

## Property Division

### 800.1 TURNING IN EVIDENCE AND PROPERTY

Agency Content

- (a) Physical evidence found at a crime scene will be preserved and collected in accordance with established Departmental procedures.
  - 1. All physical evidence collected by officers will be placed in the smallest appropriate container.
  - 2. Loose or unpackaged drug material, including but not limited to, crack cocaine, plant material, or pills should be packaged in accordance with the procedure set forth in the Controlled Substance Evidence.
  - 3. The container will be sealed using an evidence seal.
  - 4. The officer will affix an Onondaga County BEAST Property & Evidence label to the container or affixed property tag if applicable. Labels should not be affixed directly to the item.
- (b) If a crime scene is suspected of being infested with bedbugs, officers will utilize the following procedure when collecting evidence to minimize the possibility of spreading the infestation to their person, police vehicles, and Police Department facilities:
  - 1. Paper bagged evidence will be placed inside the large plastic shipping crate designated to house evidence recovered from scenes suspected of having a bed bug infestation. The large plastic crate will be located in the Barricade Room at the Public Safety Building.
    - (a) Members shall obtain the key to the Barricade Room from the desk sergeant.
    - (b) After securing evidence, officers will lock the door and ensure that it is properly secured.
    - (c) The key will be returned to the desk sergeant.
    - (d) Paper bagged evidence recovered from crime scenes suspected of being infested with bedbugs will not enter the Public Safety Building.
  - 2. Officers may print BEAST stickers inside the Public Safety Building and carry them to the barricade room where they can be affixed to the evidence bags.
  - 3. When the Wallie Howard Center for Forensic Sciences requests evidence for processing, Property Division personnel will remove the items from the plastic storage container in the Barricade Room and transport them to the Forensic Center.
- (c) Evidence packaged in plastic bags will be bagged following normal procedures and then placed in the Barricade Room.
  - 1. When an item is completely sealed within a plastic bag, it can be safely brought inside the Public Safety Building. The integrity of the seal will be sufficient to contain any possible bed bugs inside plastic bags.

# Syracuse Police Department

## Supplemental Manual

### Property Division

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- (d) In every instance where evidence is secured, officers will complete an Incident Report or Supplement Report.
  - 1. When evidence technicians turn in property or evidence, a Crime Scene Investigation Report will be completed.
- (e) Found property, that has no evidentiary value, may be turned into the BEAST Evidence/Property System and the recovering officer shall complete a Found Property Report.
- (f) Officers should note any remarks or special instructions regarding the evidence and, when applicable, note that the item could be returned or destroyed when an examination shows it has no evidentiary value.
- (g) All property and/or evidence shall be submitted to the Syracuse Police Department Property Division, unless it falls under the requirements for special handling. Officers shall become familiar and knowledgeable with the requirements for all types of evidence requiring special handling pursuant to this policy and the Department's policy.
- (h) During business hours evidence and property not specifically described shall be turned in to the Property Division. The business hours of the Property Division are 0730-1530, Monday through Friday.
- (i) Property not specifically described shall be turned in to room #18 located in the basement of the Syracuse Police Department. Property and evidence submitted therein shall be pursuant to established Department policy and procedures.
  - 1. Room #18 is a temporary holding area for property and evidence recovered. It is located near the Property Division and has a locked steel door.
    - (a) Room #18 is secured with an electronic control panel which is programmed through the Department's access control system. Authorized Department members and Property Room personnel will enter Room #18 using their Department issued access control card or key fob.
    - (b) The Commanding Officer of the Property Division will retain a copy of the physical key to Room #18. This key can be utilized if the Department's access control system is off line and not functioning.

## 800.2 FIREARMS PROCEDURES

### Agency Content

- (a) Safety
  - 1. Whenever a firearm is recovered, regardless of the circumstances, it shall be carefully examined to determine if it is loaded. Officers shall utilize firearm safety procedures at all times when handling firearms.
  - 2. Firearms submitted to the Property Division or the Center For Forensic Sciences will be submitted in an unloaded condition. Firearms are required to have the action secured open by using nylon cable ties, chamber plugs, or any other approved mechanism to demonstrate that the chamber is clear. These firearms

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

are to be rendered safe and unloaded prior to submission using the following procedures:

