

COLLECTION AND PRESERVATION OF EVIDENCE

SEIZURE OF PERSONAL PROPERTY (DRUG RELATED)

Purpose: The purpose of this directive is to establish procedures for seizure of personal assets for drug related offenses.

Policy Statement: It is the policy of the North Little Rock Police Department to adhere to the state and federal law as cited in this directive when seizing personal property as a result of a narcotics investigation or arrest.

Summary of Changes:

Definitions:

ACA 5-65-505, the Arkansas Forfeiture Act provides that everything of value furnished or intended to be furnished in exchange for controlled substances or counterfeit substances are subject to forfeiture. In addition, all proceeds and profits traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the *Controlled Substances Act of Arkansas*, may be subject to forfeiture.

ACA 5-64-509, the Arkansas Uncontested Forfeiture Act, sets forth the procedure for an uncontested forfeiture action.

Procedure:

1 General

1.1 *ACA 5-64-505, the Arkansas Forfeiture Act*, and *ACA 5-64-509, The Arkansas Uncontested Forfeiture Act*, do not necessarily give an officer the right to seize any or all personal property from individuals who are in possession of a small amount of a controlled substance that appears to be maintained for personal use. The following are examples of situations where items may be seized:

- 1.1.1 Money found on an individual who also possesses a controlled substance;
- 1.1.2 Money found in anything used to store controlled substances;
- 1.1.3 Electronic devices or other equipment used to make controlled substance transactions (cell phones, etc.) if proof can be established.
- 1.1.4 Vehicles, when controlled substances are found in the vehicle indicating the vehicle was being used or intended for use in transporting or facilitating the transportation of controlled substances for the purpose of the sale or receipt of property.
- 1.1.5 Assets of a person in possession of a controlled substance such as jewelry, equipment, or personal property that can be proven to be proceeds of drug trafficking. Proof may be obtained through establishing that the value of the property exceeds the person's income based upon employment status, etc.

2 Seizing Property

- 2.1 When an officer feels that he has probable cause to seize cash, vehicle, or property items from a suspect they will first obtain a *Notice of Seizure for Forfeiture; Notice to Proceed by Uncontested Forfeiture form* and notify an immediate supervisor.
- 2.2 After completion of the form, the officer will then contact the "on-duty" Pulaski County Deputy Prosecuting Attorney, explain the events surrounding the situation, and request authorization to serve the seizure notice.
- 2.3 If authorization is obtained, serve all person(s) involved who are present who could claim control of the property at the time of the incident with a copy of the completed *Notice of Seizure for Forfeiture; Notice to Proceed by Uncontested Forfeiture form*.
- 2.3.1 For example, during a traffic stop, all occupants should be served with a seizure notice. Seizure of personal property will be handled in accordance with evidence procedures.
- 2.4 Officers will forward the *Notice of Seizure for Forfeiture; Notice to Proceed by Uncontested Forfeiture form* to the Narcotics Unit for follow-up investigation.
- 2.4.1 Officers will notate the incident report number on the *Notice of Seizure for Forfeiture; Notice to Proceed by Uncontested Forfeiture form* in the upper right-hand corner.
- 2.5 The *Incident Report* should include all the facts surrounding the incident and use/possession of the assets seized from the suspect. Arrest is not always necessary for the seizure of property.
- 2.6 Officers having questions concerning the seizure of property may contact the on-call narcotics investigator or the "on call" Pulaski County Deputy Prosecuting Attorney after they have received approval from an on-duty supervisor.
- 2.7 When property is seized, indicate in the *Incident Report* where the contraband was found (on the person, location in the vehicle, etc.), the weight of the contraband, and how it was packaged.

- 2.7.1 Weigh all seized narcotics with the scales provided in the property room. Document all weights as “approximate” on all paperwork.
- 2.7.2 If a vehicle is seized, give the wrecker service a copy of the *Vehicle Impoundment/Tow Sheet* with the notation “Hold for Seizure” to avoid the vehicle being released before seizure.
- 2.7.3 If currency is seized; the on call Narcotics Unit investigator and a witnessing officer will deliver the currency to the office of the North Little Rock City Clerk by the end of the business day. After normal business hours, the currency will be placed in the NLRPD Property Room and taken to the City Clerk’s office by Narcotics Unit investigators the following day. The currency will be verified for authenticity, counted and then deposited with the City Clerk. A copy of the receipt will be turned into the North Little Rock Police Department Property Room and an additional copy will be retained and made a copy of the investigative file.

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