



Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

ASSET SEIZURE AND FORFEITURE PROCEDURES
GENERAL ORDER NO: 2.6.15

Issue Date: January 21, 2016	Effective Date: January 21, 2016
Revision Date: N/A	CALEA: 84.1.8
Volume 2: Logistics	Chapter 6: Fiscal Management & Responsibility
Distribution: Sworn and Fiscal Personnel	NYSLEAP: 7.1, 7.3
Issuing Authority: Chief Eric Hawkins	Page: 1 of 17

PURPOSE: The purpose of this policy is to establish policies and procedures for the seizure and forfeiture of property that has been used in the commission of certain crimes or that is being held as evidence.

POLICY: It is the policy of the Albany Police Department that personnel shall properly and accurately account for all assets that are seized by members of this department. All asset seizure and forfeiture procedures shall be conducted in accordance with current law and department policies.

DEFINITIONS: **Forfeiture** – Forfeiture means a valid judgment rendered by a court with jurisdiction, which declares that the right of ownership is lost as a result of certain specified criminal activity.

Seizure – Seizure means an act performed by an officer that requires the taking of a person's property, real or personal, into lawful custody.

I. ASSET SEIZURE AUTHORITY

A. Federal and State forfeiture laws provide officers with the authority to initiate forfeiture proceedings in order to legally seize property that criminals use for or derive from criminal activity. The following statutes are the four (4) primary statutory mechanisms that forfeiture cases can legally be pursued by personnel of this department:

1. New York State Public Health Law - Section 3388;
2. New York State Civil Practice Law and Rules - Article 13-A;
3. New York State Penal Law - Articles 410, 415, 420 & NYS Tax Law Article 37; and
4. Seizures under Federal Law.

II. GUIDELINES RELATING TO ALL SEIZURES

A. When faced with the unique and difficult situations relating to the seizure of assets, personnel shall exercise their best judgment based on their training,

experience, and knowledge of state laws, federal laws, and department policies and procedures. Prior to any seizure, probable cause must exist in order to connect an item to any specified criminal activity.

- B. Prior to the seizure of any vehicle believed to be the result of criminal activity, personnel must obtain approval for the seizure from the Commander of the Investigations.
- C. Prior to the seizure of any property, other than vehicles, believed to be the result of criminal activity, all personnel must obtain approval for the seizure from the Central Booking sergeant.
- D. Federal forfeiture laws and guidelines may be used when there is a joint investigation with a federal agency. The property must be seized by a member of the federal agency and not a member of this department.

III. CRITERIA FOR SEIZING A VEHICLE, VESSEL, OR AIRCRAFT

- A. Prior to the seizure of any vehicle, vessel, or aircraft (hereinafter referred to as "vehicle") for forfeiture consideration, authorization must be obtained from the Commander of Investigations.
- B. A vehicle shall not be seized for forfeiture purposes if any of the following apply:
 - 1. The vehicle is a common carrier, and the owner is not a consenting participant or a co-conspirator;
 - 2. The owner of the vehicle has no knowledge of the offense or has not given consent;
 - 3. The vehicle is stolen; or
 - 4. The vehicle is leased or rented.
- C. All vehicles subject to seizure shall be verified through eJustice to determine ownership via a title search of the vehicle's VIN.
 - 1. The owner must be the arrested subject in order to qualify for seizure; and
 - 2. A copy of the title search report shall be included in the case file.
- D. All vehicles subject to seizure shall also be verified through eJustice to determine if the vehicle has a lien.
 - 1. A copy of the lien report shall be included in the case file.

IV. PROCEDURES FOR SEIZING A VEHICLE, VESSEL, OR AIRCRAFT:

- A. The only supervisor that can authorize the seizure of a vehicle is the Commander of Investigations.
 - 1. If the Commander of Investigations is unavailable, the next highest ranking supervisor may authorize a temporary hold on the vehicle for forty-eight (48) business hours. That supervisor is responsible for notifying the Commander of Investigations as to the circumstances pertaining to the

hold.

