

# Forfeited Asset Sharing Program (FASP)

**Washington Building**  
1100 Bank Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219



# DCJS

Virginia Department of Criminal Justice Services

# Asset Forfeiture Background

The Forfeited Asset Sharing Program allows local and state law enforcement agencies to utilize state forfeiture laws to seize and forfeit property connected to illegal drug activity, then receive a percentage of the forfeited funds for use.

In 1991, citizens of Virginia voted to amend the Constitution of Virginia to permit laws allowing law enforcement agencies to benefit from seizures connected with the illegal distribution of narcotics.



In 1991, the General Assembly passed forfeiture law under *Code* § 19.2-386.22. Prior to the forfeiture law, forfeited funds from seized items were contributed to the State Literary Fund.

- Today, law enforcement agencies may retain any proceeds from forfeitures pertaining to the **distribution, sale, or manufacture** of a controlled substance or marijuana including prescription drugs and controlled synthetics.
  - Real property: drug violation must carry a minimum five year sentence
  - Seizure may be done up to three years after offense date
- Proceeds may include money and property used in “substantial connection” with drug activities above as well as anything of value exchanged for controlled substances. Examples: cash, real property, vehicles, cell phones, electronics, weapons, jewelry, etc.



## Benefits:

- Criminal deterrent
- Increased cooperation between federal, state, and local law enforcement agencies
- Strengthens law enforcement through use of proceeds obtained through forfeiture

## 386 Agencies Participate

- 231 Police/Sheriff
- 118 Commonwealth's Attorneys and VCJF
- 31 VSP Task Forces
- USPIS and OAG

**Active online users: 409**

## Total disbursements for FY2021: \$4.2 million

- Affected by COVID19 and requirement for criminal conviction
- 1534 seizures valued at \$8,961,634.93
- 1088 assets forfeited
  - 136 agencies = \$0
  - 43 agencies < \$1000
  - 120 agencies = \$1000 to \$10,000
  - 79 agencies = \$10,001 to \$100,000
  - 6 agencies = over \$100,000

# Vocabulary

- **Asset:** Property of all kinds; real and personal, tangible and intangible (cash, real-estate, gold, silver, tools).
- **Seizure:** The physical taking of property based on law enforcement's belief that the property is associated with a crime.
- **Forfeiture:** Permanent loss of an owner's rights to property which can be a penalty for some illegal act. In Virginia, only a Circuit Court judge can forfeit property.
- **"In-Kind Property":** Actual property other than cash which has been seized, forfeited and returned to the seizing agency for law-enforcement purposes.

- **Proceeds:** Actual cash forfeited and the cash value returned from the sale of forfeited property, including property that may have been returned “in-kind” and sold.
- **Seizing Agency:** The agency which initiated the seizure or that retains possession of the seized property. The seizing agency may be chosen by mutual decision of the participating agencies.
- **Participating Agency:** Any agency involved in a seizure that will receive a portion of the proceeds.
- **Substantial Connection:** The “substantial connection” test requires that the property subject to forfeiture must have more than an incidental connection to the criminal activity. It is a common sense interpretation of the facts on a case by case basis. *Lee, et al v. Commonwealth, 253 Va. 222 (1997) is a good definition for substantial connection.*

# What May Be Seized and Forfeited Under the Forfeited Asset Sharing Program

**Any property used in substantial connection with the illegal distribution or sale or manufacture of narcotics (not possession alone).**

- Authority to seize stems from § 19.2-386.22 Seizure of property used in connection with or derived from illegal drug transactions. Referred to in this code are three bases for forfeitures:
  - ✓ § 18.2-248 Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties
  - ✓ § 18.2-248.1 Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.
  - ✓ § 18.2-474.1 Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.

Assets are forfeited to the Commonwealth of Virginia and (paid) turned over to the Virginia Department of Criminal Justice Services (DCJS).

**All of the above needs to be referred to in all court ordered forfeitures processed through DCJS.**

***Other Relevant Forfeiture Code Sections:***

§ **19.2-386.14**: Sharing of Forfeited Assets.

§ **19.2-386.10**: Forfeiture; default judgment; remission; trial.

§ **19.2-386.12**: Sale of forfeited property.



# Non-Drug Seizures

- There are numerous types of non-drug seizures; the proceeds from these forfeitures go to the State Literary Fund, which is used to fund public schools.
- The DCJS Forfeited Asset Sharing Program includes assets seized and forfeited under an applicable drug charge only. **These charges do NOT include possession.**
- Seizures resulting from cigarette trafficking, money laundering, gambling or counterfeit clothing are significant, but are not part of the DCJS Forfeited Asset Sharing Program. Do not report these to DCJS.



