



DEPARTMENTAL  
GENERAL  
ORDER

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Index as:  
Federal Asset Forfeiture  
Management

Ref: CALEA  
Standard 74.4.1

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## FEDERAL ASSET FORFEITURE MANAGEMENT

The purpose of this order is to set forth policy and procedures regarding Departmental participation in asset forfeiture programs of the Federal Government. [Departmental General Order F-6](#) addresses the state asset forfeiture programs.

### I. PURPOSE AND GENERAL DESCRIPTION OF FEDERAL ASSET FORFEITURE PROGRAMS

- A. Various agencies of the Federal Government have established programs under which the forfeited assets for convicted defendants are shared with local law enforcement agencies. The general program guidelines are: to deter crime by depriving criminals of profits from and instrumentality's of illegal activity; to enhance cooperation among federal, state and local law enforcement agencies; and to protect the rights of individuals.
- B. Federal agencies may, but are not required to share forfeited assets with local law enforcement agencies. When assets are shared, their value must be reasonably related to the amount of effort the local law enforcement agency expends on enforcement, investigation and prosecution of the case.
- C. There are two ways that local law enforcement may qualify for assets sharing:
  - 1. Through joint investigations with federal agencies to enforce federal criminal laws which provide for forfeiture.
  - 2. Through "adoption" -- when a local law enforcement agency acting without federal participation confiscates property as a result of enforcing a federal law which provides for forfeiture. The local law enforcement agency may request the federal agency, which normally enforces the law to "adopt" the seizure and implement federal forfeiture procedures.

- D. Listed below are agencies of the United States Department of Justice (USDOJ) and the US Department of the Treasury (US Treasury) which participate in asset sharing programs.
1. USDOJ agencies who jointly investigate AND also adopt cases include: Federal Bureau of Investigation (FBI); Drug Enforcement Administration (DEA); Immigration and Naturalization Service (INS)
  2. USDOJ agencies who jointly investigate but do NOT adopt cases include: US Park Police; US Marshals Service; US Attorney's Offices, Criminal Division; US Postal Inspection Service
  3. US Treasury agencies who jointly investigate AND adopt cases include: US Customs Service; Internal Revenue Service; US Secret Service; Bureau of Alcohol, Tobacco and Firearms (ATF)
- E. USDOJ guidelines allow local agencies to use up to 15% of its shared monies (from assets seized on or after 1 May 94) for the costs associated with drug abuse treatment, drug and crime prevention education, housing and job skills programs, or other community-based programs or activities which are formally approved by the Chief of Police as being supportive of and consistent with a law enforcement effort, policy, and/or initiative.
- The Community Services Section administers the allocation process for the 15% "set-aside" funding. This provision requires that all expenditures be made by the law enforcement agency and does not allow for the transfer of cash for prospective expenditures by eligible entities. (Refer to section II, G, 3)
- F. The Commander of the Vice-Narcotics Section is the program coordinator for all federal asset forfeiture activities.

## II. DEPARTMENTAL PROCEDURES

- A. Reporting Officers

Reporting Officers shall:

1. Document in the evidence section of the Crime Report assets that are seized or identified as subject to possible forfeiture.
2. Provide the person's claiming/controlling the assets with receipts.
3. Safeguard recovered cash, negotiable instruments and property and segregate them by case.
  - a) As soon as possible, two officers shall count recovered money, seal it in an evidence envelope and jointly sign the envelope to certify the amount inside.
  - b) Cash and property shall be deposited in the Property and Evidence Unit no later than the end of the shift during which the items were recovered.
  - c) Vehicles shall not be towed for potential seizure without advance approval from a Vice-Narcotics Section supervisor.
4. Direct that an extra copy of the report be forwarded to the Vice-Narcotics Section.

B. Report Reproducing Unit

The Report Reproducing Unit shall forward copies of any report package regarding the enforcement of federal laws to the Vice-Narcotics Section.

C. Vice-Narcotics Section

The Vice-Narcotics Section shall:

1. Maintain copies of asset forfeiture policies and procedures, including, but not limited to:
  - a) USDOJ and US Treasury publications governing asset forfeiture programs and any other publications of federal agencies involved in such programs.
  - b) Departmental and Special Operations Division policies and procedures.
  - c) Community Services Section guidelines regarding the use of shared USDOJ proceed by community programs.

2. Review all reports involving seizures pursuant to the enforcement of federal laws to determine whether an asset forfeiture claim should be prepared. (Responsibility for case investigation shall remain with the normally assigned unit.)
3. Prepare and file requests to share assets (claims) in accordance with appropriate federal agency guidelines.
  - a) The following claim forms shall be filed within 60 calendar days of the seizure of assets.

