

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 3 - LAW ENFORCEMENT
GENERAL ORDER

March 15, 2019
INDEX NO. 3.5

CASH OPERATIONS

I. PURPOSE

The purpose of this General Order is to establish procedures for the maintenance of all cash funds or cash transactions where agency personnel are required to receive, maintain or disperse cash funds.

II. POLICY

- A. It is the policy of the Department to monitor all budgetary activity, including the control of all cash funds.
- B. The control and maintenance of the Department's cash funds is done in conjunction with the City Treasurer's Office, Purchasing Department and Accounting Department.
- C. All cash accounts will be maintained by established procedures, at a minimum, for:
 - 1. A system that identifies the initial balance, credits, debits and the balance on hand.
 - 2. Issuing receipts for cash received.
 - 3. Authorization for cash disbursements, including the authority to authorize cash disbursements for given amounts of money.
 - 4. Records, documentation or invoice requirements for cash expenditures.
 - 5. Personnel or positions authorized to disburse or accept cash.

III. CASH FUNDS AND PROCEDURES

- A. Front Counter Cash Drawer
 - 1. Balance, credits and debits
 - a. At all times, the cash drawer at the front counter of the Law Enforcement Center will contain fifty dollars cash for the purpose of making change for cash transactions.
 - b. The cash drawer will remain locked at all times when the clerical employee assigned to the front desk is away from their desk. While on duty, the clerical employee assigned to the front desk will keep the key on their person. At the end of their shift, the clerical employee shall turn the key over to the Patrol Operations Command Officer. Patrol Operations Command Officers shall

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- keep the key locked up or on their person after business hours and on weekends.
- c. On a weekly basis, the Professional Standards Sergeant shall collect the cash (excluding the original \$50.00), checks / money orders and credit card receipts along with the corresponding receipts and print the list of transactions generated by the AS400 System. In the absence of the Professional Standards Sergeant, the Support Operations Captain or the Patrol Operations Captain will reconcile the front counter cash drawer. Any overages and / or shortages will be documented and recorded in the Public Safety Department's Treasurer Over & Short Account.
 - d. The Professional Standards Sergeant shall deliver the printed list of transactions, cash, checks / money orders and credit card receipts to the City Treasurer's Office to be deposited. A copy of the printed list of transactions will be returned to the Patrol Operations Captain to be filed along with the receipts.
2. There will be no disbursements from the cash drawer other than the deposit made to the City Treasurer's Office.
 3. Only the clerical employee assigned to the front desk, other designated clerical employees and command personnel are authorized to receive money or check / money orders from the public. At no time will anyone other than the clerical employee assigned to the front desk, other designated clerical employees and command personnel be in possession of the key. (Forfeiture Bond Money may only be accepted by Officers or Supervisors - see Section D, Forfeiture / Money Seizure for more information).
 4. Whenever money or check / money orders are received, the transaction will be entered into the AS400 System. Two copies of the receipt will then be printed. One copy will be given to the customer and one will be placed in a folder in the cash drawer. During each transaction, the clerical employee assigned to the front desk, other designated clerical employees or command personnel shall enter their initials and transaction date under receipt description.
- B. Petty Cash
1. A Petty Cash fund containing a maximum of five hundred dollars will be maintained by the Support Operations Captain. The cash will be kept in a locked container which will only be accessible by the Support Operations Captain, Patrol Operations Captain, Deputy Public Safety Director and Public Safety Director.

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2. Disbursements from the Petty Cash Fund, for Public Safety Department business, will be at the discretion of the Support Operations Captain.
3. Receipts will be required for all disbursements. If an individual is being reimbursed for a purchase that has already been made, a receipt for the purchase will be required prior to a disbursement from the Petty Cash Fund. In circumstances where cash is needed prior to a purchase being made, the individual receiving the cash shall sign a receipt which includes the amount received, the date and what the cash is intended for. After the purchase is made, a receipt for the purchase shall be presented to the Support Operations Captain along with any money left over from the disbursement.
4. When the Support Operations Captain deems necessary, they will submit all disbursement receipts through the New World computer system for reimbursement of the funds disbursed.
5. On a quarterly basis (by Jan 1, April 1, July 1 and Oct 1), the Professional Standards Sergeant or designee of the Public Safety Director shall audit the Petty Cash to ensure that the expenses match the amount of cash on hand.
 - a. If for any reason there is a discrepancy, the Professional Standards Sergeant will conduct an investigation into the discrepancy and forward the findings to the Public Safety Director.

C. Meal Money

1. Upon approval of the Travel Authorization and Expense Report, the Detective Sergeant will review the report. If the designated employee is entitled to meal money, the Detective Sergeant will forward the Travel Authorization and Expense Report to the Payroll Department.
2. For travel which does not include an overnight stay, the employee may receive the meal money in their payroll check. There will be an entry on the employee's Direct Deposit Stub indicating the money was received. For those employees that will be staying overnight as part of their travel, the employee may receive a separate check from the Payroll Office. If a separate check is issued, the employee will not see an entry on their Direct Deposit Stub indicating the check was dispersed to them.

