
	GAITHERSBURG POLICE DEPARTMENT		
	Currency & Conveyance Seizures		
	GENERAL ORDER	1106.1	
Effective Date	04/24/2024	1.2.4, 17.4.2, 82.2.1, 82.2.4, 83.2.1, 84.1.2, 84.1.3	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 04/24/2024

1. PURPOSE

1.1. Seizure and forfeiture of assets connected to the distribution of controlled dangerous substances (CDS) is authorized under Title 12 of the Criminal Procedure Article and is done for the purpose of preventing those assets from being used in the furtherance of criminal enterprise. The purpose of this directive is to outline the requirements and procedure for seizing such assets.

2. POLICY

2.1. It is the policy of the Department that monies in the amount of \$300 or more may be seized when found in proximity to controlled dangerous substances. Currency seizure action may be taken in criminal cases involving the physical arrest of a suspect or when the violation is connected to an ongoing investigation of the distribution of controlled dangerous substances. The seizure and forfeiture of vehicles is authorized in cases directly related to the distribution of controlled substances.

3. DEFINITIONS

3.1. Seizure

3.1.1. Within the context of this directive, the term “seizure” refers to the act of taking possession of goods (currency or conveyance) in consequence of a violation of the law. The seizure of currency or conveyance occurs at the time the property is discovered in proximity of controlled dangerous substances.

3.2. Forfeiture

3.2.1. Within the context of this directive, the term “forfeiture” refers to the relinquishment of specific property (currency or conveyance) without compensation, as a consequence of the property being used in connection with certain criminal offenses. The forfeiture occurs after a court disposition which leads to the actual transfer of ownership of the property (currency or conveyance) to the City.

4. PROCEDURE

4.1. Seizure of Currency

- 4.1.1. Currency may be seized, and subject to forfeiture under Maryland State law, if:
 - 4.1.1.1. A defendant has been charged with any of the controlled dangerous substance violations; and
 - 4.1.1.2. The defendant has either currency or a conveyance located within proximity to the CDS or is in some way connected with the CDS violation(s).
- 4.1.2. The minimum amount of money that may be seized by an officer is **\$300**.
- 4.1.3. An officer seizing currency will:
 - 4.1.3.1. Count the currency in the presence of another officer.
 - 4.1.3.2. Use the department currency counter to accurately count the amount of seized currency and make a copy of the denominations and serial number of each bill.
 - 4.1.3.2.1. A copy of the currency denomination and serial number will be maintained in the currency seizure package and the officer's case file.
 - 4.1.3.3. Place the currency into a sealed plastic currency envelope and initial and date the envelope across the seal.
 - 4.1.3.4. Write the defendant's name, the associated event report number and the amount of money seized on the envelope.
 - 4.1.3.5. Obtain a Department Currency Seizure Package, and complete all applicable forms in the package, to document the money seized.
 - 4.1.3.6. Advise the defendant of the currency seizure and

request him or her to sign the forms requiring signature.

- 4.1.3.6.1. If the defendant refuses to sign, the seizing officer will write “REFUSED” where the defendant would normally sign.
- 4.1.3.7. Serve the defendant with his or her copies of the documents, as applicable, whether or not signed by the defendant.
- 4.1.3.8. Place all originals into the Currency Seizure Package envelope and forward to the Accreditation Manager.
- 4.1.3.9. Prior to the end of the seizing officer's shift, place the sealed plastic currency envelope containing the currency into a secure temporary evidence storage locker for the Property Custodian.
- 4.1.3.10. Notify the Property Custodian, Accreditation Manager, and the Police Managers via email; and
- 4.1.3.11. Complete and submit an event report and any other related paperwork for supervisory approval.
- 4.1.4. Upon receipt of the seized currency and evidence, the Property Custodian will:
 - 4.1.4.1. Confirm that the evidence entry is correct. Confirm that the evidence is packaged and sealed according to procedures outlined in the Property and Evidence packaging manual and place the submitted evidence into a locked and secured locker in the evidence room.
 - 4.1.4.2. Notify the Administrative Support Supervisor that the funds are ready to be transferred for deposit into the Police Seizure Holding Account.
 - 4.1.4.3. The Property Custodian will remove the submitted currency seizure and, in the presence of a supervisor from another bureau of the Police Department, will open the currency package and count the currency using the currency counter system.

