

CHAPTER 2
ASSET FORFEITURE PROGRAM
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CHAPTER 2

ASSET FORFEITURE PROGRAM

1. PURPOSE. The purpose of this chapter is to provide policy, legal authority, reporting procedures, information, and guidelines relating to the California Highway Patrol's (CHP) Asset Forfeiture Program (AFP).

2. AUTHORITY.
 - a. State Asset Forfeiture. State laws governing seizure/forfeiture of property and the authority for law enforcement agencies to seize property which is subject to seizure are contained in Sections 11469 through 11493 of the Health and Safety Code (HSC). The Department will conduct all state asset forfeiture seizures in accordance with the ethical guidelines and laws contained in these sections. (Refer to Annex A for ethical guidelines contained in Section 11469 HSC.)

 - b. Federal Asset Forfeiture. The United States (U.S.) Attorney General's authority to share federally forfeited property with participating state and local law enforcement is established in federal law (Title 21 United States Code [USC], Section 881[e][1][A] and [e][3], and Title 18 USC, Section 981[e][2]).

3. POLICY.
 - a. It is the policy of the Department to promote the intent of asset seizure laws, which is to deter criminal activity by depriving criminals of the profits and proceeds of their illegal activities. Revenue derived from these seizures is a benefit to the Department, but not the primary objective.

 - b. Departmental personnel may, consistent with policy, participate in investigations leading to the seizure and forfeiture of assets forfeitable under state and federal statutes. By participating in the AFP, the Department will severely hamper criminal activity, enhance resources, improve interagency relations, and strengthen public support and safety.

 - c. It is the policy of the CHP that all members of the Department perform their duties in a fair and equitable manner and in compliance with all applicable state and federal laws. While performing enforcement or investigative duties related to the seizure of assets, all uniformed members shall ensure their actions strictly adhere to all departmental policies including those outlined in Chapter 1, Drug Programs Administration, paragraph 2., of this manual. Additionally, when

interpreting search and seizure or consent protocols currently being applied, all definitions and procedural requirements outlined in Chapter 1, paragraph 5., of this manual will be controlling. Personnel responsible for implementing the policies and procedures of the AFP shall ensure they are familiar with the contents of Chapter 1.

d. Field Support Section (FSS) has been designated as the Office of Primary Interest for the administration and coordination of the AFP. As the Department's centralized AFP coordinator, FSS is responsible for asset forfeiture training, maintaining Headquarters' asset forfeiture case files, coordinating seizures with federal agencies, and maintaining an ongoing accounting status of all projects involving departmental expenditure of seized funds.

e. Division and Area commanders are each required to designate an Asset Forfeiture Coordinator (AFC) and an alternate. Commanders and supervisors shall remain closely involved in all asset forfeiture cases, including decisions related to case processing and outcome. Specific responsibilities and rank of the Division and Area AFCs are contained in paragraphs 8. and 9. of this chapter. Commanders are responsible for ensuring AFCs are managing the AFP in compliance with departmental policy. This shall be accomplished by reviewing and approving each asset forfeiture case file initiated by their command and ensuring annual audits of the AFP are conducted by management personnel.

f. When personnel of this Department are involved in asset forfeiture seizures, or in any incident which may result in the initiation of asset forfeiture procedures (including allied agency/narcotics task force [NTF] assists), such incidents shall be documented on a CHP 202/216, Driving Under the Influence Arrest-Investigation Report/Arrest-Investigation Report (or a CHP 135, Investigation Assistance Request). When applicable, a CHP 180, Vehicle Report, and CHP 36, Evidence/Property Receipt/Report shall also be completed. Additionally, a supervisor's approval shall be obtained prior to the seizure of any asset by departmental personnel.

g. Officers who travel out of their assigned Area or Division and make an enforcement stop resulting in seizure of assets should normally obtain an Area felony number from the Area where the stop was made and should route all reports through that Area. The AFC of the Area where the stop was made shall request an asset forfeiture case number from the Division AFC unless the Division AFC is processing the case. When the Division AFC is processing the case, the Division AFC shall request an asset forfeiture case number from FSS.

4. MEMORANDUM OF UNDERSTANDING.

a. Area commanders should develop appropriate Memorandums of Understanding (MOU) with all allied law enforcement agencies and/or NTFs within their geographical jurisdictions for cases involving asset seizures and drug arrests initiated by CHP personnel not assigned to an NTF. This requirement can be satisfied by establishing separate MOUs with individual agencies and/or with multiple agencies via county chiefs of police associations or the local NTF. A sample MOU is contained in Annex B. This sample may not be adequate for every Area; conversely, it may be too detailed for some circumstances. However, at a minimum, MOUs shall address the allied agency's/NTF's minimum criteria for being called out to drug arrests, cash handling procedures, and asset forfeiture equitable share distributions.

b. Annual Review. Area AFCs shall review their respective MOUs annually in order to ensure the agreements are current. Area AFCs shall forward copies of renewed MOUs to their Division no later than February 1 of each year. Divisions shall forward copies to FSS no later than March 1. For MOUs not requiring renewal, the Area AFC shall sign and date the MOU on the signature page with the notation "Reviewed - no changes required."

c. Change of Command. When there is a change of command within the CHP, it is not necessary to renew asset forfeiture MOUs currently in effect unless the incoming commander wishes to make changes to an existing MOU. When there is a change of command within an allied agency/NTF, the MOU should be renegotiated with the new commander.

d. Distribution. Two copies of newly established or revised MOUs shall be forwarded to the Division AFC. The Division AFC shall forward a copy to FSS.

5. EQUITABLE SHARE.

a. When more than one agency is involved in an investigation involving seizure of assets for forfeiture, the Department will negotiate an equitable share of the asset forfeiture proceeds to reflect the proportionate contribution of each agency participating in the seizure. If the agencies cannot agree, the local district attorney shall be the decisive arbitrator for state forfeitures. For federal forfeitures, the lead federal agency's sharing policies/procedures shall prevail.

(1) In state cases, in determining what an equitable share is, commanders should consider the amount of involvement by the allied agency versus departmental personnel. The involvement can include initiating the investigation/arrest, conducting interview of suspect(s), completing and serving

asset forfeiture paperwork, assuming responsibility for evidence, conducting follow-up investigation(s), serving warrants, completing financial investigations, filing the asset forfeiture case with the local district attorney, and storing/selling the asset(s).

(2) In federal forfeitures, the federal agency determines the equitable share percentages based on the amount of man hours completed during the investigation.

b. The Area AFC, with concurrence of the Area commander, will be responsible for negotiating the percentage for each agency based on their degree of involvement.

c. When an allied agency/NTF requests CHP assistance (e.g., canine sniff, wall stop, residential search warrant), the Department will request a fair share based on the degree of departmental personnel involvement.

d. In the event the Department is the only agency involved, equitable share requests may be for the full amount permitted by state law (65 percent for state cases). For federal joint investigation cases, 80 percent is disbursed to law enforcement agencies as mandated by the U.S. Department of Justice (DOJ) and the U.S. Department of Treasury equitable sharing policies.

e. When negotiating equitable shares with task force commanders, refer to Highway Patrol Manual (HPM) 100.71, Multiagency Task Force Participation, Chapter 1, Task Force Participation, paragraph 8.

6. LEGAL REQUIREMENTS OF THE STATE ASSET FORFEITURE PROGRAM.

a. Asset Forfeiture/Seizure Laws. California's asset forfeiture laws and items subject to seizure can be found in Division 10 of the HSC beginning with Section 11469.

b. Receipts for Property Seized. Seizing officers are required to provide an itemized receipt to the person who was in possession of any property at the time it was seized. In the event property was not seized from anyone's possession, a receipt for the property must be delivered to the individual in control of the premises or vehicle from which the property was seized. If an individual is not present (abandoned vehicles or unoccupied residences), the receipt must be left in a prominent location within the vehicle or at the premises. (Refer to Section 11488[b] HSC and Section 1412 of the Penal Code [PC].)

c. Notice of Seizure and Intended Forfeiture/Claim Form. Pursuant to the *Cuevas v. Tulare County* ruling, Notices of “Intent to Seize” (Notice) and claim forms are prohibited from being served by law enforcement personnel. However, there are some counties that allow law enforcement personnel to obtain either oral or written permission from the local district attorney to issue the Notice and claim form. In practice, this means Notices and claim forms will rarely be served by law enforcement personnel in the field. All commands shall contact their local district attorney’s office for instructions on procedures for serving Notices and claim forms in their respective county.

d. Disclaimer of Ownership. Seizing officers should attempt to have all individuals present at a seizure who do not claim ownership sign a form disclaiming ownership of assets. This form will provide the local district attorney with information regarding individuals who were present at the seizure and reduces the possibility of illegitimate ownership claims being filed at a forfeiture hearing.

e. Time Limitations. The investigating law enforcement agency may hold seized property for up to 15 days to determine if there is sufficient evidence to file for forfeiture of the property. Within the 15 days, the investigating law enforcement agency must notify the local district attorney, preferably in writing, with a request to initiate asset forfeiture procedures. After 15 days, the asset must either be returned to the owner or held as evidence (or held for another legal reason). No seized currency shall be held in evidence for more than 15 days. If the local district attorney initiates asset forfeiture proceedings, all seized currency must be deposited into an interest-bearing account with the local district attorney or Fiscal Management Section (FMS). (Refer to Section 11488.2 HSC.)

f. Protection of Property. Seizing agencies are required to ensure that seized property is protected and its value preserved. The Area AFC shall take reasonable steps to protect and preserve the seized property. All property should be stored and maintained, but never used. (Refer to Section 11469[i] HSC.)

g. Property Seized Pursuant to a Search Warrant. Property seized as a result of a search warrant will require a court-ordered release prior to the movement of the property. A written release shall be obtained from the magistrate signing the search warrant, thus allowing the property to be released from the court’s custody and be eligible for seizure. This type of release is required prior to moving the property to a different location or before the conversion of seized currency. (Refer to Section 1536 PC.)

h. Notification to Franchise Tax Board. Law enforcement agencies shall notify the Franchise Tax Board (FTB) where there is reasonable cause to believe the

property seized has a value in excess of \$5,000. (Refer to Sections 11471.5 and 11488[a] HSC.)

i. Publication of Public Notice. After a seizure, state law requires a public notice be published. The local district attorney will make this publication notice. In cases where the Department is required to make the publication, Area AFCs should direct their questions to their local district attorney for publication procedures and format requirements. In the event the local district attorney requires the Department to pay for the publication notice, the invoice with the departmental asset forfeiture case number and a copy of the publication notice shall be forwarded to FSS for payment. (Refer to Sections 11488.4[e]-[f] and 11488.5 HSC.)

7. FEDERAL ASSET FORFEITURE PROGRAM.

a. The Federal Asset Forfeiture Program (FAFP) will normally be used when departmental personnel assist federal agencies or federal task forces in joint investigations. In cases where seizures do not meet minimum requirements of the State Asset Forfeiture (AF) Program, or when a local district attorney declines to initiate state forfeiture proceedings, the federal AF program can no longer be used to adopt cases.

(1) Effective January 1, 2017, Senate Bill (SB) 443 enacted laws that drastically changed the Department's Federal and State AF program. Although federal agencies can adopt forfeiture cases from allied agencies in most states, it is now prohibited in California due to SB 443.

(2) In summary:

(a) No adoptions – although it is allowed under new federal policies; effective January 1, 2017, adoptions are prohibited under California state law.

(b) Joint investigation – forfeitures/equitable sharing, federal authorities must be involved prior to seizure.

(c) Assets over \$40,000 – no conviction required for sharing.

(d) Under \$40,000 – conviction required for sharing, the conviction can be a state or federal conviction.

(e) Annual Report on CHP's federal cases to the California DOJ, Attorney General's Office.

b. It is important to note departmental personnel cannot seize assets under federal law, as they do not possess federal authority. However, departmental personnel may seize the asset(s) as evidence. Items seized should be retained for evidentiary purposes.

c. Field Support Section will prepare equitable sharing requests for all federal asset forfeiture cases. The FSS AFC will prepare and electronically file the Deputy Attorney General Form 71 (DAG-71), Equitable Sharing Request Form, via the U.S. DOJ's e-Share program. The DAG-71 form can be found on the U.S. DOJ, Money Laundering and Asset Recovery Section Web site at:

<https://www.justice.gov/criminal-afmls/equitable-sharing-program>. The DAG-71 forms require the signature of a departmental representative. The commander of Enforcement and Planning Division or their designee is authorized to sign the DAG-71 form.

d. For seizures involving agencies of the Treasury Department, the FSS AFC must file a TD F 92-22.46, Request for Transfer of Property Seized/Forfeited by a Treasury Forfeiture Fund Participating Agency, within 60 days from the date of seizure. Because of these time constraints, it is imperative a copy of the arrest report be forwarded to the FSS AFC as soon as possible or no later than 20 days after the initial seizure. Once the 60-day statute of limitations expires, the Department will have to submit a late waiver letter to the Treasury Department.

e. The Office of the U.S. Attorney General has adopted the National Code of Professional Conduct for Asset Forfeiture (Annex C). This code has become the national standard, and the Department will conduct all federal asset forfeiture cases utilizing the standards contained in this code.

