

GENERAL ORDER



Title
Handling and Accounting for Seized and Forfeited Property

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GO-SPT-601.03

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B

Replaces/Rescinds :
General Order 601.3 (Handling and Accounting for Seized and Forfeited Property)

DISTRICT OF COLUMBIA

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I. BACKGROUND

The Metropolitan Police Department comes into contact with property, which is subject to seizure and/or forfeiture on a routine basis. The Department has the responsibility of handling, accounting for, and disposing of seized and forfeited property. The Department recognizes that seized property, which may be subject to forfeiture, must be handled in a consistent and timely manner in order to maintain the integrity of the property.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to handle all seized and forfeited property coming into the custody of the Department in a manner that is lawful and maintains the integrity of the property. The Department has established guidelines for reporting, processing, securing, and disposing of all seized and forfeited property, while complying with applicable District of Columbia and Federal Laws. (CALEA 84.1.1)

III. DEFINITIONS

When used in this directive, the following term(s) shall have the meanings designated:

1. Forfeiture – loss of property due to a violation of District of Columbia and/or Federal law.
2. Owner – one who has legal title or right to property.
3. Property – anything that is owned by a person or entity. Property is divided into two types: “real property,” which is any interest in land, real estate, growing plants or the improvements on it, and “personal property” (sometimes called “personal”), which is everything else.

4. Seizure – property which is taken into custody as a result of the commission of a crime, which may be subject to forfeiture pursuant to law.

IV. PROCEDURAL GUIDELINES

A. General

1. All property shall be seized in compliance with all District of Columbia and Federal Forfeiture laws.
2. If a member has probable cause to seize property for civil forfeiture, the seizing member shall:
 - a. Seize the property;
 - b. Process the property in accordance with GO-SPT-601.01 (Recording, Handling and Disposing of Property Coming into the Custody of the Department) and complete all paperwork pertaining to the seizure; and
 - c. Contact the Major Narcotics Branch (MNB), Financial Investigation Unit (FIU), between the hours of 0830 and 1800 hours, on (202) 698-5533 and send copies of all paper work related to the seizure via fax on (202) 543-3868.

Note: Members can contact the FIU after hours by contacting the MNB, Station clerk and requesting to have a member of the FIU snap paged.

3. Vehicles that are forfeited and retained by the Department shall be used for official police business only.
4. All automobiles or other vehicles placed in official use by any element of the Department shall be considered a part of Fleet Management Branch inventory and shall be subject to all appropriate rules governing official use of Departmental vehicles, as outlined in General Order GO-SPT-301.01 (Vehicle Operation and Maintenance).
5. In every forfeiture case, where a PD Form 163 (Prosecution Report) is prepared, the PD Form 163 shall be submitted, along with the PD Form 81 (Property Record) to FIU.

B. Financial Investigation Unit shall:

1. Coordinate and administer the Department's asset removal program;

2. Assist Department personnel in the investigation and seizure of assets belonging to violators of the Uniform Controlled Substance Act, or any other District of Columbia or Federal Law for which the seizure of assets is provided for by statute;
3. Coordinate all asset seizure and forfeiture investigations conducted by Department personnel in conjunction with Federal Agencies;
4. Establish a tracking system for asset seizure cases developed from joint investigations with federal agencies to ensure that the District of Columbia benefits from the proceeds-sharing privileges granted by federal or other local government jurisdiction;
5. Serve as the MPD liaison for the exchange of information with other government agencies in those asset seizure investigations where inter-agency cooperation is necessary, or where prosecution is beyond the jurisdiction of the District of Columbia, but may fall within federal or other local government jurisdiction;
6. Train MPD investigators in the utilization of asset seizure law, practice, procedure, and removal techniques so that asset seizure shall become an integral part of all drug trafficking investigations;
7. Recommend changes in laws and/or Department procedures to improve the asset seizure and forfeiture process;
8. Prepare all Department Applications for Transfer of Federally Forfeited Property to ensure that:
 - a. Applications are completed in a timely manner; and
 - b. That the proceeds are received by the District of Columbia.
9. Prepare and obtain affidavits in support of seizure warrants.

