

Chapter 4 – Property

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4.1 Dealing with property generally

4.1.1 Retention of property

POLICY

Property should be retained for as short a period as possible prior to disposal. While in the possession of the Service, property is to be handled in an efficient, safe and accountable manner.

4.1.2 Members claiming property

POLICY

Members who come into possession of property as a consequence of their duty may not later claim that property. Where a member is not on rostered duty and finds property and is not the reporting officer, this would not be considered a consequence of their duty. Where a member was not on rostered duty and they were handed property found by another person, this would be considered a consequence of their duty. Where clarification is required reporting officers should seek advice from their district officer or equivalent.

4.1.3 Members absent from duty

ORDER

Where a member is absent from duty for an extended period, or is otherwise unable to meet any requirement of this chapter, that member's supervising officer is to either undertake the duty required, or assign another member to do so.

4.2 Receiving property

ORDER

A member who takes possession of property, the reporting officer, (see SMD) must complete and issue a property receipt unless the property:

(i) is not required as evidence and is:

(a) a vehicle for which the issue of a QP 0703: 'Notice to owner re seizure / moving of vehicle, load or other thing' under s. 126: 'Steps after seizing a vehicle, load or other thing' of the PPRA is appropriate (see s. 4.6.13: 'Disposal of vehicles including loads or other things' of this chapter and s. 13.1: 'Towing of motor vehicles' of this Manual and Chapter 16: 'Immobilising and impounding motor vehicles' of the Traffic Manual);

(b) an animal for which the issue of a QP 0703A: 'Notice to owner re seizure of animal' under s. 139: 'Steps after seizing animal' of the PPRA is appropriate (see s. 4.3.12: 'Animals' of this chapter);

(c) subject to other Service policy; or

(d) for the receipt of money, where an Official Receipt is completed, such as:

- for the payment of official services; or
- to satisfy a warrant; or

(e) recorded within a QP2130: 'Found Property Proforma' completed by a protective services officer (PSO) and presented to police for lodging; or

(ii) is required as evidence and has been taken possession of during a covert operation or under a covert search warrant (see s. 4.3.6: 'Property from covert operations' of this chapter).

The reporting officer is to make all necessary inquiries and arrange for any tests or examinations required to facilitate the lawful disposal of property. Regional arrangements may require particular classes of property to be disposed of by a person other than the reporting officer. The responsibility for disposal remains with the reporting officer.

Where the rightful owner of property is not known, reporting officers are to make all necessary inquiries to locate the lawful claimants, including QPRIME checks.

4.2.1 Property receipt

A property receipt should be issued, if possible, at the scene and in the presence of the relevant person, either by completing:

- (i) a QPRIME property entry at the time of receiving the property and generating a QP 0760: 'Property Receipt';
- (ii) a QPB32A: 'Field Property Receipt'; or
- (iii) an entry in an official police notebook if a QPB32A is not available.

4.2.2 Completing a property receipt

When completing a property receipt, members should:

(i) ensuring the description of any property contains sufficient detail to clearly identify the item and includes, where applicable:

- (a) model numbers;
- (b) serial numbers;
- (c) distinctive markings;
- (d) for property that is drugs or drug utensils use the standardised descriptors (see s. 4.2.3: 'Property standardised descriptors' of this chapter) and
- (d) any damage or defects;

(ii) where the quantity or type of property taken possession of makes it impractical to accurately record the full description of the property at the location (e.g. seizing large amounts of currency) they are where practicable:

- (a) securely seal the property in a suitable container(s) in the presence of:
 - the relevant person; and
 - a senior officer;
- (b) sign and date the seal(s) along with:
 - relevant persons; and
 - senior officer;
- (c) include in the property receipt a brief description of the property;
- (d) advise the relevant person:
 - that a full and complete property receipt will be issued as soon as reasonably practicable; and
 - where the property is to be taken;
- (e) unseal the property and record a full description of it. In the case of money, this is to include a list of serial numbers and denominations;
- (f) ensure a senior officer is present to witness the unsealing and recording process; and
- (g) if applicable, invite and allow the relevant person to witness its unsealing and recording;

(iii) request the relevant person:

- (a) complete the acknowledgement at the bottom of the:
 - QPB32A: 'Field property receipt'; or
 - QP 0760: 'Property receipt'; or

(b) sign the relevant notebook entry,

to confirm the receipt contains a true and accurate account of the items taken and, if required, explain that there is no obligation to sign;

(iv) if any of the property is to be relinquished, ensure the relevant person also completes a relevant relinquishing order, that is subsequently scanned into the relevant QPRIME Occurrence, using a:

- (a) QP 0368: 'Relinquishing order';
- (b) QP 0368A: 'Relinquishing order (weapon(s))' (see s. 4.3.7: 'Weapons');
- (b) QPB32A; or
- (c) QP 0760; and

(v) ensure the relevant person is given a copy of the property receipt; either:

- (a) personally if present
- (b) if the property is taken from a premises and the occupier is not present, leave a copy of the property receipt in a conspicuous place at the premises; or
- (c) if not completed at the time of taking possession of the property either by:
 - personal delivery;
 - delivery by post; or

- other suitable method, depending on the circumstances;
- (vi) if not already done and as soon as reasonably practicable complete a QPRIME property entry; and
- (ix) lodge the property at a designated property point as soon as possible (see s. 688: 'Responsibilities of police officer taking possession of relevant thing' of the PPRA), unless:
- (a) the property is earlier returned, destroyed or disposed of according to legislation or policy;
 - (b) a member of the Financial and Cyber Crime Group, Crime and Intelligence Command has taken possession of property which consists entirely of documents; or
 - (c) it is necessary to keep the property for use during questioning or an investigative procedure, however is to be lodged as soon as the reason for keeping it ends;
 - (d) the reporting officer is awaiting approval from their officer in charge for disposal of property of no value under s. 690: 'Forfeiture in particular cases' of the PPRA and in accordance with section titled 'Forfeiture of property considered to have no value' in s. 4.6.2: 'Forfeiture of property including orders' of this chapter; or
 - (e) the property in the possession of a protective services officer has been given to an officer as it relates to a matter requiring further investigation.

4.2.3 Property standardised descriptors

Where property of a type described below is received by a member the following standardised descriptors are to be used:

Property type	Item	Standardised descriptor
Drugs	Primary container or packaging	Clip sealed bag Sealed envelope Plastic bag Plastic/glass vial
	Drug matter	Quantity Colour Form of drug
	Quantity	Grams Ml Number of seeds/plants
	Form of drug	Powder Compressed/or partially compressed powder Crystalline substance Granular paste Rock-like substance Tablets Capsules (dried/fresh/fermenting) plant material Seeds Liquid Oil Resin (block/or paste) Card paper divided into (number) squares of ...mm x ...mm
	Type of utensil	(Glass/plastic/ceramic) bottle fashioned into a smoking utensil Metal (pipe/cone), a deposit present Plastic container containing a (...ml) syringe

Property type	Item	Standardised descriptor
	Examples	<p>One clip sealed bag containing a quantity (approx. 5 grams) of white powder</p> <p>One glass vial containing a quantity (approx. 2 ml) of clear liquid</p> <p>One clip sealed plastic bag containing ten seeds</p> <p>One clear plastic bottle fashioned into a smoking utensil</p> <p>One silver coloured metal pipe, a deposit present</p> <p>One piece of white card paper divided into 100 squares of 5mm x 5mm</p>

4.2.4 Lodging property

Where members are required to lodge property they should after issuing a property receipt:

- (i) generate a QP 0760: 'Property Receipt' from the QPRIME entry, if not already complete;
- (ii) if possible and safe place the property in a suitable property bag;
 - (a) seal the bag;
 - (b) enter the following information on the bag:
 - the officer's name, rank, registered number and station;
 - the date and time of taking possession of the property;
 - for property that consists wholly or partly of drug matter a full and complete description of the drug matter; and
 - (c) sign and date the seals
 - (d) if applicable:
 - the name and address of the person from whom the property was taken; and
 - invite the person from whom the property was taken to sign the bag at an appropriate position on the bag; and
- (iii) if the property:
 - (a) is too large to fit into a property bag; or
 - (b) possesses features that would make storage in a property bag undesirable and unsafe,
 seek advice from the officer in charge of the property point on the most suitable method of containing or wrapping the property; and
- (iv) hand the property to the relevant property officer or lodge the property at a property point in accordance with local procedures.

4.2.5 High risk property

High risk property includes property that is not easily identifiable and is easily transportable and or convertible to cash, money, and illicit drugs.

Whenever a member intends to seize, handle or dispose of property, they should conduct a risk assessment to determine what level of corroborative practices should be adopted.

To mitigate the risk from high risk property, members should consider all options available and choose the most suitable within the constraints of time, place and circumstances. The most effective method of mitigation is corroboration and may include:

- (i) the use of audio, video and/or photographic equipment. It is best practice to record the counting of seized money with video equipment at the scene in a continuous manner, by depicting the scene and remaining static during the process;
- (ii) sealing items of property in 'property bags' (see SMD) preferably at the scene;
- (iii) notifying the relevant police communications centre that property has been seized; and
- (iv) the presence of any person at the time of seizure or handling including:
 - (a) a suspect;
 - (b) another officer;

- (c) a commissioned officer; and
- (d) an independent person.

Officers undertaking an emergency search and seizure of property are required to make risk assessments at the scene and adopt appropriate corroborative practices. In most investigations officers will have the benefit of time and should plan to ensure range of corroborative practices are in place, such as having appropriate personnel (i.e. corroborating officer(s), a commissioned officer), equipment (i.e. property bags, body worn cameras) available.

4.2.6 Retention of exhibits

Where any property is seized officers need to consider s. 691: 'Return of relevant things' of the PPRA.

When property is seized to provide evidence in a court or other proceedings, unless some reason exists which makes it desirable that a court view the exhibit, secondary evidence should be presented where possible. The decision to retain an exhibit or to dispose of it and present secondary evidence, rests with the reporting officer. Secondary evidence should be used wherever possible, however in some cases it will be desirable to present the original exhibit.

Officers considering the retention or disposal of exhibits should attempt to minimise any inconvenience to the owner of the property. It is desirable that in all cases exhibits should be returned to the owner, except in cases where compelling reasons exist not to, or where it will affect the outcome of the case.

Officers should consider returning the property to the owner and seek an undertaking that they will produce the property before a court as required. An undertaking may be requested as a condition of an order made (see s. 696: 'Orders issuer may make in relation to seized thing' of the PPRA and s. 57: 'Order after property seized' of the Police Responsibilities Code) or may be sought from the owner of the property at the officers discretion (see QP 0698: 'Undertaking to produce a thing before a court').

Exhibits may be retained in circumstances where:

- (i) it is necessary or highly desirable that the property should be viewed by a court or jury;
- (ii) the exhibit is a murder weapon;
- (iii) the exhibit is a document or money which must be retained in original form for evidentiary/court purposes (including 'tainted' property);
- (iv) in the case of an offence involving property, the suspect denies the charge and maintains a claim to the property;
- (v) the exhibit has certain characteristics which would tend to prove a matter before a court, and where those characteristics cannot be explained or presented in another way;
- (vi) the exhibit appears to be the subject of contentious or conflicting opinions by expert witnesses; or
- (vii) the suspect or the suspect's legal representative has indicated a desire to have the exhibit independently tested, examined or analysed.

In all cases where an officer elects to retain an exhibit rather than present secondary evidence, the officer should be in a position to justify the decision to do so.

When no longer required to be retained, investigating officers should dispose of such exhibits in accordance with s. 4.6: 'Disposal of property' of this chapter unless otherwise directed by an order of a court.

Extended retention of exhibits

Investigating officers where exhibits which have been retained in respect of an investigation:

- (i) which has concluded, should dispose of the exhibits, where:
 - (a) no suspect has been identified; and
 - (b) there is little or no likelihood of identifying a suspect; or
- (ii) where the last inquiry was made over 12 months ago and it is necessary to retain exhibits in:
 - (a) cases of serious offences, where no suspect has been identified; or
 - (b) where a suspect is known to have absconded and the matter is, for the time being, inactive,

are to lodge the exhibits and original related documents (i.e. statements and certificates) securely at an appropriate property point nominated for this purpose.

Officers in charge of regions or commands should ensure that a property point(s) is/are identified and nominated as being appropriate for the lodgement of exhibits and accompanying documents.

Retention of homicide exhibits

Relevant exhibits related to homicides, that are of evidentiary value, need to be retained for a period of up to 100 years, to provide sufficient time to encapsulate advances in forensic technology, legislative changes (double jeopardy) and

extended appeal processes. After 100 years, there is little likelihood that any offender would be alive to lodge an appeal or be subject to further prosecution action.

Relevant exhibits in relation to open or closed homicide investigations may require extended retention. To enable effective management of the exhibits the 'bring up date' for review of each exhibit is to be varied depending on the phase of the investigation, as follows:

- (i) 60 days during the 'active' phase of an investigation, to ensure exhibits no longer required are disposed of in a timely fashion;
- (ii) 12 months upon arrest of suspect(s) or presentation of coronial brief, by:
 - (a) submission by the investigating officer of a supplementary report within the QPRIME occurrence;
 - (b) approval of extension is obtained from the officers supervising detective senior sergeant; and
 - (c) if approved, sending a QPRIME task/workflow to the relevant property office; and
- (iii) 100 years upon finalisation by way of conviction, acquittal, coronial recommendation or other relevant event after:
 - (a) all exhibits that were not required to be retained are disposed of (see s. 4.6: Disposal of property' of this chapter);
 - (b) all checked out exhibits are returned to the relevant property point or disposed of via existing procedures;
 - (c) all remaining exhibits are 'checked in' to Evidence Management (Exhibits) (EM) or transferred, if held elsewhere;
 - (d) submission by the investigation officer of a supplementary report within the QPRIME occurrence:
 - outlining:
 - compliance with (a) to (c) above; and
 - the reason for finalisation; and
 - requesting forfeiture of all remaining exhibits at the expiry of the 100 years retention period (see s. 4.6.2: 'Forfeiture of property including orders' of this chapter);
 - (e) approval of extension is obtained from the:
 - Detective Superintendent, Homicide Group for Crime and Intelligence Command officers; or
 - district officer for regional detectives; and
 - (f) if approved, sending a QPRIME task/workflow to EM for action.

Upon the expiration of the 100 year retention period, exhibits of historic or public interest value should be considered for retention by the Queensland Police Museum, Queensland State Archives or other appropriate public entity prior to actual disposal or destruction (see s. 4.6: Disposal of property' of this chapter).

4.2.7 Continuity of possession

ORDER

Members are to maintain the continuity of evidence in their possession and where accompanied by a running statement are to complete the relevant parts of the running statement prior to giving the exhibit to another member.

Running Statements

Running statements:

- (i) QP 0694: 'Running statement (about relevant things in the possession of the Police Service)'; and
- (ii) QP 0694A: 'Running statement (about relevant things in the possession of the Police Service – supplement)',

are completed in relation to a relevant thing in the possession of the Service that is evidence of the commission of an offence (see s. 724: 'Evidentiary provision about particular things in the possession of the police service' of the PPRA).

Investigating officers:

- (i) may decide to use a running statement to later prove continuity of possession in relation to an exhibit which is a relevant thing in a criminal proceeding; and
- (ii) are responsible for ensuring a running statement is initially prepared and accompanies the exhibit.

The running statement is:

- (i) a contemporaneous record of each person in the chain of possession; and

(ii) to include:

- (a) identification as a running statement;
- (b) a description of the relevant thing in the possession of the Service that is evidence of the offence to which it relates;
- (c) sufficient identification of the offence to connect it to the proceedings in which the certificate is evidence;
- (d) where and when the relevant thing was found;
- (e) who found the relevant thing;
- (f) the name of each person to whom the thing was given after it was found;
- (g) before the relevant thing was given to each person who had possession of it, how the relevant thing was kept secure from tampering; and
- (h) how the thing was dealt with by each person who had possession of it including, but not limited to, how, when and by whom it was transported from person to person or place to place.

Evidentiary certificate for criminal proceedings

When required to prove continuity of possession in relation to an exhibit in a criminal proceeding for which a running statement has been completed, the investigating officer is to:

- (i) complete a QP 0684: 'Evidentiary certificate (about relevant things in the possession of the Police Service)' in relation to the running statement and attach a copy of the running statement relating to the exhibit;
- (ii) ensure the completed QP 0684 is signed by a Commissioner's delegate; and
- (iii) attach the signed certificate and copy of running statement to the brief of evidence for production in court.

The Commissioner's power to sign a certificate has been delegated to:

- (i) commissioned officers;
- (ii) OICs; and
- (iii) detective senior sergeant - operations leaders, Crime and Intelligence Command,

(see Delegation D 24.46).

A copy of the certificate is to be given to the defendant or the defendant's lawyer at least 14 business days before the hearing day.

If the defendant intends to challenge a matter stated in the certificate, they must, at least 10 business days before the hearing day, give the prosecuting authority notice, in the approved form, of the matter to be challenged. The Form 109: 'Challenge notice' is the approved form which is to be used for this purpose.

Challenge notice

ORDER

Members requested to provide a challenge notice by the defendant or their lawyer, are to comply with the request by providing a Form 109 as soon as practicable.

If the defendant gives the prosecuting authority a completed Form 109, the certificate stops being evidence of the matter challenged.

Members receiving a completed challenge notice are to note the date and time of receipt and notify the investigating officer by QPRIME tasking.

The investigating officer, upon being notified of the challenge notice, is to:

- (i) notify and provide the relevant prosecutor with a copy of the challenge notice; and
- (ii) ensure that alternative evidence of continuity of possession is available (i.e. witness statements) and that relevant witnesses are notified and are available to attend and give evidence in the criminal proceeding as required.

4.2.8 Order in relation to seized thing

Officers required to make an application under s. 695: 'Application for order in relation to seized things' of the PPRA should:

- (i) complete, as far as possible:
 - (a) QP 0704: 'Application for order in relation to thing seized'; and
 - (b) QP 0705: 'Order in relation to thing seized';

- (ii) swear the QP 0704 before a suitable issuer and provide the issuer with the original of both forms for consideration;
- (iii) where applicable, provide any further information and/or make any amendments to the QP 0705 as required by the issuer;
- (iv) retain a copy of the completed and/or amended QP 0704 and the original of the completed QP 0705;
- (v) ensure that a copy of each completed form is scanned as an attachment to the relevant QPRIME occurrence entry;
- (vi) advise their officer in charge and property officer responsible for the property point at which the seized thing is held of the nature of the order made and give them a copy of the order; and
- (vii) take whatever action in relation to the things as is indicated on the completed QP 0705.

4.3 Receiving property of a particular class

POLICY

When receiving property of particular classes, members are to ensure that all the provisions of s. 4.2: 'Receiving property' of this chapter are complied with, to the extent that they are applicable when complying with this section.

4.3.1 Money

Money is regarded as high risk property and appropriate procedures **should** be established, see s. 4.2.5: 'High risk property' of this chapter.

Officers in charge **are to** develop local station instructions to effectively deal with the receiving and taking possession of money resulting from daily cash transactions, warrants and cash bail (see s. 1.5.3: 'Regional, district and station instructions' of this Manual).

Station instructions, where appropriate, should indicate that upon receiving, taking possession or seizing money:

- (i) it is to be placed in a suitable container (see s. 4.8.6: 'Minimum storage requirements' of this chapter);
- (ii) a minimum of two persons:
 - (a) the reporting officer; and
 - (b) the person from whom the money was taken; and/or
 - (c) another member,

should sign across the seal of the container and, where available, clear tape should be placed over the seal and signature(s);

- (iii) the container with money should be placed in a suitable secure storage facility, until the money is:
 - (a) banked (see s. 4.7.2: 'Banking of Collections Practice' of the Financial Management Practice Manual (FMPM)); or
 - (b) lodged at a property point; and
- (iv) whenever the container with money is opened, a minimum of two members should be present to witness the breaking of the seal and counting of the money; and
- (v) where the money is required to be resealed a new container should be used to enclose the previous container with money.

See also s. 11.9: 'Crimes (Currency) Act' of this Manual.

Australian currency

A member who takes possession of Australian currency which cannot lawfully be returned to a rightful claimant **is to** deposited it into the Queensland Police Service collections account (see s. 4.7.2 of the FMPM), except:

- (i) found money of \$50 or less (see s. 4.6.2: 'Recepting Practice' of the FMPM);
- (ii) where its retention in its original form is:
 - (a) required by law; or
 - (b) considered necessary because of its peculiar evidentiary value and the reporting officer:
 - has written permission of a commissioned officer; and
 - has modified the QPRIME occurrence entry with a scanned copy of the written permission; or
- (iii) currency which is of interest to a collector or dealer.

Found monies, retained as currency, are to be returned to the finder as currency and cheques are not to be drawn unless approved by the officer in charge. Where advice to the finder that the monies can be claimed, and the money has not been collected after seven days, the money is to be treated as unclaimed property and forfeited.

Copying currency

Officers **are to** ensure that money is not copied in any way that it may be:

- (i) taken to be genuine; or
- (ii) able to be dealt with in such a way as to make it appear to be genuine,

(see s. 11.9.3: 'Photographing or photocopying bank notes' of this Manual).

Money seized as an exhibit

Officers who seize money **are to** ensure that it is retained in its original form and that the QPRIME occurrence entry is endorsed accordingly.

Foreign currency

A member who take possession of foreign currency **should** initially retain it in its original form and not bank it. If a lawful claimant to the currency is not located, the property officer should, if the currency does not need to be retained for exhibit purposes or an application for forfeiture:

- (i) where the amount is significant, bank the foreign currency in the police collections account, then forward the amount raised in the transaction to the consolidated fund; or
- (ii) where the currency has no significant value, exercise discretion and dispose of the currency by means appropriate to the circumstances. This may include disposal by auction, sale directly to a coin dealer, or by destruction.

Counterfeit currency

See s. 11.9.1: 'Investigations regarding counterfeit money' of this Manual.

4.3.2 Property of deceased/mentally ill persons

POLICY

Property of deceased/mentally ill persons should not, under normal circumstances, be taken possession of by officers unless absolutely necessary or where relevant statutory provisions allow. The circumstances under which such property may be taken might include:

- (i) safeguarding the property;
- (ii) supplying evidence for the investigation into the death;
- (iii) securing the scene; or
- (iv) safety of the mentally ill person or other persons.

When issuing a property receipt for the property of a deceased/mentally ill person that is taken possession of, the relevant person to receive the receipt would be in order of priority:

- (i) next of kin;
- (ii) other relative;
- (iii) a friend;
- (iv) ambulance officer; or
- (v) medical practitioner.

The property receipt should be retained until it can be given to the next of kin or other relative of the deceased/mentally ill person.

Property taken from a mentally ill person should be returned on arrival at a hospital or mental health facility for treatment, unless not appropriate, where the property should be handed to the appropriate hospital or facility staff member.

Officers returning the property are to obtain an indemnity receipt or notebook acknowledgement of receipt from the mentally ill person in the presence of the staff member or from the staff member as applicable.

