

**DAYTON POLICE DEPARTMENT  
GENERAL ORDER  
FORFEITURE OF PROPERTY**



**KAMRAN AFZAL – DIRECTOR AND CHIEF OF POLICE**

Rev. 06/24

**POLICY STATEMENT**

Forfeiture laws in the State of Ohio and the United States are designed to help remove the instrumentalities or tools (money, vehicles, and other assets) from the criminal violator. State and Federal forfeiture laws have safeguards designed to protect innocent owners. The Dayton Police Department, in filing forfeiture cases, will strive to remove the tools from violators while protecting the rights of the innocent.

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**I. SPECIAL INVESTIGATIONS BUREAU ADMINISTRATION UNIT**

- A. Detectives assigned to the SIB (Special Investigations Bureau) Administration Unit will process forfeitures and submit seized assets for forfeiture in the most appropriate forfeiture route (State, Federal, return, etc.).
- B. **Forfeiture Inquiries: All inquiries regarding vehicles, money, and other property seized by the Dayton Police Department for forfeiture are to be referred to the recorded forfeiture line, 937-333-8689, not to an individual detective.**

**II. FORFEITURE GUIDELINES**

- A. Money in amounts \$500.00 or greater should be seized if you arrest an individual(s) for a **felony** drug offense so that it can be sought for forfeiture action. Money valued at less than \$500.00 will not be subject to seizure in cases of **felony** drug offenses, considering the expenses and time constraints associated with processing a high volume of such forfeitures.
- B. The SIB Administration Unit retains the discretion to seize money of any amount for forfeiture in cases related to felony and misdemeanor investigations involving, but not limited to: sex and/or human trafficking, prostitution offenses, massage parlors/services, juvenile sexual exploitation, illegal alcohol and tobacco sales and distribution, illegal gambling, and illegal liquor establishments, each evaluated on an individual basis.
- C. Any time you arrest an individual(s) out of a vehicle for a felony drug offense, the vehicle should be towed in for "Crimes" and a [REDACTED] hold placed on it. The SIB Administration Unit will determine the disposition of the vehicle; the [REDACTED] hold will be removed, or the vehicle will be submitted for forfeiture. The disposition will depend on the value of the vehicle and the circumstances involved in the arrest and seizure.
- D. In drug cases where **\$5,000.00** or more in cash or when vehicles valued at more than \$5,000 are seized for forfeiture, a federal forfeiture is possible. A Federal Task Force Officer (TFO) must be notified and adopt the



case. The Task Force Officer must be part of the case (except for public safety reasons, example: firearms, ammunition explosives and child pornography).

- E. When officers have any investigation that involves funds for potential seizure or forfeiture in excess of **\$5,000.00**, they will notify a supervisor who will then initiate a call-out for a detective assigned to the SIB Administration Unit to respond to the scene (General Order 2.07-1, Call Out – Call Back Procedures).
- F. Sections A, B, or C are the only situations in which seizure of assets may be made and a hold placed on the property.
- G. All money, vehicles or other property that is seized under sections A, B, or C will **not** be released without the approval of the SIB Administration Unit (in addition to the investigating unit).
- H. The Central Investigations Bureau (CIB) will investigate and document cryptocurrency seizures of any value.
- I. **As part of its forfeiture guidelines, the Dayton Police Department prohibits officers from confiscating any property, regardless of value, for outstanding child support payments or other civil liens.**

### III. MONEY AND CANINE USAGE

- A. Any recovery of \$5,000.00 or more with a felony drug arrest or \$5,000.00 or more with no felony drug arrest, but a significant drug record, will require a drug canine to process the item(s). This must be done before money is placed into evidence with drugs as the money becomes contaminated. Money and drugs will not be mixed before the drug canine can respond for the processing. A drug canine will immediately be called, in the following order:
  - On-duty DPD drug trained canine
  - Off-duty DPD drug trained canine
  - Any other agency drug trained canine

