



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 15486

Proposed No. 2019-0243.1

Sponsors Gossett

1 A MOTION acknowledging receipt of a report on sheriff's
2 office asset forfeiture policies and procedures, in
3 compliance with the 2019-2020 Biennial Budget
4 Ordinance, Ordinance 18835, Section 22, Proviso P1.

5 WHEREAS, the 2019-2020 Biennial Budget Ordinance, Ordinance 18835,
6 Section 22, Proviso P1, requires the sheriff's office to transmit a report providing
7 information related to drug enforcement asset forfeitures and an accompanying motion
8 acknowledging receipt of this report, and

9 WHEREAS, the attached report includes:

- 10 1. A description of the department's policies and procedures regarding drug
11 enforcement asset seizures and forfeits;
- 12 2. A description of the process by which an individual may dispute a seizure and
13 have their case adjudicated in court, including any options for appeal;
- 14 3. A list detailing the total number of drug enforcement related asset seizure
15 cases since January 1, 2016, which were adjudicated and where the sheriff's office
16 prevailed; and
- 17 4. The value and description of all assets and property seized by the sheriff's
18 office related to drug enforcement activities since January 1, 2016;

19 NOW, THEREFORE, BE IT MOVED by the Council of King County:

20 The receipt of the report describing the policies and procedures regarding the
21 sheriff's office drug enforcement asset seizures and forfeits in compliance with the 2019-
22 2020 Biennial Budget Ordinance, Ordinance 18835, Section 22, Proviso P1, which is
23 Attachment A to this motion, is hereby acknowledged.
24

Motion 15486 was introduced on 7/10/2019 and passed by the Metropolitan King
County Council on 8/21/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

Attachments: A. Description of Sheriff's Office Asset Forfeiture Policies and Procedures



KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

Mitzi G. Johanknecht
Sheriff

May 31, 2019

The Honorable Rod Dembowski
Chair, King County Council
Room 1200
King County Courthouse

Re: Ordinance 18835, Section 22, Proviso 1

Dear Councilmember Dembowski,

The following drug enforcement forfeiture information is submitted in accordance with 2019-2020 Biennial Budget, Ordinance No.18835, Section 22, Proviso 1. Our Criminal Investigation Division Chief has collaborated with his Asset Forfeiture Unit to create the following response to Council's proviso. This report will respond to and address the direction from King County Council as adopted by ordinance:

Of this appropriation, \$200,000 shall not be expended or encumbered until the Sheriff transmits a report providing information related to drug enforcement asset forfeitures and a motion that should acknowledge receipt of the report and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion, and a motion acknowledging receipt of a report is passed by the council.

The proviso directs the Sheriff to respond to specific questions, but not be limited to:

- A. A description of all Sheriff's Office policies and procedures regarding drug enforcement asset seizures and forfeits;
- B. A description of the process by which an individual may dispute a seizure and have their case adjudicated in court, including any options for appeal;
- C. A list detailing the total number of drug enforcement related asset seizure cases since January 1, 2016 which were adjudicated and where the sheriff's office prevailed; and
- D. The value and description of all assets and property seized by the sheriff's office related to drug enforcement activities since January 1, 2016.

Asset Forfeiture Unit (AFU) Staffing and Mission

Staffing for the AFU consists of one (1) detective, one (1) paralegal, one (1) prosecutor for case development, and support from an accountant in our Budget & Accounting Unit and one (1) supervisor.

The mission of the AFU is to dismantle the criminal enterprises which reduce the quality of life in neighborhoods and communities throughout King County. By interrupting or stopping the flow of money we believe that we can disrupt the acquisition of resources and ultimately stop the expansion of their criminal endeavors.

Investigations are referred to AFU in many forms, but most often they are developed at our precinct level from residents living in these communities. Our philosophical approach to conspiracy/complex/organized based cases is always conservative. The bulk of the workload in our unit is investigating organized crime and the symptoms affecting neighborhoods via car prowls and burglaries.

Governing Policies, Procedures and Standard Operating Procedures (SOP)

The KCSO General Order Manual (GOM, attachment 1) includes sections on the policies and procedures governing asset forfeitures. The GOM provides that, "mere possession for personal use is not a basis for a seizure of any real or personal property". GOM 17.09.030. Seizure must be pursuant to a felony crime. Among other things, controlled substances, money furnished in exchange for controlled substances, and property used for manufacturing controlled substances are all subject to seizure. Marijuana possession however, does not result in forfeiture of property unless it is possessed for commercial purposes unlawful under Washington state law.

