



Atlanta Police Department – Standard Operating Procedure			
	APD.SOP.5080 – Asset Forfeiture Squad Effective Date: March 25th, 2025		
Chief Darin Schierbaum	Signature by: DS	Date Signed: 3/25/2025	Renewal: 2029

SIGNIFICANT CHANGES

APD Staff,

The Policy and Standards Section is dedicated to providing the department, and its employees, with accurate, understandable and transparent policies. In order to publish policies that reflect the most up-to-date standards, the Policy and Standard Section regularly reviews all policies to ensure that they are reflective of the current mission and objectives of the Atlanta Police Department.

During the review and renewal of APD.SOP.5080 Asset Forfeiture Squad, the following minor changes were made:

- Asset Forfeiture Squad is to be notified of any cash seizures over \$500.00.
- The Squad does not have an on-call investigator, but can and should, be notified for seizures and forfeitures by email at: FIU@Atlantaga.gov.
- The AFS will assist all departmental units in the investigation and forfeiture of property belonging to violators affiliated with gang activity.
- The AFS will assist all departmental units in the investigation and seizure of assets belonging to violators of narcotics sales and distribution.

Thank you and stay informed!

Policy and Standards Section
Planning, Research, and Accreditation Unit



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1. PURPOSE

To establish a policy and procedure for the forfeiture of seized assets by the Atlanta Police Department in conjunction with State and Federal law, conducted by the Asset Forfeiture Squad (AFS).

2. POLICY

The Atlanta Police Department (APD) will seize criminal assets by maximizing the use of forfeiture provisions in accordance with federal, state, and municipal laws (bank accounts, real estate, investment holdings, etc.)

3. RESPONSIBILITIES

3.1 The AFS supervisor is responsible for the implementation of this directive.

3.2 Employees will be responsible for adhering to the guidelines set forth in this directive.

4. ACTION

4.1 ASSET FORFEITURE RESPONSIBILITIES

The Asset Forfeiture Squad will coordinate and administer the APD's asset forfeiture effort, have sole authority and responsibility to prepare forfeiture actions at the federal, state, and municipal level.

4.1.1 The AFS will assist all departmental units in the investigation and seizure of assets belonging to violators of narcotics sales and distribution.

4.1.2 The AFS will assist all departmental units in the investigation and forfeiture of property belonging to violators affiliated with gang activity.

4.1.3 The AFS will establish and maintain a tracking system for asset seizure cases that involve joint investigations with federal and state agencies to maintain a detailed account of proceed-sharing privileges as granted by law.

4.1.4 The Training Section and AFS will provide asset forfeiture training to department investigators (e.g., asset seizure laws, practices, procedures, and removal techniques).

4.1.5 The AFS will participate in the serving of search warrants, where large amounts of money are anticipated, to assist with the seizure of assets. Officers should notify the AFS in advance of the need for assistance.

4.1.6 Investigators and officers will include provisions for the seizure of assets and related documents in their search warrants.

4.1.7 Supervisors are required to notify the AFS regarding all AFS holds placed on assets (money, vehicles, property, etc.) by all officers and/or investigators under their commands.

4.2 REPORTING REQUIREMENTS

4.2.1 During regular business hours (0800 hours to 1600 hours, Monday-Friday), employees of the APD will notify the AFS of situations involving one or more of the following:

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1. A seizure of cash in the amount of \$500.00 or greater.
2. Execution of any search warrant where cash in the amount of \$500.00 or greater is encountered during the search.
3. A search warrant is executed and substantial bank deposits or other unusual financial or real estate holdings belonging to the target of the investigation are found.
4. A search warrant is executed for a private residence (privately-owned house, condominium, etc.) and the investigation indicates the residence is being used for drug trafficking or drug related activities.