- (a) Adhere to all Departmental safety rules as they relate to firearms.
- (b) If there is an uncertainty regarding how to unload and render any firearm "safe", or how to preserve potential evidence associated with the firearm, a supervisor, firearms instructor or evidence technician will be contacted.
  1. If the evidence technician is unavailable, unable to unload and render the firearm "safe" and there are no firearm instructors on duty at the time, utilize the firearms instructor call up list and contact an instructor by telephone. The list is located in CNYLEADS on the Syracuse Police Information page and is posted at the 9-1-1 center.
- (c) The unloading of firearms shall be conducted with the utmost care for safety and the preservation of potential physical evidence (fingerprint, genetic, etc.).
- (d) Remove all ammunition.
- (e) If the weapon is a revolver, the cylinder should be left open. A nylon cable tie should be attached in a manner, which prevents the cylinder from being closed, and which demonstrates that the chamber is clear. The chamber that was in line with the hammer will be marked accordingly.
- (f) Ammunition removed from a revolver will be submitted in separate, Departmentally approved containers (e.g. film canister, pillbox, etc.). The containers will be numbered in ascending order starting with the round of ammunition that was in line with the hammer and proceeding in a clockwise direction.
- (g) If the firearm is a semi-automatic or automatic, the magazine will be removed and the slide secured open by using nylon cable ties.
- (h) Ammunition removed from the chamber of a charged semi-automatic or automatic will be secured in a departmentally approved container (e.g. film canister, pillbox, etc.). The magazine and rounds if any will be secured and turned in as evidence. Rounds will not be removed from the magazine.
- (i) Ammunition removed from the chamber of a charged rifle or shotgun and/or holding tube shall be secured in separate, departmentally approved containers (i.e. film canister, pillbox, etc.). The action on the weapon shall be secured open by using nylon cable ties, chamber plugs, or any other approved mechanism to demonstrate that the chamber is clear.
  1. If the weapon has a magazine, rounds will not be removed from the magazine.
- (j) Ammunition removed from inside any firearm, after being packaged in the appropriate container, will be placed inside the evidence box and submitted with the weapon.

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

1. When a magazine is removed from any firearm, after being packaged in the appropriate container, it will be placed inside the evidence box and submitted with the weapon.
  - (k) Any additional recovered ammunition should be packaged separately and will not be placed in the box with the firearm.
  - (l) If a firearm cannot be physically unloaded in a safe manner due to damage, rust or other mitigating factors, a supervisor, firearms instructor or evidence technician will be notified.
  - (m) A firearm that cannot be unloaded due to damage or rust or other mitigating circumstances shall be handled safely and with "extreme care". If necessary, it may be secured in an appropriate container. The exterior of any such package will be clearly marked in print "Weapon is Loaded".
- (b) Packaging Firearms
- (a) The following procedures will be used for packaging firearms:
    - (a) All firearms that are turned in as evidence, whether a handgun, rifle, or shotgun, shall be placed in a cardboard gun-box and secured by using the plastic straps within the box.
    - (b) An evidence seal should be placed on the exterior of the box. The officer shall write their initials, IBM number and the date and time across the sealed opening with an evidence-marking pen.
      - (a) Evidence boxes containing long guns should be sealed with evidence tape on all three sides of the box that can be opened to prevent unnoticeable entry into the container.
    - (c) The Onondaga County BEAST Property & Evidence label should be affixed to the exterior, non-muzzle end of the box, so that the bar code and DR number are visible.
    - (d) All firearms submitted, as "evidence" will be packaged separately to ensure integrity.
    - (e) If there is a question regarding what the appropriate container to be used is, the officer should contact an evidence technician for advice.
    - (f) Firearms turned in for safekeeping may be packaged in either an appropriate sized evidence bag or cardboard box.
      - (a) Under circumstances when numerous firearms are recovered for safekeeping under a single DR# they shall be boxed separately.
- (c) Officer Responsibilities
- (a) Whenever an officer recovers a firearm, he/she will:
    - (a) Ensure that a teletype (stolen gun check) is sent as soon as possible.

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

- (b) Supply the Central Records Division with the DR# and detailed description of the firearm (e.g. make, model, caliber, and serial number of the weapon, etc.).
- (c) Indicate that the Teletype check was performed in his/her incident report.
- (d) If a recovered gun is confirmed to be stolen, a copy of the teletype will be forwarded to the Property Division.
  - (a) The status of the stolen weapon check should be listed in the Notes section on the Item page when completing the submission in the BEAST system.
  - (e) When a firearm is recovered from the actual owner, a Property Receipt (Form 5.4) listing the weapon's make, model, serial number, and caliber will be completed and given to the owner. The officer will inform the owner that the information to retrieve the weapon is printed on the reverse side of the form.
- (d) Central Records Division Responsibilities
  - (a) Upon receipt of the stolen gun check teletype request, the Central Records Division teletype operator shall send a teletype and forward copies of the request as follows:
    - (a) The pink copy will be forwarded to the Center for Forensic Sciences.
    - (b) The yellow copy will be forwarded to the Property Division.
    - (c) The white copy will remain in the Central Records Division.
  - (b) If the firearm in question is a handgun, an additional teletype (File 15) will be sent to the New York State Police, Records Section, Attn: Pistol Permit Bureau, Albany, N.Y. The copies will be distributed as stated above.
  - (c) Central Records Division personnel will verify whether the firearm has been reported lost or stolen. If it has been reported, they will make the appropriate notifications to the original, reporting agency. This will enable that agency to notify the owner that the firearm has been recovered and who has recovered it.
- (e) Firearms turned into the Property Division
  - (a) Only firearms submitted for safekeeping or voluntary surrender will be submitted to the Property Division. The following procedures will be used:
    - (a) Safekeeping firearms will be turned in and secured in Room #18. Room #18 can only be accessed by personnel who are issued authorized key fobs. Inside Room #18 there are different size lockers with locks. The following procedure will be utilized for turning evidence or property into Room #18:
      - (a) Officers submitting evidence or property to Room #18 shall swipe their key fob allowing access. Officers shall not use their key fob to access Room #18 for anyone other than themselves.

