



Queen Mary
University of London

School of Law

How to reclaim lost property from a prison or police station (a self-help guide)

Produced by students from the Queen Mary Legal Advice Centre

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Foreword

Personal possessions are more than just tools, luxuries or necessities. They are an important part of our identity and our lives. This guide aims to help you understand how you can claim back property that has been lost, stolen or damaged within the prison system.

This guide will also address property that has been retained (or 'kept') by the police following an investigation.

We at the Queen Mary Legal Advice Centre hope you find this guide a useful resource when claiming back lost property and resolving the issues you face.

This booklet was produced in January 2021 and outlines the law as of that date. This book was compiled by Zohra, John, Megan, Holly, Youssef, Yasmine, Uswah and Estelle, all of whom are students at the Queen Mary Legal Advice Centre.

A special thank you is given to Tuckers Solicitors and Leigh Day Solicitors for their valuable contribution to this guide.

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Part 1: Reclaiming your property from the police

This section explains what to do if your property has been taken by the police and you would like to get it back.

Police possession of property

The following pages explain what to do if your property has been taken by a police officer and not given back to you or your family. You may want this property back in prison, or you may want a friend or family member to collect the items for you.

The police may 'retain' (keep) your property if:

1. your home was searched when you were arrested and the police took property from your home, or
2. the police took objects from you when you were arrested, or
3. the police took objects from you at the police station.

Usually, all you need to do is send a simple letter to the police station where your property is being held and your property will be returned to you. Unfortunately, sometimes property:

- goes missing
- gets lost
- gets damaged, or
- is destroyed.

If this is the case, you may want to seek **compensation** (money to make up for your missing or destroyed item) for your property.



Why are the police allowed to take my property?

There is a law in England and Wales called the Police and Criminal Evidence Act 1984. This law is known as PACE, and it allows the police to enter, search, take, and keep your property for certain reasons.

The Police and Criminal Evidence Act 1984

SECTION 8 allows police to get permission to enter and search a location, such as your house. If they do this, they must make a full list of everything they take.

SECTION 18 allows police to enter a location, such as your house, after you have been arrested. For example if they think that there is evidence in that location that relates to the offence that you have been charged with, or a similar offence.

SECTION 19 allows a police officer to take anything from the location that they are searching if they think it might be evidence related to any offence, and they need to make sure that the items do not become hidden, damaged, changed, or destroyed.

SECTION 20 allows police to take copies or the original of any electronic information.

SECTION 22 allows police to keep anything they take from you for as long as is necessary.

These items may be used as evidence in a trial, or for an investigation.

The courts have the power to tell the police to give you your property back. This is because of a law called **The Police (Property) Act 1897**. It has two main sections:

Section 1

Explains that you can apply to the court asking them to make sure your property is returned to you.

Section 2

Explains that the police can ask the court for permission to destroy the property if they have it for a year and do not know who the owner is.

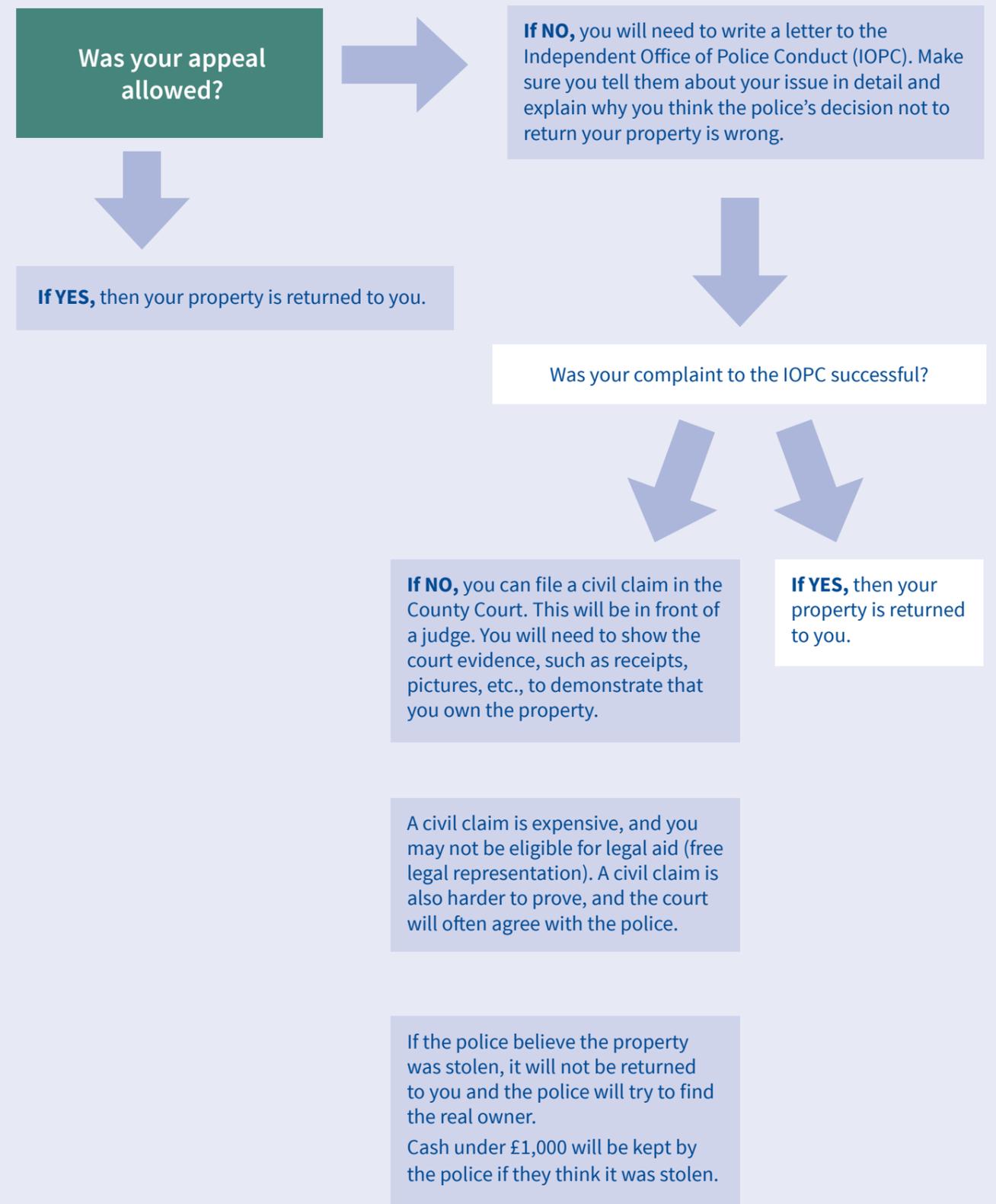
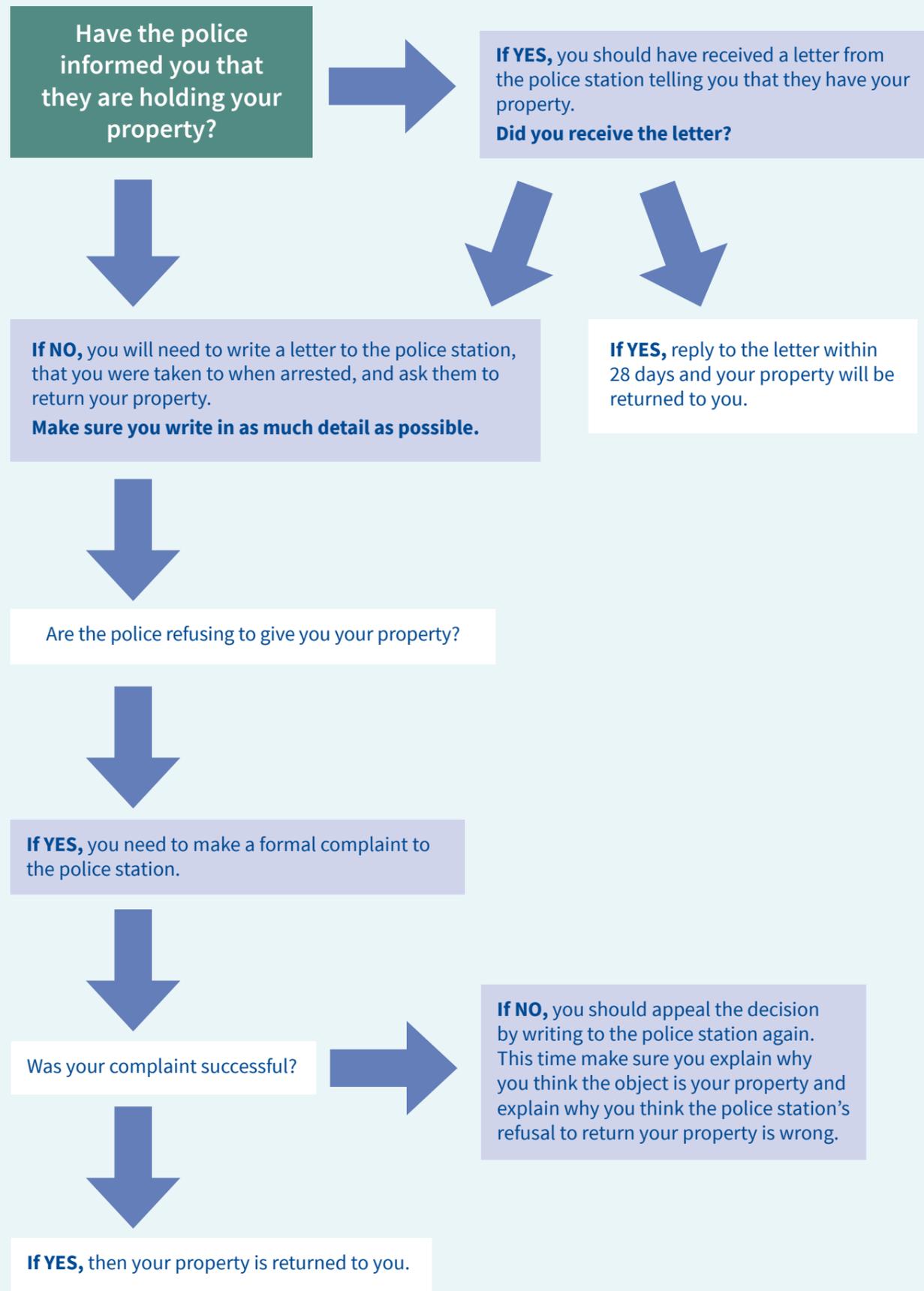
What if the police don't believe me when I tell them the property is mine?

