




Clayton County Police Department PROCEDURES

Subject ASSET FORFEITURES		Procedure # B4	
Authorizing Signature 	Effective 03-02-2023	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 12

I. PURPOSE

To provide guidelines for processing seized assets subject to forfeiture and for tracking and recording the disposition of all investigations involving such assets or asset proceeds.

II. POLICY

It shall be the policy of the Clayton County Police Department to conduct forfeiture seizures pursuant to established state and federal laws and applicable court decisions. The Fourth Amendment guarantees the right of people to "be secure in their persons, houses, papers and effects, against unreasonable searches and seizures." State and federal laws establish a civil procedure by which real property, tangible personal property and financial assets related to criminal activity may be forfeited to the government by the courts. Forfeited assets may be used to enhance law enforcement activities or otherwise disposed of as directed in the orders of the court.

III. DEFINITIONS

Forfeiture: The civil court process by which a government agency seeks forfeiture of a property interest of an individual or business entity to the government. Forfeiture in general will be due to some criminal act where the property is used to facilitate the act, or proceeds from a criminal act are somehow related to the item to be forfeited.

Proceeds: Any property derived directly or indirectly from, maintained by, or realized through an act or omission relating to criminal conduct and includes any benefit, interest, or property of any kind without reduction for expenses incurred for acquisition, maintenance, or any other purpose.

Property: Anything of value and includes any interest in anything of value, including real property and any fixtures thereon, and tangible and intangible personal property, including but not limited to currency, instruments, securities, or any other kind of privilege, interest, claim or right.

Seizure: The act of taking and removing tangible personal property. "A seizure occurs when 'there is some meaningful interference with an individual's possessory interests' in the property seized." Maryland v. Macon 472 U S 463 (1985).

IV. PREDICATE ACTS TRIGGERING FORFEITURE UNDER GEORGIA STATUTES

The Georgia Uniform Civil Forfeiture Procedure Act O.C.G.A. § 9-16-1 authorizes law enforcement agencies to seize and forfeit any vessel, motor vehicle, aircraft, currency, or other personal property, or contraband article which has been used, is being used, or was intended to be used in violation of any provision of the act. The Georgia Uniform Civil Forfeiture Procedure Act provides procedures and listings of the various laws supporting forfeiture actions. All seizures and forfeitures will be made in accordance with all state and federal laws.

A. Violations of the Georgia Controlled Substances Act

1. OCGA § 16-13-49 is the statute controlling forfeitures related to Violations of the Georgia Controlled Substances Act.

Pursuant to OCGA § 16-13-49, the following items are declared to be contraband and no person shall have a property right in them:

- a. Any controlled substances, raw materials, or controlled substance analogs that have been manufactured, distributed, dispensed, possessed, or acquired in violation of Chapter 13 of Title 16 of the OCGA;
 - b. Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of Chapter 13 of Title 16 of the OCGA and any proceeds;
 - c. Any property located in this state which was, directly or indirectly, used or intended for use in any manner to facilitate a violation of Chapter 13 of Title 16 of the OCGA, or the laws of the United States relating to controlled substances that is punishable by imprisonment for more than one (1) year and any proceeds;
 - d. Any weapon available for use in any manner to facilitate a violation of Chapter 13 of Title 16 of the OCGA;
 - e. Any interest, security, claim, or property or contractual right of any kind affording a source of influence over any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of in violation of Chapter 13 of Title 16 of the OCGA or the laws of the United States relating to controlled substances that is punishable by imprisonment for more than one (1) year and any proceeds; and
 - f. Any property found in close proximity to any controlled substance or other property subject to forfeiture under OCGA § 16-13-49.
2. Any property subject to forfeiture pursuant to OCGA § 16-13-49 (b) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.
 3. Property shall not be subject to forfeiture under this Code section for a violation involving only one (1) gram or less of a mixture containing cocaine or four (4) ounces or less of marijuana unless such property was used to facilitate a transaction in or a purchase of or sale of a controlled substance.

