



COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Partnerships"

Directive Type: General Order	Effective Date: 08-31-2016	General Order Number: 05.08
Subject: <i>Vehicle Seizures and Forfeitures</i>		
Amends/Supersedes: <i>Section 05, Chapter 08, Vehicle Seizures and Forfeitures 2008</i>	Chief of Police: <i>W.A. Hinkle</i>	
Distribution: All Personnel	Review Date: July 1	# of Pages: 3

1.0 DIRECTIVE

The Columbia Police Department will handle all vehicles subject to seizure and forfeiture pursuant to all applicable standards and statutes.

2.0 VEHICLE INVENTORY

When it is determined that a vehicle may be seized pursuant to a state statute, a prompt, thorough inventory record of the seized vehicle (including trunk and glove compartment) and any containers located therein will be conducted. Where practical, the inventory should be conducted by two (2) officers and should include but, not limited to, the following:

- A description of the vehicle (year, model, color, VIN, and license number).
- A listing of all contraband or evidence secured during the inventory of the vehicle. These items should be seized and secured according to existing directive and procedures.
- A listing of all valuables secured from the vehicle for safekeeping.
- A listing of all accessories, tools, etc. left in the vehicle.
- A listing of all missing items such as keys, radio, spare tire, wheel covers, etc.
- Photographs of exterior and interior of vehicle.

Where practical and within a reasonable amount of time considering the circumstances, all articles not part of the vehicle and not having evidentiary value, or not subject to forfeiture, will be removed and returned to the vehicle owner.

The officer initiating the seizure of the vehicle will then have the vehicle towed to the designated seized vehicle impoundment area.

3.0 DUI/DUS SEIZURE STATUTE §56-5-6240

SC Code of Laws §56-5-6240 requires that a vehicle, driven by an offender charged with driving under suspension 4th offense within five (5) years or driving under the influence 3rd offense within ten (10) years, be seized if the offender is the owner of record or a resident of the household of the owner of record. Under these circumstances it is mandatory that the vehicle be seized. Seizure procedures are specified in Section 06, Chapter 06, D.U.I. Enforcement.

4.0 LARCENY SEIZURE STATUE §16-13-175

SC Code of Laws §16-13-175 states that the motor vehicle used in the commission of a larceny may be confiscated and forfeited to the jurisdiction where the larceny occurred if the offender is the registered owner of the motor vehicle and the offender used the motor vehicle during the commission of the offense.

The Columbia Police Department will only seize vehicles under this statute if the vehicle is involved in a crime of violence connected with a larceny. Seizure procedures are specified in §16-13-175.

It is not mandatory that a vehicle meeting the criteria of SC Code of Laws §16-13-175 be confiscated.

5.0 DRUG SEIZURE STATUTE §44-53-520

SC Code of Laws §44-53-520(a) (6) states that vehicles, vessels or aircraft may be seized when there is probable cause that:

- The vehicle is being used or has been positioned for use in the delivering, importing or exporting of any controlled substance.
- The vehicle is being used, or has been positioned for use, as a container for controlled substances or raw materials, products, and equipment used or positioned for use in the manufacturing, producing, compounding, processing, delivering, importing or exporting of any controlled substances.
- The vehicle is knowingly being used to facilitate production, manufacturing, distribution, sale, importation, exportation, or trafficking in controlled substances.
- The conveyance, including but not limited to, trailers, aircraft, motor vehicles, and water going vessels is being used or is intended for use unlawfully to conceal, contain or transport or facilitate the unlawful concealment, possession, containment, manufacture or transportation of controlled substances and their compounds. (No motor vehicle may be forfeited under this section unless it is used, intended for use, or in any manner facilitates a violation of Section §44-53-370(a), involving at least one (1) pound or more of marijuana, one (1) pound or more of hashish, more than four (4) grains of opium, more than two (2) grains of heroin, more than (4) grains of morphine, more than ten (10) grains of cocaine, more than fifty (50) micrograms of LSD or its compounds, more than ten (10) grains of crack, fifteen (15) capsules (or the equivalent quantity) of MDMA or more than one (1) gram of "ice" or "crank," as defined in Section §44-53-110, or unless it is used, intended for use, or in any manner facilitates a violation of Section §44-53-370(e).
- The vehicle was purchased with proceeds of an exchange of controlled substances.

6.0 SEIZURE PROCEDURES

After a seized vehicle has been inventoried and towed, the initiating officer will perform the following:

- Tag the vehicle keys as evidence and submit them to the Evidence/Property Unit.
- Complete a Tow Slip marked "Hold for Police" and indicate the appropriate statute for the reason the vehicle was seized.
- Complete a packet that includes a copy of the Incident Report, Booking Slip, Traffic Ticket, Warrant or Summons, NCIC check of the vehicle identification number, Criminal History check of the driver and a detailed written statement from the arresting and any witnesses.
- Obtain certified copies of the offender's driving history, certified copies of the Vehicle Title, and certified copies of any lien holder on the vehicle from the South Carolina Department of Transportation and include them in the seizure packet.
- Forward the assembled packet to the on duty supervisor for approval and then to the Solicitor's Office or City attorney for filing.

- In vehicle seizures under SC Code of Laws §44-53-520, it is the responsibility of the initiating officer to notify the Narcotics Seizure Officer either directly or by cell phone, voice mail or email. The officer must also forward a copy of the Incident Report, Tow Sheet and any statements made by the offender. The Incident report should include the vehicle information, driver information, type and amount of drugs seized and specifically where the drugs were the drugs were seized.

7.0 NARCOTICS UNIT RESPONSIBILITIES

The Narcotics Unit will set a forfeiture file by case number for the seized vehicle. The S.C. Department of Public Safety Title Section will be contacted for lien holder verification and if necessary any lien holder will be contacted to determine the payoff value of the vehicle. A certified copy of the Vehicle Title will also be obtained for the file.

Factors, which may be considered in pursuing the forfeiture action, include but are not limited to the value of any lien, the value of the vehicle and the mechanical soundness of the vehicle. The Narcotics Unit will consider these factors and all related factors in determining whether or not to pursue the forfeiture.

Within a reasonable period of time a report, shall be submitted to the appropriate prosecution agency. The report shall include information with respect to the property seized; description, circumstance of seizure, current location and custodian of the property, name of the owner, name of the lien holder (if any), seizing agency, type and quantity of the controlled substance and the make, model, serial number and year of the vehicle.

An affidavit for seizure will also be filed with the prosecution agency outlining the probable cause for the seizure.