

# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY



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Sheriff

## Asset Forfeiture

<b>Distribution:</b>	<b>All Employees</b>	<b>Index:</b>	<b>OPS 1614</b>
<b>Responsible Unit:</b>	<b>Special Investigations Division</b>	<b>Rescinds:</b>	<b>SOP SID 20-01 dated 2-11-2022</b>
		<b>MD Code:</b>	<b>See References</b>

<b>Issued:</b>	<b>2/20/2023</b>	<b>Reviewed</b>	<b>2/14/2023</b>	<b>Next Review:</b>	<b>2/14/2026</b>
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### 1. Purpose

To provide Harford County Sheriff's Office (HCSO) employees with guidelines pertaining to asset seizures, forfeitures, and disposal of seized and forfeited property.

### 2. Policy

To promote and enhance cooperation among federal, state, local, and foreign law enforcement agencies by focusing on deterring crime by removing the tools of organized crime, recovering currency that may be used to compensate victims, and to deprive criminals of property used in or acquired through illegal activities.

### 3. Definitions

**ADOPTION:** an adoption occurs when the HCSO seizes currency under State law, without federal oversight or involvement, and requests one of the federal seizing agencies to take the seized asset into its custody and proceed to forfeit the asset under federal law. Adoption requests must comply with Maryland Code, Criminal Procedures Article, [§ 12-212](#).

**ASSETS:** any article, property, or material of value (e.g., currency, vehicles, jewelry, electronics, real property, etc.,).

**ASSET FORFEITURE PROGRAM:** a nationwide law enforcement initiative focused on removing the tools of crime from criminal organizations, depriving wrongdoers of the proceeds of their crimes, recovering currency that may be used to compensate victims, and deterring crime. Federal law authorizes the United States Attorney General to share federally forfeited currency with participating state and local law enforcement agencies.

**BULK CASH:** an amount of cash that would not be reasonable or prudent to be counted on scene.

**EQUITABLE SHARING (eShare) AUTHORITY:** federal law authorizes the Attorney General and the Secretary of the Treasury to share federally forfeited property with participating state and local law enforcement agencies.

**FEDERAL SEIZURES:** vehicles, monies, real property, or other assets to be seized under the authority of federal forfeiture statutes.

FINANCIAL INVESTIGATOR (FI): an Agency member designated by the Sheriff to manage seized assets and handles property seized as a result of controlled dangerous substances (CDS), gambling, and related organized criminal activities per Maryland Code, Criminal Procedures Article, [§ 12-212](#).

FORFEITURE: the process by which legal ownership of an asset is transferred to a government or other authority.

FORFEITURE AUTHORITY: the Harford County State's Attorney's Office (HCSAO).

HARFORD COUNTY DRUG TASK FORCE (HCDF): an initiative involving the participation of more than one law enforcement agency (state, local or federal) in a joint effort to investigate violations of State and/or federal Controlled Dangerous Substances (CDS) laws that affect the overlapping jurisdictions of participating partners.

JOINT INVESTIGATION: a joint investigation occurs when a federal agency works with HCSO to enforce federal criminal laws (e.g., a directed stop made at the request of a federal agency). A joint investigation may also originate from participation on a federal task force or from a state or local investigation that develops into a federal case.

OTHER ASSETS: any asset not identified as a vehicle, currency, or real property.

REAL PROPERTY: any real estate.

SEIZURE AUTHORITY: the HCSO.

STATE ASSET FORFEITURE PROGRAM: State program for seizing and forfeiting assets, including currency, under Maryland law without federal oversight or involvement.

STATE SEIZURES: vehicles, monies, real property, or other assets seized under the authority of Maryland State forfeiture statutes.