8. DIVISION ASSET FORFEITURE COORDINATOR RESPONSIBILITIES.

a. To ensure the successful operation of the AFP, the Division AFC should be available during normal business hours to assist the Area AFC with questions and problems which may arise out of a seizure. Division AFCs shall be uniformed supervisors. At the commander's discretion, Division AFCs may delegate tasks to uniformed personnel, Associate Governmental Program Analysts, or Staff Services Analysts; however, the appointed uniformed supervisor is ultimately responsible for ensuring the duties of the Division AFC are accomplished.

b. The Division AFC is directly responsible for overseeing the program within their Division and ensuring Area accountability. Following are specific responsibilities:

- (1) Ensure Area compliance with asset forfeiture laws, policies, procedures, and audit requirements as outlined in paragraph 3.e. of this chapter.

- (2) Request an asset forfeiture number from FSS upon request from an Area, and monitor the Notification of Drug/Asset Seizure (DAS) forms (formerly Mask Menu Screen 50) to ensure Area AFCs are requesting asset forfeiture numbers in accordance with the requirements contained in this chapter. Asset forfeiture numbers may be requested by e-mail to the FSS AFC. (Refer to paragraph 10. of this chapter for e-mail format.)
- (3) Complete a CHP 300F, Division Asset Forfeiture Coordinator Checklist, for inclusion in the case file. (Use of the CHP 300F by the Division AFC is optional.)
- (4) Ensure Area AFCs file asset forfeiture cases with the local district attorney when assets are seized under the state asset forfeiture law and handled to conclusion by departmental personnel.
- (5) Coordinate directly with Fleet Operations Section (FOS) on all aspects of vehicle seizures. Seizures of aircraft and vessels are to be coordinated with FSS.
- (6) Coordinate federal seizures with the FSS AFC.
- (7) Ensure all required reports and related documents are forwarded to FSS for inclusion in the case file. Review and sign the back of the CHP 300D, Asset Forfeiture Checklist, and the CHP 300B, Asset Forfeiture Cover Report, for inclusion in the case file.
- (8) Track cases and maintain a CHP 309, Asset Forfeiture Log, for each calendar year for Areas within their Division until the case is adjudicated and the assets are either forfeited for distribution by law or returned to the owner.
- (9) Maintain a case file for all asset forfeiture cases initiated in their respective Divisions.
- (10) Provide follow-up investigation and assistance to Area AFCs upon request.
- (11) Ensure Area AFCs send confirming letters outlining equitable share requests to the local district attorney and involved allied agencies/NTFs within 30 days of the seizure/incident.
- (12) In state cases only, notify the FTB within 20 days from the date of the seizure with a written correspondence (Annex D) when seizures from any one individual are valued at \$5,000 or more. (Refer to paragraph 20. of this chapter for the address.)

(13) Upon receipt of equitable share checks for cases initiated by Division personnel, process in accordance with HPM 11.1, Administrative Procedures Manual, Chapter 19, Administration of Forfeited Assets, paragraph 6.

(14) Prepare and submit a quarterly CHP 300, Division Asset Forfeiture Summary Report, (Annex E) to FSS no later than the 20th of the month following the end of the quarter. (Refer to paragraph 17. of this chapter for reporting procedures.)

(15) Ensure the Area AFCs monitor and track state asset forfeiture cases with the local district attorney's office and/or allied agency/NTF and prepare a quarterly report documenting status of open cases as outlined in paragraph 18. of this chapter.

9. AREA ASSET FORFEITURE COORDINATOR RESPONSIBILITIES.

a. The Area AFC is the Area level liaison for the AFP. Area AFCs shall be uniformed supervisors and should be available during normal business hours. At the commander's discretion, Area AFCs may delegate tasks to an officer; however, the appointed uniformed supervisor is ultimately responsible for ensuring the duties of the Area AFC are accomplished.

b. Following are specific responsibilities associated with this position:

(1) Contact local district attorney(s) to establish procedures and guidelines for conducting seizures, including minimum currency amounts the local district attorney(s) will accept for seizure, deposit procedures for currency, disposition of vehicles seized for a violation of Section 11366.8 HSC (hidden compartment) which are not eligible for asset forfeiture, which asset forfeiture forms to issue and when they should be issued, and the process for submitting asset forfeiture cases.

(2) Contact the Division AFC no later than seven working days following an asset seizure, or a controlled substance for sale arrest/incident which could result in an asset seizure, and request an asset forfeiture case number. If the Division AFC is unavailable, contact FSS directly as outlined in paragraph 10. of this chapter. The FSS AFC is responsible for ensuring the Division AFC is provided with the asset forfeiture number and case information.

(3) Ensure a DAS is prepared for all contacts which result in an asset forfeiture case. (Refer to paragraph 16. of this chapter for specific content.)

- (4) Notify the Division AFC within 48 hours when vehicles are seized by the Area and coordinate these seizures with the Division AFC.
- (5) Ensure state asset forfeiture cases are filed with the local district attorney's asset forfeiture unit when the CHP is handling the investigation/seizure to conclusion.
- (6) Send confirming letters outlining equitable share requests to the district attorney and involved allied agencies/NTFs within 30 days from the seizure/incident.
- (7) Establish a case file for each asset forfeiture arrest/incident. For state cases, forward reports and related documents to FSS through the Division AFC within 60 days from the date of the seizure/incident. For federal cases, forward arrest reports to FSS within 20 days from the date of seizure/incident. The Department's assigned asset forfeiture case number shall be printed on the face page of all documents in the top right corner.
 - (a) All CHP Asset Forfeiture forms are available on the CHP's Intranet site, under "Forms."
- (8) Ensure all asset forfeiture cases are entered on a CHP 309. The CHP 309 and CHP 309, side 2 (Commander's Monthly Review), shall be routed to the Area commander on the first of each month for review. The Area commander or their designee shall sign and date the CHP 309, side 2, indicating the log has been reviewed.
- (9) Monitor and track for 90 days state and federal asset forfeiture cases in which no assets were seized. If the local district attorney initiates a seizure on any assets, immediately notify the Division AFC, who shall notify the FSS AFC. For federal cases, the FSS AFC will be notified through the U.S. DOJ's e-Share portal.
- (10) Prepare memorandums for closed cases which outline details of the case outcome for inclusion in the files.
- (11) Upon receipt of equitable share checks, process in accordance with HPM 11.1, Chapter 19, paragraph 6.
- (12) Check on the status of all open cases and prepare a quarterly report of open asset forfeiture cases as outlined in paragraph 18. of this chapter.

(13) Request the owner to sign a CHP 305, Indemnity Agreement, when seized property is being returned. (Refer to paragraph 15. of this chapter regarding the return of property.)

(14) Forward asset forfeiture-related invoices, such as tow bills and publication of public notice costs, to FSS for payment. These invoices are only forwarded when the local district attorney has specifically requested the Department to pay these charges. All invoices shall be processed in accordance with HPM 11.1, Chapter 24, Payment of Invoices, and must include the Department's assigned asset forfeiture case number.

(15) Function as Area liaison, resource, and contact person for all Area asset seizures, including coordination of all inquiries and negotiations with allied agencies/NTFs involved in a departmental asset seizure.

10. ASSIGNMENT OF ASSET FORFEITURE CASE NUMBERS.

a. Obtaining an Asset Forfeiture Case Number. If the Area AFC believes they have a case (including allied agency/NTF assists and cases turned over to an allied agency/NTF) which could result, or has resulted, in the seizure of an asset, the Area AFC shall notify the Division AFC via e-mail within seven working days. Upon such notification, the Division AFC shall contact the FSS AFC via e-mail within three working days to request a departmental asset forfeiture number.

b. Field Support Section can be contacted Monday through Friday, excluding holidays, between the hours of 0800 to 1700, at (916) 843-3470.

(1) The following format shall be used when requesting an asset forfeiture number by e-mail.

- (a) Date of seizure.
- (b) Seizing Area location code.
- (c) Defendant(s) name.
- (d) Name of allied agency/NTF and case number, if available.
- (e) Asset(s) seized.
- (f) Seizing officer(s) name(s) and identification number(s).
- (g) Drug(s) seized and amount(s) in grams.

(h) Area case number (felony, miscellaneous, or citation number).

(i) Whether or not a departmental canine was used.

c. The Division AFC will then forward the forfeiture number to the Area AFC. If the Area AFC is unable to contact the Division AFC, the Area AFC may contact the FSS AFC directly for a forfeiture number, using the above procedures. The FSS AFC will send an email to Division AFC.

d. “Tracking Only” Cases. Cases will be considered “tracking only” in those instances where (1) no assets have been seized; (2) the investigation has been turned over to an allied agency/NTF for follow up; and (3) there is a reasonable expectation assets could be seized in the near future due to the amount of controlled substances involved, the magnitude of the investigation, knowledge that the case will lead to the execution of one or more search warrants, etc.

(1) The Area AFC is required to follow up on “tracking only” cases during a 90-day period to ensure the Department has an opportunity to request an equitable share should the allied agency/NTF’s investigation lead to the seizure of assets.

(2) When Area cases are assigned a departmental asset forfeiture case number for tracking purposes and no assets are identified after 90 days, a closing memorandum shall be forwarded to the FSS AFC through the Division AFC within ten days after the end of the 90-day period. However, the case file will remain at the Area office in the event assets are later identified. (Refer to paragraph 19. of this chapter for procedures relating to case closures.)

e. Required Use of Asset Forfeiture Numbers. The following are examples of when an asset forfeiture number shall be requested and a case file opened:

(1) A CHP officer makes a traffic stop and incidentally locates an amount of controlled substance which would allow a conveyance to be seized and forfeited pursuant to Section 11470(e) HSC.

(2) A CHP officer makes a seizure and/or an arrest for possession of a controlled substance for sale. The arrestee is in possession of currency meeting the local district attorney’s minimum threshold for forfeiture.

(3) A CHP officer makes an arrest for possession of a controlled substance for sale which requires supplemental investigation or results in confiscation of large quantities of a controlled substance, and turns the investigation over to another agency or NTF.

(4) A departmental aircraft is involved in a situation that results in an asset seizure investigation.

(5) An allied agency requests CHP assistance with an investigation/arrest which results in the seizure of assets or the officer has reason to believe will result in the seizure of assets (e.g., possession of controlled substance[s] for sale, amount of controlled substance[s] found would make the conveyance subject to forfeiture).

(6) A departmental canine is involved in an enforcement action which results in the seizure of an asset, follow-up investigation, or provides canine assistance to a local multiagency task force, allied agency, or federal agency.

f. Out-of-State Parcel Cases. Cases in which only drugs are seized, which are prosecuted outside the State of California and are not federally adopted (e.g., parcel drug interdiction cases), do not require a tracking number. This is due to the fact there is no state reciprocity and Section 11470 HSC does not apply outside the State of California.

11. INVESTIGATIONS TURNED OVER TO ALLIED AGENCIES/NARCOTICS TASK FORCES.

a. Turn-Over Policy. Departmental personnel should utilize the appropriate allied agency or NTF whenever an arrest for possession of a controlled substance(s) is affected and requires supplemental investigation or results in the confiscation of large quantities of a controlled substance(s) and/or assets. (Refer to HPM 100.69, General Law Enforcement Manual, Chapter 1, Arrest Policies.)

b. Supervisory Response. When assets subject to seizure under state or federal asset forfeiture laws have been identified by departmental personnel, a departmental uniformed supervisor shall be immediately notified and shall respond to the scene, preferably before assets are seized or removed.

(1) The supervisor shall attempt to contact the appropriate allied agency/NTF in accordance with the local MOU.

(2) It is the responsibility of the supervisor to use sound judgment in authorizing asset seizures and to ensure compliance with asset forfeiture statutes and departmental policy (e.g., currency count procedures, property/evidence photographed where located, receipts for property/evidence turned over to an allied agency/NTF).

