

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

DIVISION DIRECTIVE

TITLE DRUG ENFORCEMENT FUND			PROCEDURE NUMBER PG432.0
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 06/01/04	REVIEW DATE 06/01/06
REPLACES PG432.0 "Drug Enforcement Fund", issued 02/15/02			
RELATED DIRECTIVES PG432.1, 432.2, 1200.0	REFERENCES CALEA 43, 84	AUTHORITY Commander Larry M. Brownlee, Sr.- Division Chief	

I. PURPOSE

This directive establishes procedures for the accounting of drug enforcement related monies seized pursuant to CDS related investigations and arrests by officers of this Division.

II. POLICY

It is the policy of this Division to use funds seized during drug arrests and subsequently forfeited to the Division for equipment and resources to combat drug abuse and related crime in the parks. All seizures, forfeitures and expenditures shall be made in accordance with provisions of the Maryland Code, Criminal Procedure Article 12, entitled the "Controlled Dangerous Substance Act" and other existing Federal, State, and Local Laws, including rules and regulations.

III. DESCRIPTION

- A. The Park Police State Drug Enforcement Fund is established under state and county laws. Funds are deposited, upon seizure, into a State Drug Enforcement Fund escrow account. Upon approval by the Prince George's County State's Attorney's Office, it is released into the possession of the Park Police. This fund is not part of the Division's operating budget, and is classified by the Finance Department as an Expendable Trust Fund. The use of State Drug Enforcement Funds is limited to the purchase of equipment, supplies, training and resources directly used in the enforcement of drug related crimes. It is not used to fund salaries or other expenses identified in the Division's operating budget.
- B. The Park Police Federal Drug Enforcement Fund is established under federal laws. Funds are deposited, upon forfeiture, into the Park Police Federal Drug Enforcement Fund (Section IV. B. 1-6 under the HIDTA Task Force Operations). This fund is not part of the Division's operating budget, and is classified by the Finance Department as an Expendable Trust Fund. The use of the Federal Drug Enforcement Funds is limited to the

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purchase of equipment, supplies, training and resources related to the enforcement of drug related crimes. It is not used to fund salaries or other expenses identified in the Division's operating budget. Money deposited as a result of federal forfeitures shall be separated from those funds seized under Section III. A., above.

IV. PARK POLICE DRUG ENFORCEMENT FUNDS PROCEDURES

A. Park Police State Drug Enforcement Fund Procedures

1. 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 property to rebut this presumption.

2. 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.

3. 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 (attached). Copies of this form shall be distributed as follows:

- 1) Original- Property Specialist
- 2) Photocopy- Defendant
- 3) Photocopy- Seizing Officer

- b. If the money or currency seized is \$300 or more the officer shall contact the Asset Forfeiture Unit of the State's Attorney's Office at (301)952-3514 and screen the seizure within one week of the seizure.
- c. The officer shall supply the State's Attorney's Office with copies of all crime reports, drug reports, property reports, currency turn in report,

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notice of money or currency report and a criminal history of the person(s) arrested.

- d. If the defendant inquires about having the monies/currency returned he/she shall be directed to the State's Attorney's Office or he/she may file a petition in District Court.
4. 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.
 - 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.
 5. Verification Procedures
 - a. The on-duty Operations Duty Officer (ODO) and/or Squad Supervisor shall personally respond and verify the exact amount of monies seized. The Operations Duty Officer/Squad Supervisor shall sign 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. The monies will then be photocopied or photographed and a copy will be placed in the evidence bag. The evidence bag will then be heat sealed and a seal guard evidence strip will be placed over the heat seal initialed and dated. Once this is completed the Operations Duty Officer/Squad Supervisor will accompany the arresting officer to the evidence vault and witness the monies being placed in evidence.
 - b. The Property Specialist, 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.
 6. Storage of Seized Monies
 - 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.
 - * 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.

