

MEMORANDUM OF UNDERSTANDING
REGARDING FORFEITURES

This Memorandum of Understanding Regarding Forfeitures is hereby entered into between the Indianapolis Metropolitan Police Department (hereinafter referred to as IMPD) and the Marion County Prosecuting Attorney (hereinafter referred to as MCPO).

This Memorandum of Understanding Regarding Forfeitures is intended by the parties to serve as the agreement between IMPD and MCPO relating to the forfeiture of any real or personal property seized by any officer of IMPD, EXCEPT for the forfeiture of any real or personal property seized by any officer of IMPD assigned to the Metropolitan Drug Task Force.

The parties agree as follows:

1. Any United States currency seized by any officer of IMPD, for purposes of forfeiture, shall be deposited into and maintained, by IMPD, in an account (hereinafter referred to as the INITIAL ACCOUNT), such INITIAL ACCOUNT to be established and maintained by IMPD pursuant to the provisions of any and all applicable state statutes and/or city ordinances. Such United States currency shall be maintained in the INITIAL ACCOUNT until such time as a Court has issued an order regarding the disposition of such United States currency, pursuant to the provisions of I.C. 34-24-1-1 et seq. or I.C. 34-24-2-1 et seq., or until such time as MCPO has made a determination not to pursue a civil forfeiture action relating to such United States currency.
2. Any real or personal property, other than United States currency, seized by any officer of IMPD, shall be maintained and safeguarded by IMPD until such time as a Court has issued an order regarding the disposition of such real or personal property, pursuant to the provisions of I.C. 34-24-1-1 et seq. or I.C. 34-24-2-1 et seq., or until such time as MCPO has made a determination not to pursue a civil forfeiture action relating to such real or personal property.
3. As soon as practicable after any real or personal property has been seized by any officer of IMPD, for purposes of forfeiture, a designated representative of IMPD shall notify a designated representative of the Forfeiture Unit of MCPO of the desire of IMPD to commence a civil forfeiture action, pursuant to I.C. 34-24-1-1 et seq. or I.C. 34-24-2-1 et seq., with respect to such seized real or personal property. Thereafter, MCPO shall make a determination whether to file a civil forfeiture action with respect to such seized real or personal property.

4. If MCPO decides not to pursue a civil forfeiture action with respect to any real or personal property seized by any officer of IMPD, a designated representative of the Forfeiture Unit of MCPO shall provide written notice to a designated representative of IMPD of the decision not to pursue a civil forfeiture action.
5. If MCPO initiates a civil action for forfeiture with respect to any real or personal property seized by any officer of IMPD, a designated representative of the Forfeiture Unit of MCPO shall provide written notice to a designated representative of IMPD of the commencement of such civil forfeiture action. Such written notice shall include the following information:
 - a. The case caption;
 - b. The cause number;
 - c. A description of the real and/or personal property that is the subject matter of the civil forfeiture action.
6. On or before the 15th day of each month, a designated representative of the Forfeiture Unit of the MCPO shall provide to a designated representative of IMPD a written summary of all filed civil forfeiture actions (relating to IMPD seizures) that have reached final disposition during the previous month. Such monthly written summary shall include the following information for each such civil forfeiture action that has reached final disposition:
 - a. The case caption;
 - b. The cause number;
 - c. The disposition of the civil forfeiture action.

Such monthly summary shall also include a copy of the judgment order of the Court for all filed civil forfeiture actions that have reached final disposition during the previous month.

7. If a Court, in a civil forfeiture action relating to an IMPD seizure, issues an order forfeiting any United States currency, IMPD shall, within thirty (30) days of receipt of the monthly summary from MCPO, transfer seventy percent (70%) of such forfeited United States currency from the INITIAL ACCOUNT to a forfeiture fund established for IMPD (hereinafter referred to as the IMPD STATE FORFEITURE FUND) and shall transfer thirty percent (30%) of such forfeited United States currency from the INITIAL ACCOUNT to a forfeiture fund established for MCPO (hereinafter referred to as the MCPO STATE FORFEITURE FUND). The IMPD STATE FORFEITURE FUND and the MCPO STATE FORFEITURE FUND shall be established and maintained pursuant to the provisions of any applicable state statutes and/or city ordinances, including, but not limited to, the Revised Code of the Consolidated City and County Sec. 283-225(a)(14).

8. If a Court, in a civil forfeiture action, issues an order forfeiting any vehicle previously seized by IMPD, such order may, pursuant to I.C. 34-24-1-4, permit IMPD to use such vehicle for a period not to exceed three (3) years. IMPD shall, within sixty (60) days of the receipt of the monthly summary from MCPO, provide written notification to a designated representative of the Forfeiture Unit of the MCPO of the intent of IMPD to use any such forfeited vehicle for the period of time provided by I.C. 34-24-1-4.
9. IMPD shall maintain an inventory of all vehicles which have been forfeited pursuant to civil forfeiture actions and which are being used by IMPD, pursuant to the provisions of I.C. 34-24-1-4. IMPD shall provide a copy of such inventory of forfeited vehicles to a designated representative of the Forfeiture Unit of MCPO on or about January 1st and July 1st of each year.
10. The parties acknowledge and understand that, pursuant to I.C. 34-24-1-4 and I.C. 34-24-2-2, a Court, in a civil forfeiture action, may order that certain forfeited real or personal property be sold at auction. Prior to any such forfeiture auction being held, a designated representative of IMPD shall provide to a designated representative of the Forfeiture Unit of MCPO a written list of all forfeited real and personal property that is to be sold at auction. Such written list of forfeited real and personal property to be sold at auction shall include the following information:
 - a. A description of each items of forfeited real or personal property to be sold at auction;
 - b. The case caption and cause number of the civil forfeiture action applicable to each item of forfeited real or personal property to be sold at auction.
11. Within thirty (30) days after any auction of any forfeited real or personal property, IMPD shall provide to a designated representative of the Forfeiture Unit of MCPO a copy of any report of such auction generated by or for the Sheriff of Marion County, which report indicates the sale price of each of the items of forfeited real or personal property that were sold at such auction.
12. Within thirty (30) days after the receipt of the net proceeds (as defined by I.C. 34-24-1-6) of the auction sale of any forfeited real or personal property, IMPD shall transfer seventy percent (70%) of such net proceeds to the IMPD STATE FORFEITURE FUND and shall transfer thirty percent (30%) of such net proceeds to the MCPO STATE FORFEITURE FUND.
14. IMPD shall be solely responsible for any and all costs relating to the storage and maintenance of any and all real or personal property seized by officers of IMPD for forfeiture, until such real or personal property is forfeited and sold at auction or otherwise disposed of pursuant to law.


15. MCPO shall be solely responsible for any and all costs relating to the commencement and prosecution of all civil actions for forfeiture instituted for and on behalf of IMPD.
16. This Memorandum of Understanding Regarding Forfeitures shall become effective upon execution by the parties and shall remain in full force and effect until terminated, in writing, by either the Director of Public Safety of the City of Indianapolis or by the Prosecuting Attorney of Marion County.

The parties have executed this Memorandum of Understanding Regarding Forfeitures on the dates indicated below.

4/14/11
Date


FRANK G. STRAUB
Director of Public Safety
City of Indianapolis

7/14/11
Date


TERRY R. CURRY
Marion County Prosecuting Attorney