The GOM also specifies the conditions under which property such as a vehicle may be seized. Personal property may be seized following a court order or in connection with an arrest or search warrant. To be seized, a vehicle must have fewer than 75,000 miles, a fair market value of at least \$5,000, and be no more than five years old.

Finally, the GOM lists the conditions under which real and personal property may be seized, and the procedures for asset forfeiture hearings and appeals. It is important to note that even after property is seized, there are processes available to challenge the seizure and to release the assets to those who have a legal interest in the property.

Governing State and Federal Laws

The following state laws govern asset forfeiture:

Revised Code of Washington

- RCW 69.50.505 *Violation of Uniform Controlled Substance Act (VUCSA)*
- RCW 9A.82.010 *Criminal Profiteering*
- RCW 9A.83.030 *Money Laundering*
- RCW 9A.88.150 *Children Sexually Abusive Materials (CSAM) & Promoting Prostitution 1st*
- RCW 10.105.010 *Felony Forfeiture*

Standard Operating Procedures APPENDIX A-14

It is not the intent of the Sheriff's Office to utilize asset seizure laws to supplement budgetary needs. Assets should not be seized unless the seizing officer believes there is a reasonable probability that criminal charges will be filed.

KCSO officers should not seize items such as electronic games, TV's, refrigerators cell phones, stereos or other similar items unless prior approval has been received from their supervisor.

Seizure Procedures

Vehicle Seizure

Upon seizure, the seizing officer will immediately complete a thorough inventory and search for hidden contraband. All unattached personal property will be returned to the owner. The officer should also note the mileage on the seizure form and drive the vehicle to a secure location, complete a Notice of Seizure and Intended Forfeiture, being very careful to list the registered owner, legal owner, driver or other interested persons, and whenever possible, complete a personal service on the person arrested or from whom the vehicle was seized.

Personal Property Seizure

The seizing detective is responsible for immediately completing a Notice of Seizure and Intended Forfeiture for the property owner. The property, including money, should then be sent to the Property Management Unit (PMU). The original seizure notice and a copy of the case file should be sent to the AFU by the next work day. The AFU paralegal will maintain a file folder for each case where vehicles or property are seized and coordinate with Budget and Accounting, and the PMU.

Seizure Hearings

Upon receipt of Notice of Hearing from the Asset Forfeiture Unit, the detective(s) responsible for the seizure shall assemble such data as is necessary and appear with it at the hearing. Once a signed copy of an order of forfeiture is received, the paralegal will initiate the transfer of vehicle registration through the PMU. When the transfer is completed the AFU will determine whether the vehicle shall be retained for official use or be sold to pay for the expenses involved in the seizure and forfeiture.

Federal Seizures

The Federal seizure process is completed through a DAG submission. This process is governed by a DOJ/USMS board wherein all involved investigative groups submit a description of their involvement and the board determines and awards a distribution percentage based upon a group's level of involvement.

The following is a summary of permissible and impermissible uses of shared funds as defined by the Department of Justice:

Permissible (DOJ guide V-b)

- Informant payments/citizen tip hotlines
- Training for commissioned/prosecutors or to host training
- Law Enforcement facilities/equipment
- Community awareness programs
- Law Enforcement memorials and awards
- Salary match with state funds for TFO/SRO/Accounting FTE's. Must be adds
- Overtime for Law Enforcement involved in investigations.
- Language translation or assistance.

Impermissible (DOJ guide V-B)

- In support of any money laundering cases
- Not for non-Law Enforcement activities or groups
- Political campaigns or fundraisers
- No salary for already established positions –Supplanting
- Purchase of food/drinks/social events—hospitality suites
- Supplant any petty cash accounts
- Lawsuits settlements or attorney fees

Personal Property Seizures (Timelines)

Once property is seized, KCSO must notify the owner within 15 days. The owner has 45 days from the date of notice to file a claim for the property. If no claim is made, the property defaults to KCSO. If a claim is made, a hearing must be set within 90 days. Once a judgement is made, the owner can appeal the decision or accept it. If there is no appeal, the judgement becomes final.