- c. The investigating officer shall complete the “Officer’s Checklist” portion of the CHP 300D. The top of page one contains abbreviated departmental policy, state and federal asset forfeiture requirements, and legal/departmental references. The CHP 300D shall be attached to the asset forfeiture arrest/incident report.
- d. Currency Seizures. The currency processing procedures outlined in paragraph 14. of this chapter shall be followed when CHP personnel locate and take initial possession of currency. Prior to turning over possession of currency to the allied agency/NTF, a signed receipt shall be obtained from the allied agency/NTF member taking possession. A signed CHP 308, Asset Forfeiture Financial Tally, or equivalent may be used for this purpose.
- e. Seizures of Vehicles and Other Property. Area and Division AFCs shall ensure that a signed receipt sufficient to provide an audit trail is received for all evidence and property turned over to an allied agency/NTF. Under no circumstances shall the Department be awarded any property forfeited under state forfeiture laws for the purpose of placing it into service.
- f. Disposition of Assets. The Area AFC is responsible for the tracking and disposition of all assets turned over to allied agencies/NTFs. The case will not be closed by FSS until all assets have been disbursed, destroyed, or returned to the owner. If any property is returned to the owner by the allied agency/NTF, the Area AFC should obtain a letter from the allied agency/NTF stating the property was returned to the owner. If the property is to be destroyed, the property does not have to be destroyed prior to closing the case. A copy of the court’s Order of Destruction (if available) will suffice.
- g. Equitable Share Letters. Area AFCs shall draft and forward a letter of equitable sharing to local allied agencies/NTFs, with a copy to the local district attorney, requesting equitable shares in state asset forfeiture cases turned over to allied agencies (Annexes F and G). Except as provided below, an equitable share letter shall be prepared in cases where assets are seized and should be prepared for “tracking only” cases (no assets seized) when there is reason to believe the case may result in the seizure of assets (Annex H).
- h. No Share Requested. If the Area commander is not requesting an equitable share of the assets, the Area AFC shall forward a closing memorandum, signed by the commander, through their Division to FSS advising the Area has elected not to pursue an equitable share of assets, with a request that the case be closed.
- (1) Prior to requesting closure, Area and Division AFCs shall ensure the seizure has been assigned an asset forfeiture number, all required paperwork has been completed, and documentation is included in the case file to provide a sufficient audit trail for turnover of all assets seized (e.g., currency tally sheet,

signed receipt for all evidence/property/cash turned over to the allied agency/NTF, copy of CHP 180).

(2) Upon receipt of the completed case file, the FSS AFC will close the case and advise the Division and Area AFCs of the closure date by returning a copy of the CHP 300B, indicating the date the file was closed.

i. Federal Cases. If a case is turned over to an allied agency/NTF working jointly with a federal agency and the case is being filed under the FAFP, local Areas shall notify their Division AFCs that the case is being processed federally. Division AFCs will then notify the FSS AFC in a timely manner with the name of the federal agency and case number.

(1) For all federal AF cases, Areas shall obtain the federal case number, the name of the federal agent, and their phone number. The FSS AFC shall prepare the DAG-71 on behalf of the Department. Areas shall continue to provide any information to the FSS AFC, through their Division, which comes to their attention regarding the case.

12. ASSET FORFEITURE PROCEDURES FOR CASES HANDLED TO CONCLUSION BY THE DEPARTMENT.

a. Supervisory Response. When assets subject to seizure under state or federal asset forfeiture laws have been identified by departmental personnel, a departmental uniformed supervisor shall be immediately notified and shall respond to the scene, preferably before assets are seized or removed. It is the responsibility of the supervisor to use sound judgment in authorizing asset seizures and to ensure compliance with asset forfeiture statutes and departmental policy (e.g., currency count procedures, property/evidence photographed where located, receipts for property/evidence turned over to an allied agency/NTF).

b. Procedures at Initial Seizure. When assets subject to seizure have been identified and there are no MOUs in place with allied agencies/NTFs or the allied agency/NTF has declined to conduct the asset forfeiture portion of the investigation, the following procedures shall be followed:

(1) The investigating officer shall complete the "Officer's Checklist" portion of the CHP 300D. The top of page one contains abbreviated departmental policy, state and federal asset forfeiture requirements, and legal/departamental references. The CHP 300D shall be attached to the asset forfeiture arrest/incident report or the CHP 135.

(2) Photograph all property/evidence where it was located. If this is not possible, then photograph the property/evidence prior to booking it into property/evidence storage. Photograph all parties at the scene. Document where the property/evidence is stored.

(3) A receipt (CHP 36 or equivalent) shall be given to the person who claims ownership of the seized property. If the owner cannot be located, officers shall provide a receipt for the asset to the individual with standing (the person in control of the vehicle/premises when the asset was seized). Only one CHP 36 should be issued to suspects from whom assets were seized and an item of property shall not be listed on more than one receipt. Suspects are to be provided with the yellow copy of the CHP 36.

(4) If the local district attorney authorizes seizing officers to issue the Notice of Intent to Seize and claim form at the time of the seizure, departmental personnel shall use the local district attorney's forms when serving Notices and claim forms in the field.

(5) All individuals who claim no interest or ownership in the seized asset shall be requested to sign a CHP 304, Disclaimer of Ownership of Assets and Waiver of Right to Notice of Seizure/CHP 304SP, Renuncia de Propiedad de Bienes y Renuncia al Derecho de Notificación de Incautación; however, these individuals are not required to sign this form.

(6) The Area AFC has 15 days from the date of seizure to hold property seized for forfeiture and to determine whether to proceed with filing an asset forfeiture case with the local district attorney. The asset forfeiture filing is separate from, and in addition to, the criminal filing. After 15 days, the asset must be forfeited, returned to the owner, or held as evidence (check with the local district attorney before holding currency as evidence). When an asset forfeiture case is filed with the local district attorney, the date the case was filed and the local district attorney's asset forfeiture case number shall be recorded in the appropriate boxes on the CHP 300B.

(7) State Cases. When a case does not meet the minimum requirements of the State Asset Forfeiture Program or when a local district attorney declines to file a forfeiture case, the seized currency must be returned to owner, sent to unclaimed property (if unclaimed by owner after 90 days), or can be used to pay restitution to the county child support offices, county probation offices, or county court offices. Check with local county offices to ensure there are no current balances owed prior to returning unclaimed funds back to the owner.

13. CONVEYANCES.

a. Vehicles, Aircraft, or Vessels. To qualify for seizure under state asset forfeiture laws, conveyances must be used as an instrument to facilitate the sale, possession for sale, or manufacturing of a threshold amount of controlled substance. The term “facilitation” means the conveyance had a substantial connection or was instrumental in the sale, possession for sale, or manufacturing of the controlled substance. The minimum amount of controlled substance required (purity requirements) is provided in Section 11470(e) HSC. (These minimum amounts are also contained in Annex B.) Under federal asset forfeiture laws there is no minimum amount of controlled substances required to seize a conveyance for forfeiture.

b. Hidden Compartments. Vehicles containing hidden compartments may be seized pursuant to Section 11366.8 HSC and impounded as evidence provided there is a clearly established nexus to illegal narcotics or drugs (e.g., drugs are located, or if no drugs are located, a drug-detection canine alerts to the compartment). Under federal law, these vehicles may be forfeited without the minimum drug thresholds specified in Section 11470(e) HSC. The impound authority for these seizures is California Vehicle Code (CVC) Section 22655.5.

c. Minimum Seizure Requirements – Departmental Policy. Because of the expenses associated with seizing a conveyance, the Department has established a minimum equity value for conveyance seizures handled to conclusion by departmental personnel.

(1) Vehicles. Generally, vehicles which have a minimum equity value of less than \$10,000 should not be seized by the Department.

(2) Aircraft and Vessels. As a rule, the Department generally does not seize aircraft and vessels; therefore, a minimum equity value has not been established for these types of assets. Seizures of these conveyances shall be coordinated by FSS on a case-by-case basis.

d. Minimum Seizure Requirements – State Prosecuting Authorities. State prosecuting authorities may establish seizure guidelines. It is each AFCs responsibility to fully understand the requirements of their local district attorney.

e. Condition of Conveyance and Minimum Equity Value. Prior to departmental seizure of any conveyance, the condition and the minimum equity value shall be considered. The vehicle shall be impounded under the legal authority of CVC Section 22655.5, and the officer initiating the seizure shall make a preliminary evaluation as to the condition of the conveyance. The initial evaluation of the seized conveyance will be completed following the procedures outlined in

HPM 81.2, Vehicle Procedures Manual, Chapter 1, CHP 180, Vehicle Report. A final determination regarding the condition and value of the conveyance will be made by FSS and FOS.

(1) Equity Value. The Area AFC will determine equity value by taking the fair market value of the conveyance and subtracting the amount of any unpaid liens held by the legal owner(s) (e.g., bank, credit union). The fair market value will be determined by the Division AFC.

(2) Determining Condition of Conveyance. Within 48 hours of the seizure, the Area AFC shall notify the Division AFC, who will notify FOS of the Area's intent to seize the conveyance. Within five days of being notified, FOS will cause the vehicle to be appraised and will make a recommendation to the Division AFC as to the feasibility of seizing the vehicle. The Division AFC shall notify the FSS AFC of FOS's recommendation. An Area shall not file for the forfeiture of a vehicle until FOS has made its recommendation and FSS has concurred.

f. CHP 180, Vehicle Report. When completing the CHP 180, officers shall clearly state on the form the vehicle has been impounded and can only be released through the Department. A copy of the CHP 180 shall be forwarded to the Division AFC with the arrest report. The Division AFC shall then forward the paperwork to the FSS AFC.

g. Photographs. The Area shall take at least eight color photographs of the vehicle (four of the exterior and four of the interior). The photographs should include all four sides and should be a fair and impartial representation of the condition of the vehicle. The photographs shall be forwarded through the Division AFC to the FSS AFC with the arrest report.

h. Storage and Release of Vehicles.

(1) Areas should use their established evidence tow contract for towing and storage of seized vehicles. Vehicles shall be kept at a location that will prevent theft, damage, or vandalism. The Area may store the vehicle temporarily at the Area office when necessary and space is available.

(2) Upon the local district attorney's decision to file for forfeiture, the vehicle will be transported to FOS in West Sacramento or Torrance, whichever is closer to the seizing Area. Fleet Operations Section, the Division AFC, and the Area AFC will coordinate the removal of the vehicle to FOS.

(3) If the local district attorney does not file for forfeiture or rejects the case, upon the local district attorney's approval, the vehicle shall be released to the

registered or legal owner. All fees associated with the towing and storage of the vehicle will be the responsibility of the seizing agency or local district attorney, depending on local procedures.

(a) For departmental seizures, forward tow/storage invoices to the FSS AFC for payment when the local district attorney has requested the Department to pay these charges. All invoices shall be processed in accordance with HPM 11.1, Chapter 24, and must include the Department's assigned asset forfeiture case number.

(b) If a vehicle has been seized for a hidden compartment in violation of Section 11366.8 HSC and the local district attorney is not pursuing asset forfeiture proceedings against the vehicle, a court order may be required prior to releasing the vehicle to the registered/legal owner. Area AFCs shall contact their local district attorney(s) to establish procedures for release of these vehicles, including responsibility for payment of storage/towing fees and cost of removing the unlawful modification, release of liability forms, and sample affidavits for requesting a court order (if required).

(c) Any vehicle storage charges incurred after proper notification is made to the legal/registered owner, regarding the availability of the vehicle for release, shall be the responsibility of the legal/registered owner.

i. Vehicle Status Changes. The Area AFC shall immediately notify the Division AFC by telephone of all status changes in vehicles that have been seized by the Department under asset forfeiture laws. The Division AFC shall in turn notify the FSS AFC via e-mail of the status change. This would include, but is not limited to, the following:

- (1) The vehicle is awarded back to the owner/defendant.
- (2) The vehicle is moved to a new location.
- (3) The vehicle is awarded to the Department for sale and disbursement of proceeds pursuant to law and the MOU, if another agency(ies) is involved.
- (4) An allied agency/NTF takes possession of the vehicle.
- (5) The vehicle is awarded to an allied agency/NTF for sale and disbursement of proceeds pursuant to law and the MOU.

j. Monitoring Seized Vehicles. The FSS AFC is responsible for monitoring the seizure of vehicles and ensuring that appropriate storage, transportation, and other departmental requirements are met.

k. Placing Conveyances Into Service. State asset forfeiture law under Section 11469(g) HSC prohibits seizing agencies from placing any seized or forfeited property into service.

