

Columbus Police Division Directive	EFFECTIVE Jul. 15, 2012	NUMBER 6.03
	REVISED	TOTAL PAGES 3
<b>Seizure/Forfeiture</b>		



## I. Introduction

The requirements for the seizure/forfeiture of property by law enforcement officers are established by the Ohio Revised Code (ORC) and this directive.

## II. Policy Statements

### A. Seizure/Forfeiture

1. Under ORC 2981, a law enforcement officer may seize property for forfeiture if the officer has probable cause to believe the property is subject to forfeiture and officers can demonstrate that the property was:
  - a. Contraband involved in an offense.
  - b. Allegedly used or intended to be used in the commission or facilitation of the felony offense or misdemeanor drug offense when forfeiture is specifically authorized by a section of the ORC.
  - c. Acquired by the alleged offender or delinquent child during the commission of the offense or a reasonable time afterward.
  - d. Acquired by the alleged offender or delinquent child when there is no likely source for the interest in the property other than as proceeds derived from or acquired through the commission of an offense.
2. All seizure/forfeiture actions shall follow the state seizure process unless the seizure is within the scope of an existing federal investigation.
3. All property subject to seizure/forfeiture by Division personnel shall be turned into the PCU or the Police Impound Lot.
  - a. Deviation from storing seized property at either of these two locations requires the approval of the Administrative Subdivision Deputy Chief and notification of the Seizure/Forfeiture Unit.
  - b. Seized vehicles shall not be used for any purpose until a ruling has been made and City ownership has been established.
4. Personnel shall not request a direct response to the scene by a federal law enforcement official unless their involvement is necessary to the effective handling of the investigation.
5. If a federal action occurs subsequent to the initial seizure, personnel shall seek approval from the Administrative Subdivision Deputy Chief prior to releasing assets to any federal law enforcement official.
6. During joint local and federal investigations, personnel shall document on the Seizure/Forfeiture Notice & Receipt, form I-20.111, all direct seizures made by federal law enforcement officials. In such circumstances,

personnel shall not turn the federally seized assets into the PCU or the Police Impound Lot without prior approval from their bureau commander. Forward the completed Seizure/Forfeiture Notice & Receipt to the Seizure/Forfeiture Unit by end of your tour of duty.

7. Property seized pursuant to a search warrant shall be listed on the inventory receipt portion of the warrant.
8. Property seized for evidence shall be handled by as few Division employees as possible, thereby keeping the chain of custody to a minimum.
9. The use of any funds generated through the seizure/forfeiture process is limited to legal law-enforcement purposes.

### **III. Procedures**

#### **A. Seizures**

1. Personnel Requesting a Seizure/Forfeiture Action
  - a. Limit seizure/forfeiture requests to assets, or cash valued at \$500 or more and notify a supervisor upon initiating the seizure of any such assets.
  - b. Submit all seized assets to the PCU or the Police Impound Lot.
  - c. Complete and forward a Seizure/Forfeiture Notice & Receipt with a copy of the Arrest Information, form U-10.100, or an electronic incident report to the Seizure/Forfeiture Unit before the end of your tour of duty.
  - d. In the narrative portion of the Arrest Information form, include the following statement: "Property seized as evidence, held under ORC 2981, et al.: Property subject to forfeiture under ORC 2981, et al." and provide specific details for how the seizure complies with this law.
  - e. Within fourteen days of the initial seizure, forward any additional required paperwork to the Seizure/Forfeiture Unit. Personnel who are uncertain as to what other paperwork may be required shall contact the Seizure/Forfeiture Unit for clarification.
2. Personnel Seizing a Motor Vehicle
  - a. In order to be considered for seizure/forfeiture, there should be no existing liens against the vehicle and ownership must be established. The estimated value of the vehicle must be \$5,000 or more.
  - b. Complete an Impounded Vehicle Inventory, form A-32.107, and follow the "Impounding and Towing" directive.

Note: Contact the Records Unit and ensure a LEADS "hold" is placed on the vehicle before the end of your tour.
  - c. Submit any evidence found in the vehicle to the PCU.
  - d. Forward a completed Seizure/Forfeiture Notice & Receipt to the Seizure/Forfeiture Unit for any vehicle or property that is to be submitted to the court for forfeiture.

3. Personnel Seizing Electronic Evidence
  - a. Prior to seizing electronic evidence, attempt to determine if perishable evidence, such as unsaved open files on a computer, exists.
  - b. Secure the evidence for seizure.

Photograph the immediate area, the front and rear of any computer including the monitor if anything is on the screen, any wiring or connections into the device, and anything appearing to be of evidentiary value.
  - c. Make written documentation as necessary. Label all cables and their connection points before disconnecting them so they can be properly reconnected at a later time.
  - d. If the device is in operation or other perishable evidence exists:
    - (1) Have Communications Bureau personnel contact an officer in the Economic Crime Unit, or PoliceNET Unit to respond to the scene to safely secure the evidence.
    - (2) Turn pagers and cellular telephones off, but do not remove the batteries, as this could cause the loss of stored data.
  - e. If the device is not in operation, disconnect it from the power source.
  - f. Transport electronic evidence in the rear seat of a cruiser, rear of a Prisoner Transport Vehicle (PTV), or other vehicle so it is not near radio equipment, magnetic fields, static electricity, etc.
  - g. Forward a copy of the Evidence and Property Inventory form to the Economic Crime Unit.
4. Seizure/Forfeiture Unit
  - a. Process all requests to seize/forfeit assets in a timely manner according to the ORC.

Note: Priority is given to felony cases.
  - b. Immediately notify the Administrative Subdivision Deputy Chief and appropriate County Prosecutor's office of all Columbus Division of Police related federal seizure actions.
  - c. Maintain all necessary documentation on Division-related state and federal seizures according to the appropriate retention schedule.
5. Administrative Subdivision Deputy Chief
  - a. Upon being notified of Columbus Division of Police Involvement in a federal seizure action
    - (1) Seek input from the chain of command of the officer/unit involved in the action, the Seizure/Forfeiture Unit and/or the legal advisor's office.
    - (2) Approve or disapprove taking the seizure action to the federal level.
    - (3) Advise the involved chain of command of the approval or disapproval and determine the extent of the Division's participation in any federal seizure action.