4.3.3 Vehicles

See s. 13.1: 'Towing of motor vehicles' of this Manual and Chapter 16: 'Impounding motor vehicles' of the Traffic Manual.

Driving of seized vehicles

ORDER

Officers are not to drive seized vehicles unless exceptional circumstances exist.

4.3.4 Seizure of documents

POLICY

A member taking possession of a document should attempt to minimise any disruption caused by the seizure of that document to the commercial activity of the person or company from whom the document is taken.

Where original documents are required as proof of the contents and are available, secondary evidence may not be accepted.

Reporting officers should ensure compliance with the provisions of s. 623: 'Right to inspect seized documents' of the PPRA.

4.3.5 Receiving dangerous drugs from Queensland Health employees

Officers contacted by Queensland Health (QH) employees who have received from any person or located in the course of their duties a suspected dangerous drug where the quantity is reasonably believed to be:

- (i) more than the quantity specified in Schedule 3: 'Specified quantities for particular dangerous drugs' of the Drugs Misuse Regulation (DMR); or
- (ii) less than the quantity specified in Schedule 3 of the DMR, and it is believed that sufficient evidence exists which could lead to the successful prosecution of an offender,

are to:

- (i) attend at the location;
- (ii) take possession of the suspected dangerous drug; and
- (iii) investigate the circumstances surrounding the location or receiving of the dangerous drug with a view to prosecuting an offender,

otherwise advise the QH employee:

- (i) that police will not be taking possession of the suspected dangerous drug; and
- (ii) to arrange disposal of the drug by an authorised person (see s. 125: 'Prescribed persons permitted to receive and dispose of dangerous drugs' of the *Drugs Misuse Act* (DMA) and s. 4: 'Prescribed procedure for disposal of dangerous drugs' of the Drugs Misuse Regulation).

Queensland Health employees assisting with drug investigations

Officers are to be mindful of the limitations on nursing and other health employees to supply information in relation to the circumstances of receiving dangerous drugs from persons in the course of their duties (see s. 142: 'Confidential information may not be disclosed' of the *Hospital and Health Boards Act*).

Officers are to take these factors into consideration when determining the likelihood of sufficient evidence existing for the successful prosecution of an offender. This factor will then determine whether police should attend the location nominated by a QH employee and collect the suspected dangerous drugs or advise QH to arrange disposal of the drugs in compliance with s. 125 of the DMA.

4.3.6 Property from covert operations

Chapter 20: 'Other standard safeguards' of the PPRA does not apply to officers performing functions in a covert way (see s. 620: 'Chapter does not apply to covert operations' of the PPRA).

Sections of Chapter 20 relevant to property are:

- s. 622: 'Receipt for seized property'
- s. 623: 'Right to inspect seized documents'
- s. 637: 'Supplying police officer's details'

ORDER

In instances where an officer obtains possession of property as a result of a covert operation or action, the officer who is the appointed exhibit officer for that operation is to assume the responsibilities of the reporting officer. Possession of the property is to be passed from the covert operative to the appointed exhibit officer in accordance with the procedures set down in the relevant operational order.

POLICY

Officers performing duty as a covert operative in the course of an authorised covert operation, or otherwise undertaking a legitimate covert role, are exempted from the specific provisions of this chapter, provided that this exemption shall only apply when compliance with this chapter would jeopardise the success of the covert operation or the safety of the covert operative, or other persons.

4.3.7 Weapons

Members intending to lodge or store weapons at a property point or otherwise handle weapons are to:

- (i) comply with:
 - (a) the relevant provisions of s. 14.6.4: 'Safety of firearms' of this Manual;
 - (b) s. 93: 'Firearms to be kept unloaded other than when being used to shoot' of the Weapons Regulation; and
 - (c) the information contained in the 'Police facility weapons storage guidelines' on the Service intranet; and
- (ii) ensure each weapon:
 - (a) has the bolt removed or the action broken; or
 - (b) is zip tied or otherwise secured in such a manner that the breach of each weapon is securely held open.

Weapons relinquished to the Service

Where a member receives a relinquished weapon they are to:

- (i) conduct the necessary inquiries to ensure that the person is legally entitled to relinquish the weapon including:
 - (a) checking the serial number of the weapon with the weapons register to ensure it is not a weapon of interest; and
 - (b) verify the identity of the person relinquishing the weapon;
- (ii) inform the person relinquishing the weapon that:
 - (a) as a result of relinquishing the weapon they are relinquishing ownership of the weapon(s) absolutely and totally to the Queensland Police Service;
 - (b) the relinquished weapon will become the property of the State and is subject to any direction given by the Commissioner; and
 - (c) the weapon will be destroyed after a period 10 days upon receipt of the weapon; and
- (iii) complete a QP 0368: 'Relinquishing order' or QP 0368A: 'Relinquishing order (weapons)' (available in QPRIME), and have the person relinquishing the weapon sign the form. Where there is no existing occurrence, officers are to enter a relinquishing occurrence in QPRIME.

Where a person, who has previously relinquished a weapon to the Service makes inquiries with a member in relation to the return of the previously relinquished weapon, the member is to make every reasonable attempt to return the weapon to the person providing:

- (i) the weapon has not been destroyed;
- (ii) the person is legally entitled to possess the weapon; and
- (iii) the person provides any necessary accompanying documentation required to possess the weapon, e.g. Form 27: 'Permit to acquire'. See Weapons Licensing webpage on Service intranet.

When a member is satisfied the weapon is able to be returned to the person, the member is to obtain approval from a commissioned officer prior to returning the weapon.

ORDER

Weapons are not to be disposed by way of public auction.

Weapons surrendered to approved licenced dealers and stations under the National Firearms Amnesty

The National Firearms Amnesty policies and procedures for the surrender of firearms and prescribed thing (see s. 168B(8): 'Amnesty for firearms and prescribed things in particular circumstances' of the *Weapons Act* (WA)) are available on the National Firearms Amnesty webpage on the Weapons Licensing, Operations Support Command website of the Service Intranet.

Under the Amnesty, firearms and prescribed things can be surrendered to an approved licenced dealers (ALD) (list available QPS Internet) and station. Where items are surrendered to an approved licence dealer it can be retained for registration, sale or destruction, unless the item is a category R weapons (see s. 8: 'Category R weapons' of the Weapons Categories Regulation). ALDs are not permitted to retain category R weapons and are to surrender them to

an officer (see s. 168B(4) of the WA). This also applies where the ALD is also a licenced armourer permitted to possess such weapons for specific purposes, such as to make them permanently inoperable.

ORDER

The OIC of a station containing an ALD under the National Firearms Amnesty with the boundaries of their division are to coordinate the collection and transportation of all category R weapons surrendered to the ALD.

Disposal considerations for Amnesty surrendered category R weapons

Category R weapons surrendered under the Amnesty are considered forfeited to the State, however many are considered to hold value or historical significance. When arranging for the disposal or destruction of these weapons, members are to consider whether the ALD has requested the return of the weapon and whether the weapon can be appropriately disposed of by providing it to a licensed armourer at the request of the ALD who surrendered it.

It is appropriate, where Weapons Licensing has provided approval for the disposal of the category R weapon, for the delegated commissioned officer (see 'Weapon forfeited to the State' in s. 4.6.10: 'Disposal of weapons and weapon related things' of this chapter and Delegation D 24.24) to approve the return of the weapon to a licensed armourer nominated by the ALD. Members are then to arrange disposal of the relevant item by arranging transportation of the category R weapons to the licensed armourer.

4.3.8 Ammunition

Ammunition is an explosive under the *Explosives Act* (EA). The Chief Inspector, Explosives Inspectorate is the officer in charge of the government magazines which provide centralised secure storage facilities for explosives within Queensland.

POLICY

Small arms ammunition may be temporarily stored at a police property point in accordance with Part 8, Division 2: 'Requirements for storing sch 4 explosives' of the Explosives Regulation (ER).

Ammunition which cannot be stored under the ER should be delivered to an EA inspector for storage at a government magazine and subsequent disposal. This includes ammunition that is required for evidentiary purposes or examination.

Ammunition lawfully seized may be stored at a government magazine pending:

- (i) the outcome of court proceedings; or
- (ii) results of investigations, inquiries or examinations.

Ammunition which has been directed to be destroyed is to be given to an EA inspector for destruction.

To transfer ammunition to the Explosives Inspectorate for storage and/or disposal, members are to:

- (i) request a verbal approval from a commissioned officer to transfer possession to the explosives inspector (see Delegation D 24.25); and
- (ii) where such an approval:
 - (a) is made:
 - transfer possession, ensuring an indemnity or other appropriate receipt is obtained from the EA inspector;
 - advise the commissioned officer that possession of the thing has been transferred; and
 - ensure that the indemnity receipt or other appropriate receipt is scanned as an attachment to the relevant QPRIME occurrence; or
 - (b) is not made the thing should be dealt with in accordance with the appropriate provisions of this chapter.

Commissioned officers satisfied that the ammunition:

- (i) has been directed to be destroyed; or
- (ii) cannot:
 - (a) be stored safely at a property point; or
 - (b) lawfully returned to its owner or lawful possessor,

are to approve transfer of ammunition to the Explosives Inspectorate, upon request.

Ammunition which may be dangerous due to its condition or specific characteristics (e.g. military ammunition containing an explosive charge) should be dealt with in accordance with s. 4.3.9: 'Dangerous/noxious things' of this chapter.

4.3.9 Dangerous/noxious things

Dangerous and noxious things include articles such as commercial explosives, military ordnance, old and unstable ammunition or pyrotechnics, poisons, chemicals and any other thing which cannot be safely stored at a property point,

but does not include drug matter. A guidance note for the packaging and storage of recovered explosive items can be found on the QPRIME User Guide.

Officers taking possession of a dangerous or noxious thing are to deal with it in accordance with s. 723: 'Commissioner may make arrangements' of the PPRA.

Members who are required to deal with dangerous/noxious things are to take all necessary precautions, including seeking appropriate expert advice and/or assistance, to prevent, as far as is practicable, exposure of any person to risk of illness or injury which may be caused by the thing e.g. not storing dangerous/noxious or hazardous chemicals in close proximity to one another if this creates a potential risk of explosion or fire.

Members should handle and store dangerous/noxious things in accordance with expert advice received.

Officers who take possession of a dangerous or noxious thing that cannot be safely stored or lawfully returned to its owner or the person who had lawful possession of it should, as soon as practicable:

- (i) identify an appropriate government department or agency which can lawfully store and/or dispose of the thing, and an appropriate officer within that department or agency who may take possession of the thing;
- (ii) request a verbal direction from a commissioned officer to transfer possession of the thing to the identified appropriate officer (see Delegation D 24.25); and
- (iii) where a direction is:
 - (a) made:
 - transfer possession of the thing, ensuring an indemnity receipt is obtained from the person to whom possession was transferred;
 - advise the commissioned officer of the transfer of possession; and
 - ensure that the indemnity receipt is scanned as an attachment to the relevant QPRIME occurrence; or
 - (b) not made, the thing should be dealt with in accordance with the appropriate provisions of this chapter.

Commissioned officers should give a verbal direction under this policy if they are satisfied:

- (i) the thing is a dangerous or noxious thing;
- (ii) the thing cannot be stored safely or lawfully returned to its owner or the person who had lawful possession of it;
- (iii) thing is not drug matter;
- (iv) the nominated government department or agency can lawfully store and/or dispose of the thing; and
- (v) the nominated appropriate officer is:
 - (a) able to safely receive and deal with the dangerous/noxious thing; and
 - (b) willing to take possession of and deal with the dangerous/noxious thing.

4.3.10 Potentially harmful things

Potentially harmful things which have been seized pursuant to s. 603: 'Power to seize potentially harmful things' of the PPRA are automatically forfeited to the State at the time of seizure.

Potentially harmful things may include volatile substances such as aerosols and volatile solvents. Volatile substances of no real value may include aerosol paint cans and bottles of glue that have been seized by officers from persons (see s. 6.5.5: 'Potentially harmful things (volatile substance misuse)' of this Manual).

POLICY

A volatile substance may be considered of no real value when the cost of seizing and disposing of the item exceeds any perceived value of the item.

Officers who seize potentially harmful things that are of no real value may dispose of such items by placing those in a refuse bin. Officers should be mindful when disposing of such potentially harmful things that people may seek to retake possession of such items in order to reuse it.

Where practicable, officers should render potentially harmful things unusable, e.g. removing the nozzle from an aerosol can prior to disposal.

Section 4.2: 'Receiving property' of this chapter does not apply to items seized under s. 603 of the PPRA.

4.3.11 Perishable things

POLICY

Reporting officers or property officers are to ensure that any perishable property:

(i) that cannot be returned to its owner or the person who had lawful possession of it before coming into possession of the Service; or

(ii) whose owner or the person who had lawful possession of it before coming into possession of the Service cannot be contacted to obtain directions about how to deal with it,

that approval is obtained verbally or in writing from an authorised delegate (see Delegation D 24.18) to dispose of it, under s. 716: 'Perishable things' of the PPRA:

(i) prior to spoilage if possible;

(ii) in a way which does not cause an actual or apparent conflict of interest (e.g. a conflict of interest may be apparent if a friend, relative or business associate of a person in a position to influence how a perishable thing may be disposed of may benefit from its disposal); and

(iii) in a way that benefits the community, unless it is reasonably suspected that the thing is unfit for human consumption. In such a case, the thing is to be disposed of in a way that does not cause a danger to anyone in the community generally.

A suitable method of disposal of perishable foods that benefits the community includes giving it to a charitable organisation which provides meals for homeless, infirm or elderly persons.

Suitable methods of disposal of perishable foods which are deemed unfit for human consumption include incineration or depositing at an appropriate waste disposal facility.

It is the responsibility of officers in charge of stations and establishments to which a property point is attached to ensure that perishable things are disposed of as soon as possible.

4.3.12 Animals

POLICY

Section 4.2: 'Receiving property' of this chapter does not apply to animals seized and moved under Chapter 6, Part 4: 'Removal powers for animals' of the PPRA where a QP 703A: 'Notice to owner re seizure of animal' is to be issued by the reporting officer (see also s. 4.9.4: 'Publication of a notice on the QPS website' of this chapter).

Animals taken are to be returned or disposed of in accordance with the provisions of the PPRA and s. 4.6.11: 'Disposal of animals' of this chapter as soon as allowed.

Also see s. 450EB: 'Application for stock disposal order' of the Criminal Code.

Caring for animals in police possession

POLICY

Reporting officers who take possession of an animal are to ensure the animal is correctly cared for until it has been lawfully disposed of (see s. 689: 'Particular provision about handling animals in the possession of the police service' of the PPRA). Also see s. 4.8.7: 'Minimum storage requirements' of this chapter.

If an officer seizes an animal the Service is obliged to meet the costs of its transportation, housing, feeding and veterinary care. Although, in some cases, the Department of Agriculture and Fisheries (DAF) and the Royal Society for the Prevention of Cruelty to Animals Inc. (RSPCA) may be able to assist in providing housing and veterinary care for seized animals.

If DAF or RSPCA take possession of an animal on behalf of the Service, the animal is still in the possession of the Service and the reporting officer is responsible for arranging the lawful disposal of the animal (see Chapter 21, Part 3: 'Dealing with things in the possession of police service' of the PPRA).

Officers are to seek advice and assistance from appropriate persons or organisations to ensure the correct level of care is given to such animals. Suitable advice or assistance with respect to the care of animals may be obtained from a number of sources including:

(i) members of the Major and Organised Crime Squad (Rural);

(ii) DAF;

(iii) RSPCA;

(iv) local vets;

(v) Wildlife and Ecosystems, Department of Environment and Heritage Protection; and

(vi) local animal shelters, agistment services and kennels.

Where the caring of a seized animal incurs substantial costs (to either the Service or another agency such as the RSPCA/DAF) the reporting officer should consider whether the provisions of s. 697: 'Cost recovery for animal held in possession of police service' of the PPRA apply. If so, the reporting officer is to submit a report through their region/command finance manager/officer for consideration. Upon receipt of such report, finance managers/officers are

to, if it is appropriate in the circumstances, attempt to recover costs in accordance with s. 697 of the PPRA and s. 13.30: 'Starting a civil proceeding' of this Manual.

4.4 Temporary removal of property from property points

ORDER

A member who temporarily removes property, or part of some property from a property point is to:

- (i) at the time of the removal, or
- (ii) if not immediately available as soon as practicable,

updated the 'Stores Management' tab of the relevant property entry in the QPRIME occurrence, showing:

- (i) the date the property is removed;
- (ii) an indication that the property has been removed;
- (iii) a description of the property removed;
- (iv) their name and rank/designation; and
- (v) the reason for removing the property.

POLICY

Property should not be removed from a property point unless the removal is for:

- (i) disposal;
- (ii) court;
- (iii) a test, examination or analysis which cannot be undertaken at the property point; or
- (iv) appropriate public display to identify owners etc.

A member who removes property from a property point:

- (i) is solely responsible for that property during the time that it is shown in the QPRIME occurrence as being out of the property point;
- (ii) for the purpose of delivering that property to non-Service persons is to obtain a receipt for all property. The receipt is to be returned to the property point and scanned into the relevant QPRIME occurrence;
- (iii) is to return that property immediately it is no longer required to be out unless the property is finalised in accordance with s. 4.6.21: 'Finalising a property entry in QPRIME' of this chapter.

Also see s. 3.8.20: 'Delivery of documentary exhibits to the Office of the Director of Public Prosecutions' of this Manual.

4.4.1 Removing drugs from Forensic Chemistry Section

Where drug matter is to be removed from the Forensic Chemistry Section, the reporting officer or other authorised officer or property officer is to:

- (i) attend and collect the drug matter;
- (ii) sign a receipt for the drug matter;
- (iii) take and lodge the drug matter to a suitable property point unless s. 4.4: 'Temporary removal of property from property points' above applies and modify the QPRIME occurrence accordingly; and
- (iv) where the drug matter is required at court for more than one day, return the drug matter to a property point at the end of court each day.

4.4.2 Exhibits retained by the court

POLICY

When an item is tendered as an exhibit and the court intends to retain it for the duration of the proceedings, the depositions clerk will enter all such property into the court's property register. In the case of drugs, the police prosecutor is to apply to the court to have the drugs returned to the arresting officer at the end of each day the drugs are required as an exhibit. See s. 3.4.12: 'Drug exhibits' of this Manual.

An officer who receives possession of drugs as a result of a court order is to deliver those to a suitable property point. The officer is responsible for returning the drugs to the court on the next court day if required by the court.

At the completion of a matter, the courts usually make a direction for the disposal or return of property that has been used as exhibits. The reporting officer should make inquiries to ensure that all exhibits have been accounted for and

removed from the court as directed and disposed of in accordance with any order of the court, any legislative requirement, or Service policy.

4.4.3 Retention of exhibits after person committed for trial or sentence

POLICY

To ensure the security of exhibits to be produced at superior court proceedings, arresting officers should retain possession in accordance with the requirements of this chapter. Documentary exhibits tendered during committal proceedings should remain with the file on the proceedings for forwarding to the appropriate office of the Director of Public Prosecutions (State).

Documentary exhibits include exhibits such as photographs, certificates, audio/video tapes and transcripts.

At the conclusion of committal proceedings where a person is committed for trial or sentence, police prosecutors are to request the presiding magistrate to make an order that all non-documentary exhibits be returned to the custody of the arresting officer for production at any future proceedings.

Arresting officers are to ensure that property returned to their possession by a court at the conclusion of a committal proceeding is promptly dealt with in accordance with this chapter.

4.5 Examination of property

ORDER

Property officers are to be present for the examination of property within the property point. This excludes examinations conducted on a vehicle held in a property point which is a vehicle holding yard.

4.5.1 Forensic examination

POLICY

Property may be forensically examined at a:

- (i) property point;
- (ii) forensic laboratory;
- (iii) location agreeable to a forensic officer; or
- (iv) in situ, where the attendance of the forensic officer is desirable or convenient.

Forensic examination is to be conducted in consultation with the relevant forensic and property officers. The reporting officer is to coordinate and be present at examinations where possible. Where this is impractical, the forensic officer and another member such as a property officer are to undertake the task. This ensures corroborative practices and evidence continuity is maintained.

A member removing property for forensic examination is to comply with s. 4.4: 'Temporary removal of property from property points' of this chapter. If it is necessary to open the property bag, it can only be opened in the presence of an officer.

Where property is to be removed from a property point for forensic examination by:

- (i) a member of the Service, the original reporting officer is to ensure that a general report is tasked within the QPRIME occurrence to the unit conducting the examination outlining:
 - (a) date and type of court proceedings (if known);
 - (b) court location and file no (if known);
 - (c) date exhibit seized;
 - (d) whether the exhibit(s) pose any known biohazard or high chemical risk (if yes provide details);
 - (e) has exhibit(s) been stored within fridge or freezer prior to submission;
 - (f) examinations required and order of testing priority; and
 - (g) exhibit return/disposal – authorisation (if appropriate); or
- (ii) an organisation outside of the Service (e.g. Queensland Health Forensic Scientific Services (QHFSS)), the original reporting officer is to ensure that:
 - (a) any photographic, fingerprint or other necessary examination are completed;
 - (b) a QP 0127: 'Submission of Articles for Forensic Examination' (available in QPRIME) is completed and where appropriate checked by a forensic officer. See s. 2.19.6: 'Lodgement of forensic samples for testing' of this Manual;

- (c) only items which require analysis are delivered;
- (d) items sent to QHFSS, Forensic Chemistry Section are packaged appropriately, see subsection 'Queensland Health Forensic Scientific Services (Forensic Chemistry)' of s. 4.5.2: 'Forensic examination of drug matter' of this chapter. Concerns regarding packaging should be directed to Forensic Chemistry (see SMCD);
- (e) items are fully listed on property tags;
- (f) the original QP 0127 is to accompany the property and the property office copy is to be scanned as an attachment to the relevant QPRIME occurrence;
- (g) where a receipt is issued it is to be scanned in to the relevant QPRIME occurrence; and
- (h) where the organisation is QHFSS, they:
 - provide details to the Scientific Services Liaison Unit, QHFSS (see SMCD) of the court hearing date(s) and details of any subsequent adjournment(s) as soon as practicable; and
 - immediately advise the Scientific Services Liaison Unit, QHFSS in cases where analysis is no longer required, e.g. plea of guilty, charges withdrawn.

Where property lodged and examined at QHFSS or another place, is required to be returned to the Service, the property officer at the original property point where the property was last held prior to lodgement is responsible for arranging for the return of the property to the property point.

4.5.2 Forensic examination of drug matter

Reporting officers requiring forensic examination of drug matters are to comply with s. 4.5.1: 'Forensic examination' of this chapter.

