

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Seized property and special property types

Context

Victoria Police is responsible for the recording, handling and safe storage, security and disposal of exhibits or other seized property in a manner that ensures safekeeping and compliance with legislative requirements.

This policy provides instructions for the management of seized property and special property types such as firearms and should be read in conjunction with **VPM Property and exhibit management**.

Policy at a glance

This policy includes:

- considerations for the retention of property which has been lawfully seized and has evidentiary value
- instructions regarding management of seized property
- requirements for the recording and reporting requirements regarding money
- instructions relating to cryptocurrency
- disposal methods when exhibits are no longer required, including instructions for special property types such as firearms and mobile phones
- considerations for the retention of exhibits relating to serious crime investigations.

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Definitions

The following definitions apply to this policy:

Cryptocurrency wallet – cryptocurrency wallets may be:

- hardware wallets are small, USB-style devices used to secure cryptocurrency
- software wallets are cryptocurrency applications that exist on an internet-enabled device such as a mobile phone, tablet or laptop.

Digital devices – digital devices include:

- portable computing devices
- portable storage devices
- portable recording devices.

Serious crime – an offence (including an attempt to commit an offence) resulting from a Category 1 or Category 2 incident as identified by the Accountability and Resource Model (ARM) or otherwise determined by an Investigations and Response Inspector.

Recovery seed – a reconstruction code or 'backup' that enables an existing cryptocurrency wallet to be rebuilt to allow any funds to be accessed. Codes can include:

- a string of words (commonly consisting of 12, 13 or 24 words)
- a line of letters which represent the first few letters of each word
- Quick Response codes
- hexadecimal numbers (a numbering system using numbers from 0 to 9 and letters from A to F)
- a 256 character long 'binary' number made up of the numbers 1 and 0.

Refer to the **VPM Dictionary** for further definitions and acronyms.

Policy

The following key principles apply:

- property and exhibits can be seized with or without warrant under specific legislative provisions or common law
- specific instructions exist for distinct categories of property within this policy and must be applied to those property types.

Responsibilities and procedures

1. Test of essentiality

1.1 *General requirements*

- As provided in **VPM Property and exhibit management**, before retaining seized property as part of a criminal investigation, the investigator and a Sub-officer must

conduct a test of essentiality. The test should have regard to whether the property is an exhibit, the value the property has to the investigation, and whether secondary evidence is available.

- The test of essentiality must be applied to each item seized before a PALM file is approved.
- The test of essentiality provides that property seized during an investigation should only be retained where all the following apply:
 - the property was lawfully seized
 - there remains an evidentiary need to retain the property
 - the use of secondary evidence is not available or not appropriate.

1.2 *Lawfulness of seizure*

Members must ensure that they have a specific power to seize any item(s). Property and exhibits seized during an investigation into criminal offences typically occur in the following circumstances:

- during a search with a warrant
- following a search without warrant in accordance with legislation (e.g., s.10, *Control of Weapons Act 1990*)
- obtained in accordance with other legislative provisions (e.g., court ordered DNA samples; blood/drug samples obtained in accordance with the *Road Safety Act 1986*)
- in accordance with common law powers.

1.3 *Necessity for retention*

Consideration for the necessity to retain property must be made at each of the following stages:

- the initial time of seizure
- the completion of the investigation
- during criminal proceedings in consultation with the relevant prosecuting agency (e.g., the Office of Public Prosecutions (OPP)).

1.4 *Secondary evidence*

- Secondary evidence includes, but is not limited to photographs, audio-visual recordings, plans, inventory of equipment, and statements relating to property.
- An exhibit for criminal proceedings, must only be disposed of prior to the determination of charges when secondary evidence is available and:
 - the relevant prosecuting agency considers it appropriate to rely on the secondary evidence rather than the original exhibit
 - the accused and/or their legal representative makes an agreement with the prosecution in accordance with ss.184 or 191, *Evidence Act 2008*
 - forensic evidence is not relied on.
- Where secondary evidence is not available, exhibits must be retained while they meet the test of essentiality.

1.5 *Requesting forensic examination*

Where an exhibit requires forensic examination, refer to the processes in **VPM Forensic services and examinations**.

