



UNITED STATES MARINE CORPS  
MARINE CORPS LOGISTICS BASE  
ALBANY, GEORGIA 31704-5000

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20 May 92

BASE ORDER 5800.10

From: Commanding General  
To: Distribution List

Subj: AUTHORITY TO SEIZE AND IMPOUND, PENDING FORFEITURE  
DETERMINATION, VEHICLES USED TO FACILITATE THE  
TRANSPORTATION OF CONTRABAND

Ref: (a) 49 U.S.C. 781-788 (NOTAL)  
(b) MOU Between CMC and Naval Security and Investigative  
Command Relative to the Investigation of Criminal  
Offenses dtd 4 May 87 (NOTAL)  
(c) 21 U.S.C. 801 (NOTAL)  
(d) 21 U.S.C. 844 (NOTAL)  
(e) 21 U.S.C. 881 (NOTAL)

1. Purpose. To authorize, establish standards and prescribe procedures to be followed in the seizure, impoundment, and holding for forfeiture of vehicles used to facilitate the transportation of contraband articles into, aboard, and out of Marine Corps Logistics Base, Albany, Georgia.

2. Policy. The introduction, possession, use, sale, or transfer of marijuana, narcotic drugs, and other controlled substances within Marine Corps Logistics Base, Albany, Georgia, is prohibited by federal law, Department of the Navy and United States Marine Corps directives. Such activity will not be tolerated and will be deterred by every lawful means available to this command.

3. Background. The seizure of vehicles transporting contraband is authorized by section 782 of reference (a) which provides:

Any vessel, vehicle, or aircraft which has been or is being used in violation of any provision of Section 781 of this title, or in, upon, or by means of which any violation of said section has taken or is taking place, shall be seized and forfeited:....

Section 781 of that reference further states that "it shall be unlawful ... to use any vessel, vehicle or aircraft to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange or giving away of any contraband article." The term "contraband article" includes "any narcotic drug ... which has been acquired or is possessed, sold, transferred, or offered for sale, in violation of any laws of the

United States dealing therewith...." 49 U.S.C. section 781(b)(1). Title 49, U.S.C. section 787(d) defines marijuana as a "narcotic drug."

4. Action. In accordance with references (a) through (e), and to effectuate the command's responsibility to conduct a vigorous campaign against the introduction, possession, use, sale or transfer of marijuana, narcotics and/or other controlled substances within Marine Corps Logistics Base, Albany, the following actions will be taken.

a. Provost Marshal

(1) Action upon detection of contraband and/or controlled substances within a motor vehicle. Upon detection of contraband as defined by 49 U.S.C. sections 781 and 787, and/or a narcotic drug or controlled substance as defined by 49 U.S.C. sections 781 and 787 and/or 21 U.S.C. section 801 et seq., within a motor vehicle seeking entry to, upon or exiting from Marine Corps Logistics Base, Albany, the Naval Investigative Service (NIS) will be notified consistent with reference (b). When NIS declines jurisdiction or when such notification is not required, the following procedures will be effected:

(a) All contraband will be seized and properly marked for identification. When possible, controlled substances will immediately be subjected to field chemical analysis for identification.

(b) The motor vehicle involved will be secured and temporarily detained under surveillance at the location of contraband seizure pending the determinations specified in paragraph 4c.

(c) All occupants of the vehicle will be removed to the Provost Marshal's office for questioning. If possible, sworn, written statements will be obtained. In any event, the following specific items of information will be recorded:

1 Vehicle name, color and body characteristics;

2 Vehicle identification number, serial number, mileage, license number and base decal number;

3 Owners name, address, occupation, state of driver's license and driver's license number. If the vehicle operator is not the owner, so state and identify operator in 5;

4 Garage location at which vehicle is maintained;

5 Names, addresses and occupations of all passengers within the vehicle;

6 Name, address and policy number of vehicle's insurance carrier; and

7 Name and address of any financial institution or individual holding a lien on the vehicle.

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(d) Provost Marshal's office personnel involved in the detection and seizure of contraband will provide sworn, written statements concerning the circumstances of any search that results in the seizure of contraband from a motor vehicle.