- a. The Commander of Investigations shall then make a decision as to whether the vehicle should remain held for seizure purposes or if the vehicle should be released to the registered owner.
- b. If this process is not completed within the forty-eight (48) business hours, the vehicle shall be released to the owner.

B. The officer/detective seizing the vehicle shall be responsible for the following:

1. Inventory the vehicle, and complete an Albany Police Department Vehicle Inventory Form, APD Form # [REDACTED], shown on page 11 of this order.
2. Return any personal property found in the seized vehicle, other than, contraband, evidence, or property otherwise subject to forfeiture, such as a cellular telephone, to its owner.
 - a. Complete an Albany Police Department Property Report and providing a copy to the owner.
3. Remove the registration plate(s) from the vehicle.
4. Complete an Albany Police Department Property Report and place the registration plates into evidence.
5. Attempt to obtain the Certificate of Registration.
6. Attempt to obtain the Certificate of Title.
7. Complete an Albany Police Department Tow Slip, denoting the following in the remarks section:
 - a. "Hold for Seizure;" and
 - b. The name of the supervisor authorizing the hold.
8. Complete an Albany Police Department Seized Property Report, APD Form # [REDACTED], shown on pages 12 and 13 of this order, and emailing the completed form to [REDACTED]. This form must be completed and sent the same day that the seizure takes place.
9. Provide the driver with a Hearing Request for Seized Vehicles Form, APD Form # [REDACTED], shown on page 15 of this order.
10. The vehicle shall be towed to the designated secure vehicle facility, as per current guidelines. The officer/detective seizing the vehicle shall ensure that the key(s) are with the vehicle.
11. If the vehicle needs to be processed by the Forensic Investigation Unit, the vehicle shall be towed to the designated vehicle processing lot, as per current guidelines. Once the vehicle is processed, the vehicle must be towed to the designated secure vehicle facility.

C. The Asset Seizure Coordinator shall be responsible for the following:

1. Send a second Hearing Request for Seized Vehicles Form to the owner of the vehicle, who must also be the driver, within five (5) business days.
 - a. If the driver, or the claimant, completes the Hearing Request form and returns it to the Asset Seizure Coordinator, the Asset Seizure

Coordinator shall then be responsible for the following:

- i. Scheduling a due process hearing within ten (10) days of receipt; and
- ii. Within two (2) days of receipt, send a Petition for Retention of Seized Vehicle Form, APD Form [REDACTED] shown on pages 16 and 17 of this order, detailing the department's intent to retain the vehicle. This shall include a notice of the date of the hearing, and shall be sent to the following parties:

- a) The hearing officer;
- b) The claimant; and
- c) The prosecuting attorney.

- iii. The petition shall include the following:

- a) A statement of the matters to be adjudicated;
- b) A reference to the particular sections of law and rules involved;
- c) A summary of the alleged incident, activity, or behavior, and the date, time, and place of occurrence (facts establishing probable cause for the initial seizure); and
- d) A summary of the laws, rules, or regulations that were allegedly violated.

D. The hearing officer shall then test the validity of further retention, including:

1. Probable cause for the initial seizure; and
2. Whether other measures, short of continued impoundment, would satisfy the legitimate interests of the government in protecting vehicles from sale or destruction, prior to or during, the pending forfeiture proceedings.

E. If at any time, it is determined that the vehicle shall no longer be held, the Asset Seizure Coordinator shall notify the owner that the hold is lifted.

1. If the vehicle is being held in the Albany Police Department secure facility, the Asset Seizure Coordinator shall contact the tow company, and the vehicle shall be turned over to the owner. The owner must sign the tow slip acknowledging receipt of the vehicle.
2. If the vehicle is being stored by the tow company, the Asset Seizure Coordinator shall notify the tow company that the hold is lifted on the vehicle, and then shall notify the owner that they can retrieve their vehicle from the designated tow company.

