



WEBER COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURES

PROPERTY

EFFECTIVE DATE: 10/07/03
 AMENDS/SUPERCEDES:
 STANDARD NUMBER: 84.1.8

REVIEW DATE: 07/30/08
 REVISION DATE: 07/30/08
 APPROVED: _____

Sheriff Signature

50.12.1 Purpose

The purpose of this policy is to provide procedures for handling property acquired through the civil process function.

50.12.2 Rationale

Federal and State laws regulate the seizure and disposition of forfeited property; therefore, policy and procedure needs to be in place in order to meet these Federal and State regulations.

50.12.3 Policy

A. Civil Asset Forfeiture

1. All asset seizures for subsequent civil forfeiture actions will be processed through the Weber Morgan Narcotic Strike Force (Strike Force).
2. Types of property authorized by this Office for such actions include:
 - a. Money (generally exceeding \$500 or more)
 - b. Guns
3. Other property allowed for civil forfeiture by law (UCA 58-37-13), but not usually authorized by this Office include:
 - a. Real property (buildings, land etc.)
 - b. Vehicles
 - c. Paraphernalia
 - d. Securities
 - e. Other things derived from illegal activity.

4. Procedure

- a. Items seized for civil forfeiture will be placed into evidence by Strike Force personnel at the Ogden Police Department Evidence room.
- b. Money seized will be placed into a Strike Force account pending civil proceedings.
- c. Copy of the case with appropriate cover sheet, describing the circumstances of the case and the items to be forfeited, will be sent by the Strike Force to the Weber County Attorney's Office for civil processing.
- d. Weber County Attorney's Office will send a notification of the filing of a Forfeiture Proceeding to the owner of the property.
- e. Weber County Attorney's Office will file a civil case for Forfeiture of the property.
- f. Upon receipt of a Court Order for Default Judgement, the Strike Force will present property for auction and the proceeds from the auction will be deposited with the Weber County Treasurer.
- g. Upon receipt of a Court Order for Default Judgement, forfeited money will be transferred to the Weber County Treasurer for appropriate disposal as required by law.

B. Court Orders to the Sheriff for Civil Property Seizure

1. The Office will seize property related to civil actions and pursuant to legal Writs of Execution from the Court.
2. Property seized will be disposed of as determined by the Court, and will usually be turned over to parties in the civil action or, auctioned and the monies turned over to parties to the action as ordered.
3. The Office will not take possession of such property and store it or retain it for Office purposes, and will make all returns of service as dictated by law.