



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

**Approved Oct. 17, 2002;
amended Aug. 25, 2006; amended
Sep. 10, 2010**

4.8

Financial Services

Personal Property Management

1. Purpose.

To establish policies for the management of personal property owned by the Prosecuting Attorneys' Council of Georgia.

2. Authority.

O.C.G.A. §§ 15-18-40(c)(2); 15-18-73(b); 45-6-7; 45-6-8; 50-16-140, et seq.

3. Scope.

a. This policy applies to:

- i. All state owned personal property (hereafter "state personal property") which is basically nonconsumable and nonexpendable in nature that is purchased by the Prosecuting Attorneys' Council of Georgia using funds appropriated by the General Assembly or other public funds which are available for the support of the prosecuting attorneys of the State of Georgia; and
- ii. Personal property that is purchased with other public funds for or on behalf of a district attorney or solicitor-general, title to which will be in the name of the Council or the State of Georgia.¹
- iii. Motor vehicles. The acquisition, use, assignment transfer and disposition of state owned motor vehicles is governed by Chapter 8 of the Rules of the Prosecuting Attorneys' Council. In the event that any part of this policy conflicts with such Rules, the provisions of such Rules shall take precedence over this policy.

¹ This includes property which is insured by the Council through the DOAS Risk Management program and books that are issued to the Council or the District Attorneys which are labeled on the cover "Property of the State to be delivered to your successor in office."



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- b. Such state personal property includes:
 - i. Motor vehicles, mechanized and nonmechanized equipment, office equipment, appliances;
 - ii. Any item with an estimated usable life expectancy of one or more years and an item acquisition cost of \$1,000.00 or more; and
 - iii. Any other item designated by the Council. In designating items subject to inventory, the Council will be guided by the policies established by the State Accounting Office, or in the case of information technology (IT) equipment, the Georgia Technology Authority.

4. Accountability.

- a. Any district attorney or solicitor-general who receives or is in possession of state personal property described in Paragraph 3a, is subject to the provisions of this policy. By accepting such property, such district attorney or solicitor-general is also subject to the provisions of O.C.G.A. §§ 45-6-7; 45-6-8; and 50-16-140.
- b. Each district attorney or solicitor-general who receives or is in possession of state personal property subject to this policy shall:
 - i. Establish procedures or policies within his or her office that will ensure the proper use, maintenance, and protection of state personal property
 - ii. Ensure that each employee is aware of his/her responsibilities for the proper acceptance, use, protection, and surrender of any state personal property assigned to his/her custody or control, and aware that they may be held financially liable for such property if they result in damages, losses or destruction of state personal property.



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- iii. Maintaining records that identify the name of any employee, independent contractor, agent, volunteer or other person who has actual or constructive possession of state personal property.
 - iv. If state personal property is loaned to another agency of state or local government, obtain a receipt for such property that includes as a minimum the name, address and phone number of the agency , the name, title or position, and phone number of the individual that takes possession of the property on behalf of such other agency;
 - v. If an employee, independent contractor, agent, volunteer or other person terminates their employment or relationship with the office, recover any state personal property assigned to or in the possession of such person.
- c. Each district attorney and solicitor-general may designate, in writing, an employee as the accountable officer who will be responsible to the district attorney or solicitor-general for the carrying out of the provisions of this policy. A copy of the such appointment will be provided to the Council Property Manager.
5. Identification.
- a. All state personal property subject to this policy shall be assigned an inventory number.
 - b. The date of purchase, cost and expected life of the equipment will be noted at time of receipt in the property management system operated by the Council.
 - c. Each item of state personal property will be identified by affixing a the inventory number in such a manner that it will be permanently affixed to the equipment.



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6. Receipt.
 - a. When state owned personal property is received by a prosecutor's office, the elected head of the office or his or her designee shall provide a signed receipt to the Council Property Manager.
 - b. The receipt shall be in such form and contain such information as the Council Property Manager may require in order to enter the property into the inventory.

