

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Disposal of Non-evidentiary Property	NUMBER: GO 2-17
EFFECTIVE DATE: August 7, 2020	REVIEW DATE: June 19, 2020
AMENDS/SUPERSEDES: GO 2-17, August 8, 2018	APPROVED:  Sheriff
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1 **INDEX WORDS**

- 2
- 3 Firearms; Emergency and Substantial Risk Orders
- 4 Firearms; Emergency Protective Orders and Protective Orders
- 5 Money; unclaimed
- 6 Property; found
- 7 Property; unclaimed

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9 **POLICY**

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11 All found and unclaimed money or property of non-evidentiary value will be disposed of

12 according to federal, state, and county statutes. Under no circumstances will property turned into

13 or seized by Sheriff's Office personnel become the property of any employee of the Sheriff's

14 Office.

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16 **PURPOSE**

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18 This policy is to establish guidelines for the disposal of found and unclaimed money or property

19 of non-evidentiary value.

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21 **DEFINITIONS**

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- 23 • Non Evidentiary Property
 - 24 ○ Property in possession of the Sheriff's Office not related to a criminal case or
 - 25 investigation.
 - 26 ○ Property in possession of the Sheriff's Office after the statute of limitations expires
 - 27 for the criminal case related to the property where no warrant has been obtained.
 - 28 ○ Property in possession of the Sheriff's Office after the criminal arrest warrant related
 - 29 to the case has been ordered purged by the court.
 - 30 ○ Property in possession of the Sheriff's Office when the criminal case is determined to
 - 31 be unfounded or cleared exceptionally prosecution declined, in consultation with the
 - 32 Investigations Division Commander and or Commonwealth's Attorney.
 - 33 ○ Property in possession of the Sheriff's Office when the defendant in the criminal case
 - 34 is found not guilty or in consultation with the Commonwealth's Attorney when the
 - 35 charges have been dismissed.
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 - 37 • Money; unclaimed
 - 38 ○ Any currency, whether US or foreign, that is not or no longer of evidentiary value.

- 39 ○ The owner of the currency cannot be identified or has been notified but fails to
40 claim/pick up the currency.
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- 42 • Property; found
 - 43 ○ Any tangible items, other than currency, that is:
 - 44 ○ Undamaged or damaged but otherwise operational.
 - 45 ○ Not evidentiary or known to not be related to any criminal activity.
 - 46 ○ The owner of which is not be readily identifiable.
 - 47
 - 48 • Property unclaimed
 - 49 ○ Any property in the care or custody of the Sheriff's Office that:
 - 50 ○ Is not or no longer of evidentiary value.
 - 51 ○ The owner of which is not readily identifiable.
 - 52 ○ The owner of which has been notified but fails to claim/pick up the property.
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54 PROCEDURES

- 56 • Release of non-evidentiary unclaimed and found property
 - 57 ○ Non-evidentiary and previously unclaimed or found property shall be released to the
58 owner or his/her agent when a claim is made against the property and satisfactory
59 proof of ownership is provided.
 - 60 ○ Satisfactory proof of ownership via receipts, invoice, serial number etc. must be
61 presented.
 - 62 ○ In lieu of proof listed above, when an owner can describe a property item in such
63 detail as to color, style, brand, scratches, marks and condition of the property, the
64 property may be released.
 - 65 ○ Any other person seeking release of such property, when there is a dispute about
66 ownership, shall be advised that property can be released to them only as a result of:
 - 67 ▪ A valid court order.
 - 68 ▪ Written consent from the Commonwealth's Attorney.
 - 69
- 70 • Disposal of found and non-evidentiary property
 - 71 ○ The Property and Evidence custodian shall:
 - 72 ▪ Ensure that final disposition of found and non-evidentiary property is
73 accomplished within six months after legal requirements have been satisfied in
74 accordance with Section [15.2-1719](#), Code of Virginia, unless title to the evidence
75 or property has been awarded to the Sheriff's Office by court order.
 - 76 ▪ Maintain a list of unclaimed property.
 - 77 ▪ Retain unclaimed found property for 60 days prior to disposal.
 - 78 ▪ Retain unclaimed non-evidentiary property for 60 days once property is deemed
79 non-evidentiary.
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 - 81 ○ The Sheriff may approve in writing the conversion of the property for Sheriff's Office
82 use.
 - 83 ▪ Once no longer needed, the Sheriff or designee will insure disposal of these items
84 in accordance with procedures specified by law.

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- Unclaimed money or other selected valuables
 - Unclaimed monies and other valuables held by the Sheriff's Office that fall into or are closely related to the following categories and must be reported to the [Department of Treasury, Division of Unclaimed Property](#), in accordance with [Title 55](#) of the Code of Virginia on provided forms:
 - Currency
 - Coins/Stamps
 - Precious metals, stones or gems
 - Securities
 - Art objects
 - Antiques (including weapons)
 - Disposal of unclaimed money or other selected valuables
 - Any unclaimed monies or selected valuables listed above shall:
 - Money
 - ❖ Be turned over to the Department of Treasury, Division of Unclaimed Property if accepted by the same, or
 - ❖ Be turned over to the Treasurer of the County of York to be placed in the general fund and disposed of according to Section 1-15 (c) (2) of the York County Code.
 - Other selected valuables
 - ❖ Be turned over to the Department of Treasury, Division of Unclaimed Property if accepted by the same, or
 - ❖ Sold in accordance to Section [1-15 \(b\) \(2\) of the York County Code](#), the proceeds of which shall be disposed of in accordance with Section [1-15\(c\) \(1\), \(2\) York County Code](#).

