

## BLOOMINGTON POLICE DEPARTMENT

### STANDARD OPERATING PROCEDURE

#### SEIZURE AND SUBMISSION OF CURRENCY

Reviewed by: Sgt. Jared Bierbaum	Effective Date: August 1, 1996
Authorized by: Chief Jamal A. Simington	Revision Date: November 8, 2022

#### PURPOSE

The purpose of this SOP is to establish the procedure for handling, counting, submitting, and documenting monetary seizures by personnel of the Bloomington Police Department. A standard procedure is necessary to minimize the chances of error in handling these funds. The intent of this procedure is to protect the integrity of individual officers and of the Department, to strengthen the criminal case, and to reduce police exposure to liability arising from inadequate procedures.

#### PROCEDURE

Monetary seizures for asset forfeiture will be submitted to the seizure safe at the Command Tower. The following guidelines will be used when seizing currency:

1. The officer seizing the funds will make every effort to count the currency being seized and note this amount on a [Notice of Seizure for Forfeiture Form](#) to be given to the person of whom the currency is being seized from. If weather, officer safety, the currency being of a very large amount, or other circumstances prevent the immediate count of the currency, the seizing officer will query the person of whom the currency is being seized from as to how much money the person believes the officer is seizing and the seizing officer will note this amount on a Notice of Seizure for Forfeiture Form.
  - a. Every attempt should be made to record this initial count of currency with a Body Worn Camera (BWC) or other recording device.
  - b. The seizing officer will attempt to obtain that person's signature on the receipt (if possible). This is done by attempting to have the person sign the Notice of Seizure for Forfeiture Form and then making a copy of the form, providing the person with the copy, and **keeping the original for the officer.**
  - c. It is best practice to capture any dialogue and transaction of paperwork on a recording (e.g., during a recorded interview in a CID interview room or through the usage of a body-worn camera).
  - d. If the person refuses to sign the Notice of Seizure for Forfeiture, the officer shall document "refused to sign" on the signature line.
  - e. If an officer is unable to immediately provide a person with the Notice of Seizure for Forfeiture, the officer shall make every attempt to deliver the Notice of Seizure for Forfeiture to the person through face-to-face contact or via certified mail. In no circumstance should the Notice of Seizure for Forfeiture be "added" or "dropped" into the personal property of a custody at the McLean County Detention Facility (MCDF). This is improper service. The officer must, in this case, meet with the custody at the MCDF and provide the custody with the Notice of Seizure for Forfeiture. A copy of the Notice of Seizure for Forfeiture will need to be provided to the Administrative Sergeant for proper filing.