V. PROCEDURES FOR SECURING PROPERTY, OTHER THAN VEHICLES

A. The officer/detective seizing property shall be responsible for completing the following:

1. Secure all evidence relating to the case and complete an Albany Police

Department Property Report. This report shall list the following:

- a. If the property is being held for seizure, safekeeping, or evidence;
 - b. A detailed description of the property; and
 - c. The location of the property prior to the seizure.
2. If the evidence consists of currency the following shall apply:
 - a. All currency will be counted by two (2) officers/detectives;
 - b. The number of each denomination shall be recorded on the property report (e.g., thirty-two (32) twenties, eleven (11) tens, and forty-four (44) fives); and
 - c. All currency shall be sealed in an evidence bag and placed into the temporary evidence room as promptly as possible.
3. Document all seizures on an Albany Police Department Seized Property Report, APD Form # [REDACTED], shown on pages 12 and 13 of this order. This includes a detailed account of the events or particulars that led to the seizure.
 - a. The completed form must be submitted with the evidence, and a copy of the form must be emailed to the Asset Seizure Coordinator at [REDACTED] by the end of the officer/detectives shift.
4. The officer/detective shall consult with the appropriate Assistant District Attorney within three (3) business days of the seizure, and determine whether the currency and/or negotiable instruments shall be maintained by the Albany Police Department. After consulting the ADA, the officer/detective shall immediately notify the Asset Seizure Coordinator and Seized Funds Coordinator of the results via department email.
 - a. If the Albany Police Department will maintain the currency, it shall be the responsibility of the evidence detective to deposit the currency according to the following procedures:
 - i. Evidence barcode and log the currency, as per current guidelines;
 - ii. The currency shall be recounted by detectives from the Office of Professional Standards; and
 - iii. The currency shall then be deposited in the appropriate bank account.
 - a) The evidence detective shall complete an Albany Police Department Asset Seizure Document Submission Slip, APD Form # [REDACTED] shown on page 14 of this order.
 - b) The completed Asset Seizure Document Submission Slip shall then be submitted, along with the deposit slips, to the Seized Funds Coordinator.

b. If the District Attorney's Office will maintain the currency, then the currency shall be transferred and a receipt obtained.

i. The original receipt shall then be sent to Seized Funds Coordinator, along with a completed Albany Police Department Asset Seizure Document Submission Slip.

B. The Asset Seizure Coordinator shall be responsible for completing the following:

1. Retain all pertinent documentation, including the following:

- a. All email notifications;
- b. Albany Police Department Seized Property Reports, APD Form # [REDACTED];
- c. Albany Police Department Asset Seizure Document Slips, APD Form # [REDACTED];
- d. Albany Police Department Hearing Requests for Seized Vehicles, APD Form # [REDACTED]; and
- e. Any Petitions for Retention of Seized Vehicles forms.

2. Maintain a liaison with the Office of the District Attorney, Attorney General, and/or any involved federal agencies that will be handling the civil forfeiture proceeding.

a. This includes completing a memorandum to the appropriate prosecuting attorney's office detailing the property that has been seized and giving particulars of the case referencing the reports mentioned previously.

C. The Seized Funds Coordinator shall be responsible for completing the following:

1. Retain all pertinent documentation, including the following:

- a. All email notifications;
- b. A copy of all Albany Police Department Seized Property Reports, APD Form # [REDACTED]; and
- c. A copy of all Albany Police Department Asset Seizure Document Slips, APD Form # [REDACTED];

2. Maintain a liaison with the Office of the District Attorney, Attorney General, and/or any involved federal agencies that will be handling the civil forfeiture proceeding.

a. This includes completing a memorandum to the appropriate prosecuting attorney's office detailing the property that has been seized and giving particulars of the case referencing the reports mentioned previously.

