



**Maryland-National Capital Park Police
Prince George's County Division**



DIVISION DIRECTIVE

TITLE SEIZURE OF CONVEYANCES			PROCEDURE NUMBER PG432.1
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 03/18/17	REVIEW DATE 05/01/21
PG432.1 "Seizure of Conveyances", issued 06/01/04			
RELATED DIRECTIVES PG432.0	REFERENCES CALEA 1	AUTHORITY <i>S.R. Johnson</i> Chief Stanley R. Johnson	

I. PURPOSE

This directive establishes procedures relating to the seizure of conveyances including aircraft, vehicles or vessels, in connection with violations of the Controlled Dangerous Substance Act of the Maryland Code, Criminal Law Article 5-101 to 1101 inclusive, hereinafter referred to as the C.D.S. Act.

II. POLICY

Pursuant to the guidelines set forth in this directive, it is the policy of the Division to seize and initiate forfeiture proceedings on all conveyances used to violate the provisions of the C.D.S. Act.

III. DEFINITIONS

- A. Forfeiting authority - For the purposes of these procedures, the forfeiting authority is the Office of the State's Attorney for Prince George's County.
- B. Owner - A person having legitimate legal, equitable, or possessory interest in any property (for the purposes of this directive, any conveyance as defined in section IV. A. below), including a co-owner.

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IV. CRITERIA FOR CONVEYANCE SEIZURE

A. Legal Authority:

Criminal Procedure Article 12-102, authorizes the seizure and subsequent forfeiture of "all conveyances including aircraft, vehicles or vessels which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of . . .

1. "All controlled dangerous substances which have been manufactured, distributed, dispensed, acquired or possessed in violation of this (act)."
2. "All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled dangerous substance in violation of the provisions of this (act)".
3. "All property which is used or intended for use as a container for property described in paragraphs 1 and 2 (above)".
4. Exceptions
 - a. "No conveyance used by any person as a common carrier or vehicle for hire in the transaction of business as a common carrier or vehicle for hire shall be seized or forfeited under this (act) unless it appears that the owner or other person in charge of the conveyance was a consenting party or privy to a violation of this (act); and
 - b. "No conveyance shall be forfeited under the provisions of this (act) by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state."

B. Standards for Motor Vehicle Seizure (Criminal Procedure Article 12-204)

In exercising their authority to seize motor vehicles pursuant to this section, officers shall utilize the following standards:

1. "A motor vehicle used in violation of this section shall be seized and forfeiture recommended to the forfeiting authority when:
 - a. "Controlled dangerous substances in any quantity are sold or attempted to be sold in violation of this (act);

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- b. "Although the violator has not sold or attempted to sell controlled dangerous substances in violation of this (act), an amount of such substances or paraphernalia is located which would reasonably indicate that sale is contemplated by the violator; or
 - c. "The total circumstances of the case dictate that seizure and forfeiture is justified; these circumstances would include such factors as the following:
 - 1) The possession of controlled dangerous substances;
 - 2) An extensive criminal record of the violator;
 - 3) A previous conviction of the violator for a controlled dangerous substance violation;
 - 4) Corroborated information is developed indicating that the violator is or was recently a seller, or frequently associates with individuals know to be distributors of illegal controlled dangerous substances or paraphernalia;
 - 5) Circumstances of the arrest; or
 - 6) The manner in which the vehicle was being used."
2. A motor vehicle used in violation of Criminal Procedure Article 12-204 shall **NOT** be forfeited according to Criminal Procedure Article 12-205 when:
- a. "The motor vehicle is being used by a member of the family other than the registered owner and controlled dangerous substances or paraphernalia are located therein a quantity insufficient to suggest that a sale is contemplated, and where no sale was made or attempted and the registered owner did not know that such material was in the motor vehicle;
 - b. "An innocent registered owner lends his motor vehicle to another and the latter or someone invited into the motor vehicle by such person causes controlled dangerous substances or paraphernalia to be brought into the vehicle without the knowledge of the owner; or
 - c. "The motor vehicle falls within the provision of (section IV.A.4. of this directive which quotes Maryland law)."