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D. Forfeiture / Money Seizure

1. General

- a. The controlled substance act of the Michigan Public Health Code (MCL 333.7521 et. seq.) allows for police to forfeit cash (or other property) used in furtherance of the drug trade. When cash is forfeited under this statute, the officer seeking forfeiture shall complete a “Notice of Seizure, and Intent to Forfeit and Dispose of Property” (form PT-23). The officer shall then serve a copy of the form on any individual with an interest in the property in question as soon as possible.
- b. Any cash seized that is intended to be forfeited or taken as evidence, shall be counted by a minimum of two officers to verify the amount. When possible the money should be counted in front of the person the money is being seized from. A Bay City Department of Public Safety money sheet shall be completed any time money is seized as evidence or for forfeiture proceedings.
- c. Any cash seized for forfeiture shall be tagged as evidence and secured in an evidence locker. This cash shall remain in evidence for a minimum of sixty days or until the case, which the forfeiture is associated with, is adjudicated and / or the prosecuting attorney grants permission for the cash to be removed from evidence. If the case has not been adjudicated and the prosecutor grants permission for the cash to be removed from evidence, the cash will remain secured in the property room until a final outcome is reached.
- d. If the forfeiture is contested and a court determines that the cash should be returned to an individual, the cash will be returned as soon as possible. The person receiving the cash will be required to sign an acknowledgement of receipt before the cash is released.
- e. If the forfeiture is not contested, or if the forfeiture is contested and a court determines that forfeiture is proper, the cash will be turned over to the Public Safety Director or his / her designee and deposited as allowed by law. The Department will not deposit any forfeited cash until authorization is received from the Prosecutor’s Office.
- f. Any cash still in evidence, when the prosecutor grants permission to dispose of the forfeited cash, will be removed from evidence by an Identification Officer and turned over to the Public Safety Director or his / her designee. The Public Safety Director or their

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- designee will have the cash deposited in the “State” forfeiture account.
- g. If for any reason, there is a discrepancy in the amount of cash being forfeited or placed in / removed from evidence, the Professional Standards Sergeant will conduct an investigation as to the reason for the discrepancy. The Professional Standards Sergeant shall report his / her findings to the Public Safety Director in writing. At no time will funds be added to or subtracted from the final amount to reconcile the final account.
 - h. The V.I.P.E.R. Sergeant will be responsible for recording the forfeited money on the Department’s annual forfeiture report. The V.I.P.E.R. Sergeant shall complete the annual State of Michigan forfeiture report. This report will be reviewed by the Office of the Public Safety Director or his / her designee before submission.
 - i. If the property or cash intended to be forfeited exceeds \$50,000.00, the Prosecutor’s Office must be notified.
 - j. The Bay County Prosecutor’s Office charges a 10% attorney fee to process all forfeiture proceedings.
2. Claim of Interest
- a. Individuals with an interest in any property forfeited have a right to contest the forfeiture.
 - b. When a claim of interest is made on a forfeiture item, the Prosecutor’s Office must be notified immediately in order to initiate a complaint and summons in Circuit Court.
 - c. The interested party must indicate in writing that they are making a claim on the seized property. This is the responsibility of the claimant. This should be placed with the original complaint and a copy forwarded to the Prosecutor’s Office.
3. Buy Backs
- a. On occasion, the Bay City Department of Public Safety may notify parties with an interest in the seized property the possibility exists to negotiate an amount to purchase the seized property back. A negotiated amount is then determined and agreed upon by the interested parties and the Department (note: this may only occur after all interested parties have been served a “Notice of Forfeiture”).
 - b. A “Settlement Letter” is then created by the V.I.P.E.R. Sergeant. Once the negotiated amount is paid, then the agreement is signed by the V.I.P.E.R. Sergeant or a designee.

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- c. Once the "Settlement Letter" is signed and the agreed amount is paid, a copy of the agreement is given to the interested parties.
- d. The original of the "Settlement Letter" is filed with the original report.
- e. The money received is forwarded to the Public Safety Director or his / her designee to be deposited into the "State" forfeiture fund. All monies from "Buy Backs" will be included by the V.I.P.E.R. Sergeant in the annual forfeiture report.

E. Bond Money

1. Arrestees

- a. Any officer may collect bond money from a defendant.
- b. Bond money will be accepted in the form of cash only.
- c. Officers will only accept the amount specified in L.E.I.N. or through verbal confirmation by a Judge or Magistrate.
- d. The bond form (MC 241) will be completed by the officer accepting the bond.
- e. Once the bond form is completed by the officer, the defendant will sign the bond form acknowledging their court appearance date and the amount paid for bond.
- f. The bond amount received will be recorded on the form and the form will be signed by the officer accepting the bond.
- g. The defendant will then be given the appropriate copy of the bond form.
- h. The cash and the bond form will then be sealed in an envelope and placed in the mail slot of the Identification Office.
- i. An Identification Officer will retrieve the envelope and deliver it to the 74th District Court. The Identification Officers shall also handle out of county bonds.

