



PROPERTY/EVIDENCE MANAGEMENT

new: ✓ rescinds: 7.1 ✓ amends: All previous		cross-reference:
effective date: July, 2014		accreditation standards: NYSLEAP Standard(s): 7.1, 7.2 & 7.3
amend date: April, 2021		

I. PURPOSE

The purpose of this Order is to establish and describe policies and procedures for the receipt, processing, storage, safekeeping, and disposition of all evidence that comes under the control of the Sheriff's Office.

II. DEFINITIONS

Property: Any physical item that comes under the control of the office. Categories of property include:

1. Physical evidence;
2. Personal property;
3. Found property; and
4. Items held for safekeeping.

Evidence Armory: The designated secure area maintained by the evidence custodian(s) to process and store firearms that come under the control of the office.

Evidence Bay: The designated secure area located within the gated area outside area of the Sheriff's Office. This area is maintained by the evidence custodian(s) to store previous year's evidence and items too large to be stored elsewhere.

Evidence Vault: The designated secure areas maintained by the evidence custodian(s) to process and store items of evidence.

Impound Yard: The gated area of the Sheriff's Office to which access is gained by remote means via the Corrections Division. This area is used to store vehicles that are waiting forensic processing, or those that have had the processing completed. It is also used for the storing of property that is too large to be stored elsewhere.

Intake Garage: The designated secure area used to transfer custody of an inmate from the vehicle of a police agency to the Tompkins County Jail.

Inventory: An examination of all areas of the vehicle in which personal property may be reasonably be found, including but not limited to, the passenger compartment, trunk, and glove box.

Temporary Evidence Lockers: Designated secure lockers used for temporary storage of property being submitted to the evidence custodian(s).

III. **POLICY**

- A. It is the policy of the Sheriff's Office to receive, process, store, safeguard, and dispose of property in accordance with existing laws, policies, procedures and regulations and to maintain complete and accurate records of all such property.
- B. Property, which is found, confiscated or otherwise obtained by any member of the Sheriff's Office, while acting in official capacity must be documented.
- C. Office or personal use of property that comes under the control of the office is strictly prohibited, unless otherwise authorized in writing.
- D. All property that comes under the control of the Sheriff's Office has the possibility to be stolen property or property involved in crime and should be handled accordingly and without regard to the perceived value of such property.

IV. **AUTHORIZED USES OF PROPERTY AREAS**

- A. The only authorized areas to secure evidence are in the temporary evidence lockers, evidence vault(s), evidence bay(s), impound yard, intake garage or armory.

V. **PERSONNEL RESPONSIBILITIES**

- A. Evidence Custodian(s):
 - 1. Office personnel designated as evidence custodian(s) shall, under the direction of the Sheriff, serve as evidence custodians and be responsible for all evidence accepted by and stored in the office's facilities.
 - 2. The Sheriff's Office requires that all personnel assigned the duties of property room/evidence custodian successfully complete a course in property/evidence room management within one year of being assigned such duties.
- B. The evidence custodian(s) shall be responsible for the:
 - 1. Operation of the evidence area and temporary evidence lockers to include:
 - a. Receiving evidence;
 - b. Recording the receipt, transfer, disposition, and destruction of such evidence;
 - c. Storing, maintaining, and safeguarding evidence; and

- d. Maintaining the supply of packaging materials.
2. Security and integrity of facilities in which evidence is stored, to include the:
- a. Evidence vault;
 - b. Temporary evidence lockers;
 - c. Armory;
 - d. Evidence bay; and
 - e. Intake garage
- C. The evidence custodian(s) shall remove property from the temporary evidence lockers on a regular basis and transfer the items to the evidence vault.
1. When logging items transferred into the evidence vault, the evidence custodian(s) will:
- a. Complete the transfer section within the Evidence Spillman Module and on the *Property/Evidence Custody Report*.
 - b. Secure the item(s) in the appropriate designated secure area;
 - c. File the evidence form.

