

# STANDARD OPERATING PROCEDURES



ADMINISTRATION DIVISION

FORFEITURE DETAIL

# City of Miami



EMILIO T. GONZALEZ, Ph.D.  
City Manager

## FORFEITURE DETAIL

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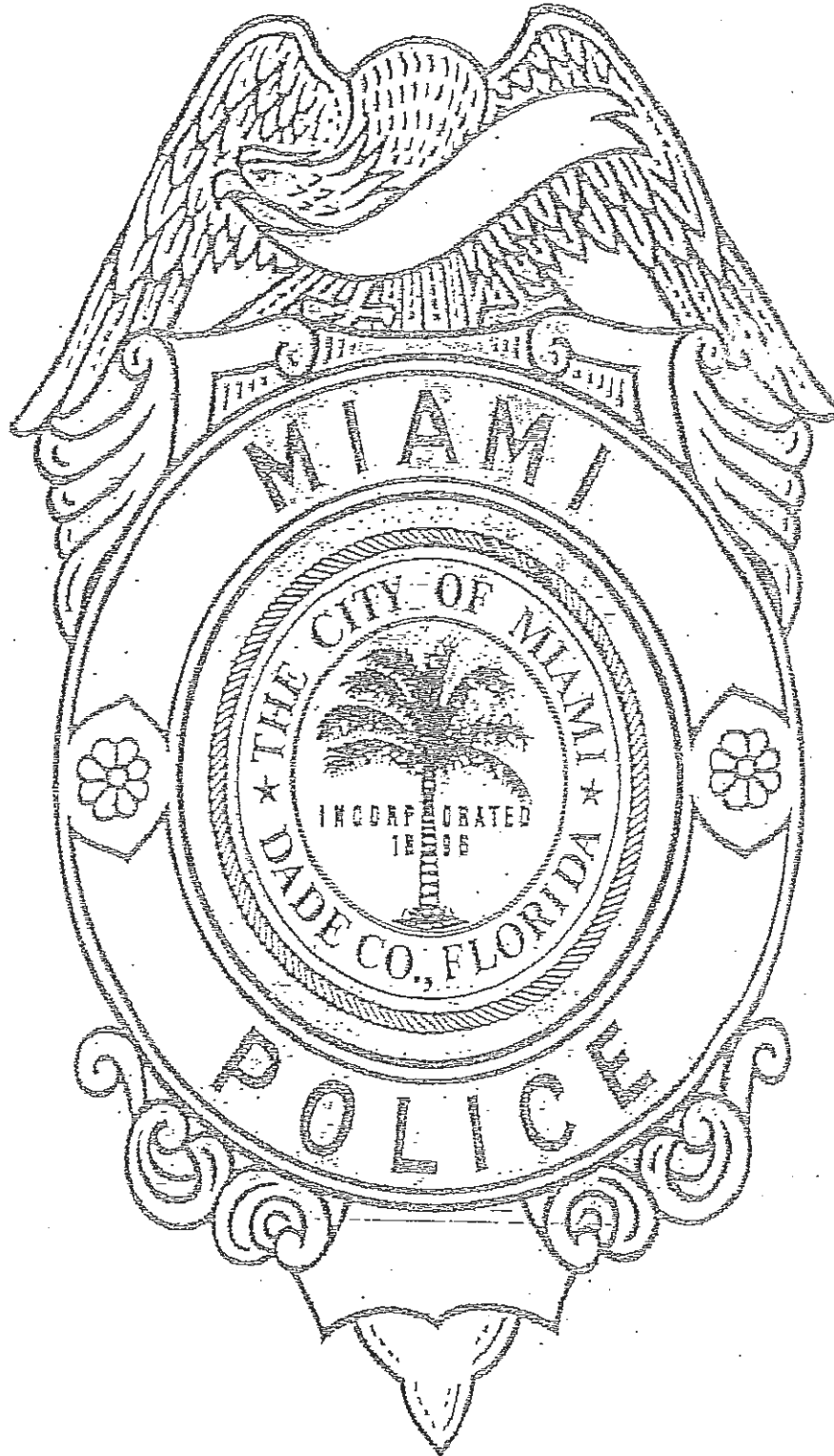
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# City of Miami



EMILIO T. GONZALEZ, Ph.D.  
City Manager

## FORFEITURE DETAIL


## STANDARD OPERATING PROCEDURES

## ENDORSEMENT SHEET

First Quarter  
Inspection: \_\_\_\_\_  
Section Commander Date

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Inspection:  \_\_\_\_\_  
Section Commander 9.20.2018  
Date

Fourth Quarter  
Inspection:  \_\_\_\_\_  
Section Commander 12.19.2018  
Date

Annual  
Inspection:  \_\_\_\_\_  
Section Commander 12.19.2018  
Date



# City of Miami



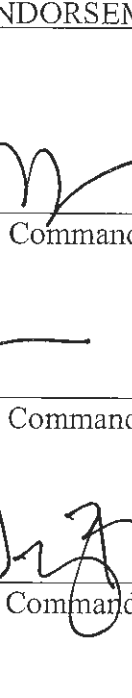
EMILIO T. GONZALEZ, Ph.D.  
City Manager

## FORFEITURE DETAIL

## STANDARD OPERATING PROCEDURES

## ENDORSEMENT SHEET

First Quarter  
Inspection:  MARCH 28 2019  
Section Commander Date

Second Quarter  
Inspection:  JUNE 28 2019  
Section Commander Date

Third Quarter  
Inspection:  AUGUST 27 2019  
Section Commander Date

Fourth Quarter  
Inspection: \_\_\_\_\_  
Section Commander Date

Annual  
Inspection: \_\_\_\_\_  
Section Commander Date



# City of Miami



EMILIO T. GONZALEZ, Ph.D.  
City Manager

## FORFEITURE DETAIL

### STANDARD OPERATING PROCEDURES

S.O.P. 1

SUBJECT: FORFEITURE DETAIL

PURPOSE: This SOP is established to provide guidelines for the operation and management of property seized by the City of Miami Police Department (MPD) during the pendency of forfeiture proceedings in accordance with the Florida Contraband Forfeiture Act (FCFA).

