UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the matter of	)	
	)	**Order of the**
ADMINISTRATIVE AND CIVIL	)	**Chief Judge No. _____**
FORFEITURE PROCEEDINGS	)	
DURING THE COVID-19	)	
PUBLIC EMERGENCY	)	
_____	)	

The United States has applied *ex parte* for an Order, pursuant to 18 U.S.C. § 983, granting a 60-day blanket extension of the statutory deadlines by which the government is required to: (1) commence administrative forfeiture proceedings against seized property; and (2) commence civil judicial forfeiture actions following submission of timely administrative claims in such proceedings.

On March 13, 2020, President Trump declared a national emergency, effective as of March 1, 2020, due to the COVID-19 pandemic. The President subsequently extended the period through the end of April 2020. Among the recommended precautions to be taken during this national emergency are "social distancing" – staying at least six feet apart from others – and avoiding non-essential activity. Consistent with the President's directive, on March 15, 2020, United States Attorney General William Barr implemented a "maximum telework" policy, applicable to all United States Department of Justice law enforcement components. The policy requires virtually all asset forfeiture personnel working in the headquarters of the federal agencies in and around Washington, D.C. to telework.

As explained in the Government's application and supporting declarations, it has become increasingly difficult – and soon may be impossible – for agency personnel to carry out their responsibilities to process thousands of pieces of time-sensitive mail, provide timely, direct written notice to thousands of potential claimants, and make necessary referrals to the United States Attorney's Offices across the country. The government agencies vested with administrative forfeiture authority include the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms & Explosives; the Federal Bureau of Investigation; Customs and Border Protection; the United States Secret Service; Internal Revenue Service – Criminal Investigation; and the United States Postal Inspection Service. These

agencies initiate and process tens of thousands of administrative forfeitures each year, generating massive amounts of paperwork, and requiring regular, close physical interaction among office personnel in each agency's headquarters office.

In addition, agency employees and contractors at the national and local level physically handle a large volume of mail from the public on a daily basis, including hand-written letters, claims, petitions for remission or mitigation, and requests for reconsideration. Although the seizing agencies are capable of processing claims and petitions submitted electronically, the Government points out that the overwhelming majority of all submissions (up to 85% or more depending on the agency) come through the mail. When claimants submit timely administrative claims, deadlines relating to the filing of judicial forfeiture actions in the district courts are triggered. The agencies are required to refer the claims to the United States Attorney's Offices across the country for review and filing of judicial forfeiture actions within 90 days, when appropriate. The Government has requested a blanket 60-day extension of the filing deadline.

The Court finds that the working conditions described above, and more fully outlined in the Government's application, make it impossible for the Government to comply with the usual deadlines. Specifically, the government has demonstrated that the ongoing national emergency triggered by the COVID-19 pandemic, and the resulting need for social distancing and heightened controls on physical contact with objects that may present a risk of contamination, constitute good cause to find that requiring the noticing of seizures and referral of claims may endanger the lives or health of the asset forfeiture personnel at both the agencies and at United States Attorney's Offices responsible for reviewing cases, issuing notices, and processing submitted claims and petitions. All of these factors support the Government's request for an Order pursuant to 18 U.S.C. § 983(a)(1)(C) and (3)(A) granting a 60-day blanket extension of the applicable deadlines for processing these claims.

IT IS THEREFORE ORDERED that: (1) for all federal seizures of property that occurred, or will occur, in the Southern District of California between February 3, 2020, and April 30, 2020, the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the seizing agency to commence administrative forfeiture proceedings against such property shall be, and hereby is, extended for a period of 60 days; (2) for all seizures of property by state or local law enforcement agencies in the Southern District of California that occurred, or will occur, between January 3, 2020, and April 30, 2020, which seizures are or were adopted by one of the federal agencies, the deadline established by 18 U.S.C. § 983(a)(1)(A)(iv) for the adopting agency to commence administrative forfeiture proceedings against such property shall be, and

hereby is, extended for a period of 60 days; and (3) the 90-day deadline established at 18 U.S.C. § 983(a)(3)(A) for the filing of a civil forfeiture complaint (or listing an asset in a criminal indictment) following an agency's receipt of a timely administrative claim between January 3, 2020, and April 30, 2020, and as to which venue is proper in the Southern District of California, is hereby extended to 150 days instead of the statutory 90-day period.
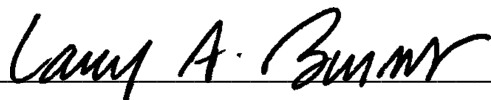
To the extent that any agency executed a 30-day extension of any administrative notice deadline pursuant to 18 U.S.C. § 983(a)(1)(B) on or before March 31, 2020, the deadline for sending the required notice is extended for 60 days from the original deadline.

Pursuant to 18 U.S.C. § 983(a)(1)(C), further extensions of this Order of no more than 60 days each may be granted upon an appropriate showing.

*   *   *

IT IS SO ORDERED.

Dated: April 14, 2020

_____
LARRY ALAN BURNS,
Chief United States District Judge