14. MONIES, SECURITIES, REAL PROPERTY (REAL ESTATE), AND ANY OTHER PROPERTY OF INTEREST.

a. Minimum Currency Seizure Thresholds. State prosecuting authorities may establish minimum currency seizure thresholds.

(1) It is important to be aware of the local district attorney's seizure requirements on all different types of assets.

b. Processing Seized Currency.

(1) Officer's Responsibilities.

(a) The officer who finds currency and believes it qualifies for seizure shall immediately contact a supervisor who shall respond to the scene before the currency is removed or seized. If possible, the supervisor shall be present throughout the entire seizure.

(b) The currency should be photographed in place prior to seizure and shall be processed for evidentiary value (e.g., it may be necessary to maintain the actual currency as evidence where a drug-detection canine has indicated that currency has been exposed to a controlled substance and/or retain packaging materials and wrappers).

(c) Seizures in Excess of \$1,000.

1 Currency shall not be stored in an evidence locker (including pass-through cabinets). Currency shall be secured inside the evidence room, a secured safe, an allied agency evidence room, a safety deposit box at a financial institution, or deposited into an asset forfeiture interest-bearing account at FMS using a CHP 230, Transmittal Record.

2 During normal business hours when currency needs to be placed into evidence, the Area evidence officer and the Area commander or

alternate, who is responsible for immediately securing and processing the currency, shall be notified. If outside normal business hours, one of the above individuals shall be notified and respond to the Area office to secure and process the currency. The arresting officer or supervisor shall maintain control of the currency until properly processed.

(d) Seizures Under \$25,000.

1 The finding officer, with the assistance of a second uniformed member (preferably a supervisor), shall count the currency upon taking possession. The count shall be conducted in accordance with procedures contained in HPM 70.1, Evidence Manual.

2 Uniformed personnel who conduct the count shall document the denominations on a CHP 36 or CHP 308 (or similar allied agency/NTF currency tally sheet). If currency is found in different locations, the locations and the amounts of currency found shall be documented on separate tally sheets.

3 A receipt (e.g., a CHP 36) shall be given to the person(s) from whom the currency was taken or the person in possession of the premises/vehicle where the seizure occurred.

4 Individuals who claim no interest or ownership in the seized asset should be requested to sign a CHP 304; however, these individuals are not required to sign this form.

(e) Seizures Over \$25,000. The currency should be transported to a secure location (e.g., Area or allied agency/NTF office) and two uniformed personnel will process the currency using the following procedures.

1 The currency shall be packaged in a container (e.g., a manila envelope, evidence bag).

2 Currency found in different locations shall be packaged separately with the locations noted on the individual containers.

3 The currency should be photographed again as it is packaged and the total number of sealed containers shall be photographed.

4 Once the currency is packaged, the container(s) shall be sealed with departmental evidence tape.

5 The container(s) shall be individually numbered. The seizing officer and one other officer, preferably the on-scene supervisor, shall initial and date the seal in such a way that part of the writing is on the seal and part of the writing is on the container.

6 A receipt (CHP 36) shall be given to the person(s) from whom the currency was taken or the person in possession of the premises/vehicle where the seizure occurred. The receipt should indicate that a large unknown amount of currency was seized and will be counted at a later time. The total number of containers shall be noted on the receipt.

7 Individuals who claim no interest or ownership in the seized asset should be requested to sign a CHP 304; however, these individuals are not required to sign this form.

8 If a money counting machine is not immediately available, the currency should be retained by the Department and stored in accordance with HPM 70.1 until it can be counted by a money counting institution.

9 If the Area commander determines the Area facility is not adequate to protect the currency, other options should be explored. Area commanders should consider developing standard operation procedures with allied agencies or adjoining Area/Division commands who have facilities capable of adequately securing the currency.

10 In joint investigations with allied agency/NTF, the seized currency should be released to the allied agency/NTF. A CHP 36 shall be signed by a supervisor from the allied agency/NTF taking possession. The receipt should indicate that a large unknown amount of currency was seized and will be counted at a later time. The total number of containers shall be noted on the receipt. A CHP representative shall be present at the time of the counting by the allied agency/NTF.

(f) Evidentiary Value. It may be necessary to maintain some or all of the currency as evidence (e.g., where a drug-detection canine has given indications that currency has been exposed to controlled substances). Prior to converting and submitting seized currency with evidentiary value for deposit, the Area AFC should obtain approval from the local district attorney handling the case.

c. Storage of Currency. The local district attorney will determine the disposition of seized currency. Only seized currency which is retained for its evidentiary value or awaiting a count may be stored at the Area office.

(1) Currency held as evidence shall be safeguarded in accordance with procedures located in HPM 70.1, Chapter 12, Security, Inspection, and Inventory Procedures. (Refer to paragraph 14. of this chapter.)

(2) Currency that is to be chemically analyzed or examined by a canine unit shall not be stored in the same storage facility as drugs. This will prevent the currency from becoming contaminated while awaiting analysis or canine examination.

d. Deposits Into the Interest-Bearing Account. Cash assets in the Department's possession, having no criminal evidentiary value, shall be deposited (within ten working days) into the interest-bearing account maintained by FMS pending adjudication of the criminal case and/or administrative forfeiture procedures.

(1) Areas are encouraged to have allied agencies/NTFs or the local district attorney handle storage of currency pending adjudication of the criminal case and/or administrative forfeiture procedures and subsequent disbursements.

(2) In instances where the local district attorney requires the Department to hold the asset, Areas shall convert seized assets to a cashier's check and forward the check to FMS, via a CHP 230, for deposit into the asset forfeiture interest-bearing account. The departmental asset forfeiture case number shall be entered on the CHP 230 where indicated (#12 Miscellaneous, Asset forfeiture – interest bearing) (Annex I). This shall be accomplished in accordance with HPM 11.1, Chapter 19, paragraph 5.

(3) The Area shall forward two copies of the cashier's check and CHP 230 to their Division AFC, and Division will forward the extra copy to the FSS AFC.

e. Federal Identification Number. Many financial institutions request officers to provide a federal identification number when cashier's checks are requested for large sums of currency. Officers are to provide the following number when the Department's federal identification number is requested: 94-2257827R.

(1) In some cases, financial institutions are not issuing cashier's checks for seized currency without a social security number being provided by departmental personnel. Under no circumstances shall departmental personnel provide their social security numbers to financial institutions. If this information is requested, contact the FSS AFC for a temporary solution.

f. Processing Other Items of Value.

(1) Real Property (Real Estate). Officers and employees shall not seize real property. If there is a belief that real property is subject to seizure, the Area shall contact their Division AFC who will coordinate and process the case with FSS.

(2) Weapons, Jewelry, Cellular Phones, Digital Scales, and Other Items of Value.

(a) It is the policy of the Department not to seize weapons for asset forfeiture. Weapons which are taken as evidence shall be handled in accordance with HPM 70.1, Chapter 11, Release/Disposal of Weapons.

(b) It is the policy of the Department not to seize personal items such as jewelry, cellular phones, and digital scales for asset forfeiture. Jewelry and other items of value held for allied agencies/NTFs shall be kept in a location that is safe from theft and damage. If the Area commander feels the safety of the item cannot be ensured at the Area office, the item shall be placed in a safe deposit box.

1 If an Area does not have an established safe deposit box, Areas may submit a request to obtain one via memorandum to FMS, Travel Unit. Instructions for preparing the memorandum are included in HPM 11.1, Chapter 24.

15. RETURNING PROPERTY.

a. When ordered by the court or local district attorney to return or dispose of property which was seized for asset forfeiture, the provisions contained in HPM 70.1, Chapter 9, Disposal of Evidence and Property, shall be followed.

b. An effort shall be made to return currency to the owner in accordance with the procedures outlined in HPM 70.1, Chapter 9, paragraph 3. If the owner does not claim the currency within the specified time, the currency shall be forwarded to FMS, along with the CHP 230, as unclaimed property as outlined in HPM 70.1, Chapter 9, paragraph 5.

c. When property is returned, in addition to following the procedures contained in HPM 70.1, Chapter 9, Area AFCs should request owners to sign a CHP 305.

16. ASSET FORFEITURE CASE FILE REPORTS/FORMS. The Area AFC shall forward two copies of the asset forfeiture case file to the Division AFC within 30 working days of the seizure/incident. Upon receipt, the Division AFC will forward a copy to the FSS AFC within 30 working days. Any documents or materials that are not ready to be sent to the Division AFC with the initial report shall be forwarded to the Division AFC upon their completion, when received by the Area AFC, or prior to closure of the case. The Division AFC will then forward the information to the FSS AFC. The following forms shall be completed for each asset forfeiture case:

a. CHP 300D, Asset Forfeiture Checklist.

(1) Upon notification of a potential asset forfeiture case, the Area AFC shall ensure the investigating officer has completed and signed their portion on side 1 of the CHP 300D.

(2) The CHP 300D shall be attached to every asset forfeiture case and shall be reviewed and signed by the supervisor (AFC), and signed by the seizing officer's commander (or acting commander in their absence). This improves the ability of the commander to monitor the status of ongoing asset forfeiture cases.

(3) The Area AFC shall maintain the original CHP 300D with the Area's copy of the asset forfeiture case file and include a copy with the asset forfeiture case files forwarded to the Division AFC. The Division AFC will sign and date their portion when it is received.

(4) Once a case is closed, the "Proper Closure" portion of the CHP 300D shall be completed and the original CHP 300D forwarded through the Division AFC to FSS.

b. CHP 202/216, Driving Under the Influence Arrest-Investigation Report/Arrest-Investigation Report. Investigating officers shall prepare one CHP 202/216 for each involved subject when documenting their involvement in asset forfeiture seizures, or in any incident which may result in the initiation of asset forfeiture procedures. The CHP 202/216 shall be completed within 72 hours of the date of the seizure. The words "Asset Forfeiture" shall be included in the offense(s) charged or investigated box when an asset forfeiture has occurred. The CHP 202/216 shall otherwise be prepared in accordance with General Order (GO) 100.39, CHP 202, Driving Under the Influence Arrest-Investigation Report, and CHP 216, Arrest-Investigation Report, or a CHP 135 can be used.

c. CHP 556, Narrative/Supplemental. One narrative CHP 556, Narrative/Supplemental, may be prepared for multiple defendants in one asset

seizure incident. The CHP 556 shall be prepared in accordance with GO 100.39. Ensure the CHP 556 minimally includes the following information:

- (1) A brief narrative which includes a description of the probable cause or reasonable suspicion for the contact/arrest.
- (2) How the search was initiated (e.g., officer recognized factors leading to probable cause, consent search as permitted by policy, inventory).
- (3) Contraband located during the search (include weights of the drugs in grams and an exact count of currency).
- (4) Agencies/officers involved in the case and case numbers.
- (5) Insert an additional heading of "Asset Forfeiture" and address the following:
 - (a) Identification of seized assets and from whom they were seized.
 - (b) Identification of noncurrency assets (e.g., serial numbers on property).
 - (c) Identification of agency/person taking possession of the assets after the seizure.
 - (d) The current location of the assets.
 - (e) If a money-counting institution was used, the name and location of the institution, and the date the currency was counted.
 - (f) Agency/officer handling the asset forfeiture case.
 - (g) List of asset forfeiture forms completed and attached to the report (e.g., CHP 308, CHP 180, CHP 304).
- (6) Subject(s) case background, such as:
 - (a) Employment history, including employers' addresses and phone numbers.
 - (b) Social security number(s).
 - (c) Prior year's gross income and whether a tax return was filed.
 - (d) If self-employed, nature of business and annual income.

(e) Name(s) of bank(s) used and phone number(s) of those institutions.

(7) Identification. When assets are seized, it is imperative that officers develop as much identification from the defendant(s) as possible. Officers should employ methods of identification such as photographing the subjects at the scene and taking their thumbprints. Individuals shall not be unnecessarily detained solely for the purpose of obtaining photographs and thumbprints.

d. Notification of Drug/Asset Seizure.

(1) The Area AFC will ensure a DAS is prepared within 24 hours from the date of the incident/arrest. (Refer to Chapter 4, Highway Drug Interdiction Program, paragraph 5., of this manual.) A printout of the DAS shall be reviewed by a supervisor prior to distribution in order to ensure all information is accurate. Include the following information when preparing the DAS:

(a) A brief narrative which shall include a description of the probable cause or reasonable suspicion for the stop.

(b) How the search was initiated (e.g., officer recognized factors leading to probable cause, consent search when permitted by policy, inventory).

(c) The type of contraband located during the search (include weights of the drugs in grams).

(d) Assets seized and description (e.g., amount of currency, year and make of vehicle).

