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HANDOUTS

- ▶ Asset Forfeiture On Call Back Up Essentials
- ▶ PowerPoint 3 pages per sheet
- ▶ H&S 11470 et. seq., with TOC (overkill)
- ▶ California Seizure and Forfeiture Manual 2014 (Overkill)

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IMPORTANT NUMBERS

Mickye Coyle Cell (805) 701-3820
 AF phone (805) 212-6864
 DAI Dave Ruggiero if over \$25,000 (805) 947-7983

Steve Slyker ONLY when Mickye's on Vacation (805) 794-1972
 DAI Frank Huber (805) 300-9396 if over \$25,000 and you can't reach Dave.

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Health and Safety 11470 et. seq.

Allows us to seize stuff, usually **money** from **drug dealers** if:



- **Exchanged** for drugs
- Used to **Facilitate** drugs sales or
- It represents the **Proceeds** of drug sales

Stuff can be houses, cars, manufacturing equipment, phones, things of value
 Money can be cash, digital money, bitcoin, securities, any currency

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EVIDENCE OF DRUG SALES

- **Sales, not possession.**
 - Indicia of sales: quantity, packaging, scales, pay/owe, admissions, controlled buys, info from a CI or wire.
- H&S Code Violations: of 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, or 11383.
- Everything **except Xanax (or benzodiazepine family).**
- Even Cannabis, even misdemeanor level



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YOUR ROLE – GET IT STARTED



- ▶ Only a DDA or AG may initiate forfeiture proceedings
- ▶ **Under \$25,000 non-judicial forfeiture**
 - ▶ **Probable Cause**
 - ▶ Engaged in drug sales (not Xanax only)
 - ▶ Funds: exchange, facilitation, or proceeds
 - ▶ Initiate forfeiture by saying, **“take the money.”**
 - ▶ Tell officers, **“Serve the defendant** with a DA 20 form and the blank MC 200 form.”
 - ▶ If there are other people present who may claim the money later, tell the officers, **“Serve them too.”**

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DUE PROCESS AND YOU
ESSENTIAL OBLIGATION of AF DDA




- ▶ **DA 20** Notice of Non-judicial Forfeiture
- ▶ **MC 200** Blank Claim Form
- ▶ Make sure they are served!

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PRIMARY PC FACTORS




- ▶ Quantity of drugs (not close to personal use)
- ▶ Proximity of assets (\$\$) to narcotics
- ▶ Admission of illegal drug sales
- ▶ Has an officer makes direct observation of sales (UC buy)
- ▶ Text messages describing sales/transactions

▶ One strong primary factor is probably enough.

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- ▶ Cut/packaging/paraphernalia consistent with trafficking
- ▶ Pay /Owe sheets
- ▶ Cash over \$5,000
- ▶ Trafficking priors
- ▶ Courier/mule characteristics
- ▶ No legitimate source of income
- ▶ Travel to/from area of sales
- ▶ Hidden compartment



**SECONDARY PC FACTORS –
NEED A FEW**

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SHOW ME THE MONEY - AMOUNTS OVER \$25,000



- **Over \$25,000 requires a petition filed in court.**
 - Notice is given after filing.
 - Forgetaboutit. As back up you won't be filing petitions.
- Ask the agency to call DAI Ruggiero.
- Ask the agency **to seize the money as evidence.**
- You can run through the PC factors with them if you like, it will help them clarify.
- Remind them to email DAOAssetforfeiture@ventura.org

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ITS AN AF CALL, NOW WHAT?

- ▶ Unless you know I am not available, **CALL AND TEXT ME.**
- ▶ The officer will tell you the facts.
- ▶ Ask questions, get the full picture.
- ▶ Under \$25,000 – seize it or take it as evidence.
 - ▶ Review facts using PC factors
 - ▶ **Serve the DA 20 Notice of nonjudicial forfeiture**
 - ▶ **Serve the M200 blank claim form**
 - ▶ Email to DAOAssetforfeiture@ventura.org
- ▶ Over \$25,000 call DAI Ruggiero.
- ▶ **Seize the assets as evidence**
- ▶ Email to DAOAssetforfeiture@ventura.org



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- Equipment
 - Farming machines, lab equipment
- Cars and Trucks
- Jet skis
- Houses – Just don't.

TAKING STUFF



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AGGREGATION NOT AGGRAVATION. MULTIPLE SEARCHES OR DIFFERENT STUFF

- Separated by Theory (exchange, facilitation, proceeds)
 - Truck, Jet Ski, Motorcycle, Cash, bank account
- Separated by instruments
 - Traffic stop, search warrant
 - Home warrant, bank warrant
- Separated by time
 - Friday evening, Tuesday Morning
- Notice to Everyone
 - Multiple possible claimant –break it down

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- Anything you do can easily be undone.
- If you take it and shouldn't have, we can give it back.
- If you have it seized as evidence, we can forfeit it later.
- Err on the side of forfeiture only:
 - a house/car full of people who may be in the wind.
 - Have officers serve **everyone** with the DA 20 and MC 200.

OH NO! I BLEW IT!



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SEARCH WARRANTS

- ▶ Follow up warrants are common
 - ▶ Seize and Freeze
 - ▶ Immediate balance
- ▶ Banks
- ▶ FinTech
- ▶ CalECPA
 - ▶ Venmo
 - ▶ Pay pal
 - ▶ Not normal bank records

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ANY QUESTIONS?

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