- The police may have questions about whether an item is really yours and they may ask you to prove that you own it. If you have a receipt for the item, this is easy.
- If you don't have a receipt, you may have to find a photograph of yourself with the item or find another way of showing that it is yours.

What if I want my things back from the police?

- Property taken by the police should be returned to its owner when it is no longer needed by the police for an investigation into a crime or to prove a criminal offence.
- Property like drugs, knives and guns, will not be returned. This is for your safety and the safety of others.

How to get your property back from the police



Civil Procedure Rules

When you apply to have your property returned to you there are a set of rules you have to follow called the **Civil Procedure Rules**.

You will have to follow these rules if you are asking the court to order the police to return your property back.

Applications must:

- 1 Be made in writing.
- 2 Be given to the Court Officer.
- 3 Explain why you are interested in the property.
- 4 Explain what you would like the court to do, and why.
- 5 Include a list of everyone who will be told that you are submitting your application.

Q	What if I do not know the name of the police officer who has my belongings?	A	Write to the police station where you were arrested. Write down details about where you were arrested, what date, what time, and the charges. State your custody number, if possible.
Q	Can someone get my property for me?	A	You can write a letter to the police station. Address the letter to the police officer who is in charge of your investigation. Provide the name of the person who you are giving permission to collect your property. It is also helpful to say the relationship they have to you. You ALSO need to give a letter to the person collecting, saying that you give them permission to collect your property. They must bring identification with them to collect your items
Q	What if I have no one to collect my property?	A	You can ask if you can get your property after you have been released from prison.

Complaining to the Police Station

You can make a complaint about a Police Officer or the police force if:

You experienced inappropriate behaviour from a police officer or staff members.

You saw a police officer or staff member act inappropriately.

You have been affected by the conduct of a police officer or staff member even if it did not happen to you directly.

Inappropriate behaviour can include where the police station or an officer has damaged, lost or retained property for too long. You can complain about any inappropriate behaviour in the following way:

- You can make a complaint if you do not receive a clear response from the police station telling you what has happened to your property.
- A complaint can be made for you by someone else (for example, you could allow a family member to make the complaint for you), but you must provide written permission.



Police responses to a complaint



The police will consider your complaint and decide whether to record it. They should **listen to you**, and act in a fair and balanced way to try and **make things right for you**.



You can expect to hear from the police within **15 working days** about whether the complaint has been recorded. If it has not been recorded you should receive an explanation on why not.



You have the **right to appeal again**, and have a high-ranking police officer look at your case.



If the complaint is not referred to the IOPC, it will be dealt with by an investigation or local resolution (police force **explaining, apologising** or satisfying the prisoner that appropriate action is being taken).



You will receive a **letter** from the police force explaining **what the local resolution is** and information about the right to appeal if you are unhappy with the outcome.

The Independent Office for Police Conduct (IOPC)

The IOPC investigates complaints about the police in England and Wales.