2. Additional recording requirements for special property types

2.1 *Exhibits - general*

- In addition to standard PALM entry requirements detailed in **VPM Property and exhibit management**, where applicable, include in the entry:
 - offender's full name, if known
 - Tamper Evident Audit Bag (TEAB) number
 - Forensic Services Department (FSD) case number
 - a link to the Station Books entry with the contemporary court date, including the date of completion of any court hearing
 - any application for forfeiture/disposal.
- For additional recording requirements applicable to the location where the property was seized, members must comply with **VPM Crime and event reporting and recording**.
- For additional legislative recording requirements for exhibits seized under warrant, members must comply with **VPM Searches of property**.

2.2 *Mobile phones and digital devices*

- Obtain the unique identifiers of the mobile phone or digital device. For mobile phones, and cellular-enabled tablets and smartwatches, this will include an International Mobile Equipment Identifier (IMEI), the subscriber identity module or subscriber identification module (SIM) and the name of the telecommunications service provider.
- To obtain the IMEI number:
 - lost/stolen – victim can obtain from telecommunications carrier
 - found/handed in/seized – on the handset or use the keypad to enter code *#06#.
- For other devices, there may be serial numbers or other identifiers available.
- Record the details in either of the following situations:
 - stolen devices – on the Property Form [Form L9] or in the 'Serial No.' field of the Theft From Motor Vehicle [Form L6] if applicable
 - lost devices – on the Lost Property Report [Form 220D].
- Any identified IMEI number must also be recorded on the PALM file if available.

2.3 *Found property handed to police*

- When a person hands in any found property that may be lost or abandoned, members must:
 - check the property in the finder's presence
 - record the condition of items, including any damage within PALM
 - complete a Notice of Claim or Abandonment for Property [Form 439] or complete within PALM

- ask the finder if they wish their details to be disclosed to the owner if identified and make a notation within PALM
- conduct LEAP checks and exhaust all avenues of enquiry as soon as possible to determine if an owner can be identified.

3. Handling, retention and storage of seized property and exhibits

3.1 Overview

Members may apply for a search warrant in accordance with **VPM Searches of property**. An authority to seize property under warrant does not include the authority to conduct scientific tests or otherwise interfere with the nature of the articles prior to bringing them before a court.

For property and exhibits seized under a warrant (other than s.465, *Crimes Act 1958* warrants), the investigating member must:

- comply with any specific instructions of the warrant
- ensure the property is collected and packaged in accordance with the **Forensic Guide: Contamination minimisation and Exhibit Packaging**, including packaging exhibits separately to prevent cross contamination
- ensure that property is labelled and made secure in accordance with **VPM Property and exhibit management**
- handle all drug exhibits in accordance with **VPM Drug handling, examination and destruction**
- compile a list of the property seized and:
 - have the list counter-signed by the suspect, their representative or another independent person present
 - where the suspect has not signed or where the suspect, their representative or another independent person refuse to sign, have a second member countersign
 - in situations where it is deemed impractical to comply with this procedure, justify this action and record the details within the PALM entry
- issue a receipt for the property to the suspect or their representative (where items are seized under a warrant, a copy of the seizure record will suffice)
- take care to maintain the property in the condition in which it was received (consider recording the condition of the property at time of receipt by way of notes or a photograph) noting that cryptocurrency reconstruction codes or seeds must not be photographed, photocopied or replicated in any form
- ensure that the property is entered on PALM and lodged in a property store as soon as practicable
- endorse the warrant with details of the execution and the list of property seized
- ensure that property seized under the warrant is brought before the Magistrates' Court without delay (s.78(1)(b)(ii), *Magistrates' Court Act 1989*) unless:
 - it is impractical or dangerous (in such cases, the Magistrate may attend the location in accordance with s.5(2) of that Act)
 - the property is bulky or cumbersome (in such cases, produce a photograph of the property along with the seizure record to the court in accordance with s.78(5))

- request the Magistrate to endorse any order made on the list of property seized or on the rear of the warrant
- comply with any legislative requirements in relation to the seized property.

3.2 *Handling property and exhibits seized under section 465 Crimes Act warrants*

Section 465 *Crimes Act* search warrants authorise members to hold or retain 'things' which have been seized. Unlike other search warrants, there is no requirement for things seized under a s.465 *Crimes Act* search warrant to be brought before the Magistrates' Court. Refer to VPM Searches of property for further information regarding powers that members are authorised to use in the execution of a s.465 *Crimes Act* search warrant.

