



CDS-RELATED ASSET SEIZURES

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I. POLICY

It is the policy of the Police Department to seize all conveyances including aircraft, vehicles and vessels; all money, and weapons; and other personal property used in violation of the provisions of the Controlled Dangerous Substance Title as set forth in the Criminal Law Article of the Annotated Code of Maryland (CR 5-101 et seq.). Once assets are seized, and it is determined by appropriate investigation that they are subject to forfeiture pursuant to Title 12 of the Criminal Procedure Article of the Annotated Code of Maryland, they then shall fall under the prosecutorial jurisdiction of the Office of the State's Attorney. The Police Department's role is that of property custodian until the assets are either transferred to the Office of Finance, disposed of by a court pursuant to applicable laws or are returned to their owner by appropriate authority.

In accordance with Title 12 of the Criminal Procedure Article, seized vehicles may be recommended to the forfeiting authority for forfeiture only after the Chief of Police has personally reviewed the facts and circumstances of the seizure and has personally determined that forfeiture is warranted. Seized assets may be used as evidence in a court of law upon request of the State's Attorney.

II. SEIZURE OF PROPERTY FOR FORFEITURE (Section 12-202)

Property, as defined in this section, may be seized and held for forfeiture under the following conditions:

- A. Upon a warrant issued by any court having jurisdiction over the property; or
- B. Property seized incident to an arrest or a search under a search warrant or an inspection under an Administrative inspection warrant; or
- C. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
- D. There is probable cause to believe that the property has been used or intended to be used in violation of the CDS Act.

III. PROPERTY SUBJECT TO FORFEITURE

A. Vehicles

Section 12-102 (a)(4) authorizes seizure and subsequent forfeiture of all conveyances including aircraft, vehicles or vessels which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, or concealment of:

1. All controlled dangerous substances which have been manufactured, distributed, dispensed, or acquired, in violation of the C.D.S. Act; and
2. All raw materials, products and equipment of any kind which are used or intended for use in manufacturing, compounding, processing, delivering, importing or exporting any controlled dangerous substances in violation of the CDS Act.

B. Money and Weapons

Section 12-102 (a)(6) and (a)(7) authorizes seizure and subsequent forfeiture of money or weapons which have been used or intended for use in connection with the unlawful manufacture, distribution, or dispensing of controlled dangerous substances or controlled paraphernalia. Money in the amount of less than \$300 will not be seized. **Note:** Coins and Partial/mutilated bills will not be seized.

C. Personal Property

Section 12-102 (a)(11) authorizes the seizure of everything of value furnished, or intended to be furnished in exchange for controlled dangerous substances, all proceeds traceable to such an exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate any violation of the CDS Act. Additionally, other subsections of Section 12-102 provide for the seizure of personal property that is used, or intended to be used in violation of the CDS Act.

IV. STANDARDS FOR SEIZURE OF VEHICLES

Motor vehicles will be seized under the following circumstances:

- A. When CDS in any quantity is sold or attempted to be sold in violation of the CDS Act from the vehicle;
- B. When an amount of CDS is found that reasonably shows the violator intended to sell the controlled dangerous substance in violation of the Controlled Dangerous Substance law;
- C. Because of Court rulings, the mere possession of CDS transported in a vehicle or other conveyance does NOT justify the seizing of the vehicle or conveyance. In light of the Court rulings, the vehicle **MUST** play an integral part in the commission of a CDS violation or illegal activity beyond simply transporting CDS for the personal use of the occupants. However, as enumerated in the Annotated Code of Maryland, Section 12-204, the totality of the circumstances of a CDS possession case dictate that seizure and forfeiture of a vehicle are justified when the following circumstances are present:
 1. When there is a conspiracy to sell or attempt to sell CDS, or a conspiracy to possess with intent to sell CDS, in violation of the Controlled Dangerous Substance law;
 2. Regardless of the quantity of CDS found, when the vehicle has been previously seized for violations of the Controlled Dangerous Substance law or the owner has had a vehicle previously seized
- D. If after a CDS possession arrest is made and the vehicle was not seized, and the conditions set forth in the above section (IV.A, B or C) are applicable, the vehicle may be seized in a timely fashion without a Court Order as long as the owner or driver of the vehicle has not physically taken possession of the vehicle (i.e., the vehicle is at a tow yard or parked on the street where the arrest was effected.)

