



# ULSTER COUNTY SHERIFF'S OFFICE VICTIMS OF SEX OFFENSES

2690

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## **PURPOSE:**

To ensure members of the Ulster County Sheriff's Office treat victims of sexually based offenses in accordance with the provisions of subdivision 2-a of section 642 of the Executive Law.

## **POLICY:**

It is the policy of the Sheriff's Office to ensure that victims of sex crimes are afforded the needed emotional support and referrals to minimize the effects of victimization, and those witnesses to sex crimes receive professional handling consistent with their important investigative and prosecutorial roles.

### **I. VICTIMS OF SEX CRIMES**

- A. Effective April 1, 1992, the State of New York set forth by law three requirements which must be addressed whenever police personnel come in contact with the victim or alleged victim of a sex crime. Specifically, this agency must provide the following:
1. A private setting for interviewing victims from which the occupants are not visible and their conversation cannot be heard.
  2. Allow only those people necessary for the interviewing of the victim access to the victim and only with the victim's expressed authorization.
  3. Provide the victim with the name, address, and telephone number of the nearest rape crisis center in writing.

### **II. PROCEDURES**

- A. Any member of the Criminal Division that suspects they have made contact with a victim of a sex crime will notify a supervisor immediately.



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- B. A preliminary determination shall be made as to whether or not the preliminary facts of the case require notification to the NYS State Central Registry for Child Abuse and/or qualify it for assignment to the Ulster County Family and Child Advocacy Center. If so, a supervisor shall make contact with an authorized representative from that agency to determine which agency will be the principal investigating authority.
- C. If this agency remains the principal investigating authority or if the conditions in the preceding paragraph do not apply, the deputy assigned the investigation will secure the crime scene for processing by detectives and facilitate the transport of the victim to the nearest medical facility for treatment of any injuries.
1. If no injuries are present, however a forensic examination is indicated and the victim is within collection time frame guidelines, the victim shall be transported, either by private vehicle, police vehicle or ambulance as appropriate, to the medical facility specified by the SANE coordinator.
  2. The completed examination kit along with the victim's clothing, if applicable, will be taken for evidence in accordance with existing procedures regarding evidence.
- D. The victim may request and have present any of the following:
1. A crime victim advocate, social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim.
    - a. If not previously arranged by uniformed personnel, a detective or detective supervisor shall ensure the local crime victims' office is notified.
  2. If requested by the victim and as appropriate, the parent/guardian of the victim shall be present during the interview.
  3. If requested by the victim and one is readily available, the interview shall be conducted by a sworn female member of this agency.
  4. Only those directly involved in the case that need be present during interviewing of the victim shall be present.



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- E. In every case the victim or alleged victim of any sex crime will be provided contact information for the local crime victims' office. If requested, additional contact information for other support services will be obtained and provided.

**III. SEXUAL ASSAULT NURSE EXAMINERS (SANE)**

- A. As soon as a member of this office investigating a sexually based offense determines the victim of such offense will require a forensic examination, contact shall be made to the coordinator of the SANE program, at which time arrangements will be coordinated between this agency and the SANE coordinator.
- B. In the event no SANE personnel are available, efforts will be made to have the examination conducted by the attending physician in the emergency room of the medical facility the victim was taken to. In the event that is unsuccessful, attempts will be made to locate available SANE personnel in an adjoining county.
- C. In cases of young children and infants where a forensic exam is indicated, it shall be coordinated between this agency, the SANE coordinator and an authorized representative of the Ulster County Family and Child Advocacy Center, as these examinations may require additional specialized training and/or equipment.



# ULSTER COUNTY SHERIFF'S OFFICE CRIME / INCIDENT SCENE

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## **PURPOSE:**

To establish responsibilities of identification technicians and standardize the methods used to process an incident.

## **POLICY:**

It is the policy of the Sheriff's Office to secure and protect crime scenes, when appropriate, and to collect, preserve, and submit evidence for analysis in a manner consistent with Department directives and legal requirements.