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- b. The 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.
- B. Park Police Federal Drug Enforcement Fund (HIDTA Task Force Operations) Procedures
- 1. All funds seized as a result of a HIDTA Task Force case shall be processed in accordance with HIDTA, DEA, and U.S. Department of Justice procedures.
 - 2. The Park Police Officer assigned to the task force shall complete a DAG-71 form, "Application for Transfer of Federally Forfeited Property". As a participating agency of the HIDTA Task Force, the Division receives a share of forfeited assets based on an agreed formula outlined in the task force Memorandum of Understanding (MOU).
 - 3. The completed DAG-71 is forwarded to the Chief, Park Police Division, for review and signature. Upon approval, the form is then forwarded back to HIDTA Asset Forfeiture Unit for processing.
 - 4. Following established HIDTA, DEA, and U.S. Department of Justice procedures, the HIDTA Asset Forfeiture Unit shall send the fund share to the Chief, Park Police Division in the form of a check made payable to the "Maryland-National Capital Park & Planning Commission" for deposit in the Park Police Federal Drug Enforcement Fund.
 - 5. The Division Chief's Executive Lieutenant shall make a photocopy of the check and any accompanying documentation. The check from HIDTA shall be deposited into the Federal Drug Enforcement Fund account #595421, indicating the HIDTA case number and the defendant's last name (if available) on the Remittance Advice form. 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.
 - 6. The Division Chief's Executive Lieutenant shall forward a copy of the Remittance Advice form, deposit slip, check and any accompanying documentation to the M-NCPPC Cash Management Office.

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C. Expenditures

1. All expenditures from the Park Police Federal Drug Enforcement Fund shall be in accordance with U.S. Department of Justice “Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies”, Section X. and for the Park Police State Drug Enforcement Fund shall be in accordance with the Criminal Procedure Article 12, “Controlled Dangerous Substance Act”, for drug enforcement-related resources.
2. All requests for expenditures shall be made on a Park Police Internal Materials Request - Drug Enforcement Form (copy attached). Justification shall be included on the form, outlining the need for the item(s) and their relationship to the Drug Enforcement Program. The materials request - drug enforcement form shall be approved by the Assistant Chief, in their respective sections, before submission to the Chief, Park Police Division, who then forwards the request to the Director of Parks and Recreation for final approval.
3. Criteria to be used in approving both Park Police State and Federal Drug Enforcement Fund expenditures shall, at a minimum, include the following:
 - a. Relationship to the drug enforcement program.
 - b. Not currently in operating budget funds.
 - c. Not an on-going expense.
 - d. Not a personnel service expense.
4. Once the materials request is approved by the Director of Parks and Recreation, the appropriate purchasing documents shall be prepared by the Police Division Fiscal Affairs Unit, following the procedures for purchasing established by the Division and the M-NCPPC Practice 4-10, “Purchasing”. The account code for expenditures for the Park Police State Drug Enforcement Fund is account #594309 and for the Park Police Federal Drug Enforcement Fund is account #595421, followed by the appropriate sub-object code.
5. Upon approval of the purchasing document by the Director of Parks and Recreation, the Purchasing Division shall process the document following established procedures.

V. RECORD KEEPING/TRACKING

- A. The Property Specialist shall keep a log of all seized escrow funds. This log shall include the case number, date, defendant’s name, court tracking number, and date of release from escrow or return to the defendant.
- B. The M-NCPPC Finance Division shall track all funds deposited to the Park Police Drug Enforcement Fund.

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- C. The Police Division's Fiscal Affairs Unit shall maintain a log of all expenditures under the Park Police State and Federal Drug Enforcement Fund, showing the purchasing document number, vendor, equipment, date and a running total of the funds remaining in the Park Police Drug Enforcement Fund.
- D. The M-NCPPC Finance Division will prepare the required Drug Enforcement Funds Federal Equitable Sharing Agreement and Annual Certification Report no later than sixty (60) days after the close of the fiscal year.

