

NCJRS

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FORFEITURE UNIT MANUAL

ACQUISITIONS

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## FORFEITURE UNIT PROCEDURE MANUAL

### 1.00 INTRODUCTION

Officers assigned to the Forfeiture Unit shall make themselves familiar with this manual and the following:

- Division Manual, with emphasis on sections dealing with the seizure of property, towing and releasing of vehicles, money handling, and evidence procedures.
- Sections of the Ohio Revised Code dealing with the seizure and forfeiture of property and mandatory fines,
- Applicable Sections of the Toledo Municipal Code.
- Federal Rules and Regulations concerning seizure and forfeiture of property - found in the "Prosecution and Defense of Forfeiture Cases".

### 1.10 FORFEITURE UNIT ESTABLISHED

The Toledo Police Division's Forfeiture Unit shall be established and attached to the Division's Planning/Inspections Section. The Forfeiture Unit shall report directly to the Commander of the Planning/Inspections Section, who shall be responsible for the overall operation of the Unit.

### 1.20 MISSION STATEMENT

The Mission of the Forfeiture Unit is to eliminate the profit derived through direct or indirect involvement in illegal activity and to seize and forfeit contraband.

### 1.30 POLICY

The Forfeiture Unit shall conduct forfeiture investigations relating to the assets or property which is abandoned, derived from, or utilized in the commission of an offense or offenses of Municipal, State, or Federal statutes.

The Forfeiture Unit shall process all forfeiture cases, assist in training, work cooperatively with other units, sections, bureaus, and outside agencies, in coordinating forfeiture actions.

The Forfeiture Unit shall not conduct criminal investigations. However, when cooperation within the Division or with outside agencies would be enhanced if involvement were to take place, the Commander of the Planning Inspection Section shall determine the extent of involvement.

## **2.00            INITIATION OF THE FORFEITURE PROCESS**

### **2.10            THE SEIZURE OF PROPERTY**

The forfeiture process normally begins when Division officers seize property from a citizen with the intent of having the property forfeited under applicable laws. Notice of the officer's intent may be verbal or through the preferred method of issuing a Notice of Property Seizure.

Each working day, Forfeiture Unit personnel shall obtain paperwork, resulting from felony arrests or investigations in which property has been seized. This information is found in the Forfeiture Unit mailboxes located in the Vice-Metro Office and at the mail box located in the Investigative Services Bureau, labeled Forfeiture Unit.

## **3.00            OPENING A FORFEITURE CASE**

### **3.10            STARTING A PACKAGE**

Once the needed reports are obtained a case "package" is started with the following information placed on the outside of a manila envelope, in the listed location:

- the name of the defendant (upper left corner - last name first),
- the description of the property seized, e.g. 1979 Chevy Lic.#, VIN, \$650.00 U.S. Currency, (top middle),
- the Record Section number, (top right),
- other information may be added, such as case number, property room number, attorney's name, dates of contact etc....,

A supplemental report shall be completed stating that a forfeiture case is being initiated. Any time pertinent information is gained involving the case a supplemental shall be completed and forwarded to the Section Commander for approval. The original shall be kept in the case file.

Information obtained from the reports should be entered into the dBaseIII program.

In most forfeiture cases, a Notice of Property Seizure form has been given to the person (suspect) in control of the seized property by the investigating officer. If the actual owner is unknown, the forfeiture investigator shall attempt to determine the actual owner, notify him of the seizure, and the Division's intent to have the property forfeited. This notice can be given by certified mail, by phone, or in person. Time limits as established in the O.R.C. should be adhered to, as they are strictly enforced by the courts.

#### **4.00 SEIZURE OF AUTOMOBILES**

Upon notification of a vehicle being seized, a preliminary investigation should be completed to determine forfeitability of the vehicle. Forfeitable vehicles should be moved to the Forfeiture Building as soon as practicable to avoid increased storage costs.

#### **4.10 RELEASE OF VEHICLES**

Seized vehicles not under consideration for forfeiture may be left at private tow companies and shall be released to owners or lienholders as soon as practicable. Whenever a vehicle is released the Record Section shall be notified to remove the Forfeiture holder on the vehicle. A green "Release of Investigator's Holder Card" shall be completed and forwarded to the Tow Clerk in the Record Section.

To claim their vehicle, owners must sign an Indemnity Agreement (TPD form 16.2) and a Notarized Affidavit (TPD Form 16.1), if applicable. Lienholders must complete a Lienholder Repossession Release Form. These forms are to be retained in the case package.

Owners who have not been in contact with the Forfeiture Unit shall be contacted, and informed that a forfeiture action will not be pursued and they may pick up their vehicle. This is done by sending a certified letter, return receipt requested.

24.20

ABANDONED MOTOR VEHICLES

Vehicles whose owners fail to claim their motor vehicle within 30 days of receiving the certified letter may be disposed of in the following manner:

- The vehicle may be junked by notifying the junk vehicle unit,
- The vehicle may be treated as abandoned property and an affidavit filed with the City of Toledo Prosecutor's Office, or,
- The vehicle may be processed by the Forfeiture Unit as abandoned contraband, through the Municipal Prosecutor's Office. A title must be obtained and the vehicle left at a City approved tow company and sold at the abandoned vehicle auction held by the Record Section. The City General Fund would realize 20% of the sale price, (see O.R.C. 2933.41).

4.30

LIENHOLDERS

To determine if there is a lien on the title of a vehicle the following steps may be followed:

- Run the license plate number through LEADS, obtain a title number from the computer printout and contact the appropriate County Title Bureau, requesting the name of the lienholder and a certified copy of the title,
- Notification should then be made to the lienholder that the Police Division is in possession of the vehicle, obtain the payoff and any other pertinent information.

Based upon the information obtained from the lienholder, the strength of the case, and circumstances of the seizure, the decision to proceed with the forfeiture case is to be made by the Commander of the Forfeiture Unit.

Vehicles having a substantial lien shall be carefully inspected and the Commander of the Planning/Inspections Section shall be consulted, he shall decide the proper course of action.

#### 4.40 RECOVERING PAYMENT FOR TOWING AND STORAGE FEES.

Barring extenuating circumstances, the Law Enforcement Trust Fund shall be reimbursed for towing and/or storage costs. This shall apply to lienholders and citizens before a vehicle is released. Payment is to be made through check or money order made payable to the City of Toledo Law Enforcement Trust Fund.

#### 4.50 VEHICLES TITLED TO THE CITY

Vehicles ordered forfeited to the City require the title to be placed in the name of the "City of Toledo - Division of Police". In order to obtain a title in the City's name the Odometer Disclosure Statement and the Application for Title (orange form), need to be completed. An original or certified copy of the Journal Entry and these forms must be delivered to the Lucas County Clerk of Courts Auto Title Division on the 5th Floor of the Government Center. A fee of \$4.00 is needed to obtain a title. (Usually this money is paid out of pocket. Upon presentation of the receipt to the Secretary of Police the officer will be reimbursed from the petty cash fund.)

