



WRITTEN DIRECTIVE	No. PD13-1202	Page: 1 of 4
Subject: DRUG RELATED ASSET SEIZURE AND FORFEITURE	Effective Date:	05-09-13
	Supersedes/ Amends:	PD10-1202
	Reference:	



I. Purpose

The purpose of this directive is to outline the department's participation in asset forfeitures from drug enforcement cases.

II. Policy

It shall be the policy of the Lynchburg Police Department to aggressively enforce narcotics and dangerous drugs laws, and where a substantial seizure of property is made, to begin forfeiture proceedings.

III. Procedure

A. SEIZURE OF ASSETS

1. Code of Virginia 19.2-386.22 stipulates the following property as subject to lawful seizure by officers of this department:
 - a. all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real property of any kind or character, used in substantial connection with the illegal manufacture, sale or distribution of controlled substances in violation of Section 18.2-248 or of marijuana in violation of Section 18.2-248.1, except real property shall not be subject to lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than five years,
 - b. everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of Section 18.2-248 or of marijuana in violation of Section 18.2-248.1, and
 - c. all money or other property, real or personal, traceable to such an exchange, together with any interest or profits derived from the investment of such money or other property.

2. According to Virginia statute, **no** property is subject to lawful seizure for purposes of pursuing forfeiture in cases involving possession of any controlled substance.
3. Officers should be aware that there may be times and situations when a seizure, although completely within the scope and intent of the law, would not be practical to pursue, as example:
 - a. vehicles owned by innocent parties, or
 - b. real property that is heavily mortgaged.
4. No assets with an aggregate value of less than \$50.00 will be seized by officers of this department for the purpose of pursuing forfeiture.
5. Under no circumstances will officers select enforcement targets because of the expected financial gain accruing to the department: enforcement strategies will not be dictated by profit.

B. ASSET FORFEITURE

1. The Deputy Chief of the Investigations and Administration Bureau will act as *Asset Forfeiture Coordinator*, and will be responsible for:
 - a. appointing a member of the department as the *Asset Forfeiture Liaison Officer*, normally the senior Property & Evidence Clerk and
 - b. coordinating with other agencies participating in regional drug enforcement task force activities, to include a suitable division of assets.
2. Any officer seizing drug related assets for the purpose of pursuing forfeiture will:
 - a. note on the PISTOL system voucher that the asset was *seized for forfeiture*, and
 - b. in the related incident report, *specifically* describe the circumstances of the incident which substantiate pursuing forfeiture proceedings.
3. The Property and Evidence Coordinator will be responsible for:
 - a. storing the property in the appropriate location, to include depositing all currency in the department bank account,

- b. forwarding a copy of the bar code evidence voucher to the Asset Forfeiture Contact Officer, and
 - c. ensuring that money seized is forwarded to DCJS in check form.
4. The Report Review Officer will be responsible for forwarding a copy of any report which includes information concerning a drug related asset seizure and forfeiture to the Property and Evidence Clerk.
5. The Property and Evidence Coordinator will be responsible for:
 - a. acting as liaison to the Department of Criminal Justice Services, to other state and federal agencies, and to the courts, as needed
 - b. selecting and coordinating with vendors hired to manage seized property, as needed
 - c. performing as liaison to the Commonwealth's Attorney as needed
 - d. reviewing the bar code evidence voucher, along with any related crime or incident reports concerning the events leading up to the seizure
 - e. determining whether or not it is in the best interest of the Lynchburg Police Department to pursue forfeiture by evaluating target assets to ascertain ownership and the existence of liens or encumbrances
 - f. if pursuing forfeiture, completing and properly distributing the *State Asset Seizure Reporting Form*
 - g. reviewing and filing all related papers and court orders received from the Office of the Commonwealth's Attorney
 - h. completing and distributing the *State Seized Property Disposition/Sharing Decision Form*, as necessary
 - i. if not pursuing forfeiture:
 - 1) discussing with the Vice/Narcotics Unit Lieutenant the reasons for not pursuing forfeiture proceedings, and
 - 2) notifying the seizing officer of such decision and the reason why forfeiture would not be appropriate.

- j. maintaining complete and accurate records pertaining to all drug related asset forfeiture cases within the Property & Evidence Section.

Parks H. Snead
Chief of Police

May 9, 2013

Date