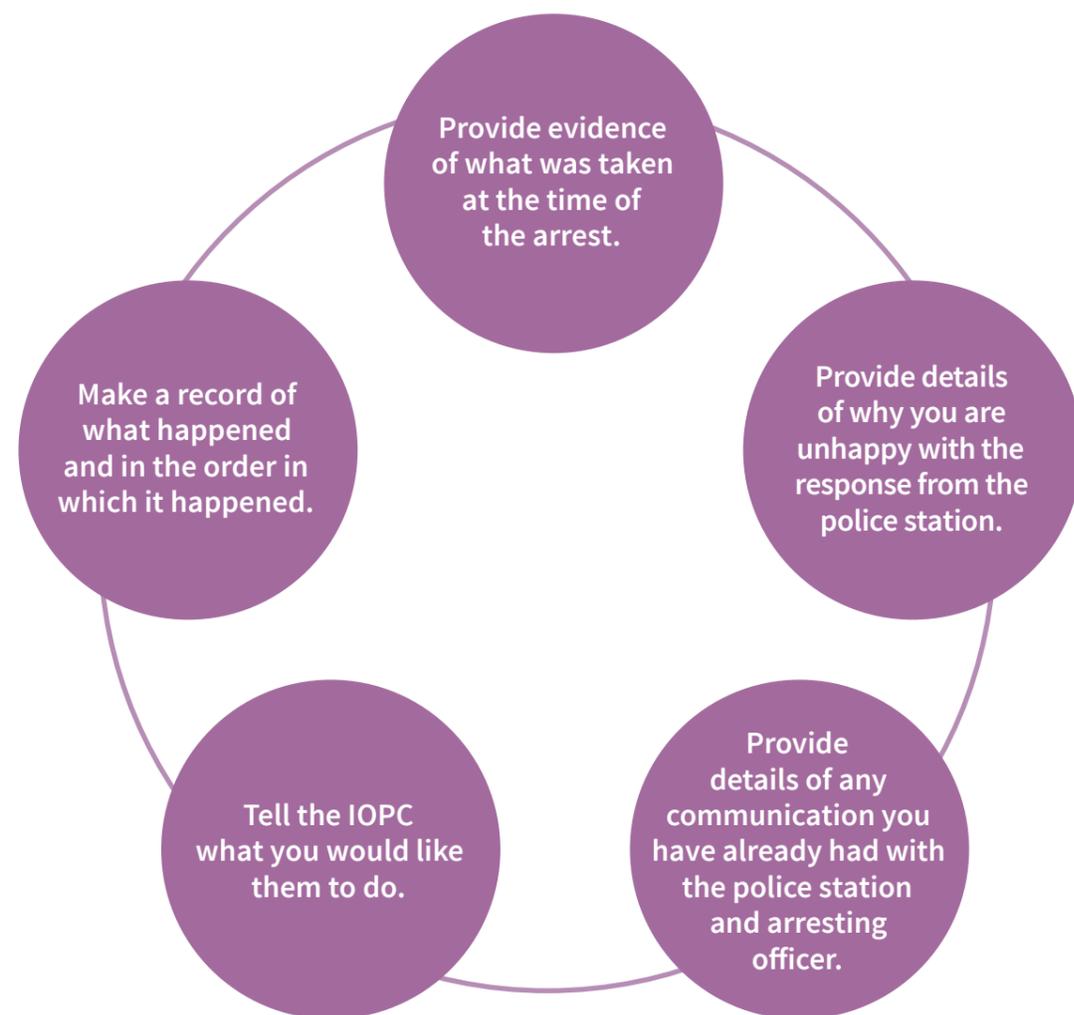
Making a complaint

- When you first make a complaint, you will need to send your complaint to the IOPC.
- If you are unhappy with the IOPC's decision, you can ask the IOPC to appeal the decision. An appeal is when you ask someone to review and check that the correct decision has been made, and the decision could be changed.

Making an appeal

- The form to submit an IOPC claim for your appeal is online, so it may be easier to ask a family member, friend, or your lawyer to make your complaint for you.

This information should be included in your complaint:



County Court claims

- If you have made an appeal with the IOPC and this was not successful, you can make a claim to a County Court.
- This could be because the police have destroyed your property or have kept it for a very long time and are not giving it back.
- If you are successful in Court:
 - you will receive your property,**OR**
 - you will receive the amount of money needed to replace the item, or the amount of money that the item was worth at the time it was lost or damaged.

In your claim, you should include:

- Any communication you have had with the police station, arresting officer and the IOPC.
- The impact of losing property. For example, if the police lost your phone, you can talk about the information or pictures that you may have lost as a result of losing your phone.

You have six years to make a claim to the County Court from the date you found out that your property was taken and kept by the police and lost, damaged or destroyed.

You will have to pay to go to court, so this should be your very last option and the item must be very important.



Example scenarios

Use these example situations to see how much you can remember about property taken by the police.

EXAMPLE 1

A) Lia was arrested. A police officer took Lia's passport application papers.

B) Lia did not get the passport application papers back.

Which law tells us about what the police are allowed to do when they want to search your house?

Can Lia ask for them back?

ANSWER: The **Police and Criminal Evidence Act 1984** would be the most helpful act in this case.

It is also important to remember that PACE says that the police should not take original copies of your property when a photocopy would be enough. So, they should only retain a photocopy of Lia's

ANSWER: Yes, Lia can ask for the documents back from the police.

Property taken by the police should be returned when they do not need it anymore.

EXAMPLE 2

Harry was arrested and the police took his gun and knife collections.

One of the knives belonged to his dad and he would like to get it back.

Can Harry get his knives back?

ANSWER: No. Property such as drugs, knives or guns will not be returned. They will be destroyed.

EXAMPLE 3

Barry was arrested and his watch was taken by the police. The watch was not needed for the investigation and when he tried to make a complaint the officer could not tell him what had happened to the watch.

Can Barry complain again and to who?

ANSWER: Yes, Barry can complain again.

The police have behaved inappropriately. Inappropriate behavior can include keeping the watch for too long.

Barry should complain, in writing, to the police officer in charge of the investigation.

**Who should Barry send his complaint to?
Can someone make the complaint for Barry?**

ANSWER: If Barry receives no response from the Police Officer in charge of the investigation, Barry should complain to the Independent Office for Police Conduct (IOPC). Barry can find this form online and ask his friend/family to fill it out for him.

What should Barry include in his complaint?

ANSWER:

1. He must provide evidence that the watch was taken from him.
2. Barry must explain why he was not happy with the first response from the police. Did it lack detail? Did it not provide him with the necessary answers? He should also explain any other communication that he has had with the police station and the officer that arrested him.
3. He should provide a timeline of what happened and suggest what he would like the IOPC to do. In this case, Barry would like his watch back.

When should Barry get his response?

ANSWER: 15 working days. This answer will either explain that the complaint was recorded or, if it was rejected, explain the reasons why.

Can Barry appeal the decision?

ANSWER: Yes. Barry has the right to appeal again, and the case will be looked at by a higher-ranking official.

When can Barry appeal through the IOPC?

ANSWER: The IOPC looks at complaints made against Police Forces in England and Wales. Barry would be able to make an appeal to the IOPC if:

- The police failed to record the complaint.
- The outcome of the complaint is not satisfactory (or not what Barry wanted).

What can Barry do if he still hasn't received his watch back or a satisfactory explanation?

ANSWER: Finally, Barry can make a claim to the County Court if his property has been destroyed or kept for a very long time.

If he is successful, Barry will receive money for how much his watch was worth.

Barry can also ask for money for the time he spent without his watch. In this claim, he should include any communication that he has had with the police station and explain how living without his watch has affected him.