Two photo-copies of the title should be made, one for the case file and the other for a file marked Vehicles/Auction.

Keys and the original title shall be delivered to the Property Management Section. The Commander of the Property Management Section should be notified in writing, if the vehicle should be altered to conceal its origin.

#### 4.60 VEHICLE AUCTIONS

Forfeited vehicles titled to the City of Toledo, that are no longer needed, shall be sold at auction and the proceeds distributed in accordance with the appropriate statutes.

After each Auction, in which forfeiture vehicles are sold, the sale price and the name of the buyer of each vehicle shall be obtained from the Record Section. Disbursements shall be made according to the expenses involved with each of the vehicles. A detailed report concerning the sale and breakdown of the disbursements shall be forwarded to the Chief of Police, through channels. This report will request that the appropriate disbursements be made, and a copy will be forwarded to Secretary of Police for his records. The case file will often have to be referred to determine if the proceeds of the sale should be split with the Lucas County Prosecutor's Law Enforcement Trust Fund or the City of Toledo General Fund.



**5.00 THE COURT SYSTEM**

**5.10 FILING PETITIONS**

The Commander of the Forfeiture Unit or his designee shall evaluate the merits of each case, discuss the case, if needed, with the appropriate investigators, and determine if a forfeiture case should be initiated. If a forfeiture case is to be initiated, a petition shall be completed and delivered to the appropriate Prosecutor's Office. Accompanying the petition should be the Crime Report, Supplementals, Certified Copy of Title, Notice of Property Seizure and Witness list.

**5.20 BOND FORFEITURES**

Defendants who have posted bonds with the Municipal Clerk's Office or with the Lucas County Clerk's Office on drug charges risk losing the posted bond if they fail to appear in court. When Officers of the Forfeiture Unit are notified of these cases, bond forfeiture actions shall be initiated by contacting the Lucas County Prosecutor's Office, or the Toledo Municipal Prosecutor's Office.

**6.00 COURT ORDERS - JOURNAL / CONSENT ENTRIES**

The results of a forfeiture case will be documented through a Judgement Entry or a Consent Entry. These entries are prepared by the Prosecutor handling the case and are signed by a judge. These documents are delivered to the Forfeiture Office at the completion of each case. If not delivered they may be obtained from the Prosecutor assigned to the case.

After obtaining the Court Order, additional copies should be made for the following:

- the case package,
- the Property Room, if necessary,
- the Clerk of Courts to whom the cash is delivered.

NOTE:- an original file stamped copy or a certified (blueback) copy should be obtained if a title to a motor vehicle needs to be obtained from the Lucas County Title Bureau.

## **7.00 UNSOLICITED FORFEITURE CASES**

On occasion, Journal Entries or Court Orders will be received by the Forfeiture Unit concerning cases in which no forfeiture action was initiated or in which the judge wishes monies held by the Division be applied to a fine or costs.

If the Division is to receive the funds, a package shall be opened and processed.

In cases where the Division is not to receive any funds, the money should be moved to the appropriate Clerk of Courts Office. A case file will not have to be opened, but a copy of the court order is to be given to the Property Room and the receipt from the Clerk is to be returned to the Property Room.

## **8.00 MONEY HANDLING PROCEDURES**

### **8.10 DEPOSITING MONIES WITH CLERK'S OFFICE**

Monies awarded to the Division are to be removed from the Property Room and deposited according to the court order. Court Orders normally state that the money is to be deposited with the Lucas County Clerk of Courts. At the Clerk's request, any money being deposited will be done so in the form of a check.

The following is the series of events which is to take place when depositing money with the Clerk's Office:

- 1) Obtain a copy of the Court Order.
- 2) Complete the Property Release form in duplicate - obtain authorization signature of Captain or Lieutenant of Planning/Inspections.
- 3) Provide Court Order and Release to Property Room, count out money with V/M command officer or I.S.B. staff member.
- 4) Reduce money to check form, either at Credit Union or Huntington Bank - payable to Lucas County Clerk of Courts or City of Toledo.
- 5) Take check to appropriate Clerk of Court along with Court Order.
- 6) Obtain a receipt from Clerk.
- 7) Reflect movement of money from Property Room to Clerk in the dBaseIII program.
- 8) Lucas County Clerk will call when disbursement check is ready to pick up.

#### **8.20 DEPOSITING MONIES WITH THE MUNICIPAL CLERK'S OFFICE**

When the issue of forfeiture is decided at the preliminary hearing, in Municipal Courtroom #3, a brief Journal Entry will be forwarded to the Forfeiture Unit by the Lucas County Prosecutor assigned to that courtroom. When the J.E. is obtained, those monies shall be counted and withdrawn, as stated above, and then be deposited with the Municipal Clerk's Office. A cash register receipt shall be obtained and a copy of this receipt is to be given to the Secretary of Police so that the deposit may be verified through the monthly ARMS report.

#### **8.30 DEPOSITING MONIES - L.E.T.F. / M.D.F. ACCOUNTS**

Upon receiving any check either from the Clerk of Courts or for payment of towing and storage fees, a photocopy of the check shall be made and placed in the case file. The check, and a completed ARMS 25 form, should then be deposited with the City Treasurer on the 20th floor of the Government Center. The yellow copy of the ARMS receipt shall be retained and placed in the deposit log book, the white copy of the ARMS form is left at the Treasurers Office and placed in the slot in the counter. Appropriate entries should then be made in the ledger book and in the dBaseIII file.

Each time money is deposited into the LETF or MDF accounts a copy of the ARMS 25 report shall be made and delivered to the Secretary of Police. The books of both the LETF and MDF funds shall be reconciled with the Secretary of Police on a quarterly basis.

#### **8.40 CLOSING OF THE FORFEITURE CASE**

Upon the final deposit of monies into the L.E.T.F. or M.D.F. account, or the placing of a forfeited vehicle in police service, or the return of the property, the case shall be closed. Upon the sale of the vehicle the details of the sale shall be entered into the dBaseIII program.

At the conclusion of each case a supplemental report shall be completed stating the end result. All reports completed by Forfeiture Unit personnel shall be forwarded to the Record Section.

**9.00 PAYMENT OF EXPENSES**

**9.10 TOWING AND STORAGE FEES**

When towing and storage bills are received from tow companies the charges shall be verified. 5 copies are to be made of the bill, 3 copies and the original are to be given to the Secretary of Police who will arrange for payment. The remaining two copies are to be retained, one is to be placed in the case file and the other is to be placed in the tow bill file.