3.3 *Analysis, transportation, storage or destruction by external service providers*

There may be occasions where specific analysis, transportation, storage or destruction can only be conducted by organisations (which includes individual practitioners and institutions) external to the Victoria Police Forensic Services Department (VPFSD). Where this occurs:

- contact the Office of the Chief Forensic Scientist, VPFSD, who will:
 - advise on any appropriate organisations known to them, or at the request of the investigator make enquiries with organisations suggested by the investigator
 - keep a record of external organisations used and results of analysis conducted
- unless urgent analysis, transportation, storage or destruction is required, seek written authority for use of an external service provider from a local area commander (LAC). If urgent, authority can be sought in person with a written request following. The authorising member is to balance the need for analysis, transportation or storage against the costs, availability of other evidence and duty of care considerations
- the investigating member's work unit is responsible for any costs involved. Where the VPFSD has attended a scene to assist with management of hazardous material, they may determine the need for removal from site by an external provider to comply with duty of care obligations. Arrangements will be made by the VPFSD member and, where appropriate, the VPFSD will provide destruction authority, however the costs still remain with the investigating work unit
- advise the VPFSD if analysis is conducted and, at a minimum, the organisation conducting the analysis, the results, cost and level of expert evidence provided
- ensure any items sent for external analysis, storage or destruction are handled and recorded according to **VPM Property and exhibit management**.

3.4 *Securing property*

Refer to **VPM Property and exhibit management** for instruction on securing property.

4. Additional handling, retention and storage requirements for firearms, money and cryptocurrency

4.1 *Firearms*

Refer to **VPM Managing special property types – firearms**.

4.2 *Money*

Recording

- Found money:
 - count in the presence of the finder, if this is not practical, in the presence of an independent employee
 - Form 439 or a notice of claim or abandonment generated from PALM
 - issue a receipt to the finder from PALM or a station receipt book that references the property entry.
- Money seized as an exhibit:
 - count in the presence of the person it was seized from (if feasible) and in the presence of second member
 - issue a receipt to the suspect or their representative
 - if the amount appears to be more than \$1,000, a senior sergeant or above must assess the risk of counting and storing the money and may elect to attend the scene
 - if it is not practical to count the money at the scene (i.e., if it is required for forensic analysis) it must be sealed in a TEAB under video recording, and counted under video recording when lodged in a secure area, demonstrating the unbroken seal of the TEAB on the recording.

Storage and retention

- All money should be stored in a suitable location, such as a station safe until banking.
- If money has been seized under warrant, an application for the money to be considered for banking must be made before a court.
- All money should be considered for banking unless it contains evidential value such as:
 - fingerprint evidence
 - if it is dyed or marked
 - a requirement for production in court.
- Work unit managers are responsible for deciding whether to bank or retain money, with consideration to its evidentiary value. If not banked, a report by the work unit manager clearly justifying retention must be recorded on PALM. If the amount exceeds \$25,000 a report must be forwarded to the local area commander (LAC) or equivalent and updated on a monthly basis.
- Where money such as coin collections or first issue notes are handed in, a report by the informant must be attached to the PALM entry to avoid these items being banked.

Banking money

- When removing money from a TEAB for banking or property movement, the:
 - TEAB must be opened in the presence of another employee
 - money must be counted in the presence of both parties prior to banking or movement.
- Where multiple amounts are taken into possession, they are to be considered as a whole amount for banking timeframes.
- Where the total amount is under \$500, the work unit manager must ensure money is banked in the Central Banking System (CBS) by the 25th of each month.
- Where the total amount exceeds \$500, but is less than \$1,000, the work unit manager must ensure the money is banked as soon as practical after it has been received, not exceeding five working days.
- Where the total amount exceeds \$1,000, the work unit manager must ensure the money is banked on the same day or on the next bank day.
- Where large amounts of money greater than \$1000 are seized and cannot be banked due to bank restrictions, the work unit manager must ensure the money is banked as soon as practicable, without exceeding 10 business days. The work unit manager must notify Financial Services Department where large amounts of money are seized and not banked within five working days.
- The employee banking into CBS must:
 - record the PALM number in the pay-in book
 - record the date of banking on PALM to ensure the file is updated
 - forward the Return of Collection [Form 20] to Financial Services Department.