2. When money is seized for asset forfeiture (not for money being held as evidence, such as recovered stolen money, buy money, etc.) in conjunction with a criminal investigation, it will be placed in a container by the seizing officer as soon as possible and sealed until it can be counted in a controlled environment.
3. As soon as practical, the seized funds will be taken to a controlled environment (e.g., the police station) to be counted.
4. In all cases, the opening of the package will be witnessed by a sworn officer. The seizing officer and the witness officer will individually count the seized funds. If there is a discrepancy, the funds will be recounted individually until there is a consensus on the amount. In the event the seized funds obviously exceed \$1,000, a supervisor will be present when the package is opened and will individually count the seized money. Again, in the case of a discrepancy, the money will be counted until there is a consensus. All parties will count the seizure in its entirety. In no case will individuals count a portion of the funds and then total the individual counts. A currency form must be completed and signed by the two officers conducting the count.
5. If the funds counted exceeds \$1,000, one of the signatures on the currency form shall be that of a supervisor during the count. The currency form will be sealed together with the currency in plastic. Both counting officers (the same two officers who signed the currency form) will initial, date, and write the case number on the seals of the plastic evidence packaging. **The currency, along with the total, will still need to be entered into EJS in the property section but NOT entered into evidence. There will be no EJS label printed.** However, it will be necessary to assign any currency seized an exhibit number to complete the [Affidavit in Support of Forfeiture](#). This exhibit number should be noted on the currency form and the subsequent [Affidavit in Support of Forfeiture](#).
6. If the currency is seized for evidence purposes, a currency form is still to be completed and signed by the two officers conducting the count. The currency form will be sealed together with the currency in plastic. However, only the seizing officer needs to initial, date, and write the case number on the seals of the plastic evidence packaging. An EJS property label shall also be included in the evidence packaging.
7. The officer seizing the funds will query the person as to the amount and document this in a supplemental case report. The seizing officer will receive (via a [Notice of Seizure for Forfeiture Form](#)) the amount of currency (determined by the above procedure) to the person from whom the funds were seized and obtain that person's signature on the receipt (if possible). This is done by attempting to have the person sign the Notice of Seizure for Forfeiture Form and then making a copy of the form, providing the person with the copy, and **keeping the original for the officer**. It is best practice to capture any dialogue and transaction of paperwork on a recording (e.g., during a recorded interview in a CID interview room or through the usage of a body-worn camera). If the person refuses to sign the Notice of Seizure for Forfeiture, the officer shall document "refused to sign" on the signature line. If an officer is unable to immediately provide a person with the Notice of Seizure for Forfeiture, the officer shall make every attempt to deliver the Notice of Seizure for Forfeiture to the person through face-to-face contact or via certified mail. In no circumstance should the Notice of Seizure for Forfeiture be "added" or "dropped" into the personal property of a custody at the McLean County Detention Facility (MCDF). This is improper service. The officer must, in this case, meet with the custody at the MCDF and provide the custody with the Notice of Seizure for Forfeiture. A copy of the Notice of Seizure for Forfeiture will need to be provided to the Administrative Sergeant for proper filing.

8. The seized funds will then be submitted to the BPD seizure safe at the command tower. A supervisor will witness the officer placing the currency into the safe. It is not necessary for the supervisor witnessing the submission to count the contents of the sealed package, which is initialed by two officers. The supervisor need only witness that it was placed in the safe by at least one of the officers who counted it. The supervisor who witnesses the deposit will record in the logbook at the safe the following information:
  - a. Name of officer submitting the money
  - b. Case number
  - c. Reported amount contained in a sealed package
  - d. Date and time of submission
  - e. Signature and payroll ID of the supervisor witnessing the submission
9. The case report for the seizure will include the following information:
  - a. The name of the person who found the money when appropriate
  - b. The time the money was seized
  - c. Who seized the money
  - d. When it was transported and to where it was transported
  - e. Who counted the money
  - f. Total amount of money
  - g. The name of the officer submitting the currency to the BPD seizure safe
10. The officer seizing the funds will notify the Administrative Sergeant of the seizure by sending an e-mail. The e-mail will include the case number of the incident report, the amount of the seizure, and the circumstances of the seizure. **The officer seizing the funds is responsible for completing an [Affidavit in Support of Forfeiture](#) and then providing this form along with the original copy of the Notice of Seizure for Forfeiture to the Administrative Sergeant.** The Administrative Sergeant will complete the necessary seizure paperwork and forward it to the State's Attorney's Office.
11. Those designated by the Chief of Police will be responsible for removing money from the BPD seizure safe to deposit into the BPD seizure account at the designated financial institution. Upon removing sealed packages of currency from the safe, the person retrieving the packages will note in the same logbook attached to the safe the following:
  - a. Date/Time of removal
  - b. Signature and payroll ID of the person removing the money
12. When removing the money from the BPD seizure safe, it will immediately be taken to the designated financial institution for deposit in its sealed state. The exhibit will be opened and counted in the presence of the institution employees and subsequently deposited. There will be separate transactions conducted for each case number. If there are multiple exhibits from one case, they may be deposited together in one transaction or separately. The deposit receipt and currency form must be routed to the Administrative Sergeant. The Administrative Sergeant will file the original copies with existing seizure paperwork. The Administrative Sergeant will attach the digital scan of the receipt to the electronic file of the case.

Additional resources and instructions regarding the completion of the seizure paperwork for currency can be found here: [SOP 1.13 Appendix](#).