

## Vehicle Seizure and Forfeiture

### 526.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

### 526.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

#### 526.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with this policy are handled by the arresting deputy.

### 526.3 VEHICLE SEIZURE PROCEDURES

When a deputy arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the deputy may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055
- (b) The arrestee must be provided with a office form to notify the arrestee, in writing, that it is unlawful to transfer, sell, or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle may be seized as provided under the authority of RCW 46.61.5058.

### 526.4 VEHICLE FORFEITURE

It is the policy of the San Juan County Sheriff's Office to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

#### 526.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

- (a) The following procedure shall apply in such cases:
  - 1. Persons requesting a forfeiture hearing must complete and sign an San Juan County Sheriff's Office Forfeiture Request Form;

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2. All hearings shall be scheduled and conducted in a timely fashion.
  3. The hearing officer(s) shall be designated by the Sheriff.
  4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.
- (c) The vehicle shall be considered forfeited under the following circumstances:
1. If, forty-five days after the seizure, no person has notified the San Juan County Sheriff's Office of a claim of ownership or right to the vehicle.
  2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
  3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

#### **526.5 PROCEDURES FOLLOWING FORFEITURE**

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the San Juan County Sheriff's Office may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the San Juan County Sheriff's Office:

- (a) The Sheriff/Undersheriff or his/her designee shall determine the disposition of all vehicles legally forfeited to the San Juan County Sheriff's Office. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Office.
- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).
- (c) A record of the forfeited vehicle shall be maintained, The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).
  1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).