Unbanked money

- Work unit managers are responsible for reviewing amounts of unbanked money against PALM entries prior to the end of each month to confirm:
 - the amount of funds held, or
 - provide direction for banking.
- Work unit managers who lodge money at the Spencer Street Property Centre are still responsible for the monthly review and reporting of unbanked money.

Foreign currency

Foreign currency must be banked within the stated time frames taking into account conversion costs to Australian Dollars. If, due to bank policy and consideration of the cost, conversion is not possible, treat the currency as a general exhibit.

Contaminated money

Money contaminated with a foreign substance may pose a health and safety risk (e.g., white powder, blood or an unidentifiable substance), and should be managed as follows:

- sealed in a TEAB and where practicable, with denomination clearly visible
- coins and notes must be separated as (under the contaminated money process) they will go to different locations for validation
- if no forensic analysis/examination is required, the informant must:

- pay the money into the CBS (the bank will credit the amount into the respective account and transfer the money to the Reserve Bank where it will be counted and destroyed)
- forward a Return of Collection to Financial Services Department and advise of the value of credit amount from the Reserve Bank.

Counterfeit currency/tools for preparation of counterfeit currency

Refer to **VPMG Commonwealth offences investigations**.

Cryptocurrency

- Members must ensure that any reproduction of a cryptocurrency recovery code or seed code is contained and treated as if it were a separate instance of the code, noting that they must not be photographed. In such instances, either of the following apply:
 - body worn camera footage must be redacted by the member when the footage is uploaded at the end of the shift
 - footage captured by another device capable of video recording must be secured by a sergeant or above after seizure.
- Seized cryptocurrency exhibits must be stored in the same manner as money, such as a station safe.
- The Cybercrime Squad Cryptocurrency Operations Team must be contacted for advice as soon as practicable.

5. Interstate transfer of property

5.1 Overview

Approval for interstate transfer of property is assigned to the Victoria Police Liaison Officer (Liaison Officer), Tasking and Coordination Support, Crime Command and will only be given for indictable offences. The Liaison Officer is responsible for management of search warrants:

- to be executed in Victoria on behalf of interstate police
- that Victoria Police require to be executed interstate.

5.2 Victoria Police members requesting issue of interstate search warrants

- The informant must do all of the following:
 - prepare an Affidavit for a Search Warrant [Form 708]
 - complete Application for Search Warrant [Form 707] (the authorising officer will complete Written Approval to Request Issue of a Search Warrant in another Jurisdiction [Form 734])
 - notify the Liaison Officer of search warrant details to be executed interstate and forward copies of the affidavit, approved Form 707 and signed 734.
- Comply with **VPM Searches of property**.
- The Liaison Officer must appoint an interstate member to assist with execution of the search warrant. If prior arrangements have been made, the interstate member's details must be included in a letter of introduction from the Victoria Police Liaison Officer.

- The Interstate member must prepare and execute the search warrant. It is not necessary for a Victoria Police member to be present. After seizure, an exhibit list will be forwarded to the Victoria Police member.
- On receipt of the exhibit list, the Victoria Police member must:
 - complete an Authority to Receive Property [Form 735]
 - have the authority authorised by an Inspector or above
 - provide a copy to the interstate member.
- The property will be forwarded after receipt of the exhibit list. The member receiving the property must:
 - make an entry on PALM
 - notify the Liaison Officer.
- The Liaison Officer must record the details in the Extra Territorial Search Warrant Register.

5.3 *Interstate police member requesting issue of a search warrant in Victoria*

The interstate member must make an application in writing to the Liaison Officer. The Liaison Officer will identify a Victoria Police member who will be responsible for ensuring:

- preparation and forwarding of affidavit and application for Search Warrant [Form 731] to an Inspector or above for approval in accordance with **VPM Searches of property**
- execution of the search warrant
- an exhibit list is completed, and property entered on PALM
- that after execution:
 - the Liaison Officer is notified of the result, search warrant details and a list of property seized
 - the list of property seized is sent to the interstate member
 - the member who executed the warrant must complete Notice of Execution of Extra-Territorial Warrant under Part 2A, *Crimes Act* [Form 733].