#### 4. References

Maryland Code, Criminal Procedure Article, [§ 12-212](#).  
Maryland Code, Criminal Procedure Article, [§ 12-204](#).  
[21 U.S.C. § 881\(e\)\(1\)\(A\)](#)  
[18 U.S.C. § 981\(e\)\(2\)](#)  
[19 U.S.C. § 1616a](#)  
[31 U.S.C. § 9705\(b\)\(4\)\(A\) and \(b\)\(4\)\(B\)](#)

#### 5. Procedure

A. Authority

1. Seizures will be conducted pursuant to State and Federal laws governing assets obtained through illegal means, to include the manufacturing, trafficking, or dispensing of controlled and dangerous substances, human trafficking, illegal gambling, and related organized criminal activities; thereby removing the profits of such activities.
2. All seizures will be conducted through fair and impartial investigations; biased based profiling of asset seizures based on race, ethnicity, national origin, gender, gender identity, sexual orientation, disability, or religion is strictly prohibited.
3. The value of the asset will not be the sole factor in deciding whether it should be seized.
4. Deputies who are unsure if an asset seizure is warranted should contact the FI for guidance as soon as possible. The FI can be reached at the Special Investigations Division (SID) during normal business hours at 410-638-4426 or after hours through the HCSO Duty Officer.
5. State seizures will be processed pursuant to Maryland State forfeiture statutes.
6. Federal seizures will be processed by the FI and the federal asset forfeiture office.

#### B. Currency Seizures

1. The investigating deputy will complete a Notice to Owner of Seized Property ([SO-172](#)) at the time of seizure. The completed form (yellow copy) will be provided to the person from whom the currency is seized. The Notice to Owner of Seized Property ([SO-172](#)) should be filled out, signed by the owner on scene, and placed in the safe at the respective Precinct with the Property/Evidence Record – Money ([SO-258M](#)). Forward an email to the FI email group advising of the seizure by the end of shift.
2. Any seized article defined in this policy determined to be a biohazard should be handled according to the HCSO evidence manual.
3. Monies obtained from separate individuals must be packaged individually with a Property/Evidence Record – Money ([SO-258M](#)) and a Notice to Owner of Seized Property ([SO-172](#)) completed for each person.
4. When feasible, seized monies should be witnessed by the individual from whom the monies have been seized and the individual should initial the Property/Evidence Record – Money ([SO-258M](#)).
5. If the owner of the currency was not present at the time of seizure, the FI will mail a completed Notice to Owner of Seized Property ([SO-172](#)) via first class mail to the owner within 15 calendar days after the seizure.
6. After completing the additional forms ([SO-172](#) and [SO-258M](#)), deputies will complete an Incident Report in the Law Enforcement Records Management System (RMS) containing facts to substantiate the seizure of all currency.

7. Receipts will be issued for all seized money. The FI will maintain an accurate database, that is also accessible to the SID Lieutenant, of all seized currency and the date they were deposited into the Treasury account in the HCSO M/Drive with access given to an SID Sergeant and the SID Assistant Commander.
8. The following procedures must be followed when seizing bulk cash:
  - a. Bulk cash should not be counted on scene;
  - b. Upon locating bulk cash, a supervisor should immediately be notified and respond to the scene;
  - c. Photos will be taken of the bulk cash. In the presence of a supervisor, the seizing deputy should place the bulk cash into an appropriately sized bag or container and seal;
  - d. Both the seizing deputy and on scene supervisor will be witnesses;
  - e. The sealing deputy and witnessing supervisor will sign the bag across the seal. The Notice to Owner of Seized Property ([SO-172](#)) will be completed with description of seized property to read "bulk cash seized". A Property/Evidence Record – Money ([SO-258M](#)) will be completed with the exception of item 20 (denomination portion) and both forms affixed to the bag;
  - f. The evidence bag will then be placed in the appropriate precinct safe without delay, and the FI email group notified prior to the end of shift; and
  - g. The FI will respond to recover the bulk cash, and in the presence of an SID supervisor, open and count the funds or, in cases where the amount of currency is substantial, respond with an SID supervisor to a local bank for an official count. The FI will complete an updated Notice to Owner of Seized Property ([SO-172](#)) and Property/Evidence Record – Money ([SO-258M](#)) upon the final supervised count and mail, by way of certified mail, to the owner of seized monies.

