

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

<b>GENERAL ORDER POLICE BUREAU</b>	<b>DATE OF ISSUE August 15, 2025</b>	<b>EFFECTIVE DATE August 15, 2025</b>	<b>No. 040-25</b>
<b>SUBJECT: GENERAL ORDER  Product Tampering</b>		<b>DISTRIBUTION  Police Bureau Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: Title 18, U.S. Code, Section 1365; NYSPL 145.40, 145.45</b>			<b>RESCINDS 040-19</b>

**Purpose:** To familiarize members and employees regarding procedures for response to information and investigating reported incidents of possible or suspected product tampering with consumer products.

**Policy:** The Monroe County Sheriff's Office (MCSO) will respond to information about incidents involving suspected or possible product tampering so as to ensure the safety of the public as well as notify and coordinate activities with other agencies and businesses that share these responsibilities. It is the responsibility of the MCSO to gather and preserve evidence as appropriate, investigate, and take measures to help minimize damage to the private property of any businesses affected.

**Definitions:** Consumer Product – Any food, drug, device, cosmetic, or any article, product, or commodity that is produced or distributed for consumption by individuals as defined by the Federal Food, Drug and Cosmetic Act (Section 201, 21 U.S.C. 321).

Tampering – The alteration of a product, its label or container, with reckless disregard for the risk that another person will be placed in danger of death or bodily injury, or to cause serious injury to the business of another person, or an attempt to do so.

False Information – Communication of information that is false, and that the communicator knows is false, under circumstances in which the information may reasonably be expected by one to be believed.

Threats – Communication of a threat to engage in conduct under circumstances in which the threat may reasonably be expected by one to be believed. Such conduct, if it occurred, would constitute actual tampering.

Conspiracy – Agreement of two or more persons to engage in tampering of a consumable product if any party intentionally engaged in conduct in furtherance of such tampering.

**I. Reports of Possible Product Tampering**

- A. Reports of suspected product tampering are to be considered and investigated as a crime until evidence is developed to prove a crime has not been committed (such as a packaging error, processing malfunction, etc.).
- B. Information and property are to be safeguarded as evidence until evidence is developed to prove a crime has not been committed.

## II. Duties of the Investigating Deputy

- A. Contact the complainant and verify the information received from the initial report. Determine the scope and the specific details of the incident.
- B. Contact the manager or individual in charge of the establishment to determine if there is any history of previous threats, if the product is dispensed from that location, if the product appears to have evidence of tampering, or if there are any suspects or potential witnesses at the scene.
- C. Secure the scene, isolate potential physical evidence, request to see if there is any video surveillance, and administer aid to any victims, if necessary.
- D. Notify a patrol supervisor.
- E. Complete a PB-133 Consumer Product Tampering Database Report Form as well as a Standardized Incident Report (SIR) documenting the applicable section of the NYS Penal Law (145.40 / 145.45).
- F. Obtain the following information for use by the appropriate regulatory agency:
  - 1. Specific name of the product and its manufacturer.
  - 2. Distributor.
  - 3. Code or lot number from the actual package.
  - 4. Type, size and weight of the container or package.
  - 5. USDA seal and if available the control number.

## III. Duties of the Patrol Supervisor

- A. Respond to the scene and coordinate an appropriate investigative response with a representative (manager or individual in charge) from the establishment (conduct a risk assessment, coordinate considerations of securing evidence, interview witnesses, and establishing a perimeter to further secure the scene).
- B. Notify the Technical Services Unit for collecting and handling evidence (to be inclusive of any medical testing of the victim as evidence) and to assist with the investigation.

Note: Members of the Technical Services Unit shall ensure that the chain-of-custody of evidence (product) is maintained and properly handled, and that the evidence (product) is stored and that any storage arrangements are made for perishable items and/or large volumes of a product. The Commander of the Staff Services Bureau must also be notified to make arrangements for specialized storage facilities.

- C. If deemed appropriate, contact an Investigator from CIS.
- D. Notify the Monroe County Health Department at 585-753-5064 during regular business hours or an on-call representative at 585-753-5905 after normal business hours to request assistance from the Food Inspection Officer for a referral to the appropriate regulatory agency.

Note: A representative from the Monroe County Health Department will be responsible for contacting the appropriate regulatory agency (FDA, Agriculture and Markets, etc.).

- E. Ensure completion of the PB-133 Consumer Product Tampering Database Report.

- F. Notify the New York State Police (NYSP) Statistical Recording Personnel of any incidents or suspected incidents of product tampering via the designated police use only 24-hour telephone number at 800-648-0881. Provide appropriate information as specified on the PB-133 Consumer Product Tampering Database Report form. Such information must be forwarded within five (5) hours of receiving the initial complaint. The information must include:
1. Name and title of the person reporting the case to the aforementioned number.
  2. The name of the agency investigating the case.
  3. Whether this agency is requesting assistance from the NYSP in investigating the case.
  4. The type of product.
- G. Advise the Zone commanding officer of the situation.

**IV. Duties of the Zone Commander**

- A. Initiate the proper agency notifications as delineated in the notification matrix under general news-attracting incident.
- B. Ensure that all directives of this general order are properly carried out.

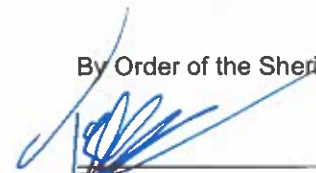
**V. Duties of Central Records Unit Personnel**

- A. Process all SIRs.
- B. Input all information from the PB-133 Consumer Product Tampering Database Report into the E-Justice Portal.
- C. Maintain a file for PB-133 Consumer Product Tampering Database Report forms.
- D. Update the NYSP when the investigation is complete.

**VI. Release of Information to the Media**

All news information released regarding an investigation of this type must not cause undue alarm or unnecessary damage to the reputation of the product or business involved. Information released will be coordinated between the establishment representative and the Sheriff or other authorized designee.

By Order of the Sheriff,



Todd K. Baxter

- \* Indicates a significant change from the previous orders.