The Innocent Owner Defense

All seizures require proof of knowledge of illegal activity by the owner of the item seized. The burden is on us. KCSO cannot take property and then demand that owner prove that it was obtained lawfully. KCSO must prove that the owner had actual knowledge of wrong doing. Claiming that they should have known is not enough.

Use of seized funds or property

Property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources. The agency may also retain proceeds after restitution is paid in the case of felony forfeiture.

Seizure Accounts

Seized property may be retained for official use for drug/money laundering/felony forfeiture investigations. Net proceeds can be used for the expansion and improvement of VUCSA investigations and units. Net proceeds can also be used for nexus training, and drug/money

laundering/felony forfeiture investigations. It cannot supplant pre-existing funding and cannot fund accreditation.

Forfeiture Case Summaries

Attached are a few examples of case summaries that were requested by Council related to this proviso. These summaries illustrate the complexity of the seized asset cases we see and demonstrate our focus on larger complex investigations as well as acting quickly to protect innocent individuals from loss of property.

Summary #1: Dismissal and Return of Money

Case #: 18-052081 (City of Burien)

Items Seized: \$1,880.00 U.S. Currency

Facts

Claimant entered federal building in Burien. Upon entry an administrative search was conducted for firearms and explosives. While searching the bag, suspected cocaine was found including methamphetamines (field test +), crack cocaine (field test +), scale and glass pipe. Additionally, \$1,880 was located in the front pocket of her pants. Bills were in one large roll separated by denomination. She stated she was unemployed and the money was going to be sent to family in Vietnam. Suspect was placed under arrest by Federal officers. Federal officers contacted Burien for assistance. Burien patrol officers arrived on scene and assisted processing the narcotics and other evidence. Cash was seized by patrol and forwarded to the asset forfeiture unit.

Result

Seizure by patrol did not meet KCSO's standards for seizure as it was not linked to a larger conspiracy. Seizure was dismissed at the request of KCSO and money returned.

Summary #2: Default Judgment & Dismissal

Case #: 17-029529 (Pct. 3 / City of Covington)

Items Seized: 2010 Mazda 3 and 1966 Chevrolet Malibu

Facts

Detectives served a SW on a vehicle as a result of an unrelated investigation and recovered 7g of Heroin and Methamphetamine. S/Farkas was identified as the driver and person in control of the vehicle prior to it being impounded. Information provided to detectives was that S/Farkas regularly sold narcotics. Follow-up detectives obtained S/Farkas' phone # that he used to conduct narcotics transactions and reached out to him in an undercover capacity to purchase narcotics. S/Farkas referred detectives to S/Price. A series of controlled buys was then conducted by an undercover officer.

Buy #1 – UC detective purchased heroin from S/Price, who arrived and conducted the deal from his Mazda. Price was short on narcotics and unable to provide the agreed upon amount. S/Farkas reached out to the UC detective and made arrangements to provide the rest of the narcotics indicating

that S/Price did all the deliveries. Surveillance of S/Price and the Mazda was conducted after the buy and detectives witnessed S/Price making deliveries to additional individuals. S/Price then returned and provided the UC detective with additional narcotics before being followed home. Buy #2 – UC detective purchased heroin from S/Price, who again arrived and conducted the deal from his Mazda. A search warrant was obtained for S/Price, his vehicle and his home pursuant to the investigation.

Prior to service of the search warrant, detectives arranged another buy of heroin through S/Farkas. S/Farkas sent S/Huffman to deliver the narcotics, rather than S/Price. S/Huffman arrived in and conducted the transaction from his Chevy Malibu. After the delivery S/Huffman was arrested. S/Huffman had packaging materials and narcotics on his person. He cooperated with law enforcement, providing his phone to detectives to review. Upon review the detective found texts indicating that S/Huffman was going into business with S/Farkas to deliver heroin while selling items on the dark web on the side.

Result

Malibu: S/Huffman was provided notice of the seizure of the Malibu. He did not file a claim. The vehicle was defaulted and forfeited to KCSO.

Mazda: A claim was received from Alexa Price (the suspect's wife and registered owner of the vehicle). Seizure was dismissed at the request of KCSO and the vehicle was returned to Mrs. Price.