V. SEIZURE PROCEDURES FOR VEHICLES

- A. Notify a supervisor of possible seizure situation. The supervisor must respond to the scene and determine if circumstances justify seizure. Note: Supervisors should exhibit a common sense approach when evaluating a vehicle for seizure. Vehicles in poor condition (i.e., age, extensive mechanical or body / interior damage, very high mileage, rental car) may not be suitable for seizure.

B. The seizing officer will complete a “Notification of Seized Property Subject to Forfeiture” form (PD 1207), and provide the pink copy to the vehicle operator/owner at time of seizure. The seizing officer will also *scan* the white copy *into the records management system to be included in their report*.

C. Vehicles seized as an asset seizure will be towed to the “Asset Seizure Lot” during normal business hours. An Asset Forfeiture Squad Detective will be notified to meet the seizing officer at the lot. The County Shop at Millersville should be contacted to tow the vehicle. If the county garage is unable to provide a tow truck within thirty (30) minutes, the area tow company may be called. If towed, the officer will complete a tow report for the seized vehicles noting the vehicle condition and damage and any special accessories. With a supervisor's approval, and manpower allowing, the vehicle may be driven to the “Asset Seizure Lot” by the seizing officer or other officers assisting with the seizure. Supervisors are to ensure the officer's safety by determining the condition of the seized vehicle and its safe operation prior to authorizing it to be driven. The seizing officer will provide the yellow copy of the PD 1207 to the Asset Forfeiture Squad Detective.

D. Vehicles seized as an asset seizure may temporarily be stored on the secured lots at the district stations after normal business hours. A steering wheel locking device must be applied to the vehicle during this time. The yellow copy of PD 1207, vehicle keys, and the steering wheel locking device key will be placed into a *plain envelope*. *Utilizing the records management system, both the vehicle and the envelope containing the vehicle's keys, will be entered separately into the property section of the report. Separate labels will be printed off, one for the vehicle and one for the envelope. The vehicle label will be placed on the inside of the driver's window and the second label will be placed on the sealed envelope. Using the records management system evidence application on a departmental phone, the seizing officer will scan the label on the vehicle and then scan the label for the district parking lot. The label on the envelope will be scanned and then the officer will scan the label of the* District temporary storage property locker *where the envelope will be stored*. An Asset Forfeiture Squad Detective must be notified via email, of the seizure in these cases, to arrange for transport of the vehicle to the “Asset Seizure Lot”. Arrangements must be made with an Asset Forfeiture Squad Detective within 24 hours, excluding weekends and holidays, to have the vehicle transported to the “Asset Seizure Lot”. The vehicle keys, steering wheel locking device key, and related paperwork will be removed from the temporary locker by the District's Property Officer, when the vehicle is transferred by an Asset Forfeiture Squad Detective. *If the vehicle is being moved from the secured lot of a district station, the officer/detective moving the vehicle will scan the label attached to the vehicle using the records management system evidence application when they take possession of the vehicle, and will then scan the label attached to the vehicle and scan the label associated with the Asset Seizure Lot upon arrival at the lot.*

E. Before a vehicle is placed into the “Asset Seizure Lot” or secured temporarily at a district station, a complete and thorough inventory will be made detailing the vehicle's contents. A detailed inventory list of all personal property removed from the vehicle will be included on the Recovered Property Form. No personal property shall be left in the seized vehicle. Seizing officers may make arrangements with the property owner at the time of seizure to have the property picked up by a relative or friend. This should occur within a reasonable time of the vehicle seizure and with the approval of the seizing officer's supervisor. If the property is not turned over to someone, the recovered property must be processed and secured in accordance with the procedures found in Chapter 12, "Property Management."

F. The arresting/seizing officer will immediately prepare an Offense/Incident report containing facts to substantiate the seizure of the vehicle, including adding the vehicle to the Vehicle Side Panel in the records management system with the Status, “Asset Seizure”. The report will be submitted prior to the end of the officer's tour of duty.

G. A supervisor will ensure that the report contains facts to substantiate the seizure and will be responsible for reviewing and approving the report.

