

-
- I. Purpose
 - II. Policy
 - III. Seizure of Monies
 - IV. Completion of the Seizure Form
 - V. Photocopying Money
 - VI. Verification Procedures
 - VII. Storage

- I. Purpose

This Directive establishes 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 Annotated Code of Maryland, Criminal Procedures, Controlled Dangerous Substances Violations.

- III. Seizure of Monies

- A. The C.D.S. Act states that the following are subject to forfeiture: All money, coin, or currency which have 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 are 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 property to rebut this presumption.
- B. Any property subject to forfeiture under the C.D.S. Act may be seized without a court order when:
 - 1. The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;
 - 2. The property subject to seizure has been the subject of a prior judgement in favor of the State in a criminal injunction or forfeiture proceeding under the C.D.S. Act; or
 - 3. There is probable cause to believe that the property has been used or intended to be used in violation of the C.D.S. Act.
- C. Forfeiture proceedings relating to money or currency will be instituted within 90 days from the date of final disposition of criminal proceedings that arise out of violations of the C.D.S. Act, inclusive.
 - 1. If proceedings relating to money or currency are not instituted within the 90 day period, the money or currency seized, upon petition by the defendant, will be returned to the defendant.

2. If the defendant fails to petition for return of the money or currency within one year from the date of final disposition of criminal proceedings, the money or currency will revert to the treasury of the seizing political subdivision.
3. The seizing officer will, upon final disposition of the case, make notification to the *Management and Technology Commander* or designee, so processing can be initiated if appropriate and within the 90 day filing period.

IV. Completion of the Seizure Form

All officers seizing money or currency pursuant to the provisions of this directive will complete a "Notice of Money or Currency Seizure" form (see Division Forms Log). Copies of this form will be distributed as follows:

1. Original- Property Specialist (attached to evidence bag and put in Evidence Drop Safe)
2. Photocopy- Defendant
3. Photocopy- Records Section

V. Photocopying Money

- A. The C.D.S. Act provides that; upon the seizure of contraband coin or currency pursuant to this article, the seizing authority shall cause it to be immediately photographed and a record made of the serial number of each paper currency. The photographs may be substituted for the coin and currency as evidence in any criminal case.
- B. If a photograph or photocopy of monies is necessary for court, they should not be reproduced at 100% of actual size. A photocopy at 77% or 66%, or a photograph at less than 100% is acceptable.

VI. Verification Procedures

A Lieutenant or shift supervisor will personally respond and verify the exact amount of monies seized. The Lieutenant or shift supervisor will sign all Property Record forms and evidence tags as a witness, attesting to the accuracy of the amount of monies seized by the arresting officer.

VII. Storage

- A. All seized monies will be temporarily stored in the Drop Safe outside of the Property Room. The money will be secured in an evidence bag with the DCN clearly visible. The evidence bag will be placed in the Drop Safe. The officer placing the money in the Drop Safe will ensure that the evidence bag drops into the secure area of the safe.

In the event that the Drop Safe is malfunctioning for any reason, or the amount of money is too great to fit in the Drop Safe, the Property Specialist, or a supervisor from the Technical Services will be contacted and will respond to the station to store the seized money. Money removed from the Drop Safe will be temporarily stored in the Drugs & Money Vault inside the Property Room until transferred to the MCP-DEF escrow account.

- B. The Management and Technology Commander or designee will, transfer the funds to the MCP DEF Escrow Account (see Division Directive, "Drug Enforcement Fund).

**Approved Park Police Document
Signed Original on File**

End of Directive