B. Forged or Counterfeited Trademarks, Service Marks, Copyrighted or Registered Designs, or Unauthorized Reproductions

1. OCGA § 10-1-454 is the statute controlling forfeitures related to counterfeited trademarks, service marks, copyrighted or registered designs, or unauthorized reproductions.

Pursuant to OCGA § 10-1-454 (d) (3), any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them.

2. Any property subject to forfeiture pursuant to OCGA § 10-1-454 (3) of subsection (d) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

C. Sexual Offenses

OCGA § 16-6-13.2 and 16-6-13.3 are the statute controlling forfeitures related to sexual offenses.

1. Pursuant to OCGA § 16-6-13.2(b) any motor vehicle used by a person to facilitate a violation of Code Section 16-6-10 (Keeping a Place of Prostitution), 16-6-11 (Pimping) when the offense involved the pimping of a person to perform an act of prostitution, or 16-6-12 (Pandering) is declared to be contraband and no person shall have a property right in it.

Any property subject to forfeiture pursuant to OCGA § 16-6-13.2(b) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

2. Pursuant to OCGA § 16-6-13.3(b), any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of Code Section 16-6-10 (Keeping a Place of Prostitution), 16-6-11 (Pimping), or 16-6-12 (Pandering) and any proceeds are declared to be contraband and no person shall have a property right in them.

Any property subject to forfeiture pursuant to OCGA § 16-6-13.3(b) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

D. Retail Property Fencing

1. "Retail property fence" means a person or entity that buys, sells, transfers, or possesses with the intent to sell or transfer retail property that such person knows or should have known was stolen.

2. OCGA § 16-8-5.2 is the statute controlling forfeitures related to retail property fencing.

Pursuant to OCGA § 16-8-5.2 (e) (2), any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them; provided however, that notwithstanding Code Section 9-16-17 (Burden of Proof and Presumptions), no property of any owner shall be forfeited, to the extent of the interest of such owner, by reason of an act or omission established by such owner to have been committed or omitted without knowledge or consent of such owner.

3. Any property subject to forfeiture pursuant to OCGA § 16-8-5.2(2) of subsection (e) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

E. Criminal Reproduction and Sale of Recorded Materials

1. OCGA § 16-8-60 is the statute controlling forfeitures related to the criminal reproduction and sale of recorded materials.

Pursuant to OCGA § 16-8-60(f) (1), any phonograph record, disc, wire, tape, videotape, film, memory card, flash drive, hard drive, data storage device, or other article onto which sounds or visual images have been transferred in violation of this Code section is declared to be contraband and no person shall have a property right in it; provided

however, that notwithstanding paragraph (2) of subsection (a) of Code Section OCGA § 9-16-17 (Burden of Proof and Presumptions), no property of any owner shall be forfeited, to the extent of the interest of such owner, by reason of an act or omission established by such owner to have been committed or omitted without knowledge or consent of such owner.

2. Any property subject to forfeiture pursuant to OCGA § 16-8-60 (1) of subsection (f) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

F. Motor Vehicle Chop Shops

1. OCGA § 16-8-85 is the statute controlling forfeitures related to motor vehicle chop shops. Pursuant to OCGA § 16-8-85 the following are subject to forfeiture unless obtained by theft, fraud, or conspiracy to defraud and the rightful owner is known or can be identified and located:
 - a. Any tool;
 - b. Any implement; or
 - c. Any instrumentality, including but not limited to, any motor vehicle, or motor vehicle part, whether or not owned by the person from whose possession or control it was seized, which is used or possessed in violation of Code Section 16-8-83 (Owning, operating, or conducting a chop shop) or to promote or facilitate a violation of Code Section 16-8-83.
2. Any motor vehicle, other conveyance, or motor vehicle part used by any person as a common carrier is subject to forfeiture under OCGA § 16-8-83 where the owner or other person in charge of the motor vehicle, other conveyance, or motor vehicle part is a consenting party to a violation of OCGA § 16-8-83.
3. Any property subject to forfeiture pursuant to this Code section shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9, except as specifically set forth in OCGA § 16-8-85 subsections (g) through (j).

