



GENERAL ORDER ADM-09 ASSET SEIZURE AND FORFEITURE

EFFECTIVE APRIL 30, 2010

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) shall identify and seize assets to include vehicles, monies, real property and other property. Seizures shall be conducted pursuant to State and Federal laws governing assets obtained through illegal means, to include the trafficking of controlled dangerous substances, illegal gambling and related organized criminal activities; thereby removing the profits of such activities. All seizures shall be conducted through fair and impartial investigations; biased based profiling in asset seizure and forfeiture is strictly prohibited.¹

II. DEFINITIONS

A. State Seizures

- 1. Vehicles, monies, real property or other property to be seized under the authority of the Maryland State forfeiture statutes.
- 2. State seizures will be processed through the asset forfeiture investigator and the Howard County Office of Law.

B. Federal Seizures

- 1. Vehicles, monies, real property or other property to be seized under the authority of federal forfeiture statutes.
- 2. Federal seizures will be processed through the asset forfeiture investigator and the federal asset forfeiture office.

C. Real property is any real estate.

D. Other property is anything that is not vehicles, monies or real estate.

E. Asset Forfeiture Investigator (AFI) is a member of the Vice and Narcotics Division (V&N), who seizes assets and handles seized property as a result of CDS, gambling and related organized criminal activities.

III. GUIDING PRINCIPLES

A. Seizures of currency, in any amount, shall be appropriate when:

- 1. The totality of the circumstances indicate that the suspect or person under arrest possesses a controlled dangerous substance and/or paraphernalia in any quantity and that the CDS/paraphernalia and currency are in close proximity to one another; or

¹ CALEA 1.2.9a

2. When there is a reasonable belief that the money was used or intended to be used in connection with the unlawful manufacture, distribution, dispensing, or possession of a controlled dangerous substance or controlled paraphernalia.
 3. Other seizures of cash may be permitted when legally appropriate.
- B. Supervisory approval is required for all seizures. In all cases where \$1,000 or more in currency is seized, the seizing officer's supervisor must notify the on-duty or on-call V&N Division Supervisor.
- C. Seizure of weapons is also appropriate when found in close proximity to a controlled dangerous substance or they are used or intended to be used in connection with the unlawful manufacture, distribution, dispensing, or possession of a controlled dangerous substance or controlled paraphernalia.
- D. Seizures of vehicles shall be appropriate when the totality of circumstances indicates that the target or person under arrest possesses a controlled dangerous substance (CDS) and related paraphernalia in a sufficient amount to suggest their intent to distribute or manufacture CDS. If the arresting officer is able to articulate that the CDS recovered and the packaging, money, weapons, scales, or related paraphernalia taken in its entirety is indicative of a felony charge for CDS distribution, then seizure of vehicles shall be appropriate. Supervisory approval is required for all seizures. In all cases that meet the criteria for a felony seizure, the seizing officer's supervisor must notify the on-duty or on-call V&N Division Supervisor. The evidence recovered must be located either in the vehicle or on the person in control of the vehicle. For example: a seizure of a vehicle would not be appropriate if CDS is recovered from any other occupant of the vehicle who has no standing or ownership of the vehicle.
- E. Maryland Law does allow the seizure of vehicles in cases where only misdemeanor charges apply. In all cases that meet the criteria for a vehicle seizure, the seizing officer's supervisor must consult with the on-duty or on-call V&N Division Supervisor. When considering a vehicle seizure for a misdemeanor CDS arrest, factors that must be considered include, but are not limited to:
1. The criminal record of the violator.
 2. Previous convictions of the violator for controlled dangerous substances crimes.
 3. Evidence that the motor vehicle was acquired by use of proceeds from a transaction involving a controlled dangerous substance.
 4. Circumstances of the arrest.
- F. Within **twenty-four (24) hours** of an officer seizing vehicles, monies, real property or other property, the officer must:
1. Notify the AFI, via departmental e-mail or telephone.
 2. Forward a copy of the incident report, with the notice of conveyance seizure form, detailing the seizure to the AFI.

