

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE November 11, 2024	EFFECTIVE DATE November 11, 2024	NO. 016-24
SUBJECT: GENERAL ORDER Property Recovery, Custody & Security		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 7.1, 7.2, 7.3 NYSSA CIVIL 100, 110 JAIL 59 NYSPL 400.05, NYSPL 400.05, GENERAL BUSINESS LAW (ARTICLE 39-DDD)			RESCINDS 016-19

Purpose: To establish policy and uniformity relative to the appropriate disposition of all property coming into the official possession of any employee of the Monroe County Sheriff's Office (MCSO).

Policy: The purchase or acquisition of property while acting in an official capacity as an employee of the Office of Sheriff is strictly prohibited. Under no circumstances will employees of the Sheriff's Office interfere with the transfer of property to the custody of the MCSO or attempt to acquire or permit to be acquired such property once it is in official custody. Once called to a property-related request for service, employees will follow proper procedures for taking property into custody and will not circumvent this process to purchase or acquire any article of property. Once property is in custody, employees will not attempt to acquire such by contact with the owner, the Property Management Office or at auction.

Exceptions: Legally possessed property of persons committed to the Monroe County Jail (MCJ) or Monroe Correctional Facility (MCF) will be handled in accordance with current Jail Bureau Orders.

Legally possessed property taken into custody at Court Security magnetometer screening stations will be handled in accordance with current Court Security Orders.

Property confiscated as a result of civil actions will be handled in accordance with current Civil Bureau Orders.

I. General Procedures Regarding Property

- A. The Property Management Office (PMO) is used for the secure and proper recording, storage, classification, transfer, retrieval, and disposition of all evidentiary items and items held under the protective custody of the MCSO.
- B. The Property Clerk Manager is accountable for control of all property placed within the protective custody of the MCSO.
- C. The PMO, Technicians Unit Evidence Processing Rooms, and Digital Forensic Processing Rooms are secure areas; entry is restricted to authorized personnel assigned or others on official business when accompanied by a Property Clerk or Evidence Technician, respectively.
- D. A **MB-199 Property Custody Report (PCR)** and property tag(s) or evidence bags will be completed in full, prior to the end of the shift, whenever an employee takes possession of property as a result of an official act. A PCR is required in all situations, including those cases when property is not stored by the Sheriff's Office (i.e., investigating deputy returns property directly to owner).

Note: Items belonging to different owners must be put in separate evidence bags and/or containers and be logged on separate PCRs. Item(s) belonging to unknown owner(s) must be put in separate evidence bags and/or containers, but may be logged on one PCR.

- E. Self-sealing clear plastic, tamper-resistant bags will be utilized whenever the size of the item permits, for packaging of all cash, drugs/suspected drugs, evidentiary items, and valuables (i.e., jewelry), unless such packaging would cause the loss of integrity or otherwise damage said evidence or property. All property packaged in plastic bags must be sealed with IBM number and initials over the seal. Paper bags or boxes must be taped with evidence tape with IBM and initials written on top of the evidence tape. Property tags and bags must indicate same information as the PCR.
- F. All property items recorded on the PCR will be numbered consecutively and described in sufficient detail to make them readily identifiable. Similar items in quantity can be listed as one item as below:

ITEM #	QUANTITY	DESCRIPTION
1	50	Yellow Tablets

- G. As soon as possible, but no later than the end of their current tour of duty, deputies will deliver or cause to be delivered, all evidence and any found, confiscated, or recovered property coming into their possession, to the custody of the PMO, or when closed, to the Property Clerk's after hours storage, as outlined in this directive.
 - 1. Deputies involved with evidence recovery are to ensure that the chain-of-custody is maintained and followed at all times.
 - 2. If the property is stored at a location other than the PMO (i.e., zone storage area), the blue copy of the PCR must remain with the tagged property until it is transferred or released. All other copies will be forwarded to the PMO. The PCR will indicate the location of the property.
 - 3. If a receipt is needed, deputies may use the pink copy of the PCR.
- H. When property is released to a known owner, said person will sign the PCR in the appropriate space, indicating date and time received. Owner's name, address, zip code and phone number must be clearly printed in the space provided. The PCR will be forwarded to the PMO.
- I. A property tag will be affixed to each item of property taken into custody. If an item or group consists of several related pieces in one container, only one tag is required (i.e., a box of ammunition). The item number on the tag must correspond to the item number on the report.