Tow fees and payment authorization are to be entered into the computer dBaseIII program.

**9.20 APPRAISAL, LOCKSMITH FEES, ETC...**

When specialized services are needed the Captain of the Planning and Inspections Section and the Secretary of Police shall be consulted as to the justification of the expenditure and the proper method of payment.

**10.00 INVOLVEMENT WITH OUTSIDE AGENCIES**

The Forfeiture Unit must work in different political arenas. Its members must be aware that more than one agency may be working on the same case at the same time. These agencies include, but are not limited to, the following:

Lucas County Prosecutors Office, Toledo Municipal Prosecutors Office, City of Toledo - Law Department, Port Authority, F.B.I., D.E.A., I.R.S., U.S. Attorney's Office, Municipal, Common Pleas, and Federal Court Systems, Probation and Parole Officers and, welfare and social agencies.

Instances will arise when a case would be better handled by an outside agency. Before a case is deferred to an outside agency the appropriate Bureau Commander and the Commander of the Planning/Inspection Section shall be apprised of the situation and a decision shall be rendered by the appropriate authority.

Requests for information or assistance, by an outside agency, during the course of investigations may be received by Forfeiture Unit Personnel. Information concerning active investigations shall not be released if it will adversely effect Division operations or officer safety.

**10.10****ASSET SHARING - FEDERAL CASES**

In all Federal cases involving assets, which the Toledo Police Division is entitled a share, a DAG-71 form (see appendix) shall be completed and forwarded to the appropriate Government Office or Official. The U.S. Attorney's Office will direct T.P.D. personnel to the appropriate Federal Agency.

**10.20****ASSET SHARING - PORT AUTHORITY**

Asset sharing cases arise when the Port Authority notifies T.P.D. of a seizure or asks our assistance with a seizure. An equitable distribution will be decided upon on a case by case basis by the Forfeiture Unit Sergeant and the Lieutenant in charge of the Port Authority Police.

The Vice/Metro Captain shall be notified when an equitable distribution cannot be made, and he shall resolve the issue. He also shall decide if rewards are to be paid to informants.

**10.30****"SNIFFING PROCEDURES"**

Instances may arise when it would be beneficial to have currency tested for the presence of drugs such as marijuana, cocaine, hashish, opium, or heroine. The procedure for such a test is as follows:

- a. Contact and establish a time convenient with the dog handler and a Command Officer from Vice/Metro.
- b. Sign-out cash to be tested from Property Room.
- c. An area must be located in which the money to be tested, the drugs used by the handler, and control sample may be hidden without danger of loss or contamination.
- d. Small holes are to be placed in the plastic bags containing the money to be tested, and the bags are to be hidden in the room.
- e. The dogs trainer will search the room with the dog and the trainer will advise as to which bags the dog alerts on.
- f. All bags which were ventilated shall be re-heat sealed and returned to the Property Room.

**11.00****FORFEITURE UNIT STORAGE BUILDING**

A file with all pertinent information concerning the Forfeiture Building and Alarm System shall be retained by the Sergeant of the Forfeiture Unit.

On a weekly basis an alarm report will be sent to the Forfeiture Unit by the Alarm Company. This report shall be verified against known entries to the building. Unauthorized entries shall be investigated, by the Commander of the Forfeiture Unit who will contact the person issued the corresponding code number.

**12.00****INVENTORY - BUDGET**

A complete list of equipment and furniture is kept in a red notebook marked **Inventory**. Also contained in the book is a copy of all budgeted expenses.

**13.00****REPORTS**

Monthly reports are to be furnished to the Commander of the Planning/Inspection Section. These reports should contain some of the following information:

- Number of cases, opened, closed, and active.
- Amount of Money deposited into L.E.T.F. and M.D.F.
- Number of vehicles awarded, pending, storage concerns.
- Amount of money and number of vehicles pending disposition.
- Other concerns or information relative to the operation.

**13.10****STATE OF OHIO YEARLY REPORT**

A year end report will be sent to the Chief of Police by the Attorney General of the State of Ohio. This report must be completed and sent back to the Attorney General's Office by March 1st.

All entries into the dBase III program are to be made in capital letters. An attempt was made to make the data fields self explanatory, however clarification and coding may be needed for several fields. Explanations and codes used for these fields are as follows:

ORIGIN: TF = Task Force, VM = Vice/Metro, FOB = Field Operations Bureau, ISB = Investigative Services Bureau.

TOW CHARGES: Enter the proper amount when a bill is received.

TOW CHARGES REPAID: Enter amount when reimbursement is made to L.E.T.F. by owner or reposessor.

DATE TO PROSECUTOR: Date petition is delivered to prosecutor.

PETITION FILED: File date stamped on top of forfeiture petition when copy is received from prosecutor.

DISPOSITION DATE: Date forfeiture case is closed.

AWARD MANDATORY DRUG FINE FUND: Date money is deposited, by court order from seized funds.

MONEY TO: LCC = Lucas County Clerk, USM = U.S. Marshal, DEA = D.E.A., TMC = Toledo Municipal Clerk, LCJ = Lucas County Juvenile Clerk

TOW PAY AUTHOR DATE: Date tow bill is given to the Secretary of Police

MONEY RETURNED: Money returned to the owner or his attorney.

OTHER AWARD: Includes percentages paid to Lucas County Prosecutor, U.S. Government, other agencies, or court costs which are taken from seized funds. DOES NOT INCLUDE monies awarded to the LETF, MDF, or Returned.

JURISDICTION: DEA = D.E.A., FBI = F.B.I., IRS = I.R.S., LUC = Lucas County, LCJ = Lucas County Juvenile Court, TMC = Toledo Municipal Court.

FORFEITURE CASE OPENED: Date Forfeiture Unit opened a case on present incident.

STORAGE SPACE: Number of space vehicle is in at storage facility, #1 - #46 (normal), #69 = vehicles in aisle, #70 = vehicles stored in stall areas.

STORAGE PURPOSE: F = Forfeiture, S = Storage, A = Auction, C = Cooperative storage.

A back-up of the dBase III file is periodically made utilizing the DS Back-up program.



FORFEITURE UNIT CASE STATUS

Name: LAST FIRST Record Section #: 91-000000 Origin: TF

Date of Birth: / / SSN: Lucas County Court Case #: 91-00000

Offense: Arrest Date: / / Seize Date: / /

Officers: SMITH/JONES Owner:

Owner Notification Date: / / Total Seized Assets: \$ 0.00

Description of Property: HOUSE, JEWELRY, CAMERA, V.C.R.