A certificate of analysis or identification is **not** required for drug exhibits, unless:

- (i) an application for a forfeiture order is to be made, or destruction is authorised under the PPRA (see s. 4.6.14: 'Disposal of drug matter' of this chapter) under the following sections:
 - (a) 705: 'Destruction of drug matter soon after it is seized' (see 'Safe destruction of drugs to prevent further offences' of this section);
 - (b) 713: 'When drugs matter may be destroyed' of the PPRA (see 'Destruction of drug matter if notice required' of this section);
- (ii) the defendant has pleaded not guilty, and a date has been set for committal or hearing;
- (iii) a fail to appear warrant has been issued and it is believed that the defendant has not fled the State;
- (iv) a request has been made by a judge or magistrate, police prosecutor or Crown Law officer or the defence; or
- (v) charges that relate to the drug exhibit can only be dealt with by way of indictment (see ss. 13: 'Certain offences may be dealt with summarily' and 118: 'Proceedings for offences' of the *Drugs Misuse Act*).

A member may remove drug matter from a property point, if necessary for forensic examination. However, an officer, in the presence of the member, is then responsible for:

- (i) opening the property bag;
- (ii) removing and handling of the drug matter;
- (iii) returning of the drug matter to the property bag;
- (iv) resealing of the original property bag; and
- (v) noting on the property bag the time and date the property bag was resealed.

The member is to then:

- (i) return the property bag to the property point, if it has been removed;
- (ii) ensure the QPRIME property entry is noted indicating the time, date and reason the property bag was opened or removed; and
- (iii) ensure, if applicable, an entry is noted on a running statement, see s. 4.2.7: 'Continuity of possession' of this chapter.

Prioritisation of forensic examination of drug matter

Drug matter submitted to the QHFSS are to be prioritised according to the following schedule:

- (i) **Priority One**—urgent and extenuating circumstances with the approval of a commissioned officer (or AO8 and above) e.g. unknown drugs causing serious illness, major drug operations and seizures, or significant covert seizures;

- (ii) **Priority Two**—scheduled trial, pre-trial, committal and sentencing hearings (when and if required) in a magistrates or higher court;
- (iii) **Priority Three**—analysis required by ODPP or court, or required by prosecutor/court to determine court jurisdiction;
- (iv) **Priority Four**—unknown drugs where no admissions made and presumptive test inconclusive and analysis required for charging; and
- (v) **Priority Five**—the offender has failed to appear or a warrant for the offender's arrest has been issued and the Service is relying on Chapter 21, Part 3, Division 3, Subdivision 3: 'Destruction of drugs matter if notice required' of the PPRA.

ORDER

Officers submitted drug matter for analysis are to ensure that the appropriate priority and justification is included on the QP 0127.

Certificate of analysis

A certificate of analysis for cannabis is issued by a person appointed as an analyst (see 'Appointments as analysts under the Drug Misuse Act' of s. 2.19.6: 'Forensic Services Group (FSG)' of this Manual). Contact the Scientific Section, Forensic Services Group to locate the closest analyst and arrange a time and date to attend for analysis.

If the specimen consists only of residue from a thing used to administer a drug, or consists only of extremely fine particles, the analysis should be conducted by the QHFSS, Forensic Chemistry Section.

The analyst is to issue a certificate as to the results of the analysis or examination and provide that certificate to the member requiring the examination.

The member who received the certificate from the analyst is to:

- (i) modify the QPRIME property entry relating to those drugs by inserting the information taken from the certificate of analysis relating to drug type and weight or quality of the drugs;
- (ii) provide a copy of the certificate of analysis to the relevant prosecuting authority as soon as practicable;
- (iii) scan the certificate as an attachment to the relevant QPRIME occurrence; and
- (iv) comply with:
 - (a) s. 590AH(2)(d): 'Disclosure that must always be made'; and
 - (b) s. 590AI(2)(a): 'When mandatory disclosure must be made',

of the Criminal Code (see s. 3.14: 'Disclosure of information to defence (relevant proceeding)' of this Manual).

Queensland Health Forensic Scientific Services (Forensic Chemistry)

Drug matter submitted to Forensic Chemistry Section (FCS) for examination is to be packaged separately in appropriate packaging ensuring:

- (i) only the drug or utensil in its primary container, e.g. white powder in a plastic bag, or a liquid contained in a syringe, is to be forwarded;
- (ii) excess packaging is not to be forwarded. The outer heat-sealed package which contains the entire exhibit or a plastic bag which encloses another container which is leaking or damaged is not considered to be excess packaging. This practice, as well as the removal of soil from plant exhibits, greatly assists the staff of FCS, in the analysis of drugs; and
- (iii) hypodermic syringes or needles, approved to be sent, are packaged inside an Australian Standard AS/NZ 4261:1994 compliant reusable container that enables safe removal of the syringe or needle for analysis.

Hypodermic syringes, needles and utensils

Hypodermic syringes and needles should not be sent to the FCS for analysis unless sufficient justification exists (e.g. offences of unlawful killing, serious assault or trafficking). Offences or suspected offences of possession of minute quantities of a dangerous drug in a hypodermic syringe or needle do not constitute sufficient justification. Generally, if a quantity of the suspected substance is not visible, analysis is not justified.

Offences of the possession of utensils (such as items that can be used for the administration, consumption and preparation of a dangerous drug) are not to be sent for analysis unless justifications exist, such as:

- (i) an accused entering a plea of not guilty;
- (ii) analysis is required to support a charge other than possession; e.g. scales to support a charge of supply dangerous drug;
- (iii) an offender has failed to appear; or
- (iv) the seriousness of the offence.

Officers requiring analysis to be conducted of any hypodermic syringe, needle or utensil are to forward an email request (through their OIC) with justification for approval. Officers are to attach a copy of the email approval to the exhibit prior to lodging the exhibit at the FCS.

Photographs

Photographs are to be taken of drug matter and tendered as secondary evidence in court proceedings see s. 4.2.6: 'Retention of exhibits' of this chapter.

Transferring drugs from packaging

Where forensic examination of drug packaging is required, the reporting officer should transfer the drug matter into new packaging. Where this is impractical, the reporting officer is to coordinate another officer to undertake the task.

Drug transfers should consist of the following:

- (i) the transfer must be electronically recorded;
- (ii) the drugs are to be retained by the delivery officer and returned to a property point;
- (iii) the drug packaging is to be retained and lodged as an exhibit;
- (iv) handling of the exhibit must be minimal to avoid destruction or contamination of evidence; and
- (v) if DNA examination is required the transfer must be conducted at an appropriate forensic facility.

Forensic facilities are not to be used for the storage of dangerous drugs. Dangerous drugs will only be examined in the presence of the delivery officer. At the completion of the forensic examination, all drug matter is to be returned to the delivery officer.

4.5.3 Saliva analysis

POLICY

For improved viability, saliva samples should be forwarded urgently and received by the Forensic Toxicology Section at the Queensland Health Forensic and Scientific Services (QHFSS) facility (see SMCD) within seven days from the time the sample was obtained.

If unavoidable delays are expected, saliva samples are to be refrigerated and time-frames documented appropriately.

A property officer responsible for the dispatch of saliva samples should:

- (i) check for saliva samples each business day;
- (ii) where a QP 0694: 'Running statement' has been used, (see s. 4.2.7: 'Continuity of possession' of this chapter) complete the relevant sections, appropriately retain and file the document; and
- (iii) ensure that both the sample and applicable QP 0779: 'Saliva analysis (traffic) notice' or QP 1009: 'Saliva analysis (relevant assault) notice' is forwarded in person, or via tracked postage to the Forensic Toxicology section at the QHFSS facility.

The QHFSS property point will receipt the item, conduct the analysis and forward the certificate of analysis to the investigating officer.

See also s. 7.9: 'Handling of blood, urine and saliva specimens' of the Traffic Manual.

4.5.4 Substances not requiring examination under Drugs Misuse Act

ORDER

An investigating officer is to use the provisions of:

- (i) s. 130: 'Evidence of controlled substance by label';
- (ii) s. 131: 'Evidence of equipment being used to produce particular dangerous drugs'; or
- (iii) s. 131A: 'Evidence of medicine or poison or veterinary chemical product by container',

of the *Drugs Misuse Act* (DMA), if they apply, to prove an allegation that:

- (i) a substance is a controlled substance;
- (ii) particular equipment was used in the production of a relevant dangerous drug; or
- (iii) a substance is a medicine or poison or veterinary chemical product,

for proving an offence against the DMA.

Advice on these provisions can be sought from State Drug Squad, Drug and Serious Crime Group, Crime and Intelligence Command or another suitably experienced officer.

To use the provisions above, investigating officers are to:

- (i) serve a QP 0669: 'Prosecution information notice (available in QPRIME) on the offender as soon as practicable and within 28 days after commencing the prosecution;
- (ii) complete the oath of service (see s. 56: 'Service of summonses' of the *Justices Act*); and
- (iii) deliver a completed copy to the:
 - (a) prosecuting authority responsible for matter; and
 - (b) property officer at the property point where the exhibit is stored.

Notice challenged

A defendant can challenge the QP 0669 by serving on the Commissioner a 'challenge notice' within 28 days of service or as extended (see s. 131B: 'Evidence for ss 130, 131 and 131A—notice of challenge' of the DMA).

ORDER

A member of the Service receiving a 'challenge notice' on behalf of the Commissioner is to ensure the notice is delivered as soon as possible to the investigating officer named on the form.

The investigating officer upon receipt of the 'challenge notice' is to:

- (i) deliver a copy of the 'challenge notice' to the:
 - (a) relevant prosecuting authority; and
 - (b) relevant property officer; and
- (ii) arrange for the property to be examined (see s. 4.5.2: 'Forensic examination of drug matter' of this chapter).

Notice not challenged

ORDER

Where a challenge notice is not received within the relevant period the investigating officer is to ensure a statement(s) addressing the requirements of the relevant provision is completed and delivered, as soon as practicable, to the prosecuting authority.

A statement prepared for this purpose:

- (i) can be made by:
 - (a) the investigating officer;
 - (b) a member of the State Drug Squad, Drug and Serious Crime Group, Crime and Intelligence Command; or
 - (c) other suitably experienced person (e.g. an Environmental Health Officer);
- (ii) should refer to the:
 - (a) maker's reasonable belief the:
 - container contained a controlled substance;
 - equipment was used in the production of the relevant dangerous drug; or
 - sealed medicine or poison container contained a medicine or poison or veterinary chemical product; and
 - (b) evidence which supports that belief;
 - (c) defendant having been served with the QP 0669; and
 - (d) non-receipt of a challenge notice from the defendant.

Court rulings on evidentiary provisions

The court will decide whether or not to accept allegations without the need for examination.

ORDER

The prosecuting authority is to notify the investigating officer of the outcome of any court ruling on the evidentiary provisions being proof of the allegations as soon as practicable.

Where the court rules that the provisions are not sufficient to prove the allegation, the:

- (i) prosecuting authority is to seek an adjournment of sufficient length to allow the substance or equipment to be examined; and
- (ii) investigating officer is to, as soon as practicable, ensure the property is examined (see s. 4.5.2: 'Forensic examinations of drug matter' of this chapter).

POLICY

Where the court rules the provisions are sufficient the investigating officer is to consider whether the items should be retained as evidence until conclusion of proceedings or whether secondary evidence (i.e. photographs) alone is sufficient.

4.5.5 Presumptive screening tests of suspected drugs and precursors

Presumptive tests of suspected drugs and precursor materials are only to be conducted by Tru Narc analyser qualified officers. The Tru Narc analyser cannot test trace amounts such as film or powder and requires a sample at least the size of a grain of rice.

Where an officer locates a suspected drug or precursor material that they consider should be presumptively tested with the Tru Narc analyser, they are to:

- (i) contact a Tru Narc analyser qualified officer within their respective command, region or district;
- (ii) follow the advice of the Tru Narc analyser qualified officer as to the safe handling procedures and storage procedures; and
- (iii) consider contacting specialist units such as Synthetic Drug Operations Unit (see s. 2.6.6: 'Clandestine illicit drug laboratories' of this Manual) or Emergency Ordnance Response Team (see s. 17.10.1: 'Explosive Ordnance Response Team (EORT)' of this Manual) where doubt exists as to the nature of the item or how it should be handled.

The Queensland Health Forensic Scientific Services (Forensic Chemistry) (FCS) also has the capability to conduct presumptive screening tests of substances to determine whether the substance is a dangerous drug. Officers are not to only request a presumptive screening test by the FCS, unless absolutely necessary (see s. 4.5.2: 'Forensic examination of drug matter' of this chapter).

Tru Narc analyser qualified officers

The Tru Narc analyser is a presumptive hand-held device, designed for law enforcement, to analyse substances including liquids, solids, and powders even through sealed packaging. The device can provide an onsite result under certain circumstances and is designed to be used in a typical field environment.

A Tru Narc analyser qualified officer includes:

- (i) an officer;
- (ii) a member of the Drug Laboratory Response Team (DLRT); and
- (iii) a property officer,

who has completed the prerequisite initial user training (Ignite Code QC1468_01 Tru Narc Device or QE0453_01 Tru Narc Analyser).

Each district and command is to nominate a qualified officer to oversee the safe storage, software updates and compliance/equipment management of each Tru Narc analyser.

Using the Tru Narc analyser

The Tru Narc analyser is not intrinsically safe, and qualified officers are to take all necessary safety precautions when using the device to ensure its safe operation as incorrect use can be unsafe. The Tru Narc analyser uses a class IIIB level laser energy, which can be hazardous. Exposure to levels of laser energy above the maximum permissible exposure (MPE) can be harmful to the eye.

Safety precautions when using the Tru Narc analyser include:

- (i) qualified officers wearing appropriate personal protective equipment (PPE) which includes the wearing of:
 - (a) eye safety glasses which comply to Australian Standards AS/NZS 1336:2014: 'Eye and face protection – Guidelines'; and
 - (b) protective gloves which comply to Australian Standards AS/NZS 2161.1:2016: 'Occupational protective gloves – Selection, use and maintenance'. Black gloves are not to be used;
- (ii) avoiding exposure to the beam, including exposure to specular (mirror-like) reflections;
- (iii) never pointing the Tru Narc analyser at any person;
- (iv) no person being within 120cm of the Tru Narc analyser's laser beam during a scan. This distance is measured from the laser's aperture;
- (v) never scanning anything that is suspected to be thermally sensitive material, e.g. explosives, gun powder, triacetone triperoxide (TATP), phosphorous (white/red);
- (vi) always minimising the size of the sample when scanning any items including liquids, solids and powders;

- (vii) when scanning any substance contained in a sealed vessel (e.g. capped jar or vial) making sure the lid is undone and released as pressure build up could occur during scanning with a subsequent explosion of the vessel occurring;
- (viii) not using it within an environment which holds volatile or flammable gases;
- (ix) only using it within a clandestine drug laboratory if the operator is:
 - (a) trained and qualified to enter clandestine drug laboratory;
 - (b) trained in the safe, proper use of the Tru Narc analyser in a clandestine drug laboratory; and
 - (c) directly authorised by the site control officer (SCO) at a clandestine drug laboratory investigation to use the Tru Narc analyser; and
- (x) not using it on any material/substance which contains dark matter, nor should the device be used to test anything which is on a background which is itself dark in colour.

The limitation of the Tru Narc analyser is that its accuracy is dependent on the purity of the substance being analysed. Therefore some "inconclusive results" will appear with materials/substances that have been either cut or mixed with other substances, chemicals or diluted to a low percent. Judgement on whether to seize and retain item for further testing based on time, date, place and location of the item is then a matter for the initiating officer as only definitive testing by Queensland Health Forensic and Scientific Services (FSS) will determine what the substance is.

Officers using the Tru Narc analyser should always be reminded of their obligations placed upon them under the *Work Health and Safety Act* with emphasis on s. 28: 'Duties of workers'.

Queries regarding the Tru Narc analyser device can also be directed to Synthetic Drug Operations Unit, State Drug Squad, CIC on (07) 3364 4548.

4.6 Disposal of property

4.6.1 General requirements of disposal

ORDER

Members who dispose of a property item are to:

- (i) before disposing of the property ensure that the correct authority for the disposal is used;
- (ii) forward the documentation generated by the disposal to the relevant property officer; and
- (iii) where disposal is not by destruction, a QP 0034: 'Indemnity receipt' should be signed by the recipient and scanned into the relevant QPRIME Occurrence.

POLICY

Reporting officers are to dispose of property as soon as statutory provisions allow and ensuring for exhibits, as soon as reasonably practicable:

- (i) photographs are taken;
- (ii) necessary scientific or other examinations are made; and
- (iii) other available secondary evidence is gathered.

The property should then be returned to the owner, destroyed, or otherwise disposed of as appropriate unless other provisions of this chapter or legislation apply (see ss. 623: 'Right to inspect seized documents' and 691: 'Return of relevant things' of the PPRA and s. 4.2.5: 'Retention of exhibits' of this chapter).

Methods of disposal

The method of disposal of property:

- (i) may include:
 - (a) destruction;
 - (b) discarding as refuse;
 - (c) donation to a charitable body;
 - (d) donation to a particular group, e.g. a school;
 - (e) donation to an individual who is apparently deserving of the property, or who, in the case of animals, may be prepared to care for the animal;
 - (f) appropriation for use of the Service or another government department. (see s. 4.6.17: 'Things of use to the Service or a government department' of this chapter);

- (g) sale at public auction (see s. 4.6.18: 'Public auction procedures' of this chapter);
 - (h) sale by tender only on a specific court order (see s. 4.6.19: 'Sale by tender procedures' of this chapter);
 - (i) assigning to an individual or company in lieu of an outstanding debt which has accrued in relation to the storage or handling of the property, where the property is of little value, or the debt is of a value comparable to that of the property; or
 - (j) returning the property to the owner or other person who has a clear and lawful claim to the property (see s. 4.7: 'Change of ownership' of this chapter);
- (ii) where not specified in this chapter or elsewhere for a particular class of item should be:
- (a) lawful;
 - (b) fair and equitable;
 - (c) not attract undue criticism of the Service; and
 - (d) minimise or eliminate any risk of injury or illness to any person, or damage to any property not subject of the disposal.

Responsibilities of reporting officer

POLICY

Reporting officers have responsibility for:

- (i) undertaking all inquiries necessary so that the property may be disposed of. In some cases, this may include actually disposing of the property;
- (ii) updating the relevant QPRIME occurrence showing all inquiries made and the results of those inquiries. Negative inquiries should also be included;
- (iii) submitting a supplementary report within QPRIME to the officer in charge advising of the status of the property; and
- (iv) disposing of the property. Property will normally be disposed of by the property officer as designated by local arrangements.

Exercise of discretion

ORDER

Where officers are authorised to dispose of property at their discretion and an apparent conflict of interest arises, officers are not to dispose of the property. Officers are to forward a report setting out the circumstances of the matter to the next most senior officer in line control, who is to then assume responsibility for disposal.

Establishing value of property

POLICY

Authorisation for disposal of property is, in some instances, based on value. An officer who exercises any authority based on an estimate of property value must be satisfied that the estimate is substantially accurate. The nature of the property will dictate how the valuation is made. It may be necessary, in the case of rare items or items which require a professional valuation, to seek that estimation from a person with appropriate knowledge or qualifications in a particular field (see also s. 4.6.3: 'Direction for disposal of forfeited property' of this chapter).

For property that has no value refer to 'Forfeiture of property considered to have no value' in s. 4.6.2: 'Forfeiture of property including orders' of this chapter.

Indemnity receipt

POLICY

A member who disposes of property by lawfully giving it to a person is to obtain a QP 0034: 'Indemnity receipt' from them. Where a QP 0034 is not available at the time of disposal an acknowledgement of receipt for the property is to be obtained in an official police notebook. The items of property are to be accurately described in the receipt prior to the person signing it.

Receipts are to be retained:

- (i) where property has been recorded in a property point, by scanning the receipt as an attachment to the relevant QPRIME occurrence; or
- (ii) in all other cases, by:
 - (a) filing in a book or register kept for that purpose at the station or establishment, or
 - (b) scanning the:
 - indemnity receipt; and

- property receipt,
and filing in the relevant Corporate records management system i.e. Objective (see s. 5.2: 'Corporate records management' of the Management Support Manual).

4.6.2 Forfeiture of property including orders

Forfeiture of property considered to have no value

A reporting officer for a relevant thing under Chapter 21, Part 3: 'Dealing with things in the possession of police service' of the PPRA, which:

- (i) excludes drug matter (see s. 4.6.14: 'Disposal of drug matter' of this chapter); and
- (ii) has no value (see 'Establishing value of property' of s. 4.6.1: 'General requirements of disposal' of this chapter),

is to apply in writing (including email) to their OIC (see Delegation D 24.18), as soon as practicable, but within 24 hours, for the property to be forfeited under s. 690: 'Forfeiture in particular cases' of the PPRA with justification as to why the thing is considered to be of no value, including why the thing:

- (i) is not in a saleable condition and therefore cannot be sold at auction;
- (ii) has no practical intrinsic value;
- (iii) has no evidentiary value; and
- (iv) has no known owner or lawful claimant.

Whilst awaiting a determination of the OIC, there is no requirement for the reporting officer to lodge the property item but must ensure it is retained in a secure location as deemed suitable by their OIC.

When making a determination the OIC should consider the nature, condition and saleability of item(s) and whether they have no value. If the OIC determines the item(s) has no value, the thing is forfeited to the State and the OIC is to specify in writing (including email):

- (i) how the item(s) is to be destroyed (see s. 721: 'Dealing with forfeited things' of the PPRA and Delegation D 24.24); and
- (ii) the officer authorised to witness the destruction in accordance with s. 4.6.17: 'Destruction procedures' of this chapter.

Where a reporting officer, who has applied to dispose of property considered to be of no value:

- (i) receives authorisation from the OIC, they are to comply with the OIC directions as soon as practicable and ensure s. 4.6.17 of this chapter is complied with; or
- (ii) does not receive authorisation, lodge the property, complying with s. 4.2.4: 'Lodging property' and other requirements of this chapter.

Prosecutor to request forfeiture order at end of hearing or trial

Prosecutors presenting a case, where property has been retained by police at the completion of the hearing, are to:

- (i) make an application for an order under s. 701: 'Disposal of seized things at end of proceeding' of the PPRA for disposal of the property;
- (ii) where an order is made, send a QPRIME task to the arresting officer's QPRIME Org Unit advising of the order and the terms;
- (iii) ensure, when property is forfeited to the State, the correct section and Act under which the property was forfeited is recorded on the Court Brief (QP9) at the time the forfeiture is made; and
- (iv) where substantial assets have been identified, the Office of the Director of Public Prosecutions' Confiscation Unit should be advised. See also Guideline 55: 'Conviction based confiscations' of the Office of the Director of Public Prosecutions (State) Director's Guidelines.

