

Columbus Police Division Directive	EFFECTIVE	NUMBER
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Seizure/Forfeiture		



## 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. ***Vehicles shall only be considered for forfeiture if all of the following criteria apply. If the vehicle is seized pursuant to an OVI offense, refer to the information outlined in the "OVI Violators" directive.***
  - a. ***Extenuating circumstances exist, as determined by the prosecutor on a case-by-case basis. Examples of extenuating circumstances include any of the following:***
    - (1) ***The vehicle was modified in a manner to facilitate drug trafficking.***
    - (2) ***The vehicle was clearly purchased with the proceeds of drug transactions (for example, when the vehicle was purchased with cash).***
    - (3) ***The vehicle was observed in multiple drug transactions during the course of an investigation.***
  - b. ***Fleet Management determines the vehicle is suitable for use in the Division's fleet.***

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

- c. There are no existing liens against the vehicle.***
- d. The vehicle's ownership is established.***
- 3. Seized vehicles shall not be used for any purpose until a forfeiture ruling has been made and City ownership has been established.**
  - a. If a vehicle is not forfeited, it may be returned to the owner.***
  - b. If a vehicle is forfeited or otherwise abandoned by the owner, it may be added to the Division's fleet, auctioned, or junked in accordance with state law.***
- 4. All seizure/forfeiture actions shall follow the state seizure/forfeiture process unless the seizure is within the scope of an existing federal investigation.**
- 5. All property subject to seizure/forfeiture by Division personnel shall be submitted to the Property Control Unit (PCU) or the Police Impound Lot. 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 **Office**.**
- 6. 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.**
- 7. 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.**
- 8. 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 **Office** by end of their tour of duty.**
- 9. Property seized pursuant to a search warrant shall be listed on the inventory receipt portion of the warrant.**
- 10. Property seized for evidence shall be handled by as few Division personnel as possible, thereby keeping the chain of custody to a minimum.**
- 11. 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 a Seizure/Forfeiture Notice & Receipt **with the property number and as much information as possible**.
- d. **Email the completed form** with a copy of the Arrest Information, form U-10.100, or an electronic incident report to the Seizure/Forfeiture **Office (seizureforfeiture@columbuspolice.org)** before the end of your tour of duty.
- e. Include a copy of the Seizure/Forfeiture Notice & Receipt in the felony packet **and attach it to the case record in the electronic reporting system**.
- f. 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.

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

##### 2. Personnel Seizing a Motor Vehicle

- a. Complete an Impounded Vehicle Inventory, form A-32.107; **mark “Yes” in the “Vehicle Seized” section**; 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. Personnel Seizing Cash

- a. When the amount is \$1,000 or more and upon initiating a seizure, ensure any **body-worn cameras** are activated, seal the cash in a plastic bag with evidence tape, and initial the tape.

- b. Notify a supervisor of the seizure and provide the sealed evidence bag to the responding supervisor or transporting officer, if available.
  - c. Upon notification from the responding supervisor or transporting officer of the amount of cash seized as confirmed by the money counter at the PCU, complete the Arrest Information Form and Seizure/Forfeiture Notice & Receipt and issue the top copy to the arrestee.
4. Supervisor Notified of Cash Seizure
- If the arresting officers are unable to transport the seized cash directly to the PCU, respond to the scene or direct another officer to respond to the scene to perform the transport, if possible.
5. Supervisor or Personnel Transporting the Seized Cash
- a. Ensure any BWCs are activated during the transport to the PCU and record the duration of the money count.
  - b. Submit the cash to the PCU and ensure it is processed through the money counter.
  - c. Notify the arresting officer(s) of the total amount of cash seized according to the money counter.
6. Seizure/Forfeiture **Office**
- a. Process all requests to forfeit assets in a timely manner according to the ORC.
- Note: Priority is given to felony cases.
- b. ***When informed by the case officer***, 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.
7. Public Accountability Subdivision Deputy Chief
- a. ***When*** 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 **Office**, 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.