

## Rules and Procedures

### Rule 309A

May 8, 2006

#### Rule 309A - Handling and Disposition of Seized Money

In conformance with Rule 112, Sec. 2, Special Order 92-16, Handling and Disposition of Seized Money, dated April 15, 1992, is hereby incorporated as Rule 309A. The provisions of this Rule are effective immediately and all previously issued Rules, Orders, Memorandums and Directives on this subject are hereby rescinded and replaced by its provisions.

#### PURPOSE:

To ensure the proper handling, documentation and disposition of all U. S. Currency coming into the possession or custody of personnel during the course of their duties.

#### Sec. 1 EVIDENCE AND NON-DRUG FORFEITURE PROCEDURES

Whenever a member of the Department comes into the possession or custody of U.S. currency seized pursuant to any action that does not come under the terms of M.G.L. c. 94C, section 47, a Seized Money Form ([BPD #2292A](#)) will be completed and such money will be delivered to the Central Cashier's Unit, Bureau of Administration and Technology, in accordance with established procedure, and held there for safekeeping.

Note: A Seized Money Form ([BPD #2292A](#)) will be completed for each defendant from whom money was seized.

#### Sec. 2 DRUG FORFEITURE PROCEDURES

Whenever a member of this department comes into possession or custody of U.S. currency seized pursuant to the terms of M.G.L. c. 94C, section 47, his/her District or Unit Commanding Officer will ensure that the officer involved completes a Seized Money Form ([BPD #2292B](#)). The seized money will be counted by the officer in the presence of a superior officer, both of whom will sign the Seized Money Form to verify the amount enclosed.

The Seized Money Form ([BPD #2292B](#)) will consist of an original and three (3) copies to be routed as follows:

- § A copy to be retained by the officer who initiated the Seized Money Form
- § A copy to be filed at the district where the seizure was made
- § The original and one copy to accompany the seized money to the Financial Evidence Officer, Drug Control Unit.

The seized money, a copy of the 1.1 incident report, and the original and one copy of the Seized Money Form will be placed in a plastic evidence bag and heat sealed.

Personnel shall comply with all existing procedures as set forth in Department Rule 309, Procedures For Handling Physical Evidence and Other Property Coming Into Police Custody, and Department Rule 318, Prisoners.

Note: A Seized Money Form (BPD #2292B) will be completed for each defendant from whom money was seized.

### Sec. 3 DELIVERY PROCEDURES

All officers, on a twenty-four (24) hour basis, will have delivery access to a drop safe located at Boston Police Headquarters, 1 Schroeder Plaza, Main Lobby. The officer depositing the heat sealed money package will make an entry in a control log (BPD Form #2577) that will be in the custody of the officer on duty at the main desk. The depositing officer will enter the following information on the control log:

- § Time and date of delivery
- § CC#
- § Printed name and signature of the officer making the deposit
- § I.D.# and Unit of the officer making the deposit.

The officer making the delivery will then deposit the heat sealed money package into the drop safe.

### Sec. 4 FINANCIAL EVIDENCE OFFICER, DRUG CONTROL UNIT

The Financial Evidence Officer will retrieve the money package from the safe deposit box. The Financial Evidence Officer will unseal the money package in the presence of a superior officer and both will verify the amount deposited by signing the Seized Money Form. The signed original of the Seized Money Form will then be placed in the Financial Evidence Unit files and the signed copy of the Seized Money Form will be returned to the originating District/Unit.

If a discrepancy in the amount is noted, the Financial Evidence Officer will submit a Form #26 report to the Commanding Officer of the Drug Control Unit immediately upon discovery. The Commanding Officer of the Drug Control Unit will notify the Commanding Officer of the District/Unit involved as soon as practicable. If the discrepancy cannot be resolved within the District/Units involved, the Drug Control Unit Commander will forward all information concerning the discrepancy to the Chief, Bureau of Investigative Services and the Chief, Bureau of Professional Standards and Development.

### Sec. 5 DISPOSITION

The Financial Evidence Officer will deposit the money in the Boston Police Department Special Drug Evidence Account. The officer assigned to the case will bring his copy of the Seized Money Form, signed by the Financial Evidence Officer, to any court appearance. Any additional requests from the Court will be referred to the Financial Evidence Officer for compliance.

The District Attorney's Office will forward to the Financial Evidence Officer all orders of judgment issued by the court in matters of final disposition of seized money and awarding of said money or a portion thereof to the Boston Police Department. The Financial Evidence Officer will ensure delivery of said documentation to the Chief, Bureau of Investigative Services and to the Drug Evidence Account Administrator at City Hall. The Drug Evidence Account Administrator will deliver the respective forfeiture amounts to the City Treasury Trust Office for deposit into the Law Enforcement Trust Fund. The Drug Evidence Account Administrator will also distribute so ordered forfeiture proceeds to the Suffolk County District Attorney's Office.

The Chief, Bureau of Investigative Services or his designee will provide any required documentation to the Bureau of Administration and Technology's Finance Division.

Kathleen M. O'Toole  
Police Commissioner

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 4.