# Non-Drug Seizures

Criminal offenses which can lead to civil forfeiture actions are specified by the General Assembly and include:

- Illegal manufacture of alcoholic beverages
- Acts of terrorism
- Transportation of stolen property
- Abductions
- Prostitution
- Child pornography
- Computer crimes
- Manufacture, possession or sale of illegal electronic communication devices
- Money laundering

- Cigarette trafficking and counterfeit cigarettes
  - Gambling
  - Any weapon unlawfully possessed or used in a felony
  - Soliciting a child for sexual activity using a communications system
  - Extortion
  - Illegal wage withholding
  - Felony DUI
- 
- Different crimes allow for different types of forfeitures, and may involve different procedures
  - All require convictions under changes to asset forfeiture law effective July 1, 2020-there are exceptions
  - **All proceeds from these non-drug forfeitures go to the State Literary Fund. Constitution of Virginia, Article VIII, Section 8 The Literary Fund.**

# Asset Forfeiture Cases

1. Law enforcement agencies must always have probable cause to seize assets-Fourth Amendment.
2. Case is against the property, not the defendant, so build a case for both.
3. § 19.2-53 Search warrants may lead to seizures for asset forfeiture when the assets stem from the fruit of a crime, or any object or thing constituting evidence of the commission of crime.
4. § 19.2-386.2 Seizure warrant authorizes the immediate seizure of a property subject to seizure.
5. Count and recount money: may be kept in suspension account, evidence room, treasurer, but make sure amounts are correct and submitted to DCJS and the Commonwealth's Attorney's Office correctly!!

# Probable Cause for Property May Come From the Following:

Numerous IDs and/or false IDs

Drug dog alerts

Hidden compartments in vehicles

Criminal background

Financial Documents such as

- W-2's
- Pay stubs
- Bank statements (personal and business)
- Receipts (personal and business)
- Tax info (personal and business)
- Money transfers/wires
- Vehicle information (title, purchase contracts, loans)
- Calendars



# Follow the Money

- Investigation does not end with seizure
  - You may discover other individuals are involved
  - You may be able to negate innocent owner defense
  - Get the big picture
- Get complete statements from all people present
- Ask questions about property
  - How was the property purchased? Cash, Paypal, Venmo
  - Where was the money for purchase obtained?
- Ask questions about any money found
  - How was the money obtained?
  - Where is the money going?
  - How often is the money received or paid out?
  - Where is everyone employed and what is their pay?
  - Get ATM receipts, deposit tickets, etc.



# Other Things to Look For During Investigation

- Attempts to keep transactions secret
- Mingling legitimately earned funds with illegal funds
- Transfers between accounts or large deposits of cash
- False registration of vehicles or other personal property in a third-party's name
- Having a third party make a purchase or perform other financial transactions

## Questions:

- Was the car used to sell drugs?
- Was the car used to transport drugs?
- Is the car titled in third party's name? (The use of a third party to purchase goods for another person usually constitutes sufficient proof of an attempt to conceal.)



**Venue** lies where:

- The property is located,
- the property is seized, or
- an owner of the property or the person whom the property is seized from commits the illegal activity alleged to cause the seizure

**Respondents** are:

- The owner
- The person(s) who had custody when the property was seized



# Now What?

# Vehicle Seizures

- Vehicles need to be maintained to retain value; don't let them remain on the impound lot any longer than necessary.
- Double-check VIN on 998, court papers, etc.
- Maintain accurate records of vehicles and other assets awaiting forfeiture.
- Completely inventory a vehicle after seizure.
  - ✓ Check for hidden compartments.
  - ✓ Give items not being held as evidence or seeking forfeiture back to the owner.
  - ✓ Tow and store in a predetermined, safe place.
  - ✓ Note any damage.
  - ✓ Roll up the windows so the car isn't damaged in your agency's care.
  - ✓ Follow your department's minimum equity guidelines.
  - ✓ Vehicles are to be sold at a public auction (on-line permitted ex: auction company, GovDeals, Ebay)

# File a DMV Form VSA62 – Report of Levied and Seized Vehicle



- ✓ Seizing officer or C/A may file.
- ✓ Puts a **HOLD** on the vehicle.
- ✓ Prevents ownership change with DMV after it is seized.
- ✓ Remember to take it off Hold if it does not end in forfeiture or when sold.

# Miscellaneous Property Seizures



- Miscellaneous property can be used in-kind, but a law enforcement use must be shown.
- Property sold in lots should be reported to DCJS even if individual items are less than \$500. Ex: jewelry, furniture, etc.
- Recordkeeping and organization are key! Don't "lose" small items.
- Firearms § 19.2-386.29
  - Must destroy, sell to licensed firearm dealer or be used by law enforcement agency
  - May trade to a licensed firearm dealer for another weapon for law enforcement use
  - Report on 998 for your protection
  - Check serial numbers with Virginia State Police



# Currency Seizures

- Ensure chain of custody procedures are maintained at all times.
- If seized cash is deposited it should be placed in an account designated as an asset forfeiture suspension account. This account should not include funds already forfeited or federal money.
- If retained in the evidence room, clearly mark as drug forfeiture cash with identifying case numbers. After forfeiture, cash can be converted to a cashier check, deposit, etc.
- Do not place all money seized in one pile.
- Count and recount!
- **Consult your C/A** for their requirements.



