

# Disposition of Seized Property Policy

It is required that for a period of thirty (30) days after proper notification of the owner(s) of seized property, such property shall remain the property of the original owner. After that period, the property is considered forfeited and shall be considered abandoned Barring claims, the seizing agency shall become the owner of such property and may dispose of it in any reasonable manner (Ch. 809). Further, the Court shall order the final appropriate disposition of property once it is no longer needed as evidentiary material. Such property may be requisitioned by the law enforcement agency for use in enforcing the criminal laws of the State or may be given to the General Services Department to be disposed of in an appropriate manner.

In pursuance of Ch. 809, the Polk County Sheriff, the Polk County Attorney, and the Director of the Polk County Department of General Services will meet to reach joint decisions concerning the disposition of seized and forfeited property as it becomes necessary. Such property shall be placed in a "Forfeited Property Pool" by the Sheriff. The above-named persons will examine the material and state, in a memorandum of agreement, the terms for disposition. The memorandum will list items, methods of disposition, intended use of the item, and the receiver. Each person will endorse the agreement by signature. Disposition will then proceed under the management of the Director of General Services.

## **Exceptions:**

1. Seized money, after forfeiture, or the proceeds from the disposition of seized property will be deposited by the Sheriff into a "Seized and Found Account" in the Polk County Treasurer's Department. Expenditures from the "Seized and Found Account" in the Polk County Treasurer's Department will be made with the cooperation of and consistent with the purchasing policies of the Polk County Board of Supervisors as administered by the Polk County General Services Department. The Polk County Sheriff will be the sole determiner of what items are to be purchased. Annually, an independent audit will be obtained for this account by the County Comptroller. NOTE: It is the agreed intention of the three parties that funds from the newly established account will be used for personnel training, undercover equipment, or other uses by the Sheriff that will enhance the efficiency and effectiveness of the operations of that department.
2. Pornographic material shall be destroyed (Ch. 709, Ch. 809.13.5).
3. Upon application from a not-for-profit hospital, controlled substances may be delivered to that hospital by the Sheriff for medicinal use. All other controlled substances must be destroyed by the Sheriff who will record the location of seizure, the kinds and quantities of controlled substance, and the time, place and manner in which the material is destroyed. This information will be reported back to the Court by the Sheriff (Ch. 204.506).
4. The Sheriff will inspect firearms and ammunition to determine whether any of the materials will be useful for law enforcement, testing or comparison by the department. This material will be listed in a memorandum to the Iowa Department of Public Safety requesting permission to retain it. All other weapons and ammunition will be transferred to the Department of Public Safety. A list of items, the date and the method of disposition will be kept by the Sheriff (Ch. 72-4.1, Ch. 809.13.5, Ch. 809.21).

5. Such vehicles as the Sheriff deems useful will be assigned to that department by the Director of General Services. Initially, a maximum of four vehicles may be assigned for use as undercover vehicles in the Sheriff's Department. Other vehicles will be sold at auction or by any other method agreed upon by the Sheriff and the Director of General Services, and proceeds of which will be deposited in the "Seized and Found Account."

Contact: Board of Supervisors

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