### IV. MONEY DEPOSITS

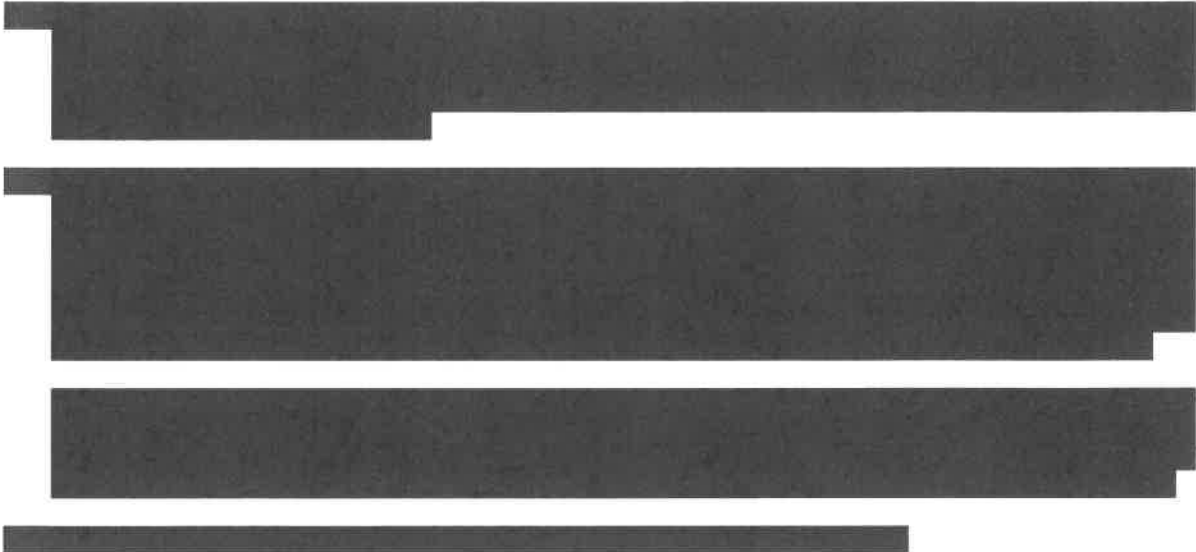
- A. Money that will be sought for forfeiture must be placed flat in an envelope, large enough so the money is not folded, stuffed, or crumpled in an envelope.
- B. Money should be placed with all denominations together (\$100.00's, \$50.00's, \$20.00's, \$10.00's, \$5.00's, \$1.00's, and \$2.00's) face up and in the same direction.
- C. All money will be counted in the money counter in the vestibule of the Property Room and then properly banded, placed in the envelope, sealed, and logged in as required (General Order 1.06-1, Property Room, Evidence, and Impounded Property, section III).

### V. DIBRS FORFEITURE MEMORANDUMS

- A. All vehicles, money, and other property seized for forfeiture action **must have a DIBRS (Dayton Incident Based Reporting System) FORFEITURE MEMORANDUM even if there is a DIBRS arrest or incident report.** The DIBRS forfeiture memorandum is to document questions and answers that are not necessarily associated with the criminal portion of the incident as most forfeitures are civil cases. The information in the criminal DIBRS report does not have to be repeated in the DIBRS forfeiture memorandum but it must note the forfeiture DIBRS number in the criminal DIBRS report. Information that is forfeiture in nature but not necessarily needed in the criminal DIBRS report should be placed in the forfeiture memorandum.
- B. DIBRS forfeiture memorandums must be completed by the end of the shift. Inquiries are almost immediate to any items seized for forfeiture action.
- C. In cases where money will be sought for forfeiture and is obtained from multiple locations, the locations and amounts should be documented in the DIBRS report and then the money can be combined and tagged as **evidence**. There should not be multiple piles of money tagged or tagged separately if the money will be



submitted for forfeiture.



- G. If the individual has invoked their Fifth Amendment Right, still ask the forfeiture questions (after the criminal portion of the investigation is complete) and note their responses. Remember that most forfeiture action is a civil investigation (after the criminal investigation).

#### VI. CITIZEN CONTACT INFORMATION

- A. Citizen contact information must be completed on all people associated with any seized vehicles / property. Citizen contact information should be completed on any potential witnesses (including but not limited to anyone in a vehicle that is going to be seized). If this information is in the criminal DIBRS report it does not need to be repeated in the forfeiture DIBRS report; however, it must be in at least one of the reports.
- B. It is important that the seizing officer obtain as much contact information as possible for the owner and the person the vehicle / property was taken from. This should include the full name, full address, and any telephone numbers (cellular, home and work numbers). This makes follow-up easier and often more successful.
- C. Officers need to be aware that there are strict time limits for submitting forfeiture and if those time limits are not met the forfeiture case cannot go forward.

#### VII. CONVICTION – REQUIRED FOR STATE FORFEITURE

State law requires a felony conviction, or in certain circumstances a misdemeanor conviction, in order to have a successful forfeiture. If the DIBRS arrest report is lacking important information to obtain charges approved by the Montgomery County Prosecutor's Office or City of Dayton Prosecutor's Office and secure a successful prosecution, the forfeiture cannot go forward. This is another reason to have clear, complete, and detailed arrest reports.

#### VIII. TOWED VEHICLES

- A. Generally, if you arrest a subject(s) out of a vehicle that was used in the commission of a felony drug offense, the vehicle should be towed and you should place a **HOLD** on the vehicle for the investigative unit and the SIB Administration Unit. This includes rental and leased vehicles. The word **HOLD** should be placed in the HOLD reason section of the tow screen along with any other unit name (Homicide, Robbery, Special Victims, Forgery, etc.) involved.

