

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 11.1
	Effective Date: 01/15/04 Prv. Rev. Date: 03/26/21 Revised Date: 09/07/23
	Accreditation Standards: KACP: 30.3
Chapter: Evidence and Property	
Subject: Confiscation/Forfeiture of Property	

11.1 CONFISCATION/FORFEITURE OF PROPERTY (KACP 30.3)

11.1.1 STATUTORY AUTHORITY

The Kentucky Revised Statutes (KRS) subject certain property to forfeiture, such as:

- Contraband (KRS 218A.410)
- Property used in the commission or furtherance of certain crimes (KRS 514.130)

11.1.2 DOCUMENTATION FOR ASSET AND VEHICLE FORFEITURE

There are occasions in which officers may seize personal property, including money and vehicles. In these instances, officers will complete and email a Request for Forfeiture form (LMPD #03-11-0071) prior to the end of their tour of duty according to the procedures outlined below. The officer must articulate probable cause for the seizure, including facts connecting the seized assets to the offense.

11.1.3 ASSET FORFEITURE

If a seizing officer intends to seek forfeiture of property, excluding motor vehicles and other conveyances, which are covered in SOP 11.1.5, the officer will:

- Complete and email a Request for Forfeiture form (LMPD #03-11-0071) to "LMPD Forfeitures," located within the department's email distribution list, by the end of their tour of duty.
- Print a paper copy of the Request for Forfeiture form for their commanding officer.
- The commanding officer will review and initial the paper copy of the form and then forward it to the division/section/unit commander. If the forfeiture is approved by the division/section/unit commander, the form will be distributed as follows:
 - A copy of the form will be maintained in division/section/unit files.
 - The original form will be sent to the Legal Advisor's Office for final review.

The Legal Advisor will review the Request for Forfeiture form to determine if sufficient probable cause exists to justify the seizure. If the forfeiture is approved, the form will be returned to the division/section/unit commander, who will provide the investigating officer with the original form for submission to the appropriate prosecutor. If the forfeiture is not approved, the Request for Forfeiture form is returned to the appropriate division/section/unit and the investigating officer will have seven (7) days to articulate any additional information for the forfeiture and resubmit the form to the Legal Advisor.

If the Request for Forfeiture form does not adequately articulate probable cause for the seizure, the Legal Advisor may return the form to the division/section/unit commander with a request for the investigating officer to supplement the probable cause statement. The Legal Advisor will address any questions from the investigating officer concerning the information needed for supplementing the probable cause statement. If the seizing officer is unable to adequately supplement the statement, or the Legal Advisor determines the property is not subject to forfeiture,

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11.1.3 ASSET FORFEITURE (CONTINUED)

the investigating officer will immediately dispose of the property in accordance with SOP 11.6, if it is no longer needed for evidentiary purposes.

The Evidence and Property Unit (EPU) is responsible for notifying the rightful owner of the property that is being released. If the rightful owner of the property is deceased, the property will only be released pursuant to a court order.

At the conclusion of a case where seized property is approved for forfeiture, the officer will request that the prosecutor obtain a written court order specifying the forfeited property is to be delivered to the Louisville Metro Police Department (LMPD). If the forfeiture is approved, the officer will immediately send or deliver the signed court order to Asset Forfeiture, located at 701 West Ormsby Avenue, Suite 102. Asset Forfeiture is responsible for forwarding a copy of the signed court order to the EPU and the Office of Management and Budget (OMB) Compliance Office, located at 611 West Jefferson Street.

If the forfeited property is currency, the OMB Compliance Office will then contact the EPU to coordinate the execution of the court order. The OMB Compliance Office is responsible for the appropriate distribution of the forfeited funds to the Jefferson County Attorney's Office, the Office of the Commonwealth's Attorney, or any third party named in a court order, pursuant to statute. The funds will be placed in the appropriate asset forfeiture fund on Louisville Metro's accounting books.

