



GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 130

GENERAL ORDERS

PROPERTY SEIZURES

PURPOSE:

This policy provides deputies with instructions regarding seizure of property suspected of facilitating illegal drug activity or represents the proceeds of illegal drug activity (S.C. 44-53-520). This policy does not apply to property taken into custody as evidence.

**SEIZURE STATUTE
LIMITATIONS:**

South Carolina Code of Law § 44-53-520 allows law enforcement agencies to seize “all property, both real and personal, which in any manner is knowingly used to facilitate production, manufacturing, distribution, sale, importation, exportation, or trafficking in various controlled substances.” When controlled substances are present and statutory elements exist, property can be seized. If an individual is suspected of being in violation of this law, but no controlled substances are found, an immediate seizure is not advised. Mere possession of money or other things of value, such as jewelry, by an individual, even though he/she is in a known drug trafficking area, is not sufficient reason to execute a seizure.

PROCEDURE:

It is policy of the Sheriff’s Office not to seize property, real or personal, without controlled substances present unless a court having jurisdiction over the property issues a seizure warrant.

**EXCEPTIONS TO
SEIZURE WARRANT
POLICY:**

SEIZURE AS RESULT OF AN ONGOING INVESTIGATION – Investigations into controlled substance activities supported by documentation clearly identifying property used to facilitate illegal drug activities can result in seizure of property without presence of controlled substances. Generally, a seizure based on these criteria is supported by a seizure warrant, but occasionally exigent circumstances exist which preclude obtaining a seizure warrant.

Example:

...information leads deputies to believe that property is being hidden or transferred to legitimate purchasers or nominees to avoid seizure or the inadvertent discovery of property not originally known...

Deputies considering a seizure falling within this guideline and without a seizure warrant are to obtain approval from a Vice & Narcotics supervisor before seizing the property.

**NON-CONSENT
FORFIETURES:**

Field contact with individuals in high intensity drug trafficking area - Large sums of money (\$1,000 or more) can be taken into custody for a reasonable period of time from an individual who meets the following criteria:

1. Individual is not in possession of controlled substances, but is suspected of venturing in articulable illegal narcotic activities.
2. Individual is in possession of large sums of money not readily or logically explained.
3. Probable cause exists money represents proceeds of illegal narcotics sales.
4. A Vice & Narcotics supervisor approved taking of the money into custody.

**CONSENSUAL
FORFEITURES:**

Sums of money less than \$1000 may be forfeited under the following criteria:

1. Individual is not in possession of controlled substances, but is suspected of venturing in articulable illegal narcotic activities.
2. Probable cause exists that money represents proceeds of illegal narcotics sales.
3. If the subject gives written consent of forfeiture
4. A Vice & Narcotics supervisor approved taking of the money into custody.



Hobart Lewis, Sheriff