

	POLICY & PROCEDURE	SERIES # 508	PAGE 1 OF 4
	VEHICLE SEIZURE AND FORFEITURE		EFFECTIVE DATE 10/05/15
			OVERSIGHT Investigations
	DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P #508 dated 11/18/09.	

I. PURPOSE:

The purpose of this Policy and Procedure is to provide guidance when seizing motor vehicles.

II. POLICY:

It shall be the policy of the Hampton Police Division to pursue seizure and forfeiture of vehicles subject to the laws pertaining to the following crimes:

- 4.1-336 Transportation of Contraband Beverages
- 18.2-46.3:2 Street Gang Forfeiture of Property
- 18.2-270 3 or more convictions for DUI
- 18.2-514 & 515 Virginia Racketeer Influenced and Corrupt Organization Act (RICO Act)
- 19.2-386.15 Terrorism – Seizure of Property Used in Substantial Connection with an Act of Terrorism as defined in §18.2-46.4
- 19.2-386.16 Forfeiture of Motor Vehicles Used in Certain Crimes (Prostitution statutes: 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or 18.2-357; Grand Larceny 18.2-95 and Robbery)
- 19.2-386.22 Manufacture, Sale, Distribution of Controlled Substances
- 19.2-386.30 Forfeiture of money and gambling devices
- 46.2-1087 Operation of vehicle equipped with smoke screen
- 46.2-867 Seizure of motor vehicle involved in racing

(Note) – Generally vehicles need to be valued at \$4,000+ to be considered for seizure by the Commonwealth Attorney)

III. PROCEDURE:

A. Seizure:

The responsibility for the initial seizure of a vehicle lies with the arresting officer or investigator involved in the case. Knowledge of the laws regarding forfeiture of vehicles is required to ensure that vehicles are impounded and forfeiture proceedings are initiated when appropriate.

APPROVED:
CHIEF OF POLICE



B. Forfeiture Procedures – Generally:

1. Forfeiture proceedings will be monitored by the Special Investigations Unit to include:
 - a. Impoundment of the vehicle.
 - b. Disposition of the vehicle after the forfeiture proceedings – auction, conversion to City property or returned to owner.
2. Forfeiture proceedings will be coordinated by the Special Investigations Commander (S.I.U.) or his designee, to include notifying and maintaining liaison with the Commonwealth's Attorney and/or federal law enforcement agencies. Control of the Impound Lot rests with the Special Investigations Unit.
3. Forfeited vehicles may be converted by Court order for use by the City or they may be sold at auction in accordance with sections 19.2-386.11 and 386.12 of the Code of Virginia.
4. The investigating officer will use the following guidelines to determine if a vehicle should be processed for forfeiture and to document the procedure.
 - a. Notify a supervisor of intended seizure.
 - b. Verify that the arrested subject is the owner or the owner has the knowledge of the illegal activity.
 - c. Determine existence (if any) of lien and identify the lien holder.
 - d. Determine the value of the vehicle through a qualified source.
 - e. Determine if the vehicle is eligible to be forfeited under federal or state laws governing vehicle forfeiture.
5. Upon seizing the vehicle, the investigating officer will:
 - a. Complete the Vehicle Towing/Impoundment Record and forward a copy to the S.I.U. asset seizure manager.
 - b. Maintain a copy of the Vehicle Towing/Impoundment Record and track vehicle status through final disposition. A copy of the completed record will then be submitted to the S.I.U. asset seizure manager.
 - c. The investigating officer must complete all paperwork on the forfeiture by the end of their tour of duty. A complete copy of all paperwork must be made and delivered to the Office of the Commander of S.I.U. (the Investigative Services basket at the

Information Counter may be utilized when no one is in S.I.U.).

6. Supervisors responsibilities - The investigating officer's supervisor will respond to the scene and determine if the vehicle meets Division requirements for seizure and is eligible for seizure under federal or state law. The vehicle should have a net value of at least \$4,000.00.
7. Investigative Services will coordinate the final disposition of all confiscated vehicles when it is determined that it is in the interest of the Hampton Police Division to dispose of the vehicle at public auction.

C. Forfeiture Procedures – State

1. Forfeiture procedures are initiated by the officer seizing the vehicle as specified in section 19.2-386.22 of the Code of Virginia. The seizing officer will note on the Hampton Police Division Impounding Record that:
 - a. The vehicle should not be released until the Court has heard the case and provided disposition of the vehicle, and
 - b. That the Commonwealth's Attorney should be notified by the S.I.U. Commander or his designee to initiate forfeiture proceedings. The seizing officer will forward a copy of form 420-20 the Vehicle Towing/Impoundment Record to the Commanding Officer of S.I.U.
2. Once notified, the Commanding Officer of S.I.U. or his designee will, within five working days, notify the Deputy Commonwealth's Attorney of the intent to confiscate the vehicle. Information regarding the vehicle, the owner, the lien holder, the value of the vehicle, the general condition of the vehicle, and the charges leading to confiscation will be provided to the Deputy Commonwealth's Attorney. The Commanding Officer of S.I.U. may deem it appropriate to pursue federal forfeiture or to discontinue the effort to confiscate and release the vehicle.
3. The S.I.U. Commander or his designee will follow up with the Deputy Commonwealth's Attorney as to the status of the forfeiture on a regular basis to track the process of the case through the Courts.

D. Forfeiture Procedures – Federal

When a seized vehicle qualifies for federal adoption, the investigating officer will do the following:

1. Impound the vehicle under existing guidelines.
2. Notify the S.I.U. Commander of the intent to pursue confiscation through federal adoption.
3. Contact S.I.U. Commander or his designee as soon as possible (during normal working hours).

4. Provide the S.I.U. Commander or his designee with a copy of all investigative information concerning the seizure.
5. The S.I.U. supervisor or his designee will pursue the federal adoption and will be responsible for the compliance with all federal guidelines connected with the seizure and forfeiture.

E. Disposition of Forfeited Vehicles

1. State Forfeiture – vehicles turned over to the Hampton Police Division at the conclusion of state forfeiture proceedings may be utilized by the Hampton Police Division or may be sold at public auction. Proceeds from the auctioned confiscated vehicle will be distributed in accordance with state law.
2. Federal Forfeiture – vehicles turned over to the Hampton Police Division at the conclusion of federal forfeiture proceedings may only be used for valid law enforcement objectives. If the vehicle is sold at auction, then the proceeds of the sale may only be used for valid law enforcement objectives.
3. Confiscated vehicles will be added to the fleet if approved by the Chief of Police and the Director of General Services.
4. Confiscated vehicles will be used to augment the fleet when it is demonstrated that such action will benefit this Division. The Chief of Police will make the final determination concerning the replacement of existing police vehicles.