In cases where there is sufficient evidence to determine property is subject to forfeiture, but for technical or unusual reasons the criminal case is dismissed or the defendant is acquitted, a civil action for the forfeiture of the property may be considered.

11.1.4 DEADLY WEAPONS

Whenever a deadly weapon is used in the commission of a crime, it will be seized and placed in the EPU according to EPU procedures. Upon conviction of a person for the violation of any KRS in which a deadly weapon was used, displayed, or unlawfully possessed, the court will order the weapon forfeited to the state and sold, destroyed, or otherwise disposed of, in accordance with KRS 500.090. It is the responsibility of the officer who is investigating the case to advise the prosecutor of the department's intention to seek forfeiture of the weapon.

11.1.5 MOTOR VEHICLES AND OTHER CONVEYANCES

All seized vehicles that are used in violation of applicable statutes will be impounded at the Vehicle Impoundment Lot, located at 1487 Frankfort Avenue. Upon vehicle impoundment, if the seizing officer intends to seek forfeiture of a vehicle or other conveyance, they will:

- Note "**Vehicle seized for forfeiture**" in the block for vehicle holds on the parking citation and on the LMPD Vehicle Hold form (LMPD #05-0019).
- Complete and email a Request for Forfeiture form (LMPD #03-11-0071) to "LMPD Forfeitures," located within the department's email distribution list, by the end of their tour of duty.

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11.1.5 MOTOR VEHICLES AND OTHER CONVEYANCES (CONTINUED)

- Print a paper copy of the Request for Forfeiture form for their commanding officer.
- The commanding officer will review and initial the paper copy of the form and forward it to the division/section/unit commander. If the forfeiture is approved by the division/section/unit commander, the form will be distributed as follows:
 - A copy of the form will be maintained in division/section/unit files.
 - The original form will be sent to the Legal Advisor's Office for final review.

The Legal Advisor will review the Request for Forfeiture form to determine if sufficient probable cause exists to justify the seizure. If the forfeiture is approved, the form will be returned to the division/section/unit commander, who will provide the investigating officer with the original form for submission to the appropriate prosecutor. If the forfeiture is not approved, the Request for Forfeiture form is returned to the appropriate division/section/unit and the investigating officer will have seven (7) days to articulate any additional information for the forfeiture and resubmit the form to the Legal Advisor.

If the Request for Forfeiture form does not adequately articulate probable cause for the seizure, the Legal Advisor may return the form to the division/section/unit commander with a request for the investigating officer to supplement the probable cause statement. The Legal Advisor will address any questions from the investigating officer concerning the information needed for supplementing the probable cause statement. If the seizing officer is unable to adequately supplement the statement, or the Legal Advisor determines the vehicle is not subject to forfeiture, the vehicle will be released. Unless the vehicle is being held for some other lawful reason, once it is determined the vehicle will not be subject to forfeiture, the investigating officer will immediately remove the hold on the vehicle by completing a Hold Release/Transfer/Continue form (LMPD #06-0052) and forwarding it to Asset Forfeiture.

If the vehicle is approved for forfeiture, the seizing officer is responsible for pursuing the vehicle's forfeiture along with the prosecution of the criminal offense. Any court documents necessary for forfeiture will be prepared by the prosecutor, who will supply the seizing officer with a court order to be signed by the court and returned, by the officer, to Asset Forfeiture following case disposition. Asset Forfeiture will provide a copy of the order to the OMB Compliance Office.

Asset Forfeiture will provide a copy of the court order, along with a Request for Mechanical Inspection form (LMPD #04-11-0072), to Metro Fleet Services. Metro Fleet Services will inspect the vehicle, assess its mechanical condition, and determine whether the vehicle should be retained for use in the fleet, disposed of at auction, or have the seizure/forfeiture terminated due to its unacceptable condition, excessive lien, or other circumstances.