VI. SECURITY OF EVIDENCE AREAS

- A. The evidence areas shall be kept locked at all times, except when the area is occupied by authorized personnel. Only the evidence custodian(s) and the Investigations Lieutenant shall have the keys (key fob or physical key) to the evidence vault(s), evidence bay(s) and the temporary evidence lockers. The Undersheriff will inspect the access logs to the evidence vault(s) periodically.
- B. The evidence custodian(s) will inspect the evidence area on a regular basis to ensure compliance with established access procedures. Any problems will be reported through the chain of command in writing, as soon as possible to the Sheriff.
- C. Office personnel having legitimate business may enter the storage area only when escorted by an evidence custodian(s).
- D. Other persons having legitimate business may enter the storage area, (i.e. maintenance personnel, etc.) however, they must be escorted at all times.

VII. REPORTING PROCEDURES FOR EVIDENCE

- A. Personnel will generate a *Property Evidence Custody Report* in every instance where property, which is considered evidence, comes under their control. All efforts to fully document the information pertaining to the person the property was found by, confiscated from or surrendered by shall be made.

- B. Personnel will detail the circumstances of how the property came into the office's possession and any other pertinent information in their report narrative. If the property is of known evidentiary value and/or is seized by this office it shall be entered into the Spillman Incident Report under the **evidence section**.

Property that is related to an incident but is not seized by this office will be entered into the Spillman Incident Report under the **property section**, placing a dollar amount in the appropriate box when applicable (i.e. a damaged door).

- C. A chain-of-custody record shall be maintained from the time of collection/receipt to final disposition/purging. The record shall detail the name and signature (or equivalent identification) of each person or name the location (e.g., evidence locker, impound area) taking possession of an item of evidence, the date of receipt, transfer, or destruction, reason for such and the description or unique identifier of the evidence.
- D. Personnel will complete all the required paperwork, packaging and temporary storage of property, as soon as possible before the end of their tour-of-duty. If, due to injury, illness, or some other compelling circumstance, an officer cannot complete the required paperwork and secure property, the on-duty supervisor will be responsible to ensure that the paperwork is completed and the property secured.

VIII. PREPARING PROPERTY FOR SUBMISSION TO THE EVIDENCE CUSTODIAN(S)

- A. All property coming under the control of the office that is seized as evidence must be entered into the Spillman Incident Module under the evidence section prior to submission to the evidence custodian(s), or submission to an outside Laboratory or other agency for examination or testing. *See Evidence Spillman Module Procedures*. This entry shall be made in a timely manner and chain of custody shall be maintained and properly documented.
- B. Documentation of such property must include inventory/control number, incident/case number, time and date of seizure, source/owner of item, incident type, description of item, type of item (e.g., evidence), persons' name and/or identification number of person collecting the item, investigation officer, storage location, and purge review date.
- C. The labeling of property must include as much data as possible, to include information such as inventory/control number, incident/case number, time and date of seizure, source/owner of item, character of incident, description of item (i.e., make, model, serial number, etc.), and the storage location of the item. When using barcoded labels the incident/case number must also be printed on the label in alphanumeric format.
- D. Temporary Storage of Property
 - 1. All evidence must be temporarily stored in either the temporary evidence locker, or an area authorized by the Sheriff.
- E. Temporary Evidence Locker
 - 1. The temporary evidence locker(s), located at the PSB, are used to secure evidence that is submitted to the evidence custodian for processing or other action.

2. Evidence must be properly packaged and marked before submission to the evidence custodian(s). Items that are not properly packaged or marked will not be accepted and the evidence custodian(s) will forward a *Property Management Correction Notice* to the submitting officer's supervisor outlining the deficiencies and the action(s) needed to correct the deficiencies.
 - a. Property that is not properly packaged or marked will be held in temporary storage until the deficiencies are corrected. Personnel will be required to contact the evidence custodian(s) to obtain the property needing correction. The property shall remain in the temporary evidence locker until the correction is made.
 - b. Once the deficiencies have been corrected, the items will be re-submitted to the evidence custodian(s).
 3. The temporary lockers are to be locked once the evidence items have been placed inside. Personnel should ensure they have totally finished processing the item(s) before securing them in a locker. The evidence custodian(s) are the only persons in the office that will possess keys to open the lockers.
 4. The personnel securing the item(s) shall note the locker number(s) for each item secured on the evidence form and within the evidence section in the Spillman Incident Report. Once the items have been processed and secured, the proper paperwork will be submitted following current office procedures.
- F. Large items of found property (i.e. furniture, appliances, bicycles, etc.) will be temporarily secured within the gated impound yard of the Sheriff's Office. When large items of property that are of evidentiary value are seized an investigator shall be contacted for evidence preservation/custody guidance. If determined to be necessary the on call investigator will report to the PSB to secure the evidence in an evidence bay. A copy of the evidence form should be placed in the file folder labeled "C.I.D. Forwarded Cases" and the original should be placed with the evidence.