C. Reporting Requirements

1. Members shall notify the Financial Investigation Unit, during regular business hours, or no later than 1000 hours the next business day, to inform the following:
 - a. Any street seizure of cash in the amount of \$2,500 or greater;
 - b. Any execution of a search warrant and seizure of cash in the amount of \$5,000 or greater, during the search;

- c. Any search warrant executed where records indicate substantial bank deposits, financial holdings, real estate holdings belonging to the target of the investigation or any other resident of the location searched; and
 - d. Any search warrant executed on a private residence (i.e., privately owned house, condominium, etc.) where the investigation indicates the residence is one in which drug trafficking or related activity regularly takes place.
2. When a member is involved in a criminal investigation and it is determined that probable cause for the seizure of assets exists, the member shall notify an official of the Financial Investigation Unit no later than the next business day.
3. Whenever property is seized as a result of the participation of members of the Department in any joint MPD/Federal investigative effort, regardless of the level of participation, the MPD investigator(s) assigned to the investigation shall notify an official assigned to the Financial Investigation Unit, no later than the first business day following the seizure of the property.

D. Processing Seized Property

1. Members shall prepare a PD Form 81, and any other MPD form(s) pertaining to the seizure of property. It is important for members to pay special attention to detail. The omission of relevant and necessary information from the property record may prevent or delay a forfeiture action, which in turn, may result in mandatory return of the property to the owner. Members shall:
 - a. Establish, in the reports, the justification for the seizure of property, and the specific violation supporting the "forfeiture" classification; and
 - b. Prepare a statement on the PD Form 81 outlining the circumstances surrounding the seizure of the property.
2. The following information shall be included in PD Form 81 and PD Form 163: (CALEA 82.2.1-b-c)
 - a. The exact location of any seizure and/or arrest;
 - b. A clear definition of the relationship between the seized property and the violation for which the suspect was charged;
 - c. The location where the property was found (e.g., shirt, pants, shoe, sock, etc.); and exact amount(s) of any specified currency;

- d. The estimated value of seized property shall reflect, so far as possible, the actual market value of the property, as determined by the Property Clerk, and the owner of each piece of property shall be clearly identified; and
- e. A separate item number shall be given to each identifiable item of property, by serial number or other distinct description (multiple items of property with identical descriptions may be reported under one item number, with the total number of items clearly written).

Note: If multiple items, which require separate PD Form 81s, are seized at the same time, a notation shall be made beside the seized item on the property book, noting the number of the PD Form 81 on which the property is listed (e.g. One of two, two of two...).

- 3. Any element of the Department anticipating the need to make official use of forfeited property of any kind (except vehicles), shall submit a PD Form 160 (Requisition for Supplies and Services) to the Evidence Control Branch with appropriate justification for each item.
- 4. Seized money which is determined to be "MPDC Pre-Recorded Funds" shall be:
 - a. Classified as evidence;
 - b. Separated from the defendant's personal money;
 - c. Listed on the PD Forms 81 and 163 and clearly identify the:
 - (1) Amount of money recovered;
 - (2) Particular location where the money was recovered (e.g. defendant's left pants pocket, drivers seat etc.); and
 - (3) MPDC as the owner of the funds and the person the funds were recovered from as the suspect.

E. The District Property Officer shall:

- 1. Follow the procedures outlined in 6A DCMR § 8-805 through 8-810, for handling all seized property coming into the custody of the Metropolitan Police Department.
- 2. Coordinate with the District of Columbia, Office of Property Management, to establish procedures for converting forfeited property to official use by other agencies of the District of Columbia Government, pursuant to 6A DCMR § 8-810;

3. Deposit the proceeds from all forfeited property, in accordance with GO-RAR-404.01 (Deposits with the D.C. Treasurer), by the Evidence Control Branch, in consultation with the Director, Finance and Budget Office, in the appropriate account, as provided by law;
4. Identify and report the expenses to the Chief Financial Officer (CFO), Finance and Budget Office, of the forfeiture process, including direct expenses of mailing, advertising, storage, appraisal, etc.;
5. Act as a liaison between the Commanding Officer, Financial Investigation Unit, and/or the Special Litigation Section, Office of the Corporation Counsel, regarding the seizure of property pursuant to this order;
6. Forward a copy of all PD Form 81s regarding seized property forfeited for narcotic and gambling violations, to the Financial Investigation Unit for final review, prior to being forwarded to the Special Litigation Section, Office of the Corporation Counsel;
7. Maintain a file of all Default Decrees of Condemnation or similar administrative forfeiture documents for all property that has been processed for libel or forfeiture; and
8. Determine the priority and availability of all property to be placed in official use by the Department.