Forfeiture orders

Where property has not otherwise been forfeited to the State:

- (i) a reporting officer or, where appropriate, property officer should make an application for a property forfeiture order under:
 - (a) s. 719: 'Order for forfeiture of relevant things connected with offences' of the PPRA, if
 - the conditions of the section apply;
 - an application is not outstanding or order has not been made under s. 693: 'Application by owner etc. for court order for return of relevant thing' of the PPRA; and

- a notice is required, a QP 0702: 'Notice to owner regarding order for forfeiture of particular relevant thing connected with offences' (written notice) is to be used; and
- (b) s. 718: 'Order for forfeiture of particular relevant things' of the PPRA, if
- the conditions of the section apply; and
 - a notice is required, a QP 0726: 'Notice to owner regarding order for forfeiture of particular relevant thing' (written notice) is to be used,

as soon as practicable after becoming aware that the property is suitable for forfeiture (see also s. 4.9.4: 'Publication of a notice on the QPS website' of this chapter);

(ii) the application should:

(a) contain:

- how the property applies to the section;
- the details of compliance with the requirements of the section; and
- an approximate value of the property, including any supporting documents; and

(b) be submitted to the member's OIC;

(iii) an OIC receiving a forfeiture order application is to:

(a) check:

- all conditions required under ss. 718 or 719 of the PPRA, have been complied with; and
- the stated approximate value of the property, where appropriate, is reasonable and supported by documentation such as:
 - an extract of the market value of the vehicle from Glass's Guide or the Red Book; and
 - reference to average prices in online sales sites i.e., Gumtree, eBay, Facebook; and

(b) consider making the forfeiture order where authorised or refer the matter to the appropriate officer.

(iv) a forfeiture order can be made under ss. 718 or 719 of the PPRA by:

(a) any officer authorised under Delegation D 24.22 for property that is drug matter of any value where the officer has not been directly involved in the seizure of the thing; or

(b) an officer of a class under Delegation D 24.22 for property of the value specified as follows:

Class of officer	Value of property
Commissioner Deputy commissioner	No limit
Assistant commissioner Chief superintendent	Up to \$50,000.00
Superintendent Inspector	Up to \$25,000.00
Detective senior sergeants (operations leader), Crime and Intelligence Command OIC of a: <ul style="list-style-type: none"> • station • criminal investigation branch • child protection investigation unit • tactical crime squad • regional drug squad 	Up to \$5,000.00

(v) the forfeiture order is:

(a) to be made in writing;

(b) to identify the relevant section of the PPRA it has been made under; and

(c) may include a direction as to how the property is to be dealt with under Delegation D 24.24 (see s. 4.6.3: 'Direction for disposal of forfeited property' of this chapter);

(vi) reporting officers or property officers on receive a forfeiture order are to:

(a) ensure a copy is scanned as an attachment to the relevant QPRIME occurrence; and

(b) comply with s. 4.6.3: 'Direction for disposal of forfeited property' of this chapter for the property.

4.6.3 Direction for disposal of forfeited property

When required, reporting officers are to make an application for a direction on how property, in possession of the Service that has been forfeited, can be disposed of or destroyed by sending a QPRIME Property Disposal task to the relevant property office.

The member receiving a QPRIME task seeking a disposal direction for forfeited property should, where:

(i) authorised, make an appropriate direction; or

(ii) not authorised, refer the application to a suitable member for consideration.

A disposal or destruction direction, excluding appropriating (see s. 4.6.16: 'Things of use to the Service or a government department' of this chapter):

(i) may be made under Delegation D 24.24 by:

(a) any authorised member for a drug matter (see s. 4.6.14: 'Disposal of drug matter' of this chapter);

(b) an authorised class of member for a firearm as specified as follows:

Class of member
Assistant commissioner
Chief superintendent
Superintendent
Inspector
Detective senior sergeants (operations leader), CIC
OICs of
<ul style="list-style-type: none"> • stations • CIB • CPIU • tactical crime squad

(see s. 4.6.10: 'Disposal of weapons and weapons related things' of this chapter); or

(c) an authorised class of member for other property where the value of the property as specified as follows:

Class of member	Value of property
Commissioner	No limit
Deputy commissioner	
Assistant commissioner	Up to \$50,000.00
Executive director	
Chief superintendent	
Superintendent	Up to \$25,000.00
Director, Capital Assets and Facilities Management Group	
Inspector	

Class of member	Value of property
In respect of disposal of monies retained in a suspense 'Trust Account' e.g. cash exhibits to be disposed of at the conclusion of a prosecution, the following class of member are authorised where the value of the property is as specified in the adjoining column: Detective senior sergeants (operations leader), CIC. OIC of a <ul style="list-style-type: none"> • station • CIB • CPIU • tactical crime squad 	Up to \$15,000.00
All other property: Detective senior sergeants (operations leader), CIC OIC of a <ul style="list-style-type: none"> • station • CIB • CPIU • tactical crime squad 	Up to \$5,000.00
Property officers	Up to \$1000

(ii) and should specify the method of disposal or destruction and be consistent with other policy or legislation for the class of property specified, including:

- (a) s. 4.3: 'Receiving property of a particular class';
- (b) s. 4.6.5: 'Disposal of items of a particular class';
- (c) relevant sections of s. 4.6: 'Disposal of property';
- (d) other appropriate sections; and
- (e) also refer to s. 4.3.1: 'Accounting for Trust Accounts Practice' of the Financial Management Practice Manual policy, relating to QPS Trust Accounts.

4.6.4 Disposal where not appropriate to return item

ORDER

Reporting officers who believe because of the nature of a thing it may not be appropriate to return it to:

- (i) the owner; or
- (ii) the person who had lawful possession of it,

are to request their officer in charge:

- (i) make an order that the thing be forfeited to the State (see s. 4.6.2: 'Forfeiture of property including orders' of this chapter); and
- (ii) direct that the thing be disposed of by destruction (see s. 4.6.5: 'Direction for disposal of forfeited property' of this chapter).

4.6.5 Disposal of items of a particular class

POLICY

Where Items of a particular class can't be returned to the owner or other person who has a clear and lawful claim to the property it should be disposed of as listed below:

Class of item	Conditions	Disposal method
Animals	Nil	Public auction, see s. 4.6.11: 'Disposal of animals' of this chapter
Branding instruments	Nil	Destruction

Class of item	Conditions	Disposal method
Bicycles	If there are significant safety concerns because of design or defects	Destruction
	If considered appropriate	Donate to a charitable, welfare or similar organisation
	otherwise	Public auction
Clothing	Where clothing is soiled or in poor condition	Disposal at a local waste disposal facility
	Good condition	Donated to a charitable organisation
Currency	Counterfeit	See s. 11.9.1: 'Investigations regarding counterfeit money' of this Manual.
Deceased person's property		See s. 4.6.9: 'Disposal of deceased person's property' of this chapter
Documents	Physical	Destroyed by shredding or similar
	Electronic	see s. 4.6.12: 'Disposal of electronic devices and storage media' of this chapter
Drugs		See ss. 4.6.14: 'Disposal of drug matter' and 4.6.15: 'Retention and use of dangerous drugs for training' of this chapter
Incapacitated person's property	As defined by s. 64: 'Definitions' of the <i>Public Trustee Act</i>	Contact the Public Trustee and advise them of the existence of the property and forward the property to the appropriate Public Trustee Office.
Keys	Nil	Destruction
Liquor	In a sealed container which can be legally sold in Queensland	Public auction (see s. 4.6.18: 'Public auction procedures' of this chapter)
	Unsealed, home-made or prohibited liquors	In accordance with s. 4.6.7: 'Destruction procedures' of this chapter
		See also s. 13.7.12: 'Seizure and disposal of liquor' of this Manual
Mentally ill person's property	Certified as mentally ill and incapable of managing their estates	Property of mentally ill persons is managed by the Public Trustee in terms of Part 6: 'Management of estates of incapacitated persons' of the <i>Public Trustee Act</i> . Contact the Public Trustee and advise them of the existence of the property and forward the property to the appropriate Public Trustee Office.
Passport	Australian	Sent via registered post with an indemnity receipt and request for the return of the signed indemnity receipt, to the Manager, Australian Passport Office, DFAT (see SMCD)
	Foreign	Personally delivered or where this is not practicable, send by registered post (with an indemnity receipt and for the return of the signed indemnity receipt), to the particular embassy, consulate or other representative office, of the issuing country and where there is no representative office in Australia to Protocol Officer, Brisbane State Office, Department of Foreign Affairs and Trade (DFAT) (see SMCD)
Personal items	Suitable for sale to the public that have some obvious value	Public auction
Recyclable materials	destroyed property	Disposed via an appropriate recycling organisation, facility, depot or deposit bin whenever practicable and where appropriate disposal facilities exist

Class of item	Conditions	Disposal method
Valuable items	Items valued great than \$10,000.00	Public auction
Vehicles		Public auction, see s. 4.6.13: 'Disposal of vehicles including loads or other things' of this chapter.
Weapons or weapon related item		Destruction, see s. 4.6.10: 'Disposal of weapons and weapon related items' of this chapter.

4.6.6 Disposal of property to finder

POLICY

A person who finds property and hands it to the Service may make a claim for that property.

Found property may be returned to its finder who wishes to claim it only:

- (i) after reasonable inquiries and efforts have failed to locate its owner or any other person who may claim to be entitled to possession of the thing;
- (ii) after the expiry of thirty days from the date the property came into possession of the Service;
- (iii) if it is lawful for its finder to possess the property; and
- (iv) if it is considered appropriate that the thing be returned to its finder.

Found property which cannot be returned to its owner or finder should be treated as unclaimed property.

4.6.7 Disposal of unclaimed property

POLICY

Unclaimed property should be disposed of as soon as statutory provisions allow.

Generally, unclaimed property is to be disposed of under the provisions of ss. 718: 'Order for forfeiture of particular relevant things' and 719: 'Order for forfeiture of relevant things connected with offences' of the PPRA in accordance with s. 4.6.2: 'Forfeiture of property including orders' of this chapter.

Where a lawful claimant to or the finder of property indicates that they do not wish to claim the property, the member authorised to dispose of the property should obtain a relinquishing order (see s. 4.6.8: 'Disposal of property under a relinquishing order' of this chapter).

4.6.8 Disposal of property under a relinquishing order

ORDER

Property that has been seized as an exhibit, where a signed relinquishing order has also been obtained, is not to be disposed of unless approval has been obtained by the investigating officer, or their supervisor, to which the property relates.

POLICY

Where property is relinquished/forfeited voluntarily to the Service:

- (i) at the time of receipt, a relinquishing order should be obtained in accordance with s. 4.2.2: 'Completing a property receipt' of this chapter;
- (ii) at a time after receipt, a:
 - (a) QP 0368: 'Relinquishing order'; or
 - (b) QP 0368A: 'Relinquishing order (weapon(s))' (see s. 4.6.10: 'Disposal of weapons and weapons related things' of this chapter),

is to be completed and scanned into the relevant QPRIME Occurrence; and

- (iii) and disposed of under s. 4.6.3: 'Direction for disposal of forfeiture property' or other relevant section of this chapter.

4.6.9 Disposal of deceased person's property

ORDER

Where property subject to a coronial investigation is no longer required to be retained as evidence, reporting officers are to seek an order from the Coroner (see ss. 60: 'Returning physical evidence' and 61: 'Forfeiting physical evidence' of the *Coroners Act*).

POLICY

Where exhibits have been seized as part of a coronial investigation and the coroner has made findings and a determination not to hold an inquest in relation to the matter, the exhibits are to be retained for a period of 60 days after such findings and determination, prior to disposal.

Officers seeking to dispose of property subject to a coronial investigation should seek an order from the coroner by:

- (i) completing a QP 0528: 'Supplementary Form 1 (police report of death to a coroner)' within the relevant QPRIME occurrence seeking an order specifying the property and the reason for returning the property to its nominated owner; or
- (ii) where it is not lawful for the owner to possess the physical evidence or given the nature, condition and value of the physical evidence, it is not desirable that the physical evidence be returned to its owner, seek an order on a QP 0528 within the relevant QPRIME occurrence that the physical evidence be forfeited to the State in accordance with s. 61 of the *Coroners Act* specifying the property and the reason for the forfeiture; and
- (iii) forwarding a signed QP 0528 through their chain of command to the relevant coroner.

When an officer has taken possession of the property of a deceased person:

- (i) not subject to a coronial investigation and has not otherwise been destroyed pursuant to this section; or
- (ii) an appropriate order has been obtained from the coroner,

the property should be disposed of:

- (i) in the case of a deceased who leaves a will, by returning the property to the administrator or executor of the estate; or
- (ii) in the case of a deceased who dies intestate, by handing the property to the Public Trustee of Queensland or as directed by the Public Trustee.

Where property removed from the body of a deceased is contaminated or damaged to an extent that it would be deemed inappropriate to return it to a relative or lawful claimant (e.g. blood or excreta stained, etc.) it may be destroyed by the officer at this time (see s. 795: 'Disposal of clothing of deceased person' of the PPRA).

Prior to the destruction of any such property the officer should, where practicable and considered necessary:

- (i) obtain verbal approval from a suitable next of kin or relative of the deceased to destroy the property; and
- (ii) ensure that the property is photographed.

Where property is to be destroyed the officer should locate the property for disposal in QPRIME and ensure a Property Disposal Task is forwarded to the relevant property section. Officers should include the reason for the destruction of the property and why it was considered inappropriate to dispose of the property as otherwise provided for in this section. The property should be destroyed by placing it in the receptacle designed for contaminated waste or by burning it.

Members seeking advice concerning the disposal of property seized whilst investigating a reportable death should contact the Coronial Support Unit (Coroners Court of Queensland), Forensic Services, Operations Support Command.

4.6.10 Disposal of weapons and weapon related things

When a weapon (as defined in SMD, which does not include a knife unless a category M weapon):

- (i) has been seized by an officer (including where it has been relinquished to the Service by its owner or lawful claimant, refer to s. 4.6.8: 'Disposal of property under a relinquishing order' of this chapter);
- (ii) is found by a person other than an officer and given to an officer as apparent lost property; or
- (iii) otherwise comes into the possession of an officer in the course of performing the officer's functions;

officers are to deal with the weapon in accordance with the provisions of ss. 714: 'Disposal of weapons' and 715: 'What is the appointed day for disposal of weapons under s 714' of the PPRA.

A weapon is not to be delivered to a person authorised to possess if:

- (i) its further retention is required to prevent:
 - (a) a person using the weapon to cause harm to themselves or some other person;
 - (b) an offence;
 - (c) a breach of the peace; or
 - (d) an act of domestic violence or associated domestic violence;
- (ii) a court or justice otherwise orders the destruction, forfeiture or disposal by other than returning it to the owner or person lawfully entitled to possess it;

(iii) a domestic violence order (including a police protection notice (PPN) or release conditions) is made or exists naming the owner of the weapon as the respondent (see s. 29B: 'Arrangements for surrender of suspended or revoked licences and weapons' of the *Weapons Act* (WA)); or

(iv) the weapon is subject of a coronial investigation under the *Coroners Act*. See also s. 4.6.9: 'Disposal of deceased person's property' of this chapter.

Where a weapon is in the possession of an officer as a result of a domestic violence incident, refer to s. 9.9.2: 'Disposal of weapons' of this Manual.

If the weapon cannot be delivered to a person under s. 714(1) of the PPRA, within three months after the 'appointed day' or if s. 29B of the WA applies and the owner of the weapon has not made arrangements with an officer for a licensed dealer or licensed armourer in company with the owner, to collect the weapon within three months of the weapon being given to the officer, the weapon is forfeited to the State (see s. 714(3) of the PPRA and SMD).

Disposal of proscribed things

A proscribed thing as defined in Schedule 6: 'Dictionary' of the PPRA includes:

(i) a weapon:

(a) generally means:

- a firearm;
- another thing proscribed under a regulation to be a weapon or within a category of weapon; or
- a thing that would be a weapon as above if it were not temporarily inoperable or incomplete; and

(b) includes a restricted item;

(ii) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow, sword or knife;

(iii) an explosive;

(iv) a replica of a weapon (see s. 6A: 'What is a replica' of the *Weapons Act*);

(v) a replica of a thing mentioned in paragraph (ii) or (iii);

(vi) a slingshot or shanghai;

(vii) a laser pointer;

(viii) a thing made or adapted, or intended for use by the person possessing the thing, to injure or incapacitate another person;

(ix) a thing made or adapted, or intended for use by the person possessing the thing, to:

(a) assault another person, other than by injuring or incapacitating the other person;

(b) damage property; or

(c) disrupt business conducted by the State, or a non-commercial authority of the State, in a state building, including, for example, interrupting court proceedings; and

(x) another thing in the unlawful possession of the person possessing the thing.

When a proscribed thing:

(i) has been seized by a protective services officer (PSO) (including where it has been relinquished to the Service by its owner or lawful claimant, refer to s. 4.6.8: 'Disposal of property under a relinquishing order' of this chapter);

(ii) is found by a person other than a PSO and given to a PSO as apparent lost property; or

(iii) otherwise comes into the possession of a PSO in the course of performing their functions,

PSOs are to deal with the proscribed thing in accordance with the provisions of ss. 715AA: 'Disposal of proscribed thing' and 715AB: 'What is the appointed day for disposal of proscribed thing under s 715AA' of the PPRA.

A proscribed thing is not to be delivered to a person authorised to possess if:

(i) its further retention is required to prevent:

(a) a person using the weapon to cause harm to themselves or some other person;

(b) an offence;

(c) a breach of the peace; or

(d) an act of domestic violence or associated domestic violence;

(ii) a court or justice otherwise orders the destruction, forfeiture or disposal by other than returning it to the owner or person lawfully entitled to possess it;

(iii) a domestic violence order (including a police protection notice (PPN) or release conditions) is made or exists naming the owner of the weapon as the respondent; or

(iv) the weapon is subject of a coronial investigation under the Coroners Act. See also s. 4.6.9: 'Disposal of deceased person's property' of this chapter.

If the proscribed thing cannot be delivered to a person under s. 715AA(1) of the PPRA, within three months after the 'appointed day' the proscribed thing is forfeited to the State (see s. 715AA(3) of the PPRA).

Responsibilities when returning weapons

Officers and PSOs considering delivering a weapon to a person should ensure that Part 3: 'Acquisition, sale and disposal of weapons' of the WA is complied with.

ORDER

Prior to delivery of the weapon to a person mentioned in:

- (i) s. 714(1) of the PPRA, officers; and
- (ii) s. 715AA(1) of the PPRA, PSOs,

are to ensure that the person may lawfully possess the weapon.

Responsibility of the prosecutor in a proceeding involving a weapon, weapon related thing or ammunition

The prosecutor at the conclusion of a proceeding, is to seek an order from the court as to the disposal of the weapon, weapon related thing or ammunition. In most instances, the order sought should be that the thing be destroyed. Where a thing may be of use to the Service or another government department, an appropriate order should be sought. At the conclusion of the proceedings, prosecutors should 'expire the exhibit' in the relevant QPRIME occurrence.

Weapon forfeited to the State

Where a category R weapon is surrendered under the National Firearms Amnesty officers should also consider the section 'Weapons surrendered to approved licenced dealers and stations under the National Firearms Amnesty' in s. 4.3.7: 'Weapons' of this chapter. See also the National Firearms Amnesty policies and procedures available on the National Firearms Amnesty webpage on the Weapons Licensing (WL), OSC website of the Service Intranet.

When a weapon is forfeited to the State, the reporting officer is to commence a property disposal workflow task in the relevant QPRIME occurrence for the disposal of the weapon to be approved by an authorised officer (see Delegation D 24.24 and s. 4.6.3: 'Direction for disposal of forfeited property' of this chapter).

The task should outline the brief circumstances surrounding the weapon including:

- (i) how the weapon came to be in police possession;
- (ii) relevant legislative provisions under which the weapon:
 - (a) was seized; and
 - (b) may be disposed of; and
- (iii) refer to all relevant correspondence including any:
 - (a) forfeiture orders;
 - (b) court orders;
 - (c) relinquishing orders; and
 - (d) certificate of convictions.

Weapons destruction

District officers and commanders (DO) are responsible for ensuring the coordination and supply of sufficient resources and equipment to facilitate destruction, appropriate training of members to use any equipment for weapons destruction and identifying suitable destruction facilities within their geographical area.

A suitable disposal facility includes:

- (i) a metal recycling facility which has a metal shredder;
- (ii) industrial furnace; or
- (iii) other facility,

approved for the destruction of weapons by the relevant DO.

Upon approval by an authorised officer for disposal of a weapon by way of destruction, the property officer at the property point where the weapon is stored is to:

- (i) modify the property entry in the relevant QPRIME occurrence indicating the weapon is held pending destruction;
- (ii) If not all of the information is known for the QP 0554: 'Weapon/firearm destruction schedule', ensure a QPRIME supplementary report is entered that provides the following details:
- (a) weapon inspected by <name of inspecting officer> on <inspection date>; and
 - (b) if the model cannot be determined – model unknown;
 - (c) if the weapon is homemade – no factory serial number; and
 - (d) if the serial number:
 - cannot be located – no factory serial number; and
 - is illegible – serial number obliterated;
- (iii) where the weapon is a firearm:
- (a) enter details of the firearm, including a unique weapon number obtained from QPRIME into a QP 0554: 'Weapon/Firearm destruction schedule' (available in QPRIME);
 - (b) at least 28 days prior to planned destruction date, email a copy of the QP 0554 to WL Enquiries advising of the planned destruction and include the date planned destruction (if known);
 - (c) await advice from WL before destruction, and ensure any firearm deemed by WL, OSC to be unsuitable for destruction is retained and the details of that firearm are removed from the QP 0554;
 - (d) prior to destruction, ensure the authorised member or independent person inspects the firearm(s) to be destroyed against the details recorded in the QP 0554;
 - (e) after destruction, ensure the authorised member or independent person signs and dates the QP 0554 certifying that they observed the destruction of the firearm(s);
 - (f) email a copy of the signed and completed QP 0554 to Weapons Licensing Enquiries and retain the original copy at the property point; and
- (iv) finalise the property entry in the relevant QPRIME occurrence in accordance with s. 4.6.21: 'Finalising a property entry in QPRIME' of this chapter.

Supervision of weapons destruction

ORDER

Category A, B, C, D, H and R weapons (see Weapons Categories Regulation) destruction is to be conducted by:

- (i) a property officer;
- (ii) a member of Evidence Management, CIC; or
- (iii) another person nominated by a district officer, commander or director,

under the supervision of:

- (i) a commissioned officer; or
- (ii) the OIC, Evidence Management, excluding weapons held at Evidence Management; or
- (iii) another member authorised by a district officer, commander or director, or in designated remote and rural locations, an independent person authorised by the relevant district officer or equivalent.

Method of destruction

ORDER

Only members who have received the appropriate training are to use any equipment in the destruction of weapons. Equipment is to be operated at all times in accordance with the manufacturer's instructions.

Weapons are to be destroyed by:

- (i) crushing or cutting the centre point of the action/breech and in close proximity to the firing mechanism as to render those inoperable; and
- (ii) placing those in a metal shredder or industrial furnace or where these facilities are not available, compacting and/or burying those in a Service-approved waste facility.

Weapon related things

Generally, weapon related things coming into the possession of an officer in the course of performing their duty should be dealt with in accordance with the general provisions of the PPRA relating to property and this chapter.

Weapons Licensing to be notified

Weapons Licensing:

(i) require notification of all lodged or disposed of:

- (a) firearms;
- (b) major firearm components;
- (c) ballistic vests;
- (d) crossbows; and
- (e) category M bladed weapons,

(see the Weapons Categories Regulation); and

(ii) generate a daily QPRIME report which records the movement of all weapon transactions e.g., lodged and disposed weapons from police establishments. This information is captured from the Property Tags in QPRIME.

