



# Rochester Police Department Training Bulletin



EFFECTIVE DATE: May 17, 2004	SUBJECT: <b>FORFEITURE PROCEDURES FOR CURRENCY AND VEHICLES</b>	Bulletin# P-44-04
RESCINDS: T.B. New	REFERENCE STANDARD(S): <b>CALEA:</b> <b>NYS:</b>	PAGE 1 of 2

The following Training Bulletin is to assist personnel with forfeitures. Please refer to this Training Bulletin and General Orders 450 on "Property Evidence/Property Custody" and 511 on "Vehicle Towing/Storage Tow Report."

### Federal Forfeiture Thresholds for Cash:

(To be followed in conjunction with General Order #450)

- \$1000 Minimum with a drug related arrest
- Includes arrest for Unlawful Possession of Marijuana on a case-by-case basis.
- \$5000 minimum without an arrest

### State Forfeiture thresholds for cash:

- \$300 Minimum
- Felony drug arrest generally required

### Documentation:

Be specific; indicate where property was located as well as the circumstances which led to recovery of property;

Document statements/comments made by suspects; often times their stories will change at a later date, or they are unable to prove what they had initially reported; i.e. relative to money in question, the suspect claims that he had withdrawn money from the bank earlier that day; when the time comes for the suspect to put a claim in for the money, he will then have to furnish bank records to support his claim that he withdrew money from bank; often times a person will claim that he earned the money in question at his job, however it is later ascertained that the subject is not employed;

It is also important to document a statement when someone denies knowledge of recovered money. If you ask the question, "and who does this belong to?" The suspect replies, "I don't know, it's not mine."

### Documentation is key!!!!

- Be specific with currency
- How much?
- Where located - proximity to drugs, paraphernalia, and/or records
- How packaged - rubber banded, folded over, \$100 bundles, etc.
- Denomination of bills (this is important - especially when a subject puts in a claim for the money)



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Do not aggregate currency – Be specific as to how much money was found at certain locations; often times federal forfeiture guidelines dictate that we cannot aggregate currency on forfeiture cases, therefore we need to know specifically how much money was recovered from a specific location;

### **Counting currency**

- Ask subject how much money there is prior to counting it:
- When possible count the currency in front of subject and give receipt:
- If it is not feasible to count the money on scene, then seal it in an evidence bag and conduct the count later; (remember to document your actions)
- If necessary utilize a drug detection dog on the currency; K9 officer should supply you with a supporting deposition and an Investigative Action report;
- If K9 unit is not available and you need to have the currency checked, then seal the money in evidence bag, submit to property clerks office, indicating on property sheet to hold for “Evidence” and “Do not deposit – Hold for K9 check”. The K9 check will be conducted at a location designated suitable by the Property Clerk’s Office and the Technical Services Section.
- Notify the asset/forfeiture coordinator about the case via a phone call or groupwise;

### **VEHICLE PROCEDURES**

(To be followed in conjunction with General Order 511, Vehicle Towing and Storage.)

- When towing a vehicle, it is necessary to prepare an RPD Tow Report (RPD #1212)
- When placing a “Hold” on vehicle, indicate the reason for the hold, officer who placed hold on vehicle, and arrestee information if applicable.
- If possible, close all windows on vehicle, and keep keys with vehicle.
- Make sure that any valuables are secured in accordance with General Order #511.
- When conducting a search of a vehicle, attempt to locate items which tie a suspect to the vehicle; often times vehicles are registered and/or titled to someone other than the suspect, even though the suspect is the primary operator; when we attempt to seize a vehicle through the forfeiture process, we often need to connect the suspect directly to the vehicle, this being done through documentation found in the vehicle, FIF’s, informant information, and statements or admissions made by the suspect:
- When recovering property from a vehicle, you should take photos of the item, and location where it was found; you should also indicate in reports where property was located, and how it was packaged.

If you have any questions in regards to these procedures refer to your General Orders 450 on “Property Evidence/Property Custody” and 511 on “Vehicle Towing/Storage Tow Report.”

You can also contact members of the Special Investigation Section for assistance.

**Special thanks to Investigator Robert Wetzel for developing this Training Bulletin.**