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<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. **Pursuant to** 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/forfeiture 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 submitted to the Property Control Unit (PCU) or the Police Impound Lot.
  - a. Deviation from storing seized property at either of these two locations requires the approval of the **Public Accountability** Subdivision Deputy Chief and notification of the Seizure/Forfeiture Unit.
  - b. Vehicles shall only be considered for forfeiture if the following criteria apply:
    - (1) Extenuating circumstances exist, as determined by the prosecutor on a case-by-case basis. Examples of extenuating circumstances include any of the following:
      - (a) The vehicle was modified in a manner to facilitate drug trafficking.
      - (b) The vehicle was clearly purchased with the proceeds of drug transactions, for example, **when** the vehicle was purchased with cash.
      - (c) The vehicle was observed in multiple drug transactions during the course of an investigation.

- (2) Fleet Management determines the vehicle is suitable for use in the Division's fleet.

Note: Division personnel may contact the Seizure/Forfeiture Unit or Fleet Management with any questions regarding the current requirements for a vehicle to be considered for use in the Division's fleet.

- (3) There are no existing liens against the vehicle and ownership is established

**Note: The above criteria do not apply to vehicles seized pursuant to an OVI offense. Refer to the information outlined in the "OVI Violators" directive.**

- c. Seized vehicles shall not be used for any purpose until a forfeiture ruling has been made and City ownership has been established.
4. Division personnel shall not request a direct response to the scene by a federal law enforcement official unless his or her involvement is necessary to the effective handling of the investigation.
5. If a federal action occurs subsequent to the initial seizure, Division personnel shall seek approval from the **Public Accountability** Subdivision Deputy Chief prior to releasing assets to any federal law enforcement official.
6. During joint local and federal investigations, Division 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, Division personnel shall not turn the federally seized assets into the PCU or the Police Impound Lot without prior approval from their bureau commander and shall forward the completed Seizure/Forfeiture Notice & Receipt to the Seizure/Forfeiture Unit by end of their 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 personnel as possible, thereby keeping the chain of custody to a minimum.
9. The use of any funds generated through the seizure/forfeiture process shall be limited to legal, law enforcement purposes.

### III. Procedures

#### A. Seizures/Forfeitures

1. Division Personnel Requesting a Forfeiture Action
  - a. Limit forfeiture requests to seized assets or cash valued at \$1,000 or more, and notify a supervisor upon initiating the seizure of any such assets.
  - b. Submit all seized property 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. Include a copy of the Seizure/Forfeiture Notice & Receipt in the felony packet.
- e. In Box 104 of the Arrest Information form, check “Requesting Forfeiture” and include the following statements in the first paragraph of the narrative: “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.

Note: Include this information on the Criminal Investigation Summary, form I-20.125, if applicable.

- f. Within 14 days of the initial seizure, forward any additional required paperwork to the Seizure/Forfeiture Unit. **When** uncertain as to what other paperwork may be required, contact the Seizure/Forfeiture Unit for clarification.

## 2. Personnel Seizing a Motor Vehicle

- a. Complete an Impounded Vehicle Inventory, form A-32.107, and follow the “Impounding and Towing” directive.
- b. Submit any evidence found in the vehicle to the PCU.
- c. Follow the procedures outlined in Section III,A,1 for any vehicle or property that is to be submitted to the court for forfeiture.

Note: A vehicle in this situation must be placed in a “hold” status in the electronic impounding system. Contact the Impounding Unit or the assigned investigator for assistance as necessary.

## 3. Seizure/Forfeiture Unit

- a. Process all requests to forfeit assets in a timely manner according to the ORC.

Note: Priority is given to felony cases.

- b. Immediately notify the **Public Accountability** Subdivision Deputy Chief and appropriate county prosecutor’s office of all Division-related federal seizure/forfeiture actions.
- c. Maintain all necessary documentation on Division-related state and federal seizures/forfeitures according to the appropriate retention schedule.

## 4. **Public Accountability** Subdivision Deputy Chief

- a. Upon being notified of the Division’s involvement in a federal seizure/forfeiture action:
  - (1) Seek input from the chain of command of the officer/unit involved in the action, the Seizure/Forfeiture Unit, and the Legal Advisor’s Office.
  - (2) Approve or disapprove taking the action to the federal level in accordance with the ORC and Division policy.