### **I. CRIME SCENE PRESERVATION**

- A. In all incidents where a major crime has been committed, it is of critical importance the crime scene be secured by the first responding officers. All personnel, both police and civilian, with no investigative interest in the incident are not to be allowed to enter the area.
- B. The first responding officer is responsible for the following:
  1. Render necessary aid.
  2. Conduct a preliminary search of the scene for perpetrators and additional victims.
  3. Secure the perimeter of the crime scene.
  4. Make note of any readily apparent items of evidence to be brought to the attention of responding crime scene personnel.
  5. Protect the scene, including the exclusion of all people who do not have an authorized role in investigating the incident.
  6. Identify all participants, including victims, witnesses and suspects.
  7. Inform communications of the circumstances and request necessary assistance.



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8. Maintain control over the scene, including the documentation of the names, ranks, titles, and purpose of each person who enters the crime scene with the time he/she entered and left.
9. Documentation of his/her own observations and actions in a detailed report which will be made a part of the subsequent investigation.

C. Every precaution must be taken to preserve the scene in its original state.

**II. DETECTIVE UNIT**

- A. Upon arrival of Detective Unit supervisors or members of that unit, control of the investigation and responsibility for the following will rest with them:
  1. Debriefing of previous responding officers
  2. Notification of other agencies (e.g. medical examiner's office and district attorney's office) as required
  3. Deployment of additional investigative resources if needed
  4. Securing of appropriate authority to search the scene, including consent or a search warrant if required
  5. Arranging interviews of witnesses and suspects
  6. Preliminary survey of the crime or accident scene
  7. All subsequent follow-up tasks and reports



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**III. EVIDENCE**

- A. The first officer on the scene will make note of all evidence, its location and condition. Unless it is absolutely necessary, evidence is not to be moved or disturbed from its original position. When circumstances require technical examination of an article of evidence or when the collection, removal or preservation of evidence requires special skills, the Detective Unit or the New York State Police Forensic Investigation Unit will handle that aspect of the investigation.
- B. The collection of evidence shall, when possible, be assigned to one officer. Other personnel at the scene will call to the attention of that officer any evidence discovered without disturbing it. The officer responsible for collecting evidence will ensure all items are photographed, identified, itemized, and secured in such manner as to preserve its value. Each item must be tagged and/or labeled with the date, time, location, person discovering it and the collector's name. Any identifying marks must also be included in the labeling.
- C. The officer collecting and labeling evidence must keep complete and concise records as to the transfer of evidence to maintain the chain of custody.

**IV. PHOTOGRAPHS AND OTHER EVIDENCE PRESERVATION METHODS**

- A. The Detective Unit has equipment and materials necessary for photographically documenting crime scenes. When photographing a scene, the following should be considered:
  - 1. Providing accurate measurements of items, size, and distances
  - 2. Depicting all significant items and conditions in and around the scene
  - 3. Depicting size, location and proximity of materials of value
  - 4. Refreshing one's memory at time of trial
  - 5. Aiding in questioning suspects and witnesses
  - 6. Providing a permanent record of conditions not easily recorded in any other way.



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7. When photographs are taken, a crime scene photo log will be utilized to record evidentiary information.
  8. The need for photographs will be determined by the investigating detective.
  9. To ensure admissibility of photographs in court, the following should be considered:
    - a. The photographer must be able to testify the photo represents a true and accurate representation of the scene at the time it was taken.
    - b. The photo must be free of distortion and must not misrepresent the scene or object depicted.
    - c. The continuity of the photograph from the time of its exposure to the time of its court presentation must be established.
    - d. The steps used in the transporting, processing and storing of the photograph
    - e. The photographer must be able to testify to the following:
      - ❖ Date & time photo was taken
      - ❖ Camera location and direction it was facing
      - ❖ Make and model of camera
      - ❖ Aperture and shutter speed used
- B. A video recorder may also be used to document the crime scene prior to processing.
1. If a video recorder is to be used, current best practices state either the microphone should be disabled or all personnel on scene be instructed to remain silent during the recording.
- C. A casting using dental stone may be indicated to capture three dimensional evidence; such as shoe and tire impressions.
- D. Gunshot residue kits utilizing atomic absorption, scanning electron microscopy or current industry standard may be indicated in cases whereby it later becomes necessary to determine whether or not a particular person discharged a firearm.



