

	ASSET FORFEITURE	Operations Order 8.1.00
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1. This policy applies to all employees assigned to investigate crimes that may involve the seizure of property subject to forfeiture.
 - All seizures for forfeiture will be reviewed/processed through the Drug Enforcement Bureau (DEB), Asset Forfeiture Unit.
2. The Department utilizes the civil asset forfeiture procedure as a tool to combat illegal drug trafficking and organized crime.
 - A. Forfeitures initiated by the Department will not be punitive in nature but will be remedial and an economic deterrent to criminal activity.
 - B. Officers **will not** seize property subject to forfeiture for the sole purpose of monetary gain for the City.
 - C. Seizure for Forfeiture - Per [Arizona Revised Statute \(ARS\) 13-4301.10](#), seizure for forfeiture means seizure of property by a peace officer coupled with an assertion (verbal or written) by the seizing agency, or by an attorney for the state, that the property is subject to forfeiture or the property has no evidentiary value.

3. **GROUND'S FOR SEIZURE OF PROPERTY SUBJECT TO FORFEITURE**

A. By Virtue Of Court Process

- Pursuant to the rules of civil procedure or the provisions of ARS Title 13, including the sections of the search warrant statutes, [ARS 13-3911 through 13-3915](#)

B. Without A Court Process If Any Of The Following Is True

- Property subject to forfeiture is seized incident to an arrest or a search for a crime
- The peace officer has probable cause to believe the property is subject to forfeiture
- Property has been the subject of a prior judgment in favor of the State of Arizona, any other state, or the federal government

C. A supervisor's approval is required on all seizures for forfeiture.

4. **ITEMS SUBJECT TO SEIZURE FOR FORFEITURE**

- A. Vehicles, currency, negotiable instruments (money orders, cashier's checks, etc.), and weapons are subject to seizure for forfeiture if a crime is committed for financial gain and is a chargeable drug offense, indictable felony racketeering offense, or is a vehicle used during a drive-by shooting, regardless of whether such is actually charged or indicted, **and** any of the following criteria is met:

- The item is a proceed of a racketeering offense.
- The item is used to facilitate a racketeering offense.
- The item is a vehicle used during a drive-by shooting.

NOTE: Officers should call the Asset Forfeiture Unit with **any** questions regarding **any** phase of the investigation.

(1) Racketeering Offenses	<ul style="list-style-type: none"> • Bribery • Child pornography • Drug offenses • Extortion • Extortionate extensions of credit • Forgery • Gambling 	<ul style="list-style-type: none"> • Homicide • Human smuggling • Kidnapping • Money laundering • Obscenity • Prostitution • Robbery
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4. A. (1) Racketeering Offenses: (Continued)

(1) Racketeering Offenses (Continued)	<ul style="list-style-type: none"> • Theft • Terrorism • Usury • Participating in a criminal syndicate • Asserting false claims, including fraud and arson • Intentional or reckless fraud in the purchase or sale of securities • Intentional or reckless sale of unregistered securities or real property securities • Intentional or reckless false statements or publications concerning land for sale or lease, or sale of subdivided lands, or sale and mortgaging of un-subdivided lands • Obstructing or hindering criminal investigations • Obscene or indecent telephone communications to minors for commercial purposes • Restraint of trade or commerce in violation of ARS 34-252 • Resale of realty with intent to defraud • Scheme or artifice to defraud • Trafficking in explosives, weapons, or stolen property <p>NOTE: Burglary is NOT a racketeering offense.</p>
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5. **ITEMS TO BE SEIZED**

A. Vehicles

- (1) Must have an estimated value of \$5,000 or more

EXCEPTION: Vehicles used during a drive-by shooting ([ARS 13-1209B](#)) are subject to seizure and shall not be restricted to a dollar value amount.

- (2) Should not be seized if in an obvious state of disrepair
- (3) Will be seized regardless of the lien amount
- (4) A vehicle worth less than the required amount of \$5,000, in addition to currency at or above the minimum of \$1,000, would satisfy the seizure requirements.
- (5) All attempts will be made to establish a controlling interest of the vehicle to avoid seizure from innocent parties.
- (6) When seizing a vehicle for a drug related offense, the suspect must be able to be charged with one of the following or the facilitation of such:
- Possession of illegal drugs for sale
 - Sale of or offer to sell illegal drugs
 - Transporting illegal drugs for sale
- (7) Leased vehicles can be seized.
- (8) Rental vehicles will not routinely be seized for forfeiture.
- (a) Rental agencies will be contacted to pick up the vehicle at the scene of the arrest or incident.
- (b) Impounding or disposition other than return to a rental agency will require the approval of a supervisor.

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5. B. Currency

- (1) Currency may be seized if they are the proceeds of, or were used for or intended to be used to facilitate the commission of the offenses listed in section 4.A of this order.
- (2) The Department requires a minimum amount of \$1,000 be seized in order to initiate forfeiture proceedings on cash. See the following examples:
 - \$350 each from three suspects would satisfy the minimum
 - A vehicle worth the required \$5,000 in addition to any amount of cash would also satisfy the minimum
- (3) If the seized currency totals \$5,000 or more or is a large number of small bills, the officer may contact the Asset Forfeiture Unit supervisor during normal business hours or the on-call DEB supervisor after normal business hours for assistance with counting the currency.

NOTE: The initiating officer is responsible for transporting and impounding all currency.

- (a) A DEB Money Count Worksheet will be completed and placed in the evidence bag with the currency.
- (b) Two officers must always be present during the count and both will put their initials and serial number on the bag.

C. Negotiable Instruments, Weapons, or Other Items

- Any employee contemplating the seizure of property other than vehicles, currency, negotiable instruments, or weapons, must contact the Asset Forfeiture Unit supervisor prior to seizing.

6. **PROCESSING EVIDENCE**

- A. All items subject to forfeiture will be packaged and impounded separately from all other types of impounded items.
- B. Items subject to forfeiture will be impounded as **Evidence**.
- C. Vehicles and currency will be impounded with established impound procedures.

7. **REQUIRED DOCUMENTATION**

A. Incident Reports (IRs)

- (1) Probable cause substantiating the seizure for forfeiture will be included in the IR.

ITEM TYPE	SPECIAL INSTRUCTIONS
(a) Vehicles	<ul style="list-style-type: none"> • Forward copies of any receipts, titles, or proofs of ownership to the Asset Forfeiture Unit • Remove all property except insurance, registration, and title paperwork, which should be left in glove box • List in the Vehicle section of the IR
(b) Currency	<ul style="list-style-type: none"> • List a breakdown of the denominations and amounts in the Evidence section of the IR
(c) Negotiable Instruments, Weapons, & Other Items	<ul style="list-style-type: none"> • Forward copies of receipts, proofs of ownership, and any related documentation which may prove or disprove control of the items to the Asset Forfeiture Unit • List in the Evidence section of the IR

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(2) The IR will include any information that links the items to the offense including:

- When and where the items were seized
- Statements made by the suspect/s reference the ownership or acquisition of the items

Last Organizational Review: