

A PROSECUTOR'S TOOL TO BETTER QUALITY OF LIFE AND COMBAT DRUG NUISANCES IN THE WEED & SEED SITE

Weed & Seed Insights

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In the North Philadelphia 24th/25th and 26th District Weed & Seed Sites, prosecutors have used asset forfeiture to effectively improve the quality of life and hamper drug dealers by going after their assets, including their houses, vehicles, and money.

The asset forfeiture process is only successful when the community works with law enforcement to identify problem areas within their community. In this case, members of the Weed & Seed board provide tips to the police regarding drug dealers selling from houses, apartments, bars, and stores. The police investigate those tips, conduct surveillances, make undercover purchases and/or use confidential informants to make purchases and then obtain a search and seizure warrant. The information is then sent to the District Attorney's Office who charges the defendant(s) and initiates a forfeiture proceeding against the real property used to facilitate the drug dealing.

The forfeiture petition is filed *ex parte* (without the knowledge of the property owner) and may include an order to immediately seize and seal the property prior to the first listing in court. In many cases a drug defendant is out on bail in a few hours or within a day due to overcrowded county jails. Those defendants usually go right back to the community and continue to sell drugs to pay for their attorney and in order to make up the lost profits for the hours they sat in jail. The dealers feel confident knowing that the police have not even finished the paperwork from their arrest. However, in the case of a "full seal *ex parte* forfeiture petition" filed with a seize and seal order, County Detectives arrive at the property, remove anyone inside, and board up the windows and doors. In those cases, the drug dealer returns from jail only to find out he/she must find a new place to live and /or conduct the illegal business. If the drug dealer enters the property which is posted with signs, he/she will be arrested for criminal trespass. The result is a long term cease in the dealer's operation for that neighborhood.

In the case of a rental property or apartment with a drug dealer, once the police make the arrest for drug dealing from an apartment, the District Attorney's Office files an "ex parte forfeiture of the lease" (also called a "Leasehold Full Seal"). In a Leasehold Full Seal, County Detectives arrive at the property, remove anyone inside, and the landlord or the landlord's representative changes the locks. If the landlord attempted to evict the drug dealer through landlord tenant court it could take up to 90 days, instead of 24 hours with the Leasehold Full Seal.

In every case, the owner and/or tenants are notified of the action by regular and certified mail, personal service by County Detectives, and by advertisement in the local newspaper. In cases where the property was sealed, large orange signs are posted and utilities are cut providing additional forms of notice to a property owner and/or tenant. Furthermore, a Court listing is provided ten days from the date of filing of the *ex parte* petition.

Forfeiture is an effective tool to improve the quality of life in a community and provide a longer lasting remedy to end a drug operation that a simple arrest and release on bail could not do. In some cases, forfeited properties are donated back to the community for use as community centers and safe havens. In other cases, properties are sold at auction to interviewed buyers who may not straw purchase for drug dealers and may not have drug convictions. The proceeds are then used to fund the continued war on drugs.