Summary #3: Negotiated Settlement

Case #: 18-015739 (Pct 4 / Burien PD)

Items Seized: 2006 Lexus, 2016 Chevy Silverado, Items of personal property (jewelry, gold, etc.), and cash (\$806 / \$29,900 / \$2,980 / \$217 / \$2,920 / \$667 / \$12,000 / \$7,400 / \$11,000 / \$99,900 / \$12,900 / \$500 / \$40,000 / \$14,767)

Facts

This was a long term investigation (approximately 6 months) into a drug trafficking organization that was trafficking primarily methamphetamine. The case began when a confidential source provided law enforcement with information about a subject involved in the trafficking of narcotics. Detectives got involved and a controlled buy was conducted from the suspect. Surveillance at the suspect's residence resulted in the identification of numerous additional suspects that were involved. Over an approximate 6 month period detectives conducted extensive amounts of physical surveillance, obtained warrants for vehicle trackers and identified locations where narcotics were being stored and or sold from. A check of the involved individuals showed that many of them had past criminal history for trafficking narcotics and none of them had any documented sources of income or employment.

The investigation resulted in the issuance of search warrants for six (6) residences, four (4) vehicles and a safe deposit box. Items recovered include all of the seized items along with firearms, cocaine, methamphetamine (approx. 3lbs), heroin (approx. ½ lb.) narcotics related equipment and packaging materials and a money counter.

Result

2016 Chevy Silverado: A claim was not received for the Silverado. The owner was behind on payments so the vehicle was returned to the legal owner/finance company.

All other items: This was a negotiated settlement with the claimants' attorney. The claimants', through their attorney, contacted KCSO and asked for a quick settlement. \$27,920 (\$25,000 + \$2,920 for which there was a legitimate explanation for) was returned to the claimants along with the items of personal property (jewelry, gold, etc.) The vehicle and remaining currency was forfeited to KCSO. This settlement reflected a 10% return offer that was rounded up slightly pursuant to negotiations.

Asset Forfeiture Cases Since 2016

The tables on the following pages reflect the status of cases as of the date this data was drawn from the asset forfeiture database. There have been updates in the status of several cases that may not be reflected here.

