

POLICY RESPECTING THE DISPOSITION OF UNCLAIMED PROPERTY IN THE POSSESSION OF THE KINGSTON POLICE

WHEREAS the Kingston Police Services Board is required to establish policies for the effective management of the Kingston Police in accordance with section 31(1)(c) of the *Police Services Act*;

AND WHEREAS sections 132(2) and 133(3) of the Act give police services boards the authority to use the proceeds from the sale of unclaimed personal property, as well as money found or seized by the police service, for any purpose that it considers in the public interest;

AND WHEREAS the Board passed a motion on January 22, 1998, by Resolution No. 98-7 authorizing the Kingston Police Community Volunteers to assume the task of collecting abandoned bicycles in exchange for receiving up to \$5,000 annually from the auction proceeds of these bicycles to fund their activities;

AND WHEREAS section 134 of the Act governs the administration of firearms in the possession of the police service where those firearms were found, turned in, or seized;

NOW THEREFORE the Kingston Police Services Board enacts as follows.

1. Definitions

1.1. In this policy the following definitions apply.

- (a) “Act” means the *Police Services Act*, RSO 1990, c.P.15, and amendments thereto.
- (b) “Board” means the Kingston Police Services Board, the governing authority for the police service of the city of Kingston, with a majority of the members of the Board constituting a quorum in accordance with section 35(2) of the Act.
- (c) “Board Policy Manual” means the manual of policies and procedures maintained by the Board for the effective management of the Kingston Police pursuant to section 31(1)(c) of the Act.
- (d) “Chief of Police” means the Chief of Police for the Kingston Police.
- (e) “Finder” means a person who comes into possession of abandoned property by way of discovery and reports such finding to the police service.
- (f) The “Kingston Police Community Volunteers” (KPCV) refer to the volunteer organization created in 1996 under the authority of the Board and the Chief of Police to assist the Kingston Police and the Kingston community in a variety of non-confrontational roles by implementing programs that complement the services to the community supplied by the Kingston Police.
- (g) “Kingston Police Pipe Band” refers to the pipe band aligned with the Kingston Police.

- (h) “Members of the police service” mean sworn and civilian employees of the Kingston Police Services Board.
- (i) “Owner” means the person who has vested ownership or title of the property.
- (j) “Police service” means the Kingston Police.
- (k) “Property” means property that is:
 - (1) found;
 - (2) recovered;
 - (3) seized;
 - (4) surrendered for safekeeping; or
 - (5) evidentiary.

2. Application

2.1. This policy provides direction to the Board and to the Chief of Police regarding the obligations of both parties under the *Police Services Act* and associated regulations.

2.2. It is the direction of the Board that the Chief of Police will ensure compliance by members of the police service with sections 132, 133, and 134 of the *Police Services Act*.

2.3. Subject to the restrictions of the Act and other relevant legislation, property eligible for disposal may be disposed of by:

- (a) return to the owner;
- (b) public auction;
- (c) destruction (e.g., drugs, firearms, weapons, and ammunition);
- (d) return to the finder, if permitted under section 5 herein;
- (e) discarding when of no value;
- (f) donation to a not-for-profit organization on approval of the Chief of Police as provided in section 3.6 of this policy; or
- (g) conversion to use for operational purposes, provided that a record is kept of the particulars of the property and the intended use.

3. Unclaimed Property (Other than Money and Firearms)

3.1. Pursuant to section 132(2) of the Act, property may be sold by the Chief of Police by public auction if its owner cannot be determined, and the Board may use the proceeds for any purpose it considers in the public interest.

3.2. Pursuant to section 132(3) of the Act, perishable property may be sold at any time without notice.

3.3. Pursuant to section 132(4) of the Act, non-perishable property may be sold when it has been in the possession of the police service:

- (a) for at least one month in the case of a motor vehicle as defined in the *Highway Traffic Act* or a bicycle; or
- (b) for at least three months in the case of all other property.

3.4. If identified for sale by the Chief of Police pursuant to section 132(2) of the Act, non-perishable property eligible to be sold as noted in section 3.3 of this policy shall be sold by public auction, and, pursuant to section 132(4)3 of the Act, at least 10 days' notice of the time and place of the auction shall be given by publication in a newspaper of general circulation in the city of Kingston. Monies from the auction shall be deposited to the assigned revenue account with City of Kingston Financial Services.

3.5. Proceeds from property sold pursuant to section 3.4 may be used for:

- (a) funding for appreciation events/awards and/or extraordinary equipment costs/purchases for the Kingston Police Community Volunteers, to an annual maximum as approved during the annual budget process, in recognition of their collection of abandoned bicycles;
- (b) support of the Kingston Police Pipe Band activities, to an annual maximum as approved during the annual budget process; and
- (c) any other purpose approved by motion of the Board.

3.6. In exceptional circumstances, property other than money and firearms may be donated to a not-for-profit organization on a case-by-case basis as approved by the Chief of Police, provided that a record is kept of the particulars of the property and the intended use.

4. Unclaimed Money

4.1. Pursuant to section 133(3) of the Act, money that is not claimed by an owner after being in the possession of the police service in excess of 90 days may be used by the Board for any purpose that it considers in the public interest.

4.2. Money shall be deposited to the assigned revenue account with City of Kingston Financial Services following the statutory waiting period when the owner is not known. Aside from a specific purpose approved by motion of the Board from time to time, found money

deposited to the assigned revenue account shall form part of the annual revenue line in the approved Kingston Police annual budget.

5. Request from Finder for Return of Found Property

5.1. Subject to sections 5.2 and 5.3 of this policy, the Chief of Police is authorized to return property to the finder upon the request of the finder, provided that the property has been in the possession of the police service for the required time-frame specified in the Act and the finder has claimed the property within 30 days of being notified by the Kingston Police.

5.2. Liquor, money, counterfeit money, drugs, motor vehicles, bicycles, restricted or prohibited firearms, weapons, ammunition, or devices, or any other property designated by the Chief of Police as unsuitable for return shall not be returned to the finder.

5.3. Members of the police service finding property within the city of Kingston while either on duty or off duty shall not be eligible to make a claim for return for such found property, but they may purchase property offered for sale at a public auction or through any public tendering process.

6. Firearms

6.1. Subject to the provisions of section 134 of the Act regarding a firearm that is unique, an antique, or of educational or historical value, firearms that are not returned to the registered owners shall be destroyed.

7. Reporting Requirements

7.1. In accordance with sections 2.4 (Monitoring the Chief's Performance) and 4.3.20 (Collection, Preservation, and Control of Evidence and Property) of the Board Policy Manual, the Chief of Police shall provide an annual report in February of each year on compliance by members of the police service with sections 132, 133, and 134 of the *Police Services Act*.

8. Amendment and Repeal

8.1. This policy supersedes that passed by the Kingston Police Services Board on January 22, 1998, by Resolution No. 98-7.

8.2. This policy shall not be amended or repealed except by a majority of the whole Board.

9. Commencement

9.1. This policy comes into force and effect on the day that it is passed.

ADOPTED AND PASSED by the Kingston Police Services Board this 15th day of November, 2018, by Resolution No. 18-43.

Chair

Secretary