



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations	Section: 411.6	
Subject: Investigations	Topic: Seizure and Forfeiture of Assets	
Accreditation: ADM 23.01, 23.02,	Revised:	Reaffirmed:
Enacted: 07/30/2015	Last Review: 07/24/2015	Review: 07/30/2016

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 narcotics and dangerous drug laws and pursue the seizure of any assets related to the trafficking and distribution of illegal drugs and initiate forfeiture proceedings on said assets.

III. INTERAGENCY AGREEMENTS

Cooperative relationships exist between the Loudoun County Sheriff's Office and various other federal and local law enforcement agencies in order to identify and apprehend illegal drug traffickers. 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 person. This includes both in kind property and proceeds. In kind property consists of whatever an agency can put to immediate use. Anything of value seized in association with a drug transaction is an asset for purposes of this order. Proceeds refer to whatever money is raised through sale of property of a kind not immediately useful.

B. Asset Forfeiture Coordinators

1. The Officers 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 perform as liaison to the Asset Forfeiture Dispute Committee, Criminal Justice Research Board, to other state and federal agencies and the courts, as needed.

V. LEGAL REFERENCE

Sections 19.2-386.1 – 19.2-386.14; Code of Virginia 18.2-249; Title 21. U.S.C. 881.

VI. QUALIFICATIONS

A. Federal Administrative Forfeitures

1. Minimum monetary thresholds – In adoptive cases, property is not generally forfeited unless the equity in the property exceeds the following levels:

Conveyances

Vehicles	\$ 3,500.00
Vessels	\$10,000.00
Aircraft	\$10,000.00

Real Property

Land and any improvements	\$20,000.00 or 20% of the appraised value, whichever is greater.
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All Other Property

Currency, bank accounts, monetary instruments, jewelry, etc.	\$ 2,000.00
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B. State: Civil Forfeiture

1. The LCSO will seize assets over \$500 or equity in property and vehicles with value of \$10,000 or more. Under certain circumstances, special permission can be granted to seize vehicles under \$10,000 by the Lieutenant in Tactical Enforcement Unit (TEU). In his/her absence, the CID Division Commander and/or Assistant Division Commander's permission shall be sought. The Commonwealth's Attorney's Office will make the final decision on what assets are to be seized and subsequently forfeited for those cases that they prosecute. Questions concerning federal forfeitures will be forwarded to the U.S. Attorney's Office for the Eastern District of Virginia.

C. Time Limitations

1. Assets seized for forfeiture under federal guidelines must be submitted within 30 days of seizure (Form DAG71).
2. Assets seized for forfeiture under state guidelines must be filed by The Commonwealth Attorney's Office 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 Attorney's Office within 10 business days for filing.
4. Within 21 days of notification from the seizing Agency, the Commonwealth 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, within 21 days of seizure, the seizing Agency must file with DCJS, a DCJS 998 form, the Asset Seizure Reporting Form.
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 asset forfeiture coordinator 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 will complete all necessary reports and gather all financial information that pertains to the property to be forfeited. These reports include the offense report, the search warrant, and any statements of the suspect(s). The asset forfeiture coordinator will fill out forms DAG71 and/or DCJS 998 if applicable.

- A. It will be the responsibility of the asset forfeiture coordinators to review and document for follow-up any and all seizures and to ensure timely submission of seizure forms.
- B. It will be the responsibility of the supervisor of the TEU to ensure that detectives actively seek to identify seizable property from the cases they investigate and to ensure the proper reports are completed by the case detective in accordance with General Orders.

VIII. Management of Seized Assets

Any and all seizures by this agency shall be handled as evidence in accordance with applicable General Orders. The following procedures shall be followed with seizures of currency;

- A. The case agent and a second sworn deputy on scene shall count the money together two times.
- B. Both personnel will be present when the money is placed into an evidence bag/container and sealed immediately.
- C. The evidence bag/container will be signed by both personnel to include name and badge number.

- D. The evidence bag/container must be placed into a property evidence locker immediately.
- E. Upon completion of the proper seizure forms, and after approval from the Commonwealth's Attorney Office regarding state seizures or County Attorney's Office regarding federal seizures, the currency will be transferred to the Loudoun County Treasurer's Office and deposited into the special seizure account set up by that office (Code of Virginia 19.2-386.4). This will be done by the asset forfeiture coordinator and a supervisor in CID.
- F. Both personnel will sign the currency out of evidence and immediately proceed to the Treasurer's Office and deposit the currency together. This transfer shall happen within 72 hours of the case being assigned to the asset forfeiture coordinator.

Upon receiving the final court disposition and court order of forfeiture, the AF Coordinator will prepare Form 999, Disposition of Seized Property, and transfer the currency, in the form of a cashier's check made payable to "The Treasurer of Virginia", to the Department of Criminal Justice Services. Final accountability of forfeited funds rests with the Loudoun County Treasurer's Office.

Forfeited funds must be used for the law enforcement purposes stated on the applicable state or federal forfeiture forms (DAG71; 998). As the intent of this transfer of funds is to enhance law enforcement, these funds must increase and not supplant the appropriate operating budget. Any interest earned on these funds must also be used for law enforcement purposes. (See The Attorney General's Guidelines on seized and forfeited property.)