5-09/370.25 - Procedure for Invoking Forfeiture Laws

Whenever an arrest is made for one of the Health and Safety Code sections listed in section 5-09/360.05 and assets or the conveyance used to transport the controlled substance is subject to possible forfeiture, the arresting deputy shall:

- Ascertain the ownership of the money, property or conveyance, and the relationship of the driver to the owner;
- Immediately notify Narcotics Bureau, which shall determine whether or not to have the money, property or conveyance seized by considering the amount of drugs and the value and condition of the boat, airplane or vehicle involved; and
- Based on Narcotics Bureau's decision, seize and impound the conveyance, money, or property;
    - If it is not feasible to consult with Narcotics Bureau, seize and impound the conveyance and notify Narcotics Bureau of the action as soon as possible.

Vehicles shall be impounded as outlined in the Motor Vehicles chapter.

Boats, if being towed by a vehicle, shall be impounded with the vehicle. Boats which are docked shall be locked and secured at the docking location. The Sheriff's Harbor Patrol and the agency having jurisdiction shall be notified and requested to make patrol checks of the impounded boat.

If an aircraft is seized, notify Aero Bureau, who shall coordinate the impounding.

Include in the arrest report the seizure of the forfeitable assets or conveyance, as the federal or state agency must be notified of possible forfeiture proceedings as early as possible. The Narcotics Bureau shall be responsible for making notification to the proper forfeiture agency.

Timely notification, by the Narcotics Bureau, to the adopting agency is imperative as there are strict statutory time limitations.