



CITY OF AKRON, OHIO
POLICE DIVISION
KENNETH R. BALL II, CHIEF OF POLICE

NUMBER P-2019-60	EFFECTIVE DATE October 22, 2019	RESCINDS P-2011-60 Issued 09-01-11
SUBJECT Forfeiture Procedure		ISSUING AUTHORITY Chief Kenneth R. Ball II

I. POLICY

The forfeiture of property will be utilized to the fullest extent to deter criminal activity, deprive criminals of the profits and proceeds of their illegal activities, and offset the economic effect of these activities. The value of property being forfeited shall be proportionate to the severity of offense being investigated.

II. DEFINITIONS

- A. Criminal Forfeiture—A criminal action against a person and his/her property that was either used in the commission of a crime or constitutes fruits of a crime. A criminal charge—either felony or misdemeanor—against the owner of the property is required for a Criminal Forfeiture.
- B. Civil forfeiture – A civil action against property believed to be used in or intended to be used in a crime when the owner of the property has not been criminally charged.
- C. Contraband – Property that is illegal for a person to acquire or possess.
- D. Instrumentality – Property otherwise lawful to possess that is used in or intended to be used in an offense.
- E. Proceeds – Any property derived directly or indirectly from an offense.

III. PROCEDURE

A. PROPERTY SUBJECT TO CRIMINAL FORFEITURE

- 1. Proceeds derived from or acquired through the commission of an offense.
- 2. Any object or instrumentality that is used in or intended to be used in the commission or facilitation of a felony or a misdemeanor specifically authorized by law.
 - a. Currency, gift cards, prepaid debit cards in an amount exceeding \$100.00 can be criminally forfeited.

- b. Titled property, such as vehicles, real estate, watercraft, etc., can be criminally forfeited only when the underlying criminal offense is a felony and the owner of the property has been notified of the seizure within 72 hours.
3. All contraband, to include any illegal drugs or drug paraphernalia, any unlawful gambling device, any dangerous ordnance, or any obscene material. Contraband does not require a seizure packet.

B. PROPERTY SUBJECT TO CIVIL FORFEITURE

1. Any proceeds in an amount exceeding \$15,000.00 when the owner knows or has reasonable cause to believe that the proceeds were derived through the commission of a felony offense involving drug trafficking or possession; burglary; robbery; kidnapping; arson; sex crimes; or any other qualifying offense per ORC 2927.21.

C. REQUIRED REPORTS

1. Felony Criminal Forfeiture—in addition to customary felony paperwork, officers shall complete a Seizure/Forfeiture Report signed by property owner, officer, and witness. If the owner refuses to sign, the refusal shall be noted on the report by the officer.
 - a. If the owner of the property is a juvenile, officers shall additionally complete a Complaint of Forfeiture and attach it to the complaint filed with juvenile court.
2. Misdemeanor Criminal Forfeiture— in addition to customary misdemeanor paperwork, officers shall complete a Seizure/Forfeiture Report signed by property owner, officer, and witness. If owner refuses to sign, refusal shall be noted on report by officer.
 - a. The incident report shall contain a description of the property seized, how the property was used in the offense, and the nature of arrestee's interest.
 - b. If the owner of the property is a juvenile, officers shall additionally complete a Complaint of Forfeiture and attach it to the complaint filed with juvenile court.
3. Civil Forfeiture—Officers shall complete an Incident Report and ROI documenting the facts and circumstances surrounding the seizure and a Seizure/Forfeiture Report signed by property owner, officer, and witness. If owner refuses to sign, refusal shall be noted on report by officer.
 - a. If the owner of the property is a juvenile, officers shall additionally complete a Complaint of Forfeiture and forward it with all paperwork to juvenile court.

C. OFFICER'S RESPONSIBILITIES

1. When seizing property in either a Felony Criminal Forfeiture or Civil Forfeiture, officers shall complete and forward to the Seizure Unit prior to end of shift the following:
 - a. The original Seizure/Forfeiture Form.
 - b. A copy of the Tow Report if applicable. Use "Forfeiture" on tow report for reason for hold and leave keys in vehicle.
 - c. A copy of the Report of Investigation.
 - d. A copy of the Supplemental Arrest Report.
 - e. A copy of the Incident Report.
 - f. A copy of the Evidence Report.
 - g. A copy of Juvenile Complaints if applicable.
2. In Criminal Forfeitures, officers shall include a copy of the Seizure report with the prosecutor's package.
3. In Civil Forfeitures, when the property is seized, officers shall notify the on-call narcotics detective immediately through the DB Desk.

By Order Of,



Kenneth R. Ball II
Chief of Police

Date October 22, 2019