G. Residential Mortgage Fraud

1. The Georgia Residential Mortgage Fraud Act (i.e. OCGA § 16-8-100 et seq.) defines the crime of residential mortgage fraud. The Act allows for forfeiture of property involved in residential mortgage fraud to the State of Georgia. Furthermore, the Act adds residential mortgage fraud to the Georgia RICO Act.
2. Pursuant to OCGA § 16-8-106 (b), any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this article and any proceeds are declared to be contraband and no person shall have a property right in them.
3. Any property subject to forfeiture pursuant to OCGA § 16-8-106 (b) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.
4. The procedure for forfeiture and disposition of forfeited property under this subsection shall be as provided for forfeitures under OCGA § 16-14-7.

H. Gambling

1. OCGA § 16-12-32 is the statute controlling forfeitures related to Gambling. Pursuant to OCGA §16-12-32 (b) the following items are declared to be contraband and no person shall have a property right in them:

- a. Every gambling device, except antique slot machines as provided in OCGA § 16-12-24 (b);
 - b. Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of OCGA §16-12-32 and any proceeds;
 - c. Any property located in this state which was, directly or indirectly, used or intended for use in any manner to facilitate a violation of OCGA § 16-12-32 or of the laws of the United States relating to gambling and any proceeds;
 - d. Any interest, security, claim, or property or contractual right of any kind affording a source of influence over any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of in violation of this article or any of the laws of the United States relating to gambling and any proceeds; and
 - e. Any property found in close proximity to any gambling device or other property subject to forfeiture under OCGA § 16-12-32.
2. Any property declared as contraband pursuant to OCGA § 16-12-32(b) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

I. Sexual Exploitation of Children

1. OCGA § 16-12-100 is the statute controlling forfeitures related to Sexual Exploitation of Children.

Pursuant to OCGA §16-12-100 (e) (2) any property which is, directly or indirectly, used or intended to be used in any manner to facilitate a violation of this Code Section and any proceeds are declared to be contraband and no person shall have a property right in them.

2. Any property subject to forfeiture pursuant to OCGA §16-12-100 (2) of subsection (e) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

J. RICO (Racketeer Influenced and Corrupt Organizations)

1. OCGA § 16-14-7 is the statute controlling forfeitures related to RICO.

Pursuant to OCGA §16-14-7 (a), all property of every kind used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity shall be subject to forfeiture to the state. Any property subject to forfeiture pursuant to OCGA §16-14-7 (a) and any proceeds are declared to be contraband and no person shall have a property right in them and shall be forfeited in accordance with the procedure set forth in Chapter 16 of Title 9.

2. A “pattern of racketeering activity” means;

- a. Engaging in at least two (2) acts of racketeering activity in furtherance of one (1) or more incidents, schemes, or transactions that have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such acts occurred after July 1, 1980, and that the last of such acts occurred within four (4) years, excluding any periods of imprisonment, after the commission of a prior act of racketeering activity; or

- b. Engaging in one (1) or more acts of domestic terrorism as described in OCGA § 16-11-220 or any criminal attempt, criminal solicitation, or criminal conspiracy related thereto.