Barry has six years to make the claim to the County Court from the day he found out that the watch had been kept.

Part 2: Reclaiming your property from a prison

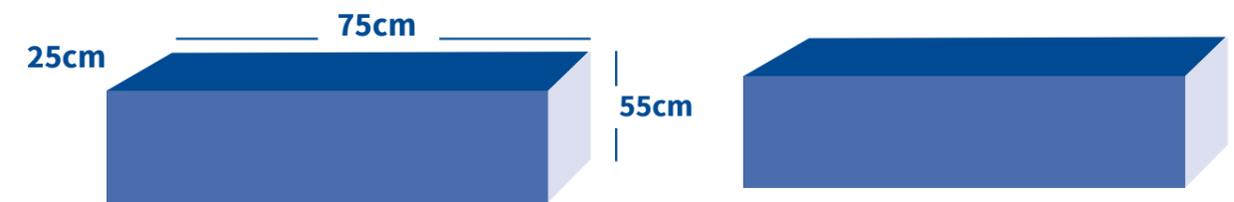
This section talks about the property that you keep with you when you are in prison, and what to do if it is lost, stolen, or damaged.

Types of property



The information here comes from the PSI 12/2011 'Prisoners' Property'.

When you arrive at prison, the staff will make a list of everything you have. You will receive two standard size boxes for your belongings (75cm x 55cm x 25cm). You will be allowed one outside item (e.g. a stereo).



Some items do not have to fit inside your two boxes, as stated in the Government PSI 12/2011 on Prisoners' Property. These include:

- legal papers
- religious texts and objects
- if you are transgender, items that support you to live in the gender that you identify with, and
- items that will help you care for your baby (only in mother and baby units).

You are not allowed to bring some types of clothing into prison, per the Incentives Policy Framework (8th July 2020), including:

- clothing with a hood
- clothing with offensive slogans or designs, sport teams, or countries
- clothing that is padded or quilted
- black items (leggings are allowed)
- uniforms or military-style clothing
- clothing that makes you look like a staff member
- clothing that is in a bad state, or is meant to look like it is in a bad state (e.g. ripped jeans)
- clothing that is not modest or decent

In possession property

You are allowed 3 pairs of shoes:

- you can bring one or two pairs of trainers
- stiletto shoes are not allowed.

You are allowed certain types of jewellery, including:

- a plain ring (like a wedding ring or a signet ring)
- one earring / stud / sleeper per piercing (this will be what you are wearing when you first arrive at prison)
- a light chain
- a digital or analogue watch, but it cannot have data storage or a 'smart' function.



You should not keep any item with you if it is worth more than £100.

You are allowed to keep some items for personal hygiene such as a hairbrush, toothbrush, and tweezers.

Depending on your privilege level, you may be allowed some electronic items, such as a hairdryer or an electric shaver.

Other hygiene or cosmetic items that are not allowed to be brought in (but may be given to you in prison or be purchased in the canteen) include:

- makeup
- shower gel
- soap.

Toiletries should be provided by the prison, and other items can be bought at the canteen.

You may take a photograph album or a picture frame with you, BUT:

- you cannot have any indecent photographs (e.g. showing naked people), and
- a photo of a child may be refused if it could cause a risk to the child.

If you have a hobby, you may be allowed to keep items to help you, such as:

- writing pads, pencils and pens
- items for painting or music
- jigsaws or playing cards
- books.

Certain items that are valuable have special rules:

Cash

When you check into prison, any cash must be paid into the money account that is in your name.

Jewellery

Jewellery items will be listed as white or yellow metal (i.e. gold or silver) on your list of items.

Passports or Identification Cards

If you are a foreign national that has been informed of your deportation, your passport must be given by the prison service to the National Border Agency UK.

Some items may be taken from you temporarily:

1. Items that you are **not allowed** to have but are found with you.
2. Items that you are **allowed** to have, but that you have used in an **unauthorised** manner.

If your items are taken from you, you will be given an explanation as to why, and what the next steps will be.

Prison governors are allowed to dispose of (take away or sell) your property if you are not allowed to have it (i.e. if it is unauthorised) under PSI 14/2015.

This includes property:

- that is prohibited (absolutely not allowed)
- which is received from another prisoner without permission from the Governor, or
- which is allowed but has been modified (i.e., changed, or had something done to it that means it is no longer allowed).

Stored property

Items that are not allowed to be in your possession include:

- mobile phones
- cash and valuable items
- property which does not fit into your two boxes.

If you cannot keep some of your items with you, you may be allowed to give them to a visitor.

If you cannot give your property to visitors, permitted items can be put into sealed bags and kept in a safe place, either inside or outside the prison, until you leave the prison under PSI 14/2015.

If your property is not held in possession or stored inside the prison, it is stored at the National Distribution Centre (NDC) in Branston.

Your property card

Prison staff will ask you to sign a form, known as a property card, when:

You arrive at the prison



To say that you have seen your belongings put into bags and the bags have been closed in front of you.

When you arrive at a new prison or leave a prison



To say that your things are still okay.

When you are released from a prison



To say that all of your things were still there.

When you are released from prison you will get all of your things back, except for any items that are against the law. If you are transferred to another prison, your property should be transferred with you.



The prison's responsibility

Your prison's responsibility to you

The prison service does not normally accept responsibility for property held in possession (property that you keep). That means that you must take care of the items that you keep with you.

There are exceptions when the prison may be responsible. For example, if you are unable to look after your own property, and the prison fails to take care of it, they will be responsible for compensating you.

What is 'compensation'?

Something, usually money, which is given to someone in exchange for loss or suffering.

The prison service is responsible for keeping property that is stored in a safe and undamaged environment. If stored property is lost or damaged when it is taken from you, or during a prison transfer, the prison service will have to pay you compensation.

When you are discharged from prison and are not expected to return, all of your property (in possession and locally stored) should go with you.

Problems you may experience with your property

Your property may be late or lost when you are transferred to a new prison.

If you are transferred within the prison (e.g. to segregation) your 'in possession' property may be lost, late in being returned to you, or stolen.