Currency: \$ 0.00 DOB: N BUG DATE: / / Mileage:

Color: Year: Vehicle Make: Model:

State: License No: Type: PC Vin#:

Vehicle Trade-In Value: \$ 0.00 Vehicle Release Date: / /

DIT :<C>:FORFEIT :Rec: 1/1011 :ins : Caps

Lien Holder Notified: / / Notification Method: PHONE - LETTER

Appraisal Value:\$ 0.00 Tow Charges:\$ 0.00 Tow Chgs Repaid:\$ 0.00.

Seized Property Location: 525 N. ERIE (FORFEITURE BARN) - PROPERTY ROOM

Date To Prosecutor: / / Petition Filed: / / Hearing Date: / /

Notes: ANY PERTINENT ACTIVITY I.E., ATTNY. JONES 245-1000 CALLED 10-20-91

Disposition: MONEY DEPOSITED/ VEHICLE RELEASED/ VEHICLE REPOSSESSED/ ETC....


Disposition Date: / / Award Mandatory Drug Fine Fund:\$ 0.00

Money To: Money Delivery Date: / / Tow Pay Author Date: / /

Award Law Enforcement Trust Fund:\$ 0.00 Money Returned:\$ 0.00

Other Award: 0.00 Titled To City: / / Jurisdiction: DEA

Forfeiture Case Opened: / / Storage Space: 0 Storage Purpose:  
DIT :<C:>:FORFEIT :Rec: 1/1011 :Ins : Caps

	TOLEDO POLICE DIVISION		SPECIAL ORDER		Chief of Police <i>Martin J. Felke</i>
	Originated By: Forfeiture Unit <i>JS</i>		Staff Review By: All Deputy Chiefs		Processed By: Planning/Inspection
	SUBJECT: Procedures and Guidelines for Seizing Contraband			Manual Sections Revised: Ohio Revised Code Sections 2901.01 (M) and 2933.42 (B)	
TO: All Div. Personnel		Distribution: 1	Number: 89-2	Date of Issue: January 28, 1989	Effective Date and Time: Upon Receipt

**BACKGROUND:**

The Ohio Revised Code, Sections 2933.41 et. seq., provides for seizure and forfeiture of contraband property that was used in the commission of a felony offense. The Division has established a Forfeiture Unit to comply with the procedures outlined in the O.R.C.

**PURPOSE:**

To establish procedures and guidelines for seizing property/contraband used in the commission of a felony for possible forfeiture.

**ORDER:**

The Forfeiture Unit shall be responsible for investigating all forfeiture cases. (Special Order 87-21) The Forfeiture Unit shall process all contraband cases when the value of the vehicle exceeds \$1,000 or, when \$500 or more in suspected cash proceeds are seized.

In any felony offense where a vehicle was used in part to commit or transport the proceeds of the crime, or where other contraband was transported in the vehicle, and the estimated value of that vehicle is over \$1,000, the officers shall seize the vehicle and place a holder on it for the Forfeiture Unit. Officers having probable cause to believe that cash in the possession of a suspect is the proceeds of a felony offense, and the amount is over \$500, shall seize the money. The Youth Services Section shall be notified when any juvenile is found to be in possession of a suspicious amount of money. The Youth Services Section shall then determine whether the money should be seized, based on the probable cause.

Officers seizing any property in accordance with the above guidelines shall:

(over)


Special Order 89-2: Procedures for Seizing Contraband

1. Issue a Notice of Property Seizure, TPD Form 23.14, to the party from whom the property was seized, or other person who claims the property. If the party refuses to sign, a second officer shall witness and initial with "refused" written in the space provided for the defendant's signature.
2. All copies of all reports shall be stamped with the "Forfeiture Case" stamp, at either the Investigative Services Desk or the Vice/Metro office.
3. A copy of the Crime Report, Tow Report and/or any Supplementals shall be attached to the original Notice of Property Seizure and forwarded to the Forfeiture Unit without delay. A mail slot is located in Investigative Services. All supplemental reports shall clearly state the probable cause surrounding the seizure of the property.

Contraband definitions are located in Ohio Revised Code, Sections 2901.01 (M), and 2933.42 (B).

This Order does not rescind any other current Orders in effect for the handling of property or evidence. Contraband that is not governed by this order shall continue to be processed by existing orders.

If the Forfeiture Unit determines that a case does not qualify for forfeiture, the seizing officer(s) shall be notified and it shall be the seizing officers' responsibility to make the final disposition of the property.

	TOLEDO POLICE DIVISION		SPECIAL ORDER		Chief of Police <i>Mark Miller</i>
	Originated By: Planning/Inspections		Staff Review By: Planning/Inspections		Processed By: Planning/Inspections
	SUBJECT:  FORFEITURE UNIT			Manual Sections Revised: O.R.C. 2933.43 and O.R.C. 2923.31	
TO: All Personnel	Distribution: 1	Number: 87-21	Date of Issue: December 30, 1987	Effective Date and Time: January 1, 1988	

**BACKGROUND:**

On December 23, 1986, the Ohio Revised Code, Section 2933.43, entitled Contraband, was amended to allow Law Enforcement agencies to seize and seek forfeiture of those items which are defined as contraband.

**PURPOSE:**

To establish a Forfeiture Unit which will be responsible to process all contraband cases under O.R.C. 2933.43, and O.R.C. Sections 2923.31, et. seq., entitled Corrupt Activity.

**POLICY STATEMENT:**

The primary function of the Division regarding persons engaged in criminal activity is the arrest and conviction of those persons. The seizure and forfeiture of contraband related to those criminal offenses is regarded as an effective method of reducing future criminal activity by eliminating the tools and profits of such criminal enterprises.



**ORDER:**

The Toledo Police Division's Forfeiture Unit shall be established and attached to the Division's Planning/Inspections Unit. The Forfeiture Unit shall report directly to the Commander of the Planning/Inspections Unit who shall be responsible for the overall operation of the unit.

The Forfeiture Unit shall be responsible for conducting all forfeiture proceedings in accordance with the O.R.C. 2933.43.

The Forfeiture Unit shall: establish procedures for civilly processing all contraband cases; assist in establishing a training program; and establish cooperation with other units, sections, bureaus and Agencies.

The Forfeiture Unit shall not conduct criminal investigations.

	TOLEDO POLICE DIVISION		SPECIAL ORDER		Chief of Police <i>Martin Decker</i>
	Originated By: Planning/Inspections		Staff Review By: Planning/Inspections		Processed By: Planning/Inspections 
	SUBJECT: Currency Inventory Form Division Money Handling Procedures			Manual Sections Revised:	
TO: All Police Personnel	Distribution: 1	Number: 89-11	Date of Issue: April 28, 1989	Effective Date and Time: Upon Receipt	

### BACKGROUND

Recently, several problems have been identified with the current procedures for handling money coming into the possession of Division personnel.

### PURPOSE

To establish procedures for Division personnel when handling money that will be processed through the property room and requiring the use of TPD Form 23.16, Currency Inventory Form.

