

Policy Number: 04-002

Lucas County Sheriff's Office
Policy and Procedure



Approved by Sheriff:

Michael J. Navarre

Sheriff Michael J. Navarre

DATE FOR REVIEW:

Pages:

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SECTION: DETECTIVES

INTERNAL CONTROL POLICY
FORFEITURES

I. POLICY

A. DEFINITIONS

Forfeitures Officer – Lucas County Sheriff's Office investigator assigned the duty of tracking and documenting all property seized by the department and subject to forfeiture. The Forfeitures Officer will provide the Chief of Law Enforcement Services with regular accountings of this money and property.

Cash and Accounts – Actual currency connected with the commission of a felony. This includes cash found at the crime scene or money in bank accounts traceable to criminal activity.

Vehicles – The Corrupt Activity Act specifies that motor vehicles used in the commission of any felony are subject to seizure by law enforcement officials. If a vehicle is forfeited, it becomes available for use by the jurisdiction. All forfeited vehicles must be re-titled in the name of the Lucas County Commissioners. The commissioners will determine if any outstanding liens on such vehicles are to be paid off. If forfeited vehicles are not used for law enforcement activity, they will be sold at public auction and the proceeds turned over to the "Drug Fund" Account.

Narcotics – Any narcotics discovered in connection with a felony are subject to seizure. Strict control must be maintained over these substances. Narcotics that are seized may, in turn, be used to advance other crime investigations. The Corrupt Activity Act specifies that such narcotics may be used in later investigations provided that this use is approved by the Lucas County Prosecutor.

Other Property – This includes all other property that may be forfeited in connection with the commission of a felony. Example of such property are as follows: jewelry, firearms, furs, tools, and **real property**. Under the Corrupt Activity Law, any property can be subject to forfeiture if it was acquired through or used in connection with the commission of a felony.

Monthly Forfeiture Report – Monthly statement prepared by the Forfeiture Officer and submitted to the Chief of Law Enforcement Services. This report will describe all money, accounts, vehicles, narcotics, and property seized in the previous month. It will include a complete description of the current status of this property and plans for its disposition.

Sheriff – Wherever the title “Sheriff” appears in these procedures; it will be understood to stand for “Sheriff or his designee.”

II. PROCEDURES

A. CASH AND ACCOUNTS

1. Investigators will identify cash and/or bank accounts connected with the commission of felony crimes. If **probable cause** exists to believe that such cash or accounts were used or acquired through the commission of a felony, then they are subject to forfeiture.
2. All cash seized by the Lucas County Sheriff’s Office will be recorded on a **ledger** kept by the Forfeitures Officer.
3. Any cash seized by the Lucas County Sheriff’s Office will be kept in the Evidence Property Room until disposition. The Forfeitures Officer will tabulate all such cash on hand each month.
4. Following the arrest of the suspect, Lucas County Sheriff’s Office investigators will proceed with forfeiture proceedings concerning seized property.
5. All State forfeiture proceedings will be handled by the Lucas County Prosecutors Office. Notification to that office should be made as soon as possible. All Federal forfeitures will be handled through Eshare.
6. If there is a hearing date, the parties will appear in Common Pleas Court. If the court finds that the cash was used in connection with criminal activity, then he/she will enter forfeiture order.
 - a. The defendant will have the right of appeal.
 - b. If there is no appeal within thirty (30) days the order becomes final.
7. A copy of the order will be sent to the Forfeitures Officer. Upon receipt of the order, the cash will be turned over to the Finance Clerk for deposit in the Law Enforcement Trust Fund.
 - a. A copy of the order will remain in the files of the Forfeiture Officer.
 - b. The Forfeiture Officer will obtain a receipt from the Finance Clerk whenever money is turned over for deposit in the Trust Fund.
 - c. The Forfeitures Officer will make an appropriate entry in a **Cash Ledger** kept with his records.
8. If **BANK ACCOUNTS** are connected with the commission of a felony, then these are also subject to seizure.

