

**PLANNING AND DEPLOYMENT**

**TRANSMITTAL OF A DRAFT WRITTEN DIRECTIVE AND FORMS**

**FOR SIGNATURE OF:** Chief of Police, James E. Craig

**TYPE OF DIRECTIVE:** Draft Manual Directive 203.~~14~~<sup>15</sup> and associated forms

**SUBJECT:** CIVIL ASSET FORFEITURE

**ORIGINATED OR REQUESTED BY:** Planning and Deployment

**APPROVALS OR COMMENTS:**

The attached draft directive and forms were prepared by Lieutenant Michael Parish, assigned to Narcotics PPU / Forfeiture.

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**AFTER THE DIRECTIVE IS APPROVED AND SIGNED, PLEASE RETURN TO  
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<b>Series</b> 200 Operations	<b>Effective Date</b>	<b>Review Date</b> Annually	<b>Directive Number</b>  <b>203.15</b>
<b>Chapter</b> 203 – Criminal Investigations			
<b>Reviewing Office</b> Narcotics PPU / Forfeiture			<input checked="" type="checkbox"/> <b>New Directive</b> <input type="checkbox"/> <b>Revised</b> Revisions in <i>italics</i>
<b>References</b>			

## CIVIL ASSET FORFEITURE

### 203.15 - 1 Policy

Civil asset forfeiture is a method of combatting illegal drug trafficking and organized crime, as well as curbing lewd, licentious, or other wanton behavior ranging from certain alcohol-related offenses to drag racing. Over the years, civil asset forfeiture has gained popular acceptance as an effective crime-fighting tool. Many criminals are motivated by greed or at least deterred by the threat of losing valuable possessions. Civil asset forfeiture, therefore, adds (sometimes very significant) disincentives for engaging in such illegal conduct.

In addition to personal deterrence, however, civil asset forfeiture can help undermine the economic infrastructure of certain criminal enterprises. Large-scale drug operations, for example, require employees, equipment, and money flow to operate. Coupled with the enforcement of criminal laws, civil asset forfeiture can disrupt illegal operations by dissuading people from participating in the industry, removing the tools and moneys needed to carry on operations, and by providing additional funding for those agencies that enforce the laws those participating in the industry are violating. Importantly, civil asset forfeiture provides a mechanism for taking money and other assets out of the hands of criminals and placing them back into a legitimate stream of commerce.

Like any law enforcement effort, legitimacy and public acceptance are key to a successful civil asset forfeiture program. Adherence to applicable local, state, and federal laws is a must, and no investigation should be prolonged merely to obtain more assets by way of civil asset forfeiture. Members may not under any circumstances base a forfeiture confiscation on a suspect's race, religion, national origin, gender, sexual orientation, or economic status.

It is important to note that the civil asset forfeiture is tied to a very litigious system within the criminal justice system. Any failure to abide by applicable laws or department policy can potentially result in dismissal of the case or unnecessary litigation costs.

