Exhibit Room in accordance with the Property Submission Procedures [refer to section 7 of this policy] or it may be destroyed (i.e., poured out) immediately upon seizure. Consideration should be given to the evidentiary value of retaining proof of the liquor for the purposes of laying charges when determining whether to retain or destroy the liquor.
- (1) Members may choose to photograph prior to disposal if evidence of the liquor may be required as evidence for court.

- (2) Members will inform the person from whom the liquor is seized that they may, within 30 days of the date of seizure, make application to the Liquor and Cannabis Regulation Branch for the return of the liquor.
  - (3) If no application for return of the seized liquor is made by the owner, and no Form 5.2 has been submitted for the seized liquor, the seized liquor will be destroyed by the Exhibit Custodian after 90 days.
40. Members will process seized liquor required for laboratory analysis, or anticipated to be entered as an exhibit at trial as proof of an offence, by following the same protocols as other seized evidence in an investigation [refer to [Transit Police Policy – OD130 Seizure](#) and the Seized Property section of this policy chapter].

### Perishable Goods

41. The Transit Police does not maintain facilities to store perishable goods. If they must be seized, perishable goods will then be destroyed as soon as possible. The investigating Member will take photographs of perishable goods when needed for evidentiary purposes and store the photographs in the prescribed manner for digital evidence. [Refer to Transit Police [Policy OD130 – Seizure](#) and Section 491.2(1) of the *Criminal Code*<sup>4</sup> regarding photographic evidence for specified offences and circumstances].

### Digital Evidence

42. Due to the diverse range of types and forms of digital evidence, Members are directed to consult with the Exhibit Custodian when transferring and storing digital evidence as an exhibit to ensure the integrity of the evidence and compliance with the “best evidence” rule.

### Paper and Electronic Storage Device Evidence

43. When submitting evidence in the form of paper or electronic digital storage devices (e.g., original developed photos, original store receipts, CDs, DVDs, and USBs), the Member will place the items in a sealed envelope/bag and follow the Property Submission Procedures [refer to section 7 of this policy].
44. Any working or paper documents that are disclosable to Crown (e.g., Information to Obtain (ITOs), photo packs, medical records, photocopies of receipts or any other investigative material), can be sent to IMS in an envelope to be stored in the file room, following these steps:
- (1) Members must clearly write the destination (IMS File Room), file number and type of document on the envelope;

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<sup>4</sup> The following offences are eligible for the ‘photography and release’ process under s. 491.2 of the Criminal Code: Section 334 (Theft); Section 344 (Robbery); Section 348 (Break and Enter); Section 354 (Possession of Property Obtained by Crime); Section 355.2 (Trafficking in Property Obtained by Crime); Section 355.4 (Possession of Property Obtained by Crime, for Trafficking); Section 362 (False Pretense or False Statement); and Section 380 (Fraud).

- (2) IMS will maintain these documents in a hardcopy file folder; and
  - (3) IMS staff will assess each document to determine if it should be attached to the GO.
45. The Member will use a sealed envelope to submit any information that the Member does not want attached to the GO, such as holdback evidence information.

### Found Property

46. Found property that is readily recognizable as personal property (e.g., umbrellas, eyeglasses, gloves, sweater), of minimal monetary value, and does not pose a health hazard or a security risk, can be turned in to Stadium SkyTrain Station Lost and Found or a station attendant can be contacted to pick up the item to submit to Lost and Found.
47. All found property items (other than those personal items of minimal value turned in to TransLink Lost and Found) will be submitted to the Exhibit Room in accordance with the Property Submission Procedures [refer to Section 7 of this policy] and retained for 90 days, with the exception of property valued at over \$5,000 which is retained for nine months.
48. For found property submitted to the Exhibit Room, Members will make every reasonable effort to find owners of found property and contact them; and these efforts will be documented in the Member's notebook and in the GO.
- (1) If an owner is found, the Member will make arrangements with the owner to claim their property within 90 days.
  - (2) If no owner has been located after 90 days, or the found property remains unclaimed 90 days (or nine months in the case of property valued over \$5,000) after contacting and advising the owner of the found property, the Member will provide disposal/destruction authorization to the Exhibit Custodian. The Exhibit Custodian will dispose of the property using an approved disposal method in accordance with any regulatory requirements and as set out in section 50 of this policy. [BCPPS E4.1.10]
49. The final disposition of the property will be accomplished within twelve months after legal requirements have been satisfied and retention periods have expired. [BCPPS E4.1.9]
50. Unclaimed/relinquished and found property may be disposed of by:
- (1) **Donation** – Items may be donated to a charitable organization.
  - (2) **Destruction** – Items may be authorized for destruction at the discretion of Exhibit Custodian.
    - a. The method of destruction (trash, incinerator, shredder, etc.) will also be at the Exhibit Custodian's discretion.

- (3) **Transit Police Use** – Items that can be used by the Transit Police will be signed over to the Deputy Chief Officer Administrative Services or designate, who will determine where the property will be placed.
  - a. A use case will be developed for the item and authorized by the Deputy Chief Officer Administrative Services or designate; and
  - b. The Exhibit Custodian will keep an inventory of all items issued to Transit Police.
- (4) **Auction** – Money and any proceeds from auctioned property will be forwarded to the Transit Police Senior Finance Manager for TransLink Security Management Limited revenue.
  - a. Any items authorized to be disposed of by auction will be done through an auction provider approved of by the Deputy Chief Officer Administrative Services.
- (5) **Authorized Exceptions** – The Chief Officer may authorize exceptions to the disposal provisions identified in paragraphs (1) to (4) of this section in accordance with the *Police (Disposal of Property) Regulation* and *South Coast British Columbia Transportation Authority Police Service Complaints and Operations Regulation*. All exceptions must be documented and the authorization placed into property records.
  - a. In accordance with the principles of the administration of justice, Members who are finders of property while on duty are not eligible to make claim for the property if it remains unclaimed.