Note: For multiple items and when practical, the "green" property tag is available on the intranet (**MB-007 Property Tag Form**). Since this form is a piece of paper, care must be taken to ensure it is properly affixed to the property or container holding the property.

- J. Deputies transporting property to headquarters will ensure that it is properly secured.
 - 1. Large items will be securely stored at the zone storage area. Zone commanders will be responsible for making necessary arrangements with the PMO for pickup of such property.
 - * 2. Deputies will utilize zone lockers to secure property with the exception of property or evidence that requires refrigeration. Property requiring refrigeration will be secured in

the refrigerator at the PMO Property and Evidence locker area.

3. During hours when the PMO is closed, property will be logged into the evidence log book and secured in the property/evidence lockers located within the property/evidence area. Members will have simplex access, and use their ID swipe card to enter and exit the locker area.

Note: All evidence or items marked for investigation, drugs, firearms, money, items of significant value and items for safekeeping, or anything else held under the protection of the MCSO, must be taken to the PMO or property/evidence lockers located at the zones and will not be left in any agency intra-departmental mailbox.

4. Property recovered at the airport or by Court Bureau must be secured in a designated locker and/or secured area (depending on size) for safekeeping, to await the owner's recovery, for a period no longer than seven (7) days. After such time, property must be transported to the PMO. A property log (non-evidentiary) must be maintained at the airport as a lost and found property reference.

Note: All evidence items marked for an investigation, firearms, money and items of significant value must be taken or caused to be delivered to the PMO no later than the end of the reporting Deputy's tour-of-duty.

5. Digital Forensic Evidence that is taken into custody when no digital forensic specialist is available shall be secured in the PMO. The investigating officer will be responsible for contacting the Digital Forensic Unit Supervisor in CIS for appropriate follow-up.

II. Specific Procedures

- A. Evidence will be marked for future identification. Markings will be made so as not to:

1. Damage the evidence or diminish its evidentiary value.
2. Impair processing by technicians.
3. Depreciate its value.
4. Allow the marking to be accidentally or readily removed.

Note: If marking would have a negative effect on the evidence, the evidence will be secured in tamper resistant bags or sealed containers.

- B. Confiscated drugs must be turned into the PMO as soon as is practical, but no later than the end of the tour-of-duty. All drugs or drug paraphernalia must be itemized on a separate PCR and not logged with non-drug items. All drugs must be counted and/or weighed and must be placed in sealed bags. Marijuana plants may be placed in brown paper bags. All containers of drugs will be inspected for evidence of tampering. All property packaged in plastic bags must be sealed with IBM number and initials over the seal. Paper bags or boxes must be taped with evidence tape, and IBM and initials written on top of the evidence tape.

1. Based on information on the PCR, drugs that are held as evidence for felony-related matters, members of the PMO will transport the drugs to the Public Safety Laboratory. An armed Deputy escort will be requested by PMO staff through Staff Services. Drugs must be delivered to the lab within seventy-two (72) hours of the time they are taken into custody. Drugs that are held for misdemeanor or lower charges will be transported by property staff for testing only at the request of the District Attorney's Office.

2. Drugs returned from the lab shall be resealed in tamper-resistant protective packaging by Monroe County lab personnel before being returned to the PMO.
Note: Only Property/evidence staff will pick up all items that are ready to be returned to MCSO.
3. Evidence, including blood evidence that has been delivered to the county lab will only be picked up by authorized members of the property staff. Members of the property staff will stop at the county lab once a week to pick up property. Per county lab procedure this pick up must be done before noon on Friday.
4. Drugs transported to the PMO for destruction will be accompanied by a PCR, noting no prosecution is pending and the drugs are to be destroyed.

