

## **Disposal of found property**

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## Policy statement and principles

### What

This part of the 'Exhibit and property management' chapter details procedures for the disposal of found property including:

- Return to owners or finders
- Destruction
- Sale
- Restitution of stolen property
- Recording of disposal information in NIA for property not returned to owner or finder.

### Why

- Reasonable efforts must be made to promptly identify the property's owners and return it to them.
- When property is recorded as an item in NIA, its status (found, lost etc.) must be kept up to date.
- The procedures for auctioning goods to be sold in this chapter must be followed.
- Police employees cannot claim property found on duty.

### How

- Stolen and lost property reports must be checked when trying to identify the owners.
- If owners cannot be identified within one month, the property should be returned to the finder if they want to claim it.
- When electronic items are to be disposed of by way of return to a finder or by sale, information on the device memory may be cleansed from the device first, depending on local resources.
- Actions for return of found firearms vary depending on a number of circumstances - procedures in this chapter must be followed.

## Returning property to owners or finders

### Steps for identifying owners and returning property

The Property Office supervisor (sergeant or above) at the station where found property is handed in must ensure reasonable efforts are made promptly to identify the property's owner and return it.

Follow these steps to identify owners and return property.

Step	Action
1	Make prompt inquiries to identify the owner including a check against stolen and lost property reports.
2	As part of an initiative to help improve the recovery rate of stolen jewellery (including luxury watches like Cartier or Rolex) GemLab Jewellery Valuers Ltd provides Police with a free inspection of any found or recovered jewellery to check for serial numbers and other identifying marks and a report of their findings. (See <a href="#">Found and recovered jewellery items</a> in the Police Manual).
3	If the owner is identified, return the property to the owner.
4	If the owner cannot be identified, obtain the approval of the Property Office supervisor (sergeant or above) and return the property (except for unclaimed personal identification, drugs, <a href="#">decorations, medals and badges</a> ) to the finder if they wish to claim it.  Return:  <ul style="list-style-type: none"> <li>- goods or chattels and money, at the end of one month or after such additional period as the Property Office supervisor considers necessary to complete all reasonable lines of enquiry. Cash valued over \$100 NZD which has been banked will be returned to owner or finder by electronic transfer.</li> <li>- <a href="#">perishable goods</a> according to the procedure in this chapter.</li> </ul>
5	When the actions detailed above have been completed, update PROP, update the <a href="#">NIA</a> file, including updating the status of any items recorded within the record and close and file.

### Decorations, medals and badges

Follow these steps if decorations, medals and badges are not claimed by the owner.

Step	Action
1	With the authority of the Property Office supervisor (sergeant or above) surrender the decorations, medals and badges to the issuing body (not the finder) if the owner is not established after one month.
2	When practicable obtain an acknowledgment of receipt from the issuing authority, scan, upload, and update PROP and the <a href="#">NIA</a> file.
3	When it is not practicable to obtain the acknowledgment on either of the forms: <ul style="list-style-type: none"> <li>- obtain it independently (e.g. by way of a letter/email), and</li> <li>- scan, upload and update PROP and the <a href="#">NIA</a> file.</li> </ul>
4	When the actions detailed above have been completed, update PROP, update the <a href="#">NIA</a> file, including updating the status of any items recorded within the record and close and file.

### Action when finder does not want to claim property

Except for perishable goods or unclaimed decorations, medals and badges, when the owner cannot be identified and the finder does not wish to claim the property:

Item	Action
Cash	Pay into Police trust account as per instructions in the <a href="#">Cash handling</a> chapter.
Goods with value (note, to determine value, you may seek advice from an auctioneer)	Sell by way of public auction after the expiration of not less than 3 months after finding.
Goods without value	Destroy by normal dumping / landfill process. Must have approval from District Commander or their delegate.
Alcohol/ cigarettes	Destroy by normal dumping / landfill process. Must have approval from District Commander or their delegate.

When the actions detailed above have been completed, update PROP, update the NIA file, including updating the status of any items recorded within the record and close and file.