- 4.1.4.3.1. The Supervisor will witness the counting process using the currency counter and confirm that the amount of the submission correlates with what is listed on the evidence entry, and the amount that is listed on the evidence submission itself.
- 4.1.4.3.2. The Property Custodian will make a notation in the evidence system as to who the supervisor was that counted.
- 4.1.4.3.3. The Administrative Bureau Commander and the Chief of Police will be notified of any discrepancy in the currency submission and recount.
- 4.1.4.4. The Property Custodian will take the funds to the Administrative Support Supervisor.
 - 4.1.4.4.1. The funds will be recounted by the Administrative Support Supervisor.
 - 4.1.4.4.2. The Property Custodian will transfer out the funds within the evidence system to the Administrative Support Supervisor.
- 4.1.4.5. The Administrative Support Supervisor will then deposit the seized currency in the bank and a copy of the deposit slip will be uploaded into the evidence system.
 - 4.1.4.5.1. The Administrative Support Supervisor or Property Custodian will make notification to the City's Finance Department regarding the currency seizure bank deposit.
- 4.1.5. Upon receipt of the Currency Seizure Package, the Accreditation Manager will check the forms submitted by the seizing officer for accuracy.
- 4.1.6. The Accreditation Manager is responsible for maintaining records pertaining to seized currency documented in the package, as well

as a data base of deposits and withdrawals from the account to which the currency was deposited.

4.2. Tracking Cases

- 4.2.1. Officers are responsible for tracking their cases that involve currency seizures, so the Accreditation Manager and the Administrative Bureau Commander can be kept informed of the status of these cases.
- 4.2.2. Upon the conclusion of the criminal proceedings of a defendant from whom currency was seized, the seizing officer will notify the Accreditation Manager and the Administrative Bureau Commander of the disposition via the Department's email system, prior to the end of the officer's next full duty day.
- 4.2.3. The currency threshold for forfeiture court proceedings will be a minimum of \$1000.
 - 4.2.3.1. Within seven (7) days, the officer will meet with the Accreditation Manager to complete all necessary forms.
 - 4.2.3.2. The Accreditation Manager will complete the Currency Seizure Package as soon as reasonable.
 - 4.2.3.3. Upon completion of the Currency Seizure Package, and approval and signature from the Chief of Police, the Accreditation Manager will forward the completed package to the City Attorney's Office.
 - 4.2.3.4. The City has 90 days from the date of case disposition to file the currency seizure paperwork with the District Court of Maryland for Montgomery County or the Circuit Court for Montgomery County, Maryland.
 - 4.2.3.5. The process will then be handled by the City Attorney's Office. The only other requirements of the seizing officer are to gather witnesses and testify in court, if necessary.
- 4.2.4. Cases that qualify for forfeiture, but do not meet the currency threshold for Forfeiture Court Proceedings (\$300-\$999), or the criteria of the Office of the City Attorney will be held for one year and one day.

- 4.2.4.1. If the defendant does not request the return of the seized currency within one year and one day of the final disposition of criminal proceedings, the money shall be forfeited to the City.
- 4.2.4.2. If the defendant requests the return of the seized currency within one year and one day of the final disposition of criminal proceedings, the money shall be returned to the defendant.
- 4.2.5. In cases in which the defendant is found “not guilty,” a certified letter will be sent to the defendant at his or her last known address advising that return of the funds should be requested at the earliest opportunity.
 - 4.2.5.1. Cases that are placed on the Stet Docket or result in a Nolle Prosequi being entered by the State’s Attorney will be handled in the same manner unless the arresting officer requests a Command Staff review of the case.
 - 4.2.5.2. The letter will advise that positive identification is required and that return of the funds will be made in person at the GPD Station.
 - 4.2.5.3. If the seized currency remains unclaimed after one year and one day from the date of final court disposition, the currency will revert to the city.
 - 4.2.5.3.1. The Accreditation Manager may request verification from the City Attorney's Office.

4.3. Management of Forfeited Funds

- 4.3.1. Upon notification from the City Attorney's Office that the forfeiture of the funds to the City of Gaithersburg is authorized in cases involving a Forfeiture Hearing, or cases that meet the criteria of Sections B4(a), and B5(c) of this general order (related to seizures held for one year):
 - 4.3.1.1. The Administrative Bureau Commander will notify the City’s Finance Department of the forfeited funds and the amount to be transferred via a signed memorandum.