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### V. NOTE TAKING

- A. At scenes of major crimes or disasters, one person should be assigned to keep proper and accurate records of all activities. Records should include, at a minimum, who was present, time of arrival of each person as he/she arrives, action taken by all personnel, evidence secured and by whom. These notes will be made a part of the case file.

### VI. MEDIA ACCESS

- A. The incident commander will determine press access to the scene based on the following:
1. Whether or not the media presence will interfere with the police investigation, endanger physical evidence or the safety of media personnel.
  2. In the event media personnel are kept from the scene, a media assembly area will be designated by the incident commander or designee. The public information officer or designated department spokesperson will provide situational briefings and updates to the media as frequently as possible.
  3. Once the scene is secured for media entry, a Criminal Division member will accompany media personnel at all times while in the scene.
  4. If the crime scene is on private property, authorization from the owner also will be required for access by the media.

### VII. RELEASE OF THE SCENE

- A. The highest ranking Detective Unit supervisor on scene will be responsible for determining at what point in time a major crime scene may be returned to the custody of the owner or occupant. If it is determined the scene must be secured for investigative reasons, sufficient manpower shall be assigned to maintain adequate protection of the scene. Communications and a uniformed supervisor shall be notified the scene is being held and when it is released.





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**VIII. CHARGING OF TRAFFIC INFRACTIONS/PETTY OFFENSES AT CERTAIN SCENES:**

- A. In certain instances (e.g. vehicular assault/manslaughter, DWI related crashes, etc.), while at the scene it may be obvious lesser offenses were committed, however more serious charges may be warranted upon later examination (e.g. checking a criminal history, laboratory examination of evidence taken from the scene, etc.). The premature issuance of a uniform traffic ticket may inadvertently result in the suspect pleading to the traffic offense and thereby precluding a prosecution of the more serious offense. This is currently substantiated by the following case law:
1. Corbin v. Hillery, 74 NY2d 279 (1989), affirmed 495 US 508 (1990)
  2. US v. Dixon, 509 US 688 (1993)
  3. People v. Claud, 181 AD2d 830 (1992)
  4. People v. Snyder, 99 AD2d 83 (1984)
  5. People v. Dishaw, 54 AD2d 1122 (1976)
- B. When the potential for a more serious charge exists at a scene where a traffic offense has obviously or very likely been committed, uniformed personnel shall refrain from charging any traffic infraction until authorized to do so by a detective or detective supervisor. In the event an infraction is inadvertently charged, either the issuing deputy or a detective will make immediate contact to the assistant district attorney for the court the offense is returnable to. That assistant district attorney shall be notified of the circumstances of the investigation and a request shall be made for the assistant district attorney to petition the court to not accept any plea from the defendant until such time the higher charge is filed or a determination is made no higher charge will be filed.

**VIII. ADDITIONAL RELATED POLICIES:**

- A. Nothing in this policy is intended to conflict with the duties and responsibilities as prescribed in related policies 2807 and 2774 of this agency.



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**PURPOSE:**

To establish procedures for the security, care, custody, and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property.

**POLICY:**

Members confiscating, seizing or recovering property of any kind will be in compliance with local, State and Federal laws. Members are responsible for inventorying and processing all property coming into their custody before terminating their tour of duty.

**I. PROPERTY**

- A. Sheriff's Office members assigned the duties of property room/evidence custodian must successfully complete a course in property/evidence room management within one year of being assigned such duties.
- B. Property, which is found, confiscated or otherwise obtained by any member or employee of the Sheriff's Office, while acting in official capacity must be documented.
- C. Under all circumstances, the property will be identified within a case report in Aegis and other forms appropriate for future recognition and legal disposition.
- D. PROPERTY STORAGE will be at headquarters' Main Evidence / Property Room.
  - 1. Temporary storage of property waiting processing will be placed in EVIDENCE DROP BOX (Mail Box) at headquarters, and the Sheriff's impound yard.
- E. Members are responsible for inventorying and processing all property coming into their custody before terminating their tour of duty.

**II. PROPERTY / LAB SUBMISSION FORM**

- A. The Lab Submission form will serve to document the movement of a particular piece of property coming into possession of a member of the Sheriff's Office.
- B. One submission form per case, if the evidence is obtained from a separate location or on a different date/time then you should use a continuation sheet.



