

**BATON ROUGE POLICE DEPARTMENT**

General Order  
No.318

Effective Date  
11-01-1994

Revised Date  
09-01-2016

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Subject: Motor Vehicle Seizure and Forfeiture

Reviewed 9/1/16

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**POLICY**

It is the policy of this department to utilize to the fullest extent the forfeiture provisions available in state and federal drug laws in order to impact as effectively as possible on narcotics dealers in this jurisdiction, while providing the department with the maximum amount of economic benefits provided for in these various laws.

**DEFINITIONS**

**Seizure of Motor Vehicles**

Any assertion of dominion and control over a vehicle by a law enforcement officer or agency pursuant to suspected criminal acts that interferes with the full possessory rights of the vehicle title owner constitutes a seizure.

**Forfeiture of Motor Vehicles**

Forfeiture is the procedure by which title to seized property is finally transferred to the seizing agency. Forfeiture can be obtained through a final order of the court having jurisdiction over the seized property, or through negotiated settlements with those persons having a lawful legal interest in the seized property.

**Seizure Officer**

Officers authorized by the department to conduct the seizure and subsequent forfeiture of property that has been used in the commission of a drug-related felony.

**PROCEDURES**

**I. Vehicle Subject to Seizure/Forfeiture**

- A. The investigating officer shall determine if the motor vehicle used in the commission of a drug- related felony may be subject to seizure.
- B. Department members shall not seize a motor vehicle for forfeiture purposes:
  - 1. If it is a common carrier and the owner is not consenting or a conspirator to the felony.
  - 2. If the owner has no knowledge of the offense or has not given consent (in certain instances the owner may have been previously advised that his/her vehicle was being used for the purpose of narcotics trafficking), or
  - 3. If it is a stolen motor vehicle.

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## II. Evidence/Personal Property

- A. The investigating officer should first determine if the vehicle is to be processed by Crime Scene personnel. Any motor vehicle seized for forfeiture will be handled as evidence. All department policies concerning property, evidence control, vehicle storage and inventory shall apply. The inventory section of the departmental wrecker form shall be completed and all personal property shall be removed.
- B. If the vehicle is to be stored and it is determined the vehicle would be contaminated by removing any personal property, the investigating officer may wait until the vehicle has been processed by evidence technicians.
- C. The investigating officer shall be responsible for ensuring that the personal property is removed.
  - 1. Personal property not being held for evidence or seizure shall be returned to the owner.
  - 2. If the owner has been arrested or is otherwise unavailable to take possession of the property, it shall be placed in personal/found property to be returned to the owner at a later date. The personal/found property form shall be completed in its entirety.
  - 3. Any property seized as evidence shall be packaged and entered into evidence separately from any personal/found property.
- D. Once the decision has been made to store the vehicle as evidence, the investigating officer should contact a seizure officer (if available), or forward copies of all reports pertaining to the arrest and vehicle storage to the Narcotics Division. The investigating officer should contact a seizure officer as soon as possible following the incident.

## III. Investigation/Documentation

- A. During the investigation, the officer should attempt to determine whether the violator owns the vehicle and, if not, identify the registered owner or title holder by name, address and telephone number and note such information in the appropriate report(s).
- B. When possible, the investigating officer should obtain post-Miranda statements implicating the motor vehicle, and in those cases where the violator is not the owner, implicate the owner (and/or co-owner) as knowledgeable about the use of the motor vehicle by the violator.
- C. When completing the necessary reports, the investigating officer should note in detail the circumstances attendant to any arrests made and the storage and possible seizure of the vehicle.

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- D. If an investigating officer believes that forfeiture may be appropriate or is unsure of the practicality of the processing, he should attempt to contact a Narcotics seizure officer or Narcotics supervisor and report the facts and circumstances of the arrest and possible seizure of the vehicle. The investigating officer shall not place a hold on the vehicle prior to storage for the purpose of seizure.