All occurrences and property tag numbers for each lodged weapon must be generated in QPRIME:

(i) by searching for the serial number against the owner and the address where the firearm was located to determine if the weapon is:

- (a) registered, the weapon and the owner must be linked to the occurrence; or
- (b) unregistered all relevant details of the firearm or weapon must be entered into QPRIME, including:
 - the description;
 - make;
 - model;
 - serial number;
 - calibre;
 - magazine capacity;
 - action;
 - barrel length and auxiliary serial number if applicable; and
 - remarks for further information about the weapon, e.g. firearm has been shortened, or bolt/magazine missing,

and where any details are unknown, they should be entered as unknown; and

(ii) when it is discovered, the weapon had previously been recorded, i.e., two entries for the same weapon, WL are to be advised immediately.

All weapon details should be verified against QPRIME to ensure the Commissioner's Weapons Register is maintained. Serial numbers should be physically verified with the actual weapon against QPRIME so that all details are accurate. If any modifications are required to the weapon details, members should forward an email to weaponslicensing@police.qld.gov.au. Only members of WL are authorised to make changes.

In the event that QPRIME is not updated on receipt of the weapon being lodged or disposed, WL should be notified within 48 hours.

Notification to WL can be made by entering the information into QPRIME and is to include:

(i) details of the property point:

- (a) where the weapon was lodged; or
- (b) if disposed of to another property point, this location;

(ii) date of lodgement or disposal;

(iii) QPRIME occurrence number and, if relevant, Field Property Receipt number;

(iv) the reason the weapon:

- (a) came into the possession of the Service (e.g. surrendered, seized, relinquished or found); or
- (b) was disposed of;

(v) the name and address, date of birth and, if applicable, the WA licence number of the person:

- (a) who surrendered or relinquished the weapon;

- (b) from whom the weapon was seized; or
- (c) if the weapon was not disposed of to another property point, to whom the weapon was disposed;
- (vi) the name and registered number of the responsible officer and, if a different officer, the investigating officer.

4.6.11 Disposal of animals

Disposal under s. 140 of the PPRA

POLICY

Reporting officers are to arrange disposal of animals seized under s. 137: 'Removal of animals from roads and other places' of the PPRA:

- (i) in compliance with Chapter 6, Part 4: 'Removal powers for animals' of the PPRA;
- (ii) where a QP 703A: 'Notice to owner re seizure of animal' has been served;
- (iii) the animals have not recovered by the owner,
- (iv) by making an application in writing to their officer in charge (OIC) for a written direction under s. 140: 'Recovery of seized animal' of the PPRA by the Commissioner or an authorised delegate (see Delegation D 24.10) as to how that animal is to be disposed of;
- (v) on receipt of a direction ensure:
 - (a) a copy of the direction is scanned as an attachment to the relevant QPRIME occurrence;
 - (b) the property is dealt with as soon as practicable; and
 - (c) where being sold, a notice of the proposed sale is published on the Public Notices page of the QPS internet (see s. 4.9.4: 'Publication of a notice on the QPS website' of this chapter).

The OIC or other officer who receives an application for a direction is:

- (i) ensure ss. 139: 'Steps after seizing animal' and 140 of the PPRA, have been complied with;
- (ii) ensure the stated approximate value of the animal is reasonable, and if deemed appropriate, supported by documentation; and
- (iii) where authorised make a written direction, or refer the matter through the chain of command to the appropriate authorised officer, where the value of property is within their authorised limit:

Class of officer	Value of property
Commissioner	No limit
Deputy commissioner	
Assistant commissioner	Up to \$50,000.00
Chief superintendent	
Superintendent	Up to \$25,000.00
Inspector	
Officer in charge of a station	Up to \$5,000.00

Generally, animals are to be disposed of by public auction.

Disposal under the Animal Care and Protection Act

POLICY

A reporting officer who seizes an animal under s. 146(2)(d): 'Power in relation to offences involving animals' of the PPRA, can under the conditions of s. 154: 'Power to forfeit' of the *Animal Care and Protection Act* apply to the Chief Executive of the Department of Environment and Heritage Protection for forfeit of the animal by:

- (i) completing a report which includes:
 - (a) the circumstances of seizure;
 - (b) the grounds on which the forfeiture is sought addressing s. 154(2), (3) and (4) of the *Animal Care and Protection Act*;
 - (c) the name and address of the owner, if known; and
 - (d) copies of the Property receipts and any the animal welfare direction; and
- (ii) forwarding the completed report to the officer in charge of their region or command who should seek a direction, in writing, from the Chief Executive, Department of Environment and Heritage Protection (see SMCD).

4.6.12 Disposal of electronic devices and storage media

There remains a risk of data remaining on computers and electronic storage devices after sanitisation actions have been completed.

ORDER

Computers and electronic storage devices are to be disposed of in accordance with this section, unless the item is to be disposed of by:

- (i) returning the item to the owner; or
- (ii) sanitising and appropriating the item to the Service.

Any decision to sanitise and appropriate a device to the Service is to be made on a cost versus benefit basis and officers are to seek the specialist technical advice of the Electronic Evidence Unit (EEU) or their district electronic evidence technician when making any determination.

Removable electronic storage media such as floppy disks, flash cards, SIM cards and memory sticks are to be removed and destroyed prior to disposal of the computer or electronic storage device.

Due to the risk of an explosion or fire, members are not to physically destroy computers or electronic storage devices by striking the device with a hammer or similar.

Court proceedings and orders

ORDER

Where an electronic device and storage medium in possession of the Service is believed to or contains illegal data, reporting officers are to seek an order under s. 719: 'Order for forfeiture of relevant things connected with offences' of the PPRA (see also s. 4.6.2: 'Forfeiture of property including orders' of this chapter).

To allow prosecutors to make submissions to the court, when a defendant makes application under s. 701: 'Disposal of seized things at the end of proceeding' of the PPRA officers are to include on the Court Brief (QP9) an instruction to prosecutor as to the nature of illegal data contained within the electronic device or storage media and the intended disposal method.

Prosecutors who receive no instructions or an application is made under s. 701 of the PPRA are to seek an adjournment to seek the specialist technical assistance of the EEU.

Disposal of mobile telephones, wearable devices, and tablets

The Service has entered into an agreement with Mobile Muster, a nationally accredited not-for-profit recycling program to recycle:

- (i) mobile telephones;
- (ii) 'wearable' accessories, e.g. earphones, fitness watches, etc.;
- (iii) charging devices and accessory cords; and
- (iv) 'tablet' style devices, e.g. iPads etc.

The devices will be either dismantled or shredded and recycled destroying the data, at no cost to the Service.

ORDER

Property points are to dispose of mobile telephones, wearable devices, and tablets through the Mobile Muster collection system. A receipt will be emailed to the property point on receipt of the devices, as well as an annual certificate provided to the Service, confirming the total number of devices received by Mobile Muster.

Small stations can dispose of mobile telephones, wearable devices, and tablets by using the Mobile Muster satchel, available at Post Offices.

Mobile telephones, wearable devices, and tablets are not to be disposed of through the Mobile Muster recycling points at telecommunications outlets.

Disposal of laptop and office computers

Laptop and office computers should be disposed of using the Whole of Government Standing Offer Arrangement, managed by Frontline and Digital Division.

4.6.13 Disposal of vehicles including loads or other things

See also s. 128A: 'Immediate disposal in particular circumstances' of the PPRA.

POLICY

The reporting officer or, where appropriate, property officers should dispose of unclaimed or uncollected vehicle from property points which may be lawfully returned to the owner:

(i) under ss. 4.6.2: 'Forfeiture of property including orders' and 4.6.3: 'Direction for disposal of forfeited property' of this chapter unless seized under s. 124: 'Removal of vehicle or load or other thing' of the PPRA; or

(ii) by sending a QPRIME task, requesting a direction under s. 127: 'Disposal of seized or moved vehicle, load or other thing' of the PPRA to the officer in charge as to how that vehicle, load or other thing is to be disposed of.

Officers who receive a QPRIME task requesting a disposal direction under s. 127 of the PPRA are to:

(i) satisfy themselves that:

(a) all conditions relating to the making of the direction, as required under the relevant provisions ss. 126 and 127 of the PPRA, have been complied with or fulfilled; and

(b) the stated approximate value of the vehicle, load or other thing is reasonable, and if deemed appropriate, supported by documentation;

(ii) make a disposal direction if:

(a) authorised under Delegation D 24.47; and

(b) the value of property is within their authority as follows:

Class of officer	Value of property
Commissioner	No limit
Deputy commissioner	
Assistant commissioner	Up to \$50,000.00
Chief superintendent	
Superintendent	Up to \$25,000.00
Inspector	
Officer in charge of a station	Up to \$5,000.00

or

(iii) refer that matter to an appropriately authorised officer.

The method of disposal of vehicles and other property seized should generally be by public auction (see s. 4.6.18: 'Public auction procedures' of this chapter).

Reporting officers or property officers on receipt of a disposal direction under s. 127 of the PPRA are to ensure that if the vehicle, load or other thing is to be sold, a public notice of the proposed sale is to be published on the QPS internet (see s. 4.9.4: 'Publication of a notice on the QPS website' of this chapter).

4.6.14 Disposal of drug matter

The decision to retain or dispose of drug matter—including representative samples—are to be weighed against the risk of failed prosecution and judicial criticism. To manage the associated risks, drug matter is to be disposed of in accordance with the PPRA and *Drugs Misuse Act (DMA)* as soon as possible. The decision to dispose of or retain drug matter is to be made on a case-by-case basis.

Drug matter may be disposed of under:

(i) s. 705: 'Destruction of drug matter soon after it is seized etc.' of the PPRA (see 'Safe destruction of drugs to prevent further offences' of this section);

(ii) s. 705A: 'Disposal of things used for administering etc. dangerous drugs' of the PPRA. The authority under this section has been delegated to some officers in charge and property officers (see Delegation D 24.50);

(iii) s. 707: 'Alternative to destruction if drug matter is thing used in the commission of a drug offence' of the PPRA (see 'Alternative disposal of drug offence thing' of this section);

(iv) s. 713: 'When drug matter may be destroyed' of the PPRA (see 'Destruction of drug matter if notice required' of this section);

(v) s. 701: 'Disposal of things at end of proceeding' of the PPRA; where a court has made an order with respect to the forfeiture, destruction or disposal of that matter (see 'Prosecutor to request forfeiture order at end of hearing or trial' in s. 4.6.2: 'Forfeiture of property including orders' of this chapter); and

(vi) s. 721: 'Dealing with forfeited things' of the PPRA, where it has been forfeited to the State under:

(a) s. 690: 'Forfeiture in particular cases' of the PPRA, for small quantities of drug matter where there is no or minimal likelihood of detecting an offender are automatically forfeited upon determination of the authorised delegate (see Delegation D 24.18);

- (b) s. 719: 'Order for forfeiture of relevant things connected with offences' of the PPRA, for large quantities of drug matter which have not been destroyed and for which there is no or minimal likelihood of detecting an offender, upon determination of the authorised delegate (see 'Forfeiture orders' in s. 4.6.2: 'Forfeiture of property including orders' of this chapter and Delegation D 24.22);
- (c) s. 379AB(5): 'Drug diversion agreement' of the PPRA (see s. 2.22.10: 'Forfeiture of minor drugs matter' of this Manual); or
- (d) s. 32(8): 'Forfeiture of dangerous drugs' of the DMA (see 'Applications for Drugs Misuse Act forfeiture orders' of this section),

(see s. 4.6.3: 'Direction for disposal of forfeited property' of this chapter).

ORDER

Officers in charge are to ensure that any drug matter held at property points under their control is disposed of as soon as statutory provisions allow.

Safe destruction of drugs to prevent further offences

When drug matter is located where the provisions of s. 705 of the PPRA apply:

- (i) officers are to, before destroying the drug matter:
 - (a) comply with s. 706: 'Steps police officer must take before destroying drug matter under s 705' of the PPRA;
 - (b) for dangerous drugs, either at the scene—if practicable—or otherwise, request an analyst or botanist:
 - examine it. In the case of plantations, examine each plant, where practicable. Where the size of the plantation makes this impracticable, the analyst is to examine a selection of plants which constitutes a representative sample of the plantation;
 - take a representative sample of the dangerous drug; and
 - issue a certificate which identifies the type of dangerous drug and either its weight or volume, or in the case of plants, the height and number of plants;
 - (c) if practicable, consult with the property officer of the property point or the OIC of the station or establishment where the drug matter would ordinarily be taken/stored, as to the suitability and safety of keeping the drug matter at the property point, station or establishment;
 - (d) destroy the drug matter in accordance with 'Who may destroy drug matter' of this section.
- (ii) the senior officer present is responsible for:
 - (a) the destruction; and
 - (b) where a decision is made to move it to another place, where it can be safely destroyed, ensuring the packaging and transport of the drug matter, in a manner which is safe to persons and property.

(see also 'Safety and additional considerations' of this section).

Alternative disposal of drug offence thing

Section 707 of the PPRA authorises the Commissioner to dispose of drug matter in the way the Commissioner considers appropriate instead of destroying it, e.g. the Commissioner may give a hydroponics system previously used for growing dangerous drugs to a school for use for an agricultural purpose.

Where a thing used or intended for use in the commission of a drug offence:

- (i) which may include:
 - (a) smoking utensils such as pipes or bongs in relation to the smoking of a dangerous drug;
 - (b) spoons and other similar items in relation to the consumption or administering of dangerous drugs;
 - (c) lighting, pots, fertiliser, irrigation systems, thermometers, test kits, power leads, generators etc. used in hydroponics systems or plantations; and
 - (d) glassware, bottles, chemicals, apparatus and other items used in clandestine laboratories.
- (ii) is located where the provisions of s. 705 of the PPRA apply, officers may seek a direction for disposal under s. 707: 'Alternative to destruction if drug matter is thing used in the commission of a drug offence' of the PPRA, from an authorised delegate (see Delegation D 24.17); and
- (iii) the authorised delegate under Delegation D 24.17, if satisfied the conditions have been met, may direct that the thing be:
 - (a) photographed; and

(b) disposed of in a way they think appropriate:

- is lawful;
- is fair and equitable;
- does not attract undue criticism of the Service; and
- minimises or eliminates any risk of injury or illness to any person, or damage to any property not subject of the disposal.

Destruction of drug matter if notice required

Drug matter should be destroyed under s. 713: 'When drug matter may be destroyed' of the PPRA where:

- (i) no other disposal provisions apply; and
- (ii) the drug matter is subject to or likely to be subject to a proceeding for an offence; or
- (iii) all proceedings have concluded.

An officer who gives a Form 049: 'Destruction notice (drugs)' (available in QPRIME) under s. 710(1): 'Destruction notice may be given to person' of the PPRA to a person reasonably suspected of having committed an offence in which drug matter is involved, is to:

(i) give the document:

- (a) by delivering it to the person personally; or
- (b) by leaving it at, or by sending it by post, or facsimile or similar facility to, the address of the place of residence or business of the person last known to the person serving the document (see ss. 39: 'Service of documents' and 39A: 'Meaning of service by post etc.' of the *Acts Interpretation Act*); or
- (c) if the person's name and location are not known or the person cannot be located, by:
 - making the information required to be stated in the approved form available on the Service website to the extent the information is known; and
 - ensuring, if being serviced on a child s. 710(4) of the PPRA is complied with,(see s. 4.9.4: 'Publication of a notice on the QPS website' of this chapter for details as to how to give notice on the Service website); and

(ii) ensure it is endorsed with a declaration of service or records are made of the details of its posting.

If a written request (analysis request) under s. 711: 'What destruction notice must state' of the PPRA is received in response to the service of a Form 049:

- (i) the receiving member is to ensure it is delivered to the OIC of the officer who served the form;
- (ii) the OIC, if not an authorised delegate (see Delegation D 24.17) forward to an authorised delegate in the chain of command;
- (iii) the authorised delegate is to exercise the functions and powers of the Commissioner under Chapter 21, Part 3, Division 3, Subdivision 3: 'Destruction of drug matter if notice required' of the PPRA.

An appropriately qualified person (independent analyst) is a person appointed or declared as an analyst under s. 4C: 'Analysts' of the DMA.

A representative sample is only to be made available to an independent analyst at the Forensic Chemistry Section (FCS), Queensland Health Scientific Services or the Queensland Herbarium.

Where a sample of drug matter, at a property point, is to be made available to a person from whom it was seized, the reporting officer, or other member required by the authorised delegate, should:

- (i) take a representative sample of the drug (see 'Taking representative sample of drugs' of this section). The reporting officer should conduct a drug transfer and ensure appropriate corroborative practices are used (s. 4.2.5: 'High risk property' of this chapter);
- (ii) appropriately package and describe the representative sample in accordance with ss. 4.8.7: 'Minimum storage requirements' and 4.5.2: 'Forensic examination of drug matter' of this chapter. Any queries concerning the correct packaging of items for analysis should be directed to the FCS or the relevant independent analyst;
- (iii) ensure the representative sample is clearly identifiable with the relevant QPRIME occurrence number and attach a copy of the property evidence report' for the relevant QPRIME property entry;
- (iv) complete the relevant property movement in the QPRIME occurrence see 'Property Management: Relocate Property' of the QPRIME User Guide;

- (v) convey or arrange for the conveyance of the drug to the independent analyst in line with local arrangements ensuring continuity of identification is maintained. The drug is not to be handed to the independent analyst unless a receipt for the drug is issued;
- (vi) ensure only items which require analysis are delivered to the independent analyst;
- (vii) deliver or arrange for the delivery of the receipt for the representative sample to the property officer of the property point from which the drugs were taken. The receipt together with the written requirement is to be scanned as an attachment to the relevant QPRIME occurrence; and
- (viii) ensure details of the requirement are entered in the appropriate field of the relevant QPRIME occurrence report.

Applications for Drugs Misuse Act forfeiture orders

Where applications for the forfeiture of drug matter may be made under the DMA and PPRA, the PPRA is to be used.

Where circumstances require that an application for the forfeiture of dangerous drugs or drug related property be made under ss. 32: 'Forfeiture of dangerous drugs' and 34: 'Forfeiture orders' of the DMA, officers are to:

- (i) commence a civil proceeding by using a Form 005: 'Originating application (generic)';
- (ii) follow the procedures referred to in s. 13.30: 'Starting a civil proceeding' of this Manual;
- (iii) ensure any certificate of analysis and dangerous drugs with respect to s. 32 applications or, where practicable, drug related property with respect to s. 34 applications, is available for production in court;
- (iv) when the order is issued and, following appeal period, initiate action to destroy dangerous drugs or otherwise dispose of the drug related property in accordance with the order and the provisions of the DMA;
- (v) notify the OIC of the relevant property point of the order and any other action taken; and
- (vi) where the offender, listed as a respondent in the Form 005, is interstate refer to s. 14.29.6: 'Interstate service of an originating process' of this Manual.

Where the application is made by a member, other than the reporting officer, two affidavits are required. One by the reporting officer as to how the reporting officer came to be in possession of the dangerous drug or drug related property and subsequent dealings by that officer and one by the applicant as to the applicant's part in the proceedings.

Drug matter held at the Forensic Chemistry Section (FCS)

ORDER

As soon as practicable after the relevant order or decision is made, under the PPRA, to destroy drug matter held at the FCS:

- (i) the reporting officer is to:
 - (a) draft a letter to the FCS requesting that drug matter be destroyed; and
 - (b) submit that letter and the reporting officer copy of the property register entry to their OIC;
- (ii) OIC is to check it for accuracy and forward it to the FCS if deemed suitable;
- (iii) upon receipt of a certificate of destruction from the FCS, the reporting officer is to transmit that certificate to the OIC of the property point where the drug or thing was being held prior to conveyance to the FCS; and
- (iv) the property officer is to ensure the certificate of destruction is placed in the relevant property register entry.

Taking representative samples of drugs

A reporting officer or a property officer who is required to retain or make available a representative sample of a dangerous drug or a controlled substance under ss. 705: 'Destruction of drug matter soon after it is seized' and 710: 'Destruction notice may be given to person' of the PPRA or otherwise is to first contact a scientific officer for advice on the taking of the sample.

Who may destroy drug matter

With the exception of drug matter destroyed pursuant to s. 705 of the PPRA, forfeited drug matter, or drug matter directed to be destroyed, is to be destroyed:

- (i) by the property officer, under the supervision of:
 - (a) a commissioned officer; or
 - (b) another person authorised by the district officer; or
- (ii) by the property officer, in the presence of:
 - (a) a property officer or analyst at the FCS;

- (b) an officer or employee of the department within which the *Medicines and Poisons Act* is administered (i.e. Queensland Health); or
 - (c) a local government employee appointed by the chief executive officer of the local government to enforce relevant health and environment legislation and local laws; or
- (iii) at the FCS by:
- (a) a property officer; or
 - (b) an officer or employee of the department within which the *Medicines and Poisons Act* is administered who is authorised under the *Medicines and Poisons Act* or another Act or Regulation to carry out the destruction of dangerous drugs.

When personally destroying drug matter, the property officer is to maintain control of that drug matter at all times. However, for practical reasons, another person present at the destruction may be required to handle the drug matter for brief periods of time e.g. placing the drug matter into an incinerator.

Wherever practicable, the above provisions also apply to drug matter to be destroyed pursuant to s. 705 of the PPRA.

Methods of destruction

Where drug matter is to be disposed of by destruction, the following methods of destruction/disposal are to be used. If the drug matter is:

- (i) a dangerous drug:
 - (a) for plant material, by high-temperature or low-temperature incineration;
 - (b) for a dangerous drug in the form of a powder:
 - by high temperature incineration; or
 - by dilution;
 - (c) for a dangerous drug in the form of a tablet:
 - by high temperature incineration; or
 - by crushing into a powder and diluting it;
- (ii) is a controlled substance:
 - (a) in a way decided by an analyst or other suitably qualified person; or
 - (b) by a person suitably licensed under the *Environmental Protection Act (EPA)* to dispose of or destroy regulated waste (see Chapter 1, Part 3, Division 2, Subdivision 4: 'Environmentally relevant activities' of the EPA and Chapter 3: 'Environmentally Relevant Activities' of the Environmental Protection Regulation);
- (iii) is something that has been used in the administration, consumption or smoking of a dangerous drug, the matter is to be destroyed in a way that prevents it being used in the commission of an offence. For such matter incineration may be suitable, however may not be environmentally sound for some types of things – for example, it may be preferable to cut plastic products into pieces;
- (iv) is something used in or for manufacturing of a dangerous drug, and is not a controlled substance (e.g. a hydroponics system, or the components of an illicit drug laboratory), the matter is to be destroyed in a way that prevents it being used in or for manufacturing of a dangerous drug; and
- (v) is a hypodermic syringe or needle, it is to be disposed of in a way prescribed under s. 3: 'Prescribed procedures for the disposal of hypodermic syringes and needles' of the Drugs Misuse Regulation and in accordance with the provisions of s. 64: 'Disposal of needles and other sharps' of the Waste Reduction and Recycling Regulation (WRRR). See also First Aid and Infection Control within Safety and Wellbeing of the Human Resources Policies.