### ORDER

Any officer who comes into custody of currency (paper money) which must be placed in the Property Room, shall complete a Currency Inventory Form (T.P.D. Form 23.16). Instructions are printed on the reverse side of the form and shall be followed. Once the money is counted, (inventoried) a completed copy of the Currency Inventory Form and the currency shall be placed into a "heat-seal" bag and sealed. Prior to sealing the bag, officers shall make certain that the Total \$ portion of the currency inventory form is clearly visible to the outside of the bag and that their signature is written in the bag so that it will be contained underneath the seal. A heat-seal machine, currency bands and instructions are available at the Investigative Services Desk. In the event that more than one bag is used, a separate Currency Inventory Form shall be completed and contained in each sealed bag. The appropriate property room tag shall also be completed and attached to the outside of the heat-sealed bag. The original Currency Inventory Form shall be submitted to the Record Section along with the Crime Report.

(Over)

CURRENCY INVENTORY FORM

DIRECTIONS:


1. Sort all paper currency by denomination. Ones with ones, fives with fives, etc.
2. While sorting, face all the bills in the same direction.
3. Separate torn or tattered bills and count them last. Straighthen out any folds in the bills to ease counting.
4. Count the bills of each category numerically, not by denomination.
5. Band all currency with the appropriate colored band, while counting out the number of bills.
6. To band the money, the following procedure must be followed:

Ones \$1, blue band, fifty (50) to a bundle.  
Fives \$5, green band, fifty (50) to a bundle.  
Tens \$10, red band, fifty (50) to a bundle, or  
green band, twenty-five (25) to a bundle.  
Twenties \$20, yellow band, fifty (50) to a bundle,  
or red band twenty-five (25) to a  
bundle.  
Fifties \$50, yellow band, twenty (20) to a bundle.

To summarize, BLUE bands always equal	\$50.00
GREEN bands always equal	\$250.00
RED bands always equal	\$500.00
YELLOW bands always equal	\$1000.00

Odd amounts of money, 36 ones for example, should be banded by turning the colored band inside out and writing the amount, \$36.00, on the band.

6. Place the total number of bills next to the appropriate denomination listed on this form.
7. Multiply the number of bills by the denomination of the currency and place that figure in the subtotal column.
8. Sum the dollar figures in the subtotal column and place that figure on the line marked Total.
9. Make certain that all reports reflect this total.
10. To verify this amount, a different officer shall recount each band and initial it. Then recalculate the amount and sign on the second line of the form.

	TOLEDO POLICE DIVISION		SPECIAL ORDER		Chief of Police <i>Martin D. Keller</i>
	Originated By: Lt. J. Matthews <i>JM.</i>	Staff Review By: Deputy Chief J. Ryan	Processed By: Planning/Insp. <i>3</i>		
	SUBJECT: CONTROL OF FORFEITED AND UNCLAIMED VEHICLES		Manual Sections Revised:		
TO: All Div. Personnel	Distribution: No. 1	Number: 88-11	Date of Issue: December 14, 1988	Effective Date and Time: Upon Receipt	

**BACKGROUND:**

No standardized procedure is in place to enable an orderly assignment, transfer, or disposal of forfeited and unclaimed vehicles.

**PURPOSE:**

To assign responsibility for registering, licensing, assigning, and transfer, of forfeited and unclaimed vehicles to the Commander of the Property Management Section (CPMS).

**ORDER:**

The Commander of the Property Management Section shall control all keys, titles and license plates for vehicles acquired by the Division. He shall determine if forfeited or unclaimed vehicles are suitable for police use and where they will be assigned, subject to direction from the Chief of Police.

The Forfeiture unit shall assure that forfeited vehicles, when awarded to the Division, are titled in the name of the "City of Toledo, Division of Police". Once awarded, keys and titles shall be given to the CPMS.

Personnel assigned Junk Vehicle/Auction duties shall advise the CPMS of vehicles which may be useful to the Division.

If an unclaimed vehicle is selected for police use the CPMS shall advise Record Section personnel to obtain a salvage title, in the name of the Chief of Police. If the vehicle is unacceptable he shall notify Record Section personnel that the vehicle is to be processed for auction or junk and it is to remain stored at a private tow lot until disposal.

(over)



## S.O. - Forfeited and Unclaimed Vehicles

Once obtained, the CPMS shall present the salvage title to the applicable storage facility and direct the storage facility to submit an invoice to the Division, requesting payment of tow and storage fees. If necessary, the storage facility will also be directed to transport the vehicle to the Service Station at Spielbusch & Orange Sts. where it will be inspected.

Only those vehicles passing inspection shall be processed by the CPMS and assigned as appropriate.

A section or unit requesting a vehicle, rotation (transfer) of vehicles, or wishing to report that a vehicle has become unsuitable for police use shall submit a report through channels to the CPMS.

Forfeited and unclaimed vehicles which become unsuitable after police use shall be stored at a Division or City owned facility prior to auction.

Funds from the sale of vehicles obtained by the forfeiture process will be placed in the Law Enforcement Trust Account and tow/storage fees are to be paid from this account. Proceeds from the sale of unclaimed autos shall be placed in the general fund at the direction of the City of Toledo Finance Department.

### UNDERCOVER VEHICLES.

Operators of vehicles not assigned a City of Toledo vehicle number (undercover cars), shall not obtain jump starts, tows, fuel, or repairs from City facilities, without prior permission from the CPMS.

All license plates issued by the State of Ohio for investigative purposes, SHALL remain on the vehicle to which they are assigned and are not to be used on any other vehicle.

Permission from the Chief of Police or his designee must be obtained if a vehicle is to be used in a decoy operation where there is a probability of damage or theft, or if any provision of this order interferes with an investigation.

Section: PROPERTY MANAGEMENT		SECTION ORDER		Commander Captain Ronald Spann	
SUBJECT: Property Room Intake of Sealed Packages of Money.			Reference: Special Order 89-11		
To: All Personnel	Distribution: All	Number: 3	Date of Issue: September 14, 1989	Effective Date and Time: Upon Receipt	

BACKGROUND:

Division Special Order 89-11 brought about several changes in the way money is to be booked into the Property Room. Among these requirements are: money must be enclosed in a heat-sealed bag, bills must be sorted by denomination, facing in the same direction, and be banded with specific colored bands. These specifications all hold some advantages for Property Room personnel. From time to time, however, money may be brought in which does not meet all the criteria.

PURPOSE:

To establish the proper response to Special Order 89-11 by section personnel and reduce the possibility of error.

ORDER:

All incoming cases involving money which are brought to the Property Room shall be checked for compliance with Special Order 89-11. Any case which is found not to be in compliance shall be refused by the Property Room officer on duty. The officer bringing said items to the Property Room shall be made aware of the deficiency.

