



GENERAL ORDER Loudoun County Sheriff's Office

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| Chapter: Operations | Section: 412.10 | |
| Subject: Court Security/Civil Process | Topic: Evictions and Writs of Possession | |
| Accreditation: OPR.12.05 | Revised: 10/19/2015 | Reaffirmed: |
| Enacted: 07/30/2015 | Last Review: 10/19/2015 | Review: 07/30/2016 |

I. PURPOSE:

The purpose of this General Order is to provide guidelines executing “Writs of Possession in Unlawful Detainer” when instructing plaintiffs regarding their responsibilities during the eviction and when notifying defendants prior to an eviction.

II. POLICY:

It shall be the policy of the Corrections/Court Services Division to execute “Writs of Possession in Unlawful Detainer” in a timely manner and in accordance with §8.01-156, §8.01-470, and §8.01-471 of the Code of Virginia, as amended.

III. DEFINITIONS:

Public Way: Any roadway maintained by the state, county or town.

Hazardous Waste Material: Any item of any nature that, at the discretion of the on-scene deputy sheriff, would pose or create a threat to the community.

IV. PROCEDURES:

A. Validation of Documentation

1. Validate the “Writ of Possession in Unlawful Detainer” and check for obvious errors, correct addresses and proper endorsements.

B. Contact Plaintiff

1. Coordinate the date and time of the execution with the plaintiff or designated contact person named on the Writ of Possession.
2. Instruct the plaintiff or contact person regarding the manpower and vehicular requirements necessary for the removal of evicted property to the nearest public right-of- way.
3. Advise the plaintiff that the removal of abandoned vehicles from the property is his/her responsibility.

4. The deputy shall review Loudoun County Sheriff's Office Form 4.12, "Eviction Checklist" (Attachment A) with the plaintiff or contact person. Subsequent to such review, the deputy shall initial each item. Should the plaintiff or his/her designee fail to meet any provision of this form, the deputy has the authority to cancel the eviction.
5. The deputy shall notify the Civil Enforcement Section Supervisor of the scheduled eviction by noting the date, time and address of the eviction on the calendar in the deputy's work room of the Civil Enforcement Section office.

C. Preparation of Forms

1. Eviction Notice

- a. Support staff shall prepare LCSO Form 4.15, Eviction Notice. The name(s), address and court docket number shall be typed on Form 4.15 as they appear on the Writ of Possession in Unlawful Detainer.
- b. One copy of this form will be made per defendant and attached to the Writ of Possession for service.

D. Service Procedure

1. The deputy sheriff shall enter the date and time of the eviction on LCSO Form 4.15
2. In accordance with §8.01-470 and §16.1-88 of the Code of Virginia, service of the Writ of Possession in Unlawful Detainer and LCSO Form 4.15 shall be made upon each of the defendants listed on the Writ of Possession at least 72 hours prior to the execution of the writ.
3. Evictions shall be rescheduled at the earliest possible date if inclement weather precludes the eviction.

E. Eviction Procedure

1. The deputy will notify his/her supervisor of any unusual circumstances regarding any eviction.
2. During the execution of his/her duties, if the deputy discovers illegal items or the fruits of a crime, the deputy shall immediately notify a Sheriff's Office supervisor. The deputy should suggest to the supervisor that he/she should obtain a search warrant, during which time the deputy shall cease executing the eviction and shall secure the premises.

3. Any weapons or money found during an eviction shall be seized, inventoried, and turned into the Evidence Section by the end of the deputy's shift for an accounting and eventual disposal.
4. The deputy sheriff, through means provided by the plaintiff (i.e. manpower, trucks, packing equipment, etc.), shall oversee the removal of all property located within and without the premises to the nearest public way. The deputy sheriff shall not take an active role in the physical removal of the property.
5. Hazardous waste material shall be disposed of at the plaintiff's expense.
6. In situations where the defendant is disabled, either mentally or physically, Loudoun County Social Services shall be notified. Loudoun County Social Services shall also be notified when children are found unattended at the scene.
7. Loudoun County Animal Care and Control shall be requested to remove any abandoned animals.
8. The deputy sheriff shall maintain complete supervision and control of the eviction until it is completed.

F. Office Procedure After Eviction

1. The deputy shall complete the return of service on the original writ, i.e. "cancelled by plaintiff," "no action taken by plaintiff," "defendants evicted," "lockout," etc.
2. The writ shall be signed by the deputy, affixed with the "Sheriff's stamp," and returned to support staff for processing.