## Firearms

When firearms are found and handed to Police, follow these steps:

	Circumstances	Action
<b>This firearm has already been reported as 'lost'</b>	Owner is known. The circumstances of how the firearm came to be found may have an impact on the owner's status as a fit and proper person. Consult with your Arms Officer	Return to owner unless consideration of revocation of licence.
<b>This firearm has not been reported as lost. Identifying features such as serial number can identify owner.</b>	Owner is known.  Investigate the circumstances of how the firearm came to be found as this may have an impact on the owner's status as a fit and proper person.  Consider taking action pursuant to <a href="#">s39</a> Arms Act 1983. Consult with your Arms Officer	Seek order for destruction of firearm following conviction.
<b>Owner cannot be identified</b>	Finder does not want to claim property, and firearm has no monetary value or negligible monetary value	Destroy pursuant to <a href="#">s41</a> Policing Act 2008.
	Finder wishes to claim the found property and holds appropriate firearms licence.	Return to finder.
	Finder wishes to claim the found property however, finder does not hold a firearms licence.	Return to firearms licence holder nominated by finder. Note that the firearms licence must be appropriate to possess the type of firearm that has been found.  If finder cannot nominate an appropriate firearms licence holder, they cannot take possession of the firearm or they will breach <a href="#">s20</a> Arms Act 1983, therefore sell at public auction pursuant to <a href="#">s41</a> Policing Act 2008.
	Firearm has monetary value and finder does not want to claim property.	Sell at public auction pursuant to <a href="#">s41</a> Policing Act 2008.

## **Police employees cannot claim property found on duty**

Property found by Police employees on duty must not be returned to them as the finder if the owner is not identified. In these cases follow the procedures above for when [finders do not wish to claim the property](#). Police employees who find property while not on duty are treated as a member of the public.

## Perishable and valueless goods

### Perishable goods

When the owner of perishable goods cannot be discovered within the available time, promptly return them to the finder if they wish to claim them. If the finder does not wish to claim the goods, follow these steps:

If the goods have sale value...	If the goods are valueless...
<ul style="list-style-type: none"> <li>- sell the goods with the District Commander's (or their delegate's) authority following the procedures for <a href="#">disposing of property not returned to owner or finder</a></li> <li>- pay proceeds from the sale into the <b>Crown Crown</b> account by electronic deposit. The Business Services Officer at the district office accounts for these.</li> </ul>	the District Commander (or their delegate) may order their <a href="#">destruction and dumping</a> .

When the actions detailed above have been completed, update PROP, update the NIA file, including updating the status of any items recorded within the record and close and file

### Destruction and dumping of valueless goods

Property (whether perishable or not) with no monetary value, or only negligible monetary value, may be destroyed.

([s41\(5\)](#))

You must have the authority of the District Commander (or their delegate) before destroying or dumping goods.

Destruction or dumping of property ordered by the District Commander (or their delegate) must be:

- done under the supervision of two employees appointed by the District Commander (or their delegate)
- be carried out in such manner that minimum public interest is aroused.

For:

Bank cards (when owner not located)	Contact the issuing bank and seek direction. They may be able to direct the owner to you, ask that you return the bank card to their nearest branch, or destroy.
Driver's licences (when owner not located)	Either destroy, or mail to NZ Transport Agency, Private Bag 11777, PALMERSTON NORTH 4442 (they will destroy the licence).
Passports	Must be returned to the issuing authority.

When the actions detailed above have been completed, update the NIA file, including updating the status of any items recorded within the record and close and file.

## Electronic items containing a digital memory

### Use of device memory to identify owner

When electronic items containing a digital memory and personal information (e.g. digital cameras, USB devices, PDAs, computers, cell phones) are received by Police, use the content of the memory when accessible, to identify the owner and return the property where possible.

### Where an owner cannot be determined

Follow these steps if the owner cannot be determined:

Step	Action
1	<p>If there is a finder claiming the device, the supervisor (sergeant or above), having considered the nature of any located information, may direct that:</p> <ul style="list-style-type: none"> <li>- any information be cleansed from the device (when deciding this, consider the value of the device against the cost of having it cleansed), or</li> <li>- the device be returned to the finder with any information intact.</li> </ul>
2	<p>If there is no claimant for the device, the Property Office supervisor (sergeant or above) must direct that the device is:</p> <ul style="list-style-type: none"> <li>- disposed of by <b>auction</b> and that: <ul style="list-style-type: none"> <li>- any information may be cleansed from the device (when deciding this, consider the value of the device against the cost of having it cleansed), or</li> <li>- the device be auctioned with any information intact, or</li> </ul> </li> <li>- destroyed if the item is of no value.</li> </ul> <p>If there is any information of a concerning personal, confidential or sensitive nature located on the device while trying to identify the owner, the decision to return to a finder or cleanse and auction must be made by an Inspector or above.</p>
3	<p>Remove and destroy any removable storage capability fitted in the device (e.g. - SD cards and Sim cards) before the device is returned to the finder or disposed of via auction.</p>
4	<p>If the device is returned to a finder, ensure:</p> <ul style="list-style-type: none"> <li>- a <b>Digital Information Advisory Label</b> (POL1220) is attached to the device, and</li> <li>- the signed Digital Information Advisory Sticker is scanned and uploaded to the NIA file.</li> </ul>
5	<p>If the device is to be disposed of by auction:</p> <ul style="list-style-type: none"> <li>- attach a <b>Digital Information Advisory Label</b> to the relevant correspondence, and</li> <li>- inform the auctioneer in writing that any published advertisements for the auction must contain the wording of the Digital Information Advisory Sticker.</li> </ul>
6	<p>When the actions detailed above have been completed, update the NIA file, including updating the status of any items recorded within the record and close and file</p>