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

- (b) Once access is obtained the evidence or property will be secured within an appropriate size locker by the officer.
  - (c) The officer will lock the locker with the padlock.
  - (d) The officer will then exit Room #18, ensuring that Room #18's door is properly locked and secured prior to leaving the area.
- (f) Firearms turned into the Wallie Howard Center for Forensic Sciences (CFS)
  - (a) All firearms recovered by members (including firearms with defaced or no serial numbers), with the exception of firearms submitted for safekeeping or voluntary surrender, shall be submitted to the Center for Forensic Sciences. The procedure is as follows:
    - (a) A Submission request must be completed in the BEAST System when firearms are submitted to the Center for Forensic Sciences.
    - (b) Firearms submitted to the Center for Forensic Sciences should be packaged in a cardboard gun box with an appropriate seal which consists of one piece of evidence tape that covers each edge of the box that can be opened. Placement of the evidence tape is done in this manner to detect tampering. The officer will write their initials, IBM number, and the date and time across the seal with evidence marking pen ensuring that a proper evidence seal is established. When a firearm serial number cannot be located and/or has been obliterated, the exterior of the package will be clearly marked in print, "No Serial Number." If there is a question regarding what the appropriate container is, the officer should contact an evidence technician for advice.
    - (c) The firearms examiner at the Center for Forensic Sciences, upon receipt of any firearm, shall complete an "Onondaga County Center for Forensic Sciences Laboratories Firearms Section-Serial Number Trace Report" and will forward the report to the Central Records Division, teletype officer.
      - (a) The Teletype officer will conduct a stolen gun check and submit a "GGUN" report to the New York Gun Clearing House.
      - (b) All A.T.F. Firearms Trace Summary reports, as well as any miscellaneous reports, received by the Teletype officer will be filed. Copies will be forwarded to the Criminal Investigations Division and the Criminal Intelligence Section.
    - (d) The Forensic Science Center, upon completion of the firearms examination, will forward the firearm to the Property Division to be disposed of in accordance with New York State law.

### **800.3 PROCESSING SHELL CASINGS AND PROJECTILES AT WALLIE HOWARD CENTER FOR FORENSIC SCIENCES (CFS)**

#### **Agency Content**

- (a) All shell casings and projectiles recovered by officers will be placed in the appropriate evidence container and submitted directly to the Center for Forensic Sciences.

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

- (b) Each container should contain no more than one shell casing or projectile.
- (c) The container should be assigned its own item number, placed into an evidence bag, sealed, and turned in to the Center for Forensic Sciences for examination.
- (d) More than one container may be submitted within the same evidence bag.
- (e) If there is a question regarding the “appropriate” container, the officer should contact an Evidence Technician for advice.

#### **800.4 ITEMS TOO LARGE FOR FORENSIC SCIENCE CENTER LOCKERS**

##### Agency Content

- (a) When items are too large to be secured in a Center For Forensic Science locker, the patrol desk supervisor shall be notified. The patrol desk supervisor will make a determination of where the evidence can be secured until it is submitted to the Center for Forensic Science during normal business hours.
  - 1. All evidence will be packaged and labeled following procedures set forth in section 13.23 of this policy.
- (b) If the patrol desk supervisor is unable to find a suitable area to secure such evidence, he/she will contact a Crime Scene Unit supervisor.
- (c) The Crime Scene Unit supervisor will make a determination of where the evidence will be secured until it can be submitted to the Center For Forensic Science during normal business hours.

#### **800.5 PROCESSING CURRENCY**

##### Agency Content

- (a) All recovered currency, shall be submitted to the Property Division.
- (b) When submitting currency officers shall complete the audit sheet provided within the BEAST system.
- (c) Money shall be placed in a five inch by nine-inch plastic evidence bag and sealed. This sealed bag shall be placed inside a nine inch by twelve-inch plastic evidence bag with the audit sheet. The evidence label should be affixed to the outer most bag on one side and the audit sheet label affixed to the other side.
- (d) The evidence bag will then be heat sealed, and the submitting officer will place his/her initials, IBM number, date and time on the seal.
- (e) Money recovered will be turned in and secured in Room #18. Room #18 can only be accessed by personnel who are issued authorized key fobs. Inside Room #18 there are different size lockers with locks. The following procedure will be utilized for turning evidence or property into Room #18:
  - 1. Officers submitting evidence or property to Room #18 shall swipe their key fob allowing access. Officers shall not use their key fob to access Room #18 for anyone other than themselves.