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- C. An Aegis case report will be prepared whenever a member takes custody of an item of property.
- D. The property section of the Aegis entry will reflect chronologically the same as the PROPERTY / LAB SUBMISSION FORM. If item 1 on your case report is a bag of marijuana it should be item 1 on the PROPERTY I LAB SUBMISSION FORM and any other form that may be used to document property (i.e. Evidence Work Sheet).
  - 1. The evidence/property custodian will assign the item number for items seized after the initial processing of a scene. Only one item per evidence bag.
  - 2. The Lab Submission form's color coded copies are to be distributed in the following way:
    - a. White - Lab copy
    - b. Yellow - filed with evidence
    - c. Pink - filed with evidence
    - d. Gold - filed with evidence
- E. A RECEIPT AND RELEASE OF PROPERTY form will be prepared by the officer securing property under the following conditions:
  - 1. When the owner / agent of the property is known and / or release of the property is imminent.
  - 2. When releasing property to an owner/agent indicate on said form:
    - a. Incident Number - case number
    - b. Date - date of incident
    - c. Name of owner - self-explanatory
    - d. Description of property - as described on the PROPERTY/LAB SUBMISSION FORM.
    - e. Located at line - this location could be headquarters, could be impound yard, could be district attorney's office, could be detective unit, and could be communications. This denotes where the property presently is located.
    - f. May be released pursuant to the following - if certain conditions are to be as a prerequisite such as proper identification, proof of insurance, etc.



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- g. Vehicle - description of vehicle
  - h. Member signature - signature of member authorizing release of the property.
3. Obtain a signature of acknowledgment.
- a. Have owner/agent read and sign the release from liability clause on the property receipt. Provide the owner/agent with a copy of the completed receipt.
  - b. Place the original property receipt in the Detective Unit mailbox.

**III. RIGHT OF REFUSAL**

- A. The Evidence Custodian has the right to refuse evidence or property from any department member(s), if the member submitting the evidence or property has not properly completed packaging, paperwork or computer entry.
- B. Once the Evidence Custodian deems evidence or property will be refused, he will:
  - 1. Complete an evidence refusal form, which will be saved to the server and note on the general 2 form that the evidence has been refused.
  - 2. Email the form to the submitting member, the members' shift sergeants and shift Lieutenant and the Detective Unit Sergeant.
  - 3. The evidence and associated paperwork will be placed in a designated area within the evidence room for return to the member.
  - 4. Review the amended evidence/paperwork and verify that the necessary corrections have been completed.
- C. The submitting member, upon receiving the email that evidence has been refused will:
  - 1. Make arrangements with the Evidence Custodian or shift Lieutenant to gain access to the evidence/paperwork to fix the issues.



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2. Once the evidence and/or paperwork has been fixed, the member will resubmit the evidence and paperwork, the refusal form, and the original refused paperwork, packaging material and a new corrected general 2 form.

- D. The shift Lieutenant will ensure that the submitting member fixes any problems in a timely manner. In the case of regular days off or other time off, the member will address the problem immediately upon their return.
- E. The Detective Sergeant will monitor the evidence refusal program and meet with the Evidence Custodian to address any potential problems or concerns.

**IV. TRANSFER OF PROPERTY / EVIDENCE TO ANOTHER MEMBER:**

- A. The PROPERTY/ LAB SUBMISSION FORM will accompany the transfer with the property.
- B. The PROPERTY/LAB Submission FORM will so note the transfer.
- C. The member receiving the property will initial and date the PROPERTY/LAB SUBMISSION FORM.
- D. Absolutely NO PROPERTY will be accepted from another member without the PROPERTY/LAB SUBMISSION FORM.
- E. This procedure will also include property transferred to the Detective Unit.

**V. TRANSFER OF EVIDENCE TO A LABORATORY**

- A. The member shall:
  - 1. Provide the appropriate PROPERTY/LAB SUBMISSION FORM and evidence to the transporting member.
  - 2. Transporting member will initial and date the PROPERTY/LAB SUBMISSION FORM as receiver of the property.