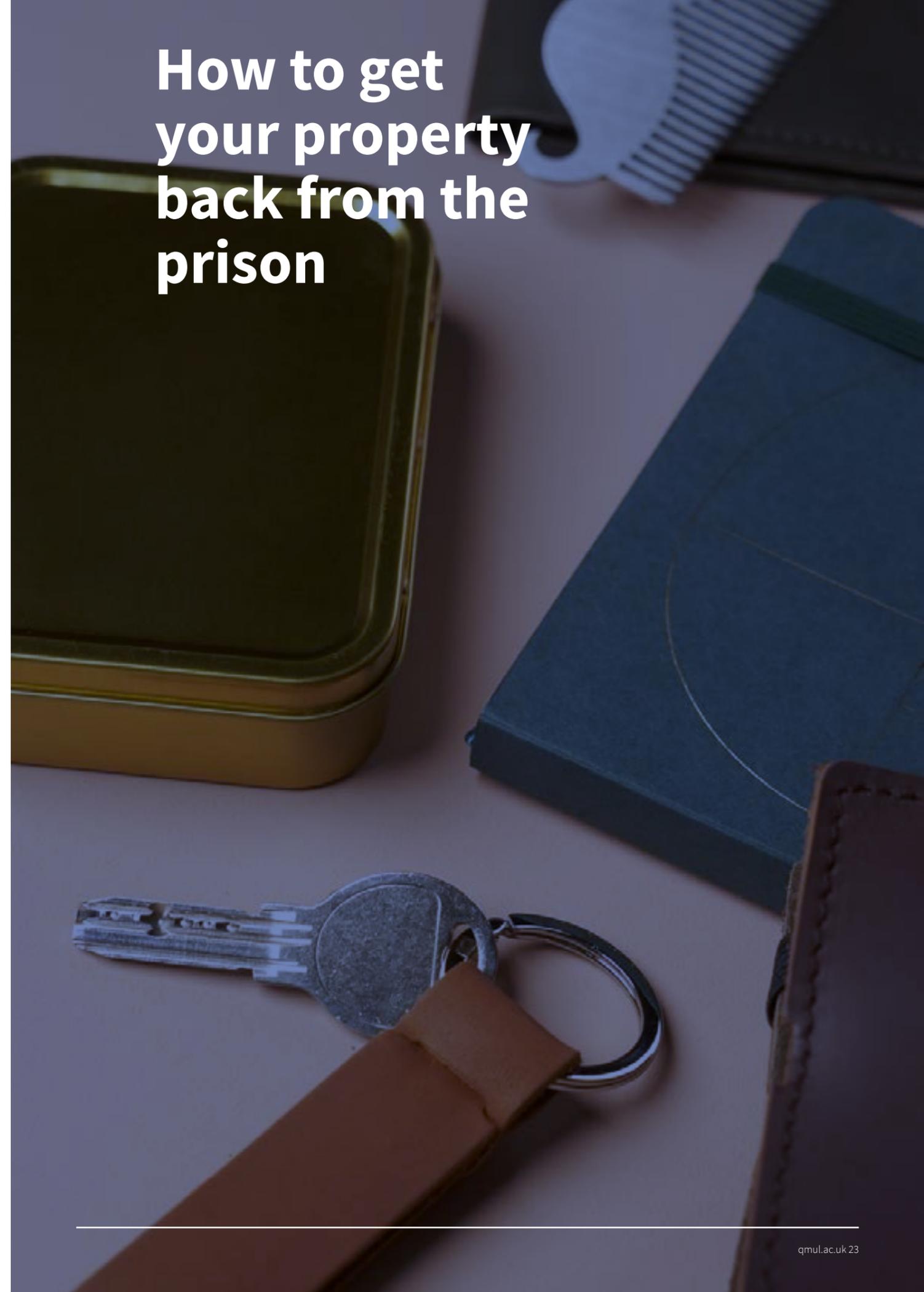
Important documents to keep safe

This is a list of documents that are required for property cases. You should keep all of these documents safe, in case you ever have a problem with your property that you need to complain about:

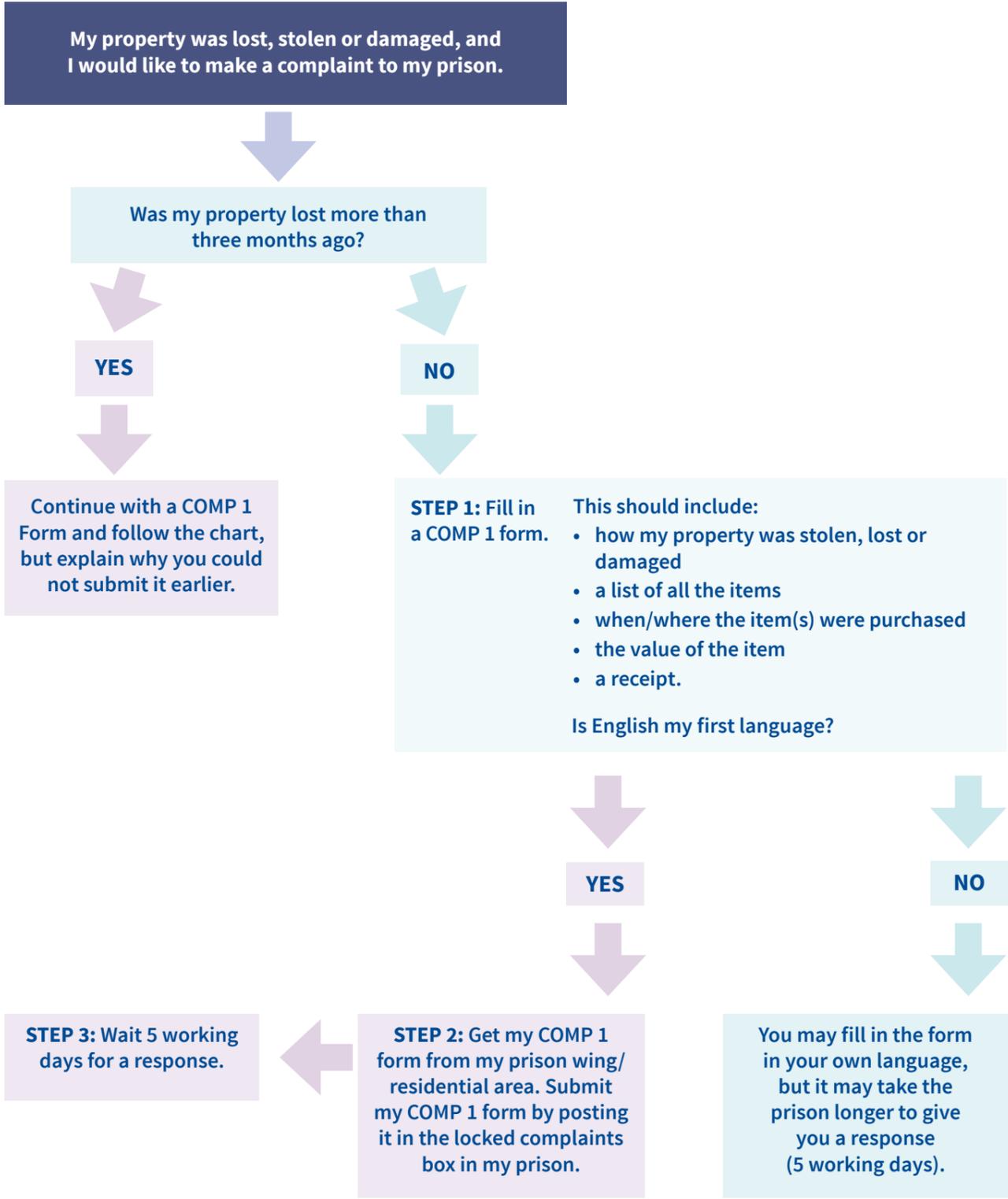
- property cards
- cell clearance certificates
- property records for transfer
- property disclaimers
- regional facilities list
- written records of property transactions.