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

2. Once access is obtained the evidence or property will be secured within an appropriate size locker by the officer.
3. The officer will lock the locker with the padlock.
4. The location and locker number will be recorded on the accompanying paperwork to ensure the integrity of the chain of custody.
5. The officer will then exit Room #18, ensuring that Room #18's door is properly locked and secured prior to leaving the area.

### 800.6 HIGH VALUE ITEMS

#### Agency Content

- (a) All high value items, such as but not limited to jewelry, stocks, bonds, coin collections, gold or silver bullion, rare art, family heirlooms, etc., shall be submitted to the Property Division.
- (b) An employee submitting any high value items shall complete all necessary paperwork and process the item(s) pursuant to department policy and procedures.
- (c) High value items recovered will be turned in and secured in Room #18. Room #18 can only be accessed by personnel who are issued authorized key fobs. Inside Room #18 there are different size lockers with locks. The following procedure will be utilized for turning evidence or property into Room #18:
  1. Officers submitting evidence or property to Room #18 shall swipe their key fob allowing access. Officers shall not use their key fob to access Room #18 for anyone other than themselves.
  2. Once access is obtained the evidence or property will be secured within an appropriate size locker by the officer.
  3. The officer will lock the locker with the padlock.
  4. The officer will then exit Room #18, ensuring that Room #18's door is properly locked and secured prior to leaving the area.

### 800.7 COMPUTER AND RELATED EQUIPMENT

#### Agency Content

- (a) Improper shut down procedures and mishandling of computer equipment can cause damage, and valuable information can be lost.
- (b) The following procedures shall be followed when officers determine that computer equipment must be seized as evidence:
  1. An evidence technician must photograph the computer in the condition that it is found. Anything on the screen at that time should also be photographed and documented.
  2. If the computer is off at the time it is located it should never be turned on.



# Syracuse Police Department

## Supplemental Manual

### Property Division

---

3. If the computer is on at the time it is secured, do not turn off the power with the computer's power switch. Un-plug the power supply (electrical) cord from the back of the computer first. Do not unplug the computer from the electrical outlet first as information may be lost.
  4. All plugs or hookups should be photographed, labeled, and documented.
  5. The power supply cord is the only cord from a computer that should be turned in as evidence. It should be unplugged, neatly wound up and taped.
  6. The date, time, and officers' initials, etc. must be marked on each item of hardware.
  7. All software, manuals, papers, disks, CD ROM's, etc. should be collected and packaged as evidence.
  8. All items should be turned into the property room pending further analysis.
- (c) The legal requirements governing search and seizure (consent to search & search warrants) shall apply when seeking to obtain any of the following information:
1. Any documents of software that have ever been on the computer even if erased or deleted.
  2. The last access dates and times of files.
  3. The origin of software or files.
  4. The origin of the computer.
  5. E-mail addresses of sent, received e-mails, or erased emails.

### **800.8 BIOLOGICAL EVIDENCE - FLUIDS AND/OR WET EVIDENCE**

#### Agency Content

- (a) Property which represents a Bio-Hazard (e.g., blood, items with tissue samples, semen, urine, etc.) shall be clearly marked "Bio-Hazard" or with a Bio-Hazard warning label, both on the container holding the item and on the form placed on the outside of the evidence locker.
- (b) Biological evidence, which is wet, that in the opinion of the submitting officer or evidence technician will dry to completion in less than two hours, will be packaged using all appropriate procedures and submitted to the Property Division.
- (c) Biological evidence which is wet, that in the opinion of the submitting officer or evidence technician, will not dry to completion in less than two hours, should be turned in using the following procedure so it may be dried at the PSB prior to being submitted to the Center For Forensic Sciences:
  1. The submitting officer or evidence technician will contact the Crime Scene Unit. They will notify the appropriate personnel and request that they respond immediately and take possession of the evidence so that it can be properly dried.

# Syracuse Police Department

## Supplemental Manual

### Property Division

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2. The telephone and pager numbers of appropriate Criminal Investigation Division personnel are posted in the Department's telephone directory, evidence technician supply locker, CID, and the Emergency 911 Communications Center.