114 **FIREARMS RELATED TO SUBSTANTIAL RISK ORDERS**

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- Firearms taken into Sheriff's Office possession related to an Emergency Substantial Risk Order, Section [19.2-152.13.](#), Code of Virginia or Substantial Risk Order, Section [19.2-152.14.](#), Code of Virginia, voluntarily, or due to an Emergency Protective Order or Protective Order in Accordance With Section [18.2-308.1:4.](#), Code of Virginia, shall be handled as follows:
 - The deputy sheriff taking possession of the firearm(s) shall prepare a receipt containing the following:
 - Name of the person subject to the order;
 - Firearm(s) manufacturer;
 - Firearm(s) model;
 - Firearm(s) condition;
 - Serial Number of the firearm(s).
 - The deputy shall provide a copy of the receipt, containing the above information, to the person subject to the order.

- 131 ○ A copy of the receipt, containing the above information, shall be attached to the
132 served order and filed with the Clerk of the Circuit Court.
133
- 134 ● Firearms taken into sheriff's office custody via a search warrant shall be handled in the
135 same manner as above with the firearm(s) information documented on the search warrant
136 return with a copy of the return left with the person subject to the order or at the locations
137 where the firearm(s) were seized.
 - 138 ● All firearm(s) taken shall be vouchered in to property and evidence where they will be
139 held, returned or disposed of in accordance with Section [19.2-152.15](#), Code of Virginia
140 and [GO 2-27, Disposal of Non Evidentiary Property](#).
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 - 142 ● Firearms seized in connection with a criminal act where a subsequent Substantial Risk
143 Order is entered shall be handled in accordance with [GO 2-15, Evidence Procedures](#),
144 until such time as the criminal case is disposed of.
 - 145 ○ If the criminal case results in a guilty verdict where the defendant is no longer
146 permitted to possess a firearm(s), the firearm shall be disposed of in accordance with
147 the order of the Court for the criminal case and/or [GO 2-15, Evidence Procedures](#).
 - 148 ○ If the criminal case results in dismissal, a not guilty verdict or reduction of the charge
149 which does not preclude the defendant for possessing a firearm, the firearm(s) shall
150 be disposed of in accordance with Section [19.2-152.15](#), Code of Virginia and [GO 2-](#)
151 [27, Disposal of Non Evidentiary Property](#).
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 - 153 ● Return of firearms related to Emergency Substantial Risk Order and Substantial Risk
154 Orders.
 - 155 ○ The property and Evidence Custodian shall return firearms in Sheriff's Office
156 Possession, related to Emergency Substantial Risk Orders and Substantial Risk
157 Orders, to the person from whom the firearm(s) was taken as follows:
 - 158 ▪ Upon order of the court to return such firearm(s), or
 - 159 ▪ Upon the expiration or dissolution of the Emergency Substantial Risk Order or
160 Substantial Risk Order, and
 - 161 ▪ Within five (5) days of receiving a written request, along with a copy of the
162 receipt provided to the person at the time the firearm(s) was taken, for the return
163 of the firearm(s) by the person whom the firearm(s) was taken.
 - 164 ❖ Prior to release of the firearm(s) to such person, the Property and Evidence
165 custodian or his designee shall:
 - 166 ➤ Verify the person is no longer subject to an Emergency Substantial Risk
167 Order or Substantial Risk Order, and
 - 168 ➤ Verify the person is not otherwise prohibited by law from possessing a
169 firearm.
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 - 171 ● Unclaimed Firearms related to Emergency Substantial Risk Order, Substantial Risk
172 Orders, Emergency Protective Orders and Protective Orders.
 - 173 ○ Firearms in the custody of the Sheriff's Office pursuant to Emergency Substantial
174 Risk Order and Substantial Risk Orders may be disposed of as follows:
 - 175 ▪ In accordance with Section [15.2-1721](#), Code of Virginia if:

- 176 ❖ The person from whom the firearm(s) was taken provides written
177 authorization for such disposal, or
178 ❖ The firearm(s) remain in Sheriff's Office possession for more than 120 days
179 after such person is no longer subject to an Emergency Substantial Risk Order
180 and Substantial Risk Order, and
181 ❖ Such person has not submitted a request in writing for the return of the
182 firearm(s).
183
- 184 • Transfer of firearms to another person designated by the person subject to a Substantial
185 Risk Order
 - 186 ○ Any person whose firearm(s) have been voluntarily relinquished pursuant to Section
187 [19.2-152.13.](#), Code of Virginia or Section [19.2-152.14.](#), Code of Virginia, or such
188 persons legal representative, may transfer the firearm(s) to another individual under
189 the following conditions:
 - 190 ▪ The person subject to the order and the transferee both appear at the hearing, and
 - 191 ▪ The transferee is at least 21 years of age, and
 - 192 ▪ The transferee is not otherwise prohibited from possessing or transporting a
193 firearm, and
 - 194 ▪ The transferee does not reside with the person subject to the order, and
 - 195 ▪ At the hearing, the Commonwealth Attorney advises the court that law
196 enforcement has determined the transferee is not prohibited from possessing or
197 transporting a firearm, and
 - 198 ▪ The court informs the transferee of the requirements and penalties under Section
199 [18.2-308.2:1.](#), Code of Virginia, and
 - 200 ▪ The court approves the transfer, subject to such restrictions as the court deems
201 necessary.
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 - 203 ○ The law enforcement agency holding the firearm(s) shall deliver the firearm(s) to the
204 transferee within five (5) days of receiving a copy of the court's approval of the
205 transfer.
 - 206 ○ Firearms in the custody of the Sheriff's Office pursuant to an Emergency Protective
207 Order or Protective Order shall not be transferred to another individual except by
208 order of the court.
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