Transfer of property interstate

The requesting state must forward the Form 735 and arrange to transfer the property to the interstate member or make arrangements for its delivery. Exhibits may be transferred through post, courier or a similar manner.

After transfer

The member responsible must notify the Liaison Officer of the date and the details of the member receiving the property.

6. **General disposal of seized property**

When property is no longer required for court purposes, members must dispose of exhibits by one of the following methods:

- complying with the directions of any respective warrant
- complying with a forfeiture or disposal order
- seeking another direction from the court

- returning to the owner, note: when returning property in relation to deceased persons, thoroughly check the contents and remove any items relating to the death to avoid undue distress to the claimant (for example, the executor of the will or immediate family). For further instruction refer to **VPM Deceased persons**
- treating as unclaimed property
- according to s.464ZG, *Crimes Act*, if applicable (e.g., forensic samples).

Refer to **VPM Property and exhibit management** for specific requirements regarding disposal timeframes.

The following table specifies methods of disposal of exhibits and other seized property, where special requirements do not apply. For special requirements for specific property types refer to section 7 of this policy.

Property disposition	Conditions	Method of disposal
Property seized under warrant and not subject of a court order	• Has been taken before the court as required (see VPM Crime attendance and investigation); and • No longer required (e.g., charges not authorised, offender is deceased)	• Return to the person from whom it was seized if: - there is no dispute that they are the owner (if in dispute see disputed ownership in VPM Property and exhibit management); and - they can legally possess the property; or • Make application under s.78(6), <i>Magistrates' Court Act</i> seeking further direction from the court
Property seized not under warrant and not subject of a court order	• No longer required; and • Not the subject of a forfeiture/disposal order or other order under the <i>Confiscation Act 1997</i>	• Return to the person from whom it was seized if: - there is no dispute that they are the owner; and - they can legally possess the property; or • Return to the person from whom it was seized even if there is doubt they are the owner but no other claimant can be located • Treat as disputed property if there is more than one claimant • Treat as unclaimed property if there is no claimant or the owner refuses or neglects to claim the property
Court order has been made in respect of the property	• Appeal period has passed; and • A copy of the order has been obtained	• Comply with the provisions of the court order and/or legislated provisions (e.g., <i>Firearms Act</i>); or • Comply with provisions of the <i>Confiscation Act</i> (see VPM Confiscation Act) • Comply with any specified methods of disposal – see section 7 of this policy
Police caution	• Not seized under warrant; and • Offender has signed a [Form 439] or PALM equivalent	• Treat as unclaimed property (see VPM Property and exhibit management)

7. Additional disposal requirements for special property types

7.1 *Lost or abandoned property*

- In addition to the general requirements outlined in **VPM Property and exhibit management**, where property has been handed to police as lost or abandoned and an owner has been located, the responsible member must:
 - advise the owner of the name and address of the finder if they have given permission
 - send the finder a Notice to Finder [Form 438], or PALM equivalent.
- Where the finder has indicated that they wish to claim property and the owner has not claimed the property, the responsible member must:
 - return the property as soon as practicable once the period of retention in accordance with s.57, *Victoria Police Act 2013* has been met (see the below table)
 - notify the finder that they can claim the property, unless it is a mobile phone or digital device (refer to section 7.3 of this policy).

Legislative section	Property type	Minimum period of retention
57(2)(a)	Property is of a perishable nature	May be disposed of after reasonable inquiries as to ownership have been made
57(2)(b)	Property left by a person imprisoned or detained in a police gaol under Part 3, <i>Corrections Act 1986</i>	May be disposed of if it is not claimed within 12 months after being left
57(2)(c)	Found property	One month
57(2)(d)	Any other property	Three months

- Refer to **VPM Property and exhibit management** regarding timeframes for disposal once legislative and procedural requirements have been met.
- Where the finder does not respond/fails to collect, the responsible member must:
 - investigate the reason and ascertain if the finder still wishes to claim the property
 - advise the finder in writing that if they fail to collect the property it will be treated as unclaimed.
- Where the finder has completed Form 439 or PALM equivalent treat property as unclaimed; see **VPM Property and exhibit management**.

7.2 *Liquor*

- Dispose of any property that is or contains liquor and has been seized under the *Liquor Control Reform Act 1998*, in accordance with d.138 of that Act (property forfeited).
- If the offender cannot be brought before court (e.g., fails to appear, is deceased, or is unable to be located):
 - treat the property as unclaimed
 - if required, obtain secondary evidence.