C. Firearms and Ammunition

- * 1. Weapons Surrender Report WSR (PB-345) and Weapons Surrender Supplemental Report WSSP (PB-346) will be used in place of Property Custody Report PCR (PB-199) in instances where the guns collected lack evidential value; such as those surrendered pursuant to a court order, as part of an estate, due to home storage or mental health concerns and for destruction. The PCR will continue to be used anytime a gun is found, confiscated, recovered or has any evidential value.
- * 2. Prior to submitting a gun to the PMO deputies will run a check on the gun to ensure it is not reported stolen and render/mark the gun safe by placing a zip-tie through the action of the weapon whenever possible.
- * 3. Guns will not be released until the Firearms Investigation Coordinator (FIC) provides the PMO with a signed Firearms Release Form (FRF) and until a **PB-177 Property Release Authorization Form** has been signed by the CIS Captain or other authorized designee.
4. Once a FRF has been completed, the individual picking up the weapon only has thirty (30) days before the background has to be redone, and a new Firearms Release Form filled out and completed by the FIC.
5. No handgun will be released unless the owner presents a valid pistol permit for the specific gun in custody.
- * 6. When a gun is submitted to the PMO, the PCR/WSR shall include (if known) the owner's name, address, date of birth, home phone, pistol permit number, make and model, serial number, caliber and number of magazines.
- * 7. Guns surrendered pursuant to a court order will be held for the duration of the order, up to two (2) years. All other guns which were surrendered will be held for a time not to exceed one (1) year. Guns confiscated because they were used in a crime will be held until a release is obtained from either the case deputy or the District Attorney's Office. After such time, unless the owner is actively pursuing a release, the guns will be declared a nuisance and will be destroyed in accordance with NYS Penal Law Section 400.05.
8. When the legal owner of a weapon is no longer allowed to possess a weapon, he/she shall have the option of selling it to or transferring it between immediate family members as outlined in the General Business Law Section 898 (Article 39-DDD) or a registered gun dealer.
 - a. General Business Law Article 39-DDD requires all private sales of firearms,

rifles or shotguns be conducted through a licensed importer, manufacturer or dealer. Before any sale, exchange or disposal may be made, a National Instant Criminal Background Check System (NICS) must be conducted by a dealer on the purchaser.

While a dealer is not required to facilitate a private sale, if a dealer chooses to do so, he or she must create and maintain records relating to private sales to prove that the background checks were conducted. These records may be inspected by a police officer and are not subject to public disclosure under the FOIL provisions. The Safe Act provides a dealer may require before any sale or transfer is conducted, the person may be charged a fee not to exceed \$10.00 for facilitating these private transactions.

- b. Immediate Family Exemption: There is an exception to the requirement of a background check for transfers between immediate family members. The term "immediate family members" is limited to spouses, domestic partners, children and step children.
9. Release of Firearm to the Public (PMO Procedure)
- a. Give the individual picking up the firearm directions to park in the County Public Safety Building parking loop and have the person bring a gun case if they own one. Provide a box for the firearms if the individual does not provide a gun case.
 - b. Verify that the individual has parked in the loop, and have them move their vehicle to the correct location if needed.
 - c. Contact the Firearms Investigator, if not available, the Information Desk for a deputy to escort the individual to their vehicle.
 - * d. Retrieve the weapon to be returned and verify the weapon and serial number are the same as noted on the PCR/WSR, and confirm the magazine holds no more than ten (10) rounds.
 - e. If it is a handgun, verify the serial number on the permit matches the weapon. If it does not match, DO NOT release the weapon. Release the NYS Permit ONLY and direct the owner to the County Clerk's Office with a copy of the PCR/WSR and have the permit corrected, and return to the PMO.
 - * f. Make a copy of both sides of the revised permit for the FIC.
 - g. The owner will sign and date the Firearms Release and the original PCR.
 - h. Direct the individual, the firearm is not to be opened until they have left the Civic Center Complex.
 - i. Place the weapon in the provided gun case/box and secure it with a cable tie/tape to prevent opening while on the premises.
 - j. A deputy will escort the individual to their vehicle.
10. Ammunition may be stored in the PMO.

Note: The PMO does not store firearms for citizens who go on vacation or are

otherwise temporarily away from their homes.

11. A separate storage vault is to be maintained at the PMO for firearms and drugs.

- D. All money turned in to the PMO must be counted by two (2) people and sealed in an envelope. Significant amounts of money (over \$1,000) require a supervisor's signature in addition to the signatures of the two (2) people counting the funds. All persons counting the money and supervisor (if applicable) must sign over the sealed portions of the envelope containing the money and on the PCR. Currency must be packaged separately from other items.

Note: Money will not be counted by the Property Clerk. The Property Clerk will maintain a safe for valuable items, such as jewelry, currency, fine coins, etc.