b. Along with the memorandum, a request shall be included detailing the following:

i. That the prosecuting attorney notifies their pre-designated

- asset seizure coordinator of any results relating to the disposition of property.
- ii. That the pre-designated asset seizure coordinator for the prosecuting attorney's office will notify the Seized Funds Coordinator of the Albany Police Department, in writing, the disposition of the property and the percentages that were distributed to all participating agencies.
 - iii. This process will eliminate multiple requests from multiple attorneys, and allow for one contact person from each agency.
3. If more than one law enforcement agency participated in the investigation which led to the forfeiture, the agencies may enter into a joint agreement regarding how the proceeds shall be divided.
- a. The Commander of Investigations shall be responsible for completing all negotiations relating to the division of proceeds from asset forfeitures.
 - b. The tentative agreement relating to the sharing of proceeds must be approved by the Chief of Police.
 - c. The Commander of Investigations shall then be responsible for notifying the Seized Funds Coordinator of the agreed upon division of assets, and for forwarding all documentation relating to said agreement.
4. Section 1349 (2)(f) of the New York Civil Practice Law and Rules, allows for police agencies to recover amounts expended for protecting, maintaining, and forfeiting the property, including a proportion of the salaries of investigative personnel devoted there to. The Seized Funds Coordinator shall receive an accurate account of the time devoted to each specific case from all personnel involved.
- a. The Seized Funds Coordinator shall then be responsible for preparing a letter to the claiming authority, requesting the entire five (5) percent share provided by Section 1349 (2)(f); setting forth the expenditures incurred as justification in support of such amount.
5. If forfeiture is declared, the Seized Funds Coordinator shall review the distribution of funds to determine whether the distribution was accurate, according to procedures set forth in Section 1349 of the New York State Civil Laws and Rules, and that any written agreement between claiming agencies is complied with.
6. If forfeiture is not declared, the Seized Funds Coordinator shall then consult with the District Attorney's Office regarding the disposition of the seized assets.
7. The Seized Funds Coordinator shall also be responsible for the following:
- a. Log all seizures into the Asset Seizure Database;
 - b. Track all cases throughout the forfeiture process; and
 - c. Maintain a file of all seizure deposits and expenditures that shall be reviewed monthly with the Chief of Police.

VI. SEIZURES UNDER FEDERAL LAW

A. Seizure of currency without a federal seizure warrant requires probable cause to believe that the money to be seized falls into one (1) of the following three (3) categories:

1. Civil forfeiture of money and/or negotiable instruments, which have been furnished, or are intended to be furnished, for a controlled substance; or
2. Currency that is traceable as proceeds from such a transaction; or
3. Currency that has been used, or is intended to be used, to facilitate a violation of federal drug laws.

a. Probable cause to believe that the currency falls within one (1) of the above categories may be proved directly by the following:

- i. An undercover police officers observation of the defendant receiving the currency in question from a drug buyer; or
- ii. Admissions by the defendant that he or she intended to use the currency to purchase drugs, or had obtained the currency from the sale of drugs.

b. The presence of a large quantity of cash alone is not enough to support a finding of probable cause.

B. Seizure of property (other than vehicles, vessels, and aircrafts) under federal law shall be conducted according to the following:

1. When the District Attorney or Attorney General has directed seizure of property to enforce a court order of attachment obtained by the District Attorney or the Attorney General;
2. When federal authorities request the assistance of members of this department in executing a seizure warrant obtained from a United States Magistrate or United States District Court Judge; or
3. When there is probable cause to believe that the property is subject to forfeiture under federal law, and circumstances dictate immediate seizure to avoid secreation or dissipation of the property which might occur if the property were not seized immediately.

a. Examples of personal property subject to seizure are computers and cellular phones used as the instrumentalities of drug crimes, and jewelry or valuable assets that are proceeds of drug crimes;

C. Seizure of real property under federal law shall be conducted according to the following:

1. Real property, which includes land and structures thereon, shall not be seized for forfeiture by members of this department, unless the following applies:

a. A member of this department is acting pursuant to an order of attachment obtained by a District Attorney or the Attorney General,

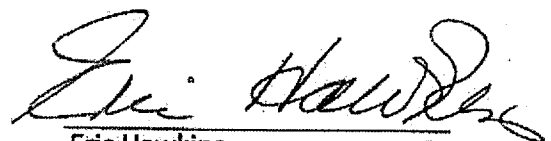
or pursuant to a seizure warrant obtained under federal law by the appropriate federal prosecutor; and

- b. The member of this department has prior approval from the Chief of Police.
 - i. Prior to approval, the Chief of Police shall ensure that the District Attorney or federal authorities will assume responsibility for the maintenance and security of the property.