(e) Allied agencies/NTFs contacted, their involvement, and their case numbers.

(f) The Area felony number.

(g) The name of all suspects and involved parties at the scene.

(h) Whether or not a CHP 202D, Consent Search, was completed.

(i) Any additional pertinent information.

(2) If the contact meets the criteria of an unusual incident report, the procedures outlined in GO 100.80, Notification and Report of Emergencies and Unusual Occurrences, regarding preparation of an unusual incident Communications Network (Comm-Net) message shall be followed. Include the information listed above in the Comm-Net message.

e. CHP 300B, Asset Forfeiture Cover Report.

(1) The purpose of the CHP 300B is to provide an overview of the case and assist in the management of asset forfeiture case files. In addition, side 2, Section IX, provides a quick checklist of all the documents which make up an asset forfeiture case file.

(2) The Area AFC shall fill out and attach the CHP 300B to every asset forfeiture case file forwarded to their Division. A copy of the completed form shall be retained and included in the Area's asset forfeiture case file.

(3) The Area AFC shall make an entry in all boxes where the information is known to the AFC. If the requested information is not known, the box may be left blank. Empty boxes should be completed as the information becomes available. The Area AFC shall sign and date side 2 where indicated upon forwarding the case file to the Division AFC.

(a) Under "Items Seized," do not enter items being held as evidence only. Field Support Section will require Areas to track final disposition of all items listed in the "Items Seized" section.

(b) In the "Narrative" portion, rather than indicating "See Attached," briefly describe the circumstances surrounding the incident.

17. QUARTERLY/MONTHLY ASSET FORFEITURE REPORTS.

a. CHP 300, Division Asset Forfeiture Summary Report.

(1) Activity Reporting.

(a) Division AFCs shall be responsible for preparing the CHP 300 (Annex E) from the information contained in the monthly CHP 300A, Area Asset Forfeiture Summary Report. The person preparing the form shall sign and date the bottom of the form. The commander shall also sign the form where indicated.

(b) Information relating to "tracking only" cases is not to be included on the CHP 300. Include only information which applies to cases which resulted in the seizure of assets for forfeiture.

(c) The original CHP 300 shall be forwarded to the FSS AFC on a quarterly basis. The reports are to be received by the FSS AFC no later than the 20th day of the month following the end of the reporting quarter.

- (2) Report Preparation. The CHP 300 shall be prepared as follows:
- (a) All seizures of assets reported on the CHP 300A shall be included on the CHP 300.
 - (b) Adobe Reader will automatically calculate totals for “Total Value of All Seizures” and “Quarter Totals” on the CHP 300.
 - (c) All Division AFCs will record the cumulative total of the Area asset forfeiture activity, as reported on the CHP 300A. The data is to be entered on the CHP 300 as follows:
 - 1 Division. The name of the reporting Division.
 - 2 Quarter. The spelled out designator (first, second, third, or fourth) of the reported quarter.
 - 3 Year. The year of the reported quarter.
 - 4 Month. The month name and totals from the CHP 300As for each of the months within the reported quarter.
 - 5 Quarter Totals. The total of the combined three months activity of the reported quarter.
 - 6 Asset Seizures. The total number of cases resulting in the seizure of assets which were opened within the reporting period as reported on the CHP 300As.
 - 7 Arrests. The total number of individuals arrested in conjunction with an asset seizure.
 - 8 Allied Agency Assists. Total number of cases in which a member of the Department provided assistance to an allied agency/NTF (e.g., request for a CHP unit to affect a traffic stop, request to use a CHP drug-detection canine). This does not include providing Drug Recognition Evaluator (DRE) assistance to an allied agency/NTF.
 - 9 Vehicles Seized. The total number of vehicles seized by the Department or allied agencies/NTFs for asset forfeiture proceedings.
 - 10 Total Value of Vehicles Seized. The total fair market value of vehicles seized.

11 Currency Seized. The exact amount of currency seized. This would include seizures of negotiable cashier's checks, money orders, or traveler's checks.

12 Value of Other Property Seized. The combined total estimated value of any other property seized by allied agencies/NTFs for asset forfeiture proceedings (e.g., cellular phones, electronic equipment, jewelry, real estate).

13 Total Value of All Seizures. The combined total value of currency, vehicles, and other property seized.

14 Estimated Return. The dollar amount that is expected to be awarded to the Department from the asset forfeiture proceedings.

15 Drugs Confiscated (Weight in Grams). The cumulative total in grams of the respective controlled substance(s) confiscated in conjunction with the seizure of assets for forfeiture (e.g., cocaine, heroin, methamphetamine, marijuana, ephedrine, hashish). Other: Indicate any other controlled substance confiscated in an asset forfeiture seizure (e.g., psilocybin, ecstasy, or prescription pills such as Xanax).

16 Comments. Include any unique or unusual characteristics or highlights of an investigation. This would include unusual concealment techniques, officer safety issues, gang affiliation, or large seizures of controlled substances.

b. CHP 300A, Area Asset Forfeiture Summary Report.

(1) Activity Reporting.

(a) Area AFCs shall be responsible for preparing the CHP 300A on a monthly basis for each of the Area's asset forfeiture cases. The person preparing the form shall sign and date the bottom of the form. The Area commander shall also sign the form where indicated.

(b) The copy of the CHP 300A shall be forwarded to the Division AFC on a monthly basis. The reports are to be received by the Division AFC no later than the 10th day of the month following the end of the reporting period.

(2) Report Preparation. The CHP 300A shall be prepared as follows:

(a) All asset forfeiture cases shall be reported on the CHP 300A, regardless of whether the investigation and/or assets were turned over to an allied agency/NTF or handled to conclusion by the Department. To ensure accurate information and to avoid duplication of statistics, only new cases are to be reported on the CHP 300A. Once a case has been reported on the CHP 300A, it will not be reported again in future monthly reports.

(b) All Area AFCs will record their asset forfeiture activity on the CHP 300A by entering the data in the appropriate columns and rows. A total of four seizures can be entered on each CHP 300A. There is no limit on the number of CHP 300As which may be used to document a reporting period.

(c) The data is to be entered on the CHP 300A as follows:

1 Area Name. The name of the reporting Area.

2 Location Code. Location code of the reporting Area.

3 Month. The month of the reporting period.

4 Year. The year of the reporting period.

5 Check if No Activity. Place an "X" in this box if there is no asset forfeiture activity in the Area for the reported month. If this box is checked, there should not be any other entries in the Activity or Case Highlights sections of the report. However, the CHP 300A shall still be forwarded to the Division AFC.

6 AF Case #. The departmental asset forfeiture number assigned to the asset forfeiture case by FSS.

7 Date. The date of the initial arrest/investigation or seizure date.

8 CHP Involvement. Place an X in the appropriate box.

a "Initiated" - any case which is initiated by a member of the Department, regardless of whether the case is turned over to an allied agency/NTF for completion.

b "Assisted" - any case in which a member of the Department provides assistance to an allied agency/NTF (e.g., request for a CHP unit to conduct a traffic stop, or a request to use a CHP

drug-detection canine). This does not include providing DRE assistance to an allied agency/NTF.

9 Total Arrests. The total number of individuals arrested in conjunction with an asset forfeiture case.

10 Defendant(s). The name(s) of any defendant who is arrested and/or any person from whom an asset is seized. In multiple defendant cases, list the primary defendant first. The listing order shall be last name, first name, and middle initial of each defendant.

11 Item(s) Seized. The description of any asset(s) seized from a defendant for forfeiture proceedings (e.g., Corvette, \$10,000 U.S. currency, jewelry).

12 Value. The value of the seized asset(s). For currency seizures, enter the exact dollar and cents figure. For property seizures (e.g., vehicles, jewelry, cellular phones, real estate), enter the approximate fair market value as determined by the Kelley Blue Book for vehicles or the Area AFC's estimated value of other seized property.

13 Location of Assets. The current location of the seized asset(s). For vehicle seizures, enter the name of the towing and storage yard if the vehicle is being stored. If the seized asset(s) is/are being retained by the local district attorney's office or turned over to an allied agency/NTF, enter the name of the agency in possession of the asset. Additional appropriate entries would include "CHP evidence room" or "retained by district attorney." Checks transmitted for deposit into the Department's interest-bearing account would be listed as "Fiscal Management Section, interest-bearing account."

14 Drugs/Amounts in Grams. The name of the controlled substance(s) involved in the investigation. Enter the amount of controlled substance seized in grams only (one ounce equals 28.35 grams).

15 Allied Agency. The name of any allied agency/NTF that actively participates in the investigation. This involvement may be as little as the use of a drug-detection canine or as much as the investigation being turned over to the allied agency/NTF for completion.

16 % (Percent). The percentage of the total asset(s) which is/are anticipated to be awarded to the Department from the asset forfeiture

investigation. This amount will vary depending on the degree of involvement in the investigation and established MOUs. In order for Adobe Reader to automatically calculate the estimated return, enter the actual percent, not the decimal equivalent (e.g., enter 10.5, not .105; enter 25, not .25).

17 Case Total. The cumulative total of assets seized for each case.

18 Estimated Return. The dollar amount which is expected to be awarded to the Department from the asset forfeiture proceedings.

19 Case Highlights. Include any unique or unusual characteristics about an investigation. This would include unusual concealment techniques, officer safety issues, gang affiliation, or large seizures of controlled substances resulting in media coverage.

18. QUARTERLY STATUS REPORT OF OPEN ASSET FORFEITURE CASES. In order to monitor the status of state asset forfeiture cases turned over to allied agencies/NTFs, Area AFCs are required to follow-up with local district attorneys and/or allied agencies/NTFs at least once a quarter to determine current status of state forfeiture proceedings. Area AFCs are not required to contact federal agencies regarding federal asset forfeiture cases, as this is handled by the FSS AFC. Area AFCs shall document the status of open asset forfeiture cases as follows:

- a. Field Support Section will prepare a report titled "Asset Forfeiture Log of Open Cases" (Annex J) containing the last known status of open asset forfeiture cases to assist Area AFCs in preparing their quarterly reports. The report from FSS shall be forwarded to each Division AFC by the 5th of the month following the end of the quarter.
- b. The Division AFC shall forward the report of open asset forfeiture cases to the respective Area AFCs by the 10th of the month following the end of the quarter. (Refer to Annex K for a sample transmittal memorandum for report of open asset forfeiture cases.)
- c. Area AFCs shall prepare a report detailing the status of their open asset forfeiture cases, and the report shall be forwarded to their Division AFC by the 30th of the month following the end of the quarter. Area AFCs may report case status via memorandum summarizing the status of open asset forfeiture cases (Annex L), or may report case status directly on the printout of open asset forfeiture cases, at the discretion of the Division AFC. A copy of the case status reporting document shall be filed with each referenced asset forfeiture case for audit purposes.

d. The Division AFC will review the Areas' reports and forward copies, along with any required/missing documents, to FSS no later than the 10th of the second month following the end of the quarter. (For example, for the first quarter of the year ending March 30, the Areas' reports would be forwarded to FSS no later than May 10.)

19. CLOSING ASSET FORFEITURE CASES. An asset forfeiture case shall be closed when either the local district attorney declines to initiate forfeiture proceedings or all property seized for forfeiture has been forfeited, returned to the claimant, or otherwise disposed of.

a. Processing Equitable Share Checks. When an equitable share check is received, the Area AFC shall write the departmental asset forfeiture case number on the check and on all documents accompanying the check. The Area AFC will keep a copy of the check and accompanying documents, and forward the original check and copy of accompanying documents to the clerical staff member who prepares the CHP 230. The clerical staff member should be advised to enter the asset forfeiture case number on the CHP 230 under the "Asset Forfeiture Account" section (Annex M) and to provide the Area AFC with a copy of the completed CHP 230. Clerical staff will forward the original check and CHP 230 to FMS. (Refer to HPM 11.1, Chapter 19, for detailed procedures.)

b. Disbursement Documents. A disbursement letter, memorandum, declaration of forfeiture, and/or court order will normally accompany a check made out to the Department from the disbursing agency for an equitable share from an adjudicated asset forfeiture case. The disbursement document(s) will advise the distribution of funds pursuant to Section 11489(b)(2)(A) HSC and indicate the total amount forfeited, accumulated interest (if any), costs incurred for the forfeiture proceedings, and the amount/percentage received by participating agencies. If a disbursement letter/memorandum does not accompany the check, the Area AFC shall contact the disbursing agency (typically the local district attorney's office) for a copy of their disbursement document.

c. Closing Memorandums. When an asset forfeiture case is ready to close, the AFC shall prepare a closing memorandum addressed to the appropriate Division (if applicable), with a copy to FSS.

