

Property Division

802.1 PURPOSE AND SCOPE

Best Practice NYSLEAP-8.7 - 7.1

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

802.1.1 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property Division, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

Chain of Custody – The continuity of custody of material and items collected as physical evidence.

BEAST Property & Evidence System – The electronic property and evidence processing system utilized by the Syracuse Police Department, all Onondaga County law enforcement agencies, the Forensic Science Center, and the Medical Examiner's Office.

802.2 POLICY

Best Practice NY_CALEA6.13 - 84.1.8, 72.5.1 (c), 73.5.3

It is the policy of the Syracuse Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

802.3 PROPERTY DIVISION SECURITY

Best Practice MODIFIED

The Property Division shall maintain secure storage and control of all property in the custody of this department within designated areas. A evidence custodian shall be appointed by and will be directly responsible to the Support Services Bureau Deputy Chief or the authorized designee. The evidence custodian is responsible for the security of the Property Division.

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802.3.1 REFUSAL OF PROPERTY

Best Practice MODIFIED NYSLEAP- 8.7 - 7.1 (H)

The evidence custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, they shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Property Division.

802.3.2 KEY CONTROL

Best Practice MODIFIED

Property Division keys should be maintained by the evidence custodian and members assigned to the Property Division. Property Division keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property Division key is lost, all access points shall be re-keyed and new keys issued as necessary.

802.3.3 ACCESS

Best Practice MODIFIED

Only authorized members assigned to the Property Division shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the commanding officer of the Property Division and accompanied by the evidence custodian.

802.4 PROPERTY HANDLING

Best Practice MODIFIED NY_CALEA6.13 - 84.1.1 (a), 61.2.2 (f), 83.2.1 (a)

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence custodian and/or processed and placed in temporary storage room #18 or in the appropriate room when special circumstances exist. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken.

802.4.1 PROCESSING AND PACKAGING

Best Practice MODIFIED NY_CALEA6.13 - 84.1.1 (b), 84.1.1 (d), 83.2.1 (a) NYSLEAP- 8.7 - 7.1 (B), 7.1 (C), 7.1 (D)

All property must be placed under the control of the property and evidence control function and logged into agency records prior to the member going off-duty, except under exceptional circumstances and approved by a supervisor. Members shall process and package property as follows:

- (a) A property form shall be completed describing each item. List all known information, including:

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1. The serial number.
 1. The owner's name.
 2. The finder's name.
 3. Other identifying information or markings.
- (b) Items should be individually packaged, sealed and labeled and the package marked with the member's initials and date over the seal.
- (c) Property shall be packaged in a container suitable for its size.
- (d) A BEAST submission shall be completed and an appropriate BEAST label attached to the property or container in which the property is stored.
- (e) The case number shall be indicated on the property tag and the container.
- (f) The police report shall detail the circumstances by which the property came into the agency's possession and describe each item of property obtained.
- (g) The BEAST label is attached and shall be submitted with the property directly to temporary storage room #18. If items are too large to fit in temporary storage room #18, the officer shall contact the commanding officer of the Property Division.

[See procedure for TURNING IN EVIDENCE AND PROPERTY](#)

[See procedure for FINGERPRINT EVIDENCE](#)

[See procedure for COMPUTER AND RELATED EQUIPMENT](#)

[See procedure for ITEMS TOO LARGE FOR FORENSIC SCIENCE CENTER LOCKERS](#)

802.4.2 EXCEPTIONAL PROCESSING

Best Practice **MODIFIED** NY_CALEA6.13 - 84.1.1 (e), 83.2.1 (a) NYSLEAP- 8.7 - 7.1 (D), 7.1 (G)

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached to the frame with a BEAST label on the tag and should be placed in temporary storage room #18.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be stored in paper bags. If the condition of the property is such that it is not appropriate to place it in a paper bag, members will contact the Crime Scene Unit so that the item can be placed in a locked drying cabinet prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

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Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

[See procedure for BIOLOGICAL EVIDENCE - FLUIDS AND/OR WET EVIDENCE](#)

[See procedure for RAPE KITS](#)

[See procedure for DRUG FACILITATED SEXUAL ASSAULT KITS, BLOOD DRAW KITS, DWI KITS](#)

[See procedure for DNA SAMPLE COLLECTION](#)

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary. Cash will be further secured within temporary storage room #18 and placed in a locked storage locker.

