

***P.O. 250 Asset Forfeiture***

Effective From:	10-25-2023	Effective To:	Current
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***D. P.O. 250 – Asset Forfeiture***

**1. SEIZURES SUBJECT TO FORFEITURE**

- i. A "Seizure Subject to Forfeiture" is any item the Department reasonably expects will be the subject of forfeiture proceeding, which will allow the Department to be awarded the item, or a share of the proceeds derived from the sale of the item.
- ii. The Asset Forfeiture Unit Supervisor shall be the point of contact for all claims against property seized for forfeiture.
- iii. Whenever currency or other property that is subject to forfeiture is seized, the investigating officer or his supervisor shall label the investigation as an "Asset Forfeiture Seizure" in the records management system and notify the Asset Forfeiture Unit within two (2) business days of a seizure using electronic mail, supplying the following information:
  - a) Case number.
  - b) Violator name.
  - c) Date of seizure.
  - d) Description of seizure: currency amount, vehicle including make, model, VIN, license, color, and condition or real property.
  - e) Parish of seizure or Federal Agency.

**2. MINIMUM VALUE LIMITS ON SEIZURES SUBJECT TO FORFEITURE**

- i. Due to the legal expenses involved in forfeiture cases, officers/sections should not initiate forfeiture proceedings unless the value of the property meets the guidelines listed below.
  - a) Forfeiture proceedings should not be initiated against currency in amounts less than one thousand (\$1,000) dollars.
  - b) Forfeiture proceedings should not be initiated against vehicles valued less than four thousand (\$4,000) dollars. However, if a vehicle has hidden compartments or other modification to facilitate illegal activity, it shall be seized, regardless of value, if probable cause exists.
  - c) Real property seizures must be evaluated on a case-by-case basis, considering factors such as mortgage payoff, equity and appraised value. Whenever possible, real property seizures shall be coordinated with the Asset Forfeiture Unit Supervisor.
  - d) Other property (jewelry, portable phones, etc.) shall be evaluated on a case-by-case basis, considering their prospective value to the Department if forfeited.
- ii. Items that are seized only as evidence should not be reported to the Asset Forfeiture Unit unless eventual forfeiture proceedings are anticipated.
- iii. The Field Office Lieutenant may authorize deviation from the minimum value limits on seizures subject to forfeiture when, in his judgment, deviation is warranted by the facts.

**3. DECISION TO INITIATE FORFEITURE PROCEEDINGS**

- i. The decision to initiate forfeiture proceedings shall be made only by investigative personnel or the Asset Forfeiture Unit Supervisor. Uniform personnel who wish to initiate forfeiture proceedings shall contact the appropriate investigative section. When there is the potential to initiate forfeiture proceedings and the Department was the initiating agency, then discretion in the use of non-departmental personnel in an investigation should be applied.
- ii. After reviewing the case facts, the investigative officer assigned shall determine if forfeiture proceedings shall be initiated. If forfeiture will be initiated, he/she shall make the required notification to the Asset Forfeiture Unit by electronic mail and the investigative officer shall label the investigation as an "Asset Forfeiture Seizure" in the Department's records management system.
- iii. If a determination to initiate forfeiture proceedings cannot be made without further

- investigation, the labelling shall not be performed until the decision to initiate forfeiture proceedings is made.
- iv. The local prosecuting authority shall be given first option on the initiation of forfeiture proceedings in his/her area, unless the case is an ongoing joint federal case.
  - v. The Asset Forfeiture Unit Supervisor will coordinate forfeiture proceedings through the local prosecuting authority when contacted by departmental personnel.
4. **RELEASE OF PROPERTY SEIZED SUBJECT TO FORFEITURE**
- i. Whenever property seized subject to forfeiture is released, returned, or moved from its reported storage location, the Asset Forfeiture Unit Supervisor shall be notified. Notification of the change in status of forfeitable property shall be made by sending an email notifying the Asset Forfeiture Unit Supervisor within two (2) working days of the change. Any documentation submitted requesting the release of property shall be forwarded to the Asset Forfeiture Unit Supervisor by the Evidence Custodian.
5. **FILING FEDERAL FORFEITURE REQUESTS**
- i. All requests to share in federal forfeitures must be coordinated with the Asset Forfeiture Unit.
6. **CONVERSION OF FORFEITED PROPERTY**
- i. No employee of the Department shall purchase, acquire, or otherwise convert to personal use, any property seized and/or forfeited to the Department.
7. **ASSET SHARING AND ASSET USE**
- i. Decisions on sharing amounts shall be determined by the Field Office Lieutenant in consultation with the Asset Forfeiture Unit Supervisor. The Command Inspector will be the final authority on share determination. The following factors shall be considered when making the share determination:
    - a) Origin of information.
    - b) Initiating agency.
    - c) Degree of participation.
    - d) Unique or indispensable assistance.
    - e) Other property seized by agency during incident.
  - ii. No employee of this Department shall solicit or request any prosecuting authority to purchase any equipment on behalf of this Department using the Department's share of a pending or adjudicated forfeiture without the prior approval of the Deputy Superintendent in the employee's chain-of-command and the Superintendent.
  - iii. Request to keep seized vehicles for narcotics investigations shall be forwarded through the agent's chain-of-command to the Asset Forfeiture Unit Supervisor within twenty-one (21) days of the seizure. Once the Asset Forfeiture Unit receives the final judgement, a request for approval shall be forwarded through the chain-of-command to the Deputy Superintendent of Investigations.