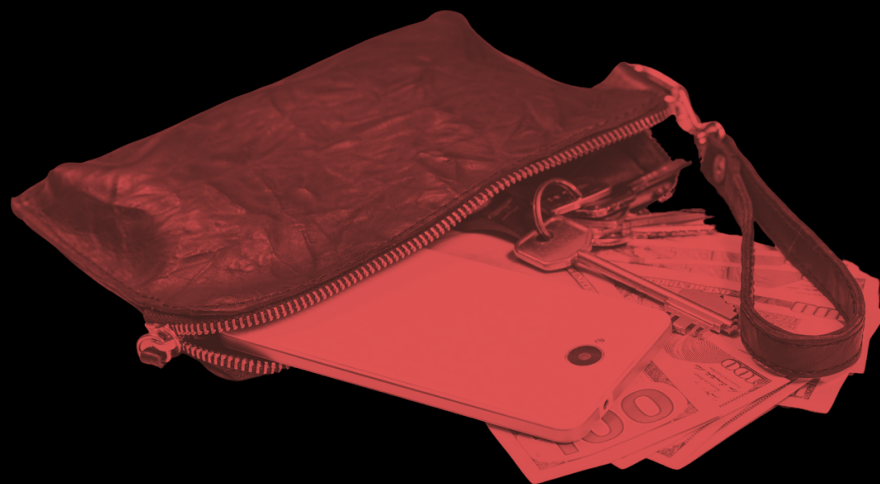


HOW TO **GET YOUR** **PROPERTY BACK** **AFTER AN ARREST**



This pamphlet was created by The Bronx Defender's Civil Action Practice (CAP) to help individuals navigate the complex AND confusing process of retrieving personal belongings seized during an arrest. CAP provides integrated and collaborative civil legal services at The Bronx Defenders, combats the negative civil consequences of arrest and is committed to transforming how the people of the Bronx are impacted by such seizures.



bronxdefenders.org



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(718) 838-7878



The Bronx Defenders
360 East 161st Street
Bronx, NY 10451

The police may take your
things during an arrest—
know your rights!

BXD

CAN THE NYPD TAKE YOUR PROPERTY?

Yes, the NYPD can seize your property. How the NYPD labels your property after seizing it will impact how much time you have to get it back. As explained further in this pamphlet, the NYPD may label your property as:

- Safekeeping
- Arrest Evidence
- Forfeiture
- Investigatory

DID YOU GET A VOUCHER?

If the NYPD takes your property during an arrest, they must give you a **voucher** itemizing the seized property. The voucher, sometimes called an "invoice," will determine how you get your property back and how much time you have to do so. The top right corner of the voucher will say the reason why the NYPD took your property: **safekeeping, arrest evidence, forfeiture, or investigatory**. Each involves a different set of steps to get your stuff back.

The image shows a sample of a 'NYPD PETS PROPERTY AND EVIDENCE TRACKING SYSTEM Property Clerk Invoice'. It includes a barcode at the top right with the number 200040. The form is divided into sections for 'Working Command' (48TH PCT.), 'Invoice Date' (03/08/2016), and 'Property Type' (CURRENCY). It lists officers (Arresting, Interviewing, etc.) and their respective IDs. A table at the bottom lists seized items with columns for 'QTY', 'UNIT', 'DESCRIPTION', 'CASH', 'PETS No.', 'Pct. QTY', and 'Description'. The items listed are: 1 CASH (USC \$100 BILL), 1 USC \$100 BILL, 31 CASH (USC \$20 BILL), 31 USC \$20 BILL, 26 CASH (USC \$10 BILL), 26 USC \$10 BILL, 24 CASH (USC \$5 BILL), 24 USC \$5 BILL, and 20 CASH (USC \$1 BILL), 20 USC \$1 BILL.

If you didn't receive a voucher, you can go to the precinct where you were arrested or to the Bronx Property Clerk's Office (see page 7 for contact info). When you go to pick up your voucher(s) you should have:

- ✓ valid ID (see the "Acceptable ID" section on page 8)
- ✓ the date of your arrest
- ✓ arrest number (if you have it)
- ✓ name you were arrested under. If the name you were arrested under is different from the name on your ID, contact your attorney for assistance.

DO YOU HAVE PHOTO ID?

In order to claim your property you must present valid ID (your ID *cannot* be expired.)

Valid ID includes:

- ✓ NY driver's license, learner permit, or non-driver's photo ID issued by the New York State Department of Motor Vehicles

For a full list of acceptable ID, see page 8. If you do not have any of these kinds of ID, you'll have to present two alternate forms of ID (photo and non-photo) in order to pick up a voucher or get your property back.

You can also authorize someone with a valid ID to pick up your property by providing a notarized letter with your name, arrest number, precinct, and incident date.

VOUCHER CATEGORY

SAFEKEEPING

You can get your property as soon as you're released.

- Bring appropriate ID (see the "Acceptable ID" section on page 8) to the precinct where you were arrested. If your property is not at the precinct, call the Bronx Property Clerk's office at (718) 681-1379 to confirm the location of your property.
- The NYPD will only keep your property for 120 days after your arrest – so don't delay!