[See procedure for PROCESSING CURRENCY](#)

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

[See procedure for EXPLOSIVES AND MUNITIONS](#)

[See procedure for COMBUSTIBLE AGENTS](#)

[See procedure for COMMON FIREWORKS](#)

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives. Firearms shall be further secured within temporary storage room #18 and placed in a locked storage locker.

[See FIREARMS PROCEDURES](#)

[See procedure for PROCESSING SHELL CASINGS AND PROJECTILES AT WALLIE HOWARD CENTER FOR FORENSIC SCIENCES \(CFS\)](#)

[See procedure for TASER PROBES, CARTRIDGES, AFIDS, WIRES](#)

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container within the Central Records Division for return to the New York State Department of Motor Vehicles. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

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High value items - Evidence or property reasonably believed to be of extraordinary value such as jewelry, precious gems and metals, artwork, historic artifacts, coins and stamps should be further secured within temporary storage room #18 and placed in a locked storage locker.

[See procedure for HIGH VALUE ITEMS](#)

Sharps - Syringe tubes should be used to package syringes and needles.

[See procedure for SHARP ITEMS, SYRINGES OR HYPODERMIC NEEDLES](#)

802.4.3 CONTROLLED SUBSTANCES

State **MODIFIED** NY_CALEA6.13 - 83.2.1 (a) NYSLEAP- 8.7 - 7.1 (G)

- (a) Controlled substances shall not be packaged with other property, but shall be processed separately.
- (b) The member processing controlled substances shall retain such property in their possession until it is entered into the BEAST system, properly packaged according to department procedures, labeled and placed in the temporary storage room #18 locker.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the police report.
- (d) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the evidence custodian, the quantity shall be photographed and weighed.
 - (a) A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.
 - (b) Excess quantities should be stored or disposed of as required by law or directed by court order.
 - (c) For cases involving the sale or possession of controlled substances, a qualitative and quantitative analysis, including weight, shall be performed within 45 days after receipt (CPL § 715.50).
- (e) Marihuana with any perceptible moisture content shall be loosely packaged in a paper bag that allows for drying or shall be dried prior to storage. The evidence custodian shall monitor stored marihuana for growth of mold.

[See CONTROLLED SUBSTANCE EVIDENCE PROCEDURES](#)

802.5 RECORDING OF PROPERTY

Best Practice **MODIFIED** NY_CALEA6.13 - 84.1.5, 72.5.1 (b) NYSLEAP- 8.7 - 7.1 (A), 7.1 (C)

The evidence custodian receiving custody of property shall ensure a BEAST label for each item or group of items is created. The BEAST submission will be the permanent record of the property within the BEAST system. The BEAST system automatically tracks any locations of the property and any changes of custody to the property.

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A unique property number shall be generated by the BEAST system. This number shall be recorded on the BEAST sticker. The BEAST system shall document the following:

- (a) Property number
- (b) DR number
- (c) BEAST label
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates
- (g) Chain of custody from arrival to final disposal or destruction

Any change in the location of property held by the Syracuse Police Department shall be tracked within the BEAST system.

[See procedure for BEAST EVIDENCE AND PROPERTY SUBMISSION FORM](#)

802.6 PROPERTY CONTROL

Best Practice **MODIFIED** NY_CALEA6.13 - 84.1.5 NYSLEAP- 8.7 - 7.1 (E)

The evidence custodian shall ensure that any temporary changes in custody of property to another person or agency shall be recorded in the BEAST system to include the return or disposition of such property.

Any member receiving property shall be responsible for such property until it is returned to the Property Division or released to another authorized person or entity.

802.6.1 EVIDENCE

Best Practice **MODIFIED** NY_CALEA6.13 - 83.2.1 (c) NYSLEAP- 8.7 - 7.1 (E)

Every time evidence is released or received, an appropriate entry in the BEAST system shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the District Attorney's Office. After the statute of limitations has expired for misdemeanor offenses the commanding officer of the Property Division may release evidence. Felonies will be referred to the District Attorney's Office to ensure no appeals are affected.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted in the BEAST system, to include the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence custodian at least one day prior to the court date.

