

1-12 Seizure And Forfeiture of Drug Assets/Property

NARCOTICS BUREAU

DETECTIVE DIVISION

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Bureau Order Number: **1-12**

Subject: **SEIZURE AND FORFEITURE OF DRUG**

ASSETS/PROPERTY

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| Effective Date: | 07/01/2008 | Last Date Revised: | 04/20/2015 |
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I. CONCEPT AND ISSUES

A. Purpose of the Document

The purpose of this order is to provide policy and guidelines for the seizure and forfeiture of money and property by Bureau personnel.

B. Background

Current Federal and State laws allow law enforcement officers to seize the assets of drug dealers and through subsequent forfeiture proceedings obtain a portion of the seized funds for their selected use. These laws greatly assist the drug suppression effort by striking at the resources that drug dealers utilize to operate their illicit business. Additionally, the seized assets can greatly assist the local agency in its efforts to interdict and suppress drug trafficking. Note: Federal

laws also allow _____ for the seizure and forfeiture of assets related to Specified Unlawful Activities (SUA) delineated in U.S.C. Title 18 section _____ 1956. Please contact Asset Forfeiture personnel for any cases involving non-drug related asset seizures.

The forfeiture of drug assets can be a prolonged and complicated process. The Bureau maintains a Forfeiture Unit which is _____ staffed by a sergeant and detectives who specialize in this area. Bureau personnel must maintain a dialogue with and refer to _____ this unit when seizure and forfeiture questions arise.

C. Scope of Policy

This policy applies to all Bureau personnel. Managers and supervisors shall ensure that all provisions in _____ this order are strictly adhered to.

D. Accountability

All Bureau personnel are responsible for being aware of and adhering to this policy. All Bureau supervisors are responsible _____ for ensuring their subordinates are trained in the provisions of this policy.

E. Training

Familiarization with this policy shall be part of the orientation training for all newly assigned personnel, (See Bureau Order 1- _____ 4, "Training Checklist" Section (III) (C), Seizure and Forfeiture of Drug Assets).

F. Conclusion

This policy is designed to provide guidelines for Narcotics Bureau personnel to guide them in the seizure and forfeiture of _____ profits from drug trafficking.

II. POLICY

In general, for property to be seized and subject to forfeiture, the property must be free of liens. Additionally, investigators must be able to establish an adequate nexus between the property and drug dealing activity. Because of the complexities involved with the process of property seizure, if any questions arise, the Forfeiture Unit Supervisor or appropriate on-call forfeiture investigator should be consulted for direction. Refer to Bureau Order #3-3 for additional information and direction.

A. Cash or Cash Equivalent

Cash, or its equivalent, is the most common type of property seized by law enforcement officers. If cash is used or intended to be used to facilitate drug dealing, if it is exchanged or intended to be exchanged in a drug transaction, or if it can be traced back to a controlled-substance exchange, it is subject to seizure and forfeiture.

Cash seized for forfeiture or accepted from other units shall be in amounts of \$1,000 or greater. All amounts of money less than \$1,000 that is seized shall be deposited in the Sheriff's Trust Fund pending return to the suspect by the investigating officer. Narcotics investigators shall insure that all cash or cash equivalents are transported to the Asset Forfeiture unit as expeditiously as possible as there are very restrictive time constraints existing for forfeiture. In most cases cash should be transported to the Asset Forfeiture Unit the same day it is seized. During regular working hours, seized currency shall be given to the Asset Forfeiture supervisor or a Narcotics Bureau Lieutenant for deposit into the Safe, via the hopper located behind door #1.

In the event that the Asset Forfeiture supervisor stores uncounted currency in the small forfeiture safe, it will not be left in the small forfeiture safe overnight; it must be stored in the main safe protected by alarm and video surveillance. After working hours, seized currency shall be placed into the safe via the hopper located behind door #1. If an after-hours seizure occurs, notification must be left for Asset Forfeiture personnel. A note on the supervisor's desk should be sufficient notification.

Transparent serialized plastic narcotics evidence bags are to be utilized to store all money seizures including currency to be forfeited. After the bags are sealed they may be cut open at the bottom and re-sealed with a heat sealer. The bags used to contain asset forfeiture money should only be opened by members of the Asset Forfeiture Unit in the performance of their duties. The only exception to this immediate transportation policy is that money may be temporarily stored at a Sheriff's Station in the watch commander's safe, pending transportation to Headquarters. When it is not possible to immediately transport the currency to headquarters, and it becomes necessary for storage in a station safe, all Department Policies shall be adhered to, refer to MPP 5/09.465.40. Crew Sergeants and Zone Lieutenants shall make every effort to transport money seized for forfeiture to Headquarters rather than storage in a station safe.

NOTE: The receipt flap of the narcotics evidence transparent plastic bag shall be completed and given to the person from whom the currency is seized or in the case of an arrest, be placed in the property bag.

Crew sergeants and investigators shall make daily checks of the watch commander's safe to ensure a timely retrieval and transportation of cash seized by patrol deputies. Under no circumstances shall cash to be seized be retained in a patrol station safe for more than five days. Money with a narcotics nexus that is to be released to the Internal Revenue Service or the State Franchise Tax Board that is not picked up within five days at a station, shall be transported to the Narcotics Bureau Asset Forfeiture Unit for safekeeping.

Money Seized by Disclaimer of Ownership

If currency, in any amount, is seized from a subject of a narcotics investigation and the individual disclaims interest in the money, that _____ person shall be asked to sign a copy of the Disclaimer of Ownership of Currency (DA-535-A-76D151-Rev 08-02). A copy of the _____ disclaimer and the completed flap receipt portion of the narcotics evidence bag shall be given to the person or placed in his or her property.

B. Vehicles (Automobiles, Motor Homes, Trailers, or Boats)

Vehicles may pose some unique and difficult problems for a forfeiture case and all circumstances cannot be anticipated. Therefore, _____ vehicles will be accepted for asset forfeiture proceedings on a case by case basis only after approval by the supervisor of the Narcotics _____ Bureau Asset Forfeiture Unit or the on-call investigator. See Bureau Order 3-3 for appropriate storage of seized vehicles.

It is imperative that the Crew Sergeant contact the Asset Forfeiture Unit without unnecessary delay, for approval to remove the vehicle _____ to STARS, or to release the vehicle to the owner if the vehicle is determined not to be subject to forfeiture. This will ensure the _____ Department does not incur excessive storage charges by the tow company.

C. Other Property

Because of the variation and complexity of seizing property other than currency, currency equivalent, or vehicles, investigators should _____ not seize property solely for forfeiture purposes without prior consultation and approval of personnel from the Asset Forfeiture Unit. The _____ unit supervisor or on-call investigator should be contacted for guidance in this area.

Property/Evidence Return

Any investigator who seizes property and/or evidence pursuant to a valid and judicially signed search warrant, shall only release _____ the property/evidence, prior to final case disposition, to anyone outside of the Department, with a properly signed court order, authorizing _____ the release of said property/evidence.

If an investigator elects to release property and/or evidence, prior to final case disposition, to anyone outside of the Department, they _____ shall scan a copy of the court order into the Property, Evidence, and Laboratory Information Management System (PRELIMS). If the _____ released property/evidence is comprised of narcotics, weapons and or currency, a second reviewer (Sergeant or above) is required to approve the release. The second reviewer shall ensure the court order is scanned into PRELIMS prior to approving the release.

ORIGINAL SIGNED

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LOYL. MCBRIDE, CAPTAIN

NARCOTICS BUREAU