VI. DEPOSIT OF MONIES (CURRENCY)

- A. The Property Specialist is responsible for depositing all monies seized as a result of actions taken by officers arresting person(s) under the forfeiture section of the Criminal Procedure Article 12-202- "Controlled Dangerous Substance Act".
- B. All deposits will be completed by the Property Specialist for the Park Police State Drug Enforcement Fund and by the Office of Division Chief Executive Lieutenant for the Park Police Federal Drug Enforcement Fund.
- C. All deposits will be made at the closest branch of the Bank of America, or whatever bank is the authorized depository of the M-NCPPC. The Property Specialist will complete the bank Deposit and Remittance Advice forms. Two (2) copies of the Deposit slip will be returned as receipts. One (1) copy of the Deposit slip, along with the original and a copy of the Remittance Advice form will be submitted to Cash Management in the Bi-County offices of M-NCPPC. One (1) copy of the Remittance Advice and a copy of the Deposit slip will be retained in the Property Specialist's office. The Assistant Chief, Support Operations will submit a monthly report stating all deposits, and acknowledging a cumulative total of monies placed on deposit. The Remittance Advice form will note **"Seized Money Escrow", Index Code 594309; "Fines Forfeitures and Penalties," Sub-Object Code 8862.** Copies of the monthly report will be sent to the Director of Parks and Recreation and the Secretary-Treasurer of the M-NCPPC. Each copy of this report will include a signature page, requesting each recipient of the report to sign off and send the original receipt back to the Assistant Chief, Support Operations.
- D. The guidelines of M-NCPPC Practice 3-13, with amendments and revisions, must be adhered to.
- E. This account is subject, at any time, to audit by members of the Audit Division of the Finance Department of the M-NCPPC.
- F. On a semi-annual basis (January 1 and July 1), the Assistant Chief, Support Operations will, in writing, direct any inquiry to the Secretary-Treasurer for M-NCPPC, concerning a descriptive analysis of the use of this fund. The requested report should include all deposits made by date, the amount, and any expenditures from the account.

VII. WITHDRAWAL OF FUNDS

- A. Funds may be withdrawn from these accounts only through Materials Request (Purchase Orders). Coding information should reflect Index Code #594309 (State) or #595421 (Federal), with the appropriate expenditure Sub-Object Code. The approval for either form must be made by the Director of Parks and Recreation.
- B. Withdrawal of funds can only be done as a means for drug enforcement investigation, training or for the purchase of equipment.
 1. If funds are requested for drug enforcement investigation, the following steps will be followed:
 - a. A Memorandum, listing the target investigation site(s), will be submitted through the Chain-of Command to the Director of Parks and Recreation. All probable cause necessary to effect an arrest will be considered as essential criteria in obtaining the approval of these funds.
 - b. If approval is received, the money will be drawn through utilization of a Check Request. The Check Request must be directed to a supervisory officer who will be overseeing the drug enforcement investigation. Again, the Check Request must be approved by the Director of Parks and Recreation.
 - c. The supervisory officer is responsible for submitting a detailed report of the expenditure. Copies of the M-NCPPC check must be a part of this report. Prior to using any money for the transactions, the serial number of all bills to be used will be recorded.
 - d. Upon making an arrest, any bills seized from the defendant(s), for which the serial number was recorded, will be kept separate from any other monies confiscated from the defendant. Within twenty-four (24) hours after making the arrest(s), all advanced monies will be re-deposited by the Property Specialist, as noted in Section VI. The Remittance Advice form will also note the number of the M-NCPPC check. A copy of this expenditure report will be sent to the Secretary-Treasurer, and will require a signature page.
 2. If funds are requested for purchase of equipment, the priority will be based on such, as equipment is necessary to fight the war on drugs. Such equipment can be for surveillance, education, or other appropriate avenues of drug war enforcement.
 - a. The Park Police Division Chief will submit the request, in writing, through the Chain-of Command to the Director of Parks and Recreation. It should outline the amount of monies in the account, and specify the type of equipment requested, and what its

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- purpose will be in the fight against drugs.
- b. The above memorandum should include a M-NCPPC Purchasing Agreement and other appropriate material, as necessary.
 - c. Only the Director of Parks and Recreation can approve expenditures from this account.
 - d. If the matter is approved, the Assistant Chief, Support Operations will forward all information to the Secretary-Treasurer of M-NCPPC, once the item has been received.

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