Requests for laboratory analysis shall be completed in the BEAST system. This request may be submitted any time after the property has been processed.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Best Practice **MODIFIED** NY_CALEA6.13 - 83.2.1 (c), 83.3.2 (a), 83.3.2 (c), 83.3.2 (d) NYSLEAP- 8.7 - 7.1 (E)

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All transfer of evidence to and from the crime lab will be documented in the BEAST system to include:

- (a) Date and time of release.
- (b) Date and time of delivery to crime laboratory.
- (c) Individual taking custody of the property.
- (d) Date and time of return to the Property Division.

802.6.3 CONTROLLED SUBSTANCES

Best Practice MODIFIED NYSLEAP- 8.7 - 7.1 (D)

The Property Division will be responsible for the storage, control and destruction of all controlled substances coming into the custody of this department.

802.6.4 UNCLAIMED MONEY

Best Practice

The evidence custodian shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Chief of Police and the City department responsible for auditing property. The evidence custodian may deposit such money in compliance with existing laws upon receipt of proper authorization from the Chief of Police.

802.7 RELEASE OF PROPERTY

State MODIFIED NY_CALEA6.13 - 84.1.1 (f), 84.1.1 (g), 84.1.1 (g) NYSLEAP- 8.7 - 7.1 (F)

The Property Division shall authorize the release of all property coming into the care and custody of the Department.

When a request by a crime victim is made to return stolen property owned by the victim, they shall be referred to the District Attorney's Office.

Release of property is documented in the BEAST system, including the person receiving the property with the date of release and signature of individual receiving the property.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property Division members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented within the BEAST system.

A evidence custodian shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded within the BEAST system.

See [PROCEDURE FOR IMMEDIATE EVIDENTIAL PROPERTY TRANSFER](#)

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802.7.1 DISCREPANCIES

Best Practice **MODIFIED**

The property supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding their property. The property supervisor will interview the person claiming the shortage. The property supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

802.7.2 DISPUTED CLAIMS TO PROPERTY

State

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

802.7.3 RELEASE OF FIREARMS

Federal

Neither a firearm, ammunition, nor a license to carry concealed weapons or firearms may be released until it has been verified that the person receiving the firearm is not prohibited from receiving or possessing the firearm or ammunition under federal or state law (18 USC § 922(d)).

802.7.4 RELEASE OF PROHIBITED ITEMS IN EXTREME RISK PROTECTION ORDER MATTERS

State **MODIFIED**

Prohibited items (e.g., firearms, shotguns, rifles) that were surrendered or seized pursuant to an extreme risk protection order or temporary extreme risk protection order should be released to the person or lawful owner upon court order (CPLR § 6343; CPLR § 6344).

The Department should release a prohibited item to a person upon demonstration that ownership has been legally transferred to the person and that they are permitted by federal and state law to own or possess the item.

802.7.5 RELEASE OF WEAPONS, FIREARMS AND LICENSES IN FAMILY OFFENSE MATTERS

State

Weapons, firearms, and licenses seized pursuant to CPL § 140.10 shall be returned to the lawful owner within 48 hours as long as there is no court order or pending criminal charge or conviction that would prevent the owner from possessing the firearm, weapon, or license, and upon a written finding that there is no legal impediment to the owner's possession as provided in CPL § 140.10.

802.8 DESTRUCTION OR DISPOSAL OF PROPERTY

State **MODIFIED** **NY_CALEA6.13 - 84.1.1 (g), 84.1.7 NYSLEAP- 8.7 - 7.1 (C), 7.1 (F)**

The District Attorney's Officer or the Commanding Officer of the Property Division shall approve the destruction or disposal of all property held by this department.

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No evidence is to be destroyed or disposed of without first receiving written authorization from the District Attorney's Office. After the statute of limitations has expired for misdemeanor offenses the commanding officer of the Property Division may authorize the destruction or disposal of evidence. Felonies will be referred to the District Attorney's Office to ensure no appeals are affected. All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws and approval of the Commanding Officer of the Property Division. The disposition of all property shall be recorded in the BEAST system.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess, including firearms or weapons declared a nuisance one year after its surrender to the Department (Penal Law § 400.05)
- Controlled substances declared by law to be illegal to possess without a legal prescription
- Unlawful fireworks (Penal Law § 405.05)
- Unauthorized recordings (Penal Law § 420.00)
- Stolen property (Penal Law § 450.10)
- Prohibited items from an extreme risk protection order after a minimum of two years after surrender or seizure unless otherwise released according to this policy (Penal Law § 400.05; CPLR § 6343; CPLR § 6344).
- Prohibited items from a family offense pursuant to CPL § 140.10 after a minimum of two years (CPL § 140.10; Penal Law § 400.05).