7. Use.
 - a. State personal property subject to this policy is provided to the district attorneys' or solicitors-general's offices to facilitate the efficient and effective performance of their official duties.
 - b. Personal property subject to this policy may not be used in conjunction with:
 - i. Any private or personal for-profit activities;
 - ii. Unauthorized not-for-profit business activities;
 - iii. Any political campaign; or
 - iv. Any illegal activity as defined by federal, or state, laws or applicable regulations.

8. Annual inventory.
 - a. All state personal property subject to this policy shall be recorded in the state inventory in accordance with O.C.G.A. § 50-16-160.
 - b. On or before January 1 of each year, the Council staff shall provide each district attorney and solicitor-general with a complete inventory of all state personal property that the Council records indicate is in his or her possession, custody or control.



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- c. On or before January 15 of each year, the district attorney or solicitor-general shall submit to the Council a signed and notarized copy of the inventory acknowledging that the property is in his or her possession, custody or control.²
 - d. Any exceptions or changes to the inventory shall be noted and initialed by the elected head of the office.
9. Delivery to Successor in Office.
- a. In the event of the resignation, removal or expiration of the term of office of a district attorney or solicitor-general, it is the duty of the incumbent to deliver all books, papers, and other office property to his or her qualified successor³ together with an inventory of all state personal property. Upon request of the out-going or incoming official, the Council will provide a copy of the inventory of state personal property that is maintained in accordance with State accounting and audit requirements.
 - b. If a vacancy occurs because of death or if the incumbent cannot be found at the time a demand is made, it shall be the duty of the chief assistant, or if no chief assistant has been designated, the attorney assistant senior in time of service, shall assume responsibility for all books, papers, or other office property or any part thereof and deliver it to the successor.⁴
 - c. A district attorney or solicitor-general, shall upon vacating office, obtain a receipt from his or her successor for all property turned over to the successor, which receipt shall be entered in the inventory book.⁵

² O.C.G.A. § 50-16-141.

³ O.C.G.A. §§ 45-6-7, 45-6-8.

⁴ O.C.G.A. § 45-6-9.

⁵ O.C.G.A. § 50-16-142.

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- d. If any state owned books, papers, and other office property shown on the inventory are missing and cannot be accounted for, it is the responsibility of the district attorney or solicitor-general to immediately notify the Council Property Manager in order that it can be reported to the proper authority.⁶
 - e. Each district attorney or solicitor-general, within three months after taking charge of his office, shall examine the inventories of his predecessor.
 - i. For state owned property in the office, a copy of the inventory will be signed by the district attorney or solicitor-general and sent to the Council Property Manager.
 - ii. County owned property will be accounted for in accordance with county policy.
 - iii. If there is any property missing and not satisfactorily accounted for, a report will be prepared and submitted to the proper authority.⁷
10. Transfers of property.
- a. Application.
 - i. State owned property that is subject to this policy may be transferred between another state agency, another prosecutor's office or a unit of local government provided that the procedures in this section are complied with.

⁶ O.C.G.A. § 50-16-142. Georgia law provides that the Governor is the "proper authority" for state personal property. In the case of county property, the county commissioners or other officers having charge of county matters are the proper authority. O.C.G.A. § 50-16-140.

⁷ O.C.G.A. § 50-16-143.



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- ii. The procedures in this section apply to transfers of state owned motor vehicles except as otherwise specifically provided in Chapter 8 of the Rules of the Prosecuting Attorneys' Council.
 - iii. If the total aggregate value, after depreciation, of the property being transferred is more that \$5,000.00, the Executive Director or his or her designee, shall approve the transfer.
 - iv. State owned property which was purchased or acquired with federal funds can only be transferred in accordance with the conditions of the grant, contract or program that authorized acquisition of the property.
- b. Local Government to Council Transfers.
- i. When a prosecuting attorney desires to transfer property from a local government to the Council, the Property Manager will be contacted in advance in order that the appropriate paperwork may be prepared. This includes vehicles, information technology equipment and other property described in Section 3 of this Policy which are to be purchased with local funds with title to be in the name of the State of Georgia.
 - ii. Transfers of local government property to the Council must comply with the rules of the unit of local government and the State of Georgia. The Property Manager may require appropriate documentation from the unit of local government that the person approving the transfer has legal authority to approve the transfer.
- c. Prosecutor to Prosecutor Transfers.
- i. When property is being transferred from one prosecutor's office to another prosecutor's office, the Council Property Manager will be notified at least 15 days prior to the transfer.