- a. The investigators will identify those accounts connected with the criminal activity. This will include the account number whenever possible.
 - b. The investigators will request the Lucas County Prosecutor's Office to obtain an order freezing these accounts.
 - c. At the hearing, the Prosecutor's Office will present the petition for seizure of the described account(s). If the court finds that the accounts were connected with the commission of a felony, he/she will order the forfeiture.
 - i. The defendant will have the right to appeal.
 - ii. If there is no appeal in 30 days, the order will be final.
 - d. The seizure order will be served on the bank holding the account(s). All funds in the account(s) will be turned over to the Lucas County Sheriff's Office Property Room pending a forfeiture proceeding.
 - e. Upon the receipt of a Court Order the Forfeitures Officer will transfer these funds to the Finance Clerk for submission to the Law Enforcement Trust Fund. The Forfeitures Officer will make a notation to this effect in the Cash Ledger. He will obtain a receipt from the Finance Clerk for the deposit.
9. Monies held in the Law Enforcement Trust Fund may be used by the Lucas County Sheriff's Office investigators to purchase equipment, supplies, and services necessary to advance other investigations.
- a. Investigators seeking to use these funds will submit a written request to the Sheriff or his designee, with a copy to the Forfeitures Officer.
 - b. The Sheriff will approve or deny the use of these funds.
 - c. The order will be sent to the Lucas County Commissioners where the county finance officer will authorize the issue of a check in the amount requested.
 - d. The Forfeitures Officer will receive copies of all orders, authorizations, and checks issued for his records. Whenever forfeited monies are used for law-enforcement purposes, a notation will be made in the Cash Ledger.
 - e. Receipts will be maintained for any equipment, supplies, and services purchased with money drawn from the Law Enforcement Trust Fund.

III. VEHICLES

- 1. Investigators will identify vehicles used in connection (or purchased through) with the commission of a felony. If probable cause exists to believe that such vehicles are connected with felony crimes, then they are subject to forfeiture.

2. All vehicles seized by Lucas County Sheriff's Office investigators will be placed in impound until disposition. The Forfeitures Officer will be notified as to all impounded vehicles. He will keep appropriate records of such vehicles and their disposal.
3. Following the arrest of the suspect; Lucas County Sheriff's Office investigators will proceed with forfeiture proceedings involving the seized vehicle(s).
4. All State forfeiture proceedings will be handled by the Lucas County Prosecutors Office. Notification to that office should be made as soon as possible. All Federal forfeitures will be handled through Eshare.
5. If there is a hearing date, the parties will appear in Common Pleas Court. If the court finds that the vehicle was used in connection with **criminal** activity, then he/she will enter a forfeiture order.
 - a. The defendant will have the right of appeal.
 - b. If there is no appeal within 30 days the order becomes final.
6. A copy of the order will be sent to the Forfeitures Officer. Upon receipt of the order, he will notify the Lucas County Sheriff's Office Vehicles Officer and make arrangements for Lucas County to obtain title to the vehicle.
7. The Motor Pool Officer will contact the Lucas County Title Office and the Common Pleas Court and transfer title to the vehicle to Lucas County.
8. If there is a **lien** on the vehicle, then the Lucas County Commissioners will be contacted for authorization to pay it off. The decision to pay off liens on forfeited vehicles will reside with the Lucas County Commissioners and the Sheriff (or the Sheriff's designee).
 - a. If the Commissioners agree to pay the lien, then the Finance Officer will provide the necessary authorization.
 - b. The Forfeitures Officer will receive copies of all correspondence regarding the decision to pay off liens on forfeited vehicles
9. When the county obtains title to forfeited vehicles, such vehicles may be used with the authorization of the Sheriff for further departmental purposes. Authority to use such vehicles must first be obtained from the Sheriff or his designee.
 - a. A written request will be filed with the Sheriff or Chief of Law Enforcement for use of a particular vehicle. A copy of the request will be forwarded to the Forfeitures Officer and Motor Pool Lieutenant.
 - b. The Sheriff will approve or deny the request. Copies of all such correspondence will be forwarded to the Forfeitures Officer.

- c. The Forfeitures Officer will submit a monthly report to the Chief for Law Enforcement describing the forfeited vehicles currently in use and the status of impounded vehicles subject to forfeiture.
10. Forfeited vehicles not put to department use will be put up for public auction by the Lucas County Sheriff's Office.
 - a. The Forfeitures Officer will oversee the final sale of such vehicles.
 - b. All monies obtained from the auction of such vehicles will be turned over to the Law Enforcement Trust Fund.
 - c. The Forfeitures Officer will submit a report on all auction activity to the Chief of Law Enforcement. Entries will be made in the **Cash Ledger** for all proceeds turned over to the Trust Account.