F. Commanding Officer, Financial Investigation Unit shall:

Establish and maintain a continuing liaison with the MPD Property Clerk and/or the Special Litigation Section, Office of the Corporation Counsel, for the purpose of making the following reviews or determinations:

- a. When additional seizures might be appropriate in connection with a particular arrest or seizure;
- b. When initiating a financial investigation for the purpose of ascertaining the existence of potentially seizable property;
- c. When making a determination to transfer property to the custody of Federal Authorities or to refer potential seizures for joint action by Federal and District authorities, the following factors shall be taken into consideration:
 - (1) Whether joint investigations by D.C., Federal, or other local law enforcement agencies were or may be involved;
 - (2) Whether property subject to seizure is located in other jurisdictions;

- (3) Whether the underlying criminal proceedings are prosecuted under Federal or District Law;
 - (4) The relationship of Federal Authorities to past cases involving the same defendant or potential co-defendants;
 - (5) The comparative effectiveness of a joint seizure effort; or
 - (6) Any other factors which would tend to improve or enhance cooperation and efficiency between District and Federal Authorities.
 - d. Ensure that PD Form 81s, prepared as a result of property seizures for violations of any District of Columbia or Federal laws are reviewed, in order to:
 - (1) Ensure that all required reports are complete and contain sufficient information to support a request for forfeiture; and
 - (2) Make recommendations as to the forfeiture of seized property.
 - e. Notify the Director, Major Narcotics Branch, when vehicles are forfeited through the D.C. or federal forfeiture systems and are available for service.
- G. Commanding Officer, Evidence Control Branch shall:

Ensure that a file, consisting of a copy of all Default Decrees of Condemnation or similar administrative forfeiture documents for vehicles that have been forfeited to the District of Columbia is maintained. (CALEA 82.3.5)
- H. The Commanding Officer, Major Narcotics Branch shall:
 1. Forward through channels, to the Director, Fleet Management Branch, a list of vehicles that have been forfeited to the District of Columbia or this Department;
 2. Recommend to the Director, Evidence Control Branch, which forfeited vehicles shall be placed in service and used by members of the Metropolitan Police Department; and
 3. Recommend the assignment of other vehicles obtained through the Asset Seizure and Forfeiture Program.

- I. The Director, Fleet Management Branch shall:
 - 1. Maintain a current list of all forfeited vehicles, determined to be officially used by the Department;
 - 2. Add forfeited vehicles to the inventory of fleet vehicles, to ensure they receive maintenance according to the procedures outlined in GO-OPS-301.01 (Vehicle Operation and Maintenance); and
 - 3. Ensure that an inspection of all forfeited vehicles is performed to determine its serviceability and whether any vehicle is:
 - a. Usable by elements of the department;
 - b. Eligible for referral to the District of Columbia, Office of Property Management; or
 - c. Not serviceable and eligible for disposal by the Property Clerk.

- J. The CFO, Office of Finance and Budget shall:
 - Ensure that all proceeds from the forfeiture process are managed and allocated pursuant to law.

- K. The Special Litigation Section, Office of the Corporation Counsel, shall:
 - Ensure that libel actions against money and other property seized by the Department for violation of narcotic and gambling laws are prosecuted appropriately.

V. CROSS REFERENCES

- A. Related General Orders
 - 1. GO-SPT-301.01 (Vehicle Operation and Maintenance)
 - 2. GO-RAR-404.01 (Depositing Funds with the Treasurer)
 - 3. GO-SPT-601.01 (Recording, Handling and Disposing of Property Coming into the Custody of the Department)

- B. Related PD Forms
 - 1. PD Form 81 (Property Record)
 - 2. PD Form 160 (Requisition for Supplies and Services)
 - 3. PD Form 163 (Prosecution Report)

C. Related Regulations

6A D.C.M.R. § 8-805 *et seq.*

// SIGNED //
Charles H. Ramsey
Chief of Police

CHR:NMJ:MAR:edg