



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION
PSC BOX 8003
CHERRY POINT, NC 28533-0003

AirStaO 5800.7
JLC
06 Jun 06

AIR STATION ORDER 5800.7

From: Commander, Marine Corps Air Station Cherry Point
To: Distribution List

Subj: SEIZURE AND FORFEITURE OF CONVEYANCES RELATED TO
CONTROLLED SUBSTANCE VIOLATIONS

Ref: (a) Title 21 U.S. Code, Section 881 (NOTAL)

1. Situation. To establish procedures for the forfeiture of conveyances used, or intended to be used, in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances in violation of the law.

2. Cancellation. ABO 5800.5A

3. Mission. Reference (a) provides for the forfeiture of conveyances that have been used, or are intended for use, to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances in violation of law.

4. Execution

a. Commander's Intent and Concept of Operation

(1) Commander's Intent. Conveyances aboard Marine Corps Air Station Cherry Point (MCAS Cherry Point), which are so related to controlled substances, shall be subject to seizure and detention as evidence and to forfeiture. Enclosure (1) details the conditions and procedures for the forfeiture of assets in drug-related cases. This Order supplements the provision of enclosure (1) for conveyances. If any conflict should arise between the provisions of the Order and enclosure (1), enclosure (1) will prevail. Nothing in this Order limits seizure and forfeiture of assets other than conveyances.

(2) Concept of Operations

(a) For the purposes of this Order, MCAS Cherry Point includes Marine Corps Outlying Landing Field (MCOLEF), Atlantic Field; Marine Corps Auxiliary Landing Field (MCALEF), Bogue; Marine Corps Auxiliary Landing Field (MCALEF), Oak Grove; and includes the government housing areas of Ft. Macon Village, Hancock Village, and Slocum Village.

(b) The following definitions apply:

1 "Controlled substance" means amphetamine, cocaine, heroin, lysergic acid, including phenobarbital and secobarbital. "Controlled substance" also means any substance which is included in Schedules I through V established by the Controlled Substances Act of 1970 (21 U.S.C. 812).

2 "Conveyance" means any vehicle, vessel, aircraft, or other form of transportation.

3 "Forfeiture" means the passing of title to the United States as a result of an act in violation of the law.

b. Tasks. Upon discovery of a conveyance within MCAS Cherry Point which was used, or intended to be used, to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance in violation of the law, the following actions shall be taken:

(1) Provost Marshal

(a) Will seize the conveyance as evidence.

(b) As soon as possible after the seizure, the contents of the conveyance, including all containers therein, will be inventoried. All articles not part of the conveyance, not having evidentiary value, and not subject to separate forfeiture action will be removed and returned to the owner without delay. A written, signed receipt will be obtained from the recipient for any returned property. Normal vehicle accessories such as jacks and maintenance tools are considered part of the conveyance. Cellular telephones and other property in the vehicle will not be utilized for government use until the forfeiture action is complete.

(c) Take instant developing photographs of the seized property to adequately verify its condition at the time of seizure. A minimum of six different photographs of each conveyance (exterior: front, back, right side, and left side; interior: forward and rear) and a minimum of two different angled photographs of each inventoried item within the car must be provided to the Drug Enforcement Agency should forfeiture be recommended.

(d) If the operator of the conveyance is not the owner, the owner will be notified of the seizure and the reasons therefore, as soon as possible.

(e) Within five duty days after learning that the conveyance has been seized, the Provost Marshal will conduct a lien holder investigation, complete blocks 1 through 42 of DEA Form 453, and provide the SJA with a recommendation for appropriate disposition of the conveyance.

(f) Whenever a conveyance, the seizure of which has been adopted by the Drug Enforcement Agency, is no longer needed as evidence, notification shall be sent to the U.S. Marshal Service. The conveyance will then be surrendered to the U.S. Marshal Service upon demand.

(g) If the seizure of a conveyance is not to be adopted for forfeiture, the asset will be released to the owner when it is no longer needed as evidence.

(h) The owner of the conveyance shall immediately be notified when a conveyance is referred to the Drug Enforcement Agency for forfeiture.

(2) Naval Criminal Investigative Service

(a) Will seize the conveyance as evidence.

(b) Inventory the conveyance as described in paragraph 4b(1)(b) above.

(c) Within two duty days after making the seizure, contact the Provost Marshal to transfer custody of the conveyance for security purposes and to permit the Provost Marshal to comply with paragraphs 4b(1)(c) through (h) in a timely manner.

(d) This Order shall not affect the Naval Criminal Investigative Service's (NCIS) investigative authority or its exclusive liaison responsibilities with federal law enforcement agencies regarding investigative matters now affixed by SECNAVINST 5520.3B. Any seizure of illegal drugs or contraband made that falls within the investigative jurisdiction of NCIS should be referred to the appropriate office for investigation or referral to the appropriate law enforcement agency.

(3) Staff Judge Advocate (SJA)/Director, Joint Law Center (JLC):

(a) Determine whether the value of the conveyance to be forfeited complies with the Drug Enforcement Agency's threshold amount.

AirStaO 5800.7
06 Jun 06

(b) Determine whether the conveyance was lawfully seized.

(c) Consult with the Chief of Staff, MCAS Cherry Point as appropriate. Absent command objection, the SJA shall telephonically contact the Drug Enforcement Agency to request adoption of the seizure for administrative forfeiture.

(d) Notify MCIEast of any cases referred to the Drug Enforcement Agency for forfeiture.

(e) Notify the Provost Marshal of the results of all seizures received for forfeiture.

(f) Provide written input to the U.S. Attorney/Drug Enforcement Agency on equitable distribution for participating federal, state, or local agencies.

c. Coordinating Instructions

(a) This Order applies to all military personnel and family members within MCAS Cherry Point to include all outlying and auxiliary landing fields and ranges over which the Commander exercises exclusive, concurrent, or proprietary jurisdiction.

(b) Common carriers will not be subject to routine seizure.

5. Administration and Logistics. The CG, 2d MAW, CO's, NADEP, Naval Hospital, and CSSD-21 concur with this Order insofar as it pertains to members of their command.

6. Command and Signal

a. Signal. This Order is effective the date signed.

b. Command. This Order is applicable to the Marine Corps Reserve.



D. L. BULAND
Chief of Staff

Distribution: A