

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 11.3
	Effective Date: 05/03/04
	Prv. Rev. Date: 10/01/20
	Revised Date: 12/19/22
Chapter: Evidence and Property	Accreditation Standards: KACP: 27.4
Subject: Currency	

11.3.4 CURRENCY SEIZED FOR FORFEITURE (CONTINUED)

immediately activate their **Body-Worn Camera (BWC)** in recording mode.

- If officers believe the amount of currency to be seized is in excess of \$25,000, officers will contact their supervisor and request that Asset Forfeiture responds. Asset Forfeiture will respond to the scene of the seizure and process the seizure.
- In most cases, currency will not be counted at the time of seizure. If an officer needs to count the currency before the seizure, he/she may do so; however, the amount will not be recorded on any official departmental forms. The officer may make a notation of his/her “unofficial” count in his/her notes. Officers who are seizing currency from a business are not restricted from providing the business with an “unofficial” count.
- If the currency is being seized during the execution of a search warrant, then the words “**An Undetermined Amount of U.S. Currency**” will be listed on the search warrant or Search Warrant Inventory form (LMPD #06-0037).
- If currency is found on, or in the area of, a subject who is in custody, the person(s) will be read his/her Miranda warning(s). The officer(s) will then inquire as to whether any person present claims the currency. If a person claims ownership of the currency, the person will be allowed to witness the packaging of the currency, unless his/her presence is a threat to the officer(s), or others. If the currency is not claimed by anyone, or if currency is seized in an unoccupied area, this information will be documented on the Currency Seizure form (LMPD #04-11-0070), the Request for Forfeiture form (LMPD #03-11-0071), and, if applicable, the Disclaimer of Ownership form (LMPD #09-0001).
- When currency is seized from an individual, the Currency Seizure form will be signed by the individual, the seizing officer, and the witnessing officer. The Currency Seizure form will state “**An Undetermined Amount of U.S. Currency.**” A separate Currency Seizure form will be completed for each currency evidence bag that is being used.
- The seizing officer will place the currency into a currency evidence bag, seal the bag, and give the Control Number tag to the subject. The seizing officer will explain to him/her that the Control Number tag on the currency evidence bag acts as a receipt for the seizure and that the bag will remain sealed until it is opened and counted by EPU personnel. Nothing other than currency (e.g. wallets, ID cards, Social Security cards, etc.) will be sealed inside of the currency evidence bag. All additional items should be logged in separately at the EPU. Special care should be taken when packaging coins so that the currency evidence bag can withstand the weight.
- If currency is seized from the possession of a known individual, that individual should remain on-site until the currency has been photographed and sealed in a currency evidence bag, unless the individual’s presence presents a threat to the seizing officer(s), or others.
- If the currency being seized is from an individual who is not at the scene, or if an individual refuses to sign the Currency Seizure form, a commanding officer will respond to the scene to sign the form and note the circumstances.
- All currency seized for forfeiture should be photographed in the same location and in the same position that it was discovered, unless photography is impractical or unsafe.
- The photographs will be uploaded into the Digital **Evidence** Management System (**DEMS**) (refer to SOP 4.26).
- The witnessing officer must ride with the seizing officer to the EPU. Both officers will have their **BWC** in recording mode during the transport and delivery to the EPU.

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11.3.4 CURRENCY SEIZED FOR FORFEITURE (CONTINUED)

- Officers will complete the Request for Forfeiture form prior to placing the currency in the EPU. The Request for Forfeiture form must state **“An Undetermined Amount of U.S. Currency”** when submitted. A copy of the Request for Forfeiture form will be presented to the EPU personnel when depositing the currency.
- When the officer arrives at the EPU, the EPU personnel will inspect the currency evidence bag to see that it has not been tampered with or compromised. If the currency evidence bag has been compromised, in any way, the EPU will reject the acceptance of the currency evidence bag and the officer will then contact his/her commanding officer. The commanding officer will inspect the currency evidence bag and determine why the bag has been compromised. The commanding officer and the seizing officer will then place the compromised currency evidence bag into another currency evidence bag. The commanding officer will note on the Currency Seizure form the reason why the original currency evidence bag was compromised and placed into a new bag.
- Once EPU personnel have made the appropriate entry into the Records Management System (RMS) and attached the label, the officer will place the currency evidence bag into the temporary drop box.
- The Property Room Supervisor will remove the currency evidence bags from the drop box. Two (2) EPU personnel (including one (1) supervisor) will conduct a count to obtain an exact dollar amount to be entered for each RMS entry. **The count will be conducted on camera and a money counter will be utilized during the process.** Once the count is obtained, the currency will be sealed inside new bank bags and deposit slips will be completed. A copy of the deposit slip will be sent to the bank with the deposit, via a contracted cash services transportation company.
- The Office of Management and Budget (OMB) Cash Management Division will receive the deposit report from the bank and will notify EPU personnel of any miscount or counterfeit money. If this occurs, a Property Room Supervisor will update RMS to reflect the miscount and/or the presence of counterfeit money. The seizing officer and Asset Forfeiture are responsible for utilizing the RMS to determine the official count.
- The seizing officer will provide his/her commanding officer with a copy of the Request for Forfeiture form and email the Request for Forfeiture form to “LMPD Forfeitures,” located within the department’s email distribution list, by the end of his/her tour of duty.
- The commanding officer will review and initial the form and then forward it to the division/section/unit commander. If the forfeiture is approved by the division/section/unit commander, the form will be distributed as follows:
 - A copy of the form will be maintained in division/section/unit files.
 - The original form will be sent to the Legal Advisor’s Office for final review.

