



SEIZURE OF CONVEYANCES FOR VIOLATIONS OF THE CDS ACT

FC No.: 720

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I. Policy

Officers will seize and initiate forfeiture proceedings pursuant to law for conveyances used to violate the provisions of the Controlled Dangerous Substance (CDS) Act.

II. Criteria for Conveyance Seizure (CALEA 1.2.4.g)

- A. Article 27, Section 297(b)(4), authorizes, but does not compel, 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 CDS which have been manufactured, distributed, dispensed, acquired, or possessed in violation of the CDS 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 CDS in violation of the provisions of the provisions of the CDS Act.
 - 3. All property which is used, or intended for use, as a container for property described in paragraphs 1 and 2, above.
- B. Conveyances will not be routinely seized or forfeited when a conveyance is owned by

someone other than the arrested operator or occupant. Conveyances may be seized and forfeiture initiated under circumstances that indicate the owner of the conveyance had knowledge or should have had knowledge of the illegal use of the conveyance. Conveyances may also be seized and forfeited when the investigating officer has clear and convincing evidence that the conveyance is actually owned by one person, but registered and titled to another person.

III. Seizing Officer Responsibilities

When a seizure of a conveyance (automobile, truck, motorcycle, aircraft, boat, trailer, etc.) is made, the seizing officer will:

1. Ensure that any evidence collection is completed before the vehicle is towed.
2. Return personal items from the conveyance to the owner, or follow department procedures for storing recovered property.
3. Arrange for towing of the conveyance to the Abandoned Vehicle Section's (AVS) impound lot when the conveyance is seized between the hours of 0800 and 1500, Monday through Friday (excluding county holidays). The seizing officer will advise the tow truck driver that the vehicle has been seized as a result of a drug violation and provide the driver with the officer's name, ID#, duty assignment, and telephone number.
4. Arrange for towing of the conveyance to the district station of occurrence (except those seized in the **Second** District which will be towed to the **Third** District Station) when the conveyance is seized during those hours not specified in section III.3. The seizing officer will complete the MCP 60, "Impounded Vehicle Report." The registration card and all keys for the conveyance will be placed in the MCP 162, "Vehicle Storage Envelope." The MCP 60, MCP 162, and the tow bill will be given to the Police Service Aid (PSA).
5. Complete the MCP 605, "Seized Vehicle Notification" immediately and fax it to the Forfeiture Coordinator, Special

Investigations Division (SID) at (301) 926-0697.

6. Complete the MCP 600, "Notice of Conveyance Seizure," providing the pink copy to the owner/operator and retaining the yellow copy. Forward the original to the Forfeiture Coordinator, SID and fax a copy to the AVS Supervisor at (301) 840-2313.
7. Within 10 days, forward to the Director, SID, the original and one copy of the MCP 600, and two copies of the following:
 - a. MCP 605
 - b. Event report
 - c. Registration card
 - d. MCP 60
 - e. MVA computer listing
 - f. Arrest report
 - g. Computer criminal history for the owner and/or operator.
8. ***In some cases, the owner of a seized conveyance may need to retrieve personal property from a conveyance that will be stored at the AVS for an extended period. The AVS will not allow the release of any personal property without proper authorization. Officers should utilize MCP 727, "Personal Property Release From Seized Conveyance," to authorize release of personal property. The form should be faxed to the AVS at (301) 840-2313 and the owner notified to call the AVS at (301) 840-2454 in advance to make an appointment to pick up the property.***

IV. ***Abandoned Vehicle Section Responsibility***

Property recovered by the AVS from a seized conveyance will be accompanied by an inspection of the items to ensure that potential evidentiary items, money, CDS, or weapons that may have been overlooked at the time of seizure are not returned to a suspect or individual retrieving the property or conveyance.

V. **Special Investigations Division Responsibilities**

- A. Upon receipt of the MCP 605 and related attachments, the Director, SID, or designee, will review the facts of the case and determine whether the forfeiture process should be initiated. The Director, SID, or designee, will also determine if the conveyance is subject to a lien and the amount of any such lien.

- B. In the event forfeiture proceedings are not initiated, the Director, SID, or designee, will notify the seizing officer and the AVS, in writing, of that decision. The seized vehicle's owner will be contacted by the seizing officer who will advise the owner to contact the AVS at (301) 840-2454 for release instructions.
- C. In the event forfeiture proceedings are in order, the Director, SID, or designee, will prepare a memorandum to the State's Attorney explaining the circumstances of the seizure and requesting the initiation of forfeiture proceedings.
- D. If, subsequent to the initiation of forfeiture proceedings, the Director, SID, or designee, decides for good cause to terminate such proceedings, the Director, SID, or designee, shall ensure that the conveyance is returned to the owner.
- E. The Director, SID, or designee, will maintain a record of all conveyances seized under the CDS Act even if forfeiture proceedings are not initiated.

VI. **District Station Responsibilities**

- A. The district commander will designate a District Seized Conveyance Coordinator who will be responsible for complying with sections V.B and C.
- B. Conveyances will be transferred to the AVS impound lot the next business day after being seized. The same company that originally towed the vehicle to the station will be contacted to make this transfer.
- C. The District Seized Conveyance Coordinator is responsible for establishing a conveyance seizure file containing seizure-related records.

VII. **State's Attorney's Responsibilities**

- A. Upon receipt of the memorandum from the Director, SID, the State's Attorney's Office will review the case and initiate formal seizure proceedings, if appropriate.
- B. The State's Attorney's Office will notify the seizing officer of any court hearings relating to the seizure.

VIII. Proponent Unit: Special Investigations
Division

IX. Cancellation

*This directive cancels Function Code 720, dated
10-18-99.*



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