D. Seizures Under Federal Law Procedures:

1. During joint local and federal investigations, the detective assigned to the case or in charge of the case shall be responsible for completing the following:
 - a. Document all direct seizures on an Albany Police Department Seized Property Report, APD Form # [REDACTED], shown on pages 12 and 13 of this order. A copy of the completed form shall be emailed to the Asset Seizure Coordinator at [REDACTED] within twenty-four (24) hours of the seizure date.
 - i. Reminder – With federal forfeitures, property must be seized by a member of a federal agency and not a member of this department.
 - ii. Department personnel are still required to complete APD Form # [REDACTED]. This form allows for the proper tracking of the forfeiture, as well as the appropriate filing of federal forms within the obligatory strict time requirements.
 - b. Prepare a United States Department of Justice form DAG-71 "Application for Transfer of Federally Forfeited Property," and send the completed form to the Asset Seizure Coordinator.
 - c. Complete an Albany Police Department Asset Seizure Document Submission Slip, APD Form # [REDACTED] shown on page 14 of this order, when submitting any additional paperwork relating to the seizure.
1. The Asset Seizure Coordinator shall be responsible for retaining all pertinent documentation, including the following:
 - a. All email notifications;
 - b. Albany Police Department Seized Property Reports, APD Form # [REDACTED]; and
 - c. Albany Police Department Asset Seizure Document Slip Form # [REDACTED]
2. The Seized Funds Coordinator shall be responsible for the following:
 - a. Submit the DAG-71 application form to the United States Department of Justice within ten (10) business days of the seizure date.

- i. There is a fifteen (15) business day limit for the Albany Police Department to submit the completed DAG-71 form to the United States Department of Justice, but this department's policy is that the form will be submitted within ten (10) business days. **NOTE:** The FBI and DEA offices require a separate DAG-71 for each item seized.
- b. If the application is made to the United States Custom Service, complete a Customs TOF Form - "Application for Transfer of Federally Seized/Forfeited Property to State or Local Law Enforcement Agency."
- c. If the seized currency or property is obtained without a search warrant, a determination must be made as to whether it is needed as evidence in a criminal prosecution. The detective in charge of the case will be responsible for consulting the matter with the appropriate Assistant District Attorney and notifying the Seized Assets Coordinator and Seized Funds Coordinator of the determination within three (3) business days of the seizure.
 - i. If the currency or property is needed as evidence, the Asset Seizure Coordinator shall ensure that correspondence is promptly transmitted to federal authorities, requesting an adoptive forfeiture and equitable sharing, and advising that an application will be submitted when the evidence is no longer needed.
 - ii. If the currency is not needed as evidence, the appropriate evidence detective shall deposit the currency according to procedures described under the evidence detective's responsibilities of this order.
- d. The Seized Funds Coordinator shall also be responsible for the following:
 - i. Log all seizures into the Asset Seizure Database;
 - ii. Track all cases throughout the forfeiture process;
 - iii. Maintain a monthly file for all seizure deposits and expenditures.