2016 ASSET FORFEITURE CASES

	A	B	C	D	E	F
1	CASE NUMBER	TOTAL QUANTITY SEIZED	TOTAL CURRENCY FORFEITED	PERSONAL PROPERTY SEIZED	PERSONAL PROPERTY VALUE	DISPOSITION
2	16-001930	162.00	162.00	0	0	Forfeiture
3	16-001980	1,372.00	1,372.00	0	0	Forfeiture
4	16-002812	658.00	658.00	0	0	Forfeiture
5	16-003199	21,863.00	21,863.00	lanc, laptop, phone, camera, ezimzar,	pending auction	Forfeiture
6	16-003226	501.00	501.00	0	0	Forfeiture
7	16-004067					
8	16-004261	1,145.00	1,145.00	0	0	Forfeiture
9	16-004318	16,740.00	16,740.00	0	0	Forfeiture
10	16-004754	877.00	877.00	0	0	Forfeiture
11	16-005593	419.00	419.00	0	0	Forfeiture
12	16-005927	3,205.00	3,205.00	0	0	Forfeiture
13	16-006278	7,516.00	7,516.00	0	0	Forfeiture
14	16-011573	8,193.00	8,193.00	0	0	Forfeiture
15	16-012141	356.00	356.00	0	0	Forfeiture
16	16-012559	1,050.00	1,050.00	0	0	Forfeiture
17	16-013533	1,277.00	1,277.00	0	0	Forfeiture
18	16-014789	-	-	2006 Volkswagen GTI	0	Dismissal
19	16-015149	9,983.00	443.00	0	0	Settlement
20	16-018088	700.00	700.00	0	0	Forfeiture
21	16-018786	7,073.00	-	0	0	Dismissal
22	16-018779	13,200.00	-	2001 Dodge Neon, 2009 Mercedes Benz	2007.55 Dodge, Mercedes returned	Settlement
23	16-018901	2,484.00	2,484.00	0	0	Forfeiture
24	16-021510	141,577.02	141,577.02	2014 Chevy Impala, 2007 Cadillac Escalade, 2008 Porsche Cayenne, 2009 Dodge Durango, 2004 Audi Quattro, 2014 Hyundai Sonata, 2005 Mercedes Maybach, 2014 Lexus LS250, 2010 Dodge Ram, 2007 Audi A8, 2013 Fiat 500, 2002 Chrysler PT Cruiser, 2007 Porsche Cayman, 2004 Ford Expedition	Escalade returned, Cayenne returned, television auctioned (no 5 yet), PT Cruiser auctioned (2247.26), Cayman returned, Expedition returned, Durango converted (4994.00), Quattro returned, A8 returned, Impala returned, Fiat returned, Audi A8 auctioned (2104.76), Lexus returned, Maybach returned, Sonata returned	Forfeiture/Dismissal
25	16-022736	612.00	612.00	0	0	Forfeiture
26	16-023031	-	-	2014 Lexus	0	Dismissal
27	16-026522	139,531.00	139,531.00	2018 Nissan Rogue	12201.50 converted value	Forfeiture
28	16-026931	2,670.00	-	2011 Toyota Tundra	0	Dismissal
29	16-028228	3,824.00	3,824.00	0	0	Forfeiture
30	16-030748	13,638.00	-	0	0	Open/pending closure
31	16-035155	37,218.72	-	0	0	OPEN
32	16-035463	1,387.00	1,387.00	0	0	Forfeiture
33	16-037050	2,429.00	0	0	0	Open/pending closure
34	16-037413	540,805.00	540,805.00	0	0	Forfeiture
35	16-040759	280.00	280.00	0	0	Forfeiture
36	16-041740	3,154.00	3,154.00	0	0	Forfeiture
37	16-044062	543.00	543.00	0	0	Forfeiture
38	16-044129	3,050.00	3,050.00	0	0	Forfeiture
39	16-044230	222,987.77	-	4 houses, Toyota Sienna	-	Open
40	16-045386	35.00	35.00	0	0	Forfeiture
41	16-045144	9,864.00	9,864.00	0	0	Forfeiture
42	16-047253	942.00	942.00	0	0	Forfeiture
43	16-047387	594.00	594.00	0	0	Forfeiture
44	16-051081	421.00	421.00	0	0	Forfeiture
45	16-051205	6,000.00	6,000.00	0	0	Forfeiture
46	16-052020	518.00	518.00	0	0	Forfeiture
47	16-052251	545.00	545.00	0	0	Forfeiture
48	16-053150	16,075.31	16,075.31	0	0	Forfeiture
49	16-053376	1,078,538.00	-	2007 Audi, 2008 Saturn Vue, 2012 Ford Focus, television, Rolex	Ford converted (4772.50 value), Audi auctioned (8003.51 value), Saturn returned (2360.50 value), television auctioned value unknown yet, Rolex auctioned value unknown yet	OPEN
50	16-055180	451.00	240.50	0	0	Settlement
51	16-055216	31,050.00	-	2000 Subaru Impreza	0	Open
52	16-056194	1,104.00	1,104.00	0	0	Forfeiture
53	16-056432	681.75	681.75	0	0	Forfeiture
54	16-057445	3,723.00	-	-	-	OPEN
55	16-058620	1,579.00	1,529.00	0	0	Forfeiture
56	16-061111	7,903.00	7,903.00	0	0	Forfeiture
57	16-061769	593.00	593.00	0	0	Forfeiture
58	16-064396	143,377.77	-	3 houses, 2016 Cadillac Escalade, 2017 Toyota Tundra, 2014 Toyota Sienna, Chinese currency, Canadian currency,	-	Open
59	16-065276	77,080.21	-	1 house	0	Open
60	16-065658	2,032.63	-	2012 Toyota	0	Dismissal
61	16-070017	21,697.00	21,697.00	2008 Nissan Titan, television	0	Settlement
62	16-2-00311-0	-	-	5. Hints	0	Dismissal
63	16-2-3-9458-6	-	-	One House	0	Settlement/Returned
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65						
66						
67						

