

INFORMATION FOR PERSONS FROM WHOM PROPERTY WAS TAKEN

Iowa Code requires that notice be given to individuals from whom property is taken. This receipt will act as that notice. If you wish to file a claim seeking immediate return of the seized property, you must file that claim within thirty (30) days of this notice with the Dubuque County Clerk of Court. The claimant (you) shall cause copies of the application to be delivered to both the Dubuque County Attorney's Office and the Dubuque County Sheriff's Office.

PROPERTY TAKEN AS EVIDENCE

Law Enforcement Officers may seize property to be used in prosecution of a criminal case. When the property is no longer needed as evidence, it can be returned to the person with the right of possession unless possession of the property is illegal or there is a forfeiture action pending.

To have property returned once it is no longer needed as evidence (not immediate return, as outlined above), a person must file a written claim with the Sheriff's Office within thirty (30) days of this notice. Property Claim Forms can be obtained in person at the Sheriff's Office from the Evidence Coordinator, or online at <https://dubuquecountyiowa.gov/556/Property-and-Evidence>. After filing a claim, the claimant must notify the Sheriff's Office in writing of any change in contact information. Return of firearms and/or ammunition will require a seized property hearing before the court.

PROPERTY TAKEN FOR SAFEKEEPING

Property which constitutes an imminent danger to a person's health, safety, or welfare may be seized. The Law Enforcement Agency taking the property is required to release the property when it no longer constitutes such a danger.

If you feel property should be returned and the agency in possession of it refuses to do so, you may file a claim for the return of seized property with the Dubuque County Clerk of Court within thirty (30) days of notice from the Sheriff's Office. If a claim is filed, the Clerk's Office will arrange for the court to conduct a hearing to determine if the property should be returned or whether the Law Enforcement Agency can retain possession. Return of firearms and/or ammunition will require a seized property hearing before the court.

PROPERTY SUBJECT TO FORFEITURE

If you have received a forfeiture notice, read it carefully and consider seeking advice from an attorney. Failure to file a claim for return of forfeited property within statutory time limits will result in the loss of any right you may have to the property. If you are indigent and the value of the property to be forfeited exceeds \$500.00, you have a right to court-appointed counsel. You should contact the Clerk of Court if you wish to have counsel appointed to represent you.

ABANDONED PROPERTY

A claimant must take possession of property within thirty (30) days after the final disposition of a seized property hearing or notification by the Sheriff's Office that the claimant may take possession; failure to do so will deem the property abandoned and it will be disposed of in accordance with state code.

CONTACT INFORMATION

If you have questions or need additional information, you may contact the Dubuque County Sheriff's Office Property & Evidence Coordinator at (563) 582-1648. Additional information is also available online at <https://dubuquecountyiowa.gov/556/Property-and-Evidence>. Information on how to file for a seized property hearing can also be found online.