### Digital Information Advisory Label

The following advice must be attached to electronic items containing a digital memory and personal information when they are returned to a finder or sent for auction.

"This device is capable of storing data, which may include personal information. I understand that some personal information can be deleted or removed from the device by New Zealand Police. I acknowledge that, upon receiving this device from New Zealand Police, I will be subject to the provisions of the Privacy Act 2020 in respect of any personal information contained on it. For further information about the Privacy Act 2020, please visit [www.privacy.org.nz](http://www.privacy.org.nz)"



## Sale of found property

### Method of selling unclaimed property

Property which the District Commander (or their delegate) determines is to be disposed of by way of sale must be sold as follows:

Type of property	Method of sale
Perishable goods	Sell as soon as practicable in any manner the District Commander (or their delegate) directs ( <a href="#">s41(4)</a> Policing Act 2008).
Other found property unclaimed by the owner and which the finder (other than a Police employee on duty) does not wish to claim	Sell by auction.

### Options for auctioning goods

The auction of unclaimed property that came into the possession of a Police employee after being lost or found may be held:

- at auctioneers' premises open to the public (these auctions can be arranged either by Police or through the Government Supply Brokerage Corporation);
- through the internet, using a website established by the Commissioner or through a website provided by an operator of an online auction service approved for the purpose by the Commissioner; or
- in any other way the Commissioner considers will give the public a reasonable opportunity to bid for the property.

([s41\(2\)](#) Policing Act 2008).

### Procedures when Police arrange public auctions

Follow these procedures when arranging public auctions.

Step	Action
1	<p>The District Commander (or their delegate) appoints a licensed auctioneer taking into account:</p> <ul style="list-style-type: none"> <li>- rate of commission expected</li> <li>- services offered,</li> <li>- amount of advertising to be provided in addition to the statutory advertising required under section <a href="#">41</a> Policing Act 2008.</li> </ul> <p>Where factors are even between auctioneers in the particular centre, the business must be rotated.</p>
2	<p>Goods to be sold must first be advertised. Each time an auctioneer is appointed there must be written instructions to provide, as a minimum, the advertising required under <a href="#">s41(3)</a> Policing Act 2008 (notice of the proposed sale must be circulated in the district in which the sale is to be held or on a website authorised for the purpose by the Commissioner). The District Commander (or their delegate) must check the advertising is actually supplied.</p> <p>If the goods to be auctioned contain an electronic memory, ensure a <a href="#">Digital Information Advisory Sticker</a> is attached to the relevant correspondence, and the auctioneer is informed that published advertisements must contain the wording of the sticker.</p>
3	<p>Sale may be at a special or a general auction. As a guide, a special auction should in most circumstances be arranged when the goods and chattels are estimated to have a net auction value in excess of \$500.</p> <p>All auctions must be conducted on premises supplied by the auctioneer.</p>
4	<p>Follow the procedures below for ensuring all items are properly auctioned and accounted for.</p>

### Procedure for ensuring all items are accounted for

Follow this procedure between the Police and the auctioneer to ensure that all items are properly auctioned and accounted for.