2018 ASSET FORFEITURE CASES

A	B	C	D	E	F	
CASE NUMBER	TOTAL CURRENCY SEIZED	TOTAL CURRENCY FORFEITED	PERSON PROPERTY SEIZED	PERSONAL PROPERTY VALUE	OUTCOME	
1						
2	18-000847	515.00	0	0	OPEN	
3	18-003273	687.00	687.00	0	Forfeited	
4	18-004677	-	-	2015 Honda Accord	0 (returned)	Dismissal
5	18-005347	17,490.00	-	2015 Dodge Charger	Charger returned	OPEN
6	18-005804	660.00	660.00	0	0	Forfeited
7	18-007407	1,870.00	0	0	0	OPEN
8	18-010650	30,075.00	0	0	0	OPEN
9	18-012058	6,400.00	0	0	0	Dismissal
10	18-013635	14,644.00	14,644.00	2007 Acura RDX (Returned)	0	Settlement
11	18-013696	16,614.00	-	Toyota Scion	0	OPEN
	18-015739	241,627.00	-	Rolex, 58 stones, 2016 Chevrolet Silverado, 2006 Lexus, 2009 Dodge Challenger	0	OPEN
12						
13	18-016279	6,660.00	6,660.00	5 kilo silver bars	0	OPEN
14	18-017800	515.00	515.00	0	0	Forfeited
15	18-018373	8,669.00	8,669.00	0	0	Forfeited
16	18-019440	1,080.00	1,080.00	0	0	Forfeited
17	18-021124	-	-	-	-	-
18	18-021412	1,046.00	1,046.00	0	0	Forfeited
	18-023115	-	-	2014 Acura MDX, 2012 Audi, 2014 Mercedes	2011 Audi returned	OPEN
19						
20	18-023710	1,200.00	1,200.00	0	0	Forfeited
21	18-026650	596.00	596.00	0	0	Forfeited
22	18-027410	604.00	604.00	0	0	Forfeited
23	18-029411	1,778.00	-	2008 Mercedes	Mercedes returned	Dismissal
24	18-030142	2,838.00	2,838.00	0	0	Forfeited
25	18-033300	253.00	253.00	0	0	Forfeited
26	18-033148	1,651.00	-	2012 Chevrolet Malibu	0	OPEN
27	18-039656	17,537.00	17,537.00	0	0	Forfeited
28	18-040013	2,640.00	2,640.00	0	0	Forfeited
29	18-036365	580.00	-	0	0	OPEN
30	18-036666	17,537.00	17,537.00	0	0	Forfeited
31	18-037749	1,730.00	0	0	0	OPEN
32	18-037933	695.00	0	0	0	OPEN
33	18-041037	172,267.00	0	0	0	OPEN
34	18-042042	5,694.00	5,694.00	2014 BMW	0 (returned)	Settlement
35	18-042331	7,000.00	0	0	0	OPEN
36	18-044713	678.00	0	0	0	OPEN
37	18-045387	325.00	0	0	0	OPEN
38	18-045397	-	0	0	0	OPEN
39	18-046144	18,105.00	18,105.00	0	0	Forfeited
40	18-046480	7,223.70	7,223.70	0	0	Forfeited
41	18-049234	932.00	932.00	0	0	Forfeited
42	18-050165	-	-	2004 Toyota Sienna	Car buy back for \$750	Settled
43	18-052373	5,836.00	5,836.00	0	0	Forfeited
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2019 ASSET FORFEITURE CASES

	A	B	C	D	E	F
	CASE NUMBER	TOTAL CURRENCY SEIZED	TOTAL CURRENCY FORFEITED	PERSONAL PROPERTY SEIZED	PERSONAL PROPERTY VALUE	OUTCOME
1						
2						
3	19-001931	8,999.00	-	0	0	OPEN
4	19-001931	349.00	-	0	0	OPEN
5	19-003972	710.00	-	0	0	OPEN
6	19-005256			200G Mercedes, 2004 BMW		OPEN
7	19-007511	2,317.00	-	0	0	OPEN
8	19-008411	2,285.00	-	0	0	OPEN
9	19-008976	1,100.00	-	0	0	OPEN
10	19-009154	2,800.00	-	0	0	OPEN
11						
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13						
14						
15						
16						
17						
18						