The Property Room officer shall then bring the matter to the attention of the Property Room supervisor, who shall determine if any other action is necessary.

TOLEDO POLICE DIVISION INTERNAL CONTROL POLICY  
LAW ENFORCEMENT TRUST FUND

The following is an excerpt from the Toledo Police Division Manual. It is the official policy statement concerning property that comes into Division custody:

PROPERTY. The Division will safeguard and properly dispose of all property which comes into its custody. The Division strives to maintain property in the same condition as received and to preserve the evidentiary integrity of property which has been received for possible court presentation. Unless property is contraband, or must be presented in court, every reasonable effort will be made to ensure its return to the rightful owner. Property that cannot be returned to the rightful owner will be disposed of by public auction, (Court Order), statutory provisions, or, in the case of certain contraband, by destroying it.

- Division Manual Section 1/740

The Police Division, in accordance with the above policy, has established written procedures which are consistent with the goals of the Division's Policy and Municipal Ordinances of the City of Toledo, (See Attachments).

Generally, any property that has been lost, stolen, abandoned, or seized shall be kept securely in the Property Room until it is no longer needed as evidence. Property that can be returned to the rightful owner shall be returned promptly. Other property that cannot be returned, either because it is contraband, or because the rightful owner cannot be located, shall be disposed of in accordance with the Toledo Municipal Code, (T.M.C.).

T.M.C. Section 501.14 states that property that is lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited, shall be safely kept pending that time when the property may be disposed of pursuant to Section 501.14. If the property cannot be returned to the lawful owner, it may be sold at public auction or used by the City of Toledo. Twenty-five percent of the proceeds of any such auction are to be deposited into the Citizens reward program pursuant to O.R.C. Section 2933.41. All remaining proceeds are to be deposited into the General Fund of the City of Toledo.

General Fund expenditures are made by City Council through Ordinances and are recorded by the Finance Department. Questions regarding General Fund expenditures should be directed to the Commissioner of Purchases and Supplies.

## LAW ENFORCEMENT TRUST FUND

City of Toledo Municipal Ordinance 229-88 authorizes the Division of Police to seek forfeiture of contraband, under the provisions of O.R.C. 2933.43 and establishes the Law Enforcement Trust Fund.

The Forfeiture Unit of the Toledo Division of Police is responsible for processing cases wherein contraband is seized and forfeiture action is sought. The Forfeiture Unit shall maintain records of the property subject to forfeiture. These records shall include the following:

- The date the property came into the Division's custody,
- The manner in which the property was disposed of,
- The date of disposition,
- The name of the person who received the property (if sold),

The Forfeiture Unit is also responsible for maintaining the records of deposits into the Law Enforcement Trust Fund. These deposits are generated from the sale of forfeited property or forfeited monies.

The proceeds of forfeited contraband and forfeited monies shall be applied in the following manner, as stipulated in Section 2933.43 of the Ohio Revised Code:

First, for the payment of costs incurred in connection with the seizure of, storage of, maintenance of, and provision of securing for the contraband, the forfeiture proceeding, and if any, the sale of forfeited items.

Second, for the payment of the balance due on any security interest.

Third, to the Law Enforcement Trust Fund of the prosecutor and Police Division, (pursuant to their agreement).

## EXPENDITURE OF LAW ENFORCEMENT TRUST FUND MONIES

Law Enforcement Trust Funds are to be expended in the following manner:

To be used to pay the cost of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, in the support of D.A.R.E. programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, or for such other law enforcement purposes that the legislative authority determines to be appropriate.

Section 2933.43 of the Ohio Revised Code also states that Law Enforcement Trust Funds, "shall not be used to meet the operating costs of ...any political subdivision... that are not related to law enforcement."

## REPORTING REQUIREMENTS

### LOCAL REPORT

Following the year any forfeited monies are received and expended, the Toledo Police Division shall file a report with the legislative authority of the City of Toledo, no later than the thirty-first day of January of the next calendar year. This report shall verify that the proceeds and forfeited money were expended only for the purposes authorized and specifying the amounts expended for each authorized purpose. The report shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

### STATE REPORT

The Toledo Police Division shall also prepare a report covering the previous calendar year that cumulates all of the information contained in all of the public financial records pursuant to O.R.C. 2933.43 (D)(3)(a). and shall send a copy of the cumulative report no later than the first day of March in the calendar following the calendar year covered by the report, to the Office of the Attorney General of the State of Ohio. The report shall list the types of expenditures made from the proceeds and Forfeited monies, and the specific amount of each general type of expenditure. The report shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

### REPORT TO THE CHIEF OF POLICE

On or before January thirty-first of the year following the year in which forfeited monies or proceeds have been deposited into the L.E.T.F. as a result of state prosecution, the Chief of Police shall be provided written notice by the Commander of the Forfeiture Unit of the amount of money to be allocated to Community Preventive Education Programs. These funds originate from 10%\* of the first \$100,000.00 and 20% of the proceeds and forfeited money exceeding \$100,000.00 which is deposited into the L.E.T.F. as a result from State prosecution.

The manner in which the above funds are used shall be determined by the Chief of Police or his designee after the receipt and consideration of advice on appropriate community preventive education programs from the County's Board of Alcohol Drug Addiction and Mental Health Services, or through appropriate community dialogue.

"Community Preventive Education Programs" includes, but is not limited to D.A.R.E. programs and other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse.

\* Per Chief Felker the 10% will be raised to 20% of all State Forfeiture awards. (eff. 1-1-92).

AGREEMENT BETWEEN THE CITY OF TOLEDO  
AND  
THE LUCAS COUNTY PROSECUTOR

This Agreement is made and entered into by and between the City of Toledo (hereinafter referred to as "City") and the Lucas County Prosecutor (hereinafter referred to as "Prosecutor"), this \_\_\_\_\_ day of July, 1988.

WHEREAS, the Council of the City of Toledo, on June 28, 1988 passed Ordinance No. 608-88 authorizing the City to enter into an agreement with the Lucas County Prosecutor for the purpose of providing a distribution formula for the proceeds of forfeited contraband pursuant to Ohio Revised Code Section 2933.43(e) and for the purpose of providing a distribution for the mandatory fine provision found in Ohio Revised Code Section 2925.03(j), and

WHEREAS, it has been determined that it is in the best interest of the City, specifically its Toledo Police Division, to enter into this agreement with the Lucas County Prosecutor, NOW, THEREFORE,

Be it resolved that the City of Toledo and the Lucas County Prosecutor, in consideration of the mutual covenants and valuable consideration herein set forth agree as follows:

**SECTION 1.** For purposes of adhering to Ohio Revised Code Section 2933.43, the parties agree that the proceeds of the sale of contraband forfeited pursuant to law shall be disposed of in the following order found in O.R.C. 2933.43(D):

(1) To the payment of the costs incurred in the forfeiture proceedings;

(2) To the payment of the balance due on any security interest preserved pursuant to division (C) of this section;

(3) To the payment of any costs incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of the property;

(4) To the law enforcement trust fund of the political subdivision whose agency made the seizure.

