



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 411.6

Subject: Investigations

Topic: Seizure and Forfeiture of Assets

Enacted: 07/30/2015

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Review: 04/01/2025

I. PURPOSE

The purpose of this General Order is to provide guidelines and procedures for the seizure and forfeiture of assets that are identified in criminal investigations.

II. POLICY

It shall be the policy of the Loudoun County Sheriff's Office to aggressively enforce all laws, pursue the seizure of any assets related to particular offenses, and initiate forfeiture proceedings when appropriate.

III. INTERAGENCY AGREEMENTS

Cooperative relationships exist between the Loudoun County Sheriff's Office and various other federal and local law enforcement agencies. These relationships constitute assent by all parties to the division of funds from forfeited assets under applicable state and federal laws.

IV. DEFINITIONS

A. Assets

1. Any property or interest in property, whether tangible or intangible, real or personal. This includes both in kind property and proceeds. In kind property consists of any item an agency can put to immediate use. Anything of value seized in association with a drug transaction is an asset for the purposes of this order. Proceeds refer to whatever money is raised through the sale of property of a kind that is not immediately useful.

B. Asset Forfeiture Coordinators

1. Those deputies designated by the Sheriff to be conversant in state and federal forfeiture law to identify assets in case records and implement legal process to appropriate these assets for agency use. The Asset Forfeiture Coordinators ("AFC") will also act as liaison to the Department of Criminal Justice Services' ("DCJS") point of contact, to other state and federal agencies, to the Commonwealth's Attorney's Office, and to the courts.

V. LEGAL REFERENCE

Code of Virginia: 18.2-46.3:2 provides authority to seize assets used or intended to be used in “substantial connection” in certain crimes.

Virginia Code sections 19.2-386.15 – 19.2-386.35 detail the crimes in which assets can be seized where a “substantial connection” exists.

Title 21U.S.C. 881 is the federal authority to seize assets pursuant to certain investigations.

NOTE: All assets seized pursuant to federal investigations will be coordinated through LCSO task force agreements or at the direction of the CID Division Commander or designee.

VI. QUALIFICATIONS**A. State: Civil Forfeiture**

1. The LCSO will seize cash assets over \$1,500.00 or equity in property and vehicles with a value of \$10,000 or more. Under certain circumstances, special permission can be granted to seize vehicles under \$10,000 by the CID Division Commander and/or Assistant Division Commander. The Commonwealth's Attorney's Office will need to be consulted when applying for a seizure warrant in instances where such a warrant is necessary. In all seizure cases, the Commonwealth's Attorney will make the final decision on which seized assets they wish to pursue forfeiture. Questions concerning federal forfeitures will be forwarded to the U.S. Attorney's Office.

B. Time Limitations

1. Assets seized for forfeiture under federal guidelines must be submitted within 30 days of seizure (Form DAG71).

NOTE: All assets seized pursuant to federal investigations will be coordinated through LCSO task force agreements or at the direction of the CID Division Commander or designee.

2. The Commonwealth's Attorney's Office must file for the forfeiture of assets seized under state law within 90 days of the date of seizure.
3. Upon assignment of the seizure to the Asset Forfeiture Coordinator, the case files will be completed and provided to the Commonwealth's Attorney's Office within 10 business days for filing.
4. Within 21 days of notification from the seizing agency, the Commonwealth's Attorney's Office, on behalf of the seizing agency, shall file a Notice of Seizure for Forfeiture with the Clerk of the Circuit Court.

5. For narcotic-related cases, the seizing agency must file with DCJS, a DCJS 998 form, the Asset Seizure Reporting Form, within 21 days of the seizure.
6. All personnel must be aware of the time constraints attached to filing for seized property. Failure to meet the required deadlines may result in lost assets and civil liability.

VII. RESPONSIBILITY AND GUIDELINES

It shall be the responsibility of the case agent, with the assistance of the AFC, if needed, to identify the property to be seized. This will include bank account numbers, bank locations, real property, titles and liens, loan balances and mortgages. The case agent shall complete all necessary reports and document within their report all pertinent information as it pertains to the seizure, to include the initial offense report, supplements, search warrants, and any statements from the suspect(s). (Refer to Standard Operating Procedure "Seizure of Money & Vehicles for Asset" section II, H for IBR requirements). The AFC will fill out form DCJS 998, if applicable. If a DAG71 form is needed, it shall be completed by the 2nd Lieutenant of the Tactical Enforcement Unit or the CID Division Commander or designee.

- A. It will be the responsibility of the AFCs to review and document for follow-up all seizures, and to ensure timely submission of seizure forms.
- B. It will be the responsibility of supervisors to ensure that deputies and detectives actively seek to identify property that can be legally seized from the cases they investigate, and to ensure the proper reports are completed in accordance with standard operating procedures.

VIII. Management of Seized Assets

All seizures by this agency shall be handled as evidence in accordance with applicable General Orders. The following procedures shall be followed with respect to the seizure of currency:

- A. The case agent and a second sworn deputy or investigator on scene shall each count the currency two times. If available, a Body Worn Camera will be used to document the count.
- B. Both deputies shall be present when the money is placed into a currency bag/container and sealed immediately.
- C. The currency bag/container shall be signed by both deputies, to include name and badge number.
- D. The currency bag/container must be placed into an evidence locker immediately.
- E. Upon completion of the Asset Forfeiture Capture form, it shall be sent by e-mail to the Asset Forfeiture e-mail distribution group SHERIFFS_ASSET_FORFEITURE@loudoun.gov. The currency shall be transferred to the Loudoun County Treasurer's Office and deposited into an interest-bearing account for seizures managed by that office (Code of Virginia 19.2-

386.4). This shall be completed by the AFC and a CID supervisor.

- F. Both deputies shall sign the currency out of evidence and immediately proceed to the Treasurer's Office and deposit the currency together. This transfer shall occur within 10 business days of the initial seizure.
- G. Upon receiving the final court disposition and court order of forfeiture, the AFC shall prepare DCJS Form 999, if applicable, and transfer the currency, in the form of a cashier's check made payable to "The Treasurer of Virginia," or the Department of Criminal Justice Services. Final accountability of forfeited funds rests with the Loudoun County Treasurer's Office.
- H. Forfeited funds may only be used for the law enforcement purposes stated on the applicable state or federal forfeiture forms (DCJS 998; DAG71). As the intent of this transfer of funds is to enhance law enforcement, these funds must increase and not supplant the applicable operating budget. Any interest earned on these funds must also be used for law enforcement purposes. (See the Attorney General's Guidelines and the DCJS Forfeited Asset Sharing Program manual on seized and forfeited property.)