Minors

- In accordance with s.128, *Liquor Control Reform Act*, a member who reasonably believes that a person under the age of 18 is in possession of liquor (in contravention of the Act) may, or may cause that the liquor (together with any vessel containing it) to be seized and:
 - tipped out; or
 - taken away and disposed of in accordance with s.138, *Liquor Control Reform Act*.
- A member who decides to seize liquor from a minor and tip it out must do so as soon as practicable (after seizure).

7.3 *Mobile phones and digital devices*

Given the potential for sensitive and/or personal information to be contained on mobile phones and digital devices, there are additional considerations and requirements for their handling and disposal.

- Mobile phones and digital devices must not be returned to the finder if handed in and unclaimed.
- Mobile phones, digital devices and portable charging devices in police possession:
 - must be stored securely at all times
 - must not be destroyed by hand or any other manner at a police facility due to occupational health and safety considerations.
- Unclaimed, items must be submitted for disposal within PALM and approved by a work unit manager before being disposed of by either of the following processes:
 - sale at auction (contact the Warehouse Operations Support Unit about which models may be sold and the sanitation process)
 - destruction by ShredX.
- Members must also comply with **VPM Property and exhibit management**.

7.4 *Anti-speed measuring device*

Seek disposal according to s.74, *Road Safety Act*. Once forfeited, the device may be destroyed or otherwise disposed of at station level (see **VPM Property and exhibit management** for more information).

7.5 *Prohibited/controlled weapons and dangerous articles*

- Weapons may be disposed of according to:
 - *Confiscation Act* – where the accused is convicted of a forfeiture offence under that Act
 - *Control of Weapons Act 1990* – for any other circumstances.
- If an accused is convicted of a forfeiture offence involving a weapon under the *Confiscation Act*, consult **VPM Confiscation Act**.
- For any other circumstances as follows:
after finding of guilt:
 - seek appropriate disposal; or
 - destroy at station level, see **VPM Property and exhibit management**.

no charge within three months:

- item must be returned if the person applies for it
- the work unit manager is responsible for ensuring the person is advised of their right to claim.

destruction required:

- complete a Firearms Return [Form 313], indicating type of weapon
- contact the Ballistics Unit, FSD to arrange a delivery time
- convey the items to the Victoria Police Forensic Services Centre.

7.6 *Unlawful possession (unexplained possession) of personal property reasonably suspected to be stolen*

- After conviction, seek an order under s.33, *Summary Offences Act 1966*.
- Where the accused has absconded (as defined s.5, *Confiscation Act*) and the case cannot be determined by the court within six months of laying the charges:
 - attach a photograph and statement of secondary evidence to the brief
 - if no owner has been located, treat the property as unclaimed.
- Acquittal:
 - treat as claimed property
 - if the person from whom it was seized cannot lawfully possess the property, forward the brief to the work unit manager seeking direction to dispose of the property as unclaimed property
 - if there are doubts as to a legitimate claim to the property by the person from whom it was seized, consider dealing with it as disputed property. Consult with Prosecutions Division for advice.

7.7 *Firearms*

Refer to **VPM Managing special property types – firearms**.

7.8 *Money***Where money is claimed**

- If claimed, work unit managers are to notify Financial Services Department to transfer the funds to the claimant by submitting a Request for Refund or Transfer of Monies form and approving the disposal method within PALM.
- Financial Services Department will refund the money to the claimant by electronic funds transfer or cheque. Where a cheque has been requested, Financial Services Department will forward it directly to the claimant unless the work unit manager has requested the cheque is forwarded to them to pass on to the claimant.
- The relevant PALM entry must be updated and closed by Financial Services Department once the transfer is complete.

Where money is unclaimed

- Under the *Victoria Police Act*, unclaimed money cannot be donated or retained, instead, it must be transferred to the Consolidated Fund in accordance with the *Financial Management Act 1994*.

- To action the transfer, work unit managers must submit a Request for Refund or Transfer of Monies form to Financial Services Department indicating transfer to the Consolidated Fund and approve the disposal method within PALM.
- Financial Services Department must transfer funds to Consolidated Fund and complete the entry within PALM.
- Each month, work unit managers must review money that remains unclaimed for more than three months. A report is to be prepared and forwarded to the LAC, or equivalent, detailing the current circumstances.