2. Out of State Drivers

- a. Whenever a driver who resides in a state other than Michigan is cited for any traffic violation, they must either be taken in front of the magistrate, post bond or post their driver's license in lieu of bond.
- b. When the court is not open or available, a driver may post bond directly with the officer issuing the citation.
- c. If a driver posts their license in lieu of bond, the officer will check the box indicating this on the traffic citation. The license will then be attached to the ticket and forwarded to the 74th District Court along with the citation.

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- d. If a driver wishes to post a cash bond, an officer will request a \$100 bond. If the officer wishes to accept a lower bond amount, they must get approval from a supervisor. If a cash bond is received, the officer shall indicate the amount received on the citation with the box indicating "Local Court Bond" being checked.
- e. Any cash bond received will be placed in an envelope with a copy of the citation. The envelope will then be placed in the mail slot of the Identification Office. An Identification Officer will retrieve the envelope and deliver it to the 74th District Court.

F. V.I.P.E.R. Cash

1. General Accounting

- a. Any money received or dispersed by the V.I.P.E.R. unit shall be recorded by the V.I.P.E.R. Sergeant.
- b. The unit will not have more than \$5000 on hand at any time unless authorized by the Public Safety Director or his / her designee.
- c. All cash on hand will be kept in a secure location until dispersed.
- d. The V.I.P.E.R. Sergeant will be responsible for requesting funds from the Deputy Public Safety Director when the cash on hand is depleted. The request will be made in the form of a memorandum with receipts showing the use of the depleted funds. The memorandum will also include the total amount to be reimbursed.
- e. The Deputy Public Safety Director will be responsible for recording the amounts dispersed to the V.I.P.E.R. Unit.
- f. On a quarterly basis (by Jan 1, April 1, July 1 and Oct 1), the Professional Standards Sergeant or designee of the Public Safety Director shall audit the cash on hand to ensure that the expenses match the amount of cash on hand.
 - i. If for any reason there is a discrepancy, the Professional Standards Sergeant will conduct an investigation into the discrepancy and forward the findings to the Public Safety Director.

2. Informants / Confidential Informants

- a. Registered informants of the Bay City Department of Public Safety may be paid cash on occasion for information or services at the discretion of the V.I.P.E.R. Sergeant.
- b. Payments in excess of \$500 will require the authorization of the Support Operations Captain.

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- c. Payments in excess of \$1000 will require the authorization of the Deputy Public Safety Director.
 - d. All payments will be recorded and a receipt completed containing the informant's name or number in the case of confidential informants. The receipt shall contain the signature of the officer dispersing the payment, the complaint number related to the expenditure and the amount.
 - e. When possible, any payment made to an informant should be witnessed by at least two officers.
3. Drug Investigations
- a. Any cash used for investigative purposes (i.e. drug purchases, equipment for undercover operations) must be authorized by the V.I.P.E.R. Sergeant.
 - b. Investigations requiring cash purchases over \$1000 will require the authorization of the Deputy Public Safety Director.
 - c. All cash used will be recorded and a receipt completed containing the complaint number of the incident. The receipt shall also contain the signature of an officer assigned to the investigation, the amount and a brief description of the expenditure.
- G. Impound Fee - All vehicle impounds by the Bay City Department of Public Safety will require a fee of \$100.00 to be paid to the Bay City Department of Public Safety prior to the vehicle being released from impound.
- 1. The impound fee will be waived when the owner of the vehicle was the victim of a crime (i.e. - recovered stolen vehicle). Do not place a hold on vehicles towed following a PDA.
 - 2. Any officer impounding a vehicle will notify the towing company that there is a hold on the vehicle pending payment of the impound fee to the Bay City Department of Public Safety. Officer shall then complete the impound section in SMRS indicating that there is a hold on the vehicle.
 - 3. Fees will only be accepted by the front desk clerk or on-duty supervisor during business hours and by the on-duty supervisor outside of business hours.
 - a. Once payment is received, the individual accepting the payment will open the impound section in SRMS and indicate that the fee was paid in the Inventory Notes (i.e. - 01/01/2017 Fee accepted by #9267).

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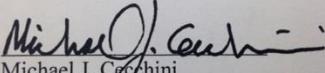
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- b. During business hours the front desk clerk or designated clerk accepting the fee will complete a receipt and enter the transaction date and their initials under receipt description.
 - c. After hours, the on-duty supervisor accepting the fee will print two copies of the SRMS impound report.
 - d. The vehicle owner / driver will receive a receipt or a copy of the SRMS impound report that will serve as proof of payment for the tow company in order for the vehicle hold to be removed.
 - e. When outside business hours, the supervisor will place the other copy of the SRMS impound report and the payment in an envelope and write "Impound Fee" on the envelope before placing it in the mail slot of the Identification Office.
4. Payment will only be accepted in the form of a check, money order or exact change.
 5. The front desk clerk will be responsible for entering all Impound Fees received into the AS400 System under the appropriate code.
 6. The front desk clerk will retrieve any impound fee envelopes from the Identification Office on a daily basis. They will then enter the payment into the AS400 System as indicated above.

By order of:


Michael J. Cecchini
Public Safety Director