



## GREATER SUDBURY POLICE SERVICE BOARD POLICY

<b>SUBJECT:</b> UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE SERVICE	<b>NUMBER:</b> PSB002
<b>ORIGINATING DATE:</b> June 15, 1998	<b>REVISED DATE:</b> Feb 19, 2020 June 11, 2014 April 11, 2011 December 17, 2025
<b>REPORTING REQUIREMENTS:</b> Annual	

### 1.0 INTRODUCTION

The Greater Sudbury Police Service has a legislated responsibility to ensure that property in the possession of the Service that is unclaimed is disposed of in accordance with the provisions of the *Community Safety and Policing Act, 2019*.

### 2.0 DEFINITIONS

#### ACT

The *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*.

#### BOARD

The Greater Sudbury Police Service Board.

#### CHIEF OF POLICE

The Chief of the Greater Sudbury Police Service.

#### DISPOSAL

The riddance of property, as provided for by legislation, by means of:

- a. Public auction;
- b. Destruction of drugs, firearms, weapons and ammunition;
- c. Return to owner or finder;
- d. Discarding of no-value; or

- e. Donation.

**FINDER**

A person who comes into possession of abandoned property by way of discovery and reports such finding to the Police Service.

**OWNER**

The person who has vested ownership or title of the property.

**PROPERTY**

Property that is:

- a. Found;
- b. Recovered;
- c. Seized for Evidentiary; or
- d. Seized for safekeeping (in the interest of public safety).

**SERVICE**

The Greater Sudbury Police Service.

**3.0 UNCLAIMED PROPERTY**

- 3.1 Pursuant to Section 258(2) of the Act, property may be sold by the Chief of Police by public auction if it cannot be determined who owns it and the Board may use the proceeds for any purpose it considers in the public interest.
- 3.2 Pursuant to Section 258(3) of the Act, perishable property may be sold at any time without notice.
- 3.3 Pursuant to Section 258(4) 3. of the Act, non-perishable property may be sold when it has been in the possession of the Service for at least one month in the case of a motor vehicle as defined in the *Highway Traffic Act* or a bicycle. In the case of all other property, it may be sold when it has been in the possession of the Service for at least three months.
- 3.4 Non-perishable property shall be sold by public auction. Monies from the auction shall be deposited in an account designated by the Board.
- 3.5 Pursuant to Section 258(4) 3. of the Act, at least ten (10) days' notice of the time and place of a public auction shall be published on the Internet, in accordance with the regulations made by the Minister, if any.
- 3.6 Notice of the time and place of a public auction shall also be publicized on the Service's Website and through other websites and social media sanctioned by the Service.

#### **4.0 FIREARMS/AMMUNITION**

- 4.1 Pursuant to Section 260(3) of the Act, if all possible court proceedings related to a firearm have been completed or the time for them has expired and there is no court order or other legal requirement governing how the firearm is to be dealt with, the Chief of Police shall ensure it is destroyed promptly unless sub-section (4) below applies.
- 4.2 Pursuant to Section 260(4) of the Act, where, in the opinion of the Chief of Police, a firearm is unique, an antique or of educational or historical value, it shall be offered to the Centre of Forensic Sciences. If the Centre of Forensic Sciences declines the offer, the firearm shall be destroyed pursuant to Section 260(6) of the Act.
- 4.3 Pursuant to Section 260(8) of the Act, the Chief of Police shall ensure that the Police Service keeps a register of firearms that come into the possession of the Service in accordance with the rules contained in the Act.
- 4.4 The Chief of Police shall ensure that firearms and ammunition in the possession of the Police Service that are authorized for destruction are disposed of in accordance with an established schedule.

#### **5.0 UNCLAIMED MONEY**

- 5.1 Pursuant to Section 259(3) of the Act, money that is not claimed by an owner after being in the possession of the Service in excess of 3 months shall be utilized at the direction of the Board for a purpose that is considered in the public interest.
- 5.2 Monies shall be deposited in an account designated by the Board following the statutory waiting period where the Owner is not known and the Finder has not made a claim for the money.

#### **6.0 ELECTRONIC DEVICES**

- 6.1 Pursuant to Section 258(2) of the Act, seized or found property in the possession of the service may be sold by the Chief of Police. Electronic devices that are seized or found and not claimed by an owner are exempted and not available for sale or return to finder as they may contain personal, confidential, and/or criminal content. After being in the possession of the Service in excess of 3 months, these items shall be destroyed.

#### **7.0 REQUEST FROM FINDER FOR RETURN OF FOUND PROPERTY**

- 7.1 The Board shall have the authority to return property to the Finder upon written request of the Finder, provided the property has been in the possession of the Service in accordance with the timelines specified in the Act.

- 7.2 Pursuant to sub-section 7.1, the Board delegates to the Chief of Police the authority to return property to the Finder, with the exception of money, provided the property has been in the possession of the Service in accordance with the timelines specified in the Act.
- 7.3 Restricted/prohibited weapons/firearms, prohibited ammunition, prohibited devices, firearms, liquor, counterfeit money, drugs, motor vehicles or any other property designated by the Board as unsuitable for return shall not be returned to the Finder.
- 7.4 Found money shall not be returned to the Finder where there is evidence it represents proceeds of crime or where there is any legislative provision or public policy affecting the Finder's right to possession, otherwise the money shall be retained in accordance with Section 4 above.
- 7.5 Members of the Greater Sudbury Police Service, either on or off duty, finding money or property shall not be eligible to make such claim for return for property found within the City of Greater Sudbury.

## **8.0 REPORTING REQUIREMENTS**

- 8.1 On an annual basis, in January of each year, the Chief of Police shall provide a report to the Board regarding property that has been returned to a Finder in the previous year, pursuant to the authority delegated to the Chief by the Board.