- E. Vehicles (As defined by the Vehicle and Traffic Law)

1. Vehicles involved in a crime that are to be held for evidence, investigation, additional tech work and/or search warrant, are to be impounded to the Monroe County Fleet Center storage area located at 145 Paul Road. Vehicles are not to be towed to the tow companies' secured lot.
2. A PCR is required when a vehicle is towed to the storage area at 145 Paul Road. The blue copy of the PCR and a property tag must be attached to the vehicle. Such vehicles will not be released without authorization from the DA's Office and the PMO.
3. A PCR is also required when a vehicle is impounded as a result of an arrest charging Aggravated Unlicensed Operation (AUO) in the First or Second Degree and the owner is the operator of the vehicle. These vehicles will not be released without authorization from the DA's Office and the PMO.

Note: These vehicles are to be towed to the tow agency's secure lot unless involved in another misdemeanor/felony as stated above in Section II.E.1.

- a. The investigating Deputy/Investigator is responsible for working with the assigned Assistant District Attorney to see that any vehicle held for the above reasons is released as soon as possible. The DA's Office or Investigating Deputy must fill out a **PB-177 Property Release Authorization** and forward to the PMO.
- b. Once the vehicle is no longer needed for evidentiary or investigative reasons, the vehicle will be released to the owner.
4. Where the vehicle is being stored, and the name of the agency that towed the vehicle shall be noted on the PCR and should indicate if they are stored at 145 Paul Road, or at the tow agency's lot.
5. Vehicles towed as a result of an MVA or other traffic infraction, do not require a PCR and may be released in accordance with the Vehicle Impound Report notations and **PBGO-006 Towing of Vehicles**.
6. Vehicles held for violation arrests/investigations, or pending the completion of a non-criminal motor vehicle accident investigation will not be taken to Paul Road, but will be stored at the tow agency's lot. A PCR will not need to be completed for these vehicles. Note: Deputies investigating these incidents are responsible for completing these investigations in a timely manner, so the vehicles may be released as soon as possible. The vehicle owner is responsible for towing and storage fees.

F. Hazardous Materials Definition: Hazardous Materials may be defined as any chemical, biological or radiological substances or material which may pose an unreasonable risk to health, safety, or property.

1. Classes of Hazardous Materials

The following is a list of the general classifications of hazardous materials. Materials in these categories, whether involved in an accident, spill or fire must be handled carefully. Handling of these materials must involve deliberate, informed actions after proper identification of the material and their hazards has been determined:

- Explosives
- Compressed Gases
- Flammable Liquids
- Flammable Solids
- Oxidizers
- Poisons
- Radioactive Material
- Corrosives
- Etiological Agents (Infectious)

2. Identification

- a. Deputies will make every effort to identify any hazardous material turned into the PMO. This may be in the form of brand name, chemical name, labels or material safety data sheets.
- b. When a substance is determined to be hazardous, the PMO will contact the MCSO Employee Health and Safety Officer to obtain Material Safety Data Sheets to determine the exact hazards of the substance and proper handling and storage methods.
- c. PMO staff will treat all chemical materials, known or unknown, as potentially hazardous substances and will use Personal Protective Equipment (PPE) (i.e., gloves, goggles, aprons and/or respirators) to minimize both internal and external exposure.
- d. Hazardous materials will be stored in appropriate and approved storage containers based upon chemical composition and hazards. Storage will be in accordance with local fire department regulations.
- e. Disposal of hazardous chemicals will comply with all local, state and federal regulations. PMO shall consult with Monroe County Hazardous Waste Disposal Office, Public Safety Lab, Hazardous Devices Squad (HDS) personnel and/or MCSO Employee Health and Safety Officer to determine the appropriate method of disposal.
- f. If a substance cannot be identified, the Deputy will have cause to have the substance analyzed by the Public Safety Laboratory.
- g. Firecrackers, fireworks and other similar materials will be stored in the zone, airport or Special Services Group HDS boxes to await pickup by a HDS member. These items will remain with the blue copy of the PCR attached and will not be forwarded to PMO.

- h. Containers used for flammable materials (i.e., gas cans, siphon hoses) may be stored in zone storage areas or alternate storage areas properly equipped and designated.
- i. Any other hazardous materials (i.e., explosives) will be referred to HDS.