SCOPE: The Forfeiture Detail is a subdivision of the Business Management Section, which reviews and investigates all initial reports of forfeiture seizures. The Forfeiture Detail is responsible for assigning personnel to serve as liaison between the Miami Police Department and the City Law Department by assessing, investigating, and preparing those cases to be presented to the Assistant City Attorneys assigned to the police department for commencement of legal action.

Jorge Blanco  
Section Commander

Effective Date



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STANDARD OPERATING PROCEDURES: S.O.P. 1

(Continuation)

## A. Property for Forfeiture –

1. Forfeiture Personnel shall report to the MPD Property Unit to determine whether an officer has seized contraband article as defined in Section 932.701, Florida Statutes, and completed an *Initial Report of Forfeiture* form with supporting reports.
2. The Forfeiture Detail will account for all property seized and submitted for forfeiture by logging in all *Initial Report of Forfeiture* forms upon receipt.
3. Forfeiture Personnel will immediately deliver all forfeiture paperwork to the Legal Unit to conduct a review and determine whether there is legal sufficiency to proceed with a forfeiture action.
4. If the Legal Unit informs the Forfeiture Detail that MPD intends to proceed with a seizure of property pursuant to the FCFA, Forfeiture Personnel shall make a diligent effort to determine ownership of the seized property, including the identification of the registered owner(s), title holder(s), and bona fide lien holder(s), if any, within forty-eight (48) hours following the seizure.
5. The Forfeiture Detail shall send a Notice of Seizure, via certified mail and return receipt, to the owner(s) and/or bona fide lien holder(s), if any, once identified, within five (5) business days after the seizure is made.
6. A copy of the Notice of Seizure and proof that notice was sent via certified mail and return receipt to the owner(s) and/or bona fide lien holder(s) shall be provided to the Legal Unit.
7. The Forfeiture Detail's Case Tracking Form will be created and shall be placed in the forfeiture case file.
8. All documents pertaining to the forfeiture will be entered into the Forfeiture Access Log and the Forfeiture Excel Spreadsheet (for internal use only).
9. In all instances when a Notice of Seizure has been sent, a Forfeiture File shall be created and contain the following documents:
  - a. MPD Forfeiture Detail Case Tracking Form
  - b. Receipt from U.S. Post Office with Certified Mail Receipt
  - c. Copy of Notice of Seizure
  - d. Copy of City of Miami Police Initial Report of Forfeiture Form
  - e. Arrest affidavit or warrant containing probable cause for seizure
  - f. City of Miami's Complaint or Petition for Forfeiture
  - g. MPD Property Receipt
  - h. Print-out of MPD, State, and Federal Forfeiture Asset Cases (Access) Screen
10. The Forfeiture File shall be kept and maintained in the file room of the Budget Unit until the Legal Unit provides a case disposition.

## B. Election to Decline Forfeiture –

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STANDARD OPERATING PROCEDURES: S.O.P. 1

(Continuation)

1. If the Legal Unit informs the Forfeiture Detail that MPD does not intend to proceed with forfeiture of property after review of the Initial Report of Forfeiture form and supporting reports, Forfeiture Personnel shall note same on the MPD Forfeiture Detail Case Tracking Form created for the Forfeiture File.
2. All documents pertaining to the forfeiture will be entered into the Forfeiture Access Log and logged into the Forfeiture Excel Spreadsheet with a final disposition of "Closed" (for internal use only).
3. A Forfeiture File shall be created and contain the following documents:
  - a. MPD Forfeiture Detail Case Tracking Form
  - b. City of Miami Police Initial Report of Forfeiture Form
  - c. Copy of the arrest affidavit or warrant
  - d. MPD Property Receipt
  - e. Print-out of MPD, State, and Federal Forfeiture Asset Cases (Access) Screen
4. The Forfeiture File shall be kept and maintained in the file room of the Budget Unit in accordance with the Business Management Unit's record retention policy.

## C. Forfeiture Proceeds –

1. All settlements, regardless of whether occurring before a forfeiture lawsuit is filed or after, must be personally approved by the Chief of Police. If the Chief of Police is unavailable and a delay would adversely affect the settlement, approval may be given by the Chief's designee.
2. Proceeds of forfeitures shall be deposited to the Law Enforcement Trust Fund.
3. FCFA mandates MPD to donate 25% of forfeiture proceeds to drug treatment, anti-drug education, prevention, and/or SRO programs.
4. At least annually, the Forfeiture Detail and Legal Unit shall conduct a review of all settlements and forfeiture proceedings initiated by MPD to determine whether they comply with the FCFA and FDLE guidelines.

## D. Annual Report –

1. The Forfeiture Detail shall collaborate with the Legal Unit to prepare and electronically submit an annual report to FDLE by October 10 of each year.
2. The annual report shall document the receipts and expenditures of forfeited property and proceeds from the sale of forfeited property. The required documentation includes the approximate value of seized property, court case number of forfeiture proceedings, type of offense committed by respondent, disposition of the property received, and amount of any proceeds received or expended.



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STANDARD OPERATING PROCEDURES: S.O.P. 1  
(Continuation)

3. If deficiencies are found in the recording and/or the receipts and expenditures of forfeited property and proceeds from the sale of forfeited property, Forfeiture Personnel and the Legal Unit shall promptly take action to comply with FCFA and FDLE guidelines.