Eric Hawkins

Chief of Police



Incident#: _____
Date: _____

[illegible]



ALBANY POLICE DEPARTMENT

SEIZED PROPERTY REPORT SUBJECT TO STATE OR FEDERAL FORFEITURE

TO: ASSET SEIZURE COORDINATOR

D E F S	1.	_____
	2.	_____
	3.	_____
	4.	_____
FOR ASSET SEIZURE UNIT USE ONLY		

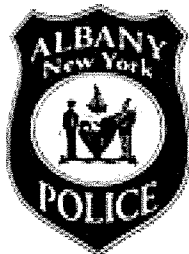
FROM: _____

DATE: _____

A.	STATION/UNIT: _____	ZONE: _____	CASE NO: _____
B.	DATE OF SEIZURE: _____		COUNTY: ALBANY
	LOCATION OF SEIZURE: _____		
C.	TYPE OF SEIZURE:		
	STATE <input type="checkbox"/>	JOINT <input type="checkbox"/>	
	FEDERAL <input type="checkbox"/>	ADOPTIVE <input type="checkbox"/>	
D.	IF FEDERAL: UNAT <input type="checkbox"/>		
	AGENCY NAME: _____		
	ADDRESS: _____	TELEPHONE #: _____	
E.	PRESENT LOCATION OF PROPERTY SEIZED:		
	LOCATION: _____		
F.	IDENTIFICATION OF PROPERTY: <i>If vehicle — list year, make, model, VIN, mileage & registered owner.</i>		

G.	VALUE & CONDITION: <i>If value estimated, so indicate.</i> UNAT <input type="checkbox"/>		
	1. \$ _____	ESTIMATED? YES <input type="checkbox"/> NO <input type="checkbox"/>	CONDITION: _____
	2. \$ _____	ESTIMATED? YES <input type="checkbox"/> NO <input type="checkbox"/>	CONDITION: _____
	3. \$ _____	ESTIMATED? YES <input type="checkbox"/> NO <input type="checkbox"/>	CONDITION: _____
	4. \$ _____	ESTIMATED? YES <input type="checkbox"/> NO <input type="checkbox"/>	CONDITION: _____
H.	LIENS: <i>If liens apply — list lien holders and amounts.</i> UNAT <input type="checkbox"/>		
	1. \$ _____	LIEN HOLDER: _____	
	2. \$ _____	LIEN HOLDER: _____	
	3. \$ _____	LIEN HOLDER: _____	
	4. \$ _____	LIEN HOLDER: _____	
I.	ANTICIPATED ALBANY P.D. FORFEITURE PERCENTAGE:		

J. LAW ENFORCEMENT AGENCIES INVOLVED — Other than Albany PD.		DNA <input type="checkbox"/>	
1.			
2.			
3.			
4.			
K. CONTACT INFORMATION FOR MEMBER IN CHARGE OF THIS ASSET SEIZURE CASE:			
MEMBER:		PHONE:	
PIN#:		STATION / UNIT:	
L. CHARGES INVOLVED IN THIS CASE:			
1.		STATE <input type="checkbox"/>	FEDERAL <input type="checkbox"/>
2.		STATE <input type="checkbox"/>	FEDERAL <input type="checkbox"/>
3.		STATE <input type="checkbox"/>	FEDERAL <input type="checkbox"/>
4.		STATE <input type="checkbox"/>	FEDERAL <input type="checkbox"/>
M. NAME & DOB OF DEFENDANTS:			
		DOB	<small>NOTE — PLEASE INDICATE IF THE OWNER OR OCCUPANT OF A SEIZED VEHICLE?</small> OWNER <input type="checkbox"/> OCCUPANT <input type="checkbox"/>
1.			
2.			
3.			
4.			
N. TYPE AND QUANTITY OF DRUGS SEIZED:			
		DNA <input type="checkbox"/>	
1.			
2.			
3.			
4.			
O. SYNOPSIS OF CASE:			



ALBANY POLICE DEPARTMENT

SEIZED PROPERTY SUPPLEMENTAL REPORT

DOCUMENT SUBMISSION SLIP

TO:

ASSET SEIZURE COORDINATOR

Email To: Forfeiture@albany-ny.org

FROM:**STATION/UNIT:****DATE:**

NOTICE

THIS FORM SHOULD ACCOMPANY THE SUBMISSION OF ANY SUPPORTING DOCUMENTATION OR INFORMATION SUBMITTED TO THE ALBANY POLICE DEPT. ASSET SEIZURE COORDINATOR REGARDING A PREVIOUSLY SUBMITTED APD-351.