4.2.2 Whenever cash, vehicles, or other property is seized as a result of the participation by members of the APD in any joint investigative effort with a federal, state, or local agency, regardless of the level of participation, the primary reporting investigator assigned will document receipt of the property placed in as evidence and will notify the AFS (FIU@Atlantaga.gov) no later than the first business day following the seizure of the property. (GA Sixth Edition Standards Manual Standard 1.18)

4.2.3 Copies of all property records, investigative reports, and any other documents that would facilitate the filing of Department of Justice form DAG-71 will be forwarded to the Financial Investigations Squad by the primary reporting investigator.

4.2.4 When drug related cash is turned in at the Property Control Unit, the property clerk will immediately notify the AFS.

4.3 VEHICLE FORFEITURE IN NARCOTICS CASES

The AFS investigator will:

1. Determine whether the suspect owns the vehicle. If the suspect does not own the vehicle the Financial Investigations Squad will identify the registered owner or titleholder by name, address, and telephone number if possible.
2. Do not seize a motor vehicle for purpose of forfeiture if:
 - a. It is a “common carrier” and the owner is not consenting or a conspirator to the felony.
 - b. The owner does not have knowledge of the offense or has not given consent.
 - c. It is a stolen motor vehicle.
 - d. It is a leased vehicle.
3. Consider the type, condition, and approximate value of the seized motor vehicle, when determining whether it is reasonable to pursue a forfeiture action.
4. Ensure that the proper “administrative hold” is placed on the seized vehicle.
5. Identify any lien holder or other party having financial or equity interest in the vehicle.
6. Complete a vehicle investigation sheet with the assistance of motor transport mechanics or the wrecker company. The vehicle investigation sheet will reflect the date seized, year, make, model, color, tag number, VIN, and storage location of the vehicle. This sheet will also reflect the condition of the vehicle's interior and exterior as well as any options on the vehicle. The



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completed vehicle investigation sheet /Seized Vehicle Condition Report form will be placed in the Vehicle Case File.

7. Have the vehicle photographed.
8. Prepare the request for Report & Seizure and forward it to:
 - a. the Fulton County or DeKalb County District Attorney's Office (for seizure under State law) within 30 days of seizure, or
 - b. the Drug Enforcement Agency (DEA) (for seizure under Federal Law-Section 6682 of the DEA Agents Manual) within 15 days of seizure.
 - c. Gambling cases must be forwarded to the appropriate court of either jurisdiction (Fulton County or DeKalb County) within ten days of seizure.
9. Coordinate the forfeiture process with the District Attorney or DEA.
10. Forward court ordered vehicle releases to the Fleet Management.
11. All property acquired through the asset forfeiture proceedings by the department through the civil process are accounted for in departmental records and are disposed of pursuant to O.C.G.A. 40-11-23. (CALEA 6th ed. standard 84.1.8)

4.4 REAL PROPERTY FORFEITURE IN NARCOTICS CASES

- 4.4.1 Real property may be forfeited when there are two or more incidents at the same address within a twelve-month period in which narcotics or controlled substances are recovered or search warrants are served that result in the seizure of narcotics or controlled substances.
 1. The narcotics or controlled substances must be seized on or inside the property.
 2. Any quantity of narcotics or controlled substances is sufficient for the purposes of the forfeiture process.
- 4.4.2 The AFS investigator will:
 1. Identify the owner of the real property by name, address and telephone number.
 2. Provide the owner with notice that illegal drug activity is occurring at the property and issue a cease-and-desist letter to the owner. The cease-and-desist letter will allow the owner thirty days to comply and rectify the situation.
 3. Prepare the request for Report & Seizure and forward it to:
 - a. the Fulton County, or DeKalb County District Attorney's Office (for seizure under State law (O.C.G.A 16-13-49)) within 30 days of seizure, or
 - b. the U.S. Attorney's Office (for seizure under Federal law) within 15 days of seizure, or
 - c. the Drug Enforcement Agency (DEA) (for seizure under Federal law and State law, OCGA 16-13-49(n) (4).) within thirty days of seizure.