All motor vehicles impounded as a result of the commission of a crime, must be transported to the Office's secured impound yard by an approved tow company. A *Vehicle Removal Form* shall be completed. A copy will be provided to the tow company, placed with the case file (attach tow bill), and attached to the *Property/Evidence Custody Report* submitted to the evidence custodian. If it is determined that a motor vehicle needs to be securely stored in an enclosed area for evidentiary reasons then arrangements shall be made with the Jail Administrator to utilize the intake garage and subsequently restrict access to that area as necessary.

IX. GENERAL PACKAGING GUIDELINES

- A. General guidelines for packaging of items so that evidence is not permitted to be tampered with, contaminated, or contaminate other evidence.
 1. Packaging is based upon the item size, type of material, and future processing needs. The more compact you can make the packaging, the better use we can make of our

storage facilities. The evidence custodian(s) has the right to refuse any improperly packaged property.

2. Perishables will not be accepted into the evidence process unless immediately submitted to the lab due to special circumstances. Otherwise perishables will be treated as described later in this Order.
3. Supplies and equipment for packaging and labeling property are located in the deputy's room and CID. Questions concerning the proper methods for packaging a specific type of evidence should be directed to the evidence custodian(s).
4. Personnel will use the appropriate packaging materials to package items whenever possible. Items too large (i.e. bicycles, TV sets, furniture, etc.) will have the evidence form affixed using a piece of evidence packing tape.
5. **Do not** use staples to seal any packaging. Packaging for items of evidence will be sealed with approved evidence packing tape if using an evidence bag without a self-seal. Items of evidence will not be accepted unless the packaging has been sealed with evidence packing tape or self-seal packages.
6. The officer sealing the package shall place their signature and date across the seal of any packaging used so that they are partially on the package and partially on the seal.
7. Anytime a seal is broken on an item of evidence, it will be neatly cut off. The sealing strip will be placed inside the original evidence packaging and become part of the evidence. The person who broke the seal will be the one to reseal it.
8. To make the disposition of property more efficient, items must be packaged separately if they will be disposed of in different manners. For example, the items must be separated if they will be returned to different owners, if some items belong to a victim and others a suspect, or if some items will be destroyed and others returned to the owner.
9. If evidence requires further processing or has special instructions, such will be stated in the proper area on the evidence record from.
10. Documentation is required pertaining to transfers from and return to evidence storage (e.g., for crime laboratory processing, latent print analysis, judicial proceedings) must include descriptive information for the item, date and time of transfer, the person's identity who receives the item(s), the reason for the transfer, the name and location to which the item was transferred, and a complete list of examinations performed (if transferred for testing).
 - a. Personnel submitting evidence that requires processing shall contact the evidence custodian(s), in person, by phone, e-mail or a memo, and advise them that there are items that must be processed.

B. Narcotics and Dangerous Drugs

1. Follow the procedures outlined in *G.O. Controlled Substances Testing and Collection (In Progress)* for the handling, collecting, testing and booking of controlled substances.
2. Count all pills, capsules, bags, or individual items. If the number of pills or capsules is in excess of 300 a Gross Weight is permitted. If pills or capsules are seized, they should be placed into a plastic evidence bag outside of any container.
3. Items may be weighed if feasible to determine approximate weight. When necessary to support a criminal charge the exact weight will be determined by a Crime Lab. The gross weight of cannabis, crack cocaine, powders and liquids should be used to determine the quantities of these substances. The Crime Lab may be called for assistance in weighing, identifying or packaging any controlled substance. .
4. Package narcotics/drugs in a clear self-seal evidence bag or other approved clear packaging sealed with evidence packing tape as described above.
5. Narcotics/drugs shall be packaged separately so that one substance does not contaminate another or a substance does not contaminate paraphernalia.
6. Paraphernalia items that have been used to consume drugs or narcotics, or that contain small amounts of the drugs or their residue must be seized and logged into evidence as per office policy. If an officer determines that the collection of such items poses a substantial health risk (i.e. numerous uncapped hypodermic needles) then the officer shall inform their immediate supervisor of the situation. The approval to not seize such items, as well as the substantial health risk posed, shall be documented in the officer's report.
7. All drugs and controlled substances shall be stored in a locked cabinet separated from all other evidence.
8. In a non-arrest situation, items shall be seized as in a criminal case. Officers are not to destroy or allow anyone to destroy items. All narcotics/drugs seized by officers for destruction will be placed in the secured designated drop box. The box is labeled "Drugs for Destruction." Small paraphernalia items for destruction may also be placed in the drop box. No sharps are to be placed in this box.