#### **800.9 COMMON FIREWORKS**

##### Agency Content

- (a) Common fireworks must be stored only in the designated steel storage box located at Patrol East, until they can be safely destroyed.
  1. Officers will obtain the key for the storage box from the fireworks logbook.
  2. After securing the fireworks in the storage box, the key will be returned to the logbook.
  3. After securing fireworks, officers must complete an entry into the fireworks logbook documenting the DR#, date of incident, location of recovery and investigating officer's name.
- (b) Officers should use particular care when packaging and securing fireworks due to the hazards they present (e.g., fireworks ignited by the heat sealer or detonated from friction due to being forced into a small area).
  1. Fireworks should be packaged loosely in the appropriate evidence container or bag.
  2. Evidence bags will be sealed using evidence tape. Packaging is not to be secured with a heat sealer.
- (c) The storage box will be checked on a regular basis by Hazardous Devices Unit personnel.
- (d) Hazardous Devices Unit personnel will appropriately dispose of fireworks that are turned into the storage box.

#### **800.10 EXPLOSIVES AND MUNITIONS**

##### Agency Content

Only a Departmental bomb technician is authorized to handle, transport, and store commercial and military explosives, and suspected explosive devices. At no time shall a commercial, military, or suspected explosive device be transported to police headquarters. These devices shall not be submitted to the Property Room. They shall be stored only by Departmental bomb technicians in an area designated by the Chief of Police. Whenever an officer comes into contact with a commercial or military explosive device, or suspected device, the officer should immediately:

- (a) Secure the scene.
- (b) Notify a supervisor (officers must be astutely knowledgeable of the Departmental policy and procedures regarding Bomb Investigations, and should be cognizant that explosive devices may be activated by radio transmissions or wireless telecommunications.).

# Syracuse Police Department

## Supplemental Manual

### Property Division

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#### **800.11 COMBUSTIBLE AGENTS**

##### Agency Content

Combustible agents (e.g., gasoline, propane, etc.) will be stored only in the caged area within the barricade room located at the Public Safety Building until such time that appropriate disposal can be arranged. Keys to the barricade room can be signed out with the front desk Sergeant.

- (a) Items that contain combustible agents, including but not limited to: snow blowers, lawn mowers, chain saws, and gas grills should be stored in this area.
- (b) The Property Division will be notified that items were placed in the barricade room.

#### **800.12 SHARP ITEMS, SYRINGES OR HYPODERMIC NEEDLES**

##### Agency Content

Sharp items (e.g., broken glass, etc.) shall be clearly labeled as such and secured in such a manner as to permit reasonable handling of the item without undue risk.

Syringes or hypodermic needles shall be placed in an appropriate container (ie.plastic cigar tube or sharp shuttle) prior to being sealed in an evidence bag.

- (a) Each syringe/hypodermic needle will be individually bagged after being placed in the appropriate container.
- (b) All syringes and hypodermic needles will be turned in to the Property Division.

#### **800.13 FINGERPRINT EVIDENCE**

##### Agency Content

- (a) Fingerprint Evidence shall be submitted as follows:
  1. Latent lifts (latent lift cards) shall be turned into the Crime Scene Unit using the following procedures:
    - (a) All recovered latent lifts will be placed in the secured "Latent Locker" which is located Room #18.
  2. The submitting officer must complete a SAFIS latent evidence submission (Form #30.03).
  3. Physical evidence that may contain a latent fingerprint, which cannot be processed in the field using conventional evidence technician methods, shall be submitted to the Property Division.
- (b) The Crime Scene Unit will process all submitted latent fingerprint lifts for possible identification.
  1. After processing the latent lifts will be stored until they can be legally disposed of.
- (c) Physical evidence submitted to the Property Division will be held until requested by the Center for Forensic Sciences for the purposes of processing or until they can be legally disposed of.

# Syracuse Police Department

## Supplemental Manual

### Property Division

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#### **800.14 RAPE KITS**

##### Agency Content

All Rape kits will be submitted directly to the Center for Forensic Sciences utilizing the procedure set forth in this policy.

#### **800.15 DRUG FACILITATED SEXUAL ASSAULT KITS, BLOOD DRAW KITS, DWI KITS**

##### Agency Content

Drug Facilitated Sexual Assault (DFSA) Kits, Blood Draw Kits and DWI Kits will be submitted as follows:

- (a) During business hours, kits will be submitted directly to the Center for Forensic Sciences utilizing the procedure set forth in section 13.23 of this policy.
- (b) After business hours, kits will be secured in one of the three refrigerated lockers at the Center for Forensic Sciences.
- (c) If the lockers at the Center for Forensic Sciences are full, kits will be placed in the refrigerator located in Room #18 at the Public Safety Building.
- (d) The Onondaga County BEAST Property & Evidence label will be affixed to the outer most container.