ARREST EVIDENCE

The NYPD thinks this property is needed as evidence in a criminal case. The District Attorney (DA) has to give you written permission to get the property back, called a DA's release. You'll need to submit a request to the District Attorney Property Unit.

- Obtain copy of voucher(s).
- Requests for a DA's release can be made at:
215 E 161st Street, 4th Floor
Bronx, NY 10451.
- Non-vehicle items: the DA will respond with a release or deferment within 15 days.
- Vehicles: the DA should respond to your request within 7 days.

OFFICE OF THE DISTRICT ATTORNEY, Bronx County

ROBERT T. SHERMAN
District Attorney
165 Ave. of the Stars
Bronx, New York 10451
(718) 399-1000

DATE: 2, 10, 15

DISTRICT ATTORNEY'S RELEASE

THE OFFICE OF THE DISTRICT ATTORNEY, COUNTY OF BRONX, HEREBY STATES THAT THE FOLLOWING PROPERTY IS NO LONGER NEEDED AS EVIDENCE:

PROPERTY CLERK VOUCHER NUMBER: 1000

ITEM NUMBER(S): 1

PROPERTY OF:

VOUCHER CATEGORY (CONT)

FORFEITURE

Contact your lawyer immediately for help. The NYPD thinks this property (often cars or more than \$1,000 in cash) was part of a crime, and they may seek to keep it permanently. You only have 120 days from the date your criminal case closes to ask for your property. This is a long process that may involve a lawsuit, and you may not be able to get your property back.

- Obtain copy of voucher(s).
- Request a DA's release.
- Submit in-person demand in consultation with your attorney.



INVESTIGATORY

Property believed to be needed for an ongoing investigation will be labeled "investigatory." This categorization will need to be changed by the NYPD to either safekeeping or arrest evidence for retrieval. Investigatory property does not need a DA's release, but it may be helpful to have a DA's release to provide to the NYPD for a category change. To request a change in category you may:

- Obtain copy of voucher(s).
- Request a DA release.
- Make an in-person demand at The Bronx Property Clerk's Office.
- Visit the precinct and request to speak with the On-duty Supervisor or Property Officer and request a voucher category change to Safekeeping or Arrest Evidence.

THE BRONX PROPERTY CLERK'S OFFICE

The Property Clerk's Office is where you can request vouchers, confirm the specific steps required for retrieval and pick up personal property seized during an arrest.

Before visiting the Property Clerk's Office, call ahead to verify the location of your property and ensure you have any necessary documentation, such as valid ID or a District Attorney's release, depending on the voucher category. Having these items will help prevent delays and ensure a smoother process

THE BRONX PROPERTY CLERK

215 E 161st Street, The Bronx
Open to the public Monday - Friday,
8 AM - 2:30 PM (closed holidays).

Checks will only be issued between
8 AM - 2 PM.
(718) 681-1379

ACCEPTABLE ID

PHOTO ID

- ✓ U.S. military photo ID
- ✓ Out-of-state driver's license
- ✓ U.S. State Department-issued passport or passport card
- ✓ Foreign passport with a valid J-551 stamp or with a statement on visa
- ✓ Permanent resident card T-551
- ✓ Welfare/Medicaid card with photo
- ✓ NY State or NYC pistol permit
- ✓ Photo ID issued by local government agency
- ✓ U.S. college photo ID + transcript
- ✓ U.S. high school ID with photo + report card IDNYC (NYC ID card)



NON-PHOTO ID

- ✓ Credit card
- ✓ U.S. social security card
- ✓ Property tax receipt
- ✓ Birth certificate/baptismal certificate
- ✓ U.S. health insurance/prescription card
- ✓ U.S. utility bill (must include name & address)
- ✓ U.S. insurance policy (in effect for more than 3 years)
- ✓ Rent receipt from building owner or manager (with your name & address)
- ✓ W-2 yearly income tax form
- ✓ NY State professional license
- ✓ NY state registration document (vehicle/boat)
- ✓ U.S. pay stub (with name + address)
- ✓ U.S. union card
- ✓ Welfare/Medicaid card without photo

If you don't have ID issued by NY's Department of Motor Vehicles, you'll need to bring one valid photo ID and one valid non-photo ID from this list.



VEHICLE PICKUP INFORMATION

If your vehicle has been seized, you can retrieve it from one of the NYPD auto pounds (see next page for locations).

Before attempting to pick up your vehicle from one of the below NYPD Auto pounds, **contact the auto pound or the Property Clerk's Office** to confirm what releases or documentation are required based on your voucher category (e.g., safekeeping, arrest evidence, or forfeiture). If a District Attorney's release or other paperwork is needed, ensure you have it printed to avoid delays.

VEHICLE PICKUP LOCATIONS

ERIE BASIN AUTO POUND

700 Colombia Street Brooklyn, NY 11231

Telephone(s): (718) 246-2031; (718) 246-2041
or (718) 246-2043.

Open to the public Monday - Friday, 8 AM - 3 PM
(closed holidays). An appointment may be required for
pick-up; call for more information.

SPRINGFIELD GARDENS AUTO POUND

174-20 North Boundary Road Springfield Gardens, NY

Telephone: (718) 553-9555.

Open to the public Monday through Friday,
8 AM - 3 PM (closed holidays).