## Relinquished Property

51. In the limited circumstances where the ownership of a property item is not disputed and the property item is not known to be evidence related to an investigation, a Member may accept relinquished property. Members will:
  - (1) Confirm that the person relinquishing the property understands that they are voluntarily and permanently surrendering the property, meaning that the person will not be able to get the property back as it will be disposed of by Transit Police;
  - (2) Complete the required information on the “Relinquishment of Claim to Property” sticker (Transit Police form OZ1150) or record in their notebook the name of the person relinquishing the property, along with the date, associated GO number, and Member’s PIN number. Both the Member and the person relinquishing the property will sign the sticker (or notebook) to serve as a receipt of relinquishment; and
  - (3) Complete a GO clearly articulating the grounds for relinquishment and submit the property to the Exhibit Room in accordance with the Property Submission Procedures outlined in section 7 of this policy.

52. Despite section 51 of this policy, a Member may take other actions with regard to property that a person wishes to relinquish, as appropriate to the circumstances, including seizure of the property if reasonable grounds to do so exist [refer to [Transit Police Policy – OD130 Seizure](#)].

### Safekeeping Property

53. Transit Police will hold for safekeeping the property of a person taken into custody or apprehended under the *Mental Health Act* if the property is not accepted at the detention facility or hospital [refer to Transit Police Policy OI010 – Prisoner Care, Control and Transportation].
54. When a Member receives property for safekeeping, the Member will:
- (1) Inform the owner of the property that the property will be retained for 90 days after the person is released from custody/hospital; and
  - (2) Provide the person with the related GO and location to pick up their property (e.g., by providing the person with the Member's business card and writing the GO number on the card).
55. The Found Property provisions in sections 47 to 50 of this policy will be applied to safekeeping property that is unclaimed.

### Seized property

56. Seized property must be held for a minimum of 31 days from the date of case disposition or court order. This provides 31 days for any appeals or disputes in relation to the disposition of the property.
- (1) Once the 31 days have passed, it is the responsibility of the CLO to confirm with Crown that no appeals or disputes have been received, and that the exhibits are no longer required for prosecution.
57. Members are responsible for making an application for the forfeiture or return of all property in the possession of Transit Police that was not entered as an exhibit at trial or was entered as an exhibit at trial but not addressed by the Court at the end of the trial.
- (1) Members will refer to [Transit Police Policy OD130 – Seizure](#) and follow the process to make application to the Courts to return seized property to the lawful owner or to seek forfeiture of the property in circumstances when the property cannot be returned to the person from whom it was seized (such as prohibited weapons, items illegal to possess, or items that were not lawfully possessed by the person from whom it was seized).
58. The CLO will notify the Member and the Exhibit Custodian once the court process for forfeiture/return of the property has been completed. The Exhibit Custodian will then update the PRIME Property Module with the appropriate disposition for the property.

59. If the seized property is being returned to the lawful property owner, the Investigating Member will make every effort to locate and advise the property owner to make arrangements to pick up their property.
- (1) The Member will articulate and document in their notebook and the GO all efforts to locate and contact the owner; and
  - (2) The Member will advise the Exhibit Custodian when the property can be released. Items will not be released without authorization from the Investigating Member.
60. If a forfeiture order has been received for the property, and the disposal/destruction authorization has been entered in the PRIME Property Module, the Exhibit Custodian will determine the method of disposal, as set out in section 50 of this policy.

### **PART C – AUDIT**

61. An annual documented audit of property will be conducted in order to maintain the integrity of the exhibit/property control system and fulfill compliance with the BCPPS audit requirement. [BCPPS E4.1.3]
- (1) Other associated audits (e.g., audits of the property control procedures) will be conducted more frequently than annually, as so determined by the Deputy Chief Officer Administrative Services.
  - (2) The audit of property will be conducted by Transit Police Personnel not immediately responsible for the property management function. [BCPPS E4.1.3]
62. Only authorized personnel may access areas used for storage of exhibits/property. Unless otherwise so determined by the Deputy Chief Officer Administrative Services, authorized personnel consist of the Exhibit Custodian, Supervisor and/or Manager IMS, Inspector Administrative Support, and any Transit Police Personnel temporarily acting in these positions. [BCPPS E4.1.4]
- (1) An annual audit of access to the Exhibit Room will be conducted by the Senior Manager Risk and Analytics or delegate.

### **References:**

[Canada Evidence Act \[RSC 1985, c. C-5\]](#)  
[Criminal Code of Canada \[RSC 1985, c. C-46\]](#)  
[Jurisdictional Police Memorandum of Understanding \[2020\]](#)  
[Interpretation Act \(R.S.C., 1985, c. I-21\)](#)  
[Liquor Control and Licensing Act \[SBC 2015, c 19\]](#)  
[Offence Act \[RSBC 1996, c 338\]](#)  
[Police \(Disposal of Property\) Regulation, BC Reg 87/91](#)  
[South Coast British Columbia Transportation Authority Police Service Complaints and Operations Regulation, BC Reg 484/2004](#)