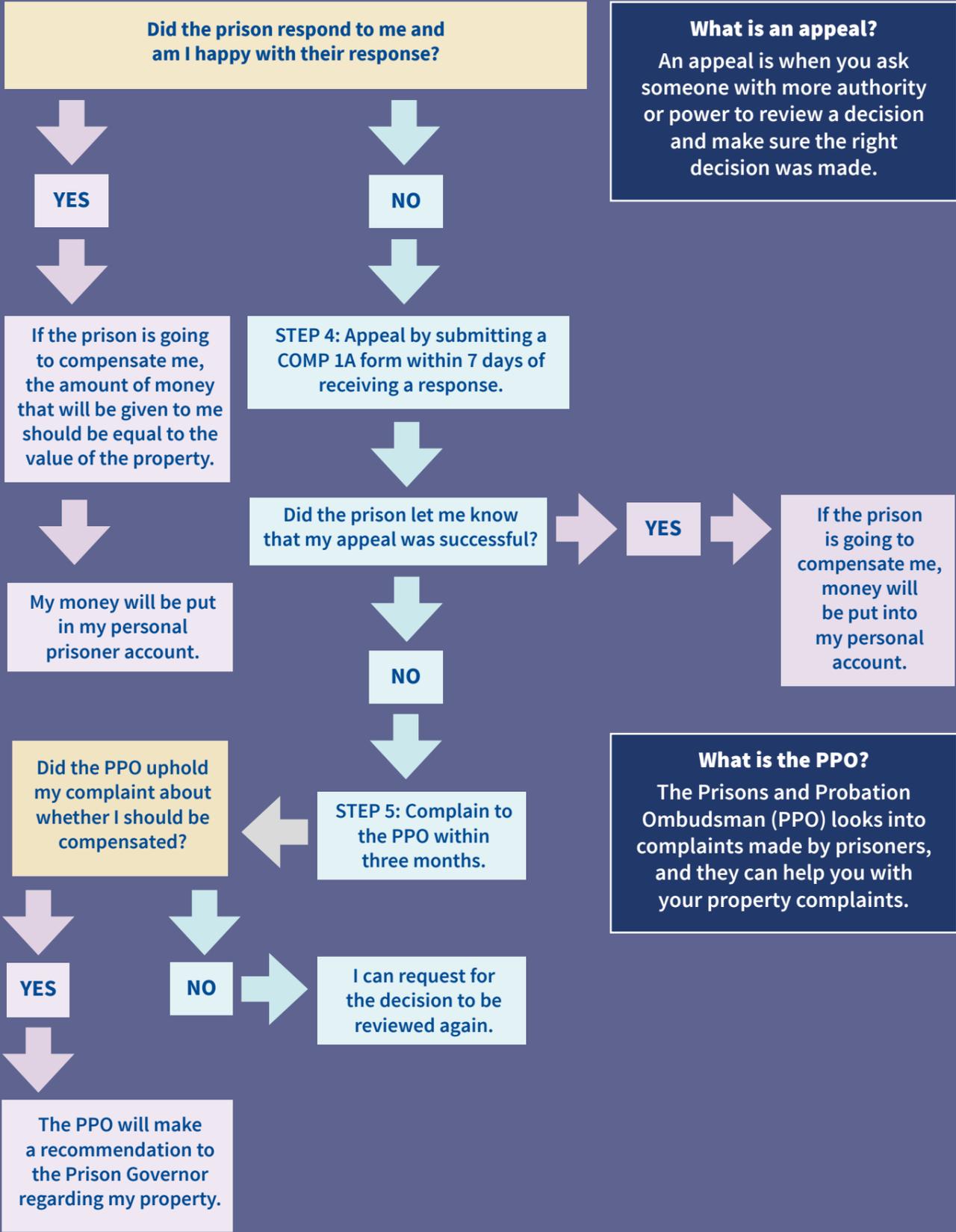
How to get your property back from the prison



How to get your property back from the prison



When you get your response



FORM COMP 1

Prisoner formal complaint

An example FORM COMP 1

FORM COMP 1 – Prisoner formal complaint

Establishment: Category A

Serial Number: XXXXXXXX

Before using this form please read these points

- A written complaint should be made within 3 months of an incident or you finding out that the incident happened
- When you have completed this form, post it in the complaints box provided
- If you are unhappy with the response you can appeal using form COMP 1A within seven days of the response to your COMP 1
- This form is for complaints. If you are asking a question or making a request, please use the application system instead
- The protected characteristics are: Age, Disability, Sex, Marriage & Civil Partnership, Pregnancy & Maternity, Race, Religion or belief, Sexual Orientation and Gender Reassignment

Your Details (please use BLOCK CAPITALS):

First name(s): JOHN

Surname: DOE

Prison Number: A1234AA

Wing: A

Is your complaint about how unsafe you feel? If so, is it linked to:

- Violence, bullying or threatening behaviour **YES / NO**
- Self-harm **YES / NO**

Is your complaint about discrimination, harassment or victimisation because of your protected characteristic? **YES / NO**

If 'Yes' please explain why within your complaint.

Signed:

Dated:

✂----- Please Cut This Out & Hand to the Prisoner -----

Prisoner Name: _____ Prison Number: _____

Serial Number: _____

We have received your complaint dated _____ which will now be dealt with by the team named below. You will receive a response on the date given.

Team:

Date for Response:

In some cases your complaint may not be easy enough to resolve in the time given or may need referring to another member of staff. When this happens you will get an interim response before the date above, which will let you know why there has been a delay, and name the person the complaint has been referred to.

Here is an example of a complaint:

In April 2020, I was transferred from HMP Spring Hill to HMP Huntercombe. I was able to obtain most of my in-possession items shortly after arriving, but my wallet with pictures of my son is missing.

I had it at HMP Spring Hill and I believe that was written down on my Property Card, but I can't check because my Property Card is lost.

One of my other items transported from Spring Hill has been damaged. This is a watch which was purchased in 2016 and was worth £800 at the time it was purchased.

Here is an example of what you want done about your complaint:

I would like HMP Huntercombe to contact HMP Spring Hill in order to retrieve my wallet from their premises and to compensate me for the damages to my watch.