Safety and additional considerations

An officer who destroys drug matter is to, before destroying the matter, consider:

- (i) the *Work Health and Safety Act*;
- (ii) waste management legislation, i.e. the WRRR;
- (iii) the safety of the community generally;
- (iv) how effective the way of destroying the drug matter will be in preventing it from being used in or for the commission of an offence; and
- (v) the impact destroying the drug matter may have on the environment.

Additionally, where considered necessary, such officers are to obtain advice concerning any personal and environmental health and safety issues which may arise from the destruction of the drug matter from:

- (i) a state environmental health officer;
- (ii) a local authority health inspector;
- (iii) the medical superintendent of a public hospital;
- (iv) a government medical officer; or
- (v) the Environment Division, Department of Environment, Science and Innovation (see SMCD).

An officer or property officer who destroys drug matter is to, as soon as practicable after the destruction:

- (i) obtain a suitable receipt from the person supervising the destruction (see s. 4.6.21: 'Finalising a property entry in QPRIME' of this chapter); and
- (ii) ensure the receipt is scanned as an attachment to the relevant QPRIME occurrence relating to the relating to the destroyed drugs.

Regional and local considerations

Destruction of drug matter should be specified in the regional property plan, and include, where applicable, identification of persons authorised by the OIC of the region or command who may supervise the destruction of drug matter.

Arrangements for the destruction of drug matter are to be developed locally by the OIC, and include:

- (i) locations of suitable high-temperature and low-temperature incineration facilities within their district or division;
- (ii) contact details of suitable persons licensed under the EPA to dispose of or destroy regulated waste within their district or division;
- (iii) contact details of suitable officers or employees of the department within which the *Medicines and Poisons Act* is administered within their district or division who may destroy drug matter; and
- (iv) contact details of suitable persons within their district or division from whom advice with respect to environmental health and safety issues which may arise from the destruction of the drug matter may be sought.

Drug matter may be destroyed at any waste disposal facility which has the capability to comply with the provisions of this section.

In the case of stations or establishments which are reasonably accessible to the FCS, local arrangements for the destruction of drug matter may include destruction at the FCS.

4.6.15 Retention and use of dangerous drugs for training

The Service can retain possession of dangerous drugs for training purposes under Chapter 21, Part 4: 'Use of dangerous drugs for training' of the PPRA, with the powers under this part of the PPRA with the exception of s. 734: 'Making commissioner direction' having been delegated to the Assistant Commissioner (AC), Operations Support Command (OSC) (see Delegation D 24.38).

Record retention

The AC, OSC is to maintain copies of:

- (i) instruments of appointment for drug control officers (DCO);
- (ii) agency arrangements;
- (iii) applications for Commissioner direction for a specific batch of a dangerous drug for training purposes;
- (iv) specific agency arrangements;
- (v) Commissioner directions issued; and
- (vi) all documents relating to batches of dangerous drugs to be used or used for training purposes.

Application for Commissioner direction

Where a need exists for a batch of a dangerous drug to be used for training and a suitable batch of a dangerous drug is in the possession of the Service, as prescribed under s. 734 of the PPRA:

- (i) the OIC, for a station or establishment; or
- (ii) the Inspector, Specialist Services Coordinator (ISSC), for Specialist Services Group (SSG),

is to liaise with the Superintendent, SSG, OSC to establish availability of the required dangerous drugs.

The OIC or ISSC, is to ensure an QP 0621: 'Application for Commissioner Direction for a specific batch of a dangerous drug for training purposes' is fully and accurately completed and submitted to the OIC of their region or command.

Where the drugs are to be obtained through an agency arrangement, the OIC of a station or establishment or ISSC in addition to an application, is ensure that a QP 0620: 'Specific Agency Arrangement' is completed.

The relevant OIC of the region or command is to consider the application. If the application is supported it is to be forwarded to the AC, OSC with appropriate recommendations and, if required, conditions which should be included in a Commissioner direction.

The AC, OSC may in cases where the batch of the dangerous drug:

- (i) identified, is to come into the possession of the Service under an agency arrangement, issue a fully completed QP 0620 relating to the identified batch of the dangerous drug; and
- (ii) is to be used for training is in the possession of the Service, including under an agency arrangement, ensure that a QP 0623: 'Commissioner Direction', relating to the specific batch of the dangerous drug is completed and submitted to the Commissioner for consideration and signature.

A Commissioner Direction may be amended or repealed and a new one issued by the Commissioner.

Drug vaults

The OIC of a region or command may establish and designate a drug vault for the keeping of dangerous drugs for training purposes within their area of responsibility after consulting with the AC, OSC for requirements associated with the design and construction of the proposed vault.

Audit of drug vaults

ORDER

The commissioned officer who has responsibility for the supervision of a drug vault is to ensure that an audit of the drug vault is conducted:

- (i) at least once every three months;
- (ii) at the time of relinquishment of the role and functions of a DCO; and
- (iii) by an officer not otherwise directly associated with the keeping or use of dangerous drugs for training purposes;
- (iv) in accordance with the requirements of s. 736: 'Requirements for keeping of dangerous drugs for training purposes' of the PPRA; and
- (v) includes examination of all documentation and records relating to a particular batch of a dangerous drug.

The accuracy of scales used in measuring the batches of dangerous drugs or part thereof stored in a drug vault are to be certified in accordance with the requirements of Technical Note 13: 'User checks of balance calibration' published by the National Association of Testing Authorities (NATA) (available from the OIC, Forensic Services Group, OSC).

A copy of the three monthly audit report is to be forwarded to the AC, OSC, and the AC, Ethical Standards Command.

Recording movement

A QP 0622: 'Record of movement of dangerous drugs' is to be used by a DCO to record the movement of a batch of a dangerous drug as required under s. 738(2): 'Information to be recorded in the register of dangerous drugs for training' of the PPRA. The DCO is to ensure that a signed acknowledgement is obtained from a DCO or authorised officer taking possession of the batch of the dangerous drug or part thereof.

Members taking possession of dangerous drugs from a drug vault and returning dangerous drugs to the drug vault are to ensure that the relevant QP 0622 is appropriately completed and signed as required.

Authorised officers, subject to the conditions of the relevant commissioner direction, are to ensure that while the batch of a dangerous drug is in their effective control that appropriate security is maintained.

Appointment of DCOs

DCOs are to be appointed in relation to established drug vaults in accordance with the provisions of the PPRA and this policy.

Where considered necessary, the OIC of a region or command are to nominate an appropriate member for appointment as a DCO for each designated drug vault within their area of responsibility. Nominations are to be forwarded to the AC, OSC for consideration addressing the requirements in s. 727: 'Appointment and qualifications' of the PPRA.

The AC, OSC, if satisfied the nominated person is qualified for appointment as a DCO, may appoint the person by issuing an:

- (i) instrument of appointment in accordance with s. 728: 'Appointment conditions' of the PPRA; and
- (ii) identity card in accordance with s. 729: 'Issue of identity card';

To issue an identity card, the AC, OSC is to ensure a copy of the instrument of appointment is forwarded to the Manager, Building Services at Police Headquarters for production of the card. The completed identity card is to be forwarded to the AC, OSC for issue to the DCO unless otherwise arranged with the AC, OSC.

A DCO is to ensure:

(i) that prior to the expiry date of the relevant identity card, necessary arrangements are made with the AC, OSC for renewal of the identity card; and

(ii) compliance with s. 731: 'Return of identity card' of the PPRA.

Although legislation does not restrict the number of officers that may be appointed as a DCO, consideration should be given to the risks and security issues that may arise from having multiple DCOs for specific drug vaults.

Responsibilities of DCOs

ORDER

A DCO is:

(i) to comply with the conditions of appointment and the provisions of Chapter 21, Part 4 of the PPRA;

(ii) is responsible for the transport, security, storage, control and destruction of a batch of a dangerous drug;

(iii) is to comply with the applicable QP 0620 where issued, and the relevant QP 0623 when taking possession of a batch of a dangerous drug; and

(iv) where a batch of a dangerous drug is obtained from the Australian Federal Police (AFP), through a QP 0620:

(a) ensure a copy of the QP 0620 is handed to the Drug Registrar, Brisbane Office, AFP prior to the actual release of the dangerous drugs;

(b) ensure a copy of the QP 0623 under a QP 0620 is supplied to the Team Leader, Drug and Property Registry, Brisbane Office, AFP within 14 days of receipt; and

(c) as soon as practicable following the receipt, ensure a copy of the AFP Drug transfer form is given to the AC, OSC.

(v) not to act as the DCO for a particular batch of a dangerous drug used for training that the DCO is directly involved in. The DCO duties related to the removal from and return to, of the dangerous drug, to the drug vault for the purpose of training, are to be performed by an authorised officer, who is not involved in the training; and

(vi) to ensure when destroying a batch of dangerous drugs that:

(a) are destroyed by, or in the presence of, an officer or employee:

- of the department within which the *Medicines and Poisons Act* is administered; and
- authorised under the *Medicines and Poisons Act* or another Act or Regulation;

(b) they obtain a receipt for destruction from the above mentioned officer or employee which includes the applicable reference numbers (i.e. AFP seizure number(s), property item number, sub-item number, QPRIME Occurrence number) of the dangerous drugs being destroyed; and

(c) where a batch of the dangerous drug has been obtained from the AFP, through a QP 0620 they forward a copy of the receipt to the Team Leader, Drug and Property Registry, Brisbane Office, AFP within 28 days of the destruction.

Retention of drug matter other than dangerous drugs

For the retention of drug matter, other than dangerous drugs see s. 4.6.16: 'Things of use to a government department' of this chapter.

4.6.16 Things of use to the Service or a government department

Where property may be of use to the Service or another government department and is:

(i) to be disposed of either under ss. 702: 'Commissioner to decide way of destruction or disposal' or 721: 'Dealing with forfeited things' of the PPRA, and

(ii) fit and safe for use,

the reporting officer or property officer is to submit a report, through their OIC, to their district officer or supervising commissioned officer outlining:

(i) the proposed intended use for the thing (e.g. drug matter other than a dangerous drug to be used for training purposes or display);

(ii) the reason(s) why the thing is considered to be fit and safe for the use intended. This may involve attaching details of any mechanical, electrical or other appropriate examinations. Where the thing is a weapon, antique firearm or restricted item under the *Weapons Act*, a report from the Service armourer regarding its suitability and serviceability is to be attached; and

(iii) the unit of the Service or other government department who may benefit from having the thing. If a weapon, ensure the department has the legislative authority to possess the weapon.

The commissioned officer receiving a report is to, if satisfied the thing is safe and fit for its intended purpose, forward the report through the chain of command to the authorised delegate.

The values of property (not including drug matter) which specified members under Delegation D 24.24 may make a direction regarding forfeited property that may be appropriated for use by the Service or to another government department are as follows:

Class of member	Value of property
Assistant commissioner Executive director	\$10,000.00 or more
Chief superintendent Superintendent Director, Capital Assets and Facilities Management Group	Less than \$10,000.00

The delegated officer is to:

- (i) decide if the property is to be appropriated having regard to whether the:
 - (a) retention of the property by the Service may be seen as unfair to any person;
 - (b) decision may otherwise attract criticism of the Service;
 - (c) facilities exist to maintain the condition of the thing; or
 - (d) property is regarded as unsafe; and
- (ii) direct the manner in which the property is to be dealt with. This may include a direction that the property be appropriated to the use of either the Service or another government department, or be disposed of in any other way consistent with the provisions of this chapter.

ORDER

OICs of a region or command are to maintain a register of all property appropriated for the use of the Service or another department. Such a register is to include, in respect to each item of property:

- (i) a full description;
- (ii) an estimated value;
- (iii) a description of the circumstances under which the property came into possession of the Service;
- (iv) the name of the member who took possession of the property;
- (v) all correspondence numbers associated with the property, including the QPRIME occurrence number;
- (vi) the station or establishment at which the property has been put to use, or the government department to which it has been forwarded; and
- (vii) the date on which the decision to retain the property was made.

All appropriated property of a value of \$1000 or more is to be entered into the register of assets of the region or command the property is appropriated to.

Where a weapon or restricted item is appropriated for use by the Service or another government department, a copy of the relevant correspondence is to be forwarded to the Director, Weapons Licensing Group for updating of the relevant registers.

4.6.17 Destruction procedures

POLICY

Where property, other than drug matter, is to be disposed of by way of destruction, it is to be destroyed in the presence of the officer in charge, or person nominated by the officer in charge.

PROCEDURE

A reporting officer or property officer who destroys property pursuant to this chapter should, as soon as practicable after destruction:

- (i) complete a suitable receipt (see s. 4.6.23: 'Finalising a property entry in QPRIME' of this chapter) including in it the name and relevant contact details of the person witnessing the destruction, and where practicable, that person's signature; and
- (ii) ensure the receipt is scanned as an attachment to the relevant QPRIME occurrence relating to the destroyed property.

Where property is to be destroyed by a contractor, the reporting officer or property officer should, wherever practicable:

- (i) witness the destruction of the property; and/or
- (ii) obtain relevant details, including the signature, of the contractor on the receipt for the destroyed property before scanning the receipt as an attachment to the QPRIME occurrence relating to the destroyed property.

See also s. 4.6.14: 'Disposal of drug matter' of this chapter.

4.6.18 Public auction procedures

The OIC of each region or command should put in place instructions for the disposal of property by auction, that includes:

- (i) a nominated location(s) for a central auction facility (which should be an approved property point);
- (ii) a nominated licensed auctioneer to conduct auctions on behalf of the Service; and
- (iii) the approved means of advertising auctions.

Procedures should have arrangements which maximise returns to the State. Offering a large number of items for sale is likely to attract greater interest. Frequent auctions are only recommended when appropriate amounts of property are to be disposed of.

Things which are suitable for sale to the public

Property which can be offered for sale to the public includes anything which is:

- (i) fit for the use for which it was intended;
- (ii) safe to use; and
- (iii) not:
 - (a) considered objectionable in nature;
 - (b) for use in the commission of an offence;
 - (c) of such a nature its sale may attract adverse criticism of the Service;
 - (d) of little or no value;
 - (e) an article of:
 - a personal nature; and
 - normally carried on or about the person.

This includes:

- wallets and purses;
- key rings, key cases and key tabs;
- spectacles and sun glasses; or
- handbags, small personal carry bags and articles of a like nature; or
- (f) a potentially harmful thing (see s. 4.3.10: 'Potentially harmful things' of this chapter); or
- (g) a weapon.

In exercising discretion in the disposal of this class of property, consideration should be given to the use to which the thing may be put by a charitable institution. Where it is considered unsuitable or inappropriate to donate the item to a charity, the thing should be destroyed.

Approved means of advertising an auction

The approved means of advertising an auction should:

- (i) be aimed at attracting the maximum number of potential buyers to the auction;
- (ii) as a minimum standard, include a paid advertisement in the public notices section of a newspaper circulating in the area; and
- (iii) should appear:
 - (a) no sooner than 14 days; and
 - (b) no later than five days,prior to the date of the auction.

Responsibilities of property officer

The property officer assigned for an approved central auction facility is responsible for arranging auctions and is to:

- (i) use QP 0352: 'Inventory of property for disposal by auction' (available in QPRIME) to itemise property;
- (ii) engage the services of the approved licensed auctioneer;
- (iii) arrange with the auctioneer for a suitable date and time for the holding of the auction;
- (iv) make arrangements for the auction to be advertised as per local instructions; and
- (v) arrange for the delivery of the property to the auctioneer's premises, or to the premises where the property will be sold.

At the conclusion of the auction, the agent should deduct fees from the proceeds of the auction and forward the balance to the property officer, or the OIC.

Officers in charge are to ensure the remaining proceeds are paid:

- (i) firstly, in meeting expenses of the sale, if any, additional to the auctioneer's fees and valuations;
- (ii) secondly, in meeting the expenses of the seizure and storage of the thing sold; and
- (iii) lastly, into the police collections account for disbursement to the consolidated fund or unclaimed moneys fund (see s. 721(3)(c): 'Dealing with forfeited things' of the PPRA).

Also see s. 4.7.2: 'Banking of Collections Practice' of the Financial Management Practice Manual.

4.6.19 Sale by tender procedures

ORDER

Property is to only be disposed of by way of sale by tender at the specific order of a court.

A member with responsibility for disposing of property by tender is not to disclose to any other:

- (i) member, regardless of the rank or position of the other member; or
- (ii) person,

any information contained in a tender which has been received.

A member who is aware that a member has the responsibility for disposal of property by tender is not to seek details of any tender from that member, prior to the disposal of the property.

POLICY

To disposal of property by sale by tender, the property officer should

- (i) ensure there is a court order specifying sale by tender;
- (ii) modify the QPRIME occurrence accordingly;
- (iii) arrange for advertisements which:
 - (a) may include in:
 - local newspapers; or
 - special interest magazines or journals;
 - (b) invite persons to submit an offer to purchase the property;
 - (c) include:
 - a date and time tenders will close; and
 - the place tenders are to be lodged; and
 - (d) allow a period of at least one month between the time of advertising appears to closure of tenders;
- (iv) at the time of closure of tenders, collect all tenders received. Late tenders should not be considered;
- (v) examine all tenders and select the successful tender. Unless extraordinary circumstances exist, the highest tender should be accepted;
- (vi) advise the successful tenderer by telephone, then in writing;
- (vii) arrange a time when the tenderer may take delivery of the property and advise them of the method payment that will be accepted;
- (viii) on payment:
 - (a) issue a receipt;
 - (b) obtain an indemnity receipt; and
 - (c) hand over the property to the tenderer;

(ix) modify the QPRIME occurrence accordingly and treat the sale proceeds as if they were proceeds obtained through auction (see s. 4.9.2: 'Responsibilities of property officer' of this chapter); and

(x) as soon as possible, advise each unsuccessful tenderer by letter that the property has been sold. The letter should not contain any information which may identify the successful tenderer, price paid, or other identifying information.

Members of the Service tendering for property

ORDER

When a member responsible for disposing of property receives a tender from another member who is senior by rank or position, the responsible member is to forward all tenders received and a covering report outlining the circumstances of the matter to the officer next in line control who is senior to the tendering member.

4.6.20 Application for return of relevant thing

ORDER

Where a member receives:

- (i) an application under s. 692: 'Application by owner etc. for return of relevant thing'; or
- (ii) copies of application under s. 693: 'Application by owner etc. for court order for return of relevant thing',

of the PPRA, they are to refer back the application or copies to the applicant for giving or servicing upon the Commissioner via the Manager, Legal Liaison Team, QPS Legal Services, Legal Division.

The Manager, Legal Liaison Team is to forward, on receipt, a:

- (i) s. 692 application to an authorised delegate (see Delegation D 24.19) where the property subject of the application is stored, who is to:
 - (a) make a determination pursuant to the provisions of s. 692(4) of the PPRA; and
 - (b) inform the applicant in writing of the decision; or
- (ii) s. 693 application to the OIC of the prosecution corps where the application is to be heard and the:
 - (a) OIC is to make necessary arrangements and require the necessary information from members to ensure the Commissioner is appropriately represented at the hearing; and
 - (b) prosecutor attending the hearing of the application are to ensure:
 - assistance is given to the court in making a determination; and
 - submissions are made to the court as to whether or not the relevant thing should be returned to the applicant or delivered to a nominee; or whether any conditions should be placed on the return of the thing to the person.

4.6.21 Finalising a property entry in QPRIME

POLICY

A property entry in QPRIME is considered finalised when:

- (i) documentation:
 - (a) has been scanned;
 - (b) has been attached to the relevant QPRIME occurrence;
 - (c) indicates all items in the entry have been disposed of or stored at another property point; and
 - (d) includes, but is not limited to:
 - an indemnity receipt from a person or member to whom the property has been delivered;
 - a receipt:
 - showing the property has been received at the Forensic Chemistry Section;
 - indicating that the property has been destroyed, from a:
 - member who has destroyed the property;
 - state environmental health officer;
 - local health inspector;
 - hospital superintendent; or
 - government medical officer; or

- from courthouse staff indicating that the property has been:
 - admitted as an exhibit; and
 - retained by the court; or
- a QPB32A from another property point; and

(ii) the 'Dispose' tab within 'Stores Management' for the QPRIME entry is fully completed.