Where money is an exhibit

- Evidential money not banked at this stage should be banked or considered for banking in preference to return to the owner (if applicable).
- The informant must advise Financial Services Department regarding disbursement of money via a Request for Refund or Transfer of Monies form and on PALM.
- If disbursement is in accordance with a court direction, it is the work unit manager's responsibility to sight the document and ensure the disposal method is approved within PALM.

8. Retention of exhibits and property seized from crime investigations

8.1 *Considerations for retaining crime exhibits and property*

In some instances, there may be the need to retain seized exhibits/property from other crime investigations that do not meet the criteria of retention under section 1 of this policy.

Where the investigator considers it appropriate, with the approval of the work unit manager, exhibits/property may be retained where the investigation involves:

- significant impact on the community or is of significant public interest
- serious harm to victim(s)
- significant media interest or external scrutiny
- substantial pecuniary loss
- the possibility of appeal, review, internal or external enquiry, complaint, dispute or civil litigation
- significant impact on the criminal justice system
- significant impact on Victoria Police resources, policy, strategies or reputation.

8.2 *Process for retained exhibits/property*

Prior to property being approved for long term storage:

- the investigator must undertake a review of all items. Items must be assessed as to whether secondary evidence can be used or to determine the requirement for retention, disposal or further forensic analysis. The completed review must be uploaded to the relevant Interpose investigation
- the investigator must update PALM with a request for long term retention and a summary of their review and status of the investigation. For circumstances where matters have been finalised at court but a requirement for retention exists, the investigator must detail the justification

- the work unit manager must approve the retention request and record the outcome within the relevant PALM file(s)
- property officers must store all items within designated long term storage PALM locations in a secure property store. All items relating to the one investigation must be stored in the same facility/location.

Exhibits from serious crime investigations must be retained for the following timeframes:

- indefinitely – unsolved homicides and missing persons investigations
- minimum of 50 years – all other investigations.

8.3 *Review schedule*

- All serious crime property items are subject to periodic auditing as required by the **Workplace Standards and Inspection Manual** and **VPM Property and exhibit management**.
- Additional desktop file reviews must be conducted every five years and are to be managed by the work unit manager. Reviews must:
 - evaluate all items and determine whether property is required to be retained or disposed of
 - assess if further forensic testing should be conducted on any items including audio/visual and electronic property
 - determine if any electronic or audio/visual property items require transfer to alternate media formats to ensure evidence is secured. Original property items must be retained.
- Reports outlining recommendations and decisions to retain or dispose of any items, and actions taken during the review process, must be endorsed by the work unit manager and recorded within:
 - PALM
 - the Interpose investigation shell.

Related documents

- VPM Property and exhibit management
- VPM Deceased persons
- VPM Drug handling, examination and destruction
- VPM Confiscation Act
- VPMG Lost property reports
- *Victorian Dangerous Goods (Explosives) Regulations 2000*

Further advice and information

For further advice and assistance regarding this policy, contact a supervisor or the relevant Region/Command/Department Risk, Audit & Governance Team.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
21/10/19	Conversion of <i>VPMG Seized property and special property types</i> to VPM format and inclusion of various <i>Property and Exhibit Management Reform Program</i> project initiatives.	FF-116667
26/05/20	Update to retention periods for found property based on the <i>Police Legislation Amendment (Road Safety Camera Commissioner and Other Matters) Act 2019</i>	FF-157912
21/07/21	Cross reference to VPM Property and exhibit management for property disposal timeframes. Clarification on the process for returning deceased person's property to the claimant.	FF-174128
25/01/22	Update to reflect VPM Searches of property	FF-187958 3
01/08/23	Updates to search warrants, seized property, and special property types implementing reforms under the <i>Major Crime and Community Safety Amendment Legislation Act 2022</i>	FF-224216 1
10/07/24	Inclusion of reference to VPM Forensic services and examinations . Transferral of "Securing property" details to VPM Property and exhibit management . Updated Operational Infrastructure Department unit titles	FF-251263
29/04/2025	Administrative amendment – VPMG Drug handling, analysis and disposal replaced by VPM Drug handling, examination and destruction	FF-122100