



DEPARTMENTAL
GENERAL
ORDER

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State Asset Forfeiture Management

STATE ASSET FORFEITURE MANAGEMENT

The purpose of this order is to set forth policy and procedures regarding Departmental participation in asset forfeiture programs authorized by California law. [Departmental General Order F-3](#) addresses the federal asset forfeiture programs.

I. PURPOSE AND GENERAL DESCRIPTION OF STATE ASSET FORFEITURE LAWS

- A. State narcotics laws authorize the seizure and forfeiture of assets in order to deprive criminals of profits from and instrumentalities of illegal activity.
- B. Unlike federal programs under which federal agencies generally take custody of seized property and money, under state programs, local law enforcement agencies usually either retain custody of items subject to potential forfeiture or identify such items for potential forfeiture action. Consequently, state asset forfeiture programs place the burden of protecting seizures and the property rights of innocent parties on local law enforcement agencies.
- C. Departmental requests to share assets which are subject to state asset forfeiture laws shall be directed to the Alameda County District Attorney's Office.
- D. Proceeds are shared in accordance with formulas set forth in state laws.
- E. Under Health and Safety Code Section 11489(b)(2)(A), 15% of the Department's share of proceeds from assets seized on or after 1 Jan 94 must be used exclusively to fund programs designed to combat drug abuse and divert gang activity. The District Attorney's Office will set aside these funds in a County trust account and will disburse them to community organizations in accordance with H&S Section 11489(b)(2)(A). The Chief of Police may make requests to the District

Attorney's Office for disbursement of these funds upon reviewing recommendations from the Vice/Narcotics and Community Services Sections.

- F. The Commander of the Vice/Narcotics Section is designated as the program coordinator for State asset forfeiture activities.

II. FIELD UNIT PROCEDURES

Whenever reporting officers seize or identify assets that may be subject to potential forfeiture under state law, they shall:

- A. Document in the evidence section of the Crime Report (536-933) the assets that are seized or identified as subject to possible forfeiture. (Assets worth more than \$750 are subject to felony provisions of state law and will be considered for forfeiture action by the District Attorney's Office.)
- B. Provide the persons claiming/controlling the assets with receipts.
- C. Safeguard recovered cash, negotiable instruments and property and segregate them by case.
 - 1. As soon as possible, two officers shall count recovered money, seal it in an Evidence Envelope (216-336-331) and jointly sign the envelope to certify the amount inside.
 - 2. Cash and property shall be deposited in the Property and Evidence Unit no later than the end of the shift during which items were recovered.
 - 3. Vehicles shall not be towed for potential seizure without advance approval of a Vice/Narcotics Section supervisor.
- D. Direct an extra copy of the report to the Vice/Narcotics Section.

III. INVESTIGATING UNIT PROCEDURES

- A. Investigating Units shall maintain copies of state laws governing asset forfeitures. Investigators shall bring any potential asset forfeiture case to the attention of the Vice/Narcotics Section Commander and cooperate with him/her with respect to implementing forfeiture requirements.
- B. The Vice/Narcotics Section shall:
1. Develop and maintain an Asset Forfeiture Manual pursuant to H&S Section 11469, including, but not limited to:
 - a) Applicable state laws.
 - b) Departmental and Special Operations Division policies and procedures regarding asset forfeiture.
 - c) Procedures for notifying property owners and protecting their rights.
 2. Review all reports involving potential forfeitures and determine whether to ask the District Attorney's Office to initiate asset forfeiture proceedings. (Responsibility for case investigation shall remain with the normally assigned unit.)
 3. Forward a copy of the asset forfeiture log to the Budget and Accounting Division Manager each month, together with notices from the District Attorney's Office regarding the status of asset forfeiture cases.

NOTE: The District Attorney's Office prepares claim forms and completes claim procedures. They will also notify parties, which have an interest in seized property and publish required newspaper notices.
 4. Maintain complete records of seizures, claims, disapproved claims and revenue or property that is eventually awarded to the Department.
 5. Deliver to the Accounting Section all checks for shared proceeds and related documentation and obtain a receipt. Inform the

Accounting Section whether the check is related to a seizure that occurred before or after 1 Jan 94. Proceeds

from cases of the Alameda County Narcotics Task Force shall be processed in accordance with this section.

6. Arrange for property to be sold at City auction as directed by Court Order. [Under state law, property (vehicles, computers, etc.) cannot be retained for Departmental use.]
7. Conduct mandatory Departmental asset forfeiture training upon changes to any applicable regulations [H&S Sec. 11469(e)].
8. By 1 Mar of each year, complete the required report [H&S Sec. 11495(c)] to the State Attorney General and forward a copy to the Budget and Accounting Division Manager. The report must include:
 - a) The RD number of each case for which a forfeiture application was filed with the District Attorney's Office during the previous calendar year and the date of the application.
 - b) The value of the assets in each case. Money shall be reported in a single sum. Property shall be described item by item.
 - c) The outcome of the application (granted or denied by the District Attorney) and the date of the outcome. Claims that have not been resolved as of 1 Mar shall be identified as "pending."
 - d) The value of the assets forfeited.
 - e) The recipients of the forfeited assets, the amounts received and the dates.

IV. BUREAU OF SERVICES PROCEDURES

A. Report Reproducing Unit

The Unit shall forward a copy of all reports involving potential asset forfeitures to the Vice/Narcotics Section.

B. Budget and Accounting Division

1. The Budget and Accounting Division shall act as liaison to the City Auditor's Office for periodic audits of state asset forfeiture funds, in accordance with City and federal "Single Audit" requirements.
2. The Accounting Section shall ensure that all revenues brought to the Section are deposited in the correct accounts.
3. The division manager shall ensure that all asset forfeiture funds are expended in compliance with applicable state law and City purchasing procedures.
4. 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.
5. The division shall assist the Vice/Narcotics Section to develop asset forfeiture records, as necessary.

V. EXPENDITURES

- A. Departmental asset forfeiture revenue shall be expended pursuant to state guidelines.
- B. All Departmental purchases made with asset forfeiture funds shall be made in compliance with City purchasing regulations.

By order of

Richard L. Word
Chief of Police