

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 405-I

REFERENCE STANDARDS: 1.2.4 84.1.1a,b,e 84.1.4 84.1.8

SUBJECT: Assets, Seizure, and Forfeiture

POLICY: It is the policy of this Police Department to utilize to the fullest extent the forfeiture provisions available in State and Federal laws in order to impact as effectively as possible on criminal offenders in this jurisdiction, while providing the Department with the maximum amount of economic benefits provided for in these various laws.

PURPOSE: The purpose of this policy is to direct the seizure and forfeiture of motor vehicle and/or other property that was used or derived from the commission of certain criminal offenses.

I. DEFINITIONS

A. Seizure of Motor Vehicles and/or Other Property:

1. Any assertion of dominion and control over a vehicle and/or other property by a law enforcement officer or agency pursuant to suspected criminal acts that interfere with the full possessor rights of the vehicle and/or other property constitutes a seizure.

B. Forfeiture of Motor Vehicles and/or Other Property:

1. Forfeiture is the procedure by which title to seized property is finally transferred to the seizing agency. Forfeiture can be obtained through a final court order of the court having jurisdiction over the seized property, or through negotiated settlement with those persons having a lawful legal interest in the seized property.

C. Statutory Authority Including but not Limited to:

1. Illinois Compiled Statutes, Chapter 720, Article 36
2. Illinois Compiled Statutes, Chapter 720, ACT 550 and ACT 570
3. Illinois Compiled Statutes, Chapter 720, Article 29B

POLICE OPERATIONS MANUAL

Dir.#: 405-I

Issued: 12/27/91

Rev: 09/24/2018

Eff: 10/12/2000

VILLAGE OF HANOVER PARK

Rescinds: 205-I

Auth:

4. Illinois Compiled Statutes, Chapter 725, ACT 150
5. Title 21 United States Code, Section 881.

II. PROCEDURES (1.2.4)

A. Seizure of vehicle and/or other property for forfeiture: The seizing officer shall:

1. Determine if the motor vehicle used in the commission of a criminal offense is subject to seizure. Department members shall not seize a motor vehicle for forfeiture purposes;
 - a. If it is a common carrier and the owner is not consenting or a conspirator to the crime;
 - b. If the owner(s) has no knowledge of the offense or has not given consent;
 - c. If it is a stolen motor vehicle; or
 - d. If the vehicle is leased.
2. Determine if certain other property was used or derived from the commission of a criminal offense is subject to seizures. Examples:
 - a. United States Currency;
 - b. Certain personal property; and
 - c. Real property.
3. Obtain permission to seize for forfeiture purposes.
 - a. Seizing Officer must contact his immediate supervisor.
 - b. Advise him of the facts and circumstances surrounding the potential seizure and forfeiture; and
 - c. Receive authorization to continue the forfeiture proceeding.
4. Provide the seized property receipt to the person that the property is seized from. If property is seized and no one is around complete the receipt and leave it where the item was seized from. (See Appendix A).
5. Determine whether the violator owns the vehicle and/or other property and, if not, identify the registered owner or title holder by name, address, and telephone number.
6. Obtain, or attempt to obtain, the registration, lien holder information, and title forwarding them to the Investigations Division Supervisor.
7. When possible, obtain post-Miranda statements implicating the motor vehicle and/or other property, and in those cases where the violator is not the owner, implicate the owner (and/or co-owner) as knowledgeable about the use of the motor vehicle and/or other property by the violator.

8. Any motor vehicle and/or other property seized for forfeiture will be handled as evidence as provided by Department policies concerning property and evidence control and vehicle storage and inventory. All tags and inventory forms will be clearly marked "Forfeiture". (84.1.1a)
9. Motor vehicles seized shall be towed to the Police Department parking lot.
10. All personal property seized shall be placed in evidence lockers, or secure locations. (84.1.1b)
11. Complete an Incident/Offense report, particularly describing the circumstances attendant to the seizure and documenting the issuance of the seized property receipt.

B. Supervisor Responsibilities

1. The supervisor shall review the facts of the case with the officer requesting permission to initiate a seizure to ensure that the proper statutory authority for seizure exists and all statutory requirements are met.

Ensure that a complete and accurate Incident/Offense report, including all supplemental follow-ups, detailing the seizure has been completed, seized property receipts have been issued, and notification of the seizure is made to the Investigations Division Supervisor.