For purposes of subsection (4) above, and pursuant to the request of the Prosecutor, the City agrees to distribute thirty percent (30%) of proceeds to the Lucas County Law Enforcement Trust Fund, the remainder seventy percent (70%) to the Toledo Police Law Enforcement Trust Fund.

**SECTION 2.** Both parties agree that the funds distributed to the parties respective law enforcement trust funds shall be used for the sole

purposes provided in O.R.C. 2933.43(D)(4) which states as follows:

The fund shall be expended only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, or for such other law enforcement purposes that the commissioners or legislative authority determines to be appropriate. The fund shall not be used to meet the operating costs of the subdivision that are unrelated to law enforcement.

**SECTION 3.** For purposes of Ohio Revised Code Section 2925.03(j), which states as follows:

"(j) Any mandatory fine imposed pursuant to this section shall be paid to the law enforcement agencies in this state that were primarily responsible for or involved in making the arrest of, and in prosecuting, the offender. The mandatory fines shall be used to subsidize each agency's law enforcement efforts that pertain to drug offenses. Any additional fine imposed pursuant to division (I) of this section shall be disbursed as otherwise provided by law." (Emphasis supplied)

Both parties agree that the Prosecutor shall receive thirty percent (30%) of the fine monies collected pursuant to this section, the remaining seventy percent (70%) to be distributed to the Toledo Police Division, in accordance with state law.

**SECTION 4.** The term of this agreement shall be for one (1) year commencing July 1, 1988 and terminating on July 1, 1989. It is agreed that at the termination of this agreement, the City and the Prosecutor will make a good faith effort to negotiate a subsequent agreement for the equitable distribution of funds referred in this agreement.

**SECTION 5.** In the event that either party fails to perform any obligation or comply with any conditions imposed upon it by this agreement, the complaining party may give the defaulting party written notice the complaining party will terminate the agreement unless the defaulting party cures the defect or gives reasonable evidence to the complaining party that it is not in default within thirty (30) days after the date of notice. If such default is not cured or such evidence is not produced within such thirty (30) day period, the complaining party may give notice to the defaulting party that the complaining party had elected to terminate the agreement. The effective date of the termination shall be the date the complaining party mails the second notice.

**SECTION 6.** Any notice permitted or required to be given under this agreement shall be sufficiently deposited in the U.S. Mail, postage prepaid, and addressed to Philip A. Hawkey, City Manager, One Government Center, Suite 2220, Toledo, Ohio (43604-2293), with carbon copy to Marti D. Felker, Chief,



Toledo Police Division, 525 North Erie Street, Toledo, Ohio (43624). and to Anthony G. Pizza, Lucas County Prosecutor, Lucas County Courthouse, Toledo, Ohio (43624), with carbon copy to Curt Posner, Chief Assistant, Lucas County Courthouse, Toledo, Ohio (43624).

SECTION 7. In the event that any provision, clause, sentence or paragraph within this agreement shall be held to be unlawful, or invalid by subsequent case law, statutory amendment or otherwise, such invalidity shall not effect the other provisions.

IN WITNESS WHEREOF, the parties hereto by their respective officers duly authorized in the premise, have signed this agreement on the date set forth below.

CITY OF TOLEDO, OHIO

By Thomas P. Hoover - act  
Philip A. Hawkey, City Manager

Date: 7-13-88

APPROVED AS TO CONTENT:

Raymond J. Norris  
Raymond J. Norris, Director  
of Public Safety

Marti D. Felker  
Marti D. Felker, Chief of  
Police

APPROVED AS TO FORM:

Sheldon M. Rosen  
Sheldon M. Rosen, Director  
of Law

LUCAS COUNTY PROSECUTOR

By Anthony G. Pizza  
Anthony G. Pizza, Lucas County  
Prosecutor

Date: July 7 1988

APPROVED AS TO FORM:

Anthony G. Pizza  
Lucas County Prosecutor

**NOTICE OF PROPERTY SEIZURE**

The Toledo Police Division has property seized by Law Enforcement Officers pursuant to Section 2933.43, Ohio Revised Code. The property is described as follows:

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As the registered/titled owner of the property, you have certain rights pertaining to the disposition of the property.

You will be notified of the date, time and place of court hearings scheduled for the disposition of the property.

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**ACKNOWLEDGEMENT OF NOTICE OF PROPERTY SEIZURE**

The above Notice of Property Seizure has been communicated to me. I hereby acknowledge receipt of a copy of this notice and my signing is not an admission of guilt.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

---

The above Notice of Property Seizure has been communicated to

\_\_\_\_\_ on this \_\_\_\_\_ day of

\_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Officer's Name

\_\_\_\_\_  
Date

*White to Forfeiture Unit  
Pink to Investigative Services  
Yellow to Owner*

**TPD 23.14**

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

IN RE: Forfeiture of

\* Case No.  
\* MD.  
\* JUDGE

STATE OF OHIO,

VS.

\* Anthony G. Pizza  
\* Prosecuting Attorney  
\* By: Eric W. Slack  
\* Assistant Prosecuting Attorney  
\* Lucas County Court House  
\* Toledo, Ohio 43624  
\* Phone: (419) 245-4700

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PETITION FOR FORFEITURE

Anthony G. Pizza, Prosecuting Attorney, Lucas County, Ohio, brings this civil action for forfeiture to the State of personal property located in Lucas County, Ohio, pursuant to Ohio Revised Code Sections 2933.41, et seq., and alleges:

1. This is an action for forfeiture of personal property used in the course of, or intended for use in the course of the commission of a criminal offense and in violation of the Ohio Revised Code Section 2933.41 et. seq.

2. This court has jurisdiction under Ohio Revised Code Section 2933.43.

3. Anthony G. Pizza, as Prosecuting Attorney, Lucas County, Ohio, is authorized to bring this action by Ohio Revised Code Section 2933.43.

4. The property sought to be forfeited to the State of Ohio, subject to any existing liens duly established in this cause, is described as follows:

5. The above described property or vehicle was in the possession of \_\_\_\_\_, affirmed by the attached \_\_\_\_\_.

6. The property described in paragraph 4 above was seized by the Toledo Police Division on or about the \_\_\_th day of \_\_\_\_\_ 19\_\_\_, pursuant to the authority of the Ohio Revised Code Section 2933.41 et seq.