V. PROCEDURES

- A. All officers shall follow the below procedures whenever seizing any conveyances.
 - 1. Seize the conveyance at the time of the arrest, pursuant to the above guidelines, and impound it, completing the required reports and Property Record/Vehicle Impound form.

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2. Whenever possible, seized conveyances will be towed to Southern Station. In all cases an officer shall remain with the conveyance until it arrives at the Southern Station to maintain proper chain of custody. In those cases where towing of the conveyance is not possible or appropriate, or an alternate location is more appropriate the Operations Duty Officer or Squad Supervisor shall determine the method of impoundment and location of storage. All towing will be done by the designated towing services.
3. Once the conveyance arrives at Southern Station, conduct a detailed inventory of the vehicle. The officer shall ensure that the vehicle's windows are up and doors locked. All non-accessory items shall be removed and documented on a property report.
4. Notify the owner/operator of the seizure and intention of the Division to file a "Motion to Forfeit" against the conveyance. Interview all owners (particularly if not in vehicle at time of seizure). The officer shall not give the location where the vehicle is stored.
5. Complete a Vehicle Forfeiture Summary Sheet.
6. Prepare a "Request for Conveyance Forfeiture" memorandum detailing the following:
 - a. Brief statement of the facts surrounding the seizure including the location of the violation and the type and quantity of the controlled substance involved.
 - b. Name and address of the defendant.
 - c. Name and address of the owner.
 - d. Description of the seized conveyance (make, model, color, serial/VIN number, registration information, odometer mileage).
 - e. Interview and provide names of all witnesses/passengers.
7. Request Certified Title Record (including all license and title information).
8. Conduct a record check on all owner(s)/occupant(s).
9. Call the State's Attorney's forfeiture liaison officer within 72 hours of seizure.
10. Prepare a letter requesting forfeiture from the Park Police Division Chief. The signed letter and the package containing the documents shall be submitted to the State's Attorney's office within 15 days.
11. The forfeiture package shall contain:
 - a. Vehicle Report/Property Report(s)

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- b. All Crimes Reports
- c. Vehicle forfeiture summary sheet
- d. Request for conveyance forfeiture memorandum
- e. All written statements
- f. Copy of tow bill
- g. Certified copy of title and a copy of vehicle registration card.
- h. Copy of criminal history on owners/occupants.
- i. Park Police Division Chief letter requesting forfeiture.

12. A complete forfeiture package shall be forwarded to the Investigative Operations Manager with the vehicle keys within 24 hours.

B. Communications Section

1. Shall contact the contract towing service.
2. Shall enter the vehicle into impound.
3. At no time shall the communication staff divulge the location where the vehicle is being stored.

C. The Investigative Operations Manager or designee shall take the following actions with regard to all conveyance seizures.

1. Ensure that all seized conveyances remain stored at the Southern Station or at another appropriate storage facility until a final case disposition has been reached.
2. Release seized conveyances to the owner when authorized by the Park Police Division Chief.
3. Establish a separate file for the vehicle impound packages of those vehicles seized pursuant to the provisions of this directive.
4. Visually inspect the vehicle, verifying its' condition as noted on the impound form and ensure that the vehicle is secured. All seized vehicles shall be inspected weekly. The Investigative Operations Manager or designee shall ensure that all seized vehicles are maintained in the same condition as when they are received. He/She shall outline the vehicle condition in a written report. He/She shall also take pictures.

D. Forfeiture Dispositions

1. If forfeiture is denied by the State's Attorney's Office the Division shall authorize the release of the conveyance. However, a \$150 service charge will be levied. The Records Management Section shall notify the owner

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by certified mail. If the owner fails to respond a mechanic lien shall be issued. The conveyance will be released by appointment. The \$150 service charge must be paid at the Record Section and deposited into the general fund.

2. If the State's Attorney's Office negotiates a settlement, the Park Police Division Chief shall notify the Investigative Operations Manager to release the vehicle upon receiving the settlement. The settlement funds shall be placed into the drug fund.
3. If forfeiture is granted the Park Police Division Chief shall decide how the conveyance will best serve the Division. The Park Police Division Chief may elect to sell the conveyance at which time the proceeds shall be deposited into the drug fund.
4. An Operations Duty Officer shall be responsible for releasing the conveyance via the Investigative Operations Manager. A vehicle release shall be required.

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