- 4.3.1.2. The City's Finance Department will make the transfer of funds from the Police Seizure Holding Account to the Police Forfeiture Account in the amount of the forfeiture.
- 4.3.2. The Police Forfeiture Account will be utilized for the holding of all forfeited currency.
- 4.3.3. Any spending of forfeiture funds will be done only at the authorization of the Chief of Police.
- 4.3.4. The Criminal Enforcement Expense Funds (CEEF) account will be used for the purposes cited in General Order 604.8 Informants.
 - 4.3.4.1. The CEEF will not be funded above \$1000.00.
 - 4.3.4.2. When funds in the CEEF are in need of replenishment, the Administrative Bureau Commander will request via signed memorandum, additional funds to be transferred from the Police Forfeiture Account to CEEF.
 - 4.3.4.3. Replenishment requests should be recorded with the Police Forfeiture Expenditures object code.
- 4.3.5. Forfeiture Fund Balance Reconciliation
 - 4.3.5.1. Spending and payments using forfeited funds will be tracked using the Police Forfeiture Expenditure object code throughout the year.
 - 4.3.5.2. At the end of the fiscal year, the City's Finance Department will make a transfer of funds from the Police Forfeiture Account to the General Fund in the amount of spending recorded to the Police Forfeiture Expenditure object code.

4.4. Return of Funds to Defendant

- 4.4.1. If it is determined by the City Attorney's Office, or ordered by the Court, or meet the criteria of Sections B4(b) and B5 of this general order, that all or part of the funds seized in a case will be returned, as part of an agreement between the defendant and the State's Attorney's Office, the Department will be bound to abide by this agreement.
- 4.4.2. Return of funds to a defendant will be the responsibility of the

Chief of Police and designated cosigners on the account in which the money was initially deposited.

- 4.4.2.1. The account is structured so that two signatures, City Manager and Finance Department Head, are required to make withdrawals.
- 4.4.2.2. Upon written verification from the City Attorney's Office, funds will be returned by the Chief of Police, or designated Department representative.
- 4.4.3. All inquiries from defendants regarding the return of seized funds will be referred to the Administrative Bureau Commander.
- 4.4.4. The return of seized funds normally takes six to eight weeks.
- 4.4.5. Arresting officers may request a review of cases placed on the Stet Docket or when a Nolle Prosequi is entered by the State's Attorney before a return of funds is initiated.
 - 4.4.5.1. The return of the funds in these cases will be determined on a case-by-case basis by the department's Command Staff.
 - 4.4.5.2. The Command Staff may consult with the City's Attorney's Office and will take into account such advice as well as the following:
 - 4.4.5.2.1. The totality of circumstances of the case.
 - 4.4.5.2.2. Past criminal history of the defendant; and
 - 4.4.5.2.3. Criminal intelligence information received from a credible source.
 - 4.4.5.3. Officers should consider this when asked about any objection to a Nolle Prosequi or placing the case on the Stet Docket.
- 4.4.6. If a defendant is found "not guilty" during the court proceeding, and requests the return of seized money, officers shall advise the defendant that the request must be made in writing and forwarded to the Administrative Support Supervisor for processing.

4.5. Seizure of Conveyances

- 4.5.1. Officers will seize only those conveyances used to transport illegal CDS when possession with intent to distribute is indicated. This does not require the seizure of a large quantity of CDS, but is based on the totality of the circumstances. Examples of factors to consider include, but are not limited to:
 - 4.5.1.1. Past criminal history.
 - 4.5.1.2. Criminal intelligence information received from a credible source.
 - 4.5.1.3. Packaging and/or distribution materials located in proximity; and/or
 - 4.5.1.4. Weapons located in proximity.
- 4.5.2. Once the conveyance is seized it will be searched and all items contained therein must be inventoried.
 - 4.5.2.1. The inventory will be documented on the GPD Vehicle Inventory Form in the Conveyance Seizure Package and forwarded to the Accreditation Manager.
 - 4.5.2.2. Any items of value will be placed in the GPD Property Room for safekeeping.
- 4.5.3. The vehicle will be towed to the station's fenced lot.
 - 4.5.3.1. Photographs to show existing or old damage are recommended prior to the vehicle being towed.
- 4.5.4. The seizing officer will complete all forms contained in the Conveyance Seizure Package, following the directions listed with the package, and will:
 - 4.5.4.1. Request that the defendant sign the Conveyance Seizure Notification form requiring signature.
 - 4.5.4.1.1. If the defendant refuses to sign, the seizing officer will write "REFUSED" where the defendant would normally sign.
 - 4.5.4.2. Serve the defendant with his or her copy of the Conveyance Notification form.

