

<b>SALINA POLICE DEPARTMENT</b>		Number
<b>GENERAL ORDER</b>		<b>O2508</b>
SUBJECT: <b>CIVIL FORFEITURE</b>		
EFFECTIVE: 5/1/18 ISSUED: 5/1/18 REVIEW: Annual		
CANCELS:		
AMENDS: O2508 issued 12/15/16		Distribution
CALEA References: 17.4.2.		A

## **POLICY**

The Kansas Standard Asset Seizure and Forfeiture Act (K.S.A. 60-4101) gives law enforcement agencies in Kansas authority to seize money or property acquired in connection with certain illegal activities. It is the policy of the Department to utilize to the fullest extent the forfeiture provisions annotated in state and federal law. The identification and apprehension of criminals is followed by a vigorous effort to seize assets that have been used or acquired in the commission of their crimes.

## **Definitions**

- D1 **Asset Seizure** - The confiscation of property or assets used to commit a crime, or acquired as a result of a crime.
- D2 **Forfeiture** - The legal proceedings by which the ownership of property is surrendered by those having an interest in the property.
- D3 **Civil Forfeiture** - Proceedings brought against property, not a person. Possession of the property may not be illegal, but the property may be subject to seizure and forfeiture because of the way it was used.
- D4 **Criminal Forfeiture** - Proceedings do not necessarily depend on the outcome of the criminal case against the owner of the property. The defendant does not have to be convicted of the crime for the Department to be successful in the forfeiture proceedings.
- D5 **Property** - For the purpose of this policy, the term "property" means any asset that is held wholly or in part, liquid, or real, that may be subject to seizure or forfeiture.

## **Procedure**

1. Officers may seize any property which facilitated or are the proceeds of any act covered under K.S.A. 60-4104, whether or not there is a prosecution or conviction related to the offense. The Forfeiture Act includes numerous crimes for which property may be seized including:
  - 1.1. Violations of the controlled substance act as described in K.S.A. 2015 Supp. 21-5701 through 21-5717, and amendments thereto;
  - 1.2. Theft, as defined in K.S.A. 2015 Supp. 21-5801, and amendments thereto;
  - 1.3. Forgery, as defined in K.S.A. 2015 Supp. 21-5823, and amendments thereto;
  - 1.4. Identity theft and identity fraud, as defined in subsections (a) and (b) of K.S.A. 2015 Supp. 21-6107, and amendments thereto;
  - 1.5. Felony violations of fleeing or attempting to elude a police officer, as described in K.S.A. 8-1568, and amendments thereto;
2. **Seized Property** - All property seized by the Department will be handled as evidence in accordance to guidelines set forth in General Order P3204.

3. Civil Forfeiture Process - The Drug Task Force (DTF) Commander or designee will complete a Notice of Forfeiture and a Request for Forfeiture and forward the same to the Saline County Attorney's Office for proceedings.
4. Disposition of Property - The Department will dispose of forfeited money and property according to the guidelines set forth in the Kansas Standard Asset Seizure and Forfeiture Act, and any amendments thereto. When property is forfeited under this act, the Department may:
  - 4.1 Retain such property for official use or transfer the custody or ownership to any local, state or federal agency, subject to any lien preserved by the court.
    - 4.1.1. Upon receipt of an Order of Forfeiture or Settlement Agreement, Evidence personnel will sign over all awarded property to the DTF Commander or designee. Any currency awarded will remain in evidence until signed over to the DTF Commander or designee. The currency will be deposited into the DTF forfeiture account or the DTF Restitution and Tax account, depending on the nature of the forfeiture.
    - 4.1.2. The DTF Commander will forward a letter to the account manager and/or the City of Salina Finance Director who is assigned to pay the documented percentages of asset splits to those entities involved in the case.
    - 4.1.3. The DTF Commander will continue to track said property as "Forfeiture" items until such time as they are disposed of in accordance with K.S.A. 60-4117. If the item is sold, the revenue received will be deposited in the Department's forfeiture account.
    - 4.1.4. An annual forfeiture report will be prepared by the DTF Commander and will be presented to the DTF Board and the local budget authority.
    - 4.1.5. No member of the Department may purchase or attempt to purchase property seized pursuant to the Kansas Standard Asset Seizure and Forfeiture Act.

BY ORDER OF

---

CHIEF OF POLICE