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**VI. TRANSFER OF EVIDENCE TO DISTRICT ATTORNEY'S OFFICE**

A. The member shall:

1. Assure the appropriate PROPERTY/LAB SUBMISSION FORM accompanies the evidence to its destination.
2. A RECEIPT AND RELEASE OF PROPERTY FORM will be completed in it's entirety as prescribed in Section 11(A) (3).
3. The PROPERTY/LAB SUBMISSION FORM and the RECEIPT AND RELEASE OF PROPERTY form will be attached and forwarded to the Detective Unit mailbox.

**VII. EVIDENCE / PROPERTY ROOM**

A. You must be cognizant of the possibility if cross-contamination (The process by which bacteria or other micro-organisms or particles are unintentionally transferred from one substance to another, with a harmful effect)

This property system will also incorporate additional security and control measures to safeguard all money, firearms, controlled substances within our protective custody. *The below listed items must be packaged separately as they are to be stored in that manner.*

B. Property with Potential DNA Evidence

1. All items must be packaged separately, in paper bags/cardboard box
2. Prior to packaging ensure the bag/box does not have any holes in it
3. Bloody/Wet Items must be dried prior to packaging in the secure drying cabinet in the evidence processing room
4. Items must be sealed well enough to stand the test of time (statutes of limitations/appeals)
5. In gunshot wound investigations, the extracted projectile(s) must be secure separately from each other and any other secure ammunition



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**C. Special Consideration Evidence**

**1. Blood Evidence**

- a. Any object containing blood evidence must always be packaged in paper. Blood evidence can be packaged in paper evidence bags, boxed or secured in paper wrap. All articles must be dried prior to being sealed and stored. When packaging be cognizant of Biohazards, moisture/humidity, cross contamination and preservation of DNA. All property containing blood must be labeled with a biohazard sticker.

**2. Wet Evidence:**

- a. Depending on the article, evidence that was wet may be packaged in paper or plastic. All articles must be dried prior to being sealed and stored.  
Considerations:

- ❖ Surface area of item
- ❖ Possibility of rust
- ❖ Type of offense
- ❖ Possibility of mold growth

**3. Latent Print Lifts/ Objects to be Examined for Latent Prints**

- a. Latent Print lifts to be sent to SAFIS may be packaged in plastic bags.
- b. Print lift cards must be filled out. Make sure to include the type of surface the print was lifted from.
- c. Objects to be printed must be packaged in paper evidence bags or wrapped in paper.

**D. Special Hazard Evidence - Firearms:**

1. Never secure a loaded firearm in evidence
2. Make sure firearms are safe & empty, with the applicable safety on.
3. Firearms must always be tagged with a gun tag or;
4. If a firearm needs to be sent to a lab, the firearm must be packaged in the appropriate gun box



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### E. Sharps:

1. Sharps refers to any object that can perforate skin, evidence bags or seals, examples:
  - a. Hypodermic needles
  - b. Glass: bottles, crack pipes, mirrors
  - c. Knives
  - d. Taser prongs
2. Sharps should be packaged in sharps containers, boxes or any new impenetrable receptacle available.

### F. Biohazards:

1. Biohazards are infectious agents or hazardous biological materials that present a risk or potential risk to the health of humans, animals or the environment.
2. Biohazards should be packaged utilizing the procedure from previous slides depending on the type of evidence and the specific item. Regardless of the packaging: Biohazards must always be clearly labeled as biohazards.

Some examples of Biohazards are:

- a. Blood
- b. Crack twists that were secreted in a defendant's body cavity.
- c. Urine
- d. Feces

### G. Sealing evidence bags and boxes:

1. Paper Evidence Bags; There are only 2 acceptable methods used to seal paper evidence bags:
  - a. Packing tape
  - b. Evidence seals
  - ❖ Regardless of the method, the bag must be completely sealed. The seal must be initialed and dated to prove in court that the evidence was not compromised.





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2. Plastic evidence bags; There are 2 types of plastic evidence bags:

- a. Heat sealed
- b. "Sirchie" or similar pre fab self-adhesive plastic evidence bags.
  - ❖ Regardless of the bag used the seal must be initialed either at the heat seal or the tab.

H. Evidence Boxes:

1. Knife Boxes:

- a. Must be sealed at each end and along the front of the box using packing tape or evidence seals.
- b. Knife must be secured with zip ties inside the knife box.
- c. Each seal must be initialed and dated.

2. Gun Boxes; There 2 types of gun boxes: Long gun and Handgun

- a. Used for shotguns, rifles etc. or Handguns
- b. Box must be sealed with tape or evidence seals at both ends and along the front.
- c. Gun must be secured in the box with zip ties.
- d. Each seal must be initialed and dated.

I. Storage Boxes:

1. Depending on the size and type of evidence it may become necessary to utilize plain storage boxes.
2. For DNA dependent cases make sure the box is brand new.
3. Plain boxes should be sealed much like a mailing box.
4. Seals should be initialed and dated



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5. Boxes must be labeled with the same information found on evidence bags
  
- J. Measures to Safeguard money, firearms, controlled substances and the destruction of same:
  1. Money - Once moved into the evidence room, all money will be stored within a locked metal locker within the locked evidence room.
  
  2. Firearms - The processing officer will clear the weapon and render the firearm safe using a variety of methods available. Ammunition will not be packaged with the firearm as it cannot be stored in the same location. Once moved into the evidence room, all firearms will be stored within a locked metal gun locker within the locked evidence room. All firearms will be secured unloaded, with their action open. All firearms must also be processed through the department's NCIC/eJusticeNY computer to determine if they are stolen. All weapons that have been confiscated by or voluntarily delivered to the Ulster County Sheriff's Office and are NOT considered evidence are disposed of, at the New York State Police Forensic Identification Center in Albany, NY, and handled in accordance with Section 400.05 of the New York State Penal Law and the destruction policies set forth by the New York State Police Forensic Identification Center. Weapons held as evidence MUST be held until the conclusion of the case and disposition of any and all appeals. No weapon will be destroyed for which the department has received a certificate of non-destruction from a judge, justice of a court of record or the district attorney for a weapon to be retained in a police laboratory for research comparison, identification or use by the department. There must be at least two Ulster County Sheriff's Office members present, one of whom is a department evidence custodian, for the transport and turning over of the weapons to the NYSP FIC.
  
  3. Controlled substances - Once moved into the evidence room, all controlled substances will be stored within a separate locked room within the locked evidence room. Additionally, all narcotics, dangerous drugs and associated paraphernalia will be destroyed in compliance with procedures set forth in section 3387 of the New York State Public Health Law and with the approval of the Ulster County District Attorney's Office. There must be at least two Ulster County Sheriff's Office members present, one of whom is a department evidence custodian when the narcotics/dangerous drugs are transported and disposed of. Additionally, a civilian witness/employee of the disposal facility must witness and sign off on the disposal.



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4. Ammunition and fireworks will be stored in the evidence room and turned over to the New York State Police Bomb Disposal Unit for destruction. Ammunition and fireworks that are seized pursuant to an arrest may be destroyed only after the evidence custodian has confirmed the case is closed, received permission from the District Attorney's Officer to destroy the evidence and has obtained a signed authorization for destruction pursuant to section 405.05 of the New York State Penal Law from a local judge. All other nuisance ammunition and fireworks may be turned over without completing the previously mentioned paperwork. The evidence custodian will issue a receipt to the New York State Police personnel with the type of evidence, the accompanying case number and date and time of receipt. The evidence custodian will update the location as destroyed in AEGIS.
5. Evidence which is of a hazardous nature, such as blood, bodily fluids, urine or feces, will be labeled as Bio-Hazards. Upon the Final Disposition of Arrest or the closure of the case, the evidence custodian will secure the evidence in an appropriate Bio Hazard receptacle (Red Bag/ Box) and turned it over to the Ulster County Jail Medical staff for medical waste for destruction.

### K. Non-Agency Property

1. The procedure for handling non-agency property that is found and/or turned into the Ulster County Sheriff's Office and is not secured as part of a criminal investigation will be governed by the provisions 252-258 of the New York State Personal Property Law. Persons reporting recovery of what is apparently lost property will be provided with a receipt (See Item #2) describing the property turned into the department. These items will be assigned a case number and handled and entered into AEGIS in the same manner as evidence.
  - a. Notification of Lost and Found Non-Agency Property - When owners of recovered lost property can be located; the case officer will contact them and make arrangements for them to retrieve their property. A receipt will be issued. The case officer will also notify owners of property held as evidence as to when the said property can be released. The evidence custodian will notify owners of items that have been held in safekeeping as designated in New York State Personal Property Law section 253.7 and 8 that said items may be destroyed or placed into auction if not claimed, unless advance arrangements have been made. If the owner of said property cannot be located ownership may be claimed by the finder as per New York State Personal Property Law section 253.7 and 8.