C. Firearms

1. **All firearms will be rendered safe prior to being transported and immediately secured in the Temporary Evidence Lockers.** Utilize standard firearms handling procedures, i.e., treat all weapons as if they are loaded, document how the weapon was found, carefully pick it up by the trigger guard wearing gloves and never place an object in the barrel to pick up a weapon. An officer will unload the weapon prior to being transported. The action or slide needs to be secured in an open position. In the event a crime scene technician is required, do not move the firearm from its location.
2. When the firearm is taken as evidence the officer should note and document whether it was loaded and the number of rounds. For revolver-type weapons the officer should

note and document the position of rounds in the cylinder and whether they have been fired. For semi-automatic and automatic weapons the officer should note and document whether there was a round in the chamber or in the magazine.

3. Live ammunition will be packaged separately from all firearms and clearly labeled as **LIVE AMMUNITION**.

Note: Unless necessary and directly related to a criminal case, do not take custody of gun cases or ammunition. We do not store ammunition for safe keeping purposes.

4. Firearms must always be tagged with a gun tag by the submitting officer and then will be packaged in a gun evidence box by the evidence custodian.
5. All firearms shall be stored in the Evidence Armory. No other evidence shall be stored with the firearms.

D. Bodily Fluids

1. Whenever possible, blood, urine, semen samples, or other bodily fluids should be collected and packaged by an evidence technician and submitted according to current office operating procedures.
2. Sexual Assault Kits shall be held at the hospital until a designated evidence custodian or investigator can pick them up and secure them properly in the TCSO evidence vault. Sexual assault kits shall be held indefinitely and will be sent to the crime lab for DNA collection and processing.
3. Any object containing bodily fluid evidence must always be packaged in paper. Bodily fluid evidence can be packaged in paper evidence bags, boxed or secured in paper wrap. All articles must be dried prior to being sealed and stored.
4. When blood resulting from a DWI arrest is secured the Property/Lab Submission Form accompanying the DWI blood kit will be completed in its entirety per NYSP Lab evidence submission requirements and attached to the office's *Property/Evidence Custody Report*.
5. Personnel handling this type of material shall utilize current universal precaution procedures/ blood borne pathogens protocol. *See G.O. Infectious Diseases (In Progress)*

E. Possible Biohazards

1. Potential biological evidence must be packaged in paper containers, not plastic, to prevent degradation. If there is a danger of leakage or cross contamination between packages, the item may be temporarily placed in a plastic bag or other suitable container for the purpose of transportation. Notification of such evidence should be made to the on-duty supervisor.
2. Property which may present a bio-hazard (i.e. blood, items with tissue samples, semen, urine, etc.) shall be prominently marked with a bio-hazard warning label, both on the

container holding the item and on the outside of the evidence locker into which it is placed.

3. Personnel handling this type of material shall utilize current universal precaution procedures/ blood borne pathogens protocol. *See G.O. Infectious Diseases (In Progress).*

F. Perishable Items

1. Evidence which is perishable, such as food products, will not be accepted into evidence unless the perishable itself holds evidentiary value, (i.e. for toxicology of DNA testing). Perishables holding evidentiary value should be seized in accordance with office policies/procedures. The evidence custodian will transfer such property to the secure refrigerators or freezer as soon as possible. Other perishable items should be photographed in its packaging and discarded, or returned to the owner, if possible. The photographs and packaging should then be admitted into evidence. Documentation in the incident report should show how, when and where the product was discarded.
2. In instances where the immediate release of perishable items is desired or necessary (i.e. larceny of steak from Tops Market), the officer shall obtain a detailed cash register receipt showing each perishable item prior to release. The receipt should then be admitted into evidence.