USDOJ form DAG-71, Application for Transfer of Federally Forfeited Property,  
Or  
US Treasury form TD-F-92.22.46, Request for Transfer of Property Seized/Forfeited by a Treasury Agency
  - b) Every USDOJ DAG-71 form shall include a request to transfer 15% of the Department's share to eligible community programs.
  - c) Claim forms shall be filed **within 30 calendar days** of the seizure of assets **if a federal agency is requested to adopt a case.**
  - d) Claim forms are not valid unless signed by the Chief of Police and endorsed by the City Attorney's Office.
4. Recommend and prepare written directives for the signature of the commander of the Special Operations Division, as necessary to implement federal agency guidelines.
5. Maintain complete records of seizures, claims, disapproved claims and the revenue or property eventually awarded to the Department.
6. Deliver to the Accounting Section all checks for shared proceeds and related documentation and obtain a receipt from the Accounting Section. Inform the Accounting Section whether each check is related to a seizure that occurred before or after 1 May 94.
7. Arrange for property to be sold at City auction as directed by the responsible federal agency.

8. Arrange for property awarded to the Department to be added to the fixed asset inventory and ensure that it is used in accordance with federal guidelines.
9. By the 15th of each month, provide the Deputy Chief, Bureau of Field Operations with a current list of forfeited vehicles in use in the Department.
10. By 1 Mar of every year, forward a report to the Budget and Accounting Division Manager which includes:
  - a) The RD number and/or other identifying case number of each case for which a forfeiture claim was filed during the previous calendar year; the date of each application, and the agency with which the claim was filed (USDOJ or Treasury).
  - b) The value of the assets in each case. Money shall be reported as a single sum. Property shall be described item by item.
  - c) The outcome of each claim (granted or denied) and the date of the outcome. Claims that have not been resolved as of 1 Mar shall be identified as "pending."
  - d) The recipients of the forfeited assets, the amounts received and the dates.
11. Advise the Chief of Police and Community Services Section on programs and services deemed "supportive and consistent with law enforcement efforts" in preparation for the distribution of the 15% "set-aside" funds, as noted in Part I, E, above.

D. Other Investigating Divisions

Other investigating units shall coordinate with the Vice-Narcotics Section with respect to asset forfeiture claims.

E. Task Forces

1. Unit commanders involved with federal task forces which reimburse the Department for expenses shall bring copies of proposed task force contracts to the Budget and Accounting Division prior to signature and shall maintain such records as are required to document and obtain reimbursement. Reimbursement contacts require a resolution from City Council specifically permitting the appropriation of reimbursements to OPD.
2. Revenue from cases initiated by the Alameda County Narcotics Task Force shall be delivered to the Accounting Section in accordance with Part II, C, 7 of this order.

F. The Budget and Accounting Division shall:

1. Renew the Federal Equitable Sharing Program Agreement for the signature of the Chief of Police and prepare the Annual Certification Report for the signature of the Chief of Police and City Manager at the end of each fiscal year.
2. Act as liaison the City Auditor's Office for periodic audits of asset forfeiture funds in accordance with City and federal "Single Audit" requirements.
3. Assist the Vice-Narcotics Section to develop asset forfeiture records, as necessary.
4. Ensure that all revenue awarded to the Department is expended in compliance with City regulations and federal guidelines.
5. The Accounting Section shall distribute standard City expenditure reports for asset forfeiture funds when available, and compile special financial reports as needed or requested by the Special Operations Division or the Chief of Police.
6. Ensure that all revenues brought to the Accounting Section are deposited in the correct accounts. Fifteen percent of USDOJ revenue resulting from asset seizures that occurred on or after 1 May 94 shall be deposited in a separate fund and project, pending disbursement in accordance with federal guidelines.

G. Expenditures

1. Departmental asset forfeiture revenue shall be expended only on items allowed by federal guidelines and authorized on the applicable claim form.
2. All Departmental purchases made with asset forfeiture funds shall be made in compliance with City purchasing regulations.
3. Funds awarded to non-profit organizations/agencies in conjunction with the 15% "set-aside" program shall be disbursed and accounted for in accordance with USDOJ guidelines which state that:
  - a) The law enforcement agency may itself pay for specific expenses on behalf of the recipient; OR
  - b) The law enforcement agency may reimburse a recipient by check for expenditures the recipient itself has made on itemized expenses, supported by receipts, that the Chief of Police has previously approved as permissible expenses.
  - c) Whichever procedure is used, the law enforcement agency must maintain records of these expenditures in the same manner and for the same time periods as required for procurement expenses made on its own behalf.

By order of

Richard L. Word  
Chief of Police