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- d. Gambling cases must be forwarded within ten days of seizure to either jurisdiction of responsibility (Fulton County, DeKalb County, and the District Attorney's office).
4. Coordinate the forfeiture process with the District Attorney or DEA.
5. Forward court ordered releases to city officials (Code Enforcement, City Inspectors and Fire Department) for the utilization of the real property.
6. All property acquired through the asset forfeiture proceedings by the department through the civil process are accounted for in departmental records and are disposed of pursuant to O.C.G.A. 40-11-23. (CALEA 6th ed. standard 84.1.8).

4.5 EQUITABLE SHARING REQUEST

- 4.5.1 The AFS receives an email notification from the Equitable Sharing Portal that the Atlanta Police Department has been identified as a requesting agency for specific Asset Identification number and that a sharing request can be entered into the portal. In addition, the AFS logs into the Equitable Sharing Portal daily and receives a list of pending shares.
- 4.5.2 The AFS contacts each Atlanta Police task force officer who is assigned to the criminal investigation that led to the seizure and request them to complete a DAG-71 form to include their involvement in the investigation. The officer will return the completed DAG-71 to the AFS within five days.
- 4.5.3 The AFS receives the individual DAG-71 forms from the Task Force officer(s) and inputs the data on to electronic DAG-71 in the Equitable Sharing Portal and submits it to the requesting agency.
- 4.5.4 The AFS receives an email notification from the Equitable Sharing Portal advising that the share status of the sharing request for the APD for the Asset Identification Number submitted has been accepted.
- 4.5.5 The AFS inputs the share data including:
 1. The currency seized.
 2. Monetary value of property or vehicles seized.
 3. The name of the Task Force officer who submitted the case.
 4. The AFS log number for each Asset Identification Number into the AFS database to keep a record of outstanding equitable sharing cases.
- 4.5.6 The AFS creates a case file to include the DAG-71 submitted under an AFS Log Number. The case file is to be stored in a secured file room which is only accessible by key. The AFS Commander will have the only key to this secured file room. Files are to be filed chronologically by AFS Number and the year of the seizure.
- 4.5.7 The AFS receives the disposition report which includes what shares the Atlanta Police Department received payments from. The AFS updates the AFS database on those specific shares and closes the open cases.
- 4.5.8 The AFS moves the closed case files from the open case file cabinet to the closed case file cabinet where it is stored for two years in the AFS secure file room and case files will be relocated to archives permanently.



5. DEFINITIONS

Seizure of motor vehicle: Pursuant to suspected criminal acts, any taking of control over a vehicle by a law enforcement officer or agency.

Forfeiture of motor vehicle: The procedure by which title to seized property is transferred to the seizing agency. Forfeiture can be obtained through a final order of the court having jurisdiction over the seized property, or through negotiated settlements with those persons having a legal interest in the seized property.

Common Carrier: A person or company that transports goods or passengers on regular routes at set rates.

Administrative Hold: A written request to prevent access to the object of concern.

Real Property: 2) O.C.G.A. 44-1-2 (2010) 44-1-2. "Realty" or "real estate" defined; extent of owner's interest in airspace:

1. As used in this title, the term "realty" or "real estate" means:
2. All lands and the buildings thereon;
3. All things permanently attached to land or to the buildings thereon; and
4. Any interest existing in, issuing out of, or dependent upon land or the buildings thereon.
5. The property right of the owner of real estate extends downward indefinitely and upward indefinitely

DAG 71: Application for Transfer of Federally Forfeited Property.

6. CANCELLATIONS

APD.SOP.5080 "Asset Forfeiture Squad", effective March 4th, 2020

7. REFERENCES

Title 21, U.S.C., 881 (Controlled Substances Act)

Official Code of Georgia Annotated, Sections 16-13-49, 16-8-106 and 16-16-2
City of Atlanta Records Management Program (1998)

Managing Public Records, Common Records Retention Schedules for Municipal Governments (1984)

Georgia Department of Archives and History, Retention Schedules for Local Government Records. (May 2003).

Commission on Accreditation for Law Enforcement Agencies 6th Edition Standard 84.1.8
GA Fifth Edition Standards Manual 6.9 (a) and (b))

The attorney General's guidelines on seized and forfeited property (9-118.00)