

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: 10/21/2014
NUMBER: 3.23 – INVESTIGATIONS
SUBJECT: IMPOUNDING AND TEMPORARY USE OF SEIZED
PROPERTY
RELATED POLICY: 3.02
ORIGINATING DIVISION: INVESTIGATIONS I
NEW PROCEDURE:
PROCEDURAL CHANGE:
SUPERSEDES: DP 3.23 – 8/30/2013

All portions of this document in bold print are deemed by the San Diego Police Department to be records of security procedures and are exempt from disclosure under the California Government Code.

I. PURPOSE

This Department procedure establishes guidelines for the impounding and temporary use of seized property.

II. SCOPE

This procedure applies to all sworn members of the Department.

III. BACKGROUND

The San Diego Police Department, in compliance with the United States Comprehensive Crime Control Act of 1984, and 11470 H&S, is authorized to receive assets that have been seized in accordance with Federal or State seizure laws.

Any sworn member of the San Diego Police Department may impound property for the purpose of making a narcotic-related seizure.

IV. DEFINITIONS

- A. Impound – to obtain property and hold it in the custody of the law; placed into protective custody for safekeeping and/or investigative purposes.
- B. Seizure – to take possession of property by legal process; to confiscate property with intent to permanently acquire legal ownership. Only a Narcotic Task Force (NTF) agent with Federal authority under Title 21 U.S.C. may seize property.

V. PROCEDURES

- A. Property to be seized may include cash, jewelry, personal property, vehicles, vessels, or real estate. The property must be the proceeds from narcotic trafficking, used to transport or facilitate the sales of controlled substances, or intended to be furnished in exchange for controlled substances.
- B. **Deleted – Records of Security**
- C. **Deleted – Records of Security**
- D. Any property or currency being impounded in the San Diego Police Department Property Room must have the “asset seizure” designator box checked in FileOnQ at the time of impound.
- E. Only San Diego Police Department detectives assigned to the NTF are authorized to remove seized property or currency from the San Diego Police Department property impounds room.
- F. Only NTF personnel are authorized to make deposits into either the Federal or State seized asset accounts.
- G. **Deleted – Records of Security**
- H. Vehicle seizures can only be authorized by an NTF agent. The NTF agent will contact the Fleet Services Division to ensure the Department has a potential use for the vehicle and to determine if the vehicle’s mechanical condition is not prohibitively costly to maintain.
- I. NTF agents will complete the appropriate DEA paperwork for the vehicle seizure.
When a vehicle is impounded by officers prior to seizure officers shall complete a vehicle impound report (ARJIS-11).

NEW

- J. Only Narcotic Task Force agents are authorized and responsible for the release of all seized vehicles.

VI. NARCOTIC TASK FORCE

- A. Only San Diego police officers assigned to the Narcotic Task Force are authorized to seize assets.
- B. The NTF Asset Removal Group will be responsible for the submission of all revenue sharing requests for the San Diego Police Department.

VII. RECEIPT OF REVENUE SHARING

- A. Original revenue sharing check(s) attached to an Equitable Sharing Memorandum will be hand-carried to the SDPD Fiscal Management Office by the designated San Diego police captain or designee for processing and transfer.
- B. Revenue sharing checks received by any other division or office of the San Diego Police Department, including the Office of the Chief of Police, will be forwarded immediately to the Fiscal Management Office.

VIII. USE OF SEIZED VEHICLES

- A. Forfeited seized vehicles will be assigned to Fleet Services/Safety Light Fleet and placed in a "seized vehicle pool." Units needing a pool vehicle temporarily assigned to their unit will make their request to the Assistant Chief of Special Operations, through their chain of command. Upon approval, Fleet Services/Safety Light Fleet will notify the unit of the type of vehicles available for use. Vehicles will be available for use for a period not to exceed 90 days. Units using a vehicle from the seized vehicle pool will be accountable for the condition in which they are returned.
- B. Fleet Services/Safety Light Fleet will prepare the necessary vehicle registration documents. Fleet Services/Safety Light Fleet will notify Fiscal Management of each seized vehicle so that Fiscal Management can add the vehicle(s) to the City's fixed asset inventory.
- C. Seized vehicles will not be used to increase the number of vehicles permanently assigned to a unit. Units should use the normal budget process to obtain additional vehicles.