



EQUITABLE SHARING WIRE

January 16, 2015

Policy Limiting the Federal Adoption of Seizures by State and Local Law Enforcement Agencies

On January 16, 2015, the Attorney General issued an [order](#) strictly limiting situations in which participants in the Department of Justice Asset Forfeiture Program are authorized to adopt assets seized by state or local law enforcement under state law in order for the property to be forfeited under federal law (referred to in the Attorney General's order as "federal adoptions"). Pursuant to this order, agencies are **only** permitted to adopt assets seized by state and local law enforcement agencies that directly implicate public safety concerns, namely firearms, ammunition, explosives, and property associated with child pornography. Please [click here](#) to view the new adoption request form. Any other property that a federal prosecutor or agency believes might fall under the public safety exception may only be adopted federally with the express approval of the Assistant Attorney General for the Criminal Division. The adoption of all other property, including, but not limited to, vehicles, valuables, and cash, is prohibited.

This policy applies to federal adoptions. It does not, therefore, apply to the following circumstances: (1) seizures by state and local authorities working together with federal authorities in a joint task force; (2) seizures by state and local authorities that are the result of joint federal-state investigations or that are coordinated with federal authorities as part of ongoing federal investigations; or (3) seizures pursuant to federal seizure warrants, obtained from federal courts to take custody of assets originally seized under state law. This policy also does not affect the ability of state and local agencies to pursue the forfeiture of assets pursuant to their respective state law.

This policy is effective immediately. For any asset that already has been seized and for which adoption already has been requested and accepted by the Department as of the date of the issuance of this policy, the adoption process may continue pursuant to the prior adoption policy, provided that it comports strictly with federal law and the requirements of the prior policy.

Key Contacts

Permissible Use of Funds
Afmls.aca@usdoj.gov

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Websites

Department of Justice Equitable Sharing Program
www.justice.gov/criminal/afmls/equitable-sharing/

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Treasury Executive Office for Asset Forfeiture

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