EXAMPLES: USE THIS FORM IN CONJUNCTION WITH THE SUBMISSION OF:

- DEPOSIT SLIPS
- DAG-71's (US DEPT. OF JUSTICE FORMS)
- TDF FORMS (US DEPT OF TREASURY FORMS)
- (PROPERTY RECEIPTS)
- THE SUBMISSION OF ANY OTHER CORRESPONDENCE/INFORMATION RELATED TO A PREVIOUSLY SUBMITTED APD-351.

A.	STATION/UNIT:		ZONE:		APD INCIDENT NO:	
	ASC #		DEA TDF #			

B.	DATE OF SEIZURE:		COUNTY:	ALBANY
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C.	DEFENDANTS NAME(S)			
	1.		2.	
	3.		4.	

D.	IDENTIFICATION OF PREVIOUSLY REPORTED PROPERTY: <i>if vehicle — list year, make & model.</i>			
	1.		2.	
	3.		4.	
	5.		6.	

E.	LIST ALL ATTACHMENTS TO THIS FORM:			
	1.		2.	
	3.		4.	
	5.		6.	



HEARING REQUEST FOR SEIZED VEHICLES APD FORM # 344

TYPE OR PRINT LEGIBLY

FOR POLICE DEPARTMENT USE ONLY			
STATION	ARREST NO.	INCIDENT NUMBER	
Arresting Officer		Badge / P.N.	Date of Arrest
Defendant / Operator's Name (Last, First, MI.)		Number of Defendants	
Year and Make of Vehicle Seized		VIN#	
Did Vehicle Sustain Any Damage as a Result of This Incident?		Mileage	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes, Briefly Describe Damage <input type="checkbox"/> No	
ACKNOWLEDGEMENT OF SERVICE			
The undersigned acknowledges that on _____, 20____, at _____, Albany, NY, I received the author- ized notice of right to a retention hearing.			
Defendant's Name (Print)		Defendant's Signature	Date
<input type="checkbox"/> Defendant Refused Signature	Serving Officer's Signature	Badge / P.N.	Date

NOTICE OF RIGHT TO A RETENTION HEARING

You are entitled to a hearing to determine whether it is valid for the Albany Police Department to retain the vehicle seized in connection with an arrest. Please complete this form, make and keep a copy for yourself, and deliver or mail the completed original form to Albany Police Department Headquarters, 444 Henry Johnson Blvd., Albany, NY 12204, Attention: Asset Seizure Coordinator. When the form is received, you will be notified of the date, time and place of your hearing, which will be held within 10 business days of receipt of this form. The APD Asset Seizure Coordinator's Office will do its best to accommodate your schedule by having the hearing on a date when you are available. Please indicate in the space provided below the date(s), if any, when the next four weeks following receipt of this form when you are NOT available to attend a hearing. The hearing will be held at City Hall, City of Albany, 24 Eagle St., Albany, NY 12202. The hearing will provide you with an opportunity to be heard, either yourself or through your attorney, with respect to these issues: (1) whether probable cause existed for the arrest of the vehicle operator, (2) whether it is likely that the City will prevail in an action to forfeit the vehicle, and (3) whether it is necessary that the vehicle remain impounded in order to ensure its availability for a judgment of forfeiture. The burden of proof by a preponderance of the evidence as to each of these issues will be on the Police Department, and the judge may consider such hearsay and other evidence as the judge may consider reliable. If the Police Department's proof is insufficient as to any of these issues, the vehicle will be returned to the claimant within 10 days. Additionally, a claimant who is an owner may present an "innocent owner" defense, namely that in some instances, a vehicle may not be forfeited if its owner did not know or have reason to know that the vehicle would be used in the commission of a crime. Only one person may appear as claimant, and if more than one of these forms is received by the Police Department, priority will go to the registered owner of the vehicle.