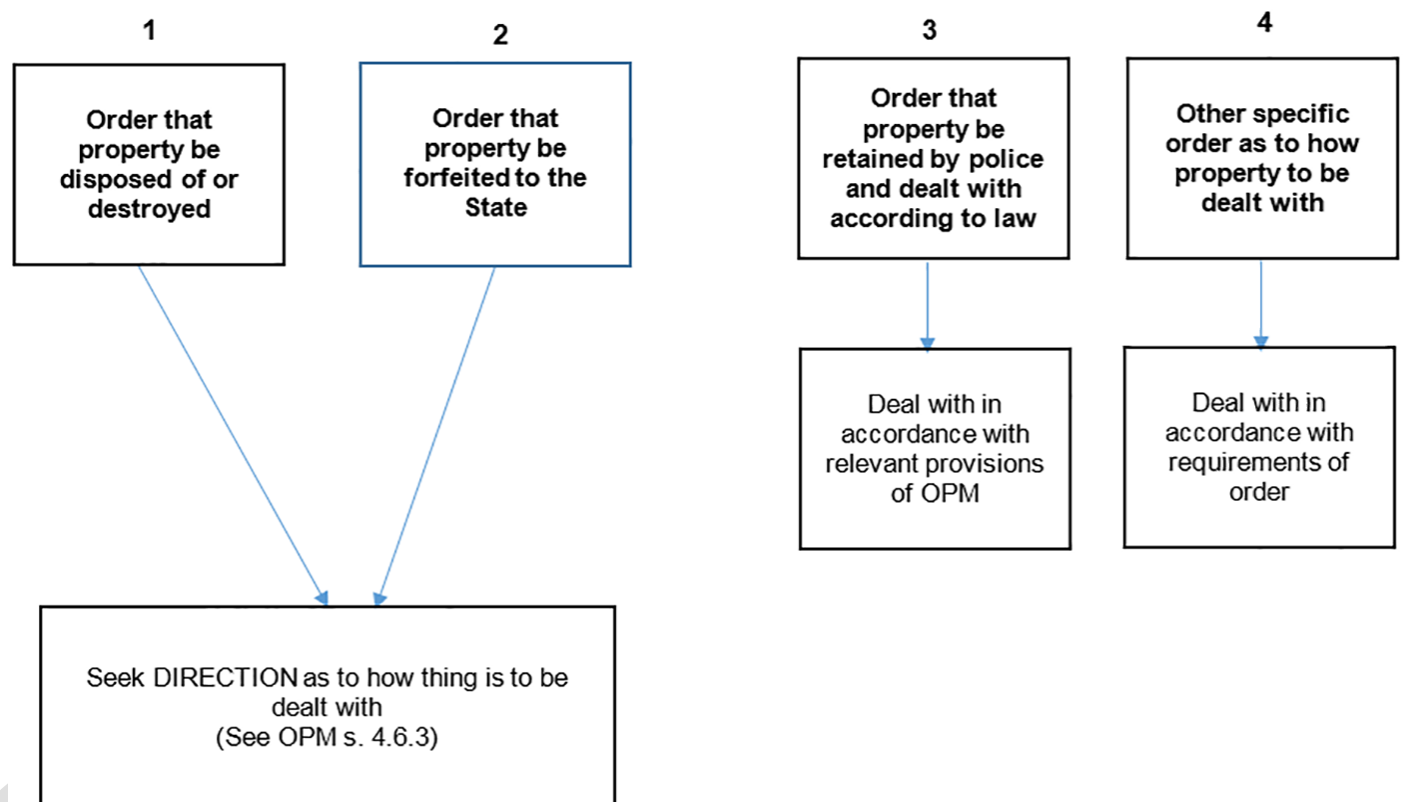
A receipt for destroyed property, as required above may include:

- (i) a copy of a suitable entry in police notebook;
- (ii) a direct entry in the 'Dispose' tab within 'Stores Management' for the QPRIME entry; or
- (iii) a separate document;

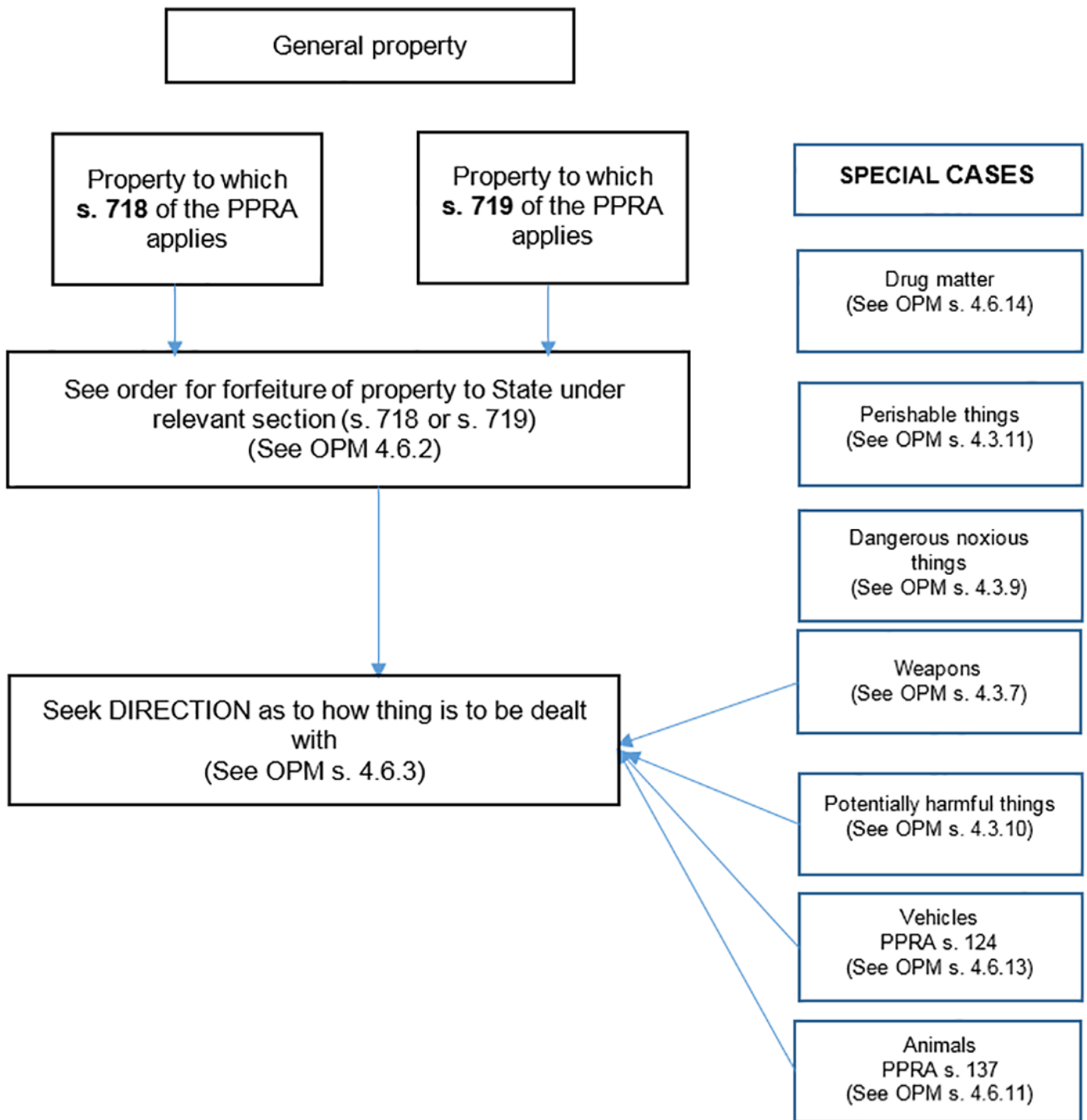
signed by the person declaring the property, listed in the relevant entry, has been destroyed.

4.6.22 Disposal flow chart (court order)

Types of order (ss. 694, 696 or 701 PPRA)



4.6.23 Disposal flow chart (no court order)



Disposal flow chart for property coming into possession of the Service for which no lawful claimant can be located and is not subject of a court order

4.7 Ownership of property

4.7.1 Disputed ownership (disposal)

When considering to whom property is to be disposed, difficulties often arise in identifying the rightful claimant. It is possible that more than one person may have a rightful claim to the property. This situation often arises in the case of property which is stolen, then later sold, or where ownership changes in the case of some fraud matters.

ORDER

When disposing of property, members are to satisfy themselves that any person the property is disposed of to, is the person with a lawful claim to that property.

A reporting officer who becomes aware of a dispute about the ownership of property is to:

- (i) make an application:
 - (a) before a magistrates court for an order under s. 694: 'Application by police officer for order if ownership dispute' of the PPRA; and
 - (b) under the Uniform Civil Procedure Rules (see *Horne v. Frank* [2001] QDC 029);
- (ii) commence the civil proceeding by using a Form 005: 'Originating Application';
- (iii) follow the procedures referred to in s. 13.30: 'Starting a civil proceeding' of this Manual; and
- (iv) where a claimant to the property, listed as a respondent in the Form 005, is interstate refer to s. 14.29.6: 'Interstate service of an originating process' of this Manual.

POLICY

Reporting officers should seek advice as to the identity of a lawful claimant from local prosecutors in the first instance, or from Operational Legal Advice, Legal Division (see s. 1.13: 'Operational Legal Advice' of this Manual) where a matter remains unsettled.

Property officers who become aware of a dispute about the ownership of any property held at a property point are to send a task from the QPRIME occurrence to the reporting officer, advising of the nature of the dispute.

4.7.2 Letters of subrogation

ORDER

An officer in charge of a station or establishment who receives a letter of subrogation from an insurance company or loss adjuster is to forward the letter to Policelink (see Appendix 3.1: 'Factors for consideration in restitution/compensation' of this Manual).

4.7.3 Restraining or confiscation orders under the Criminal Proceeds Confiscation Act

The Crime and Corruption Commission's (CCC) Proceeds of Crime unit is responsible for the non-conviction based scheme (see Chapter 2: 'Confiscation without conviction' of the *Criminal Proceeds Confiscation Act* (CPCA)) and serious drug offender confiscation order scheme (see Chapter 2A: 'Serious drug offender confiscation order' of the CPCA).

The Office of the Director of Public Prosecutions (ODPP) is responsible for the conviction-based scheme (see Chapter 3: 'Confiscation after conviction' of the CPCA) and acts as solicitor on the record for all confiscation actions brought by the CCC on behalf of the State.

The non-conviction scheme allows the restraint of a person's property if there is a reasonable suspicion the person engaged in serious crime related activity – there is no need for actual or imminent charge.

Restrained property may be forfeited to the State if a court is satisfied on the balance of probabilities that it is:

- (i) derived from serious crime related activity (forfeiture order); or
- (ii) required to satisfy an assessment made of the:
 - (a) benefit a person has derived from illegal activity (proceeds assessment order); or
 - (b) unexplained wealth of a person who has engaged in serious crime related activity (unexplained wealth order).

Where a court issues a serious drug offender certificate upon the sentencing of a person for a qualifying offence, within six months and upon application, the person's assets may be subject to a serious drug offender confiscation order and be confiscated by the State, even where the assets may have been lawfully acquired.

The conviction-based scheme administered by the ODPP relies on a person being charged and convicted of a confiscation offence.

The CCC starts proceedings on behalf of the Service for Chapters 2 and 2A schemes of the CPCA.

The ODPP starts proceedings on behalf of the Service for Chapter 3 scheme of the CPCA.

To engage the CCC to commence proceedings under Chapters 2 or 2A of the CPCA:

- (i) complete a Form QP 0503: 'Application for Criminal Proceeds Confiscation Assistance';
- (ii) obtain approval to disclose the QP 0503 to the CCC (see s. 10.2: 'Authorisation of disclosure' of the PSAA, s. 5.6: 'Release of information' of the MSM and Delegation D 15.46); and
- (iii) email the application and any supporting documentation to Proceeds_Mailbox@ccc.qld.gov.au.

To engage the ODPP to commence proceedings under Chapter 3 of the CPCA contact the ODPP.

See s. 55(iv): 'Conviction based confiscations' of the Office of the Director of Public Prosecutions (State) Director's Guidelines.

Where the Supreme Court makes a:

- (i) restraining order;
- (ii) unexplained wealth order;
- (iii) serious drug offender confiscation order;
- (iv) forfeiture order; or
- (v) proceeds assessment order,

under the CPCA in relation to property seized by the Service, the ODPP will forward a copy of the order to the OIC, Evidence Management Unit (EMU).

The OIC, EMU is to ensure that when any order under the CPCA is received:

- (i) it is recorded in the relevant QPRIME occurrence by attachment as an external document;
- (ii) each item on the order in possession of the Service:
 - (a) is 'lodged' as a property/vehicle item in the relevant QPRIME occurrence; and
 - (b) has the QPRIME Property Link window updated with:
 - 'Proceeds of crime' entered into the classification field; and
 - 'Subject of a restraining order' entered in the Remarks field; and
- (iii) if a direction is made that the Public Trustee of Queensland (PTQ) take possession of item(s) (see s. 35: 'Restraining order may direct public trustee to take control of property' of the CPCA), that:
 - (a) for money, a QP 0087D: 'Collections refund voucher – Trust' is:
 - completed containing details of the originating station and relevant QPRIME occurrence number.
 - checked and authorised by the OIC, EMU; and
 - forwarded with the restraining or forfeiture order and letter of request from the PTQ to the Shared Service Agency, who will arrange payment to the PTQ; and
 - (b) after payment is made, ensure a QPRIME task, advising the property has been dealt with in accordance with the order i.e., disposal of the property or transfer of the property to the PTQ, is assigned to:
 - the investigating officer; and
 - the relevant property points and request they update the status of the property on the QPRIME occurrence,

(see 'Transfer of property from Service to Public Trustee of Queensland' of this section below).

Transfer of property from the Service to the Public Trustee of Queensland

The court can impose a condition on a restraining order that the PTQ take possession or control of some or all of the property under the CPCA.

The PTQ:

- (i) is empowered under the CPCA and *Public Trustee Act* (PTA) to do anything necessary or desirable to give effect to a restraining order including:
 - (a) taking receipt of property from the Service;
 - (b) investing any restrained money; and
 - (c) where applicable, disposal of property,
- (see Chapter 6, Part 1, ss. 217 to 226: 'Powers of public trustee' of the CPCA and s. 19: 'Common fund and investment thereof and of other moneys' of the PTA);
- (ii) has advised that, if the court order under the CPCA:
 - (a) expressly directs them to take possession of property, they will; or
 - (b) directs them to take control of property (including money), they will not; and
 - (iii) will be responsible for payment of any costs associated with transport and storage of the property unless the court order otherwise orders, or unless otherwise agreed with the Service. Any significant costs incurred by the Service in transferring property into the control of the PTQ are to be considered and agreed upon between the region actually incurring the costs and the PTQ, on a case-by-case basis.

Officers are to be mindful that failure to transfer money to the PTQ in a timely manner may result in another party seeking damages from the Service in the form of lost interest or income.

Members are to comply with a court order issued under the CPCA and any reasonable request of the PTQ in a reasonable time period.

District officers are responsible for the monitoring and coordination of responses to:

- (i) restraining order;
- (ii) unexplained wealth order;
- (iii) serious drug offender confiscation order;
- (iv) forfeiture order; or
- (v) proceeds assessment order,

received from the EMU or PTQ for matters within their area of responsibility.

OICs of stations or establishments should liaise with, and provide regular advice of the status of compliance with court orders, to:

- (i) EMU;
- (ii) their district officer; and
- (iii) the relevant PTQ officer.

4.7.4 Restraining orders under the Drugs Misuse Act

PROCEDURE

Reporting officers taking possession of property which is liable to forfeiture (see s. 33: 'Liability of property (other than a dangerous drug) to forfeiture' of the *Drug Misuse Act* (DMA)) and not seized as evidence, should:

- (i) make every possible inquiry to establish:
 - (a) the ownership and value of the property; and
 - (b) whether any individual or organisation has any control or a vested interest in the property;
- (ii) determine if it is appropriate to make an application for a restraining order, by considering:
 - (i) the need to retain the property in police custody, especially motor vehicles; and
 - (ii) when no objections exist, whether the application should be for a restraining order which vests control of the property to the Commissioner but permits the owner to retain custody;
- (iii) in appropriate circumstances, make application to a court for a restraining order (see s. 41(1): 'Restraining order' of the DMA) in respect of that property within fourteen days of the time of seizure, by:
 - (a) liaising with the local prosecutor and clerk of the court to establish a suitable date for hearing;
 - (b) completing and lodging to the clerk of the court:
 - a QP 0246: 'Application for restraining order';
 - a QP 0247: 'Notice of application for restraining order';
 - a 'schedule of property'; and
 - any other appropriate attachments;
 - (c) ensuring the QP 0247 is signed by the clerk of the court or magistrate;
 - (d) serving (preferable wherever possible personal service) on all parties with an interest in the property:
 - a copy of the QP 0247; and
 - the 'schedule of property';
 - (e) completing the oath of service (if applicable);
 - (f) providing to the prosecutor a copy of all documentation, including a completed QP 0248;
 - (g) as required, attending and giving evidence at the magistrates court on the hearing date;
- (iv) if applicable, depending on the value of the property, make the application to the Supreme Court.

4.8 Property points

ORDER

Property is only to be stored or held at a declared property point designated by the OIC of the region or command or a district officer, by these instructions as a point for the storage of that class of property.

4.8.1 Designation of property points

An OIC of a region or command or a district officer is to designate, in writing, stations, establishments or other places as points at which property or particular class of property, which comes into possession of the Service, is to be stored. However, a district officer can only designate a property point within the officer's own district, group, or equivalent functional unit.

Property points may be maintained jointly for the use of more than one division, district, or region.

A property point at a place other than a station or establishment:

- (i) can only to be designated with the consent of the occupier of the place; and
- (ii) meets the needs of the region or command; and
- (iii) provides a safe and secure place for storage of property or a particular class of property.

Property points may include:

- (i) a secure room or rooms within a police station or establishment;
- (ii) vehicle holding yards, whether owned by the Commissioner or otherwise;
- (iii) livestock holding areas;
- (iv) bank night-safe facilities;
- (v) safes and drop safes installed at police stations or establishments; or
- (vi) other secure static or mobile locations, which meet the needs of a region or command for the safe storage of property, either permanently or for a limited period. An example may be the use of a mini storage shed for a limited period after the closure of an operation.

4.8.2 Establishing property points

ORDER

When required by the OIC of a region or command or the district officer, OICs of stations or establishments are to identify locations within the division which are suitable for use as property points, and to provide a report outlining the following:

- (i) the location of the proposed property point;
- (ii) a description of the construction materials;
- (iii) internal layout, if the location is a room or facility;
- (iv) a description of all possible entry points;
- (v) security measures in place;
- (vi) an assessment of any security installations which may be required, inclusive of any cost associated with establishing those arrangements;
- (vii) if the property point is, or includes a safe, the type and description of the safe;
- (viii) proposed access arrangements, including hours during which access will be available;
- (ix) staff required to operate the property point and access to analysis facilities;
- (x) types of property which would be suitable or unsuitable for storage at that point, the reasons for this assessment and disposal arrangements;
- (xi) recommendations as to which station or establishment the property point should be attached;
- (xii) recommendations as to which member is to be the property officer for a particular property point if a member other than the officer in charge is to be appointed as such;
- (xiii) availability of property handling equipment (e.g. night safe, heat sealing machine); and
- (xiv) any other budgetary considerations.

In the event that an OIC of a station or establishment is unable to identify any possible property points within the division, a report outlining that fact is to be submitted to the OIC of the region or command or the district officer.

If conditions at a property point change so that security, storage capability, access or safety is significantly affected, or if existing facilities are known to be inadequate, the OIC of the station or establishment should advise the OIC of the region or command or the district officer as soon as possible.

The OIC of a region or command is responsible for implementing a system for the storage and handling of property within the region or command, or in the case of district officer, district, group, or equivalent functional unit, that is consistent with the standards in this chapter.

4.8.3 Evidence Management (Exhibits)

POLICY

The Officer in Charge, Evidence Management, Homicide Group, Crime and Intelligence Command is the property officer with respect to Evidence Management (Exhibits) or any other storage facility under their control.

4.8.4 Property plans

PROCEDURE

Where deemed appropriate, officers in charge of regions, command, districts, groups, divisions or units should consider formulating a property plan, by conducting an evaluation, which involves:

- (i) identifying any property storage and transport needs created by geographical factors which are peculiar to the area of responsibility;
- (ii) identifying and considering any classes of property which are likely to come into possession of members under their control;
- (iii) reviewing locations presently in use as property rooms and identifying locations and sites which are potentially useful as property points;
- (iv) evaluating locations and sites, and identifying those suitable for use as property points;
- (v) considering the occupational health and safety aspects of handling various classes of property, e.g. completion of the hazardous substances register and hazardous substance risk assessment;
- (vi) determining whether any potential property point is unsuitable for the storage of any particular class of property, e.g. for dangerous/noxious or hazardous substances;
- (vii) considering staff arrangements which allow the lodging of any class of property in accordance with the provisions of this chapter; and
- (viii) identifying the resources which are required to give effect to the provisions of this chapter, e.g. appropriate safety equipment, adequate storage facilities, and signage for dangerous/noxious or hazardous substances.

Format of property plans

POLICY

Officers in charge should consider formulating written procedures which address local issues in implementing the instructions in this chapter. The procedures should be based on the requirements identified during the evaluation and are to comply with the provisions of this chapter. The procedures could designate:

- (i) the places, locations, or sites which are to be used as property points;
- (ii) the member who is to act as the property officer at each property point;
- (iii) the classes of property that are not to be stored at each property point, e.g. drugs or dangerous/noxious or hazardous substances;
- (iv) the procedures for dealing with classes of property with no practical intrinsic value;
- (v) procedures for the transport and storage of property which will enable members to lodge property at a property point without delay;
- (vi) the security arrangements which are to be in place at each property point;
- (vii) any safety procedures to be followed, e.g. emergency response plans, the use of ventilation equipment, the addition of signage or placards; and
- (viii) the procedures to be adopted for disposal of property by auction.

Provision of resources

POLICY

Officers in charge of regions or commands should ensure that all resources necessary for property storage and disposal system are provided at the appropriate locations.

PROCEDURE

The following resources may be required to facilitate property plans:

- (i) appropriate forms;
- (ii) a supply of polytubing and a heat-sealing machine;
- (iii) appropriate scales at all suitable property points designated for the storage of drugs or drug utensils;
- (iv) a supply of property bags;
- (v) drop safes at police stations and establishments;
- (vi) vehicle holding areas;
- (vii) property handling and safety equipment;
- (viii) a safe;

4.8.5 Responsibilities of district officers

ORDER

District officers (which includes superintendent who is in charge of a group or equivalent functional unit, see SMD) have responsibility for:

- (i) maintaining the integrity of property points and the property handling system by ensuring:
 - (a) compliance by members with any legislation, the procedures in this Manual and local procedures;
 - (b) suitability of Service procedures to local needs;
 - (c) efficiency and suitability of local procedures; and
 - (d) resources allocated to support property handling systems are appropriately allocated and used efficiently;
- (ii) where they become aware of non-compliance with property procedures that appropriate action is taken to rectify the situation, or report matters that can't be remedied with available resources to the OIC of the region or command;
- (iii) auditing or delegating a commissioned officer to conduct or administer an audit of:
 - (a) every property point within their control district at least once in every financial year
 - (b) all property point holdings at the time of relinquishment of the role and functions of a property officer; and
- (iv) ensuring any property point audit involves:
 - (a) an independent officer, where possible conducting the audit, i.e. an officer from another station or section;
 - (b) where possible a physical security inspection of:
 - the property points;
 - safes;
 - strong rooms; and
 - other security containers;
 - (c) an evaluation of any workplace health and safety issues and safeguards which are in place, or which should be put in place;
 - (d) ensuring that all unfinalised property entries recorded in QPRIME in relation to property items stored at their particular property point correspond to property which is held there or that an entry identifies the location of where the property is held;
 - (e) in cases where the property recorded in the unfinalised property entry is being held elsewhere, the audit officer is to be satisfied of the veracity of the entry and whether the property should be returned with a view to disposal;
 - (f) ensuring that all property held at the property point is recorded in an unfinalised QPRIME property entry, or are at court, or at a place for the purposes of analysis (including any weapons and dangerous drugs);
 - (g) inspection of all receipt books and books of account relating to cash handling;
 - (h) ensuring that no property is stored or left in or around the property point which has not been processed according to the provisions of this chapter;

- (i) ensuring that the combination of any safe is changed more than once annually and when a property officer is transferred, or relieved of the duties of an appointed property officer; and
- (j) district officers must ensure that all property points within the control district have been audited at least once each financial year. The district officer has the discretion to conduct or authorise a complete audit of a property point or multiple audits that amount to a 100 percent audit of property points within their control.

See 'Property Management: Audit, Inventory Property' of the QPRIME User Guide.