#### C. Forfeiture

1. The FI is responsible for coordinating the storage and disposal of all seized and forfeited assets resulting from investigations conducted by the HCSO (seizing authority) and/or the HCDF in conjunction with the HCSAO (forfeiting authority).
2. The FI will forward a detailed confidential Memorandum ([SO-212](#)) to the HCSAO to initiate the legal process as that Office will be responsible for initiating and finalizing the forfeiture proceedings.
3. The HCSAO prepares all court-related documents related to the civil court forfeiture process. Assets are those items believed to be "ill-gotten gains" and are proven in civil court proceedings and identified and documented within the civil court forfeiture order. The HCSAO is responsible to ensure all court proceedings are conducted in accordance with all applicable laws.

4. A seizure processed under State Law will require the currency/check to be deposited by the FI in the appropriate County Treasury account.
  - a. All other assets will be held in the HCSO Property Management Unit until adjudicated.
  - b. The deposit slips will be retained by the FI in a secure filing cabinet located at SID.
5. Currency Seized in Cooperation with Federal Law Enforcement
  - a. When deputies participate in investigations with federal law enforcement, the HCSO may apply for a share of any assets seized.
  - b. The assets will be recorded on HCSO forms and packaged pursuant to policy if the federal agency does not take immediate custody while on scene.
  - c. The FI will coordinate with Department of Justice/U.S. Treasury forfeiture specialists for timely submissions and forward the Federal Equitable Sharing (eShare) documents.
  - d. The FI coordinates with the Harford County Treasury Department to deposit any forfeited funds transferred from a federal agency in the HCSO special account established for non-appropriated federal fund revenue. The records of these transactions will be maintained and filed by the FI at SID.
  - e. Expenditures from this account will be maintained in accordance with applicable Federal Equitable Sharing Guidelines.

#### D. Seizure Procedures for Vehicles

1. Deputies will notify a supervisor of a possible seizure situation. The supervisor will respond to the scene and determine if circumstances justify seizure. Contact SID for further guidance.
2. Supervisors should exhibit an articulable commonsense 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.
3. The seizing deputy will complete a Notice to Owner of Seized Property ([SO-172](#)) and provide the yellow copy to the vehicle owner at time of seizure. The seizing deputy will leave the white copy of the Notice to Owner of Seized Property ([SO-172](#)) in the interior of the seized vehicle and retain a copy for their file.
4. Vehicles seized as an asset seizure may be towed per policy with an “investigative hold”. If towed, the deputy will complete a tow report for the seized vehicle noting the vehicle condition and damage and any special accessories per policy.

- a. The FI will be notified via FI email group and will respond to the towing location to evaluate the vehicle for forfeiture proceedings during business hours.
  - b. A Property/Evidence Record ([SO-258](#)) will be completed with a copy being left in the vehicle.
  - c. If it is determined that a vehicle is being utilized for violations of the controlled dangerous substance laws, and the vehicle may need to be stored for processing or forfeiture, the deputy will have the Watch Commander/Duty Officer contact the on-call supervisor from SID prior to notifying a tow company.
  - d. It will be the decision of the SID supervisor to determine the disposition of the vehicle, and how it will be transported.
5. Before a vehicle is towed, secured at a precinct, or transported to the SID lot, 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 Property/Evidence Record ([SO-258](#)). No personal property will be left in the seized vehicle (leave all miscellaneous paperwork).
  6. The arresting/seizing deputy will prepare an Incident Report in the RMS containing facts to substantiate the seizure of the vehicle along with the Property/Evidence Record ([SO-258](#)). These reports will be submitted prior to the end of the deputy's tour of duty.
  7. The seizing deputy's supervisor will ensure the report contains facts to substantiate the seizure and will be responsible for reviewing and approving the report. Incident reports will be copied and forwarded to the FI email group.
  8. The FI will assign a lot number, mark, photograph and catalog the seized vehicle. 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 all stored in a secured database.
    - a. The FI will maintain a log of all seized vehicles that will include monthly inspections and the status of the forfeiture proceedings.
  9. The FI will be responsible for mailing, via first class mail, return receipt, a copy of the Notice to Owner of Seized Property ([SO-172](#)) to the owner of the vehicle, if the owner of the property was not on scene, within 15 calendar days of the seizure.
  10. After determining the probable cause for seizure, ownership, and secured interests for the vehicle, the FI will make a recommendation to the Sheriff (after consultation with the HCSAO) whether to request forfeiture of the vehicle. The criterion for proposed forfeiture is set forth in the Annotated Code of Maryland, Criminal Procedure Article, [§12-204](#).