H. An Asset Forfeiture Squad Detective will assign a Lot Number, mark, photograph and *ensure the vehicle's chain of custody is properly documented in the records management system and appears at the correct location (Asset Seizure Lot)*. A seized vehicle case file will be established to contain all pertinent information relative to the vehicle seized and of its potential forfeiture, and ultimately, its final disposition.

I. The Asset Forfeiture Squad will be responsible for mailing, via first class mail, a copy of the “Notification of Seized Property Subject to Forfeiture” form (PD 1207) to the owner of the vehicle, if the person who received a copy of the PD 1207 on scene was not the owner of the property, within 15 days of the seizure.

J. After determining the probable cause for seizure, ownership and secured interests for the vehicle, an Asset Forfeiture Squad Detective will make a recommendation to the Chief of Police whether or not to request forfeiture of the vehicle. The criterion for proposed forfeiture is set forth in the Annotated Code of Maryland, Criminal Procedure Article, Section 12-204.

K. If forfeiture is warranted, an Asset Forfeiture Squad Detective will present the seized vehicle case file to the Chief of Police, along with an Affidavit by the Chief of Police requesting forfeiture action by the Office of the State's Attorney for Anne Arundel County.

L. If forfeiture is not warranted, then an Asset Forfeiture Squad Detective will facilitate the release of the vehicle to the registered owners or secured parties upon authorization of the Narcotics and Special Investigations Section Commander or his/her designee. With proper authorization, the vehicle shall be released upon completion of agreement and stipulation, and receipt.

VI. STANDARDS FOR SEIZURE OF MONEY

Money (over \$300) will be seized and held for forfeiture under the following circumstances:

A. A defendant is arrested and charged with distribution of CDS, possession with intent to distribute CDS, manufacturing CDS, or conspiracy to commit any of the aforementioned crimes; or,

B. The money (over \$300) was used or intended for use in connection with the illegal manufacture, distribution, dispensing of CDS; or

C. The money (over \$300) was found in close proximity to CDS or controlled paraphernalia, used or intended to be used in connection with the importation, exportation, manufacture, or distribution of CDS (criminal charges are not necessary.)

VII. PROCEDURES FOR SEIZED MONEY

The following procedures apply to the seizure of money pending forfeiture proceedings.

A. Upon the seizure of money, pursuant to the Annotated Code of Maryland, Criminal Procedure Article, Section 12-202, the seizing officer will complete a “Notification of Seized Property Subject to Forfeiture” form (PD 1207), and provide the defendant with the pink copy. The seizing officer will scan the completed form and add the form as an attachment to the report in the records management system. The white copy will be forwarded to Central Records. The yellow copy of the PD 1207 will be stapled to the F.A.S.T. Seizure envelope. The seizing officer will immediately photograph and make a record of the serial number of each seized item. The photographs may be substituted for the money as evidence in a criminal case. A copying machine copy of the money will meet these legal requirements (Make sure the serial number of each bill, on the "face side," is copied). Except for “N-Number” Cases, photographs and items copied/scanned to PDF format will be added as attachments to the report in the records management system as described in Index Code 1203.2. In cases of an unusually large amount of U.S. currency bills, the Narcotics & Special Investigations Section has access to a high volume currency counter/copier and can be contacted for assistance.

B. A supervisor will ensure that a report is prepared, containing facts to substantiate the seizure and will be responsible for reviewing and approving the report, including ensuring seized money is added to the Property Side Panel in the records management system with the Status, “Asset Seizure”.

C. Money will be counted, independently, by both the packaging officers and a supervisor. The officer and supervisor must both verify the count. Money seized will be placed in an envelope marked "F.A.S.T. Seizure" and the envelope will then be sealed in the presence of both the seizing officer and the supervisor. The officer's and supervisor's initials will be placed across the seal. If the seized money will not fit into the predesignated F.A.S.T. Seizure envelope, a larger envelope may be used. The F.A.S.T. Seizure envelope should still be completed and taped to the outside of the larger envelope. The larger envelope should then be sealed using the same procedure described

above for the F.A.S.T. Seizure envelope. The envelope will be placed in a temporary secure property storage facility located in the police facility; it may be locked in an evidence (not CDS) drop box, or locked in a secure storage locker. The storage facility logbook entry must be marked "F.A.S.T. seizure."