3. "Racketeering activity" means to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit any crime which is chargeable by indictment under the laws of this state involving:
- The "Georgia Controlled Substance Act" in violation of Article 2 of Chapter 13 of Title 16;
 - The "Dangerous Drug Act" in violation of Article 3 of Chapter 13 of Title 16;
 - Marijuana in violation of subsection (j) of Code Section 16-13-30;
 - Homicide in violation of Article 1 of Chapter 5 of Title 16;
 - Assault and battery in violation of Article 2 of Chapter 5 of Title 16;
 - Arson and explosives in violation of Article 3 of Chapter 7 of Title 16;
 - Bombs, explosives, and chemical and biological weapons in violation of Article 4 of Chapter 7 of Title 16;
 - Burglary in violation of Code Section 16-7-1;
 - Smash and grab burglary in violation of Code Section 16-7-2;
 - Forgery in any degree in violation of Code Section 16-9-1;
 - Theft in violation of Article 1 of Chapter 8 of Title 16;
 - Robbery in violation of Article 2 of Chapter 8 of Title 16;
 - Prostitution, keeping a place of prostitution, pimping, and pandering in violation of Code Sections 16-6-9 through 16-6-12;
 - Distributing obscene materials in violation of Code Section 16-12-80;
 - Bribery in violation of Code Section 16-10-2;
 - False statements and writings or false lien statements against public officers or public employees in violation of Code Section 16-10-20 or 16-10-20.1;
 - Impersonating a public officer or employee in violation of Code Section 16-10-23;
 - Influencing witnesses in violation of Code Section 16-10-93;
 - Perjury and other related offenses in violation of Article 4 of Chapter 10 of Title 16;
 - Embracery in violation of Code Section 16-10-91;
 - Tampering with evidence in violation of Code Section 16-10-94;
 - Commercial gambling in violation of Code Section 16-12-22;
 - The "Georgia Firearms and Weapons Act" in violation of Part 2 of Article 4 of Chapter 11 of Title 16;
 - Criminal reproduction and sale of recorded material in violation of Article 3 of Chapter 8 of Title 16;
 - The "Georgia Uniform Securities Act of 2008" in violation of Chapter 5 of Title 10;
 - Unlawful distillation, manufacture, and transportation of alcoholic beverages in violation of Code Section 3-3-27;
 - Illegal use of financial transaction cards in violation of Code Sections 16-9-31, 16-9-32, 16-9-33, and 16-9-34;
 - Payday loans in violation of Chapter 17 of Title 16;
 - Certain felonies involving certificates of title, security interest, or liens in violation of Code Section 40-3-90;
 - Removal or falsification of identification numbers in violation of Code Section 40-4-21;
 - Possession of motor vehicle parts from which the identification has been removed in violation of Code Section 40-4-22;

- Use of an article with an altered identification mark in violation of Code Section 16-9-70;
 - The “Georgia Computer Systems Protection Act” in violation of Article 6 of Chapter 9 of Title 16;
 - Kidnapping, false imprisonment, and related offenses in violation of Article 3 of Chapter 5 of Title 16;
 - Terroristic threats and acts in violation of Code Section 16-11-37;
 - Attempted murder or threatening of witnesses, in official proceedings in violation of Code Section 16-10-32;
 - Intimidation or injury of grand or trial juror or court officer in violation of Code Section 16-10-97
 - Records and reports of currency transactions in violation of Article 11 of Chapter 1 of Title 7;
 - Identity fraud in violations of Article 8 of Chapter 9 of Title 16;
 - Insurance fraud in violation of Code Section 33-1-9;
 - The “Georgia Residential Mortgage Fraud Act” in violation of Article 5 of Chapter 8 of Title 16; or
 - Article 8 of Chapter 5 of Title 16, relating to protection of elder persons.
4. “Racketeering Activity” shall also mean any act or threat involving murder, kidnapping, gambling, arson, robbery, theft, receipt of stolen property, bribery, extortion, obstruction of justice, dealing in narcotic or dangerous drugs, or dealing in securities which is chargeable under the laws of the United States, any territories of the United States, or any state and which is punishable by imprisonment for more than one (1) year.
 5. “Racketeering Activity” shall also mean any conduct defined as “racketeering activity” under 18 USC Section 1961 (1), any violation of 18 U.S.C. Section 1028, or any violation of 31 U.S.C. Sections 5311 through 5330.