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- b. Vehicles- Vehicles as defined by the Vehicle and Traffic Law of New York State, impounded as a result of the commission of a crime must be transported to a department approved tow company secured storage lot. A department vehicle impoundment and inventory record (generated by "Tracs") (See Item #3) must be completed on every vehicle impounded by the case officer. These files will be secured in the department's communication's center and will be accessible to the case officer and police dispatchers so that vehicles can be lawfully returned when allowed by law. Vehicles impounded/seized pursuant to a criminal investigation and to be held for prosecution purposes will be towed in accordance to the UCSO Department Tow List to the Ulster County Sheriff's Office impound yard. The vehicle and keys will be entered into evidence and they keys will be secured in the locked Evidence Room Key Box.

L. DWI Blood / Drugs

1. When blood resulting from a DWI arrest is secured, the following procedure will be followed:
  - a. The PROPERTY / LAB SUBMISSION FORM accompanying the DWI blood kit will be completed in it's entirety per NYSP Lab evidence submission requirements and attached to UCSO submission form.

M. General Evidence

1. Shall be marked for future identification. Markings shall be done as not to:
  - a. Damage the evidence or the property.
  - b. Impair it's processing by technicians.
  - c. Depreciate its value.
  - d. Allow the mark to be accidentally or readily removed. (FIREARMS) will be so marked in a discrete location so as not to diminish its value.
2. When sealing evidence bags of any type the correct seals ***MUST*** be used, i.e. no staples, paper clips or scotch tape). Then the seal must be initialed and dated.



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### N. Drugs

1. Drugs are to be packaged separately from all other property. Different types of drugs should be packaged separate from each other.
2. If pills or tablets are secured, they should be placed into a plastic bag outside of any container. Before drugs are analyzed at the laboratory, the technical must be able to determine the type and quantity before he/she opens the plastic bag, therefore all pills/tablets must be emptied from their container before submission.
3. When possible, drugs should be secured in separate evidence bags from paraphernalia.
  - a. Example: If members seized a pipe utilized in smoking crack and only residue is present, this item must be submitted as drugs. If analysis is not going to be performed then said item will be listed under General Evidence. If a member seizes a gun, a quantity of marihuana and quantity of prescription pills, three separate evidence bags should be utilized.

### D. Monies

1. ALL monies turned into property must be counted in the presence of the receiving and depositing parties. Both must place their signatures over the sealed portion of the envelope containing monies. Contact a Detective Supervisor for amounts over \$500.00.

### E. Vehicles

1. Vehicles, as defined by the Vehicle and Traffic Law, impounded as a result of the commission of a crime must be transported to the Sheriff's Office Impound Yard accompanied by a Property / Lab Submission Form, Vehicles Impound and Inventory form and a Receipt and Release of Property Form.

### F. Special Securities

1. The property / evidence custodian shall incorporate special security and control measures to safeguard all money, firearms, controlled substances and high-value items within the protective custody of the agency.



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### VIII. STORAGE

#### A. The Detective Unit will:

1. Store property in designated storage areas depending on the size, value and type of items; area to be marked on the Property / Lab Submission Form.
2. Place assigned numbers on property tag, verifying each item stored.
3. Maintain security of all items and assure evidence to be analyzed is sent to proper laboratories.
4. A member from the Criminal Division shall be assigned as the primary property/evidence control officer. At least one member of the Criminal Division shall be designated as the auxiliary property/evidence control officer, in the event the primary is unavailable. No auxiliary officer will perform the duties of the primary unless the primary is not available (e.g. vacation, extended sick leave, etc.).

