




**RICHMOND POLICE DEPARTMENT
GENERAL ORDER**



Subject: DRUG-RELATED SEIZURES		Chapter 7	Number 16	Pages 5
References: CALEA Standards: 1.2.4, 42.2.1c VA State Code: §19.2-386.22 Federal: 21 U.S.C. §881(a)	Related Orders: N/A	Effective Date: 05/22/2023 Revised By: Review Prv. Rev. Date: 04/01/2019		
Chief of Police: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				

I. PURPOSE

The purpose of this directive is to establish the policy and procedure regarding drug-related seizure of assets.

II. SUMMARY OF CHANGE

This revision incorporates the handling of case folders, old language has been omitted.

III. BACKGROUND

A. Both state and federal asset forfeiture statutes authorize civil proceedings designed to forfeit drug-related property under certain circumstances. The Code of Virginia §19.2-386.22 allows law enforcement officers to immediately seize an asset that is:

1. Used “in substantial connection with” the illegal manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute controlled substances or the delivery of drugs to a prisoner;
2. Of value and furnished or intended to be furnished in exchange for a controlled substance; and,
3. Money and property traceable to such an exchange together with any interest or profits derived from the investment of such money or property.

B. Federal law permits federal forfeiture of assets when those assets are:

1. Used to facilitate a drug law violation;
2. Of value and furnished or intended to be furnished by any person in exchange for a controlled substance; or,

3. Traceable to an exchange of illegal drugs.

NOTE: This is an overview of 21 U.S.C. §881(a). This section shall be specifically referred to for all drug-related forfeitures.

IV. ACCOUNTABILITY STATEMENT:

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. POLICY

A. It is the policy of the Richmond Police Department that officers may seize assets if:

1. There is a criminal arrest for the drug law violations as stated in this policy, and there exists:
 - a) A substantial connection can be made between the asset and the illegal act; or,
 - b) The asset was used in exchange for a controlled substance; or,
 - c) The asset is traceable to an illegal exchange.

OR

2. A criminal arrest is not made for drug law violations but there exists:
 - a) Probable cause to believe that a substantial connection can be made between the asset and the illegal act; or,
 - b) Probable cause to believe that the asset was used in exchange for a controlled substance; or,
 - c) Probable cause to believe that the asset is traceable to an illegal exchange as determined by the Asset Forfeiture Unit (AFU).

NOTE: A seizure under these situations means that an officer must be able to articulate facts, which lead him/her to believe that the asset was subject to forfeiture under Virginia law.

B. To proceed under federal law, a member of the Asset Forfeiture Section will contact the appropriate federal agency for permission to seize money or property.

VI. PROCEDURE

A. Procedures and Responsibilities for Seizing Officers: [CALEA 1.2.4]

1. Submit the following documentation to the corresponding divisions:
 - a) Asset Seizure Report (PD-30) to the Property and Evidence Unit, at the time of submission, for seizures involving cash, vehicles or any other asset(s). The property clerk will forward the original and one copy of the PD-30 to the AFU;
 - b) Vehicle Tow Slip to the Property & Evidence Unit for vehicles prior to reporting off-duty that day; and,
 - c) Completed PD-30 and all pertinent case information to the AFU.
2. Notify the AFU when a residence is used to facilitate a drug law violation, i.e. drugs are found on the premises, to determine if real property or leases may be forfeitable.
3. Once forfeiture action is initiated, AFU personnel will make a final disposition or release the subject property as provided by law and departmental policy.
4. If an arrest is made and a criminal case is pending in court and asset forfeiture action is not being taken against the property or asset, then the property or asset should be introduced as evidence at the trial so that it may be retained either by the court or released to the owner.

NOTE: AFU personnel are available at all times for information and assistance. They shall be contacted when a seizure is in doubt. Contact numbers are on file in the Department of Emergency Communications (DEC).

B. Evidence Collection: [CALEA 42.2.1c]

1. [REDACTED] – When conducting the narcotics evidence search of a business, residence or vehicle, officers will attempt to obtain any documents related [REDACTED]
[REDACTED]
[REDACTED]
2. Participant Identification – Complete information is needed on all suspects and participants when a seizure is made. Federal agencies require the following information on all participants and persons present when a seizure is made: complete name, date of birth, race, sex, nationality, height, weight, color of eyes and hair, complete address including zip code, telephone number, social security number and any other identifying numbers, i.e. state or federal agency numbers, out-of-state driver's license numbers, etc.
3. Statements – In addition to obtaining the identity and complete description of everyone present at the scene of a drug-related seizure, statements from all participants must be obtained. The simplest and most effective method is to assign one person to conduct the interviews. The following information is needed:

- a) [REDACTED]
- b) [REDACTED]
- c) Origin – Determine ‘Where did the property/money come from?’ ‘How did the subject get it?’
- d) Employment – Occupation(s), work addresses and telephone number(s) and length of employment/unemployment.
- e) Follow-up Information – [REDACTED]

C. Vehicles:

1. If feasible, an AFU member will be contacted before any vehicle being seized for a drug-related offense is moved. The vehicle is to be towed to and stored at the Hold For Investigation (HFI) tow lot.
2. After the vehicle is searched, the seizing officer is responsible for inventorying the vehicle.
3. After the vehicle has been searched and inventoried, all non-evidence found in the vehicle shall be removed and released to the person in possession of the vehicle or turned in to the Property and Evidence Unit. All standard and attached equipment will remain in the vehicle.
4. The officer shall issue the person in possession of the vehicle a Property Receipt for the vehicle and its contents.
5. The officer shall complete a PD-30 and notify Teletype that the vehicle was seized.

D. Money Seizures – When seizing money, two officers shall ensure an accurate count. The AFU cannot accept money from the Property and Evidence Unit that does not match the recorded amount.

E. Real Property and Other Property of Value – Houses, jewelry, furs, and other items obtained from the proceeds of illegal drug trafficking may be forfeitable; however, a detailed financial investigation is usually necessary to exclude possible legitimate sources

of income from which the item may have been purchased. When a seizure is in doubt, the officer shall contact the AFU for assistance.

- F. Issuance of Property Receipt – If an individual requests a Property Receipt, the officer shall provide the individual with the Incident-Based Report (IBR) number, officer’s name and a brief description of property seized. The officer shall avoid listing dollar amounts or descriptions such as “gold” on the IBR. The officer shall list money as “one lot of U.S. Currency” and use descriptions such as “a yellow metal.”
- G. Case Folder – The AFU will investigate all incoming PD-30 forms. A complete case folder shall be compiled and forwarded to the AFU by the seizing officer within three (3) working days. This case folder will include:
 - 1. A synopsis of the case entitled “Facts and Circumstances” or “Investigative Report” containing the probable cause and the sequence of events leading to the seizure.

VII. FORMS

- A. PD-30, Asset Seizure Report