

CIVIL ASSET FORFEITURE AND SEIZURE POLICY

- A. This policy applies to all forfeited or seized assets in the City of Newport Beach in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value (“Forfeited Assets”).
- B. The use of civil asset forfeitures and seizures of items and funds is regulated by all applicable Federal and State laws. At a minimum, the use of Forfeited Assets shall comply with all applicable Federal, state, and local laws, rules, and regulations. Furthermore, any Forfeited Assets converted for Police Department use shall supplement, not supplant, existing departmental equipment and funds.
- C. The use of Forfeited Assets shall be for law enforcement purposes only.
- D. All Forfeited Assets shall be maintained in a Asset Forfeiture Account specifically designed for that purpose.
- E. All funds derived from the sale of any Forfeited Assets shall be placed in the Asset Forfeiture Account.
- F. The City of Newport Beach recognizes the taking of property due to alleged criminal wrongdoing is entitled to the same legal protection as the taking of a person into custody for alleged criminal wrongdoing. The Fifth Amendment to the United States Constitution requires due process of law before a person be deprived of “life, liberty, or property.”
- G. The City of Newport Beach also recognizes that the California Legislature passed new legislation, which starting January 1, 2017, effectively requires a conviction prior to forfeiture in any state case where the items seized are cash under \$40,000 or other property such as homes and vehicles regardless of value.
- H. The City of Newport Beach will not accept any Forfeited Assets - no matter the value or type - unless due process has been afforded and unless all applicable Federal, state, and local laws, rules, and regulations have been followed.
- I. All expenditures of funds derived from Forfeited Assets shall be processed through the City of Newport Beach’s normal budgeting procedures and shall be subject to normal auditing and accounting reviews.
- J. The Newport Beach Police Department shall ensure that persons from whom the Department seizes assets are provided with appropriate documents that explain a person’s ability to dispute the seizure.
- K. The Newport Beach Police Department shall comply with this City Council Policy F-10 by adopting an appropriate Asset Forfeiture Policy within its internal policy manual.

- L. The Chief of Police shall report to the City Manager quarterly on the status and use of all Forfeited Assets. The City Manager shall report to the City Council at least annually on the status, use, and disposition of all Forfeited Assets.

Adopted - January 11, 1993
Amended - January 24, 1994
Amended - March 14, 2017

Formerly F-27