- 4.5.4.3. Keep a copy of all documents for the case file.
- 4.5.4.4. Place all originals back into the package envelope, along with:
 - 4.5.4.4.1. Vehicle keys.
 - 4.5.4.4.2. Tow bill and tow slip.
 - 4.5.4.4.3. Copy of the registration card or title.
 - 4.5.4.4.4. MVA listing and copy of MVA Request for Certified Copy of Registration.
 - 4.5.4.4.5. Copy of the defendant's dissemination report, event report and other related forms; and
 - 4.5.4.4.6. Detailed instructions as to who may have contents from the vehicle, if applicable.
- 4.5.4.5. Forward the completed Conveyance Seizure Package to the Accreditation Manager prior to the end of the seizing officer's shift; and
- 4.5.4.6. Notify the Police Managers and the Accreditation Manager via email that a vehicle has been seized and the seizure packet has been provided to the Accreditation Manager.
- 4.5.5. The Administrative Bureau Commander will complete a memorandum to the Chief of Police outlining the circumstances of the seizure and recommending whether to proceed with forfeiture proceedings for the vehicle.
 - 4.5.5.1. The memorandum seizure packet should be provided to the Accreditation Manager within three (3) business days.
- 4.5.6. The seizure package must be approved and signed by the Chief of Police and received by the City Attorney's Office as soon as possible, but no later than thirty (30) days of the seizure.
 - 4.5.6.1. When the Conveyance Seizure Package is approved by the Chief of Police, the owner shall be formally

notified, via USPS Certified Mail, that the agency is in fact seeking forfeiture.

4.6. Return of Conveyance to Defendant

- 4.6.1. If it is determined by the City Attorney's Office that the conveyance will be returned, the Department will immediately return the conveyance.
- 4.6.2. The return of a conveyance to the defendant will be the responsibility of the Administrative Bureau, following written authorization from the City Attorney's Office.
- 4.6.3. The return or continuing seizure of any conveyance, after the initial filing process is completed, will be determined on a case-by-case basis by the department's Command Staff. The review of the facts of the case will be completed promptly following the conclusion of the criminal proceedings. The Command Staff will consider:
 - 4.6.3.1. The totality of circumstances of the case.
 - 4.6.3.2. Past criminal history of the defendant; and
 - 4.6.3.3. Criminal intelligence information received from a credible source.
- 4.6.4. Occasionally, incidents will occur in which it is later determined the conveyance seizure involves an "innocent owner." An "innocent owner" wishing to retrieve his or her vehicle will be referred to the Administrative Bureau, who will:
 - 4.6.4.1. Ensure that the "innocent owner" has completed and submitted a notarized "Affidavit Asserting Innocent Owner Status" (GPD Form 84.1.8); and
 - 4.6.4.2. Inform the seizing officer of the "innocent owner" claim and receive the officer's input concerning whether or not the individual meets the requirements of an "innocent owner."
- 4.6.5. If the Administrative Bureau Commander determines an "innocent owner" claim is to be taken as true, the Administrative Support Supervisor will be notified and will coordinate the release of the vehicle by:

- 4.6.5.1. Arranging to meet with a person who has legal authority to retrieve the vehicle.
 - 4.6.5.2. Requiring the person to provide adequate proof of identification.
 - 4.6.5.3. Checking the driving status of the person retrieving the vehicle, if being driven away by that person, to ensure that he or she may legally operate a motor vehicle.
 - 4.6.5.4. Ensuring that the tow bill is paid by the person retrieving the vehicle, or that the city is appropriately reimbursed if the tow bill has already been paid; and
 - 4.6.5.5. Requiring the person retrieving the vehicle to sign a Department "Receipt for Vehicle" (contained in the Conveyance Seizure Package).
- 4.6.6. When the Administrative Bureau Commander determines that the agency will not seek forfeiture of a vehicle, he or she shall direct that the owner be notified via letter, sent USPS Certified Mail, to retrieve the vehicle.
- 4.6.7. Until notice is provided by the City Attorney's Office indicating that a conveyance has been forfeited, the Department acts only as a custodian of the property.