G. Perishables

- 1. Perishable items must be stored in the evidence refrigerator located in the locker area in the PMO. The Property Clerk will collect items daily (Monday-Friday) for processing.
- 2. Perishable items such as blood or urine will be taken directly to the PMO.
- 3. Blood or urine that needs to be tested for B.A.C or drugs will be transported by the Property Clerk to the Medical Examiner's (M.E.) Office/Lab within five (5) days for processing. In order for property staff to transport blood or urine to the M.E's Office for examination, the M.E submission form MUST be completed in its entirety.
- 4. Biological specimens, including rape kits, will be transported to the County Lab by the Property Clerk with a sworn member of MCSO.
- 5. Sexual assault kits collected by MCSO will be transported to the appropriate forensic laboratory within ten (10) days of receipt.

Note: The MCSO Property Manager is required to report the following information regarding sexual assault kits to DCJS quarterly; The number of sexual assault kits received, the number of kits submitted to a forensic laboratory, the number of kits in-custody that have not been submitted for testing, and the length of time between the receipt of a kit and the submission to a forensic laboratory.

H. Biohazard Evidence and Property

- 1. Deputies will mark all evidence and property contaminated with blood or body fluids with biohazard symbols.
- 2. Sharp objects (needles, razor blades, etc.) will be placed in a puncture resistant container. Knives will have the blade covered to prevent injuries.
- 3. Potentially infectious materials will be placed in a container which prevents contamination during the collection, handling, processing and storage.
- 4. In Instances where a specimen needs to be held beyond five (5) days, deputies shall complete a **PB-339 Request for Specimen Hold Form**. Refer to **PBGO-012 DWI Procedures**. All containers shall be labeled before being transported. If an item could puncture a container, it shall be placed in a second container which is puncture resistant.

Note: It must be assumed that everyone's blood or body fluids are potentially infectious. The MCSO adheres to the concept of universal precautions under which employees should try to avoid contact with blood and body fluids of others.

I. Pharmaceutical Collection Events

- 1. After each pharmaceutical collection event, the assigned deputy will seal each container and transport it to ECO Park, located at 10 Avion Drive, Rochester, NY.

2. Each container must be accounted for on a PCR and green tagged. A PCR will be completed by the deputy and sent to the PMO.
3. The assigned deputy, along with a member of ECO Park, will secure the sealed containers inside the trailer at ECO Park designated for MCSO collections only.
4. The PMO will enter the PCR information into the Bar Coded Evidence Analysis Statistics and Tracking System (BEAST) and print a label for each container. The label and the blue copy of the PCR will be kept in a folder until the date of destruction.

J. Pharmaceutical Waste Disposal & Collection Boxes

To reduce environmental contamination and better ensure public safety, pharmaceutical waste collection protocols have been established and collection boxes made available to the public to collect unwanted/unused pharmaceutical waste and properly dispose of those wastes. Boxes are located at the following locations; Property Room, Basement Level, A Zone, B Zone, and C Zone Substation Entrances.

Note: Collection guidelines are set forth by NYS Department of Health. Disposal guidelines are set forth by Department of Environmental Conservation.

1. Each Zone and the PMO have been provided a locking storage container to be used for the collection of pharmaceutical wastes. The PMO and Zone Clerks will check, maintain and weigh, pharmaceutical waste deposited in the collection boxes each week. During these checks, a two (2) person rule will apply for verification and security purposes. The PMO and Zone Clerks can choose an employee of their choice to witness the collection and securing of, the pharmaceutical wastes.
2. Retrieval/documentation of pharmaceutical wastes from collection boxes will consist of the following;
 - a. Personnel will wear PPE whenever dealing with pharmaceutical wastes to protect themselves from accidental exposures. Collection of wastes should occur in well ventilated areas.
 - b. Removing the collected pharmaceutical wastes from the collection box and placing them into a plastic/paper bag, or box which will be sealed with tape and initialed with IBM numbers of both members/employees.
 - c. The bag will be weighed and the weight of the bag & contents will be documented on the outside of the bag with an ink marker or pen. A **MB-007 Property Tag Form** will be affixed to the bag.

Note: The bag must be placed into a specifically designed storage container with locking capabilities while awaiting destruction. A secure room shall be utilized if available. The date and weight information will be recorded.

- d. Once the storage container is full the zone clerk will notify the MCSO Technician Unit for removal of pharmaceutical wastes. A CR number will be generated and a PCR shall be completed which will include the date, time, and weight of the pharmaceutical wastes collected. An evidence tag will be affixed to a transport container. The Industrial Waste Engineer shall be contacted at (585) 753-7553 prior to transport. The container will be transported to ECO Park for destruction. The PCR will be forwarded to the PMO for processing.