Step	Action
1	Prepare a list of the items to be offered for sale.
2	Use the original of the property list as a delivery note and hand it to the auctioneer along with the items. Obtain the auctioneer's receipt for the items and use the property list after the sale for the check on unsold items.
3	The auctioneer provides for the writing up throughout the sale of a running sheet, showing for each of the items: <ul style="list-style-type: none"> <li>- lot number</li> <li>- quantity offered for sale</li> <li>- description of the item</li> <li>- the buyer</li> <li>- quantity purchased</li> <li>- the unit price and the total price.</li> </ul>
4	When the District Commander considers such a course desirable, a Police representative must attend the sale and with the aid of the list of items prepared, check or test check on the accuracy of the auctioneer's running sheet.
5	At the end of the sale, obtain a copy of the running sheet from the auctioneer and use this to: <ul style="list-style-type: none"> <li>- check against the property list whether there are any unsold items which must be accounted for by the auctioneer</li> <li>- check the auctioneer's account sales when submitted with the remittance for the net proceeds of the sale.</li> </ul>
6	Pay the net proceeds of the sale into the <span style="color: red;">s.9(2)(a) OIA</span>
7	List any items which fail to find a buyer at the sale on a residue list and dispose by either: <ul style="list-style-type: none"> <li>- including the items in a subsequent sale by the same auctioneer at the earliest possible date, if a further attempt at sale is considered (pay and account for proceeds as in step 1 and 2 in this table)</li> <li>- destroying and dumping the items if a further attempt at sale is not considered worthwhile (the employees supervising the destruction or dumping must provide a certificate of destruction on the residue list).</li> </ul>
8	The District Commander (or their delegate) must maintain an auction file for each auction containing: <ul style="list-style-type: none"> <li>- the receipted list of items to be sold</li> <li>- a electronic copy of the auctioneer's running sheet</li> <li>- the auctioneer's account sales with the sub-receiver's receipt number reference included</li> <li>- the residue list, if any, with destruction and dumping certificate entered when applicable</li> <li>- the auctioneer's account sales for residue items (when applicable) showing the sub-receiver's receipt number reference for the net proceed.</li> </ul>

## Restrictions on employees' dealings with property

A Police employee must not:

- purchase otherwise than at public auction any property coming into the possession of Police
- act as agent for the sale of any property coming into Police possession, except for the sale in remote districts, at the request of the Public Trustee, of property forming part of a deceased person's estate.

## Disposal information in NIA for property not returned to owner or finder

This table details information that must be recorded in NIA if the property is disposed of other than by return to owner or finder.

Disposal method	Information to be recorded in <u>NIA</u>
<ul style="list-style-type: none"> <li>- Money paid to the Police trust account</li> <li>- Perishable goods sold otherwise than by auction</li> </ul>	Scan and upload the depositor's copy of the bank lodgement slip or the Senior Business Managers receipt to the <u>NIA</u> file.
Property sent for sale by auction	<ul style="list-style-type: none"> <li>- Record that the goods have been sent for sale, place sent to and the date sent.</li> <li>- After the goods have arrived, attach a signed acknowledgment of their receipt and inclusion in a specified sale list to the <u>NIA</u> file.</li> </ul> <p>Note: Record details of final disposal by sale and, when necessary, by destruction by dumping, on the auction file.</p>
Property destroyed by dumping without first being offered for sale	Two employees supervise/ witness the destruction by dumping. Note their names / <u>QID</u> on the NIA File.
Decorations, medals and badges	See <a href="#">table above</a>
<b>All</b> money and property as described above	When the actions detailed above have been completed, update the NIA file, including updating the status of any items recorded within the record and close and file

## **Restitution of stolen property**

### **Stolen goods remain the original owner's property**

Stolen goods remain the property of the original owner, who has exactly the same right and remedies by action or otherwise, to recover possession of them as any other owner. This is so even if an order has been made for the restitution of the property on payment of compensation to a pawnbroker or purchaser under section [404](#) Crimes Act 1961.

An order for restitution does not affect the owner's civil right to recover, by way of action, possession of property without paying compensation. The purpose of the order is to afford a summary mode of recovering possession. The owner retains an option of taking advantage of such an order or suing in an ordinary action for the recovery of their property.

### **When Police obtain property from pawnbroker or purchaser**

If Police have obtained possession of stolen property from a pawnbroker or purchaser they must return the property to the true owner. The pawnbroker or purchaser has no right to have it restored to them.

A Police employee would be liable personally in damages to the true owner and for a conversion of property, if they returned the property to a pawnbroker or purchaser after the true owner had demanded it.

### **Justification for refusing to return property to true owner**

Police are only justified in law in refusing to return the property to the true owner in these two cases:

- when ownership is unknown, disputed or uncertain; or
- an order has been made under the Crimes Act for the property's return to the true owner conditional upon them paying compensation to a pawnbroker or purchaser. If the true owner refuses to pay compensation, Police would be justified in returning the property to the pawnbroker or purchaser and leaving the true owner to civil remedies for recovery of the property.