### IX. NOTIFICATION OF LOST AND FOUND PROPERTY

- A. When owners of found property are unknown, make a due and diligent search to identify them, (i.e., lost and found section of the newspaper).
- B. Notify owners of property held as evidence when said property is ready to be released.
- C. Notify the finders of property when ownership has not been determined at the expiration of the legal waiting period. (Personal Property Law §253(7) (8)).
- D. Notify the owners of items that have been held in safekeeping more than one year, advising them that the sale or destruction of the property is imminent if not claimed.
- E. No conditions of this procedure may be waived without the expressed permission of the Sheriff.

### X. EVIDENCE / PROPERTY RETENTION

- A. The Detective Unit is responsible for the long term maintenance of the property and evidence.



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- B. Dangerous property or contraband, or property by its nature is sensitive or controversial, should be brought to the attention of a supervisor or detective immediately upon acquisition by a member.
- C. A case number will be assigned to every item of property coming into the Detective Unit.
- D. This number is utilized to manage said property while in custody of the Detective Unit.
- E. A PROPERTY/LAB SUBMISSION FORM will be filed in the appropriate file located within the Detective Unit.
- F. All subsequent transfers will be noted on the PROPERTY/LAB SUBMISSION FORM and or the RELEASE AND RECEIPT OF PROPERTY FORM (whichever is applicable).

**XI. INTERNAL INSPECTION / INVENTORY**

- A. At least once each year, an internal inspection of the property system records and procedures will be conducted by an officer, not normally charged with the custody of property / evidence, and designated by the Sheriff. Both pending and completed records will be inspected to ascertain that procedures are being followed. Each record will be signed and dated by the inspecting officer and a report will be forwarded to the Sheriff and Accreditation Manager, indicating the degree of compliance with the property procedures. A copy will be maintained by the property / evidence custodian.
  - 1. The property and evidence audit shall include an inventory and a review of the property records for each item to ensure compliance with written directives. The minimum amount of property to be sampled during the audit shall be five (5) percent of the agency's total property room inventory or fifty (50) items, whichever is less.
  - 2. The property and evidence inventory shall consist of an eyes-on inspection of items to ensure accountability. The minimum amount of items to be sampled during the inventory shall be ten (10) percent of the agency's total property room inventory or one hundred (100) items, whichever is less.
  - 3. A single property and evidence audit of all property shall meet the audit and inventory requirements as noted in 1 and 2.



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- B. Any time a new property / evidence custodian is designated, an internal inspection / inventory will be conducted by the new and old property / evidence custodian. A copy of the inventory / inspection report will be forwarded to the Detective Supervisor, Division Commander, Accreditation Manager, and Sheriff. A copy will be maintained by the property / evidence custodian
- C. Any time a new Sheriff takes office, the evidence / property custodian will conduct an inventory and file a report with the outgoing Sheriff and incoming Sheriff. A copy will be maintained by the property / evidence custodian.
  - 1. Example: Deputy J. J. Jones stops a motor vehicle for erratic operation. Subsequent to the stop, an arrest effected. The following paperwork utilizes every form required for the correct procedures encompassing property / evidence coming into possession of a member of the Sheriff's Office, and the release thereof.

### XII. ARREST DISPOSITION FORM

- A. The submission of this form to the Court is required whenever physical evidence is collected. This is necessary so that a final arrest disposition can be obtained from the Court and the evidence can be disposed of (i.e. returned to owner, destroyed, etc) at the conclusion of the case.
  - 1. Part A will be filled out and the original submitted to the Court with the arraignment paperwork by the submitting Deputy.
  - 2. A copy will be attached to the Property / Evidence Lab Submission Form and submitted with the evidence.

### XIII. PROPERTY / EVIDENCE ROOM SECURITY

- A. The Property / Evidence Custodian is the sole member with access to the property / evidence room. As such, the property/evidence custodian is the only member authorized to disarm and re-arm the security system.
  - 1. In the event of an alarm activation:
    - a. Initiate an investigation into the alarm activation.





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- b. Confirm the presence of the Property/Evidence Custodian and his/her awareness that the alarm has activated. He/she will re-arm the system.
  2. Activation in the absence of the Property/Evidence Custodian:
    - a. Initiate an investigation into the alarm activation.
    - b. Monitor the CCTV (closed circuit T.V.) system for activity within the property/evidence room.
      - ❖ In the event of a breach, immediately notify the chain of command;
    - c. Make an AEGIS entry. Note all contacts made regarding the activation of the alarm system.