



COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

ASSET FORFEITURE

Approved By: Kenneth Burton Chief of Police

CALEA 6th Edition Standard: 84.1.8

606 ASSET FORFEITURE

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

606.2 POLICY

The Columbia Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Columbia Police Department that all employees, including employees assigned to internal or external law enforcement task force operations shall comply with all state and federal laws pertaining to forfeiture.

606.3 DEFINITIONS

The following definitions apply to this policy:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The employee assigned by the Chief of Police responsible for reviewing all forfeitures and for acting as the liaison between the Department and the assigned attorney.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.6 MAINTAINING SEIZED PROPERTY

The Evidence Unit supervisor is responsible for ensuring compliance with the following:

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1. All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition
2. All property received for forfeiture is checked to determine if the property has been stolen.
3. All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.
4. Property received for forfeiture is not used unless the forfeiture action has been completed.

606.7 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include the following:

1. Remain familiar with forfeiture laws, particularly the Criminal Activity Forfeiture Act (§ 513.600, RSMo, et seq.) and the forfeiture policies of the County Prosecutor or attorney general.
2. Serve as the liaison between the Department and the County Prosecutor or attorney general
3. Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
4. Ensure that seizure forms are available and appropriate for department use. These forms should include notice forms, a receipt form and a check-list to provide relevant guidance to officers for the process. The forms should be available in languages appropriate for the region, and should contain places for:
 - a. Names and contact information for all relevant persons and peace officers involved.
 - b. A location for the signature of the person from whom cash or property is being seized.
 - c. A tear-off portion or copy to be given to the person from whom cash or property is being seized that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
5. Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Monthly Training Bulletins (MTBs) or Special Order. The training should cover this policy and address any relevant statutory changes and court decisions.
6. Review each asset forfeiture case to ensure the following:
 - a. Written documentation of the seizure and items seized is present in the case file.
 - b. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - c. Notice of seizure has been given in a timely manner to interest holders of seized property.
 - d. Property is promptly released to those entitled to its return.
7. Forward changes to forfeiture status to any supervisor who initiates a forfeiture case.
8. Deposit any cash received according to procedure.
9. Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

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10. Periodically review and update this policy and any related policies to reflect current federal and state statutes and case law.
11. Ensure the Department disposes of property as provided by law following any forfeiture.
12. Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.
13. Ensure that federal forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures.
14. Ensure that forfeiture reporting and expenditures are completed in the manner prescribed by the law and City financial directives).

606.8 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use.