7. The property described in paragraph 4 above is forfeitable property as defined in Ohio Revised Code Section 2933.43, in that it was used or intended to be used or derived from the  
commission of an offense or offenses, to wit:  
\_\_\_\_\_  
\_\_\_\_\_.

8. The contraband described in paragraph 4 above was possessed, concealed or transported by \_\_\_\_\_.

WHEREFORE, the petitioner requests that the Court order forfeiture of the contraband to the Toledo Police Division.

Respectfully submitted,

ANTHONY G. PIZZA, PROSECUTING  
ATTORNEY, LUCAS COUNTY, OHIO

By: \_\_\_\_\_

WITNESS LIST

State vs. \_\_\_\_\_

Trial Date \_\_\_\_\_ R.S. # \_\_\_\_\_

Courtroom # \_\_\_\_\_

Prosecutor \_\_\_\_\_

Case Involving: \_\_\_\_\_

WITNESSES

ADDRESS

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_

Special Subpoena Instructions: \_\_\_\_\_

\_\_\_\_\_

Date Issued: \_\_\_\_\_

IN THE MUNICIPAL COURT OF TOLEDO  
LUCAS COUNTY, OHIO

IN RE:

\*

CASE NO.

\*

JUDGE

\*

PETITION FOR FORFEITURE/  
ABANDONMENT OF PERSONAL

\*

PROPERTY AND MILITARY AFFIDAVIT

CITY OF TOLEDO  
REGIONAL JUSTICE CENTER  
555 NORTH ERIE STREET  
TOLEDO, OHIO 43624

\*

DAVID L. TOSKA (8928)

\*

Assistant Prosecuting Attorney  
City of Toledo

\*

555 North Erie Street

\*

Toledo, Ohio 43624

\*

(419) 245-1975

PETITIONER,

-VS-

\*

\*

RESPONDENT.

---

Now comes the City of Toledo, by and through its attorney, David L. Toska, Assistant Prosecuting Attorney, and petitions this Court for forfeiture of certain personal property to the City of Toledo, pursuant to Ohio Revised Code Section 2933.41, et seq., and in support of its petition states:

1. This Court has jurisdiction pursuant to Ohio Revised Code Section 2933.41 (D).

2. The property sought to be forfeited to the City of Toledo is described as follows: [ ].

3. The above described property was the subject, or was used in a conspiracy or attempt to commit, or in the commission, of an offense other than a traffic offense and the respondent, [ ], is a conspirator, accomplice, or offender with respect to this offense.

4. The above described property was lawfully seized by the Toledo Police Division on or about [ ] and held pursuant to Ohio Revised Code Section 2933.41, et seq.

5. The respondent, [ ], is the owner of the aforesaid property.

6. The respondent loses any right [ he she ] may have to possession of the of the aforesaid property pursuant to Ohio Revised Code Section 2933.41 (C)(1).

7. While in its possession, the petitioner has maintained an accurate record of the aforesaid property.

8. The petitioner has made a reasonable effort to locate and notify the respondent prior to the filing of this petition.

9. The respondent has abandoned the aforesaid property; therefore it should be disposed of pursuant to Ohio Revised Code Section 2933.41 (D).

WHEREFORE, the petitioner requests that the Court order the aforesaid property forfeited to the City of Toledo.

Respectfully submitted,

---

DAVID L. TOSKA  
Assistant Prosecuting Attorney  
Attorney for Petitioner

INDEMNITY AGREEMENT

Record Section Number: \_\_\_\_\_ Seizure File Number: \_\_\_\_\_

This agreement is made between \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title and Firm Name, if Applicable) (Address)

and the Toledo, Ohio Police Division.

This agreement is made in consideration of the return of \_\_\_\_\_  
(Description of Property)

registered to/owned by \_\_\_\_\_  
(Name and Address)

which was seized in the course of a criminal or civil investigation and for other consideration,

the receipt of which is hereby acknowledged. \_\_\_\_\_  
(Firm or Person Involved)

being the \_\_\_\_\_ of the property as evidenced by a  
(Type of Interest)

\_\_\_\_\_ dated \_\_\_\_\_  
(Title, Registration, Contract, Note, etc.)

It is hereby agreed to unconditionally release and hold harmless the Toledo, Ohio Police Division, its officers, and agents, from any and all claims, demands, damages, causes of actions or suits, of whatever kind and description, and wheresoever situated, that might now exist by reason of or growing out of or affecting, directly, or indirectly, the seizure or the return of the above described property.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Signature and Date of Person Executing

\_\_\_\_\_  
Signature of Forfeiture Unit Officer



A F F I D A V I T

(O.R.C. 2933.43)

STATE OF OHIO  
COUNTY OF LUCAS  
CITY OF TOLEDO

Affiant being first duly sworn, deposes and says:

1. That the property in the possession of the Toledo Police  
Division, to wit: \_\_\_\_\_

\_\_\_\_\_

is property that affiant personally owns.

2. That affiant did not know the intended use of said property as  
used by \_\_\_\_\_

To wit: \_\_\_\_\_

3. That the affiant neither gave, expressed nor implied consent  
to the above stated use of the property.

(signed) \_\_\_\_\_

Sworn to before me and subscribed in my presence this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

# CITY OF TOLEDO OHIO



## DIVISION OF POLICE

PHILIP A. HAWKEY  
City Manager

Safety Building  
525 N. Erie Street  
Toledo, OH 43624-1345

MARTI D. FELKER  
Chief of Police  
LEADS OH6486706

RAYMOND J. NORRIS  
Safety Director  
Commissioner - Traffic Engineering

\_\_\_\_\_  
(Date)

MAKE OF AUTO \_\_\_\_\_ YEAR \_\_\_\_\_ VIN \_\_\_\_\_  
REGISTERED OWNER \_\_\_\_\_ ADDRESS \_\_\_\_\_

### TO WHOM IT MAY CONCERN:

Please release to our Agent, \_\_\_\_\_, the above vehicle,  
which we are the lienholder of record. This car is now at \_\_\_\_\_  
(Tow Company), located at \_\_\_\_\_

in Toledo, Ohio, under a holder from the Police Division. We request  
that you release the holder and we agree to indemnify and save you  
harmless from and against any and all claims, damages, losses, and  
actions, resulting from the release of this vehicle to the lienholder,  
\_\_\_\_\_. We also agree to pay the towing and sto-  
rage charges to date.

\_\_\_\_\_  
(Lienholder)

By: \_\_\_\_\_  
(Capacity and Signature)

I, \_\_\_\_\_, appearing as the Agent for \_\_\_\_\_  
(Lienholder) of \_\_\_\_\_, do hereby  
swear that I have full intention of repossessing the above listed  
vehicle.

\_\_\_\_\_  
(Agent's Signature)

\_\_\_\_\_  
(NOTARY SIGNATURE)

\_\_\_\_\_  
(Auto Clerk)