3. On the first business day of each month, the weight of incoming pharmaceutical waste from the previous month will be reported to the PMO. The PMO will report the total weight to the Industrial Waste Engineer for documentation purposes.
4. In case of an Occupational Exposure, notify a Supervisor immediately and refer to **MBGO-013 Exposure Control Plan**, Section V. Disinfecting of Exposed Personnel and Surfaces (B).

III. Property Release

- A. Property may be released as follows:
 1. A **PB-177 Property Release Authorization Form (PRA)** will be utilized whenever evidentiary property (other than drugs) is to be released from the PMO. Authorization for such release must be obtained from the Investigating Deputy who originally impounds the property, a command officer, an authorizing official of the District Attorney's Office, or an authorizing official of the court of jurisdiction involving the property, or;
 2. Property may be released, destroyed, auctioned or held for evidentiary purposes, by completing a Property Disposition Request which is generated by PMO. Property Disposition Requests are system generated and will be sent out by PMO when the statute of limitations has expired or the property has been held as long as required by NYS Property law. Members of PMO will forward these requests to the appropriate member of MCSO. That member will be responsible for making the proper determination on the disposition request and return the completed and signed form to the PMO.
 3. Employees who have retired or no longer work for MCSO, cannot sign disposition requests. In the event that a disposition request involves an employee who is no longer employed by MCSO, the disposition request will be forwarded as follows:
 - a. Retired Road Deputies – Report to the Administrative Sergeant in the zone in which the incident occurred.
 - b. Retired CIS/MFU Deputies and Technicians – Report to the Investigative Sergeant for CIS/MFU.
 - c. Retired Investigators for CIS/MFU – Report to the Lieutenant for CIS/MFU.
 - d. Retired Jail, Civil and Court Deputies – Report to the Command Officer of the bureau they last worked.
- B. Items will only be released after either a **PB-177 Property Release Authorization** or Property Disposition Request has been completed.
- C. The reporting Deputy on the PCR or assigned investigator may withdraw items for court, review, to return to owner, or other official purposes. The property will be the responsibility of the person withdrawing it until it is re-submitted to property.

Note: If the property is being signed out is to return to owner, it will be the responsibility of the Deputy or Investigator to have the owner sign, date and time the blue copy of the PCR. The signed copy must be forwarded to PMO within fifteen (15) days. Property being signed out for review must be returned to PMO as soon as it is no longer needed for investigation purposes. While signed out, it is the responsibility of the Deputy or Investigator to store the evidence in a secure location to prevent tampering until it is returned to the PMO.

- D. Technical Services Technicians and Digital Forensic Specialists may sign out property/evidence, other than drugs, for evidentiary purposes.
- E. Evidence transported from the PMO to the lab or DA's Office becomes the responsibility of the transporting Deputy until signed for by competent authority. When evidence is released to the DA, the blue copy of the PCR shall be signed by the ADA and returned to the PMO by the Deputy so the chain-of-custody can be documented. Under no circumstances shall weapons or drugs be released to the DA's Office by an MCSO Deputy or Investigator.

Note: If the DA's Office or a MCSO member has signed out evidence and is retaining it with the case file at Iron Mountain (other than weapons or drugs), a **MB-163 Data Vault Storage Form** shall be completed, signed and returned to PMO.

- F. Evidence taken into custody, resulting from an arrest may be released to an owner upon receipt of a completed **PB-177 Property Release Authorization**.
- G. Property not held for evidence or investigation, with the exception of firearms, will be released to an owner upon demand. Release of property to a finder will be done in accordance with the New York State Personal Property Law.
- H. Items that have been marked for destruction may be released internally for official use in the MCSO. Any request for internal release must be made to the Property Office Manager. Upon receiving such request, the Property Manager will complete a **MB-003 Intra-Departmental Correspondence** explaining the request. The Intra-Departmental Correspondence must include a description of the item, the name of the department member making the request and an explanation for the use of the property. The completed form will be forwarded to the Undersheriff for authorization of release.
 - 1. Weapons that are in possession of a K-9 Deputy for training purposes, when not in use, shall be securely stored in the weapons lockboxes located in each K-9 vehicle. The K-9 supervisor shall conduct periodic inspection and annual audit to ensure accountability.
 - 2. Controlled substances and explosives shall not be released for training purposes. Controlled substances and explosives used for training shall be obtained in compliance with procedures established by Federal Regulations.

