



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **SEIZURE OF U.S. CURRENCY AND VEHICLES**

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

- A. All members of the Department will follow the guidelines and procedures established by the State's Attorney's Office for Prince George's County relating to the seizures of currency and conveyances. Neither the Department, nor the State's Attorney's Office, will actively pursue seizure cases involving money or conveyances in cases not resulting in a conviction. This is not to suggest that the seizing officer cannot still file for a forfeiture of funds in cases for which a Nolle Prosequi was entered, or for cases that were dismissed or plea-bargained away; however, the seizing officer must obtain prior approval from the Chief of Police via the chain-of-command and the State's Attorney's Office.
- B. It will also be a policy of the Department and the State's Attorney's Office that officers will not file a Currency Seizure Package for currency seized in the amount of less than \$100.00.

II. SEIZURE PROCEDURES

- A. Currency may be seized and may be subject to forfeiture under the Annotated Code of Maryland, CP § 12- 202, if:
 - 1. A defendant has been charged with any of the controlled dangerous substance violations, and
 - 2. The defendant has either currency or conveyance that is located within close proximity to the CDS, or is in some way connected with the CDS violation(s).

B. Procedures

1. Seize the money and complete a, "Notice of Money or Currency Seizure."
2. Include in the event report:
 - a. The exact location(s) in relation to the CDS from which the money was seized.
 - b. The exact amount of money seized from each location.
 - c. The type and approximate quantities of CDS seized.
 - d. The name and ID# of the officer who seized the money.
3. Photograph the money for use in court and record the quantities of each denomination (photocopy at 66% or 77% not 100%)
4. Place the money into a clear plastic heat-sealable evidence bag, seal it, and place the officer's initials and date across the seal. The amount of money should be verified by two officers. Complete and attach to the outside of the evidence bag all copies of the completed, "Receipt for Property Form" and a completed, "Seized/Recovered Money Memorandum." The officer will place this package in the temporary evidence locker prior to the end of the officer's shift for that day.
5. Write the amount of the money seized on the evidence bag, and complete a "Currency Seizure Form" to document the cash seized/received, sign it, and request the defendant to sign it. If the defendant refuses to sign, the seizing officer will write REFUSED where the defendant's signature would have gone and if possible, have the refusal witnessed.
6. Serve the defendant with his/her copy of the document whether or not it is signed by the defendant. Retain a copy for the case file.
7. The next business day, deliver the currency and a copy of the property record to the Cottage City Treasurer who will issue a receipt for it and have it deposit in the appropriate local financial authority the receipt will then be attached to the original property record.

8. Forward the following to the, Director of SID:
 - a. Two copies of the event report
 - b. Two copies of each arrest report
 - c. The original and a copy of the Property/Seizure Report
 - d. A copy of the defendant's criminal history record
 - e. A copy of the search warrant and return inventory if applicable
9. Complete and submit for supervisory approval an Event Report and if applicable, an Arrest Report, State's Attorney's Evidence Information and Witness Information forms. Itemize the currency and any other property seized, and the details under which the money was sieved.

C. Court Disposition

Within 10 days of any court disposition, the investigating officers will notify the Prince George's County State's Attorney's Office Asset Forfeiture Section, by memorandum which will include:

1. Defendant's full name
2. Amount of money subject to forfeiture
3. Date of sentencing
4. District or Circuit Court case number that the defendant will be sentenced under

III. DISPOSITION OF THE FUNDS

- A. It will be the seizing/investigating officer's responsibility to track all of his/her cases in which money was seized.
- B. Upon the criminal conviction of the defendant from whom the currency was seized, the investigating officer has 60 days to complete and file a Currency Seizure Package with the PG State's Attorney's Office (this 60 day time period includes the time it takes the designated Assistant State's Attorney to file necessary paperwork) so this package must be completed promptly. The package consists of the following:
 1. A Memorandum to Assistant State's Attorney from the Chief of Police (in a fill-in-the-blanks format), which has to be signed by the Chief of Police.

2. Affidavit from the Evidence/Property Custodian that must be completed and signed by the seizing/investigating officer.
 3. A copy of the court jacket or print out showing the defendant's charge, verdict, and sentence.
 4. A copy of the original CCPD Police Department "Currency Seizure Form."
 5. An original District Court of Maryland Application and Affidavit in Support of Judgment, (this form must be completed and signed by the seizing/investigating officer).
 6. A copy of the Memorandum of Seized Currency.
 7. A copy of the Event Report and Arrest Report.
 8. A copy of the Agreement between the State's Attorney's Office and the Department regarding the State's Attorney's responsibility to handle currency and conveyance seizures from the Cottage City Police Department.
- C. Upon completion of the Currency Seizure Package and approval and signature from the Chief of Police and Shift Supervisor, the investigating officer will forward the entire package to the State's Attorney's Office to the attention of the Assistant State's Attorney. The package should be hand-carried to the State's Attorney's Office. The process will be handled by the State's Attorney's Office.
- D. If it is determined by the State's Attorney's Office that all or part of the funds will be returned as part of an agreement between the defendant and the State's Attorney's Office, the Cottage City Police Department will comply.
1. All inquiries from defendants regarding return of seized funds will be referred to the State's Attorney's Office.
 2. The actual return of seized funds normally takes 6-8 weeks.
 3. The State's Attorney's Office will in all circumstances forward a letter to the Chief of Police ordering the money returned. However, if the defendant does not make this request to the SAO within one year of the date the money was seized, it will be forfeited and turned over to the general funds of the Town.

4. The Evidence/Property Custodian will forward a Memorandum to the State's Attorney's Office requesting forfeiture of funds on cases not filed within the one year time period. The State's Attorney's Office will send a memorandum back to the Evidence/Property custodian indicating the monies have been forfeited and may now be transferred to the appropriate Cottage City account.

IV. SEIZURE OF VEHICLES

- A. Officers will seize only those vehicles that meet the provisions of the Annotated Code of Maryland, CP§ 12 - 204. Vehicles will not be routinely seized or forfeited when it is owned by someone other than the arrested operator or occupant. Vehicles may be seized and forfeiture initiated under circumstances that indicate the owner of the vehicle had knowledge or should have had knowledge of the illegal use of the vehicle. Officers must be able to articulate such facts in their report.
 1. Once the vehicle is seized it will be searched and all items inside must be inventoried. Unless an item within the vehicle is being seized or held as evidence it must be returned to the defendant/owner if requested.
 2. Once a proper inventory has been completed the officer will have the vehicle towed to the impound lot when the conveyance is seized between the hours of 0800 and 1500, Monday through Friday (excluding holidays). The seizing officer will advise the tow truck driver that the vehicle was seized as a result of a drug violation and provide the driver with the officer's name, ID#, and telephone number. Town forms should be completed indicating the condition of the vehicle. Photograph any existing damage to prevent future discrepancies. Cottage City officers will arrange for the towing service to tow the vehicle to the Station when the vehicle is seized during those hours not specified above.
 3. The seizing officer will complete a Vehicle Impound Form and have the defendant sign it. If the defendant refuses to sign, write REFUSED in the signature section and give a copy to the defendant. Any refusal should be witnessed.
 4. The officer will follow the same procedures as outlined for the seizure of currency and forward completed copies of the paperwork to the State's Attorney's Office who will coordinate the forfeiture proceedings.
 5. The owner of the seized vehicle will also be notified by the Department of the forfeiture proceedings by Certified US mail, Return Receipt Requested. A copy of the notice will be included in the case file.