K. Street Gang Terrorism & Prevention

1. OCGA § 16-15-5 is the statute controlling forfeitures related to Street Gang Terrorism & Prevention.
Pursuant to OCGA § 16-15-5(b), any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this chapter and proceeds are declared to be contraband and no person shall have a property right in them.
2. Any property subject to forfeiture pursuant to OCGA § 16-15-5(b), shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

L. Burglary & Armed Robbery

1. OCGA § 16-16-2 is the statute controlling forfeitures related to burglary and armed robbery.
Pursuant to OCGA § 16-16-2(b) any property which is, directly or indirectly, used or intended for use in any manner to facilitate the commission of a burglary, home invasion, or armed robbery and any proceeds are declared to be contraband and no person shall have a property right in them.
2. Any property subject to forfeiture pursuant to OCGA § 16-16-2(b) shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

M. Habitual Violator

1. OCGA § 40-6-391.2 is the statute controlling forfeitures related to Habitual Violator.
2. Any motor vehicle operated by a person who has been declared a habitual violator for three (3) violations of OCGA § 40-6-391 (DUI), whose license has been revoked, and who is arrested and charged with a violation of OCGA § 40-6-391 (DUI) is declared to be contraband and subject to forfeiture in accordance with procedures set forth in OCGA, Chapter 16 of Title 9.

V. STATUTORY TIME LIMITS FOR FILING OF FORFEITURES

- A. Pursuant to OCGA § 9-16-7, when property that is intended to be forfeited is taken by any law enforcement officer of this state, within thirty (30) days thereof the seizing officer shall, in writing, report the fact of seizure and conduct an inventory and estimate the value of the property seized and provide such information to the district attorney of the judicial circuit having jurisdiction in the county where the seizure was made.

The following time limits will be strictly adhered to.

Forfeiture type	Notice to DA
VGCSA Schedule I-V Offenses	Within 20 days of seizure
Forged or counterfeited items; un-authorized reproductions	Within 20 days of seizure
Sexual Offenses	Within 20 days of seizure
Retail Property Fencing	Within 20 days of seizure
Reproduction of recorded materials	Within 20 days of seizure
Motor Vehicle Chop Shops	Within 20 days of seizure
Residential Mortgage Fraud	Within 10 days of seizure
Gambling Offenses	Within 10 days of seizure
Sexual Exploitation of Children	Within 20 days of seizure
RICO Offenses	Within 10 days of seizure
Street Gang & Terrorism Offenses	Within 20 days of seizure
Burglary & Armed Robbery	Within 20 days of seizure
Habitual Violator	Within 20 days of seizure

Additional information is listed on the *Overview of Forfeiture Proceedings Form*; to review a copy of this form refer to Appendix A of this procedure.

- B. If the seizing officer fails to comply, the property shall be returned to the lawful owner unless the property is being held as evidence.

VI. SEIZURE PROCESS & LIMITATIONS

A. Seizure of property

1. Property subject to forfeiture may be seized by any officer who has power to make arrests or execute process or a search warrant issued by any court having jurisdiction over the property. A court issued warrant authorizing seizure of property subject to forfeiture may be issued on an affidavit demonstrating that probable cause exists for its forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of the United States. The court may order that the property be seized on such terms and conditions as are reasonable.
2. Property subject to forfeiture may be seized without process if probable cause exists to believe that the property is subject to forfeiture or the seizure is incident to an arrest or search pursuant to a search warrant or to an inspection under an inspection warrant.
3. The court's jurisdiction over any civil forfeiture proceeding shall not be affected by a seizure in violation of the Constitution of Georgia or the Constitution of the United States made with process or in a good faith belief of probable cause.
4. Forfeiture is a civil process, and does not always involve a criminal arrest. Unlike civil forfeiture actions, criminal forfeiture actions are predicated on the conviction of a criminal defendant, on proof beyond a reasonable doubt, for a criminal offense supporting the forfeiture. In any case in which the government seeks to pursue a civil forfeiture action against property that either facilitated or was "involved in" the commission of an offense, the government must demonstrate a "substantial connection" between the property subject to forfeiture and the underlying criminal activity described in section IV of this policy.

