



09-06 Property of Persons in Custody

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Rationale

It is the policy of the Toronto Police Service (Service) to remove property from prisoners either for the safety of the prisoners and members or to prevent injury or escape.

This Procedure outlines the process members shall follow when property is removed from persons in custody.

Procedure

Court Services members will record and release the property of persons in custody in accordance with this Procedure, in conjunction with unit specific policies.

Police Officer

1. When property belonging to a person in custody is held for safety reasons or seized to prevent escape or injury shall
 - count money and itemize other property on camera
 - complete a TPS 400, ensuring to include the eReport number
 - place the property in a property bag
 - if cash is being held
 - complete a TPS 406, ensuring to include the eReport number
 - place cash in a separate property bag, and place in the initial property bag
 - place item of religious significance in a separate property bag, in compliance with Procedure 01-02 – Appendix D
 - place personal gender-affirming prosthetic (including breast forms, chest binders, gaffs, packers, prosthetic penises and wigs) from a trans or gender-diverse person in a separate property bag, in compliance with Procedure 01-02 Appendix C.
 - ➔ *Consider placing gender-affirming prosthetic device/items in non see-through bag.*
 - place assistive device in a separate property bag, where practicable
 - place cannabis in a separate property bag and seal the bag, in the presence of the Officer in Charge or designated supervisory officer **on camera** in the booking hall
 - ➔ *It is not necessary to weigh legally possessed cannabis prior to placing in a property bag*

- place all prescribed medication in a separate property bag and make the appropriate entries in the Arrest Booking/Cell Management screen for each type of medication, ensuring to include the eReport number
 - refrigerate prescribed medication, when required
 - for health and safety reasons, unsealed food items that can reasonably be expected to spoil shall not be bagged or transported
 - submit
 - large items
 - any legally possessed edged weapons, including pocket knives and box cutters
 - alcohol
 - liquids and glass containers (other than prescribed medications)
- to Property & Video Evidence Management Unit (PVEMU) in compliance with item 4

➔ *In order to maximize the safety of prisoners held in police custody and the Service members assigned to their care, members of Court Services will not transport edged weapons.*

Transporting alcohol liquids, and glass containers may pose an unnecessary risk to members of Court Services due to potential breakage and/or damage to prisoner property. Members of Court Services will not transport alcohol in any form.

- complete the applicable sections of the property bags
 - if the property is turned over to another member obtain their signature in the memorandum book
 - submit the completed property bags to the Officer in Charge or designated supervisory officer
 - record the property bag numbers in
 - the original eReport
 - the memorandum book
2. Where property, including cash is seized from a person in custody relating to proceeds of crime or offence related property shall comply with Procedure 05–15.
 3. Where property is removed/seized from a person in custody and will not be returned to the person upon release shall
 - comply with the Procedure 09–01
 - destroy Part 1 of the TPS 405
 4. When returnable property is removed from a person in custody and will not accompany the person shall
 - make arrangements to have the property released to a relative/agent as soon as possible
 - where the returnable property is not released to a relative/agent
 - complete the applicable Property Report, TPS 405 and where applicable make the appropriate entries in the Arrest Booking/Cell Management screen with respect to medication
 - serve a copy of the TPS 405 and TPS 407 on the prisoner
 - submit the property and completed reports to the Officer in Charge or designated supervisory officer prior to the completion of the tour of duty
 - deposit the property through the Divisional Locker Management System (DLMS) with the applicable Property Report, TPS 407 and TPS 405 for pickup by PVEMU in compliance with Procedure 09–01
 - secure liquids, glass containers and alcohol in a separate cardboard box affixed with a police seal, and complete a separate TPS 400 and TPS 401 for these items
 - when submitting cash in conjunction with any other type of property
 - record the cash on a separate TPS 405

- complete a TPS 406, ensuring to include the eReport number
 - place it in a separate property bag and complete the information section on the front of the new bag
 - add supplementary information to the original eReport
 - for legal amounts of cannabis (or equivalents) submitted to PVEMU, also complete a TPS 404 and a separate TPS 405
- ➔ *Any cannabis that is legally returnable will be returned to the seizing unit for release to the owner.*

Booking Officer

5. When receiving property belonging to a person in custody shall enter the appropriate property bag numbers, including the separate property bag numbers for the cash on the applicable Arrest Booking/Cell Management screen.
6. When the person in custody is transferred to court or a correctional facility shall
 - seal the property bags with the exception of the bag containing medication for prisoners being transported to Court
 - ➔ *The bag containing medication for prisoners being transported to court shall remain open so it may be accessed should the medication need to be dispensed, in accordance with Procedure 01–03.*
 - give the person the detachable seal from the property bags
 - print and give a Prisoner Transportation List to the transporting officer
 - have the transporting officer sign for the property bags
7. When the person in custody is transferred to court, a correctional facility or medical facility shall
 - insert the person's medication into a property bag and note the property bag number on the Prisoner Medication Record
 - insert Prisoner Medication Record in the property bag
 - ensure the prescribed medication and the Prisoner Medication Record accompanies the prisoner