Name of Person Accepting Hearing		Telephone No.	
		1 - 3	
Address	City	State	Zip Code
			Appt. No.
Person Accepting Hearing: <input type="checkbox"/> Defendant <input type="checkbox"/> Owner <input type="checkbox"/> Other (Specify):			
List All Dates (Month, Day) During The Next Four (4) Weeks When You Will NOT Be Available To Attend A Hearing:			
Is The Vehicle Being Claimed: <input type="checkbox"/> Leased <input type="checkbox"/> Financed <input type="checkbox"/> Owned outright		Name of Leasing/Financing Company	
Defendant's Name		Telephone No.	
		1 - 3	
Address	City	State	Zip Code
			Appt. No.
Claimant's Legal Representation		Telephone No.	
		1 - 3	
Address	City	State	Zip Code
			Appt. No.
Copy Received	Signature of Claimant		

NOTE: This Section MUST be Completed in Full in Order to Process Your Appearance at the Retention Hearing

DISTRIBUTION: WHITE - Asset Seizure Coordinator BLUE - Arresting Officer BULKY - A.D.A. (APR) - Defendant

PETITION FOR RETENTION OF SEIZED VEHICLE

STATE OF NEW
YORK

CITY COURT FOR THE _____
_____ COUNTY

IN THE MATTER OF

Docket No. _____

(Vehicle Owner)

The above listed vehicle owner is asserted to be a person subject to asset seizure and forfeiture proceedings.
This petition is being initiated for purposes of notifying the above named individual of the Albany Police
Department's intent to retain _____
(list the seized vehicle's registration, year, make, model, and VIN).

This petition is being initiated by reason of: (Check all that apply)

- ☐ New York State Public Health Law; (Section 3365)
- ☐ New York State Civil Practice Law and Rules; (Article 13-A)
- ☐ New York State Penal Law; (Article 410)
- ☐ New York State Penal Law; (Article 415)
- ☐ New York State Penal Law; (Article 420)
- ☐ New York State Tax Law; (Article 37)
- ☐ Federal Law; _____
- ☐ Other Applicable Law; _____

On _____, 20____ at approximately _____ hours while at _____ in the City of Albany, County of Albany,
State of New York, the above listed individual _____ did _____

(Describe a brief summary of the alleged
incident, activity, or behavior, and facts establishing probable cause for the initial seizure).

A hearing has been scheduled for _____, 20__ at ____ hours held at City Hall 24 Eagle Street Albany, NY 12207.

The purpose of this hearing is to determine the validity for further retention of the aforementioned motor vehicle, if there was probable cause for the initial seizure, and whether other measures, short of continued impoundment, would satisfy the legitimate interests of the government in protecting the aforementioned vehicle from sale or destruction, prior to or during the pending proceedings. Failure to show for this hearing forfeits your legal rights to a retention hearing regarding the specific incident described above

Name of Person Accepting Hearing			Telephone No ()	
Address	City	State	Zip Code	Apt No
Person Accepting Hearing <input type="checkbox"/> Defendant <input type="checkbox"/> Owner <input type="checkbox"/> Other (Specify)				
List All Dates (Mon-Fri) During The Next Four (4) Weeks, When You Will NOT Be Available To Attend A Hearing:				
Is The Vehicle Being Claimed: <input type="checkbox"/> Leased <input type="checkbox"/> Financed <input type="checkbox"/> Owned Outright		Name of Leasing/Financing Company		
Defendant's Name			Telephone No ()	
Address	City	State	Zip Code	Apt No
Claimant's Legal Representation			Telephone No ()	
Address	City	State	Zip Code	Apt No
Copy Received	Signature of Claimant			
NOTE: This Section MUST be Completed in Full in Order to Process Your Acceptance of the Retention Hearing.				
DISTRIBUTION: WHITE - Asset Seizure Coordinator BLUE - Arresting Officer GREEN - A.D.A. PINK - Defendant				