- B. Property shall not be subject to forfeiture for a VGCSA violation involving four (4) ounces or less of marijuana or one (1) gram or less of a mixture containing cocaine unless such property was used to facilitate a transaction in, or a purchase of, or sale of a controlled substance.

VII. FORFEITURE PROCEEDINGS IN GENERAL

Any request for forfeiture of seized property shall be conducted in accordance within the guidelines of the prosecuting agency responsible for filing the proceeding with the various courts.

- A. Forfeitures filed under federal statutes shall be filed with either the United States Attorney's Office having jurisdiction, or may be filed through a federal agency participating in a joint investigation.
- B. Forfeitures filed under state statutes shall be filed with the District Attorney's Office having jurisdiction.
- C. The Clayton County District Attorney has designated a "Forfeiture Prosecutor." All state forfeiture requests from the Clayton County Police Department involving incidents occurring within Clayton County shall be filed initially with the "Forfeiture Prosecutor" or their designee.
- D. The Clayton County Police Department shall have a designated "Forfeiture Officer" responsible for the overall management of forfeitures for the department and sub-departments. The Forfeiture Officer shall serve as the primary point of contact for the Forfeiture Prosecutor.
 1. Notification of any seizure of property for forfeiture, or requests for case review on potential forfeitures made by the Clayton County Police Department, **with the exception**

of the Narcotics Task Force, shall be submitted to the Forfeiture Officer for processing within twenty-four (24) hours of the seizure.

2. A vehicle that is seized in a forfeiture action shall be inventoried by one (1) of the investigating officers. All areas of the vehicle that may contain property, including any containers, shall be checked. Only a visual inspection shall be conducted from outside the vehicle if it is locked and access cannot be gained without causing damage, unless a search warrant is obtained.

A *Vehicle Impound/Inventory Form* shall be completed on each vehicle inventoried by an officer. All items of value or unusual nature that are located in the vehicle shall be recorded on the form, including evidence or contraband. Some property items may be returned to the owner or legal representative thereof unless it is contraband. If the owner of said property is not present or if the property is contraband, the property will be turned into evidence for safe keeping unless it is part of a criminal case and then it must be listed under the assigned criminal case number as evidence.

A contract wrecker will be notified to respond and tow the vehicle. The contract wrecker driver will tow the vehicle to an authorized secured County facility. The vehicle shall be secured at such County facility with all the doors and windows closed and/or locked, if possible. The keys and/or remote to the vehicle only, will be taken and properly secured in the manner used for such facility. Officers will ensure that all paperwork (e.g., *Incident Report, Vehicle Impound/Inventory Form, Property Receipt*) is completed and copies and/or other information is sent to involved personnel.

E. Forfeiture Officer Responsibilities

The Chief of Police may appoint a forfeiture officer, who shall be responsible for the overall management of civil forfeitures for the Department and sub-departments. **Note: Officers assigned to the Narcotics Unit shall be responsible for the overall management of civil forfeitures for the Department and sub-departments.**

The Forfeiture Officer, or authorized designee, shall be responsible for the following:

1. Conducting reviews of cases and reports taken by the Narcotics Unit and other divisions/units to determine if forfeiture is warranted.
2. Requesting additional information, or conducting investigations as may be necessary to prepare forfeiture requests.
3. Preparing required forfeiture request forms.
4. Gathering, organizing and submitting supporting reports, statements, photographs, and other items necessary to aid the Forfeiture Prosecutor in the preparation of the forfeiture filing with the court.
5. Maintaining a database documenting each forfeiture seizure made. The database shall contain an index of at a minimum the following information:
 - a. The Department's case number relating to the forfeiture;
 - b. Names of potential claimants;
 - c. Description of the property seized for forfeiture;
 - d. Date of seizure;
 - e. Date forfeiture documents were filed with prosecutor;

