


HVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
Issue Date February 2021	Review Date February 2022	Directive Number 3.5.5
Accreditation Index:		Rescinds: Directive 3.5.5 of November 2019
Section: Three – Staff Support Responsibilities		Chapter: Five – Evidence Handling
Chief of Police: <i>John F. Viola</i>		

SUBJECT: FORFEITURE OF SEIZED VEHICLES AND PROPERTY

I. PURPOSE

The purpose of this directive is to provide police officers with guidelines for the forfeiture process of vehicles and property seized relative to violations of Act 64, the Drug, Device and Cosmetic Act.

II. POLICY

It shall be the policy of this Department that officers who seize and impound any motor vehicle or property for forfeiture purposes will be required to follow the guidelines as adapted by the Office of the District Attorney of Delaware County, the procedures outlined in Directive 1.2.3 Search Warrants, Directive 3.5.2 Evidence Control, Directive 3.5.4 Inventory of Vehicles, and procedures established by this Directive.

III. DEFINITIONS

- A. Title 42 - Judiciary and Judicial Procedure, Chapter 6801 - Controlled Substances Forfeitures which establishes the right to seize motor vehicles and property (including private homes) when:
- 1) controlled substances are seized there from
 - 2) the Common Pleas Court finds that the drugs were present in the vehicle or home with the knowledge and consent of the owner.

- B. Vehicle forfeitures shall meet the following criteria:
 - 1. The vehicle was used in the transportation or delivery of a controlled substance, and
 - 2. The motor vehicle appears to be of some economic value.

IV. PROCEDURES

- A. When a vehicle is seized for forfeiture, an immediate inventory should be made of the contents of the vehicle. This inventory should be conducted before the vehicle is towed or before intervention by a tow truck operator.

In the event of inclement weather, unsafe conditions, or when it is not prudent to inventory a vehicle on a highway, the vehicle may be towed to a dry garage, while continually being monitored by a police officer, where the inventory will then be conducted. Supervisors shall make the decision as to the movement of the vehicle for inventory purposes.

- B. All evidence (criminal and forfeiture) shall be handled in accordance with Directive 3.5.2 Evidence Control, and turned over to the evidence custodian or placed in an evidence locker.
- C. Controlled substances must be tagged, placed in drug evidence packaging and logged in the PSP Prelog program. Items will be turned over to the evidence custodian or placed in an evidence locker.
- D. All personal property inside the vehicle not marked as evidence and not able to be returned to defendant or their representative should be removed and stored at the Police Department until it may be returned.
- E. Officer completing the inventory will complete a Haverford Township Police Vehicle Seizure Report (County Tow Vehicle Forfeiture Form). Officer will ensure a completed copy of this form is placed on the front seat of the vehicle before the vehicle is towed to the Fair Acres Complex.

V. RESPONSIBILITIES

- A. Seizing Officer Responsibilities
 - 1. Ensure complete inventory of vehicle.
 - 2. Ensure proper preparation of evidence to be forwarded to the lab for processing and all other evidence entered into the Departments evidence control system as outlined in Directive 3.5.2.
 - 3. Ensure the return to headquarters of all personal property not seized as evidence. Record all information on an Evidence and Property

Chain of Custody Form. Place in a secure place until released to the defendant or their representative.

4. Ensure completion of Haverford Township Police Department Vehicle Seizure Report (County Tow Vehicle Forfeiture Form) ensuring one-copy remains on the front seat of the seized vehicle.
5. Follow instructions established by the Delaware County District Attorney's Office for towing of the vehicle to the designated pound and the follow-up notification to the District Attorney's Forfeiture Clerk.

B. Detective Responsibilities

1. In all cases when a vehicle or property is seized for forfeiture the detective on duty or the on-call detective will be called to the scene to assist with:
 - a. preparing the search warrant, or consent search form;
 - b. the search of the vehicle;
 - c. processing and/or photos when necessary.

C. Supervisor Responsibilities

1. Shall make the final determination to seize a vehicle and/or property for forfeiture purposes.
2. Shall authorize the notification of the on-call Detective to report to the scene to assist in the processing of the vehicle.
3. Shall make the determination as to the removal of a seized vehicle from the highway to a more practical location to facilitate the proper inventory of that vehicle, ensuring the safety of officers involved and restricting any damage to the vehicle due to prevailing weather conditions.

BY ORDER OF THE CHIEF OF POLICE