IV. SPECIFIC PROCEDURES

- A. **Seizing Monies – The seizing officer shall:**
1. Make at least two (2) photocopies of all seized monies; ensuring the serial number on each bill is visible. Photographs of the currency by Crime Lab Section personnel that display the serial numbers may be a suitable substitute for photocopies.

2. Have ALL copies signed by the seizing officer and a supervisor. The seizing officer shall note on the property form the monies are subject to forfeiture and cannot be released and will utilize the Property Submission Form code SZD in block 27.
3. One photocopy of the currency will be submitted to the Property and Evidence Section with the currency and a second copy will be submitted to the Records Section with the offense report. The seizing officer may retain a third copy for their case file. All money seizures shall be documented on a HCPD property form and signed by a supervisor. No other property shall appear on the same property form. The seizing officer will then submit the currency to the HCPD Property and Evidence Section with block 27 filled in SZD on the Property Room Submission Form.

B. Vehicle Forfeitures – Seizing Officer Responsibilities

Upon seizure of a motor vehicle pursuant to this General Order, the seizing officer or his supervisor will ensure the following steps are completed:

1. All personal property must be removed from the vehicle and placed in the property room by the end of the officer's shift. All items of value shall be carefully inventoried.² These items shall be entered on a Property Room Submission form and placed in the property room or returned to the owner at the scene. If released to the owner, the owner must sign the back of the property form acknowledging receipt of the property.
2. Photograph the interior and exterior of the vehicle to include all four sides. Photographs are to be submitted to the HCPD Property and Evidence Section.
3. Contact the Communications Division and request the tow company **authorized to tow seized vehicles** respond for a "seized vehicle". All seized vehicles will be towed to the County Impound Lot.
4. Provide the tow operator with the ignition, door, and trunk keys to the seized vehicle and instruct the tow operator to place these keys into the locked key box on the fence at the County Impound Lot. The officer shall document this activity in the police report.
5. Remove the registration plates from the vehicle and submit them to the property room. These items are to be listed on a separate HCPD Property Form.
6. Complete a "Notice of Conveyance Seizure" form and deliver the designated copy to the owner or operator of the seized motor vehicle.
7. Forward a copy of the Incident Report, Property Forms, and the Notice of Conveyance Seizure form to the AFI **within twenty-four (24) hours** of the seizure.

C. Procedure for Seizing Real Property for Forfeiture – The seizing officer shall:

1. Prior to the seizure, contact the AFI to determine if the property to be seized mandates state or federal seizure of the property.
2. Contact the AFI to arrange for the storage and safe keeping of the seized property.
3. Complete all reports and forward to the AFI **within twenty-four (24) hours** of seizing the property.

² CALEA 1.2.4f

D. **Procedure for Seizing Other Property – The seizing officer shall:**

1. Submit the property to the HCPD Property and Evidence Section utilizing the Property Submission form. The officer will ensure that the “Next Activity” box is marked indicating that the property was seized. This shall be done in accordance with General Order ADM-49, Property & Evidence.
2. Forward a copy of the incident report and the property forms to the AFI **within twenty-four (24) hours** of the seizure.

E. The AFI shall determine if the seizure shall be a state or federal seizure and complete all necessary follow-ups associated with the seizure, in accordance with Standard Operating Procedure V&N-07, Asset Forfeiture Investigator.

F.

V. **PROPERTY & EVIDENCE SECTION RESPONSIBILITIES**

- A. The HCPD Property and Evidence Section supervisor will send a list of all submitted state seizures to the Howard County Department of Finance, the State’s Attorney’s Office, the Office of Law, the Records Section, and the AFI.
- B. The HCPD Property and Evidence Section supervisor will send a list of all submitted federal seizures to the Howard County Department of Finance, the Records Section, the AFI and the HCPD Budget Fiscal supervisor.
- C. The HCPD Property and Evidence Section supervisor will submit all seized monies and the appropriate correspondence to the Howard County Department of Finance weekly.
- D. The HCPD Property and Evidence Section supervisor shall retain a copy of all correspondence within the Property and Evidence Section.

VI. **CANCELLATION**

This General Order will cancel and replace General Order ADM-09, Asset Seizure and Forfeiture, dated May 26, 2006.

AUTHORITY:



William J. McMahon
Chief of Police