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- ii. The Property Manager will prepare a Property Transfer and Invoice Form which when completed, will constitute authority for the transfer. The form must be signed by an authorized employee of both offices involved in the transfer and returned to the Council Property Manager.
- d. Council to Local Government.
 - i. Property that has been on the state inventory for more than one year, may under certain circumstances, be transferred to a unit of local government.⁸
 - ii. Application to transfer state personal property to a unit of local government shall be made in writing (electronic, fax or mail) to the Council Property Manager. Prior to submitting a written application, the office manager should contact the Council Property Manager by phone or email for instructions on the information about the property that needs to be included in the request.
 - iii. If the property can be transferred, the Property Manager will prepare the appropriate Property Transfer and Invoice Form and send it to the prosecutor's office. The office manager of the prosecutor's office is responsible for completing the form, including obtaining the signature of an authorized official of the local government accepting title to the property. The completed Property Transfer and Invoice Form must be returned to the Council.
- e. A prosecutor's office participating in a transfer of state owned property which is assigned to that office remains accountable for the property until such time as all documents required to transfer title to such property have been completed and returned to the Council Property Manager. In the case of motor vehicles or other property which is subject to being titled or licensed through an agency of state or

⁸ Generally, Council to local government transfers are allowable when the property was originally acquired by a unit of local government and then transferred to the Council at no cost to the state.

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federal government, the office remains accountable for such property until all documents necessary to transfer the title or license have been completed and filed with the appropriate government agency.

11. Disposition of excess, unserviceable or surplus property.
 - a. All state personal property will be disposed of by one of the following means:
 - i. Transfer to a district attorney's office or to another state agency. When property is to be transferred to a district attorney's office, title to the property will remain with the Council;
 - ii. Sell to a unit of local government through a negotiated sale if the Executive Director determines that such sale would be in the best interests of the state, and, under the circumstances, the negotiated sales price would constitute a reasonable consideration for the property
 - iii. Sell to the highest responsible bidder for cash using any commercially feasible means;
 - iv. Sell by fixed price, including, but not limited to using an internet sales site. The Executive Director is authorized to enter into agreements with any reliable internet sales site and to establish internal operating procedures for such sales;
 - v. Transfer to the Department of Administrative Services for disposition utilizing the state surplus property system;
 - vi. Trade in such surplus property on the purchase of new equipment if the Executive Director shall determine that such action is for the best interest of the state; or
 - b. Where the Executive Director determines that the surplus property has no value or that the cost of maintaining and selling the surplus property exceeds the anticipated

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proceeds from the sell of the surplus property, by destruction and disposal and order of removal from the inventory of the Council.

- i. If destruction is authorized, the following procedure will be followed:
 - (1) The Property Manager will issue a transaction number and provide the office in possession of the property with a Destruction Affidavit and Property Transfer and Invoice Form;
 - (2) The Office in possession of the property will complete the affidavit and the Property Transfer and Invoice Form;
 - (3) The property will be destroyed utilizing an appropriate method of destruction approved by the Property Manager, rendering it totally unserviceable. A second party must witness the destruction of property. Where it is feasible to recycle the materials, recycling will be the preferred method of destruction;
 - (4) The completed Destruction Affidavit and Property Transfer and Invoice Form will be returned to the Property Manager.
 - ii. For items that are unsold, but are still serviceable, the Executive Director may elect to contact a local charitable (IRS 501(c)(3)) organization and donate the property in lieu of adding to and paying for waste disposal. This option may also be used for equipment that has scrap value, but is not physically destroyed on site. In selecting local charitable organizations, care will be taken not to not show favoritism to any specific organization.
- b. Disposal of Electronic Equipment:
- i. As used in this section, electronic equipment includes:
 - (1) Computers (CPU) (includes desktop, laptop, server)
 - (2) External data storage/back-up devices