- f. Final disposition of forfeiture case;
 - g. Date of final disposition;
 - h. Date property disposed of and/or currency deposited; and
 - i. Final disposition of forfeited property (e.g., deposited to finance, turned into central services as surplus, placed into service).
6. Completing forfeiture request packets within five (5) calendar days of the initial seizure.
 7. Delivering the completed forfeiture request packet to the Forfeiture Prosecutor.
 8. Updating the Criminal Justice Information System (CJIS), via the Incident/Entry Update Option Screen, of the potential claimants and defendants with the forfeiture information.
 9. Receiving requests from the Forfeiture Prosecutor for additional information and/or additional investigations related to forfeitures.
 10. Conducting additional investigations or obtaining additional information as needed to comply with the requests of the Forfeiture Prosecutor.
 11. Receiving final disposition letters and court orders from the Forfeiture Prosecutor.
 12. Notifying the Special Operations Division Commander, or authorized designee, of the court award of forfeited property.
The Chief of Police, or authorized designee, will be notified of the court award of forfeited property. The Chief of Police, or authorized designee shall instruct the involved Narcotics Unit officer on how to proceed after property is forfeited.
 13. Preparing necessary documents to dispose of and otherwise close out the forfeiture investigation after a final court order is received.
 14. Delivering copies of the court order and final disposition documents to the Records Unit and/or ensuring the appropriate documentation is scanned into the Records Management System (RMS) under the case number the forfeiture originated from.
 15. Keeping the Special Operations Division Commander, or authorized designee, apprised of the status of the case.

- F. The Narcotics Task Force is a sub-department of the Clayton County Police Department and comprised of officers from multiple agencies. The Narcotics Task Force shall have a designated "Task Force Forfeiture Coordinator." The Task Force Forfeiture Coordinator, or authorized designee, shall be responsible for the following:
1. Conducting reviews of cases and reports taken by the Narcotics Task Force, other Department divisions/units and other agencies to determine if forfeiture is warranted.
 2. Requesting additional information, or conducting investigations as may be necessary to prepare forfeiture requests.
 3. Preparing required forfeiture request forms.
 4. Gathering, organizing and submitting supporting reports, statements, photographs, and other items necessary to aid the Forfeiture Prosecutor in the preparation of the forfeiture filing with the court.
 5. Delivering the completed forfeiture request packet to the Forfeiture Officer, or authorized designee, for processing. Completed forfeiture request packets shall be delivered to the

Forfeiture Officer, or authorized designee, within five (5) calendar days of the initial seizure.

- a. The Task Force Forfeiture Coordinator, or authorized designee, shall be responsible for completing the forfeiture filing from this point forward in the same manner as a forfeiture prepared and filed by the Forfeiture Officer.
- b. The Forfeiture Officer shall keep the Task Force Forfeiture Coordinator and Special Operations Division Commander apprised of the status of any cases filed on behalf of the Narcotics Task Force.

G. Forfeiture Documents

Any request for forfeiture of seized property shall be filed using the proper forms approved by the Chief of Police and the District Attorney's Office. Information regarding the Department approved forms shall include, but not limited to, the following: *Forfeiture Request – DA cover sheet, Forfeiture Summary Form, Notice of Seizure for Complaint for Forfeiture Currency Form, Notice of Seizure for Complaint for Forfeiture Vehicle Form, Notice of Seizure for Complaint for Forfeiture Firearms Form, Notice of Seizure for Complaint for Forfeiture Personal Property Form, Property Hold - Forfeiture Form, Forfeiture Hold Release Form, Forfeiture Final Disposition Form, Forfeiture Deposit and Distribution Memo to Finance Director, Clayton County Central Services Department Capital Equipment Surplus Form and Request for Issuance of Equipment Form.*

VIII. CANCELLATION

This procedure amends and supersedes the following standard operating procedure *B4: Asset Forfeitures*, dated February 13, 2012.