Transporting Officer

8. Prior to transporting a person in custody to court, a correctional facility or medical facility shall ensure
 - that the person's property is accounted for
 - the property bags are sealed with the exception of the bag containing medication for prisoners being transported to Court
 - ➔ *The bag containing medication for prisoners being transported to court shall remain open so it may be accessed should the medication need to be dispensed, in accordance with Procedure 01–03.*
 - the Prisoner Medication Record accompanies the person in custody, if applicable
 - the medication and the Prisoner Medication Record are brought to the attention of the appropriate personnel where applicable
 - ➔ *If the property bag does not contain all listed property, shall not accept the bag.*

- the returnable property accompanies the prisoner

Officer in Charge / Designated Supervisory Officer

9. When property of a person in custody is held for safety reasons or seized for evidence shall
 - examine the property and accompanying reports
 - ensure all reports are complete, accurate and signed by the submitting officer
 - ensure the eReport number is included on all Property Reports
 - sign the completed reports
 - ensure property bags are properly sealed and the appropriate sections of the property bags are completed
 - where property is not returned to the prisoner or will not accompany the prisoner to court, ensure the property and the applicable Property Report, TPS 407, if applicable, and TPS 405 are recorded and stored through the DLMS
 - ensure that all property is stored in a secure location, which is inaccessible to the prisoner

Officer in Charge

10. If valuable property is retained by prisoners shall ensure the transporting officer is advised.
11. When the person is released or transferred from police custody shall ensure that the original Prisoner Medication Record is forwarded to the unit where the arrest occurred, where applicable.
12. When the person is released from custody shall ensure their property is inventoried on camera as it is returned to them.

Supplementary Information

Governing Authorities

Provincial: Cannabis Control Act, 2017; Police Services Act, O. Reg 3/99, Adequacy & Effectiveness of Police Services.

Associated Governance

TPSB Policies: TPSB LE-016 Prisoner Care and Control.

TPS Procedures: 01–01 Arrest; 01–02 Search of Persons; 01-02 Appendix C Trans Persons; 01–02 Appendix D Handling Items of Religious Significance; 01–03 Persons in Custody; 01-03 Appendix E Lodging and Transportation of Trans Persons; 02–19 Report to Justice/Order for Continued Detention; 04–21 Gathering/Preserving Evidence; 05–15 Asset Forfeiture Investigations; 08–09 Workplace Safety; Chapter 9 Property.

Forms: eReport; Prisoner Transportation List; Property Forms Wizard; TPS 214 Police Seal; TPS 400 Property Report – General; TPS 404 Property Report – Drug; TPS 405 Property Receipt; TPS 406 Property Report – Cash; TPS 407 Property Claim Notice.

- The TPS 400, TPS 404, TPS 406 and TPS 407 are now accessible via the Property Forms Wizard.

Definitions

For the purposes of this Procedure, the following definitions will apply:

Assistive/Prosthetic Device means a device used to replace, compensate for, or improve the functional abilities of people with disabilities or for trans or gender diverse persons to affirm gender identity. Assistive device includes a broad range of items such as mobility and visual/hearing aids, orthotics/prosthetics, speech devices, medical supplies, environmental controls and respiratory devices. Prosthetics used to express gender identity include: breast forms, chest binders, gaffs, packers, prosthetic penises and wigs.

Cannabis means

- any part of a cannabis plant, including the phytocannabinoids produced by or found in such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2 [of the *Cannabis Act*];
- any substance or mix of substances that contains or has on it any part of a cannabis plant; or
- any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained [including synthetic cannabis products].

[source: *Cannabis Act*, Schedule 1]

Gender: the set of socially classified behaviours, attitudes and norms associated with and roles of men, women, trans people, non-binary people and more. Encompasses gender identity, a person's internal sense of being a man, woman, both or neither.

Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common and important ways of expressing gender.

Gender Identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along or beyond the gender spectrum. A person's gender identity may be the same as or different from the typical pairing with their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Item of Religious Significance means any item, article, apparel, or clothing a person identifies as having religious importance.

Returnable Property means property belonging to the prisoner, that has been removed from their possession, which is to be returned upon release from custody.

Valuable Property means money, jewellery and other items that may make a prisoner the target of theft or robbery.

Trans is an umbrella term referring to people with diverse gender identities and expressions that differ from their assigned sex at birth. It includes but is not limited to people who identify as transgender, trans woman (someone assigned male at birth who knows themselves to be a woman), trans man (someone assigned female at birth who knows themselves to be a man), non-binary, gender non-conforming, gender variant or gender queer. Some people may consider two-spirit to be a trans identity. Trans persons may or may not make a social transition, have surgery, use prosthetic devices or take prescription medications (such as hormone therapies), to affirm their gender identity. They may or may not have identity documents that reflect their lived identity.

→ *Members shall refer to Procedure 01–01 for direction with respect to guide dogs.*

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