D. The facility property officer, as designated by the district captain, will contact the Asset Forfeiture Squad, whenever money is seized as a F.A.S.T. Seizure. Once notified, the Asset Forfeiture Squad Detective will be responsible for responding to the police facility to take custody of the seized money. The Asset Forfeiture Squad Detective will inventory, confirm the amount, and prepare a receipt for the funds. The following procedures will be followed:

1. Generate a cover memo for the Office of Finance that includes the case number(s), case date(s), amounts of money, officer's or detective's names, and defendant's names.
2. Take the funds to the main cashier's office located in the Office of Finance. Keep and retain the receipt that the cashier generates in the section/unit records.

E. The CID Narcotics & Special Enforcement Section Asset Forfeiture Squad will be responsible for forwarding all pertinent reports to the Office of the State's Attorney's F.A.S.T. Unit. The Asset Forfeiture Squad will also be responsible for mailing, via first class mail, a copy of the "Notification of Seized Property Subject to Forfeiture" form (PD 1207) to the owner of the seized money, if the person who received a copy of the PD 1207 on scene was not the owner of the property, within 15 days of the seizure.

VIII. STANDARDS FOR SEIZURE OF PERSONAL PROPERTY

A. Personal property includes both tangible and intangible property such as:

1. Any item or object such as tools, equipment, containers, raw materials, substances, devices, drug paraphernalia or weapons;
2. Books, records, research, formulas, microfilm, tapes and other data;
3. Securities, negotiable and non-negotiable instruments, privileges, interests, claims and rights; and
4. Any property of value including jewelry, electronics equipment, furnishings, etc.

B. Personal property will be seized and held for forfeiture under the following circumstances:

1. When the property is used or intended for use in connection with the Controlled Dangerous Substances;
2. When the property is furnished or intended to be furnished in exchange for a Controlled Dangerous Substance;
3. When the property is of such value that the total circumstances suggest it to be profit or proceed from involvement with Controlled Dangerous Substances, whether derived directly or indirectly in connection with or as a result of that involvement with Controlled Dangerous Substances.

IX. SEIZURE PROCEDURES FOR PERSONAL PROPERTY

A. Notify a field supervisor, who will determine if the circumstances justify the seizure and if assistance from the Narcotics and Special Investigations Section is necessary.

B. Upon the seizure of personal property pursuant to the Annotated Code of Maryland, Criminal Procedure Article, Section 12-202, the seizing officer will scan the completed form and add the form as an attachment to the report in the records management system. The white copy will be forwarded to Central Records. The yellow copy of the PD 1207 will be forwarded to the Asset Forfeiture Squad via inter-office mail. All personal property will be photographed and a record made of any identifying serial number or characteristics. Except for "N-Number" cases, photographs and items copied/scanned to PDF format will be added as attachments to the report in the records management system as described in Index Code 1203.2.

C. The authorizing supervisor will ensure that a report containing the facts substantiating the seizure is prepared and will be responsible for reviewing and approving the report including ensuring seized property is added to the Property Side Panel in the records management system with the Status, "Asset Seizure".

D. The personal property will be handled as all other property taken into custody as required in Index Code 1201.1. The entry in the temporary storage facility log book will be marked "F.A.S.T. Seizure."

E. The property will be taken to Property Management in accordance with the established procedures for the type and nature of the property.

F. The CID Narcotics & Special Enforcement Section Asset Forfeiture Squad will be responsible for forwarding all pertinent reports to the Office of the State's Attorney's F.A.S.T. Unit. The Asset Forfeiture Squad will also be responsible for mailing, via first class mail, a copy of the "Notification of Seized Property Subject to Forfeiture" form (PD 1207) to the owner of the seized property, if the person who received a copy of the PD 1207 on scene was not the owner of the property, within 15 days of the seizure.

X. AUTHORITY OF THE F.A.S.T. UNIT

The Office of the State's Attorney for Anne Arundel County is designated the "forfeiting authority" as defined in Section 12-102 (f)(1). As such, the F.A.S.T. Unit attorney of that office is responsible for filing all court proceedings relevant to forfeitures, and is responsible for coordinating the disposition of all such assets pursuant to court order and applicable law.

XI. PROPONENT UNIT: Narcotics and Special Investigations Section.

XII. CANCELLATION: This directive cancels Index Code 1207 dated **07-29-22**.