

Seized, Forfeited and Unclaimed Property and Asset Policy
August 23, 2010

I. Definitions

A. Seized Assets

Seized Assets are all property, including tangible property, real estate, motor vehicles, cash, securities and other negotiable instruments and bank accounts that have been lawfully seized by a law enforcement officer of the town and which have not yet been forfeited to the Commonwealth or the Town of Amherst by a court of appropriate jurisdiction or by other legal authority or law.

B. Forfeited Assets

Forfeited Assets are defined as all property including tangible property, real estate, motor vehicles, cash, securities and other negotiable instruments and bank accounts that have been lawfully seized by a law enforcement action by an officer of the Town and which have been forfeited to the Commonwealth or the Town of Amherst by a court of appropriate jurisdiction.

C. Unclaimed Lost/Found Property

All assets, property or funds that have been found, turned in, or has been recovered as lost property by the police department or another town department, which has not been claimed within three months of the date the Town came into possession of the property or funds.

II. Seized Property

A. All legally seized property that is held by the Town of Amherst or the Police Department belongs to the owner or registered owner and/or lien holder if any until such time as a court of jurisdiction declares the property or assets to be forfeited to the Commonwealth of Virginia or the Town of Amherst or other agency.

B. Handling of seized property or assets.

1. As provided for by VA Code §19.2-368.4 All seized tangible property pending forfeiture will be held by the police department in a safe and secure location until the courts either order the property returned to the owner or lien holder, or it is ordered forfeited to the Commonwealth or the Town of Amherst. Cash and negotiable instruments shall be deposited into an interest bearing account upon seizure. While in possession, the police

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department will treat all seized tangible property other than motor vehicles and cash as evidence. In the case of real estate and buildings, the property shall be posted with a seizure notice indicating the date of seizure and the seizing agency. Any vehicle which has been seized as part of a narcotics investigation but has not yet been forfeited shall be stored at the Welby Bailey Town Maintenance Property, or at a fenced storage yard that is secured during non-business hours.

C. Forfeited Property

1. In accordance with VA Code §19.2-386.14 All forfeited cash, negotiable instruments and proceeds from a sale, including interest after deduction of expenses, fees and costs as provided in §19.2-386.12, shall as soon after entry of the forfeiture as practicable, be paid over to the state treasury into a special fund of the Department of Criminal Justice Services for distribution as provided by law. All seized and forfeited property or cash shall be reported to the Department of Criminal Justice Services by the police department in accordance with the guidelines set forth by Virginia Code §19.2-386.14
2. The proceeds of all forfeiture sales are reportable to DCJS and should be submitted to DCJS if they meet the following conditions: For a sale date within a year from the court order, then the net proceeds must be \$500 or more to report to DCJS. Otherwise, the funds are kept in the forfeiture account. For a sale date that is after one year from the court order date, then DCJS waives the 10% sharing with DCJS, and all of the proceeds are retained for the Town forfeiture account. If the funds are retained by the police department in either case, then that is reportable on the Department of Criminal Justice Services Annual Certification report. Therefore, the funds must be placed in the police department's forfeiture account and the funds must to be used to support law enforcement efforts. If the funds are not placed in the interest bearing forfeiture account for law enforcement use, revocation of the department's certification may result and Town's ability to receive future forfeiture funds me be revoked. The sale proceeds of vehicles or other property are no different than cash seized at the point of sale. The vehicle has been transferred to a cash item and is to be handled just as though it was a cash seizure at that point.
3. Funds returned to the Town by the Department of Criminal Justice Services after distribution to all agencies entitled to share forfeited assets shall not be used to supplant existing programs or funds as provided by VA § 19.2-386.14. . The Chief of Police shall obtain the approval of the Town Council before expenditure of such forfeited funds, and may only expend those funds for law enforcement activities and programs consistent with crime

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prevention efforts, equipment, investigations and training, and for expenses related to specific narcotics investigation related activities.

4. The interest bearing forfeited asset account shall be audited yearly in conjunction with the regularly scheduled audit of all other Town of Amherst Funds.

D. Unclaimed lost/found property

1. Unclaimed lost/found property is all tangible property, or cash that has been found, either by a town employee or by a citizen which has been apparently lost, abandoned or has been unclaimed by its owner for a period of 90 days from the date of coming in to possession of the Town of Amherst.
2. Town employees must turn all property or cash that is found or turned over to them during their normal work hours by a member of the public to his or her supervisor immediately. The supervisor shall hold all such property for 90 days.
3. All unclaimed lost/found cash may be returned to the employee or citizen finding such cash after a 90 day period. The Town shall advertise any amount of cash or tangible property valued above \$100.00 once in the New Era Progress to be claimed by the owner with proof of ownership, prior to returning such cash or property to the finder.
4. All tangible property or cash, not returned to either the owner or the finder within 90 days shall be deposited in the town treasury and in the case of tangible property, may be then considered surplus property and may be sold as specified in the surplus property policy for the Town of Amherst.