An example FORM COMP 1A

FORM COMP 1A - Prisoner's Appeal against the Response to a formal complaint

Establishment: Category A

Serial Number: XXXXXXXX

Before using this form please read these points

- This form is for you to appeal against the response to the written complaint that you made
- Say clearly why you are not happy with the response from us
- When you have completed the form, post it in the box provided
- If you are still not satisfied, you can send your complaint to the PPO (Prisons and Probation Ombudsman)

Your Details (please use BLOCK CAPITALS):

First name(s): JOHN

Surname: DOE

Prison Number: A1234AA

Wing: A

Original Complaint Serial Number: 29182999

Today's Date: 26 November 2020

I agree that the PPO can process the personal information contained in this complaint for the purposes of investigating my complaint

YES / NO

Signed by prisoner:

✂----- Please Cut This Out & Hand to the Prisoner -----

Serial Number

Prisoner Name: **Prison Number:**

Serial Number:

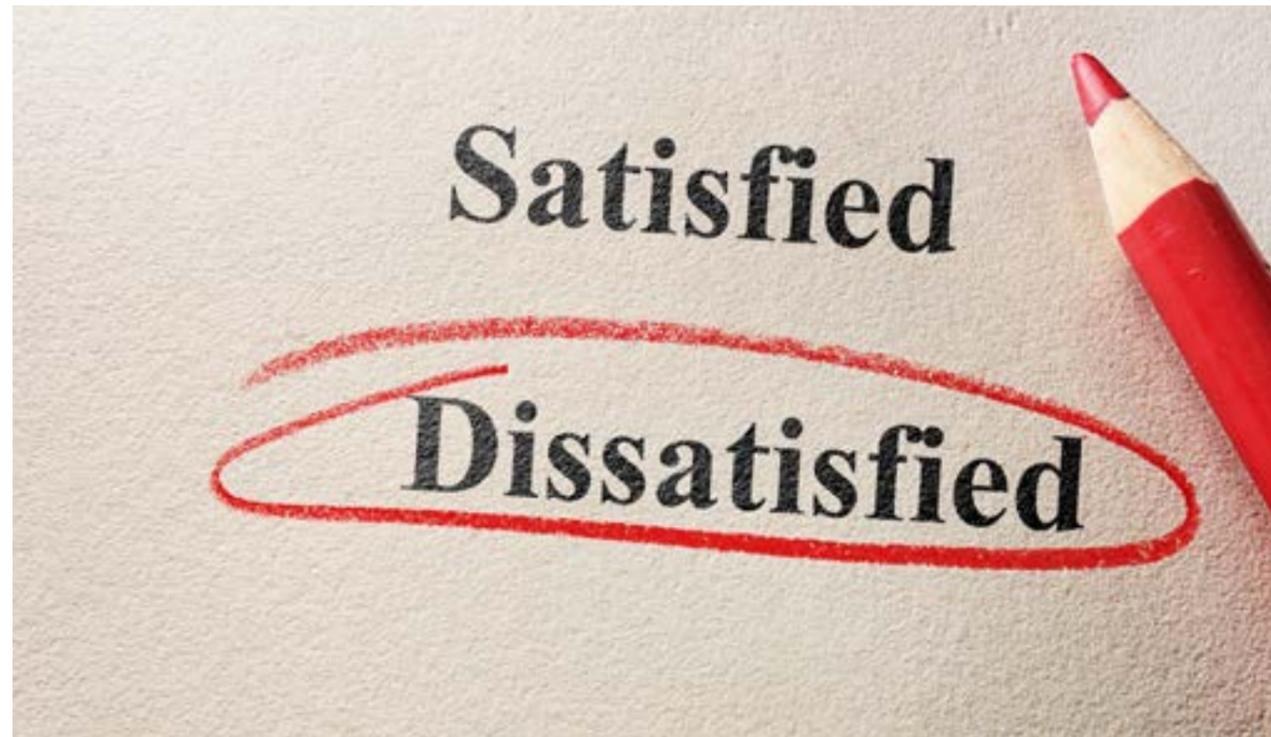
We have received your complaint dated which will now be dealt with by the team named below. You will receive a response on the date given.

Team:

Date for Response:

Appeal: Why aren't you happy with the response to your complaint?

I submitted a complaint in July 2020 (copy attached) and received a response in early October 2020 (also attached) stating that the prison was unable to locate my wallet and offering compensation for it, as well as my damaged watch. The compensation offered is lower than what I believe is appropriate (£100 instead of the £300 expected). I would like to appeal this response.



Some more helpful information about the complaints procedure

If the prison does not respond to your complaint, you should submit another COMP 1 form, including the details about what happened and the details (with dates) of the first COMP 1 form. You should also say that you did not receive a response.

You should describe your property in as much detail as you can.

If you do not get your property back after you have been transferred, you should write this on your COMP 1 form.

Your prison has **five** working days to respond to your complaint. They should tell you how they are going to help you and what the next steps are.

If an issue is very complicated, things may take longer, and you may receive a response explaining the reason for the delay. You should receive a full response after another **five** working days.

If you appeal, you must give reasons for why you think the decision was not made correctly. For example, that the prison did not value my item correctly.

When complaining to the Prisons and Probation Ombudsman (also known as the PPO)

If you are not happy with the outcome of your complaint to the prison, you may be able to complain to the PPO. You must firstly go through the internal complaints procedure at the prison (outlined earlier). If this is unsuccessful, you can then complain to the PPO, but only if there is new or different evidence in relation to your complaint.

Complaints must be made in writing and be sent through the post.

- You should include copies of the complaint and the appeal, along with the responses given to you.
 - You should also include a note describing the issue and write down the reasons why you are not happy with the result of your appeal.
- The letter should be posted to the following address:
**Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
Canary Wharf,
London E14 4PU**

The PPO has three months to respond to you.

Remember: Even though the PPO may encourage your prison to act in a certain way, your prison **does not have to** follow their suggestions.

Legal action

“Valuing” your claim

If your prison has been negligent (this means they did not properly look after your property), they will provide you a sum of money for your claim.

The prison will give you an amount of money that tries to put you back in the position you were in before your property was lost/damaged/stolen.

REMEMBER

- The amount that the prison gives you for your property will be based on the value of it at the time that it was lost or damaged.
- For example: if you paid **£40** for your digital watch, but it was only worth **£20** when it was lost, the prison will only give you **£20**.
- The prison will base this decision on how much it would cost you to replace the item.

The possibility of legal action

In most cases, claims about lost property will be dealt with without any need to take legal action.

However, sometimes legal action is needed. This will require taking your case to the County Court.

It is very likely that you will have to represent yourself and pay the Defendant’s costs if you lose your case.

How do I start a claim?

- If you are bringing the claim you are known as the “Claimant”.
- You are accusing the Ministry of Justice who is known as the “Defendant”. If your prison is public, the Defendant will be the Ministry of Justice, but if your prison is private, the Defendant will be whoever runs the prison.
- You will need to get a claim form from the County Court.
- You will be claiming that the Ministry of Justice has been ‘negligent’ towards you.

What does NEGLIGENCE mean?

If your prison has been ‘negligent,’ it means that they have not taken proper care of you and your property.



The legal basis of a property claim

Whether or not your claim will be successful will depend on whether or not your prison has been negligent towards you.

Negligence has four parts:

- **Duty of care**
- **Breaching a duty of care**
- **The breach caused the loss/damage of your property**
- **The loss/damage is linked (in law this is known as not being too remote)**

1. Duty of care

When your prison owes you a “duty of care” it means that they have a responsibility to not behave in a way that could cause you harm.

Prisons always owe a duty of care to individuals in their custody. This is because:

- your relationship with prison staff is close enough that they have a responsibility to care for you, and
- you could easily be harmed if your prison does not respect their duty to care for you.

2. Breaching a duty of care

What does BREACH mean?