IV. NARCOTICS

A. DISPOSAL

1. Investigators will identify and seize **narcotics** (and suspended narcotics) that are involved in the commission of felony crimes.
2. All illegal narcotics seized by Lucas County Sheriff's Office investigators will be tagged and stored in the Evidence Property Room. A General Offense Report will be filed whenever such narcotics are seized and stored.
 - a. Any inventory will be maintained of all narcotics on hand in the Evidence Property Room by an assigned officer.
 - b. A copy of this inventory will be sent to the Forfeitures Officer.
3. Narcotics seized in this manner will remain in the Evidence Property Room until proceedings against the defendant have been completed.
4. Upon disposition of the criminal case against the defendant, the Forfeitures Officer will be notified that the narcotics are available for disposal.
5. If the narcotics are not to be used in further criminal investigations, the Sheriff will be asked for permission to destroy them.
 - a. The Lucas County Prosecutor will be first notified to ensure that the narcotics are no longer needed as evidence.
 - b. Upon approval of the Prosecutor and the Sheriff, investigators will transport the narcotics to an appropriate site for disposal.

- c. Upon the destruction of the narcotics, the deputies in attendance will submit a written report to the Chief of Law Enforcement and the Property Room Officer.

B. USE IN FURTHER INVESTIGATIONS

1. The State of Ohio has authorized law enforcement departments to use forfeited narcotics to advance criminal investigations if **special circumstances** are present. Generally, this will involve a sale by **an undercover operative** in order to obtain further information or protect that operative's identity. **ALL DEPUTIES ARE ORDERED TO CLOSELY ADHERE TO THE DEPARTMENTAL "INTERNAL CONTROL POLICY" CONCERNING SUCH USE OF NARCOTICS.** It is absolutely essential that proper records and documentation be kept whenever investigators themselves use illicit narcotics as part of their operations. All officers having contact with these narcotics will be held **strictly accountable** for documenting their use and accounting for any proceeds obtained in a sale.
2. Whenever a Lucas County Sheriff's Officer detective/investigator believes that "special circumstances" exist to justify an undercover drug sale, he/she will present a **written proposal** to the Chief of Law Enforcement.
 - a. The proposal will list the "special circumstances" that are present and the sale is necessary to carry out his/her duties.
 - b. "Special Circumstances" include (but are not limited to):
 - i. The necessity of protecting an operative's "cover."
 - ii. The need to gain further information on a criminal conspiracy.
3. The Sheriff only will approve/deny the authorization. **If approved, a copy of the proposal and the authorization will be sent to-the Property Room Officer.**
4. The Forfeitures Officer will apply to the Lucas County Prosecutor for permission to carry out the sale. This approval may be received in one of two ways:
 - a. General approval given to the investigator making the sale or to the law enforcement agency. Such general approval will be for **that sale** and for subsequent sales in the same investigation after the initial sale.
 - b. Specific approval may be obtained for one particular sale only.
5. The Prosecutor will approve/deny the sale **in writing**. A copy of any approval will be sent to the Forfeitures Officer.
6. Upon approval, the investigator will obtain the requested narcotics from the Evidence Property Room.
 - a. He/She will find out a report containing the following information:

- i. His/Her name.
 - ii. The amount and type of narcotics being used.
 - iii. The original source of the narcotics.
 - iv. The name of the Lucas County Prosecutor authorizing the transaction.
 - b. A copy of this report will be forwarded to:
 - i. The Sheriff.
 - ii. Chief of Law Enforcement.
 - iii. Forfeitures Officer.
7. The investigator will proceed with the proposed operation. If the narcotics are **NOT** conveyed to another party, then they will be returned to the Evidence Property Room when the operation is completed.
 - a. A report will be filed by the officer when the narcotics are returned.
 - b. The return of the narcotics will be witnessed by the Evidence Property Officer who will countersign the report.
 - c. Copies of the report will be sent to:
 - i. The Sheriff.
 - ii. Chief of Law Enforcement.
 - iii. Forfeitures Officer.
8. ***IN THE EVENT THE NARCOTICS ARE INVOLVED IN AN UNDERCOVER OPERATION THEN ANY MONEY OR PROPERTY RECEIVED MUST BE ACCOUNTED FOR.***
 - a. The investigator will turn over any money or property received as a result of such a sale to the Evidence Property Room.
 - b. A report will be filed describing the circumstances of the sale and the money/property received. Copies of this report will be sent to the Sheriff, Chief of Law Enforcement, and Forfeitures Officer.
9. The money or property will be held for evidence during the pending criminal case.
10. The Forfeitures Officer will submit a monthly report to the Chief of Law Enforcement on the status of any money/property obtained in this manner.
11. All cash on hand will be recorded in a **Cash Ledger** by the Forfeitures Officer.

12. Following the arrest of the suspect or the conclusion of the investigation, the Lucas County Sheriff's Office investigators will proceed with forfeiture proceedings against any cash or property obtained in this manner.
13. The forfeiture of such cash or property will conform to the Internal Control Policy for dealing with "Cash and Accounts" and "Other Property."
14. The Forfeitures Officer will receive copies of any reports or documents concerning cash/property obtained in this manner.

V. OTHER PROPERTY

1. Investigators will identify property connected with the commission of felony crimes. If probable cause exists to believe that such property was used in or acquired through the commission of a felony, then it is subject to forfeiture.
2. "Other Property" subject to seizure and forfeiture includes, but is not limited to:
 - a. Jewelry.
 - b. Tools.
 - c. Furs.
 - d. Real Property.
 - e. Firearms, weapons and dangerous ordnance- See Special Procedures for Handling at #10
3. All property seized as a result of Lucas County Sheriff's Office investigations will be tagged and stored in the Evidence Property Room until disposition. The Forfeitures Officer will record the storage of such property on a ledger kept for that purpose.
4. Following the arrest of the suspect, Lucas County Sheriff's Office investigators will go forward with forfeiture proceedings concerning the seized property.
5. All State forfeiture proceedings will be handled by the Lucas County Prosecutors Office. Notification to that office should be made as soon as possible. All Federal forfeitures will be handled through Eshare.
6. If there is a hearing date, the parties will appear in Common Pleas Court. If the court finds that the property was used in connection with criminal activity.
 - a. The defendant will have the right to appeal.
 - b. If there is no appeal within thirty (30) days the order becomes final.
7. A copy of the forfeiture order will be sent to the Forfeitures Officer. Upon receipt of the order, the property will be available to the Sheriff's Department for inclusion at

public auction or for use in further departmental activity at the discretion of the Sheriff.

8. Forfeited property will be sold at regularly scheduled public auctions under the supervision of the Forfeitures Officer.
 - a. All forfeited property subject to auction will be noted in a report submitted to the Chief of Law Enforcement.
 - b. All monies received for forfeited property will be turned over to the Law Enforcement Trust Fund.
 - c. Separate accounts and records will be kept for forfeited property sold at public auction.
9. The Forfeitures Officer will submit a report on all auction activity to the Chief for Law Enforcement. Entries will be made in the **Cash Ledger** for all proceeds turned over to the Trust Account.
10. **SPECIAL PROCEDURE FOR WEAPONS** – In the event that weapons and dangerous ordnance (rifles, handguns, shotguns, etc.) are seized and forfeited then they will **NOT BE MADE AVAILABLE FOR SALE** at public auction. The Corrupt Activity Act specifies that **firearms and dangerous ordnance**, if they are to be **destroyed**, must be handled in the following manner:
 - a. The Property Room Officer will regularly report on the status of any firearms or dangerous ordnance in the custody of the Evidence Property Room.
 - b. **Upon the conclusion of the criminal case against the defendant and the receipt of a forfeiture order**, the weapons or dangerous ordnance will be available for destruction.
 - c. Weapons and dangerous ordnance will be transported to a site designated by the Sheriff for destruction. If other circumstances require it, the weapons/dangerous ordnance will be transferred to BCI for destruction.
 - d. A report will be submitted by the Property Room Officer to the Chief of Law Enforcement whenever weapons are destroyed or transferred to BCI.