(1) If property was forfeited, the closing memorandum shall include the amount of the equitable share check received and/or disposition of any other property which was seized for forfeiture but was not subsequently forfeited (Annex N).

(2) If the local district attorney declined to initiate asset forfeiture proceedings against the property, this information shall be documented in a closing memorandum with the local district attorney's correspondence, if any, attached.

(3) Tracking Only. If no asset forfeiture proceedings are initiated within 90 days from the date of seizure, the AFC shall prepare a closing memorandum (Annex O).

(4) Multiple Equitable Share Checks. In the event more than one equitable share check is received for one asset forfeiture case, a memorandum shall be prepared by the AFC containing the following information:

- (a) The departmental asset forfeiture case number.
- (b) The original amount of the seizure.
- (c) Other assets seized (e.g., vehicles) and proceeds derived from the sale of said assets.
- (d) Seizure date.
- (e) The final amount disbursed.

(5) Federal Cases. Equitable share payments from federal agencies can come in the form of electronic fund transfers or checks. After receiving all equitable share payments from assets seized during the course of the investigation, the FSS AFC shall prepare a closing memorandum to Division containing the following information (Annex P):

- (a) The departmental asset forfeiture number.
- (b) A list of all assets seized and the share payments received.
- (c) Seizure date.
- (d) Suspect name(s).
- (e) Total shares received.

d. Other Closing Documents. In addition to the closing memorandum, the Area AFC shall forward two copies of the following documents to the FSS AFC through the Division AFC and keep one copy in the Area asset forfeiture case file:

- (1) Any documents received from the local district attorney or allied agency/NTF, including district attorney rejection notices, court orders, correspondence, disbursement breakdown documents, receipts, etc.
- (2) Copies of the check and CHP 230.
- (3) The CHP 300D with the "Proper Closure" portion completed (original for FSS).

20. STATE AND FEDERAL REVENUE TAXING AGENCIES.

- a. Area or Division AFCs shall notify the state FTB by written correspondence (Annex D) where there is reasonable cause to believe that the value of the seized assets exceeds \$5,000. Send FTB letters to: Attention: Illegal Activities Coordinator, 1515 Clay Street, #305, Oakland, CA 94612-1431, (510) 622-4658.
- b. Situations may arise where assets that have been used to commit a violation of the HSC are not eligible for seizure through the AF program. Area or Division AFCs should contact the Internal Revenue Service and state FTB for possible tax evasion violations, or county child support offices for possible support arrears before returning seized currency to individuals.

21. ASSET FORFEITURE TRAINING.

- c. In order to ensure uniformity throughout the Department, Division AFCs shall receive annual training from the departmental AFC coordinator in FSS. The training will encompass asset forfeiture laws, pending state and/or federal legislation relating to asset forfeiture, departmental policies, procedures, and topics relevant to the AF program. Division AFCs shall in turn provide annual training to Area AFCs, uniformed employees assigned to NTFs, canine handlers, and affected nonuniformed employees involved with asset forfeiture. The training shall be of sufficient duration to ensure full understanding of legal/policy requirements. Division AFCs shall verify completion of all required AFP training by Division and Area personnel. Division AFCs shall provide verification to FSS no later than July 20 of each year.
- d. Area AFCs shall provide training for Area supervisors, officers, and affected nonuniformed personnel at least once a year. Area AFCs shall ensure officers are made aware of local MOUs with allied agencies/NTFs regarding turnover of arrests for controlled substance violations and are familiar with the legal requirements and departmental policies/procedures related to the seizure of assets. Area AFCs shall

provide verification of Area AFP training to their Divisions no later than June 30 of each year.

e. Area and Division commanders shall ensure that AFCs and their alternates attend all locally required training in asset forfeiture procedures when such training is provided by the district attorney's office.

22. RETENTION OF ASSET FORFEITURE CASES AND RELATED FORMS.

a. With the exception of the CHP 300 and quarterly status reports, the retention periods for asset forfeiture cases and related forms/documents listed below shall be based on the date the asset forfeiture proceedings were adjudicated. The date of case adjudication will normally be determined by one of the following:

(1) The preparation date of the CHP 230 depositing the final equitable share check into the asset forfeiture account.

(2) If the Department did not receive an equitable share check, the date of the closing memorandum from Area/Division/FSS indicating rejection of the case by the prosecuting agency and/or return of the property to the owner.

(3) For "tracking only" cases, the date of the closing memorandum.

b. Retention periods for asset forfeiture case files and related forms/documents are located on the CHP Intranet site, under "Organization," "Assistant Commissioner, Staff," "Administrative Services Division," "Business Services Section," "Records Retention Schedule."

c. Areas/Divisions may request a report of asset forfeiture cases from the FSS AFC to ensure cases are officially closed prior to purging files.

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ANNEX A
STATE OF CALIFORNIA
CODE OF PROFESSIONAL CONDUCT

STATE OF CALIFORNIA
CODE OF PROFESSIONAL CONDUCT FOR ASSET FORFEITURE
SECTION 11469 OF THE HEALTH AND SAFETY CODE

11469. In order to ensure the proper utilization of the laws permitting the seizure and forfeiture of property under this chapter, the Legislature hereby establishes the following guidelines:

(a) Law enforcement is the principal objective of forfeiture. Potential revenue must not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.

(b) No prosecutor's or sworn law enforcement officer's employment or salary shall be made to depend upon the level of seizures or forfeitures he or she achieves.

(c) Whenever appropriate, prosecutors should seek criminal sanctions as to the underlying criminal acts which give rise to the forfeiture action.

(d) Seizing agencies shall have a manual detailing the statutory grounds for forfeiture and all applicable policies and procedures. The manual shall include procedures for prompt notice to interestholders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership.

(e) Seizing agencies shall implement training for officers assigned to forfeiture programs, which training should be ongoing.

(f) Seizing agencies shall avoid any appearance of impropriety in the sale or acquisition of forfeited property.

(g) Seizing agencies shall not put any seized or forfeited property into service.

(h) Unless otherwise provided by law, forfeiture proceeds shall be maintained in a separate fund or account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures.

(i) Seizing agencies shall ensure that seized property is protected and its value preserved.

(j) Although civil forfeiture is intended to be remedial by removing the tools and profits from those engaged in the illicit drug trade, it can have harsh effects on property owners in some circumstances. Therefore, law enforcement shall seek to protect the interests of innocent property owners, guarantee adequate notice and due process to property owners, and ensure that forfeiture serves the remedial purpose of the law.

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ANNEX B

SAMPLE MEMORANDUM OF UNDERSTANDING – CALIFORNIA HIGHWAY PATROL ORIGINATED DRUG INVESTIGATIONS

MEMORANDUM OF UNDERSTANDING CHP ORIGINATED DRUG INVESTIGATIONS

This is a Memorandum of Understanding (MOU) between the Los Angeles Police Department (signatory agency) and the California Highway Patrol (CHP) Southern Division regarding drug investigations originated by the CHP.

PURPOSE

The Purpose of this MOU is to establish when the signatory agency shall be notified and offered the opportunity to handle drug investigations originated by the CHP.

CALL OUT PROCEDURES

The Southern Division CHP or one of the Southern Division CHP Areas will notify and request on-scene assistance from the signatory agency when one or more of the following circumstances occur:

1. Arrest or preliminary investigation indicates a violation of state law which results or could result in an asset seizure pursuant to Section 11470 of the Health and Safety Code (HSC) (i.e., possession for sale, transportation, manufacturing, or conspiracy related to drugs) or federal law pursuant to Title 21 United States Code (USC), Section 881 or Title 18 USC, Section 981 (drug trafficking or money laundering offenses).
2. Arrest or preliminary investigation indicates one or more of the following:
 - a. Evidence of drug manufacturing operations.
 - b. Money linked to drug transactions (minimum currency amount for call out of the signatory agency may be specified).
 - c. Amount of drugs makes conveyance seizable (Section 11470(e) HSC).
(Note: This section may address the “minimum drug amounts for call out of the signatory agency” rather than the minimum amounts of drugs required for seizure of a conveyance as listed below.)
 - 14.25 grams (half ounce) or more of heroin or cocaine base;
 - 14.25 grams (half ounce) or more of a substance containing heroin or cocaine base;
 - 28.5 grams (one ounce) or more of a Schedule I substance or Schedule II controlled substance (“pure” powder cocaine or methamphetamine is required; however, as a practical matter there will be no way to determine purity in the field);
 - 28.5 grams (one ounce) or more of cocaine and methamphetamine;

ANNEX B

SAMPLE MEMORANDUM OF UNDERSTANDING – CALIFORNIA HIGHWAY PATROL ORIGINATED DRUG INVESTIGATIONS (continued)

Memorandum of Understanding

Page 2 of 3

- 10 pounds or more dry weight of marijuana, peyote, or psilocybin mushrooms;
 - 57 grams (two ounces) or more of a substance containing cocaine or methamphetamine.
- d. Any conveyance containing a false compartment used or intended to be used to store, conceal, smuggle, or transport a controlled substance (Section 11366.8 HSC).
3. All drug arrests requiring supplemental or follow-up investigation.

EXPECTATION

When the signatory agency is notified of drug investigation which meets the aforementioned criteria, it is the expectation of the CHP that the signatory agency will accomplish the following:

1. Either telephonically decline to respond or arrive at the scene or local CHP Area office within the jurisdiction of the signatory agency within 30 minutes of notification. Upon the arrival of the signatory agency, they may decline to handle the investigation to its conclusion. By no means shall the signatory agency be obligated to handle drug investigations originated by the CHP.
2. If accepted, the signatory agency shall conduct a thorough and comprehensive investigation into the related incident and initiate any necessary supplemental investigation, including any asset forfeiture proceedings pursuant to Sections 11470 et. al HSC. A copy of the investigation report is to be provided to CHP Southern Division or the CHP Area, attention Asset Forfeiture Coordinator.
3. If not accepted, the CHP will handle the investigation, including any asset forfeiture proceedings, to conclusion utilizing Area and/or Division resources and will be entitled to the full law enforcement share pursuant to Section 11489(b)(2)(A) HSC.
4. Refer non-qualifying state cases to the appropriate federal agency for evaluation and possible adoption.

CASH SEIZURES

When cash seizures are made by the CHP, the CHP will maintain control of the cash until a true and accurate count is obtained. If the sum of cash is too large to count at the scene, it is to be photographed, packaged, sealed with evidentiary tape, and retained by the CHP until it can be counted. A representative from the involved agency should be present at the money count. Appropriate approvals outlined in CHP policy will be obtained for any deviation from this procedure.

ANNEX B

**SAMPLE MEMORANDUM OF UNDERSTANDING –
CALIFORNIA HIGHWAY PATROL ORIGINATED DRUG INVESTIGATIONS
(continued)**

Memorandum of Understanding
Page 3 of 3

EQUITABLE SHARING

The CHP and the signatory agency will negotiate an equitable share of asset forfeiture proceeds to reflect the proportionate contribution of each agency participating in the seizure. If the agencies cannot agree, the district attorney shall be the decisive arbitrator for state forfeitures. For federal forfeitures, the lead federal agency's sharing policies/procedures shall prevail.

DURATION AND TERMINATION PROVISIONS

Any party to this agreement desiring to terminate its participation shall notify each signatory to this agreement in writing of their intent to withdraw. Withdrawal from participation in this agreement shall not take effect less than ten days from the date of said notification.

The parties, evidenced by their signatures hereto, agree that this MOU shall be effective upon approval and shall remain in full force and effect until any party withdraws from participation. It is further acknowledged by all parties that certain portions of this agreement may require amendments during the term of this MOU if their governing bodies so direct.

If any provision of this MOU is held invalid or unconstitutional, such decision shall have no effect on the validity of the remaining provisions of the MOU, and such remaining provisions shall continue to remain in full force and effect.