- Breach literally means ‘to break’
- Here, it means that your prison ‘breaks’ their responsibility to care for you

Has your prison “broken” their duty of care towards you? For example, the duty of care may be broken if your property goes missing because a guard left your cell door unlocked when they should have locked it.

3. Causation

This means that your prison’s breach must have led to your property being lost or stolen.

4. Remoteness

This checks whether blaming the prison for the lost/damaged/stolen property is fair. If the loss is too far away from the facts of the breach then you may not be able to claim for the loss.



Pre-Action protocol

To issue a claim, you must first follow the Pre-Action Protocol. To do this, you must send a letter of claim to the defendant including a summary of the facts, the legal basis of the claim and the remedy you are looking for. If your prison is public, you must send this to the Ministry of Justice with a copy to the Government Legal Department. If it is a private prison, you send it to the private contractor who runs the prison.

Given the small value of this type of claim, it is very unlikely that you will be able to have legal support without having to pay for it privately.

The court decides the size of the claim to work out which court it should be heard in. Most property cases will be classified as 'small claims'.

Court Fees

You must pay a court fee when you are making your claim. How much you must pay depends on the size of your claim, or how much money you are asking for.

Claim amount	Paper form fee	Online claim fee
Up to £300	£35	£25
£300.01 to £500	£50	£35
£500.01 to £1,000	£70	£60
£1,000.01 to £1,500	£80	£70
£1,500.01 to £3,000	£115	£105
£3,000.01 to £5,000	£205	£185
£5,000.01 to £10,000	£455	£410

If you have little or no savings, or you have a very low income, you may be able to pay a lower amount of fees.

To apply, you must fill out an EX160 form.

This form can be requested from your local County Court.

You may qualify for a lower fee if:

- **your income is less than £1085, or**
- **your savings are less than £3000.**

Small Claims

- **If a claim can be decided in court in one day, it is typically a small claim.**
- **Small claims are claims up to the value of £10,000.**

Issuing a claim in court

If you are not satisfied with the outcome of the Pre-Action Protocol, you will need to fill out and send an N1 Claim Form, which costs a fee that you must pay. You can get this form from your local County Court. If you cannot access (get) it then speak to your prison officer - they will be able to help you get one.

When you fill in the form, you will need to include brief details of the claim, such as a description of the problem and the legal claim being made.

Your letter of claim should include:

- A summary of the facts.
- The legal basis of the claim (negligence).
- The remedy claimed (how much money you are asking for because of the loss or damage you have suffered).
- That you will issue a claim in court unless there is a response in 21 days.

Details you will need to know when filling out N1 and Fee Remission forms:

Court Address:

**County Court Money Claims Centre
PO Box 527
Salford
M5 0BY**

Defendant Name and Address
(if your prison is public):

**Ministry of Justice
102 Petty France
Westminster, London
SW1H 9AJ**

N1 forms and Fee Remission forms can be requested from the local County Court.

These forms will ask you to fill out a section called 'defendant.' If you are in a public prison, the 'defendant' is the Ministry of Justice. You can see their information details on the next page.

You should send a copy of your Letter of Claim to the Governor of the Prison and the Ministry of Justice (because they are the 'defendant.')

REMEMBER: Bringing legal action should be your very last option, and you should think about your choices carefully before taking the matter to court.

Example scenarios

Use these example situations to see how much you can remember about property taken by the police.

Scenario 1

Steve brought photographs of his family, his favourite hoodie and his chain to prison. Once he arrived, the prison staff confiscated his hoodie and the chain (which meant a lot to him).

1. Are the prison staff allowed to confiscate Steve's property?

ANSWER: First of all, the Prison Governor is not allowed to permanently take Steve's property. They can confiscate the hoodie because any clothing item with a hood is prohibited. However, they are not allowed to confiscate his chain if its value is under £100.

2. What happens with Steve's confiscated property?

ANSWER: Anything Steve can't keep is going to be given to visitors or placed in a sealed bag and kept in a safe inside the prison or in a storage unit outside the prison until Steve leaves.

3. How will the prison know that all his property is there?

ANSWER: The Property Card - this provides a list of the items Steve brought with him to prison. When Steve arrives in the prison, he has to sign a form to ensure that he saw that the staff sealed his property in a bag, that his things are safe and in good condition and, when Steve is released, to declare that all his property is there.



Scenario 2

Malik's watch went missing a week ago and he wants to make a complaint.

1. What should the COMP 1 form include?

ANSWER: The COMP 1 form should include:

- how the property went missing,
- what the missing items are (in this scenario, the watch),
- when and where the watch was bought,
- the value of his watch,
- the receipt.

4. What happens if the complaint was not upheld?

ANSWER: Malik can appeal by submitting a COMP 1A form.

5. What does Malik have to do if the appeal was still not upheld?

ANSWER: He can complain to the PPO within three months.

2. How will Malik submit the COMP 1 form?

ANSWER: By posting it in the locked complaints boxes in the prison.

6. What happens if the PPO accepts Malik's complaint?

ANSWER: The PPO will make a recommendation to the Prison Governor. This doesn't mean that Malik will certainly get compensated for the watch he lost, but there are still chances that the Prison Governor will uphold the complaint and give compensation to Malik by putting money into a personal account under Malik's name.

3. Once the complaint is submitted, how long does Malik have to wait for a response?

ANSWER: He has to wait five working days for a response.

Example scenarios

Use these example situations to see how much you can remember about property taken by the police.

Scenario 3

Slavyan left his wedding ring in his cell while he went to shower. It is worth £600. The guard forgot to lock the cell door while Slavyan was not in his cell. When he came back, Slavyan discovered that his wedding ring had been stolen.

After submitting unsuccessful complaints to the prison and the PPO, he decided to take the case to the County Court. Help Slavyan understand the legal basis of a property claim. Does Slavyan have a strong case?

Does the prison owe Slavyan a duty of care?

ANSWER: The prison owes Slavyan a duty of care which means that they have the responsibility to not behave in a way that could cause Slavyan harm.

Where can Slavyan request these forms from?

ANSWER: He can ask his local County Court for the forms.

Has the prison broken their duty of care towards Slavyan?

ANSWER: In Slavyan's case, the guard 'breached' his duty of care because he didn't lock the cell door, which was his responsibility.

Is the guard forgetting to lock the cell door the cause of the missing ring?

ANSWER: Yes. In Slavyan's case, the fact that the guard failed to fulfill his duties of care led to the loss of Slavyan's wedding ring.

How much will it cost to make a claim about a wedding ring that costs £600?

ANSWER: It will usually be £70 to lodge a paper form and £60 for an online claim form.

Finally, is it fair to link the loss of the wedding ring to the guard?

ANSWER: Yes, because the guard failed to fulfill his duties towards Slavyan.

What are the steps that Slavyan has to follow to issue a legal claim?

ANSWER: Slavyan will need to send out an N1 Claim form which will include:

- a summary of the facts,
- the legal basis of the claim (negligence),
- the remedy claimed (how much money he is asking for because of the loss of his wedding ring), and
- a sentence that says that Slavyan will issue a claim in court unless there is a response in 21 days.





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