G. Explosives, Munitions and Highly Combustible Materials

1. Common fireworks are a fire hazard and should be stored away from heat or other sources of ignition. Personnel should use particular care when packaging and securing these items due to the hazards they present.
2. The Sheriff's Office has neither the facilities nor the trained personnel to handle explosives. Office personnel shall not handle such items. In the event personnel must deal with explosives or potential explosives they shall call the Endicott Police Department at (607) 785-3341 or the Non-Emergency Broome County 911 Center at (607) 778-2170.
3. Highly combustible agents (i.e. gasoline, propane, and other chemicals) may be stored in the Evidence Storage Bay.

I. Sharp Items

1. Sharp items (i.e. hypodermic needles, broken glass, knives, etc.) shall be clearly labeled as such and secured in such a manner as to permit reasonable handling of the item without undue risk.
2. Hypodermic needles shall be placed in sharps containers.

J. Currency

1. Any currency being submitted will be counted by two officers prior to submission. If feasible, the money should be counted in the presence of the subject from whom it was

taken. If the amount of currency exceeds five hundred dollars (\$500.00) the count will be verified by a supervisor. All cash will be stored in a separate locked safe or cabinet, separated from other evidence within the evidence vault.

2. The money shall be placed into a clear self-seal evidence bag or other approved clear packaging sealed with evidence packing tape as described above. The individuals counting the money will place their initials on the evidence packing tape along with the date and time that the package was sealed.

K. Jewelry/Valuables

1. Personnel should not describe items of jewelry as being gold or diamond or gemstones, rather these items should be described by their color (i.e. gold/silver colored ring, clear/pink colored stone) or style.
2. Jewelry and other valuables will be secured in a separate locked safe or cabinet within the evidence vault.

L. Alcohol

1. Incidents involving Serious Physical Injury and/or Death
 - a. If an arrest is made where alcohol consumption is or may be a contributing factor the alcohol container will be seized and logged into evidence as per office policy. A photograph of the container(s) in its original location/condition will be taken prior to being seized.
 - b. Any open containers of alcohol may be dumped out at the scene. If the container is transparent then a line should be drawn on the outside of the container marking the level of alcohol remaining prior to being dumped. If the container is not transparent then the officer will document the level of alcohol remaining in their incident narrative. Open containers should be packaged individually.
 - c. Full containers (sealed) will not be opened and dumped. Full containers can be packaged together.

M. Motor Vehicles

1. All motor vehicles, impounded as a result of the commission of a crime, must be transported to the Office's secured impound yard by an approved tow company. A *Vehicle Removal Form* shall be completed. A copy will be provided to the tow company, placed with the case file (attach tow bill), and attached to the *Property/Evidence Custody Report* submitted to the evidence custodian.

Note: Only complete the vehicle inventory section of the Vehicle Removal Form if items are to remain in the vehicle. Items confiscated must be logged on the Property/Evidence Custody Report. Do not complete an inventory if a search warrant is pending. See *G.O. 806 Vehicle Towing and Impound Procedures*.

2. When a vehicle is towed to the Sheriff's Office as a result of an incident mentioned above, an officer should follow the tow truck and vehicle to the PSB and ensure that it is secured properly.
3. All motor vehicles involved in crashes, which may result in a charge of Criminal Negligent Homicide or Vehicular Manslaughter must be placed inside an evidence bay, if possible, for potential future forensic examination.
4. A recovered motor vehicle alleged to have been stolen, but not alleged to have been used in connection with another crime, may be expeditiously released to the owner or their representative after taking photographs of the vehicle identification number, registration on windshield, license plates, each side of the vehicle, vent windows, door locks and handles, the front and back of the vehicle, the interior of the vehicle including the ignition lock, seat to floor clearance, center console, radio receptacle and dashboard area, the motor, and any other interior or exterior surfaces showing any and all damage to the vehicle. A *Stolen Vehicle Recovery Report* shall be completed.
5. A Property/Evidence Custody Report will be completed as with other property/evidence. The vehicle and keys will be entered into evidence and the keys will be secured in a temporary evidence locker with the custody report.