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- (3) PDAs
- (4) Copiers with or without data storage capability
- (5) Monitors and Television Sets (all types, CRT, LCD, etc.)
- (6) Peripherals (includes keyboards, mouse, speakers)
- (7) Printers (includes all types, laser, inkjet, bubble jet, dot matrix, plotters, etc.)
- (8) Scanners
- (9) Hubs and Routers
- (10) Digital Projectors
- (11) Pagers
- (12) Fax Machines
- (13) Typewriters
- (14) Telephone Systems and Handsets, Cellular Phones
- (15) Calculators
- (16) Answering Machines
- (17) DVD and VCR Players/Recorders
- (18) Radios, CD Players and Stereo Equipment.

ii. Electronic equipment may contain heavy and other metals as well as other components that are known to be hazardous. Consequently, electronic components that are not in commerce (i.e. a CPU being sold as a CPU) are subject to environmental disposal regulations. Under no circumstance will electronic components be disposed of as refuse (trash, landfills, etc.).

iii. Prior to disposing of a computer, server or external data storage/back-up devices , the following procedures shall be followed:

- (1) Identify the system components and tag the equipment with ~~the~~ a Computer Components label;

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- (2) Remove all state identification tags;
 - (3) Ensure that media has been removed from all data recording devices(floppy, CD, tape, memory stick, etc);
 - (4) The hard drive must be degaussed or overwritten with a commercially available disk cleaning program and then removed. Hard drives may also be removed and rendered unreadable by drilling or crushing if authorized by the PAC IT Director or his or her designee;
 - (5) The Council IT Director will ensure that all electronic scrap components are disposed of in accordance with applicable environmental regulations. Any equipment that is designated as electronic scrap may be sent to a DOAS Surplus Distribution Center for disposal
- c. Weapons. Weapons will be made available only to certified state or local government law enforcement agencies and will not be disposed of through public sale. If specific statutory authority exists for a weapon to be issued to an employee upon retirement, it will be managed on a case-by-case basis and using the same procedures followed for a “Vendor Return.”
- d. Books.
- i. Since books are durable, they meet the criteria of personal property and must be disposed of in accordance with applicable surplus laws and regulations. They are unique, however, because depending on their subject, they may appreciate in value, or become so obsolete as to be worthless. Except as provided in ii below, they will be offered for redistribution and then sold as any other property. Books that have not redistributed, or sold may be offered

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to local nonprofit organizations after all other disposal methods. If they must be destroyed, it should be accomplished through a paper recycling program.

- ii. Books which are labeled on the cover “Property of the State to be delivered to your successor in office,” may not be disposed of or sold unless the state agency issuing the book (Reporter of Decisions, Secretary of State or Legislative Services Committee) is contacted and declines the return of the books.

- 12. Duties of prosecutor’s office. A prosecutor’s office disposing of state owned property which is assigned to that office remains accountable for the property until such time as all documents required to remove such property from the State inventory have been completed and returned to the Council Property Manager. In the case of motor vehicles or other property which is subject to being titled or licensed through an agency of state or federal government, the office remains accountable for such property until all documents necessary to cancel or transfer the title or license have been completed and filed with the appropriate government agency.

- 13. Sales to State Employees.
 - a. In order to prevent the appearance of impropriety PAC employees and their immediate family members are prohibited from acquiring by way of sale, auction, or transfer of surplus property which has been made available to the public.

 - b. State employees other than PAC employees are permitted to participate in the public sale of surplus property. All other purchasers (including but not limited to state employees and their family members) must certify that any transactions in which they are involved do not and will not violate the provisions of O.C.G.A. § 45-10-20 et seq. in any respect.