



## INSPECTOR GENERAL REPORT

2007-05-0106

November 19, 2008

### DEPOSITORY RULE FOLLOWED

*Inspector General David O. Thomas, after an investigation by the Indianapolis Metropolitan Police Department and OIG Special Agent Darrell Boehmer, reports as follows:*

This case involved a night-time burglary of a branch of the Indiana Bureau of Motor Vehicles (BMV).

The actual burglary was investigated by officers of the Indianapolis Metropolitan Police Department. Forced entry was made into the branch at night and the safe with that day's receipts in cash and checks was stolen.

An investigation by the Office of the Inspector General (OIG) was made regarding whether daily deposits of money received from the public were being made by BMV branch employees in compliance with the Depository Rule to minimize the loss to the State.

The investigation by the OIG revealed that daily deposits had been properly made by the BMV employees. Deposits are made from this branch by armored vehicle.

The depository rule states that a (1) public officer or state officer who (2)

receives and has control of public funds paid into the treasury of the state or the treasuries of the respective political subdivisions and who (3) later than the business day following the receipt of the public funds fails to deposit the public funds in one or more depositories in the name of the state or political subdivision, commits a violation of the depository rule, a class B felony, and is liable upon the officer's official bond for any loss or damage that may accrue. IC 5-13-6-1 (rule); IC 4-13-2-21 (rule restated); IC 5-13-14-3 (penalty); IC 5-13-4-19 (political subdivision defined); IC 5-13-4-20 (public officer defined); IC 5-13-4-21 (public funds defined); IC 5-13-8-1 and IC 5-13-9.5 (designation of depositories); *Taylor v. State*, 663 N.E.2d 213 (Ind.Ct.Apps. 1996)(criminal conviction affirmed where community center director appointed by mayor qualified as "public official"); SBOA State and Quasi Manual, Chapter 3.

In short, unless exempted (IC 5-13-6-1), state agencies must deposit in an approved bank the cash they receive every day. This case illustrates the good policy behind this rule. The loss to the State may be minimized in burglaries and thefts when the money is deposited daily. Likewise, the temptation to steal money by internal employees may be less when cash is not allowed to accumulate, but instead is deposited on a regular basis.

Due to the above findings, the OIG investigation is closed.

Dated this 19<sup>th</sup> day of November, 2008.



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David O. Thomas, Inspector General