



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>MARCH 1, 2002</b>	REVISED DATE:	NO. PAGES: <b>1 of 2</b>	NUMBER: <b>10.2.02</b>
SUBJECT: <b>PROPERTY CONFISCATED FOR THE REGISTRAR OF MOTOR VEHICLES</b>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE: <p style="text-align: center;"><i>Edward F. Lohn, Chief</i></p>			

**PURPOSE:** To establish guidelines for confiscating property under the authority of the Registrar of Motor Vehicles per Ohio Revised Code Section 4509.101.

**POLICY:** The Cleveland Division of Police shall confiscate property (driver’s license, certificate of registration, registration plates) on the authority of the Registrar of Motor Vehicles. Section 4509.101 of the Ohio Revised Code states that a “peace officer ...May confiscate...” this property but it is NOT mandatory. Therefore, a sworn officer of the Division may use discretion when confiscating property by authority of the Registrar of Motor Vehicles.

**PROCEDURES:** If a LEADS check reveals that the registrar of motor vehicles has ordered the confiscation and return of the driver’s license and/or the certificate of registration and/or the registration plates (license plates) of an individual, an officer may confiscate the property. It is not mandatory to confiscate he property; officers may use their discretion.

If the property is confiscated, effort shall be made to confiscate ALL THE PROPERTY INDICATED IN THE LEADS PRINOUT. If all the indicated property is not confiscated, the City will not be reimbursed for the confiscation cost. If all the mentioned property is not available, whatever is available shall be confiscated.

- I. The confiscating officer shall:
  - A. When LEADS reveals an order, from the Registrar of Motor Vehicles, to confiscate property, officers shall make the determination whether or not to confiscate the property. If the individual has a clearance letter (Bureau of Motor Vehicle Form 3417) in their possession that shows the confiscation order is negated, the clearance letter SHALL TAKE PRECEDENCE over the LEADS information.
  - B. If officers make the decision to confiscate property, they shall complete a

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State Motor Vehicle Form BMV 3608: “Items Impounded By Law Enforcement For Return To BMV”; along with the property entered in the district/unit property book accompanied by the BMV 3608 form with a copy of the authorizing LEADS printout.

**II.** Supervisors shall:

- A. When requested respond to determine if confiscation is authorized
- B. Review the Bureau of Motor Vehicle Form 3608 to ensure completeness and sign the form.

**III.** Officer-In-Charge (OIC)

The OIC shall ensure that confiscated property is properly logged in the unit/district property book. They shall also ensure that the BMV Form 3608 and a copy of the LEADS printout accompany it when forwarded to the Property Unit.