If you do not place a hold on a vehicle under these circumstances, document in the DIBRS report why no hold was placed on the vehicle. The SIB Administration Unit needs the hold so that they can submit the vehicle for



forfeiture or complete the "innocent owner" affidavit, when appropriate.

- B. Once the investigative unit is finished with any investigative holds (consent to search, search warrants, photographs, fingerprints, or other evidence gathering, etc.) the SIB Administrative Unit will review the vehicle for forfeiture action. Vehicles that have felony holds on them will require two hold releases (one from the investigative unit and one from the SIB Administrative Unit – in cases when vehicles are taken in reference to something other than a felony drug charge).
- C. **Place the tow number in the DIBRS report (damages or identification characteristics)** so that the tow information is automatically incorporated in the DIBRS report. This information should be on all DIBRS reports involving vehicles. Place the vehicle information (color, year, make, model, license number, etc.) in the narrative section of the DIBRS report. This is important because the vehicle information along with individuals associated with the vehicle in your incident report can be easily retrieved later through a "Master Name / Master Information Search". This information is a great investigative tool (for officers and detectives alike) and saves follow up investigators a lot of time.
- D. **Place the DIBRS number in the tow screen under the INC #/INFO: section.** Similar to appropriately placing the tow number in the DIBRS screen, this is helpful for follow up investigations (forfeitures, etc.). MDC's (Mobile Data Computers) require the DIBRS number be entered for a tow screen.
- E. Vehicles driven by someone under suspension or with no driver's license should almost always be towed. Remember the driver does not necessarily have to be booked but can be dropped off at a safe location (home, home of a relative or friend, public location, etc.). This should be documented in your DIBRS report. (See General Order 3.02-6, Towing Motor Vehicles, and General Order 3.02-2, Traffic Enforcement, for additional information).

[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]



Appendix A.

F-468 (10-09)

DAYTON POLICE DEPARTMENT  
335 West Third Street Dayton, Ohio 45402  
937-333-2677

## PROPERTY RECEIPT

Location \_\_\_\_\_ DIBRS \_\_\_\_\_ TAG \_\_\_\_\_

On \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., the item(s) listed below were:

( ) Received From ( ) Found ( ) Seized From\* ( ) Impounded From\*\*

(Full Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City/ State/ Zip) \_\_\_\_\_

(Telephone Number - cell, home, work) \_\_\_\_\_

CURRENCY		<p><b>* Seized Property:</b> Seized pursuant to various forfeiture laws including but not limited to O.R.C. 2981.01 through 2981.14. As the possessor of the property, you may have certain rights pertaining to the disposition of the property. You will be notified about the date, time and place of court hearings scheduled for the disposition of the property.</p> <p><b>For inquiries about property seized for forfeiture (including money), please contact the recorder line at 937-333-8689 and leave a message with your name, telephone number and address where the property was taken from. Only calls from owners will be returned. Call only once a week.</b></p> <p><b>** Voluntary Impoundment:</b> I have voluntarily given my permission for the listed duly sworn police officers of the City of Dayton, to impound the listed property. I understand that my property will be checked as to my legal possessor rights and if found NOT to be stolen, or evidence of a crime, it will be returned to me within FORTY-EIGHT (48) hours, providing this does not fall on a SATURDAY or SUNDAY. Presenting this receipt, along with other valid identification at the PROPERTY ROOM, Room 16, Ground Floor, Safety Building, 335 West Third Street, Monday through Friday, 8:00 A.M. to 4:00 P.M. will be sufficient action to obtain release of my property.</p> <p><b>Impounded items not retrieved within 30 calendar days (90 days for firearms) will be disposed of pursuant to state law.</b></p>
# of \$100.00 bills _____	= \$ _____	
# of \$ 50.00 bills _____	= \$ _____	
# of \$ 20.00 bills _____	= \$ _____	
# of \$ 10.00 bills _____	= \$ _____	
# of \$ 5.00 bills _____	= \$ _____	
# of \$ 1.00 bills _____	= \$ _____	
# of \$ _____ bills _____	= \$ _____	
# of quarters _____	= \$ _____	
# of dimes _____	= \$ _____	
# of nickels _____	= \$ _____	
# of pennies _____	= \$ _____	
# of _____ coins _____	= \$ _____	
<b>TOTAL \$ _____</b>		
<p><b>NOTE: A SUPERVISOR MUST VERIFY ANY RECEIVED/SEIZED AMOUNT.</b></p>		

## OTHER PROPERTY - DESCRIBE COMPLETELY

OTHER \_\_\_\_\_

Printed name, PDA/ASN, signature of officer, and date:

OFFICER: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICER: \_\_\_\_\_ Date: \_\_\_\_\_

SUPERVISOR: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name, signature, and date of person involved with the item(s):

\_\_\_\_\_ Date: \_\_\_\_\_

White copy to the Property Room, Yellow copy to the Bank, Pink copy to the person the property came from.