IV. Duties and Responsibilities

- A. The Property Clerk will be responsible for the custody, control and eventual disposition of all property that is turned into the PMO. The Property Clerk will enter all property received into the PMO's property Bar Coded Evidence Analysis Statistics and Tracking System (BEAST). The BEAST will be utilized to record:
 - 1. The date and time of transfer
 - 2. The person's identity who receives the property
 - 3. The reason for transfer
 - 4. The name and location of where the property was transferred
- B. The property clerk will further:
 - 1. Assign a lot number to all property taken into custody (lot numbers shall be noted on

the PCR and tag(s).

2. Maintain a permanent file of completed PCR's.
3. Maintain an index of all property items through a computerized bar-coded system.
4. Prepare necessary forms and form letters for use in processing property.
5. Verify that all property listed on the PCR is present and stored properly in designated storage areas. The storage area shall be noted on the PCR. All firearms, drugs, valuables, and money will be secured by extra security measures within the PMO.
6. Pick up and store property from the evidence/property lockers.
7. Accomplish periodic housecleaning in areas where access by maintenance personnel is restricted.
- * 8. When owners are unknown, make a thorough effort to identify them through available data, giving special attention to items of value.
9. Notify owners of their property held as evidence after the receipt of a Property Release Authorization.
10. Notify the finders of property whose ownership has not been determined at the expiration of the legal waiting period.
11. After positive identification and authorization, release property to owner or finder and obtain signature on property sheet.
12. Accomplish the destruction of items whose use or existence is dangerous or unlawful, such as illegal weapons. Illegal firearms will be disposed of in accordance with legal requirements.
13. Arrange for the destruction of drugs no longer needed for evidence.
14. Ensure that items marked for destruction, which has some value, be held and disposed of at the next Sheriff's auction.
15. Ensure that items marked for destruction, deemed to have no value, be disposed of in accordance with legal requirements.
16. Ensure that any alcoholic beverage marked for destruction be destroyed in such a manner that it may no longer be consumed.
17. Initiate, prepare and supervise auctions to sell appropriate property and remit net proceeds in accordance with New York State Law and existing county procedures.
18. Establish and maintain an area logbook, documenting official entries into the PMO. Only employees of the PMO shall routinely enter secure property storage areas. If it is necessary for other persons to enter the secure areas, they shall be accompanied by an employee of the PMO at all times; and only those people on official business will be allowed to enter the PMO upon approval of PMO staff.
19. Ensure that upon the final disposition of all found, recovered and evidentiary property, such property will be disposed of within six (6) months in accordance with applicable laws and department policy.

V. Right of Refusal

The property clerk maintains the right to refuse any property/evidence if it is not accompanied by the proper documentation and/or if the submitted item is not properly labeled/ packaged. The property clerk shall secure the item and will contact the member submitting the item advising of the correction to be made. Once corrected, the item(s) will be submitted as outlined in Paragraph I of this order.

VI. Return of Evidence

- A. All attempts will be made to satisfy all legal requirements and dispose of all property under care and custody of MCSO within a six (6) month time frame. The return of evidence is governed by policies and procedures consistent with Criminal Procedure Law and all orders and regulations of the MCSO.
- B. Property/Evidence that is returned back to the PMO will be signed into PMO by Property Manager utilizing BEAST system. Information will include:
 - 1. The date and time of transfer.
 - 2. The person's identity who receives the property.
 - 3. The reason for transfer.
 - 4. The name and location of where the property was transferred.

VII. Destruction of Evidence

- A. Firearms which have been rendered unusable and or otherwise destroyed will be destroyed in accordance with **Section 400.05 of the New York State Penal Law**. Firearms will not be destroyed until authorization from the New York State Police (NYSP) is obtained. Once authorization is obtained from the NYSP, the firearms will be turned over to the NYSP for destruction.
- B. Items identified as drugs will be burned pursuant to court order and said order returned within ten (10) days. Two (2) witnesses and the property clerk will be present during the destruction of items identified as drugs only after authorization from the DA's Office is confirmed.

