

EAST LANSING POLICE DEPARTMENT

POLICY AND PROCEDURE

ORDER NUMBER: 52-20
SUBJECT: Forfeiture Seizure Processing
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CHIEF OF POLICE: _____

52.1 PURPOSE

The purpose of this policy is to establish guidelines for the handling of seizures made pursuant to MCLA 33.7523.

52.2 POLICY

It is the policy of the East Lansing Police Department to conduct and process all forfeiture seizures in compliance with MCLA 33.7523.

52.3 PROCEDURES

A. General Requirements

1. If the total value of the property seized is over \$50,000; no claim is necessary, and the prosecutor must file a lawsuit.
2. The Notice of Seizure and Intent to Forfeit and Dispose of Property Form must notify the owner(s) that the state intends to forfeit and dispose of the property by delivering the written notice to the owner(s) of the property or sending it by certified mail.
3. If the Department cannot reasonably ascertain the name and address of the owner(s), a notice shall be published in a newspaper of general circulation in the county in which the property was seized, for ten (10) consecutive publishing days.
4. Before disposing of property that is forfeited after the 20-day period of waiting, the Department must check to see if the criminal case is completed. If it is not completed, the Department must get written approval from the Ingham County Prosecutor or the Michigan Attorney General to dispose of the property.
5. An attorney for a person who is charged with a crime involving or relating to money seized shall be afforded a period of 60 days within which to examine the

money that was seized. The 60-day period starts when notice is given that the property is going to be forfeited.

6. If the Ingham County Prosecutor's Office fails to sustain the burden of proof, the money is returned; plus any interest earned on the deposited money from an interest bearing account.
7. Property must be returned to the owner after the occurrence of any of the following:
 - a. A warrant is not issued against the person for the commission of a crime within 90 days after the property was seized.
 - b. All charges against the person relating to the commission of a crime are dismissed.
 - c. The person charged with committing a crime is acquitted of the crime.
 - d. In the case of multiple defendants, all persons charged with committing a crime are acquitted of a crime.
 - e. Entry of a court order for the return of property.

B. Patrol Responsibilities

1. The officer shall request permission from their supervisor prior to seizure of any assets.
2. Upon the seizure of drug forfeiture funds the money seized shall be packaged and submitted to the quartermaster in accordance with policy 34-14 section G.
3. The reporting officer shall document the amount of funds seized and evidence supporting such seizure in a written police report.
4. The reporting officer shall complete the Ingham County Prosecutor's Office "Notice of Seizure and Intention to Forfeit and Dispose of Property" form.
5. A copy of the Notice of Seizure and Intention to Forfeit and Dispose of Property and Claim to Seized Property forms shall be provided to the owner by the seizing officer.
6. The seizing officer shall attach a copy of the Notice of Seizure and Intention to Forfeit and Dispose of Property to their police report.
7. The seizing officer shall notify the Detective Bureau Command of the seizure and related police report complaint number via email and forward the Notice of Seizure and Intention to Forfeit and Dispose of Property form to the Detective Bureau.
8. Include the following two headings in your police report.
 - a. Probable Cause to Seize.
 - b. Notice of Seizure and Intent to Forfeit and Dispose of Property Served.

C. Detective Bureau Responsibilities

1. The Detective Bureau Command will log the seizure for tracking purposes. The log will include the following:

- a. Date Served, Complaint Number, Subject/Owner Served, Charges Filed, Date ICPO Notified, Claim (Yes/No), Charges Issued/Date, Items Seized, Items Returned, Court Disposition On Case/ELPD Disposition Of Property.
2. The Detective Bureau Command will provide the Ingham County Prosecutor's Office with a copy of the Notice of Seizure and Intention to Forfeit and Dispose of Property form and Claim to Seized Property form if completed by the claimant.

D. Claims Process

1. A claimant must file a claim to the seized property with the East Lansing Police Department within 20 days of the seizure. This claim will be forwarded to the Detective Bureau Command for processing.
2. Upon receipt of the claim, the Detective Bureau Command shall provide the Ingham County Prosecutor's Office a list and description of the seized property in accordance with MCLA 333.7523(1)(c).
3. The claimant is not required to post a bond on the seized property.

E. Quartermaster's Responsibilities

1. Seized funds shall be deposited with the East Lansing Finance Department into an interest-bearing account.
2. Funds ordered returned to the claimant must be returned plus interest earned.

F. Forfeiture Settlements

1. The Ingham County Prosecutor's Office is responsible for determining if the property should be returned to the owner.
2. Equitable fees shall be determined by the Ingham County Prosecutor's Office.
3. A Forfeiture Settlement Agreements Form will be completed by the Ingham County Prosecutor's Office and signed as required by law.
4. A copy of the Forfeiture Settlement Agreement Form will be provided to the property owner and the Police Department by the Ingham County Prosecutor's Office.