(e) The Provost Marshal; Deputy Provost Marshal; Provost Sergeant; Chief Investigator, Criminal Investigation Division or Duty Criminal Investigator; or Watch Commander of the on-duty military police section will personally and immediately, but not later than 3 hours after contraband seizure, present all documents, statements and chemical analysis reports to the Staff Judge Advocate for a determination of vehicle seizure and impoundment, per paragraph 4c.

(2) Action when seizure and impoundment of vehicle not authorized. When it is determined pursuant to paragraph 4c that the vehicle temporarily detained will not be seized and impounded, the following steps shall be taken:

(a) When the material seized is identified as neither contraband nor a controlled substance, the vehicle will be released without restriction.

(b) When the material seized is identified as a controlled substance which would permit seizure and impoundment but for the limitations as to quantity, type and purpose of introduction or value of vehicle per paragraph 4c, an appropriate investigation will be initiated by the Criminal Investigative Division or the NIS.

1 When the driver of the vehicle is a civilian employee of the base or a dependent of a member of the Armed Forces stationed at Marine Corps Logistics Base, Albany, such civilian may be released on his or her own recognizance. In addition, the vehicle will be released.

2 When the driver of the vehicle is a civilian guest to the base, such guest and the vehicle will be released, and

a if seeking entry to the base, barred from entry;  
or

b if aboard the base or seeking exit from the base, removed from the base.

3 When the driver of the vehicle is a member of the Armed Forces:

a if the military member is stationed at Marine Corps Logistics Base, Albany, such individual will be released to duty personnel of his organization; or

b if the military member is not stationed at Marine Corps Logistics Base, Albany, escorted from the base and released on his or her own recognizance.

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(3) Action when seizure and impoundment pending forfeiture determination is directed. When it is determined pursuant to paragraph 4c that a temporarily detained vehicle will be seized and impounded pending a forfeiture determination, or when it is directed that a vehicle be impounded pursuant to paragraph 4c, the following steps shall be taken:

(a) Photographs of the front, sides and rear of the vehicle will be obtained.

(b) The inside and outside of the vehicle will be inspected for pre-seizure damage. All scratches, scrapes, dents, broken or torn items, and missing accessories should be cataloged and, when possible, photographs of such damage should be obtained.

(c) An inventory of the contents of the vehicle (to include trunk, passenger, engine compartments and exterior items) should be developed. Following such inventory, personal (non-contraband) items will be released to the vehicle operator and receipted for.

(d) Items of pilferage (e.g., radios, C.B. sets, radar detectors, detachable antennas, etc.) which are easily removed from the auto will be removed, appropriately tagged, and stored in a secured area such as an evidence locker. Items so removed and stored will be appropriately annotated on the inventory.

(e) The seized vehicle will be removed to the Marine Corps Logistics Base, Albany, impound lot. The vehicle will be operated only by a responsible official.

(f) Vehicles within the impound lot will be spaced to preclude scraping, denting, etc., and to permit visual checks by roving security patrols.

(g) Security personnel will routinely visually inspect the impound lot to ensure that the seized property is present, no intruders are detected and to check for damage/vandalism. A schedule of such inspections will be established and the conduct of such examination together with the results thereof will be maintained in the military police journal.

(4) Action upon declination of forfeiture. When notified by the Staff Judge Advocate that the United States Attorney and/or Drug Enforcement Administration, Department of Justice, have declined to judicially or administratively forfeit a vehicle seized and impounded pursuant to paragraph 4a, the Provost Marshal will:

(a) Immediately notify the vehicle owner of the location, date and time of release.

(b) Replace within or upon the vehicle all items removed for safekeeping per paragraph 4a.

(c) Reinventory the vehicle and its contents. All discrepancies will be noted in writing together with reasons therefore.