X. INSPECTIONS

- A. The Sheriff will ensure that at an annual inspection and audit of all evidence areas are conducted.
- B. The Sheriff shall direct unannounced audits of all evidence areas to be conducted to ensure that accountability and security procedures are being followed.
- C. Whenever an evidence custodian is replaced, their key fob will be deactivated for the evidence vault and their key for the temporary lockers will be collected. The newly designated evidence custodian and personnel designated by the Sheriff, shall conduct a sample audit of the office held property to ensure that:
 - Records are correct and properly annotated;
 - The integrity of the system is sound; and
 - Accountability for the evidence is maintained.
- D. The property and evidence inventory shall consist of an eyes-on inspection of items to ensure accountability. The minimum amount of items to be sampled during the inventory shall be ten (10) percent of the office's total property room inventory or one (100) items, whichever is less. It is recommended that a full inventory be conducted yearly.
- E. The property and evidence audit shall include an inventory and a review of the property records for each item to ensure compliance with written directives. The minimum amount of property to be sampled during the audit shall be five (5) percent of the office's total property room inventory or fifty (50) items, whichever is less.
- F. A single property and evidence audit of all property shall meet the audit and inventory requirements as noted in D and E.

- G. The inventories and audits must include a sampling of money, firearms, controlled substances, and high-value items each time they are conducted.
- H. A report shall be completed identifying the property that was inventoried and audited.

XI. UNUSUAL EVENTS

- A. All personnel are required to immediately report the following to a supervisor in reference to the evidence areas:
 - 1. Any hazardous unsafe or other condition requiring attention (i.e. electrical failure, leaks, etc.). If a condition requires immediate attention, the supervisor will notify Facilities immediately and request assistance.
 - 2. An evidence area has been entered by unauthorized persons;
 - 3. A secure area within an evidence area (i.e., locker, safe, etc.) has been forcibly entered or entered by unauthorized persons; or
 - 4. Any property has been stolen removed or tampered with.
- B. In the event any of the conditions noted above are discovered the following procedures will be adhered to:
 - 1. The location will be secured and processed as a crime scene;
 - 2. The officer will notify the on duty supervisor;
 - 3. A full investigation will be conducted into the circumstances. The Sheriff will designate a supervisor responsible to conduct this investigation and assign such other personnel as necessary to assist. The matter will be fully documented on an incident report in accordance with standard procedures.

XII. DISPOSITION OF PROPERTY

- A. All property held by the office shall, unless otherwise directed, be legally disposed of or destroyed within six (6) months of notification by the District Attorney's Office that the legal requirements for holding such property have been satisfied.
 - 1. All property destroyed must be documented and signed by the evidence custodian and by a witness to the destruction.
- B. Disposal of Property
 - 1. The evidence custodian(s) shall be responsible for the final disposition of property.
 - 2. **Evidentiary** property shall be disposed of in accordance with the provisions of the New York State Penal Law. Such property shall not be disposed of until an approval is obtained from the Tompkins County District Attorney's Office (DA's Office). Some approval may come in the form of a blanket letter from the DA's office not requiring

approval for every case.

- The evidence custodian(s) shall prepare a *Property/Evidence Disposition Report* (PDR) for items of evidence that may be disposed of.
 - When the evidence custodian(s) completes the PDR, they shall forward it to the District Attorney's Office for review.
 - The evidence custodian(s) will dispose of items cleared by the DA's Office. Proper disposal of items shall include the following:
 - Drugs and drug paraphernalia shall be burned, utilizing the incinerator designated by the D.E.A.;
 - Drug paraphernalia that cannot be burned shall be destroyed utilizing the Facilities Operation staff and equipment;
 - Sharps containers shall be collected and the contents destroyed utilizing the contracted company, BioService, as needed.
 - Firearms shall be taken to Ben Weitsman's of Ithaca Scrap Metal Yard for destruction.
 - Non-contraband evidence and non-office property will be discarded in the trash dumpster outside of the PSB.
 - Any items that are transferred to other law enforcement agencies will be documented.
 - Completed reports will be kept on file by the evidence custodian(s).
3. Other categories of property shall, whenever possible, be returned to the rightful owner in accordance with Section 7-B of the New York State Personal Property Law.
 4. If the victim of a crime requests that their property be returned, the Tompkins County District Attorney shall be consulted, and, if approval is granted, the evidence custodian will photograph the item(s) of property, and return property to the victim.

