5-09/370.20 - General Guidelines Concerning Forfeiture Proceedings

Due to the nature of offenses specified in the state and federal forfeiture laws, field deputies may be confronted with the possibility of initiating forfeiture procedures. Should field deputies on routine patrol become involved in seizure and forfeiture incidents, the following guidelines shall be adhered to:

The arresting deputy shall keep in mind the legislative intent of the law, i.e., to make a financial impact on substantial drug traffickers. Consideration shall be given by the arresting officer to the amount of drugs as defined in Health and Safety Code 11470(e). Consideration as to the value and condition of the conveyance should be given prior to making the seizure.

There must be reasonable cause to believe the property to be seized is directly related to criminal activity, i.e.:

- Large amounts of unexplained cash;
- Controlled substance in a conveyance;
- "Pay and Owe" sheets, bank books, safe deposit box keys, etc.;
- Conflicting information, such as false or altered vehicle registration, denial of property ownership, etc.; and
- Information from citizens, informants, or other police agencies which verified that specific property or evidence was transported in a particular conveyance or that property was obtained with monies gained from criminal activity.

Whenever practicable, the decision to seize or not to seize a vehicle or properties shall be made after consulting with Narcotics Bureau. In those situations where the Narcotics Bureau cannot be notified, the property in question should be seized and held for Narcotics Bureau disposition. In all cases where property is seized for forfeiture action, the Narcotics Bureau shall be notified as soon as possible.

A Receipt for Seized Property (SH-CR-624) shall be completed, particularly noting the condition of the property and listing any damages.

Additionally, when any member of the Department assists any law enforcement agency on the federal, state, or local level in an investigation or arrest, wherein substantial quantities of drugs and/or money are seized, the Asset Forfeiture Unit of the Narcotics Bureau shall be notified as soon as possible.