(d) Reexamine the interior and exterior of the vehicle for damage or theft occurring while in impoundment. Missing or stolen items will be described in writing together with explanation therefore. Damage will be described with explanation as to cause. Photographs of such damage will be obtained.

(e) Release the vehicle to the owner at either the Main Gate or the impound lot, Marine Corps Logistics Base, Albany. At the time of release, the owner will receipt in writing for the returned vehicle or an affidavit of release will be prepared and signed by the releasing official.

b. Naval Investigative Service. When NIS assumes jurisdiction over an incident of contraband within a vehicle, NIS will retain investigative jurisdiction and through the cooperation/assistance of the Provost Marshal will ensure compliance with the provisions of this Order.

c. Staff Judge Advocate

(1) The Staff Judge Advocate, after obtaining oral permission to seize a vehicle from the Drug Enforcement Administration, Department of Justice, (DEA phone number during working hours is 1-404-649-7851 or nonworking hours is 1-800-999-6710, page 37,000 for Agent Wize and 1078 for Agent Scott; United States Attorney's office point of contact is Mr. Charlie Cox, phone 1-751-3511) may direct seizure and impoundment pending written forfeiture determination of automobiles aboard the base used to facilitate the transportation of contraband.

(2) Seizure and impoundment authorized. Seizure and impoundment of a vehicle pending a written forfeiture determination will be limited to instances where a "contraband" article, as defined by 49 U.S.C. sections 781 and 787, is discovered in, or upon the person of an individual in or on, such motor vehicle, as follows:

(a) A controlled substance is found inside of (to include on the person of an individual inside of or on) or attached to such vehicle.

(b) The nature of the controlled substance is established by:

1 a confession or admission of the vehicle owner, operator or passenger; or

2 a report of field chemical analysis; or

3 a report of laboratory analysis.

(c) The Staff Judge Advocate determines that:

1 there was a lawful basis for the search of the vehicle in question; and

2 there is probable cause to believe that material found within the vehicle is a controlled substance.

3 there is probable cause to believe that the vehicle was used to facilitate the conveyance of a contraband substance.

4 the vehicle is worth more than \$2500 in equity value to the government, is less than six years old or has less than 60,000 miles upon it.

(3) Seizure directed. Upon such occasion as a seizure and impoundment of a vehicle pending a written forfeiture determination, the Staff Judge Advocate will immediately provide verbal and written notification of such seizure and impoundment to the United States Attorney and the Drug Enforcement Administration, Department of Justice. Such notification shall include the basis for seizure and impoundment and will contain pertinent documents, statements and reports of laboratory or field chemical analysis. In addition, the Drug Enforcement Administration will be requested to expeditiously determine whether forfeiture of the seized vehicle will be effected.

5. Impoundment authorized. Upon written request of the United States Attorney, an agent of the Drug Enforcement Administration or the Federal Bureau of Investigation as defined by 21 C.F.R. section 1316.72, the Commanding General may receive for impoundment a motor vehicle seized pursuant to references (a), (c), (d) and (e). Agreement by the command to receive such a seized vehicle for impoundment is subject to available space within the Marine Corps Logistics Base, Albany, impound lot and delivery of the vehicle to the Provost Marshal for impoundment.

6. Release of seized and/or impounded vehicles. At such time as written direction for release of a seized and/or impounded vehicle is received from either the United States Attorney or the Drug Enforcement Administration, the release of such vehicle will be immediately effected.

7. Judicial Determination. Nothing in this Order shall be construed as in any manner limiting the application of other judicial, nonjudicial, or administrative actions. Furthermore, nothing in this Order shall in any way be construed as establishing a procedural or substantive right or privilege on behalf of an owner, driver, passenger or lien holder of a motor vehicle subject to the provisions of this directive.

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8. Applicability. This Order is not applicable to the Blount Island Command.

  
A. J. FINGER  
Chief of Staff

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