[See procedure for DESTRUCTION OF DRUGS AND FIREARMS](#)

802.8.1 BIOLOGICAL EVIDENCE

Best Practice **MODIFIED**

The evidence custodian shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Commanding Officer of the Property Division

Biological evidence shall be retained for a minimum period established by law, the statute of limitations, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice,

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unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Commanding Officer of the Property Division.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Commanding Officer of the Property Division should be consulted and the sexual assault victim should be notified.

802.8.2 EVIDENCE FROM SEXUAL ASSAULT CASES

State

Evidence from a sexual assault case should not be disposed of prior to expiration of the statute of limitations or the storage period established by law, whichever time period is greater (Public Health Law § 2805-i).

If the Syracuse Police Department has possession of the sexual assault evidence, then the Evidence Custodian, or an assigned member, shall make a reasonable effort to notify the victim 90 days before the retention period is set to expire that (Executive Law § 838-b):

- (a) The evidence will be discarded in compliance with state and local health codes on a date set forth in the notice.
- (b) The victim's clothes and personal effects will be returned to the victim upon request.

802.8.3 MARIHUANA

Best Practice

At the first sign of mold growth, stored marihuana shall be photographed showing the mold growth. As soon as practicable, the evidence custodian shall make efforts to lawfully destroy the contaminated marihuana, in compliance with this policy. The evidence custodian should consult with the member assigned to the case investigation for authorization to destroy the remaining marihuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

802.8.4 MEDICAL MARIHUANA

Best Practice

The investigating member should advise the evidence custodian and the prosecutor if the party from whom the marihuana was seized holds a valid medical permit to possess marihuana or claims that the possession of the marihuana is for medical purposes.

The evidence custodian shall store marihuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marihuana in a manner that is consistent with the provisions of the Medical Marihuana Policy.

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Marihuana that is infected with mold shall not be returned. This includes marihuana seized from a person who holds a valid medical permit to possess marihuana or who claims that possession of the marihuana is for medical purposes.

802.9 INSPECTION OF THE PROPERTY DIVISION

Best Practice MODIFIED NY_CALEA6.13 - 84.1.1 (h), 84.1.6 (a), 84.1.6 (b), 84.1.6 (c), 84.1.6 (d) NYSLEAP- 8.7 - 7.3, 7.3 (A)

An inspection to determine adherence to procedures used for the control of property and evidence is conducted semi-annually by the Commanding Officer of the Property Division or authorized designee.

802.9.1 AUDIT AND INVENTORY REQUIREMENTS

Discretionary MODIFIED NY_CALEA6.13 - 84.1.1 (h) NYSLEAP- 8.7 - 7.3, 7.3 (A), 7.3 (B), 7.3 (C)

An audit shall be conducted whenever there is a change in the Commanding Officer of the Property Division. When practical, the audit shall be jointly conducted by the new Commanding Officer and a designee of the Chief of Police to ensure that records are correct and properly annotated. The size of the audit will comply with the applicable CALEA audit sample size requirements found in the CALEA Law Enforcement Standards Manual.

The Chief of Police shall ensure that the following inspections/audits are completed:

- (a) An annual audit of a size compliant with the CALEA Law Enforcement Standards Manual will be conducted by a member of the department who is not routinely or directly connected with the Property Division operations.
- (b) Periodic, unannounced inspections of the Property Division operations and storage facilities are conducted at least once a year.

Audits shall minimally include five percent of the total Property Division inventory or 50 items, whichever is less.

An inventory shall minimally include ten percent of the total Property Division inventory or 100 items, whichever is less.

All audits and inventories in the Property Divisionshall include a sampling of money, firearms, controlled substances and high-value items.

A report shall be completed identifying the items that were inventoried or audited.

[See procedure for AUDIT SAMPLE SIZE REQUIREMENTS](#)

802.10 TRAINING

Best Practice MODIFIED NYSLEAP- 8.7 - 7.2

All members assigned the duties of an evidence custodian shall successfully complete a course in Property Division management within one year of being assigned such duties.

The Commanding Officer of the Training and Education Division is responsible for scheduling the training and maintaining records of the training.