VIII. Security and Integrity

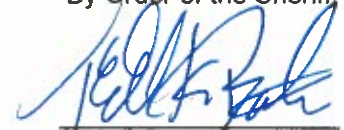
- * A. The Standards and Compliance Unit will conduct an annual audit of property and evidence held by the PMO in addition to monthly inspections. The minimum amount of property to be sampled during the annual audit shall be a minimum of fifty (50) items and must include a sampling of money, firearms, controlled substances, and high valued items.
- B. Further, an annual inventory of the PMO shall be conducted as directed by the Commander of Staff Services. The minimum amount of property to be sampled during the inventory shall be a minimum of one hundred (100) items. This inspection will be unannounced and must include a sampling of money, firearms, controlled substances and high valued items.

Note: The audit and inventory are not to be conducted within four (4) months of each other and will not include the same items.
- C. Unannounced inspections of the PMO shall be conducted as directed by the Commander of Staff Services annually.

IX. Training

All personnel assigned to the PMO shall complete a course in property/evidence room management within one (1) year of assignment.

By Order of the Sheriff,



Todd K. Baxter

- * Indicates a significant change from the original and previous versions of this General Order

Appendix

Box #1 Name of the business and street address (house number, street name, town and zip code) where you took official custody of the property.

Box #2 Found property-Confiscated from-Voluntarily Surrendered by:

Check one box only: Complete the name, entire address and telephone number of whom it was acquired. Check "yes" or "no", if the finder wants to claim the item (i.e.: bike).

Evidence-Investigation-Safekeeping-Destruction-Owner-Other

Check one box only: "Safekeeping" is strictly for Firearms.

Box #3 Choose only one reason for holding the property.

Box#4A Owner's complete name, street address (house number, street name, town/zip code) and phone number.

Box #4B Victim's complete name, address and phone number.

Box #5 The defendant's name and date of birth. The Court of Jurisdiction - Penfield, Gates, Rochester etc.

Box #6 Offense: Section of the law and subdivision. I.E: VTL 511.2a or AUO 2nd

"Crime" or "Property" is not an offense or reason why property is taken in. If it is "found" leave blank because box #2 will be checked with found. Use "Court Order" for Orders of Protection.

Box #7 Date and time property came into your custody (when you picked it up)

Box #8 Signature/Unit/IBM

Box #11 Additional Information: Any information you may have which will assist in future disposition of the property. If you are not the case officer and only assisting in collecting and packaging the property identify who the case officer is.

Box #12 Description: Include anything making the item readily identifiable, when applicable. Firearms- Must include owners DOB and social security number, make, model, serial number, caliber, reason for submission and where stored: Necessary when you tow a vehicle. All vehicles towed to 145 Paul Rd or for AUO 1st and AUO 2nd require a PCR filled out. Include VIN# on PCR and blue copy stays with vehicle.(I.E. Paul Road, Barth's, etc.)

Additional Example:

Item #	Quantity	Description
1	2	NYS License Plates- MCSO123

Note: PCR's must have a Supervisor Signature on the bottom of the report.

WSR Appendix

The WSR closely resembles the PCR and will be completed in much the same way. Each line will be used to record one gun, pistol permit or package of ammunition. The WSSP will be used as additional pages to the WSR.

Should other items such as swords, air guns, etc., that lack evidential value, be surrendered with guns, they can be listed on the WSR.

When completing the WSR and WSSP:

Line 1 will be used to record the location of surrender.

Line 2 will be used to record who surrendered the guns, their name, address and phone number.

Line 3 and 4 will be used to record the gun owner's name, address, phone number and date of birth; as well as the date, time and reason for the guns being surrendered.

The Item # column will be used to sequentially number the items taken into custody and will continue sequentially onto any necessary additional pages.

The Make, Model, Caliber and Serial Number columns will be used to record the make, model, caliber and serial number of each gun, if known.

The Additional Info/Accessories column will be used to record any additional items surrendered and tagged directly with the associated line item; such as slings, scopes, gun cases, etc. This column will also be used to record pistol permits, ammunition and any other item surrendered.

The Location column will be used by the Property Management Office (PMO) to record the location the item is stored within the PMO.

The Date/Time Received in PMO and PMO Signature will be completed accordingly by the PMO clerk.

The person surrendering the guns will sign the bottom of the WSR.

The deputy completing each form will sign the bottom of said form, including their IBM. The deputy will then give the pink receipt page to the person surrendering the guns. The white and yellow pages will be submitted to the PMO. The PMO will maintain the white page and the yellow page will be forwarded to the Firearms Investigation Coordinator.

