

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GENERAL ORDER 20-25
JUNE 9, 2020

**ORDER EXTENDING CERTAIN STATUTORY DEADLINES
FOR ADMINISTRATIVE AND CIVIL JUDICIAL ASSET FORFEITURE**

SAYLOR, C.J.

Under 18 U.S.C. § 983, the United States applies for a 60 day “blanket” extension of the statutory deadlines within which (1) certain agencies of the United States must begin an administrative forfeiture against seized property and (2) the United States must begin a civil judicial forfeiture action after the timely submission of an administrative claim.

On March 13, 2020, President Trump declared a national emergency to impede the spread of the Covid-19 virus and to authorize and encourage public and private measures to limit and control the adverse consequences of the virus. To allow certain federal employees to engage in “social distancing,” on March 15, 2020, Attorney General William Barr implemented a “maximum telework” policy, which governs all Department of Justice law enforcement personnel. The Departments of Homeland Security and Treasury issued similar orders. The government represents to the court that, as a result, nearly all asset forfeiture personnel in the United States are teleworking.

The agencies of the United States with administrative forfeiture authority that request this relief (collectively, the Federal Seizing Agencies) are the Federal Bureau of Investigation; Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms & Explosives; the Secret Service; Internal Revenue Service; and the United States Postal Service. To maintain normal operation, the Federal Seizing Agencies have reported that their personnel must work in

circumstances inconsistent with currently applicable social distancing and other guidelines, compliance with which preserves both personal safety and the national interest.

The Federal Seizing Agencies have certified that under present circumstances compliance with the 60 and 90-day statutory deadlines for beginning an administrative forfeiture with respect to federal and adoptive seizures endangers employees and contractors responsible for implementing the Federal Seizing Agencies' forfeiture programs, as described at 18 U.S.C. § 983(a)(1)(A)(i). Under 18 U.S.C. § 983(a)(1)(C) and (3)(A), this circumstance warrants extending the applicable deadlines.

WHEREFORE, IT IS HEREBY ORDERED THAT, for all property seized by the Federal Seizing Agencies between April 9, 2020 (60 days prior to entry of this Order), and the date of this Order, for which a judicial forfeiture could be brought in the District of Massachusetts, the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the Federal Seizing Agencies to begin administrative forfeiture proceedings against that seized property is **EXTENDED** for 60 days;

IT IS FURTHER ORDERED THAT, for all seizures, if later federally adopted, of property by state or local law enforcement agencies in the District of Massachusetts between March 10, 2020 (90 days prior to entry of this Order), and the date of this Order, the deadline under 18 U.S.C. § 983(a)(1)(A)(iv) for the Federal Seizing Agencies that adopted the forfeiture to begin administrative forfeiture proceedings against that seized property is **EXTENDED** for 60 days;

IT IS FURTHER ORDERED THAT, the 90 day deadline established under 18 U.S.C. § 983(a)(3)(A) for the filing of a civil forfeiture complaint (or inclusion of an asset in a criminal indictment) following a Federal Seizing Agencies' receipt of a timely administrative claim between March 10, 2020 (90 days prior to entry of this Order), and the date of this Order, is **EXTENDED** to 150 days instead of the statutory 90 days;

IT IS FURTHER ORDERED THAT, to the extent that the Federal Seizing Agencies executed a 30 day extension of any administrative notice deadline under 18 U.S.C. § 983(a)(1)(B) on or before the date of this Order, the deadline for sending the required notice is **EXTENDED** for 60 days beyond the current deadline;

IT IS FURTHER ORDERED THAT, for all property seized by the Federal Seizing Agencies for which a judicial forfeiture could be brought in the District of Massachusetts, and for which the deadline established by 18 U.S.C. § 983(a)(2)(B) for claimants to submit a claim is between March 13, 2020 and the date of this order, claims received by the Federal Seizing Agencies on or before August 7, 2020 (60 days after entry of this Order), shall not be denied by the Federal Seizing Agencies as untimely.

IT IS FURTHER ORDERED THAT, any motion by a claimant seeking an exception to this order shall be referred to the Miscellaneous Business Docket Judge for the District of Massachusetts.

So Ordered

Dated: June 9, 2020

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court