C. Disposition of money or property found on deceased

1. Large amounts of currency or other highly valuable property found on deceased person shall be secured and turned over to the legal representative of the deceased.
2. If a legal representative is not available, the property shall be turned over to the County Treasurer in accordance with Section 678 of County Law.

D. Firearms

1. Prior to the release of any firearm seized or surrendered to the Sheriff's Office, personnel reviewing the release will check available sources of information to determine if any circumstances exist that would make it unlawful for said person to possess the firearm.

2. Approval of the release of any firearm will be the duty of a Lieutenant.
3. Firearms obtained as evidence will be disposed of in accordance with this policy.
4. Firearms unlawfully possessed, manufactured, transported, disposed of, or used in the commission of any offense, will be determined to be a nuisance and destroyed.
5. A person who has been appointed by a court to serve as an executor or administrator of a deceased person's property may possess a firearm for a period of fifteen (15) days. If the executor is unable to lawfully dispose of the firearm within that time, he/she must surrender the firearm to a local police department. Any firearms obtained by the Sheriff's Office under these circumstances will be held for a period of two (2) years. If within this 2-year period, the executor is unable to lawfully obtain or turn over the firearm(s) to someone else, it will be determined to be a nuisance and destroyed.
6. A person may voluntarily surrender a firearm to the Sheriff's Office without being charged with Unlawful Possession of a Firearm. Once surrendered, the person will be provided a 1-year period to either legally take back the firearm or transfer it to a third party. If this does not occur within the 1-year period, it will be determined to be a nuisance and destroyed.

All firearms voluntarily surrendered at the PSB will be inspected and cleared by a member of the Law Enforcement Division. A C/R will be created and a property custody form completed. A *Notice Voluntarily Surrendered Firearms Form* will be provided to the person who is surrendering the firearm. The form will be signed by the person surrendering the weapon. A copy will be made and given to that person. The original will be attached to the Property Custody Form when complete. A GINQ will be completed prior to entering the firearm into evidence.

7. In accordance with NYSPL Section 400.05, all firearms declared a "nuisance" will be destroyed on an annual basis.
 8. Prior to destruction, the Investigations Lieutenant will provide a list of such firearms to the New York State Police via email detailing the caliber, make, model, manufacturer, and serial number, or if none, any other distinguishing number or identification mark.
 9. Destruction of any firearm can be superseded in writing by the District Attorney or a court of record if necessary or proper to serve the ends of justice.
 10. The disposition of any firearm not meeting any of the above criteria will be determined on a case-by-case basis.
- E. The Evidence Custodian(s) returning, releasing, or disposing of any property under the control of the office shall complete the appropriate entries for each item of property in the evidence section of the Spillman Incident Module.

XIV. PROPERTY HELD FOR SAFEKEEPING

- A. The owner of the property shall be given a copy of the Property/Evidence Custody Report and advised that the property may be claimed at an appropriate time in the future.
- B. Property that is held for safekeeping will be labeled “safe keeping” and stored in the evidence vault. Firearms held for safe keeping will be labeled “safe keeping” and stored in the armory.

XV. COLLECTION OF UNWANTED PHARMACEUTICALS

- A. A U.S. DEA compliant medication collection drop box will be used for collection and it will be located in an area approved by the Sheriff.
- B. The evidence custodian(s) will be responsible for monitoring the receptacle and for the removal, packaging, labeling and storage of the collected material.
- C. Upon removal of the receptacles contents:
 - 1. A record will be initiated documenting:
 - The date and time that the receptacle is emptied.
 - The gross weight of the contents.
 - 2. The contents will be properly packaged, sealed, labeled and stored in the evidence room, if needed.
 - 3. An entry will be completed on the “Unwanted Pharmaceuticals Collection Log” when taken to the evidence bay.
 - 4. Collected material will be properly disposed of at the designated DEA burn facility.

Attachments:

- A. [Evidence Spillman Module Procedures](#)
- B. [Property Management Correction Notice](#)
- C. [Property/Evidence Disposition Report](#)
- D. [Notice Voluntarily Surrendered Firearms Form](#)
- E. [Stolen Vehicle Recovery Report](#)
- F. [Property/Evidence Custody Report](#)
- G. [Vehicle Removal Form](#)

By Order Of



Derek Osborne
Sheriff