#### **800.16 DNA SAMPLE COLLECTION**

##### Agency Content

- (a) In accordance with NYS Executive Law section 995-c 3, trained personnel may be called upon to obtain DNA samples from individuals who have been convicted and sentenced of certain designated offenses for inclusion in the State DNA Databank. Collection kits can be obtained from DCJS. A supply of collection kits will be maintained in the Identification Section.
- (b) Designated Penal Law offenses which require that a DNA sample be collected are:
  1. 120.00 Assault in the 3rd degree.
  2. 110.00/120.12 Attempted Aggravated Assault upon a person less than 11 years old.
  3. 110.00/120.13 Attempted Menacing in the 1st degree.
  4. 120.14 Menacing in the 2nd degree.
  5. 120.15 Menacing in the 3rd degree.
  6. 120.20 Reckless Endangerment in the 2nd degree.
  7. 120.45 Stalking in the 4th degree.
  8. 120.50 Stalking in the 3rd degree.
  9. 110.00/120.55 Attempted Stalking in the 2nd degree.
  10. 130.20 Sexual Misconduct.
  11. 110.00/130.20 Attempted Sexual Misconduct.

# Syracuse Police Department

## Supplemental Manual

### *Property Division*

---

12. 110.00/130.25 Attempted Rape in the 3rd degree.
  13. 110.00/130.40 Attempted Criminal Sex Act in the 3rd degree.
  14. 130.52 Forcible Touching.
  15. 110.00/130.52 Attempted Forcible Touching.
  16. 110.00/130.53 Attempted Persistent Sexual Abuse.
  17. 130.55 Sexual Abuse in the 3rd degree.
  18. 110.00/130.55 Attempted Sexual Abuse in the 3rd degree.
  19. 130.60 Sexual Abuse in the 2nd degree.
  20. 110.00/130.60 Attempted Sexual Abuse in the 2nd degree.
  21. 110.00/130.65-a Attempted Aggravated Sexual Abuse in the 4th degree.
  22. 135.05 Unlawful Imprisonment in the 2nd degree.
  23. 110.00/135.10 Attempted Unlawful Imprisonment in the 1st degree.
  24. 140.15 Criminal Trespass in the 2nd degree.
  25. 140.35 Possession of Burglar's Tools.
  26. 155.25 Petit Larceny.
  27. 260.10 Endangering the Welfare of a Child.
  28. 260.25 Endangering the Welfare of an Incompetent or Physically Disabled Person.
  29. 230.04 Patronizing a Prostitute in the 3rd degree.
  30. 110.00/230.04 Attempted Patronizing a Prostitute in the 3rd degree.
  31. 110.00/230.05 Patronizing a Prostitute in the 2nd degree.
  32. 110.00/263.11 Attempted Possessing an Obscene Sexual Performance by a Child.
  33. 110.00/263.16 Attempted Possessing an Obscene Sexual Performance by a Child.
- (c) Personnel trained in the collection of DNA samples include but may not be limited to the following:
1. Identification Section personnel.
- (d) When an individual is convicted of any designated offense and is sentenced to a Conditional Discharge, the issuing court will provide the defendant with a City of Syracuse Criminal Court Summons and Notice of Mandatory Surcharge form. This form contains instructions and orders the defendant to respond within 60 days after the date of the summons to the Syracuse Police Department's Identification Section to provide a DNA sample.

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

1. The District's Attorney's Office will fax a copy of the City of Syracuse Criminal Court Summons and Notice of Mandatory Surcharge form to the Identification Section for the purpose of notifying personnel that an individual has been ordered to provide a DNA sample.
  2. Identification Section personnel will retain this copy in a file.
  3. If the defendant does not report to give the sample within the permitted time frame, Identification Section personnel will complete the appropriate check box, sign and date the form and fax it back to the District Attorney's office. The District Attorney's office will also do periodic follow-ups with the Identification Section in order to accurately update and track the status of DNA samples that have not been collected.
  4. If the defendant provides the DNA sample, the Identification Section will complete the appropriate check box, sign and date the form, return the original to the defendant, and fax a copy back to the District Attorney's office.
- (e) When an individual is convicted of a designated charge and sentenced to a jail term, it will be the responsibility of jail personnel to collect the DNA sample.
- (f) When an individual is convicted of a designated charge and sentenced to probation, it will be the responsibility of Onondaga County Probation personnel to collect the DNA sample.
- (g) DNA Databank kits should contain the following items: (If any of these items are missing, the kit should be discarded and another one utilized):
1. Instruction sheet for collection.
  2. Instruction sheet for completing the Specimen Submission Form.
  3. One Specimen Submission Form.
  4. One Micro Card ("FTA™ card").
  5. One sterile packet containing a foam tip applicator.
  6. One 2x4 envelope.
  7. One clear plastic bag.
  8. One pair of latex gloves.
  9. One inked fingerprint sheet.
  10. One ink removal cleansing pad.
- (h) Procedures listed on the instruction sheet must be followed for proper collection and submission of DNA samples. Failure to follow the procedures may result in rejection of the sample.
- (i) Care must be taken to avoid contamination of the sample, therefore personal protective equipment (PPE) will be utilized at all times while collecting samples.
- (j) At the completion of any collection, proper disposal methods of any contaminated PPE, equipment and supplies will be followed.