C. Vehicle Storage and Processing:

1. When a vehicle is seized for forfeiture, the Police Department's towing service will be summoned to tow the vehicle.
2. An inventory search shall be conducted and a vehicle tow report shall be completed. The officer completing the inventory search shall document all personal property of value in the vehicle and the exact mileage of the vehicle on the tow report.
3. The seizing or assisting Officer shall meet the tow driver at the Police Department parking lot. After the vehicle has been placed in storage, the seizing Officers will secure the keys in evidence.
4. Personal property not being held for evidence or seizure shall be returned to the owner. If the owner has been arrested, or is otherwise unavailable to take possession of the property not being held for evidence or seizure, it shall be returned to the owner at a later date. If the arresting officer is unable to return the personal property at the time of arrest, the arresting officer is responsible for

notifying the Investigations Division Supervisor who will then attempt to facilitate the return of the property at a later date.

5. Any property seized as evidence shall be packaged and entered into evidence separately from any personal property.
6. When vehicles are seized for forfeiture, the Officer handling the paperwork must ensure the vehicle identification number is obtained from the vehicle itself rather than from a registration check.

D. Responsibilities of Investigations Division Supervisor:

1. Receive copies of all reports from seizing officer, obtain keys to vehicle and ensure proper maintenance during holding period.
2. Ensure that the proper supervisor hold has been or is placed on the property.
3. Determine and identify any lien holder, person, or lending institution or equitable interest in the vehicle and/or other property. Obtain title information from the Secretary of State through LEADS
4. Determine value of vehicle and/or other property being referred for forfeiture.
5. Prepare all necessary documents for forfeiture proceedings.
6. Coordinate forfeiture process with appropriate legal divisions and State's Attorney's office.
7. If applicable, arrange to have seized vehicle and/or other property transported to the appropriate storage facility of the agency performing the forfeiture proceedings, so as to properly hold the vehicle or property during the process period. (84.1.1e)
8. Dispose of vehicle and/or other property either through sale/auction or conversion to Department property. If released to owner or repossessed, ensure, if applicable, that all towing and/or storage fees are paid prior to release of vehicle. (84.1.8)
9. The Investigations Division Supervisor will maintain a seizure file that details all seizures that have been submitted and the status of those seizures. (84.1.8)
10. The Investigations Division Supervisor will be responsible for filing an annual report with the Illinois State Police. The annual report must be filed no later than 60 days after December 31 of that year and shall include at a minimum:

- a. The amount of forfeited funds and other property distributed to our agency by the Illinois State Police during the calendar year.
- b. The amount of funds expended by our agency and the category of expenditure. The categories of expenditure are determined by statute and can be found in 5 ILCS 810/10.

E. Responsibilities of Property Custodian

1. The property custodian shall be responsible for retrieving United States currency and real property from the evidence lockers and maintain the chain of custody in storing these articles.
2. All United States currency qualified for forfeiture seizure shall be transmitted to the Finance Director of the Village of Hanover Park. This money shall then be immediately deposited into the Asset Forfeiture Repository account with a receipt of this deposit being issued to the Property Custodian for Chain of Custody records.
3. The property custodian shall provide a monthly report to the Investigations Division Supervisor of all seized vehicles that were released, and are still in the possession of the department.
4. The property custodian shall provide a monthly report to the Deputy Chief of Support Services of all seized United States currency that was deposited into the drug forfeiture account, seized currency that was returned to the owner, and seized currency that is currently being held in the property room.

III. USE OF SEIZED ASSET FUNDS

- A. All seized assets and cash awarded to the Hanover Park Police Department shall be used in accordance with all applicable State and Federal guidelines.
- B. The seizure fund may be used for, but not limited to, the following:
 1. Money for drug transactions and for other serious criminal investigations.
 2. Equipment, supplies, and materials related to criminal investigations as authorized by State and Federal regulations.
 3. Training that is related to criminal investigations as authorized by State and Federal regulations.

IV. USE OF CERTAIN SEIZED OR FORFEITED PROPERTY (84.1.4)

- A. No controlled substances or explosives seized by, or forfeited to, the department will be used for investigative or training purposes.
- B. The following procedures will be followed if weapons seized by, or forfeited to, the department are used for investigative or training purposes:
 - 1. All appropriate legal guidelines will have been followed for seizure or forfeiture.
 - 2. The Deputy Chief of Support Services shall have granted permission to retain the weapon for investigative or training purposes.
 - 3. Seized or forfeited weapons will be kept secured in the Department Armory when not in use.
 - 4. Seized or forfeited weapons will only be used when authorized by a supervisor.
 - 5. Seized or forfeited weapons will be issued by a supervisor to a specific person for a specific purpose and period of time, then returned to the Department and secured.
 - 6. The monthly Department will include an accounting of seized or forfeited weapons to be used for investigative or training purposes.



HANOVER PARK SEIZED PROPERTY RECEIPT

CASE # _____

<u>ITEM</u>	<u>QUANTITY</u>	<u>SERIAL #</u>

RECEIVED BY: _____ / _____
Print Sign

LOCATION WHERE NOTICE LEFT: _____

ISSUED BY: _____ / _____
Print Sign

DATE: _____