AGREED HERETO BY ALL PARTIES WHOSE SIGNATURES APPEAR BELOW:

Chief of Police Date
Los Angeles Police Department

Chief Date
Commander, Southern Division
California Highway Patrol

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ANNEX C

NATIONAL CODE OF PROFESSIONAL CONDUCT

National Code of Professional Conduct for Asset Forfeiture

1. Law enforcement is the principal objective of forfeiture. Potential revenue must not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.
2. The Constitution and Federal Statutes prohibit the improper use of personal characteristics such as race, color, national origin, gender, or religion to target individuals for law enforcement action.
3. No prosecutor's or sworn law enforcement officer's employment or salary shall be made to depend upon the level of seizures or forfeitures he or she achieves.
4. Whenever practicable, and in all cases involving real property, a judicial finding or probable cause shall be secured when property is seized for forfeiture. Seizing agencies shall strictly comply with all applicable legal requirements governing seizure practice and procedures.
5. If no judicial finding of probable cause is secured, the seizure shall be approved in writing by a prosecuting or agency attorney or by a supervisory-level official.
6. Seizing entities shall have a manual detailing the statutory grounds for forfeiture. This manual will include procedures for prompt notice to interest holders, the expeditious release of seized property where appropriate, and the prompt resolution of claims of innocent ownership.
7. Seizing entities retaining forfeited property for official law enforcement use shall ensure that the property is subject to internal controls consistent with those applicable to property acquired through the normal appropriations processes of that entity.
8. Unless otherwise provided by law, forfeiture proceeds shall be maintained in a separate fund or account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures.
9. Seizing agencies shall strive to ensure that seized property is protected and its value preserved.
10. Seizing entities shall avoid any appearance of impropriety in the sale or acquisition of forfeited property.

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ANNEX D

SAMPLE MEMORANDUM TO FRANCHISE TAX BOARD

State of California

Transportation Agency

Memorandum

Date: March 12, 2019

To: Franchise Tax Board
Attention: Collection Lead
3321 Power Inn Road, Suite 250
Sacramento, CA 95826-3389

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Mountain Area

File No.: 101.00521.A10596.memo.ftb

Subject: ASSET FORFEITURE NOTIFICATION

Section 11471.5 and 11488 of the Health and Safety Code (HSC) require peace officers to notify the Franchise Tax Board when there is a reasonable cause to believe that the value of property seized pursuant to Section 11471 HSC exceeds \$5,000. This is to notify you that on {date}, the California Highway Patrol (CHP) initiated asset forfeiture case # [AF#]. Information concerning this case is as follows:

Suspect Information: Jeremy Smith Date of Birth: 10-14-1978
123 South Fir Street
Des Moines, WA 98198

CHP Area Case #: F023-160-00

Items Seized: \$67,000 United States Currency

If you have any questions, please contact Sergeant S. Smith, Division Asset Forfeiture Coordinator, CHP Mountain Division at (916) 595-1109.

J. L. PICARD, Captain
Commander

cc: Field Support Section
Mountain Division

Safety, Service, and Security
CHP 51 (Rev. 08/2013) CPH 078



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ANNEX E

CHP 300, DIVISION ASSET FORFEITURE SUMMARY REPORT

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL DIVISION ASSET FORFEITURE SUMMARY REPORT CHP 300 (Rev. 7-18) OPI 065				
	DIVISION	QUARTER	YEAR	
	Mountain	2nd	2019	
INSTRUCTIONS: All information requested on this form, including drugs confiscated, shall apply only to cases which resulted in seizures of assets for forfeiture. Forward the original CHP 300 to the Field Support Section Asset Forfeiture Coordinator no later than the 20th of the month following the end of each quarter.				
ACTIVITY	MONTH: ▼	MONTH: ▼	MONTH: ▼	QUARTER TOTALS
Asset Seizures	2	2	3	7
Arrests	1	2	1	4
Allied Agency Assists	4	5	2	11
Vehicles Seized	0	0	0	0
Currency Seized	\$545,000.00	\$330,000.00	\$120,000.00	\$995,000.00
Value of Other Property Seized	\$0.00	\$0.00	\$0.00	\$0.00
Total Value of All Seizures	\$545,000.00	\$330,000.00	\$120,000.00	\$995,000.00
DRUGS CONFISCATED (WEIGHT IN GRAMS)				
Cocaine	17,000	12,350	21,000	50,350
Heroin	4,000	12,000	13,400	29,400
Methamphetamine	25,000	1,900	13,400	40,300
Marijuana	19,000	65,000	40,000	124,000
Prescription Pills	500 (TOTAL #)	500 (TOTAL #)	500 (TOTAL #)	1,500
Other: Liquid Meth	5,000	4,000	3,000	12,000
Other: 07/25/2019				0
Other:				0
Other:				0
<small>COMMENTS:</small> April: 2019-111-075: Final Count on currency seized \$20,000, not \$19,000 June: 2019-111-200: seizure not on report, added currency seized (\$100,000) to June totals.				
PREPARED BY (NAME, ID, RANK)		COMMANDER'S SIGNATURE		DATE
T. Smith, #1005, Sergeant				07/15/2019
Destroy Previous Editions				Chp300_0718.pdf

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ANNEX F

SAMPLE LETTER OF EQUITABLE SHARING

State of California-Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Mountain Area
472 Diamond Road
Mountain City, CA 91234
(530) 234-5678
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



March 01, 2019

File No.: 111.10000.EquiShare

Mountain County Narcotics Task Force
339 South Mountain Street
Mountain City, CA 91234

Dear Detective Stevens:

On January 11, 2019, at approximately 2005 hours, a California Highway Patrol (CHP) officer assigned to the Mountain Area initiated a traffic stop on Interstate 10 (eastbound) in the vicinity of Ford Street in the county of Mountain. As a result of the traffic stop, United States (U.S.) currency was seized as drug trafficking proceeds (MCNTF #19-005). The U.S. currency was taken to a financial institution and the final official count is \$1,078,735. Consequently, your office initiated forfeiture proceedings per Health and Safety Code (H&S) Section 11470.

It is requested that upon final disposition of this case, per Section 11489 (b) (2) (A) of the H&S code, this Department be awarded a fair share of the law enforcement percentage for our participation in the investigation. Please forward a check made payable to the "California Highway Patrol" referencing the CHP asset forfeiture case number 2019-111-002 and mailed to Captain H. Jay, commander of the CHP Mountain Area office, at the above address.

If you have any questions, please contact Sergeant J. Gifford, Asset Forfeiture Coordinator, at (530) 234-5678.

Sincerely,

H. JAY, Captain
Commander
Mountain Area

cc: Mountain Division
Field Support Section
Mountain County District Attorney's Office

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ANNEX G

SAMPLE LETTER OF EQUITABLE SHARING – ASSIST ALLIED AGENCY

State of California-Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Hollywood Area
123 Gold Street
Hollywood City, CA 92626
(818) 892-1234
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



March 01, 2019

File No.: 666.13333.EquiShareAssist

Hollywood City Police Department
99 Fair Sharing Drive
Hollywood City, CA 92626

On January 13, 2018, officers from the Hollywood City Police Department (HCPD), located \$66,000 in United States currency in the suspect vehicle (HCPD case #18-13441) of Peter Montoya. Detective Blake of HCPD requested the assistance of California Highway Patrol (CHP) Officer J. Giles and his drug detection canine to conduct a sniff of the suspect vehicle. The canine gave a positive alert on the currency for the odor of narcotics.

Should your investigation determine the currency is illicit proceed of narcotic trafficking and a request for asset forfeiture is filed with the district attorney, please consider this letter a request for participation in equitable sharing of the forfeited assets pursuant to Section 11489 (b)(2)(A) of the Health & Safety code. The CHP is requesting a fair share of the law enforcement percentage for our participation in the investigation. In the event the HCPD is agreeable to our sharing request, please advise the district attorney handling the forfeiture of your decision to include the CHP in the distribution of forfeited assets. Upon successful forfeiture, the CHP's equitable sharing check should be made payable to the "California Highway Patrol" referencing the CHP asset forfeiture case numbers 2018-666-022/FO 18-666-05 and mailed to Captain L. D. Duncan, commander of the CHP Hollywood Area office, at the above address.

If you have any questions, please contact Sergeant D. Hastings, Asset Forfeiture Coordinator, at (818) 867-5309.

Sincerely,

L. D. DUNCAN, Captain
Commander
Hollywood Area

cc: Western Division
Field Support Section
Hollywood County District Attorney's Office

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ANNEX H

SAMPLE LETTER OF EQUITABLE SHARING – TRACKING ONLY

State of California-Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Desert Area
123 Gold Street
Desert City, CA 92626
(818) 892-1234
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



March 01, 2019

File No.: 666.13333.EquiShareAssist_TO

Palm Springs Narcotics Task Force
200 Bosco Boulevard
Palm Springs, CA 92626

On January 13, 2018, officers of the California Highway Patrol (CHP) assigned to the Desert Area initiated an enforcement stop and seized 38 pounds of marijuana from Jack Porter. The narcotics were turned over to a task force officer of the Palm Springs Narcotics Task Force, case #18-8433479.

Should a follow up investigation result in the seizure of assets and a request for asset forfeiture is filed with the district attorney, please consider this letter a request for participation in equitable sharing of the forfeited assets pursuant to Section 11489 (b) (2) (A) of the Health & Safety code. As the initiating agency in this case, the CHP is requesting a fair share of the law enforcement percentage for our participation in the investigation. Upon successful forfeiture, the CHP's equitable sharing check should be made payable to the "California Highway Patrol" referencing the CHP asset forfeiture case number 2018-999-022 and mailed to the Asset Forfeiture Coordinator at the CHP Desert Area office at the above address.

If you have any questions, please contact Sergeant S. Walker, Asset Forfeiture Coordinator, at (760) 777-1234.

Sincerely,

J. L. PICARD, Captain
Commander
Desert Area

cc: Western Division
Field Support Section
Desert County District Attorney's Office

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ANNEX I

SAMPLE CHP 230, TRANSMITTAL RECORD, DEPOSIT INTO ASSET FORFEITURE INTEREST BEARING ACCOUNT


STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL TRANSMITTAL RECORD CHP 230 (Rev. 11-09) OPI 071		Please read instructions on reverse side before completing this form.		FROM (AREA NAME) Mountain Area		LOCATION CODE 111	
TO FISCAL MANAGEMENT SECTION, CASHIERING UNIT		<input type="checkbox"/> Electronic Fund Transfer (EFT)		DATE PREPARED 01/25/2019		FOR PERIOD From 01/17/2019 To 01/25/2019	
1. TRANSMITTAL INCLUDES COUNTER RECEIPT NUMBERS FROM:							
2. VOIDED COUNTER RECEIPTS (LIST NUMBERS). ATTACH ORIGINALS AND DUPLICATES.							
3. Overpayments/overages \$ _____ Shortages (memo must be attached) \$ _____ Refunds (list counter receipts) \$ _____		4. Traffic collision/MAIT/arrest reports, CIS MISTER, CAD logs, CHP 180/202, Subpoena Duces Tecum, collision photos, audio/video tapes, non-taxable publications \$ _____		5. Publications (taxable) \$ _____		6. Transit passes \$ _____	
7. Discarded tires/junk batteries/used rotors (attach CHP 265) \$ _____		8. Vehicle sales (list vehicle license numbers) _____ \$ _____ _____ \$ _____ _____ \$ _____ Total vehicle sales \$ _____		9. Special driver certificates (list DL 45 numbers) _____ To _____ Number of Originals @ \$57 _____ \$ _____ Number of Renewals @ \$12 _____ \$ _____ Other: _____ @ \$ _____ \$ _____ Tow truck driver certificates (list DL 64 numbers) _____ To _____ Number of Originals @ \$50 _____ \$ _____		10. Unclaimed property (attach CHP 36) \$ _____	
SUB-TOTAL, COLUMN ONE (less shortages) \$ 0.00		11. Other: _____ _____ _____		12. Miscellaneous Asset forfeiture (list case number) and amounts _____ \$ _____ _____ \$ _____ _____ \$ _____ Asset forfeiture-interest bearing (list case number) and amounts 2018-111-245 \$ 50,000.00 _____ \$ _____ _____ \$ _____ Hazardous reimbursement/restitution \$ _____ BIT fees (attach application) \$ _____ DUI payments \$ _____ Jury duty (attach STD. 634) \$ _____ Malicious damage/restitution (attach CHP 221) \$ _____ Movie/wide load/special event details Advance deposits (attach CHP 465) or payment of invoice \$ _____ Tax Seizures (list case numbers) and amounts (attach CHP 472) _____ \$ _____ _____ \$ _____ Witness fees (attach civil subpoena and photocopy of counter receipt and check) \$ _____		SUB-TOTAL, COLUMN TWO \$ 50,000.00	
13. Subtotal (columns one and two, less shortages) \$ 50,000.00		14. Sales tax collected \$ _____		15. Total (sum of numbers 13 and 14) \$ 50,000.00		16. TOTAL TRANSMITTED (number 15 minus shortages) \$ 50,000.00	
PREPARER'S SIGNATURE _____		DATE _____		COMMANDER'S SIGNATURE _____		DATE _____	
FISCAL MANAGEMENT USE ONLY							
AMOUNT AUDITED _____				DATE AUDITED _____			
AMOUNT DEPOSITED _____				DATE DEPOSITED _____			
<input type="checkbox"/> EFT							