# Syracuse Police Department

## Supplemental Manual

### Property Division

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- (k) When collection and submission of samples are completed, the green copy of the submission form (Submitting Agency) will be retained by the submitting officer.

#### **800.17 TASER PROBES, CARTRIDGES, AFIDS, WIRES**

##### Agency Content

All deployed taser probes, cartridges, AFIDS, and wires will be turned into the Property Division as evidence.

- (a) Taser probes will be packaged in a cardboard box and sealed with evidence tape.
- (b) After probes are packaged within a cardboard box, they will be packaged along with the cartridge, AFIDS and wires in a paper bag and sealed with evidence tape in accordance with appropriate evidence submission procedures.
- (c) All submitted Taser items will be marked as a bio-hazard.

#### **800.18 CONTROLLED SUBSTANCE EVIDENCE PROCEDURES**

##### Agency Content

- (a) All controlled substances, marihuana, and drug-related evidence and property, except for those special circumstances described below in Section 4, subs a, b and c, shall be submitted directly to the Property Division utilizing the following procedure:
  - 1. All controlled substances, marihuana, and drug-related evidence and property, as a general rule, are to be placed in a plastic evidence bag with a completed Onondaga County BEAST Property & Evidence label attached to the bag's exterior.
    - (a) Freshly harvested plants must be packaged in a paper bag.
  - 2. The bag will be properly heat-sealed.
  - 3. The submitting officer shall write their initials, IBM number, and the date and time, over the seal.
- (b) Loose or unpackaged drug material, including but not limited to, crack cocaine, plant material, or pills should be packaged in a 3" X 6" poly bag and sealed. The sealed 3" X 6" bag will then be placed within a 5" X 9" bag and sealed.
  - 1. If the recovered drug evidence is too large to be packaged in a 3" X 6" bag, a larger appropriate sized bag should be used. The bag will still be required to be placed within a second bag and sealed.
- (c) All controlled substances, suspected controlled substances, marihuana, or drug-related evidence and property being submitted to the Property Division shall be turned in as follows:
  - 1. The controlled substance will be turned in and secured in Room #18. Room #18 can only be accessed by personnel who are issued authorized key fobs. Inside Room #18 there are different size lockers with locks. The following procedure will be utilized for turning evidence or property into Room #18:

# Syracuse Police Department

## Supplemental Manual

### Property Division

---

- (a) Officers submitting evidence or property to Room #18 shall swipe their key fob allowing access. Officers shall not use their key fob to access Room #18 for anyone other than themselves.
  - (b) Once access is obtained the evidence or property will be secured within an appropriate size locker by the officer.
  - (c) The officer will lock the locker with the padlock.
  - (d) The location and locker number will be recorded on the accompanying paperwork to ensure the integrity of the chain of custody.
  - (e) The officer will then exit Room #18, ensuring that Room #18's door is properly locked and secured prior to leaving the area.
- (d) All controlled substances, suspected controlled substances, marijuana, drug-related evidence, and property that meet the following special circumstances requirements, will be submitted directly to the Center for Forensic Sciences:
- (a) Controlled substances that are the basis of A1 or A2 felony level charges being lodged.
  - (b) Any substance for which there is no field test available, or the field test shows no positive indication, and the substance is the basis for a potential prosecution.
  - (c) Any substance with the express approval of a supervisor from the Special Investigations Division.
  - (e) When submitting controlled substance evidence, officers will ensure that the item(s) are correctly entered into the BEAST system and that the submission is complete.
  - (f) Upon the request of the District Attorney, Property Division personnel shall submit controlled substances to the Center for Forensic Sciences for analysis.
  - (g) When evidence is required for court by the District Attorney, the controlled substance will be turned over to the assistant district attorney (or his/her designee) and he/she will sign out the evidence.
  - (h) When the controlled substance is returned to the Property Division, by the Center for Forensic Sciences or the District Attorney's Office, the evidence will be re-inspected.

### **800.19 PROCEDURE FOR IMMEDIATE EVIDENTIAL PROPERTY TRANSFER**

#### **Agency Content**

- (a) If the property is perishable, a motor vehicle, property that is necessary for the operation of a business, or items necessary for the health or welfare of a particular person, the officer will direct the owner or authorized representative to respond to the District Attorney's Office to make a request for the immediate release of the property.
- (b) The officer shall contact the City Court Senior Assistant District Attorney (ADA) or the death duty ADA and obtain his/her authorization for approval to transfer custody of the evidential property to the owner or authorized representative.
  - 1. The completed Property Release form from the District Attorney's Office will be forwarded to the District Attorney's Office.