Metro Fleet Services will prepare and process the required title transfer documents and will notify the Assistant Chief of Police/Administrative Bureau when the vehicle is ready for service, if it is to be retained as a fleet vehicle. The assignment of the vehicle is at the discretion of the Assistant Chief of Police/Administrative Bureau and will be based on the needs of the department.

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11.1.6 COMPUTER EQUIPMENT

Whenever computers or computer-related equipment are used in the commission of a crime, the items may be seized and placed in the EPU. If the investigating officer is seeking the forfeiture of such items, they will follow normal forfeiture procedures outlined in this SOP.

Officers who are seizing computers and computer-related equipment requiring forensic examination will contact the Digital Forensic Unit (DFU) Commander, via email at DigitalForensic@louisvilleky.gov, for availability before calling the Kentucky Regional Computer Forensics Laboratory (KRCFL) at (502) 423-6740 to schedule an appointment.

If the forfeiture of the computer or computer-related equipment is granted, the officer will complete the Request for Inspection of Forfeited Computer form (LMPD #05-11-0172) and forward it to Metro Technology Services (MTS).

The MTS Director will complete an assessment of the items to determine whether the computer or computer-related equipment complies with established standards (refer to SOP 4.20) and will recommend whether it should be retained for use by the department.

If the MTS Director approves the computer or computer-related equipment for departmental use, the priority placement of the items is designated as follows:

- MTS
- DFU
- KRCFL
- The seizing officer's division/section/unit
- Other divisions/sections/units

If the forfeited computer or computer-related equipment does not meet the established MTS standards, it will be sold at auction or properly destroyed.

If the computers or computer-related equipment are not forfeited, the items will be released according to the procedures outlined in SOP 11.6.

11.1.7 MISCELLANEOUS PROPERTY

When an officer wishes to secure the forfeiture of seized property, other than items previously mentioned, they will:

- Complete and email a Request for Forfeiture form (LMPD #03-11-0071) to "LMPD Forfeitures," located within the department's email distribution list, by the end of their tour of duty.
- Print a paper copy of the Request for Forfeiture form for their commanding officer.
- The commanding officer will review and initial the paper copy of the form and then forward it to the division/section/unit commander. If the forfeiture is approved by the division/section/unit commander, the form will be distributed as follows:

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11.1.7 MISCELLANEOUS PROPERTY (CONTINUED)

- A copy of the form will be maintained in division/section/unit files.
- The original form will be sent to the Legal Advisor's Office for final review.

If the forfeiture is approved by the Legal Advisor's Office, the officer will:

- Request that the prosecutor makes a motion for forfeiture after the disposition of the case.
- Return the completed court order to Asset Forfeiture, who will provide a copy of the court order to the EPU and the OMB Compliance Office.

If the forfeiture is not approved, the Request for Forfeiture form is returned to the appropriate division/section/unit and the investigating officer will have seven (7) days to articulate any additional information for the forfeiture and resubmit the form to the Legal Advisor.

11.1.8 DISCLAIMER OF OWNERSHIP

In cases where property, including currency, has been lawfully seized, and the person who was in physical control of the property at the time of the seizure denies ownership, the seizing officer will request that the subject sign a Disclaimer of Ownership form (LMPD #09-0001). If the property was in the joint possession of more than one (1) person at the time of the seizure, each person will be asked to sign a separate form. Completing the form may prevent an individual from later making a legal claim of ownership of the seized property and will serve as an acknowledgment that the property was in their possession at the time it was seized.

11.1.9 DISPOSITION OF FORFEITED PROPERTY

Forfeited property awarded to the department will be considered property for official use and will be used at the discretion of the Chief of Police. Divisions/sections/units requesting the official use of forfeited property will complete the Request for Official Use of Forfeited Property form (LMPD #05-11-0289) and forward it, via the appropriate chain of command, to the Assistant Chief of Police/Administrative Bureau. If approved, the property will be included in the division's/section's/unit's inventory for tracking purposes. Forfeited property that is deemed inappropriate for official use will be sold at auction or properly destroyed.