



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: SEPTEMBER 21, 2021	CHAPTER: 6 - Property	PAGE: 1 of 4	NUMBER: 6.01.04
SUBJECT: FORFEITURE OF CONTRABAND			
CHIEF: <i>Calvin D. Williams, Chief</i>			

Substantive changes are italicized

PURPOSE: To establish procedures to forfeit contraband and other property used or intended to be used to further criminal activity or obtained with proceeds from criminal activity.

POLICY: *It is the policy of the Cleveland Division of Police* to respect property rights and constitutional rights by adhering to applicable laws when seeking forfeiture of property seized as contraband, or confiscated as a criminal tool. Requests for the forfeit of property shall be processed through the Forfeiture Unit.

DEFINITIONS:

Contraband - as defined in ORC 2901.01 (A)(13), as property which by its nature is illegal to possess (e.g., drugs, drug paraphernalia, dangerous ordnances, etc.), or is used or intended to be used in the furtherance of criminal activity or obtained with the proceeds from criminal activity (e.g., criminal tools, money, vehicles, cell phones, scales, dice, betting slips, etc.).

PROCEDURES:

I. General Guidelines

- A. Forfeiture requests shall not be submitted in cases involving drugs only; drugs only cases are those which involve only drugs and/or paraphernalia with residue, which are submitted to the lab.
- B. “Buy Money” is not contraband to be forfeited.

II. *Member Responsibilities*

- A. Members completing an incident report shall:
 - 1. List all property seized as contraband and/or as a criminal tool.
 - 2. Identify and describe in detail the seized property including physical characteristics and serial numbers.
 - 3. Identify the defendant from whom the property item was seized in cases with multiple defendants.
- B. Detectives requesting forfeiture shall:
 - 1. For felony crimes, the assigned detective is responsible for making forfeiture requests involving seized contraband and/or criminal tools.

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2. For misdemeanor crimes.
 - a. Detectives shall make forfeiture requests for misdemeanors originally generated by their unit.
 - b. District Vice Unit detectives are responsible for making forfeiture requests for all applicable misdemeanors in their districts when property is seized as contraband and/or as a criminal tool.
 - c. Requests shall not be submitted for music equipment confiscated for misdemeanors.

C. The first platoon Officer-in-Charge (OIC) of a district or unit shall:

1. Ensure property seized as contraband and/or a criminal tool is conveyed to the Property Unit.
2. The property shall be conveyed within three *business* days.

IV. Forfeiture Procedures

A. General procedures for felony and misdemeanor crimes.

1. Detectives shall complete the Request for Forfeiture Proceedings (Attachment A) *and save it to the documents tab in the Law Enforcement Record Management System (LERMS).*
2. *The complete LERMS case, including attachments shall be forwarded to the Forfeiture Unit via LERMS email at CPDForfeiture@clevelandohio.gov.*
3. For cases requiring immediate attention, the assigned detective shall contact the Forfeiture Unit OIC.
4. The assigned detective shall provide the Forfeiture Unit with the respective Journal Entry or Court Order disposing of the forfeiture issue, immediately upon the disposition of the underlying criminal proceedings.

B. Tangible property procedures.

1. Forfeiture requests shall be submitted for confiscated property **not** submitted to the lab (e.g., motor vehicles, cash, jewelry, cell phones, computers, scales, other paraphernalia **not** submitted to the lab, etc.).
2. Forfeiture requests for property and the accompanying felony charges *should* be filed within 30 days.
 - a. If a forfeiture request and felony charges are not filed within 30 days, the assigned detective *should* forward a completed Property Return Request form (Attachment B) instead of a forfeiture request.

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2. Detectives shall:
 - a. Notify the Forfeiture Unit within 72 hours of the seizure with their intent to request a forfeiture of a vehicle titled to someone other than the defendant; failure to notify the Forfeiture Unit shall result in release of the vehicle in accordance with Ohio law.
 - b. Forward a Vehicle Return Request to the Forfeiture Unit within 72 hours of the seizure when a motor vehicle is located at Lot 2, titled to someone other than a defendant, and evidence is not established for the exceptions (see section IV. D.1.a. or IV.D.1.b.).

V. Forfeiture Forms

- A. Completion of the Request for Forfeiture Proceedings form.
 1. The first page of the form shall be completed in its entirety and signed by the detective.
 2. Vehicles shall be listed on the second page of the form and identified by year, make, model, license, and vehicle identification number.
 3. Firearms shall be listed on the second page of the form and identified by make, caliber, number of live rounds, and serial number.
 4. All other property shall be individually listed on the second page of the form and identified as completely as possible by make, description, and serial number.
- B. The Vehicle Return Request form and Property Return Request form *are self-explanatory*.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

CDW/ad/lms
Forfeiture Unit
Policy Unit
Attachments