# Syracuse Police Department

## Supplemental Manual

### Property Division

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- (c) Photographs will be taken of the evidence before it is released. If no evidence technician is available for photographs, the officer will call a supervisor, or transport the property to the Criminal Investigations Division to be photographed. All pertinent information necessary to identify the property such as serial numbers, make, model, and any other identifiers shall be included in the incident report.
- (d) It is incumbent upon the officer to inform the owner/authorized representative that he/she must hold the property separate from other like property pending a court order of release. The officer will make certain that the owner/authorized representative understands this. If the owner/authorized representative does not agree to these stipulations the property is to be impounded, not released.
- (e) In addition to the Property Release form from the District Attorney's Office, all other reports must be completed and submitted pursuant to established departmental report writing procedures.

### **800.20 BEAST EVIDENCE AND PROPERTY SUBMISSION FORM**

#### **Agency Content**

- (a) When the BEAST system is available, officers will utilize the following procedure to submit Evidence/Property to the Property Division:
  - 1. Log on to the BEAST system from any Department computer that has the BEAST icon on the desk top.
  - 2. Complete the case entry, including Persons and Items.
  - 3. After the entry is complete, labels should be printed and affixed to the outer packaging of the submitted item(s).
- (b) When the BEAST system is unavailable, the printable electronic version of the Onondaga County BEAST Property & Evidence Report form will be utilized.
  - 1. Officers should complete as much information as possible and attach the form to the outside of the item(s) to ensure that it is submitted with the evidence/property.
    - (a) On the outer packaging, write the item # that corresponds to the item # listed on the BEAST form.
  - 2. Property Division personnel will enter information into the BEAST system, print and attach the evidence labels for submitted items when the BEAST system becomes available.
    - (a) The printed electronic form will be forwarded to the Central Records Division by Property Division personnel.
    - (b) Depending on the volume of property at issue, the original submitting officer may be required to assist with this process.
- (c) Officers must complete an Onondaga County BEAST Property & Evidence Report form for all property or evidence collected. The form should include:
  - 1. DR number.

# Syracuse Police Department

## Supplemental Manual

### Property Division

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2. The incident date.
  3. The type of case or incident.
  4. Location of incident.
  5. The Person Type, their name, date of birth, sex, race, social security number, address, and telephone number.
  6. Arrest status.
  7. Highest offense classification. (Evidence only).
  8. The ID#, owner, quantity, type, description (make, model, color), purpose, serial number and value if applicable, of the items recovered.
  9. Chain of Custody information, if applicable.
  10. Submitting officer's name and ID number.
- (d) In all instances where an Onondaga County BEAST Property & Evidence Report form is prepared for evidence, a complete record of the chain of custody for the item, including a record of each time the transfer of custody occurs shall be completed. The chain of custody record must include:
1. From whom the evidence or property was transferred.
  2. To whom the evidence or property was transferred.
  3. The name and location of where the property was transferred.
  4. The date and time the transfer occurred.
- (e) If an officer receives a notice (via departmental e-mail or 10.1) from the Property Division regarding a submitted Onondaga County BEAST Property & Evidence Report form that is incomplete or inaccurate; he/she will respond as soon as possible to the Property Division and make all necessary corrections.

### **800.21 DESTRUCTION OF DRUGS AND FIREARMS**

#### **Agency Content**

#### **Destruction of Drugs:**

- (a) The destruction of controlled substances will be governed by the NYS CPL, Section 715 and upon approval of the District Attorney's Office.
- (b) Periodically at least one police officer assigned the Property Division will take an inventory of drugs that are to be destroyed. The police officer assigned to the Property Division will deliver a list of such drugs to the District Attorney's officer in order to obtain a court order authorizing the destruction of the drugs. Arrangements will then be made with a business or agency so the drugs may be burned and properly destroyed.
- (c) When drugs are to be destroyed, two members of the Property Division, at least one being a police officer assigned to the Property Division will collect all the drugs; and together, they will deliver them to the designated location of destruction. With an employee or operator of the designated facility the police officer assigned to

# Syracuse Police Department

## Supplemental Manual

### Property Division

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the Property Division will remain onsite with a witness certifying that the drugs are completely destroyed. The police officer assigned to the Property Division will record in detail exactly what was destroyed and what actions were taken.

#### Destruction of Firearms:

- (a) The destruction of firearms will be governed by the NYS PL, Article 400.
- (b) Upon receipt of a destruction approval order by the NYSP, a member of the Property Division will deliver the firearms to a designated site for destruction. With an employee or operator of the designated facility present, the member of the Property Division remain and observe that all firearms are destroyed. The member of the Property Division will record in detail exactly what was destroyed and what actions were taken.

### 800.22 AUDIT SAMPLE SIZE REQUIREMENTS

Best Practice **MODIFIED**

Pieces of High Risk Evidence/Property	Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748
3000	787
3500	818
4000	843
4500	863
5000	880
5500	894
6000	906
6500	917
7000	926
7500	934
8000	942
8500	948
9000	959
10,000	964
15,000	996
20,000	1013

# Syracuse Police Department

## Supplemental Manual

### *Property Division*

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50,000	1045
100,000	1056