If the forfeiture is approved by the Legal Advisor’s Office, the officer will:

- Request that the prosecutor makes a motion for forfeiture after the disposition of the case.
- Return the completed court order to Asset Forfeiture, who will provide a copy of the court order to the EPU and the OMB Compliance Office.

If the forfeiture is not approved, the Request for Forfeiture form will be returned to the appropriate division/section/unit and the investigating officer(s) will have seven (7) days to articulate any additional information for the forfeiture and resubmit the form to the Legal Advisor.

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11.3.5 CURRENCY HELD AS PHYSICAL EVIDENCE

All incoming money will be deposited in the bank, unless there is a justifiable evidentiary reason for not depositing the cash. Such situations are closely monitored and are the exception rather than the rule. An example would be any money that has forensic evidentiary value (e.g. blood on the bills, a fingerprint on a bill, dye on the bills from a bank robbery). Requests to hold narcotic/vice proceeds (e.g. dealer bank rolls, gambling funds, etc.) will generally not be approved. This evidence is treated as currency seized for forfeiture (refer to SOP 11.3.3).

Any collectible or foreign currency (except currency held for safekeeping) is handled as money being held as physical evidence.

The following procedures will be followed when an officer wishes to hold money as physical evidence:

- Currency that needs to be held as physical evidence must be photographed with sufficient detail that the serial numbers are legible. If the currency is photocopied, in accordance with federal law, it should be photocopied so that the size is different from the actual size (e.g. 75% or 125%).
- The officer will upload all images into the **DEMS**. In the event that photographs are needed for court, the officer will request that prints be made by the Photo Lab (refer to SOP 4.26).
- The seizing officer, in the presence of a witnessing officer, will count the currency and complete a Request to Hold Money form (LMPD #03-11-0601) to document the number and denomination of each bill. This currency will not be sealed inside of a currency evidence bag at the scene.
- Both the seizing officer and the witnessing officer will activate their **BWC** in recording mode from the time of discovery until submitting the currency at the EPU. The witnessing officer must ride in the same vehicle when transporting the currency to the EPU.
- Upon entering the currency at the EPU, the depositing officer and the clerk must agree on the currency count.
- The clerk will package the money in an evidence envelope and both the depositing officer, and the clerk, will initial the evidence tape.
- The clerk will make a copy of the Request to Hold Money form for the depositing officer. The copy of the Request to Hold Money form will remain in the officer's case file with the EPU receipt.
- The original Request to Hold Money form will be attached to the outside of the currency evidence envelope and forwarded to a Property Room Supervisor for approval, who will make the decision as to whether to hold the money or deposit it.
- Only if the Property Room Supervisor authorizes the hold will the money be kept as physical evidence in the EPU. If the Property Room Supervisor does not authorize the money to be held as physical evidence, the seizing officer will be notified that the money is being deposited. The seizing officer will then complete the Request for Forfeiture form (LMPD #03-11-0071) or release the money as personal property to the owner by completing the Property Disposition form (LMPD #0070-97).
- The seizing officer will provide his/her commanding officer and the Property Room Supervisor with a copy of the Request for Forfeiture form and email the Request for Forfeiture form to "LMPD Forfeitures," located within the department's email distribution list, by the end of his/her tour of duty.

Money evidence that has been signed out for investigation, court, or viewing and is returned to the EPU with the seal broken, will be recounted and resealed by the clerk who is accepting the return of the currency evidence envelope. If there are any discrepancies, the clerk will immediately notify a Property Room Supervisor.

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11.3.6 CURRENCY HELD FOR SAFEKEEPING (FOUND OR PERSONAL PROPERTY)

It may be necessary to hold currency that is found or is personal property for safekeeping in the EPU. This money will be counted at the EPU. **The count will be conducted on camera and a money counter will be utilized during the process.** The depositing officer and the clerk must agree on the currency count.

Once the currency is placed in the EPU for safekeeping, a letter of notification will be issued to the rightful owner, informing him/her that his/her currency is available for pickup. If the rightful owner of the currency is deceased, the currency will only be released pursuant to a court order.

11.3.7 DISPOSAL AND RELEASE OF MONETARY SEIZURES

At the conclusion of a case where a monetary seizure is approved for forfeiture, the officer will request that the prosecutor obtain a written court order specifying that the forfeited property is to be delivered to the LMPD. If the forfeiture is approved by a judge, the officer will immediately send or deliver the signed court order to Asset Forfeiture, located at 701 West Ormsby Avenue, Suite 102. Asset Forfeiture will be responsible for forwarding a copy of the signed court order to the EPU and the OMB Compliance Office. The department cannot receive the funds without a court order forfeiting the money to the LMPD.

When an officer no longer needs to retain money, and a written forfeiture order was not obtained, the officer will provide the EPU with the name and address of the person who is to receive the money. This information will be provided by the completion of the Property Disposition form (LMPD #0070-97) or by completing the Active Evidence Report (disposal slip), which is supplied by the EPU. EPU personnel will then send a letter to the person who is indicated on the form, advising him/her of the money's existence and how to claim the money. If a response regarding the money is not received within 90 days, the money is considered abandoned property. The Property Room Supervisor then lists the abandoned money on a court order for a judge's approval. The funds will then be forfeited to the appropriate governmental entity.