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ANNEX J

SAMPLE REPORT – ASSET FORFEITURE LOG OF OPEN CASES

Case No.	Fed/State	Cash Seized	Model	Year	Vehicle Value	Asset	Other Asset	CHP Final Award	Allied Agency Case #	Date
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: left;">  <p>STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL Asset Forfeiture Log of Open Cases Northern Division</p> </div> <div style="text-align: right;"> <p>Reporting Period: 4th Quarter 2011</p> </div> </div>										
101 Northern Division										
1. 2011-101-018	State	\$9,000.00						\$0.00	TI2011-00011	2/1/2011
<i>Comments / Case Status:</i>										
[TIDE] CASE OPENED 2-2-11. PENDING FIRST QUARTERLY OPEN CASES STATUS REPORT. AS OF 4-4-11: FILED CLAIM, PETITION PENDING. AS OF 7-6-11: STILL PENDING. AS OF 2-14-12: STILL PENDING. AS OF 04-10-12 PENDING CRIMINAL INVESTIGATION UPDATE. AS OF 7-6-12 STILL PENDING. AS OF 10-04-12 PENDING CRIMINAL CASE.										
2. 2011-101-115	Federal	\$22,460.00	MINIBISHI	2006	\$0.00			\$0.00	RK02TS11RK0008	6/7/2011
<i>Comments / Case Status:</i>										
[HOMELAND SECURITY INVESTIGATIONS] [TIDE TI2011-00079]. CASE OPENED ON 6-14-11. 1 DAG - \$22,460 (2011-2817-000051-01)/PENDING. AS OF 7-6-12 STILL PENDING										
3. 2011-101-150	State	\$55,821.00						\$0.00	SG2011-00087	7/7/2011
<i>Comments / Case Status:</i>										
SCINTF. CASE OPENED 7-7-11. PENDING FIRST QUARTERLY OPEN CASES STATUS REPORT. PENDING CRIMINAL REVIEW AS OF 04-10-12. AS OF 7-6-12 PENDING DA REPLY. AS OF 10-04-2012 PENDING CRIMINAL TRIAL.										
4. 2011-101-161	State	\$22,700.00						\$0.00	SH-11-106	7/20/2011
<i>Comments / Case Status:</i>										
[SINTF SH-11-106] CASE OPENED ON 7-25-11. PENDING FIRST QUARTERLY OPEN CASES STATUS REPORT. AS OF 1-6-12: CURRENCY RTO, PENDING CLOSING DOCS FROM DA. AS OF 04-10-12 PENDING CLOSING DOCS- REQUESTED FROM DA AGAIN. AS OF 7-6-12 PENDING DA REPLY. AS OF 10-04-12 TASK FORCE CLOSING DOCUMENTS REQUESTED.										

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ANNEX K

SAMPLE TRANSMITTAL MEMORANDUM FOR REPORT OF OPEN ASSET FORFEITURE CASES

State of California

Transportation Agency

Memorandum

Date: March 12, 2019

To: Area Commander

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Central Division

File No.: 401.11213.A13949.openAFcases

Subject: OPEN ASSET FORFEITURE CASES

Central Division has received the attached quarterly report from Field Support Section (FSS) listing open and pending asset forfeiture cases for your Area. Due to diligent efforts by yourself and your staff, the number of older asset forfeiture cases continues to decrease.

Each Area must review their open and pending cases by contacting their local district attorney to determine the case status. After establishing the case status, note the name of the person contacted and the date directly on the attached "Asset Forfeiture Log of Open Cases." If a case is closed and FSS has listed the case as "open," please prepare a memorandum outlining the circumstances and the disposition of the items seized. In "tracking only" cases involving drug seizures without assets that are over 90 days old, the case can be closed by submitting a closing memorandum. If the "Comments/Case status" section of the open cases log indicates FSS is pending paperwork from your Area, please attach the requested documents to the printout. For federal cases, FSS will follow up on these cases.

Information pertaining to the Asset Forfeiture Program is contained in Highway Patrol Manual 81.5, Drug Programs Manual, Chapter 2, Asset Forfeiture Program and Chapter 4, Highway Drug Interdiction. Please submit all updates to me no later than April 12, 2019.

If you have any questions, please contact Officer J. Geils of Central Division at (559) 277-7000.

J. T. WILLIAMS, Chief
Commander



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CHP 51 (Rev. 08/2013) OPI 078

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ANNEX L

SAMPLE MEMORANDUM SUMMARIZING THE STATUS OF OPEN ASSET FORFEITURE CASES

State of California

Transportation Agency

Memorandum

Date: March 12, 2019

To: Central Division

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Fresno Area

File No.: 435.12625.A14443.openAreaAFcases

Subject: FRESNO AREA FIRST QUARTER 2019 REPORT OF OPEN ASSET
FORFEITURE CASES

The Fresno Area is currently tracking the following open asset forfeiture cases:

2018-435-122: Fresno Area, case F#018-435-03 (State case, Officer Baldwin) \$2,524 in United States (U.S.) currency was seized, which was forwarded to Fresno County District Attorney Andrew Cuellar. No other assets were seized in this case. This case has been filed for asset forfeiture and is pending distribution of the assets.

2018-435-375: Fresno Area, case F#018-435-10 (State case, Officer Kuzmich) \$15,000 in U.S. currency was seized, which has been forwarded to Fresno County District Attorney Andres Cuellar. No other assets were seized in this case. This case has been filed for asset forfeiture and is in the court process. Attached is the back side of the CHP 300B, Asset Forfeiture Cover Report, which was inadvertently omitted from the case file forwarded to Division.

If you have any questions, please contact Sergeant S. Perry, Area Asset Forfeiture Coordinator at (559) 277-7250.

M. JOHNSON, Captain
Commander

Attachment

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ANNEX M

SAMPLE CHP 230, TRANSMITTAL RECORD, DEPOSIT INTO ASSET FORFEITURE ACCOUNT

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL TRANSMITTAL RECORD CHP 230 (Rev. 11-09) OPI 071		Please read Instructions on reverse side before completing this form.		FROM (AREA NAME) Mountain Area		LOCATION CODE 111
		DATE PREPARED 01/25/2019		FOR PERIOD From 01/17/2019 To 01/25/2019		
TO FISCAL MANAGEMENT SECTION, CASHIERING UNIT				<input type="checkbox"/> Electronic Fund Transfer (EFT)		
1. TRANSMITTAL INCLUDES COUNTER RECEIPT NUMBERS FROM:						
2. VOIDED COUNTER RECEIPTS (LIST NUMBERS). ATTACH ORIGINALS AND DUPLICATES.						
3. Overpayments/overages \$ _____ Shortages (memo must be attached) \$ _____ Refunds (list counter receipts) \$ _____ 4. Traffic collision/MAIT/arrest reports, CIS MISTER, CAD logs, CHP 180/202, Subpoena Duces Tecum, collision photos, audio/video tapes, non-taxable publications \$ _____ 5. Publications (taxable) \$ _____ 6. Transit passes \$ _____ 7. Discarded tires/junk batteries/used rotors (attach CHP 265) \$ _____ 8. Vehicle sales (list vehicle license numbers) _____ \$ _____ _____ \$ _____ _____ \$ _____ Total vehicle sales \$ _____ 9. Special driver certificates (list DL 45 numbers) _____ To _____ Number of Originals @ \$57 \$ _____ Number of Renewals @ \$12 \$ _____ Other: _____ @ \$ _____ \$ _____ Tow truck driver certificates (list DL 64 numbers) _____ To _____ Number of Originals @ \$50 \$ _____ 10. Unclaimed property (attach CHP 36) \$ _____ SUB-TOTAL, COLUMN ONE (less shortages) \$ 0.00	11. Other: _____ \$ _____ _____ \$ _____ 12. Miscellaneous Asset forfeiture (list case number) and amounts 2018-111-054 \$ 1,423.56 _____ \$ _____ _____ \$ _____ Asset forfeiture-interest bearing (list case number) and amounts _____ \$ _____ _____ \$ _____ _____ \$ _____ Hazardous reimbursement/restitution \$ _____ BIT fees (attach application) \$ _____ DUI payments \$ _____ Jury duty (attach STD. 634) \$ _____ Malicious damage/restitution (attach CHP 221) \$ _____ Movie/wide/load/special event details Advance deposits (attach CHP 465) or payment of invoice \$ _____ Tax Seizures (list case numbers) and amounts (attach CHP 472) _____ \$ _____ _____ \$ _____ Witness fees (attach civil subpoena and photocopy of counter receipt and check) \$ _____ SUB-TOTAL, COLUMN TWO \$ 1,423.56 13. Subtotal (columns one and two, less shortages) \$ 1,423.56 14. Sales tax collected \$ _____ 15. Total (sum of numbers 13 and 14) \$ 1,423.56 16. TOTAL TRANSMITTED (number 15 minus shortages) \$ 1,423.56					
PREPARER'S SIGNATURE _____		DATE _____		COMMANDER'S SIGNATURE _____		DATE _____
FISCAL MANAGEMENT USE ONLY						
AMOUNT AUDITED _____			DATE AUDITED _____			<input type="checkbox"/> EFT
AMOUNT DEPOSITED _____			DATE DEPOSITED _____			
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ANNEX N
SAMPLE CLOSING MEMORANDUM

State of California

Transportation Agency

M e m o r a n d u m

Date: March 12, 2019

To: Mountain Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Mountain Valley Area

File No.: 111.9123.14111006

Subject: CLOSURE OF ASSET FORFEITURE CASE 2018-111-006

The Mountain County District Attorney's Office successfully completed asset forfeiture action on \$1,560 in United States (U.S.) currency. Share disbursements have been made, with the California Highway Patrol receiving \$184.70. The 2012 Honda Accord seized in this case has been returned to the registered owner. Attached are copies of the district attorney's distribution of funds and a letter from the district attorney to the Mountain City Narcotics Task Force authorizing release of the vehicle to the registered owner. It is requested that asset forfeiture case 2018-111-006 be closed.

If you have any questions, please contact Sergeant B. McGee, Asset Forfeiture Coordinator, at (530) 234-5678.

T. S. JAY
Captain

cc: Field Support Section

Attachments

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ANNEX O

SAMPLE MEMORANDUM – CLOSING A “TRACKING ONLY” CASE

State of California

Transportation Agency

M e m o r a n d u m

Date: March 12, 2019

To: Mountain Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Mountain Valley Area

File No.: 111.9123.14111245

Subject: CLOSURE OF ASSET FORFEITURE CASE 2018-111-245

The asset forfeiture case was initiated for tracking purposes only, and over 90 days has passed with no activity. No property was seized by the Department or allied agency, and no further action is required. It is requested that asset forfeiture case 2018-111-245 be closed.

If you have any questions, please contact Sergeant B. McGee, Area Asset Forfeiture Coordinator, at (530) 234-5678.

T. S. JAY, Captain
Commander

cc: Field Support Section

Attachments

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CHP 51 (Rev. 09/2013) CH 076



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ANNEX P

SAMPLE MEMORANDUM – CLOSING A FEDERAL CASE

State of California

Transportation Agency

Memorandum

Date: March 12, 2019

To: Mountain Division

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Field Support Section

File No.: 065.00103.A01234.DEU.AssetForfeiture.18900268

Subject: CLOSURE OF ASSET FORFEITURE CASE 2018-901-268

The Department received two electronic fund transfers (EFT) from the Department of Homeland Security, Homeland Security Investigation (HSI) in the amounts of \$77,857.65 received on January 27, 2019 and \$3,456.86 received on January 28, 2019. The attached notification of payment will serve as proof of deposit into the asset forfeiture account. Also attached is a copy of the CHP 300B, Asset Forfeiture Cover Report, indicating the date this case was closed.

Seizure Date: 01/12/2018
Defendant: Santos, Alexander
HSI #: FC02TS17FC0001
Seizure #: 2018-2803-000085-01
Item #1 Seized: \$400,000.00
Share Received: \$77,857.65
Item #2 Seized: \$35,000.00
Share Received: \$3,456.86

Total Share Received: \$81,314.51

Upon receipt of this memorandum, please complete the "Proper Closure" portion of the CHP 300D, Asset Forfeiture Checklist, and forward the original copy to Field Support Section (FSS). Should you have any questions regarding this matter, please contact T. Riker, Asset Forfeiture Coordinator of FSS, at (916) 843-3470.

J. L. PICARD, Captain
Commander

Attachments

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CHP 51 (Rev. 03-11) OFR 076



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