



**Maryland-National Capital Park Police
Prince George's County Division**



DIVISION DIRECTIVE

TITLE FORFEITURE OF SEIZED MONIES		PROCEDURE NUMBER PG432.2	
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 03/18/17	REVIEW DATE 05/01/21
REPLACES PG432.2 "Forfeiture of Seized Monies", issued 06/01/04			
RELATED DIRECTIVES PG432.0, 1200.0	REFERENCES CALEA 43, 84	AUTHORITY <i>S.R. Johnson</i> Chief Stanley R. Johnson	

I. PURPOSE

The purpose of this Directive is to establish policy and procedures relating to the seizure of money or currency pursuant to CDS related investigations and arrests.

II. POLICY

It is the policy of this Division to seize and seek forfeiture of monies in accordance with the provisions of the Maryland Code, Criminal Procedure Article 12, entitled the "Controlled Dangerous Substance Act".

III. SEIZURE OF MONIES

Criminal Procedure Article 12-102 authorizes, but does not compel, seizure and subsequent forfeiture of:

- * All money, coin, or currency which has been used or intended for use in connection with the illegal manufacture, distribution, dispensing or possession of controlled dangerous substances or controlled paraphernalia. All money, coin, or currency which is found in close proximity to contraband controlled dangerous substances, controlled paraphernalia, or forfeitable records of the importation, manufacture, or distribution of controlled dangerous substances are presumed to be forfeitable under this paragraph. The burden of proof is upon a claimant of the

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property to rebut this presumption.

IV. SEIZURE RESTRICTIONS

Seizure of money or currency shall be authorized only when the defendant(s) is/are charged with one or more of the following:

- A. Possession of a controlled dangerous substance.
- B. Distribution of a controlled dangerous substance.
- C. Possession with intent to distribute a controlled dangerous substance.
- D. Manufacturing a controlled dangerous substance.
- E. Conspiracy to commit any of the above.

V. COMPLETION OF SEIZURE FORM/PROCEDURES FOR FORFEITURE

- A. All officers seizing money or currency pursuant to the provisions of this Directive shall complete a "Notice of Money or Currency Seizure" form. Copies of this form shall be distributed as follows:
 - 1. Original - Property Specialist
 - 2. Photocopy - Defendant
 - 3. Photocopy - Seizing Officer
- B. If the currency or money seized is \$300 or more the officer shall contact the Asset Forfeiture Unit of the State's Attorneys Office at (301) 952-3500 and screen the seizure within one week of the seizure.
- C. The officer shall supply the State's Attorneys Office with copies of all crime reports, drug reports, and a criminal history of the persons arrested.
- D. If the defendant inquires about having the currency/monies returned he/she shall be directed to the State's Attorneys office or he/she may file a petition in District Court.

VI. PHOTOCOPYING MONEY

- A. Criminal Procedure Article 12-202 provides that monies seized during a narcotics investigation may be photographed or photocopied for evidence purposes, and the resulting reproduction may be substituted in court proceedings for the actual monies.

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- B. If a photograph or photocopy of monies is necessary for court, they should be reproduced at 100% of actual size. A photocopy at 77% or 66%, or a photograph at less than 100% is acceptable.

VII. VERIFICATION PROCEDURES

- A. The on-duty Operations Duty Officer/Squad Supervisor shall personally respond and verify the exact amount of monies seized. The Operations Duty Officer/Squad Supervisor shall initial and date all Property Record forms and evidence tags/seals as a witness attesting to the accuracy of the amount of monies seized by the arresting officer.
- B. The Property Specialist shall, after receiving the monies, will account for the evidence by logging it into the evidence logbook. After filling out the bank slip the Property Specialist will take the seized monies to the bank and deposit the monies into the State Drug Enforcement Fund, and receive a bank slip for verification.

VIII. STORAGE

- A. Seized monies with a value of \$200 or less may be temporarily stored in an authorized substation evidence vault until received by the Property Specialist. Notification must be forwarded immediately to indicate that said monies are being held.
 - 1. When monies in excess of \$200 are seized they will only be deposited at the evidence vault located at Headquarters. The Property Specialist shall temporarily store the monies in the safe located in the Evidence Room until they can be deposited into the designated bank account.
- B. Serial numbers of all seized monies, if available, shall be recorded on the Property Record by the arresting officer.
- C. The Property Specialist shall deposit all seized monies into the Commission's bank account. A Remittance Advice form will be prepared with account 594309 used to direct funds. Deposits shall be made in accordance with Commission Practice 3-13, "Cash Receipts and Related Practices", and the Park Police Financial Procedure Manual established by the Division for the holding of CDS related monies.

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