11. If forfeiture is warranted, the FI will present the seized vehicle case file to the Sheriff, along with an affidavit requesting forfeiture action by HCSAO.
12. If forfeiture is not warranted, the FI will facilitate the release of the vehicle to the registered owners or secured parties.

#### E. Seizure of Other Assets

1. Other assets are categorized as articles of value to include, but not limited to, jewelry, electronics, etc.
2. Under circumstances (e.g., search and seizure warrant) where other valuable assets have been seized, the on-scene supervisor will contact the FI via FI email group or SID telephone number during business hours to advise on the circumstances related to the property seized for forfeiture purposes.
3. Deputies will complete the appropriate Property/Evidence Record (e.g., [SO-258J](#) for jewelry, etc.,) and place the property in an evidence locker to be picked up by PMU. Forward a copy of the form to the FI for informational purposes.
  - a. The FI will maintain a log of all seized assets that will include the status of the forfeiture proceedings.

#### F. Returning Money and Assets to the Owner

1. Assets not subject to forfeiture and determined not to be evidence will be returned to the owner or the owner's authorized representative upon request and at the discretion of the HCSAO.
2. If the owner cannot be identified, the currency along with the original copy of the Notice to Owner of Seized Property ([SO-172](#)) and [SO-258M](#), will be forwarded to the FI.
3. The FI will make every effort to identify and contact the owner(s) of found/recovered monies. All intangible personal property held for the owner by any court, public corporation, public authority, or public officer of this State or any political subdivision of it that has remained unclaimed by the owner for more than three years is presumed abandoned. Property deemed abandoned will be disposed of per Agency policy.
4. Currency considered evidence/found property will be packaged per policy, placed in the precinct safe and email the FI group. The FI can be reached at SID during normal business hours at 410-638-4426 or after hours through the SID Duty Officer.
5. If ordered by the court to dispose of the money, the FI will document the orders from the court on a Memorandum ([SO-212](#)) directing the County Treasury to transfer funds from the interest-bearing account to the appropriate local special program account.

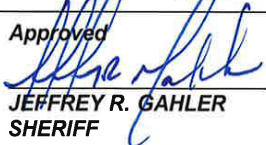
6. Claims for currency will be forwarded to the FI email group. Upon receipt, the FI will contact the HCSAO for further direction.
7. Seized currency may only be released upon consultation and agreement with the HCSAO.
8. Once verified with the HCSAO, the FI will notify the Harford County Treasury of the claimant and will provide the Harford County Treasury the full name and address of the claimant.
9. The Harford County Treasury will process the claim and forward a check to the claimant.

G. Court Ordered Disposal of Assets

1. The FI will research all manners of disposal of assets. A list of all items submitted to the HCSAO for the forfeiture process will be submitted to the SID Commander for approval.
2. The FI will prepare a Memorandum [\(SO-212\)](#) outlining the preferred method of disposal.
  - a. The method chosen will afford the most effective means to dispose of the items forfeited.
  - b. The method of disposal will depend on the quantity and type of item(s) ordered forfeited.
3. Other tangible forfeited items will be legally disposed of by auction using a company licensed to conduct business in the State of Maryland and selected pursuant to County, State and Federal law. The selection process will be reviewed by the HCSO Office of Legal Affairs.
4. Acting on behalf of the member agencies of the HCDF, the FI will be responsible to contact a recognized, licensed, and bonded auction company to arrange for disposal of any court ordered assets.
5. The Commander of SID is authorized to act on behalf of the HCDF Executive Board members and will review and approve any request for the court ordered disposal of said assets.

H. Special Investigations Division Commander will:

1. Be responsible for, and the documentation of, a monthly review of all assets seized and processed for forfeiture; and
2. Ensuring all elements of this policy are carried out and modifications made to policy when necessary.

Approved  
  
JEFFREY R. GAHLER  
SHERIFF  
DATE 2.14.23