4.8.6 Minimum storage requirements

POLICY

The following table outlines the minimum storage requirements for various classes of property:

Class of property	Minimum standard of storage facility
Animals	<p>Adequate space or arrangements to allow the animal sufficient exercise consistent with the needs of that species.</p> <p>Shelter and sleeping area consistent with the needs of the particular species and relevant husbandry practices.</p> <p>Consideration should be given to the storage of animals in a local government pound.</p> <p>Also see s. 4.3.12: 'Animals' of this chapter.</p>
Money and easily transportable valuables	<p>A keyed or combination safe to which only the property officer and/or officer in charge of the station or establishment has access.</p> <p>This does not preclude the use of a drop safe or bank night safe for after-hours lodgement of money.</p> <p>Secured in heat-sealed plastic bag or envelope with seal signed by investigating officer and property officer.</p>
Drug matter	<p>A lockable area separate from other property storage areas. In the case of smaller items of drug matter, this need may be met with the use of a keyed or combination safe.</p> <p>The storage requirements for drugs should be considered in the light of the purpose and length of time that the drugs are required to be stored.</p> <p>Storage facilities at property points used for dangerous drugs should be ventilated using a suitable continuous exhaust fan and be isolated from any air conditioning used for general workplaces. The exhaust outlet for the fan should be situated well away from any inlet used for air conditioning.</p> <p>Exposure to airborne fungal spores in drug storage facilities which do not have suitable exhaust fan(s) installed is to be considered a high risk, and appropriate precautions should be taken.</p> <p>Cannabis plants or samples which still contain noticeable moisture are to be stored in 'Gar bags (DRY)' or paper envelopes. The open ends of these bags or envelopes are, wherever possible, to be folded, stapled and sealed with tape. Wherever possible, cannabis (particularly plants) should have all surface moisture removed by air drying before storage.</p> <p>All other types of drug matter are to be secured in heat-sealed polytubing or a property bag.</p> <p>Drug matter is to be packaged in a way which avoids cross-contamination. Individual items for analysis are to be packaged in separate plastic bags and the packaged items are then to be placed together in one heat sealed plastic bag. Items which are made up of a number of parts, such as a smoking utensil consisting of a bottle, a cone and a hose, are to be packaged as one item unless the parts were separate when originally seized.</p>
Clandestine drug laboratory exhibits	<p>Due to the potential impacts of chemicals, police stations and property points generally are not equipped to store clandestine drug laboratory exhibits. The Kessels Road Police Annex at Coopers Plains has been designated to safely store clandestine drug laboratory exhibits. Additionally, purpose built secondary facilities are established at Rockhampton, Mackay, Townsville and Cairns.</p>
Vehicles	A fenced yard with lockable gates.

4.8.7 Safety considerations

Officers in charge should ensure that safe practices and property handling procedures (e.g. contaminated waste removal, procedures relating to hazardous property and communicable diseases) are in place at stations or

establishments under their control. This includes the provision of resources (e.g. sharp receptacles, gloves, signage/placards).

Members should refer to the following Service documents relating to health and safety:

- (i) 'First Aid and Infection Control Policy' and 'Blood and Body Fluids Policy' within Safety and Wellbeing Policies intranet site;
- (ii) s. 2.8.2: 'Search (places)', Appendix 16.9: 'Guidelines for conducting personal searches', and Appendix 2.8: 'Risk control measures for conducting searches of places' of this Manual; and
- (iii) Competency Acquisition Program unit number QCW 007: 'Workplace Health and Safety: Practices and Procedures'.

See also s. 4.3.9: 'Dangerous/noxious things' of this chapter.

ORDER

To prevent or minimise exposure to risks associated with handling and storage of dangerous drugs and drug related things, members are to:

- (i) ensure drug storage areas are well ventilated;
- (ii) seal drugs in suitable bags as soon as possible;
- (iii) place syringes and other sharp objects in sharps disposal containers, or other suitable hard packaging;
- (iv) wear suitable protective gloves at all times when handling any drugs or drug related things; and
- (v) wear Australian Standard AS 1716 active chemical cartridge type breathing masks at all times in unventilated property storage areas, and for any exposure to mouldy cannabis plants or material, or air borne particles of powders and vapours of liquids.

Hazard control (use of personal protective equipment)

The hierarchy of hazard control methods, from most desirable to least desirable, is generally regarded to be:

- (i) removal of the hazard by design and engineering controls;
- (ii) substitution of the source of the hazard with a safer source;
- (iii) changing the process by which the source of the hazard is handled;
- (iv) enclosure or isolation of the process which creates the hazard;
- (v) removal of the source of the hazard;
- (vi) segregation of personnel from the source of the hazard; and
- (vii) providing personal protective equipment to minimise risk of exposure to the hazard.

Whilst levels of risk may vary with particular circumstances, members should always adopt the highest level of personal protection available. If a member has any doubts as to the suitability of personal protective equipment available to them for exposure to a particular drug, they should seek advice before subjecting themselves to such exposure.

4.9 Property officers

4.9.1 Appointment of property officers

POLICY

Officers in charge (OIC) of regions, commands, districts and groups are to, when appropriate, appoint a property officer (see Schedule 6: 'Dictionary' of the PPRA and Delegation D 24.2) for each designated property point within their area of responsibility.

Where no property officer is appointed, the OIC of the station or establishment where the property point is established, is also the property officer.

Where a property point is not at a station, the property officer is also responsible for the duties of the OIC of the station or establishment under this chapter.

4.9.2 Responsibilities of property officers

Some responsibilities of property officers are contained in s. 56: 'Functions of property officer' of the Police Responsibilities Code.

ORDER

Property officers are responsible for:

- (i) the efficient management of the property points under their control, including:
 - (a) establishing and/or maintaining procedures for recording the movement of all property coming into and leaving the property point;
 - (b) subject to available resources, for storing all property in a manner which is secure and safe; and
 - (c) providing advice to their officer in charge (OIC) regarding any inadequacies of the property point;
- (ii) on discovery of any discrepancies or signs of tampering with lodged property:
 - (a) immediately advise their OIC; and
 - (b) where property consisting of drugs or drug related utensils, additionally immediately advise the regional duty officer or other commissioned officer in charge;
- (iii) when required or they elect to destroy property—when authorised under this chapter—its disposal by destruction;
- (iv) depositing money in the Queensland Police Service collections account, as soon as practicable, after it is lodged; and
- (v) the management of property in possession of the Service at the property point, including handling systems that maintain accountability and preserve the integrity and security of property storage areas.

4.9.3 Action on receipt of property

ORDER

Where property is lodged at a property point the property officer should:

- (i) if accompanied by a QPB32A: 'Field property receipt', ensure:
 - (a) the 'property tag' (buff copy) is attached and completed; and
 - (b) the description corresponds with the lodged property and, if any inconsistencies are found:
 - advise the reporting officer, requesting they make and initial any necessary changes; and
 - countersign the change to the entry;
- (ii) ensure an appropriate QPRIME occurrence has been created;
- (iii) ensure each property item has been tagged within 'Stores Management';
- (iv) update each individual item of property in QPRIME indicating its movement;
- (v) where drug or drug related utensil property, ensure:
 - (a) it is in a property bag(s);
 - (b) it is sealed;
 - (c) it shows no signs of being tampered with;
 - (d) it is endorsed by the reporting officer; and
 - (e) where the seal(s) are not intact:
 - make inquiries to determine if broken unlawfully or in contravention of Service policy;
 - if satisfied there has been no contravention of Service policy or anything unlawful:
 - accept the property and make an appropriate notation in the QPRIME occurrence;
 - seal the property in another property bag or, where possible, reseal the original property bag; and
 - have the reporting officer endorse the property bag accordingly;
 - if any doubt exists to the reason for the broken seal or where the bag other than the seal shows signs of being tampered with avoid handling the bag without gloves; and
 - immediately advise the regional duty officer or commissioned officer in charge; and
- (vi) ensure utensils are sealed separately from drugs;
- (vii) ensure for drug matter (high-risk medicine (see Medicines and Poisons (Medicines) Regulation), controlled substances or dangerous drugs (see *Drugs Misuse Act*)) they record:
 - (a) the weight or volume of the drug matter; or
 - (b) the number and height of plants;

- (viii) a copy of the QP 0760: 'Property Receipt' from the QPRIME entry is to be:
 - (a) handed to the lodging officer; and
 - (b) securely attached to the property in a conspicuous place and joined to any QPB32A;
- (ix) store the property;
- (x) scan any QPB32A that has been issued as an attachment in the QPRIME occurrence;
- (xi) update the storage details for the property in the QPRIME occurrence; and
- (xii) in the case of property seized in connection with a coronial investigation, ensure the QPRIME expected disposal date for the property is changed from 60 days to 180 days, from the date the property was taken possession of, to allow for finalisation of the coronial findings and for the Coronial Support Unit to upload coronial findings to the relevant QPRIME occurrence.

Consideration on receipt of drug matter

ORDER

A property officer who believes that keeping drug matter about to be lodged at a property point would be dangerous should immediately advise the reporting officer of this fact and advise and assist them to deal with the drug matter in accordance with the provisions of s. 705: 'Destruction of drug matter soon after it is seized etc.' of the PPRA (see 'Safe destruction of drugs to prevent further offences' in s. 4.6.14: 'Disposal of drug matter' of this chapter).

Responsibilities at vehicle property points

ORDER

Property officers who have control of a vehicle property point are to ensure that a vehicle is not accepted at that property point unless the vehicle:

- (i) is required for tests, examinations, or is to be photographed and the required tests and examinations are noted in the relevant QPRIME property entry;
- (ii) is located subsequently to being stolen; or unlawfully used where the owner cannot be located;
- (iii) is seized as evidence of the commission of an offence or for use as evidence in a forfeiture proceeding, and its retention is required; or
- (iv) is impounded or to be forfeited for a type 1 or type 2 offence (see ss. 16.8: 'Impounding of motor vehicles' and 16.16: 'Disposal of impounded and forfeited motor vehicles' of the Traffic Manual).

On the completion of all tests, examinations and photographing as indicated by the reporting officer, the property officer is to send a task in QPRIME to, or otherwise notify, the reporting officer advising that all tests, examinations and any photographing have been completed.

Property received from another property point

ORDER

Where property officers receive property which has previously been stored at another property point, they are to update the movement details for the property item in 'Stores Management' within QPRIME. Where appropriate, include the name of the corresponding station/establishment.

4.9.4 Publication of a notice on the QPS website

POLICY

The property officer is to, where a notice is required to be published on the QPS website, such as but limited to:

- (i) s. 126: 'Steps after seizing vehicle, load or other thing';
- (ii) s. 139: 'Steps after seizing animal';
- (iii) s. 710: 'Destruction notice may be given to person';
- (iv) s. 718: 'Order for forfeiture of particular relevant things'; and
- (v) s. 719: 'Order for forfeiture of relevant things connected with offences',

of the PPRA, complete the relevant 'Public Notice Facilitated Submission' on the Service Intranet.

Sections 718(5) and 719(5) of the PPRA do not require the giving of a notice if the cost of giving the notice is more than the value of the property involved.

The following details are to be included in the public notice in respect of each:

- (i) drug matter under s. 710 of the PPRA:
 - (a) date the notice is published;

- (b) QPRIME occurrence number;
 - (c) date the drug matter was seized;
 - (d) place seized (i.e. suburb, town or city where the drug matter was seized. This is not to include street address details); and
 - (e) analyst's certificate's description (e.g. 1 gram of cannabis sativa);
- (ii) relevant thing under ss. 718 or 719 of the PPRA:
- (a) date the notice is published;
 - (b) station or establishment where the relevant things are held;
 - (c) date the relevant things are liable for forfeiture (i.e. at least 30 days from date notice is given (see s. 718(3) of the PPRA);
 - (d) QPRIME occurrence number;
 - (e) description of the property, including only identifiable features that will assist a rightful owner in identifying their property and avoid false claims of ownership;
 - (f) photograph of the property, if available; and
 - (g) contact details of the relevant member at the station or establishment, including the preferred method of contact.

Notices under ss. 710, 718 and 719 of the PPRA are to be published and appear on the QPS Internet website for a minimum of 30 days prior to removal.

4.9.5 Authorisation for members to possess dangerous drugs and weapons

POLICY

Staff members performing duties of a property officer are authorised under s. 125: 'Prescribed persons permitted to receive and dispose of dangerous drugs' of the *Drugs Misuse Act* to have possession of a dangerous drug whilst actually performing these duties.

For possession of weapons by staff members see s. 14.4.3: 'Staff members (authorisation to possess or use weapons as part of the performance of their duty)' of this Manual.

4.9.6 Finalising property in QPRIME

ORDER

When each and every entry of property is finalised, the property officer is to ensure that all property items within the relevant QPRIME occurrence are appropriately finalised using the 'Dispose' tab within 'Stores Management' see also 'Property Management: Audit, Inventory Property' of the QPRIME User Guide.

Members cannot complete the 'Dispose' tab within 'Stores Management' for a QPRIME property entry unless they are the appointed property officer for that property point, or are acting in that position. Members are not to complete the 'Dispose' tab within 'Stores Management' for a QPRIME property entry unless they have received documentation which indicates that all items of property to which that entry refers has been disposed of, moved to another property point, or has been disposed of by a court.

4.10 Recording personal identification numbers

POLICY

Officers in charge (OIC) of stations or establishments should maintain a portable engraving machine available for loan to any member of the public on request, for such time as the OIC deems appropriate.

Members of the public who make use of Service engraving machines should be:

- (i) be supplied with a crime prevention property brochure, form or card on which that person may record details of their name, address, telephone numbers and the unique identification mark used by them to engrave their property.
- (ii) encouraged to engrave property with an identification number which is consistent with Australia-wide standards agreed to by police commissioners. The number should be constructed of nine characters in the following manner:
 - (a) the first two characters consist of the initials of the property owner;
 - (b) the third to eighth characters consist of the date of birth of the property owner; and
 - (c) the letter Q as the final character. This serves to identify that property is of Queensland origin,

(for example for John SMITH, born on 23 July 1959, who should use the identification number 'JS230759Q').

ORDER

Officers supplied with the personal details and identification number or mark of a person are to enter the details in the Misc ID field of the person's QPRIME record.

4.11 Transmission and return of seized things between states and territories

Section 722: 'Ministerial arrangements for transmission and return of seized things' of the PPRA provides for the making of arrangements between Queensland and other states and territories to allow transfer of seized things which may be relevant to the investigation of an offence or to a proceeding:

- (i) for an offence against the law of Queensland (with respect to thing seized under relevant legislation of another state or territory); or
- (ii) for an offence against the law of another state or territory (with respect to things seized under the PPRA).

This section is supplemented by corresponding laws in all jurisdictions (see Schedule 4: 'Corresponding laws', of the Police Powers and Responsibilities Regulation) and by a series of ministerial arrangements. An appropriate authority for the purposes of these arrangements includes assistant commissioners (see Delegation D 24.30).

These mechanisms allow a member of any police agency in Australia to have property in another jurisdiction seized and transmitted to the jurisdiction in which the investigation is taking place.

Register of property seized

POLICY

It is the responsibility of the Officer in Charge, Evidence Management, Crime and Intelligence Command to:

- (i) maintain a register of property seized in this State for the purposes of s. 722 of the PPRA, or seized at the request of the Service under corresponding legislation in another jurisdiction;
- (ii) forward all status reports required by the ministerial arrangements.

4.11.1 When Queensland is the receiving state

Seeking the issue of a warrant

The Service will support an application for the issue of a warrant under corresponding legislation when:

- (i) the matter under investigation is an indictable offence;
- (ii) the seriousness of the offence is such that a prison term or a substantial monetary penalty is likely to result from a conviction arising from the investigation; and
- (iii) the circumstances surrounding the matter indicate that the public interest would be served by seeking a warrant under corresponding legislation in another jurisdiction.

An officer who becomes aware that property is located in another jurisdiction and is satisfied that the conditions outlined above are met, may make application for the issue of a warrant under the relevant corresponding legislation. To make an application, they should:

- (i) make contact with the OIC of the police station or establishment from which the warrant will be sought and request they nominate an appropriate liaison officer;
- (ii) contact the liaison officer and advise them of the intention to seek the issue of a warrant. The liaison officer cannot seek the issue of the warrant at this time, but must wait until a formal request has been made by the appropriate authority;
- (iii) prepare and have sworn a QP 0731: 'Request for a search warrant in a reciprocating state – affidavit' and scan it as an attachment to the relevant QPRIME occurrence;
- (iv) prepare a QP 0733: 'Authority to request issue of a search warrant in another jurisdiction' and scan it as an attachment to the relevant QPRIME occurrence;
- (v) complete a QPRIME general report from within the occurrence, outlining the details of the matter and include the name, rank and station of the liaison officer; and
- (vi) forward a QPRIME general task with the general report, QP 0731 and QP 0733 through the chain of command to the authorised delegate for their region or command.

The authorised delegate, on receipt of a QP 0731 should:

- (i) examine the matter;
- (ii) decide whether the offence under investigation falls within the criteria outlined;

- (iii) determine, on the basis of all the circumstances of the matter, whether the issue of a warrant is to be pursued in the other state or territory;
- (iv) if of the opinion the warrant should be pursued, sign the QP 0733 as provided by the requesting officer; and
- (v) ensure that the QP 0731, QP 0733 and general report provided are forwarded to the appropriate authority in the reciprocating jurisdiction.

Taking possession of the property

On arrival in the reciprocating jurisdiction, the documentation should normally be forwarded to the liaison officer, who will become responsible for applying for and executing the search warrant.

At this time, the liaison officer should seek the issue of a warrant, using the information provided by the requesting officer. The liaison officer should then advise the requesting officer that the warrant has been issued.

In most instances, it is desirable for the requesting officer to travel to the other jurisdiction to accompany the liaison officer when the warrant is executed. This is particularly desirable when the property sought, such as documents, is not well identified. The need to be present at execution of the warrant is lessened when the property is well defined and easily identifiable.

In either case, the property may not be handed to the requesting officer until it has been recorded in a property register in the other jurisdiction, and an authority to take possession of the property has been received from the appropriate authority in Queensland.

After receiving advice that a warrant has been issued in another jurisdiction, the requesting officer should:

- (i) discuss the necessity and timing of travel with the liaison officer from the other jurisdiction, and, subject to the approval of the relevant authorising delegate, make suitable travel arrangements;
- (ii) on arrival in the other jurisdiction, take up with the liaison officer and proceed to the facility at which the property is stored;
- (iii) compile a list of all property seized and forward the list via email, facsimile or other appropriate method to the relevant authorising delegate; and
- (iv) on receipt of an authorisation to receive the property signed by the relevant authorising delegate, provide this authority to the liaison officer, who should then hand the property, together with a copy of the property register entry in which the property is recorded, to the requesting officer.

Action on return to Queensland

ORDER

On returning to Queensland, the requesting officer is to:

- (i) immediately lodge the property at a property point;
- (ii) ensure the QPRIME occurrence entry is updated and each item of property in the QPRIME occurrence is tagged indicating the current location of the property see 'Property Management: Lodge Property' of the QPRIME User Guide;
- (iii) complete a general report within the QPRIME occurrence, which is to:
 - (a) outline details of the property seized; and
 - (b) be accompanied by a scanned copy of:
 - the authority to take possession of the property as signed by the relevant authorising delegate; and
 - any relevant register entry received from the other jurisdiction; and
- (iv) forward the report as a General task through the OIC of the region or command to the OIC, Evidence Management, Crime and Intelligence Command.

After an officer has conveyed property into Queensland as a result of the execution of a warrant under corresponding legislation in another jurisdiction, that officer remains responsible for the property while it remains in Queensland.

Status reports

An officer who has responsibility for property which has been seized in another jurisdiction and conveyed into Queensland, should complete supplementary reports:

- (i) at regular intervals showing the current status of the property in terms of why the property is still required in Queensland;
- (ii) that are tasked in QPRIME so that they reach the OIC, Evidence Management at intervals of not more than 60 days, commencing from the date on which the property was first brought into Queensland; and
- (iii) that include some indication of when the property is likely to be released.

Responsibilities of property officer

When property which has been seized under the PPRA or any corresponding Act is lodged at a property point, it is the responsibility of the relevant property officer to advise the OIC, Evidence Management of any action taken in relation to that property by tasking a General report on any occasion:

- (i) where any person is given access to the property for any reason;
- (ii) where any test or analysis is carried out on the property; or
- (iii) if the property is removed from the property point for any reason.

Responsibilities of assistant commissioner

On receipt of advice that property has been seized by virtue of a corresponding Act in another jurisdiction, the relevant authorising delegate will cause a QP 0734: 'Authority to receive property seized in a reciprocating state' to be completed and sent to the requesting officer by email.

4.11.2 When Queensland is the seizing state

The procedures to be followed when a request is received to seize property in Queensland on behalf of another state (see s. 33A: 'References to States includes Territories' of the *Acts Interpretation Act*) are essentially the reverse of the procedures when a Queensland officer makes a request. An officer from another state will make informal contact with an officer in this State and will nominate that officer as the responsible officer. The grounds relied upon in any formal request received are to be in the form of a sworn affidavit.

The responsible officers is to ensure the offence being investigated by a:

- (i) search warrant, is an indictable offence; or
- (ii) crime scene warrant, is a crime scene threshold offence (see s. 149A: 'Definitions for chapter' of the PPRA).

Before a warrant can be sworn, authorisation from an authorised delegate needs to be obtained (see Delegation D 24.30).

If authorised, the delegate is to forward requests to the nominated responsible officer, who should:

- (i) determine the most appropriate warrant type and if a:
 - (a) search warrant:
 - prepare a:
 - QP 0711: 'Application for search warrant';
 - QP 0712: 'Search warrant'; and
 - Form 011: 'Statement to occupier – search warrant';
 - make application before a magistrate for the issue of the warrant (see s. 2.8.3: 'Obtaining a search warrant' of this Manual); and
 - execute the warrant and seize the property (see s. 2.8.4: 'Execution of search warrants' of this Manual); or
 - (b) crime scene warrant:
 - prepare a:
 - QP 0706: 'Application for crime scene warrant';
 - QP 0709: 'Crime scene warrant'; and
 - Form 008: 'Statement to occupier – crime scene warrant';
 - make application before a Supreme Court judge or magistrate for the issue of the warrant (see s. 2.4.5: 'Major investigations' of this Manual); and
- (ii) following the application and execution or authorisation of the warrant:
 - (a) enter an interstate assistance occurrence [1800] on QPRIME in relation to the execution of the warrant;
 - (b) tag each item of property in the occurrence indicating the current location of the property; and
 - (c) take the property immediately to a property point and lodge it.

The requesting officer from the other state does not need to be present for the execution of the warrant. However, this can be desirable for identifying all property required.

After obtaining the warrant, the responsible Queensland officer should contact the requesting officer to determine if they wish to be present for the execution of the warrant. If they wish to be present, they are to be afforded the opportunity.

After the warrant is executed and where the requesting officer:

- (i) was present, they will notify the appropriate authority in their state, to obtain an authority to take possession of the property; or
- (ii) was not present, the requesting officer should be advised when the warrant was executed so they can obtain an authority to take possession of the property before attending the relevant property point.

ORDER

The seized property is not to be handed to the requesting officer until an authority to take possession of the property has been received from the appropriate authority for the requesting state.

A property officer who hands seized property to the requesting officer is to:

- (i) scan the appropriate authority of the requesting state as an attachment to the QPRIME occurrence;
- (ii) provide a copy of the QP 0760: 'Property receipt' for the property to the requesting officer; and
- (iii) obtain an indemnity receipt from the requesting officer and scan the receipt as an attachment to the relevant QPRIME occurrence entry.

The property officer is to update the QPRIME occurrence of the release of the property to the requesting officer.

The property officer is to update the QPRIME occurrence of the release of the property to the requesting officer. The property officer is to create a task from the QPRIME occurrence to the Evidence Management organisational unit and advise that the property has been transferred to another state.

Appendix 4.1 Deleted

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