Attachment 1

General Order Manual—*Summary context*

- GOM 17.09.000 Conducting Drug Investigations (General)
- GOM 17.09.030 Seizures: Mere possession for personal use is not a basis for a seizure of any real or personal property. Seizures must be based upon felony crimes only.
 1. Per RCW 69.50.505, the following are subject to seizure and forfeiture and no property right exists in them:
 - a. Controlled substances
 - b. Raw materials, products and equipment of any kind used in manufacturing/delivering controlled substances
 - c. Conveyances, vehicles, boats, and aircraft used to facilitate the sale, delivery or receipt of controlled substances.
 - d. All drug paraphernalia.
 - e. Money, negotiable instruments or other tangible property furnished in exchange for controlled substances.
 - f. Money or tangible property acquired from drug sales.
 - g. Real property used with knowledge of the owner for manufacturing /delivering controlled substances or acquired in whole or in part with proceeds from drug trafficking.
 - The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes that are unlawful under Washington state law, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender’s prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, whether the offender was licensed to produce, process, or sell marijuana, or was an employee

of a licensed producer, processor, or retailer, and other evidence which demonstrates the offender's intent to engage in unlawful commercial activity;

- The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property.
2. **Seizure of personal property may be done:**
 - a. Upon process issued by Superior Court (an order directing seizure).
 - b. Incident to an arrest or a search warrant.
 - c. Upon probable cause to believe that the property was used or intended to be used in violation of RCW 69.50.505.
 3. The following procedures shall be followed when seizing a vehicle:
 - a. Vehicles shall be seized within ten (10) days of the driver's arrest or search warrant service.
 - b. The vehicle shall have seventy five thousand (75,000) miles or less, no older than five (5) years, and a fair market value of at least five thousand (\$5,000) dollars.
 - c. After receiving a signed copy of the Order of Forfeiture on a seized vehicle, the Asset Forfeiture Unit Supervisor shall determine the final disposition and take the appropriate steps to accomplish it.
 4. The following procedures shall be followed when seizing money or other tangible property.
 - a. Money seized should total at least two hundred fifty (\$250) dollars unless used in a transaction.
 - b. The incident report and seizure notice(s) will be sent to the Asset Forfeiture Unit within three (3) working days.
 5. **Real Property Seizures:** the "seizure" of Real Estate is a legal process, and no actual physical custody of the property occurs at the time of the seizure. In brief, the Prosecutor's Office files a lawsuit against the property in Superior Court. There are depositions, and pretrial negotiations involved. All interested parties, including the mortgagor and mortgagee have a right to present their case. After the Civil proceedings, a judge may issue an order authorizing physical possession of the property. The following guidelines shall be followed:
 - a. The AFU supervisor and prosecutor shall be contacted anytime a deputy anticipates the possibility of a Real Estate seizure.
 - b. The AFU supervisor shall determine whether an asset investigator will assist in the investigation.
 - c. If assigned, the asset investigator assumes responsibility for evaluating the circumstances and advising the AFU supervisor on the practicality of proceeding.
 - d. If a decision is made to proceed, the AFU supervisor and the Prosecutor's Office shall review all aspects of the case.
 6. **Personal property:** any item of value may be seized and successfully forfeited when it can be proven that it was obtained or purchased, in whole or in part, with the proceeds gained from dealing in drugs.

7. **Seizure hearings** are scheduled by the AFU prosecutor.
 - a. The claim shall be made within the forty-five (45) day period.
 - b. The hearing date will be set ninety (90) days after receipt of a claim.
 - c. The AFU prosecutor may contact the assigned investigator to discuss the hearing prior to the scheduled date.
 - d. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified;
 - e. In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorney's fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgement for costs and reasonable attorney's fees.
8. **Asset Forfeiture Appeals Process** is governed by the Administrative Procedures Act (RCW 34.05).
 - a. The claimant must file or request an appeal within 30 days of the final order (for defaults we serve them a copy via certified mail, and for hearing examiner finding they are either informed the day of the hearing or a copy of the decision is served on them via certified mail).
 - b. The appeal is heard by a judge in superior court.
 - c. The court then makes a ruling as to the final order of forfeiture (the default or hearing examiner ruling) – affirm, modify or reverse.
 - d. A claimant can also seek a direct review by the court of appeals instead of going to a superior court judge (this process is governed by RCW 34.05.518).
 - e. If a claimant is dissatisfied with their appeal in Superior Court they can seek discretionary review at the Court of appeals which is similar to discretionary review of criminal matters.
 - f. Claimants that prevail on their appeal may also seek attorney fees at either the hearing examiner stage or during the appeal process.

If you have any questions, please contact me at 206-263-2555.

Sincerely,



Mitzi G Johanknecht
SHERIFF

cc: King County Councilmembers
ATTN: Carolyn Bush, Chief of Staff
Melani Pedroza, Clerk of the Council