# Real Property Seizures



Real estate can only be seized if the drug violation carries a minimum 5 year prison sentence. A notice of lis pendens shall be filed with the Circuit Court clerk by the C/A.

These seizures are complicated and costly procedures and the locality will handle all aspects between the law enforcement agency and Commonwealth's Attorney's Office. Tasks include:

- Titling property to the locality
- Title search
- Paying maintenance costs
- Paying back taxes
- Finding and paying existing liens
- Hiring a real estate agent to market property
- Request in-kind status from DCJS if the law enforcement agency will use (costs to maintain, etc. may come from forfeiture funds)

Case Number: \_\_\_\_\_ Officer: \_\_\_\_\_

**Asset Forfeiture Checklist**

- Asset Forfeiture Officer Notified of Seizure  
Date: \_\_\_\_\_
- Case File Received/Completed with Signatures  
Date: \_\_\_\_\_  
Evidence Located at: \_\_\_\_\_
- Currency Deposited  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_
- DCJS-998 Form entered into FASP System  
Date: \_\_\_\_\_
- Case Files, DCJS-998 Form Delivered to Commonwealth's Attorney  
Date: \_\_\_\_\_  
Name of person receiving the package: \_\_\_\_\_
- DCJS Received Approved  
DCJS # Assigned: \_\_\_\_\_
- Confirmation of court filing with C/A or Circuit Court Clerk  
Date Filed: \_\_\_\_\_
- Court Order Received:  
Date: \_\_\_\_\_

**Court Disposition**

- Forfeiture
- Dismissal
- Return to Owner
- Other: \_\_\_\_\_
  
- DCJS-999 Form Completed
- Submitted DCJS-999 form, court order, checks/bill of sale to DCJS  
Date: \_\_\_\_\_  
Check processed for forfeited amount:  
Check #: \_\_\_\_\_ Amount: \_\_\_\_\_  
Check processed for return of funds or sent to Unclaimed Property:  
Check #: \_\_\_\_\_ Amount: \_\_\_\_\_  
Mailed to defendant or Treasurer of Virginia:  
Date: \_\_\_\_\_ Date: \_\_\_\_\_  
Other Assets returned to defendant/innocent owner:  
Date: \_\_\_\_\_
- Funds received from DCJS:  
Date: \_\_\_\_\_ Amount: \_\_\_\_\_  
Case Completed:  
Date: \_\_\_\_\_

**Auction/Sale Items:**  
Date of Sale: \_\_\_\_\_  
 Proceeds sent to DCJS  
Amount: \_\_\_\_\_  
Check #: \_\_\_\_\_  
Date: \_\_\_\_\_

# In-Kind Requests

**Law enforcement agencies may request property be returned to the agency for use upon forfeiture.**

- This is called *in-kind use*, and must be for law enforcement purposes only.
- There must be a “clear and reasonable law enforcement need”.
- If the need is not apparent, submit information telling why in-kind use is requested or DCJS staff will investigate to determine if in-kind use is appropriate.
- Request in-kind status on a vehicle or other property on a 999.
- Indicate on the 999 which agency will receive the property. Participating agencies on the case must agree.
- FASP staff will mail the receiving agency a letter to the chief and one for DMV (vehicles only) granting in-kind use if approved.



# In-Kind Use

- ❑ The asset will remain “pending” on the agency’s DCJS case list until a final disposition is submitted.
  
- ❑ The asset will appear under the Open Cases heading on the home page as well as the Open Cases with In-Kind Assets heading.
  
- ❑ If an agency wants to exchange seized vehicles, it must be agreed by all agency heads on the task force or all participating agencies:
  - Agree who will pay insurance and what will happen if vehicle is wrecked or stolen.
  - DCJS must be notified through a 999 submission to change the agency.

## § 19.2-386.12. Sale of forfeited property.

A. Any sale of forfeited property shall be made for cash, after due advertisement. **The sale shall be by public sale** or other commercially feasible means authorized by the court in the order of forfeiture and shall vest in the purchaser a clear and absolute title to the property sold subject to the rights of any lien holder whose interest is not forfeited. The proceeds of sale, and whatever may be realized on any bond given under [§ 19.2-386.6](#), and any money forfeited shall be paid over to the state treasury into a special fund of the Department of Criminal Justice Services in accordance with [§ 19.2-386.14](#).

- No trade-ins except for another weapon to be used by law enforcement
- Vehicles may not be used as trade-ins, but asset forfeiture funds may be used to purchase vehicles for law enforcement use
- When property is used in-kind and sold, proceeds are still considered state asset forfeiture funds

# Sharing Agreements

Sharing agreements are between the law enforcement agency and the Commonwealth's Attorney's Office. Agreements are in effect until a new one is in place or old one is negated by agency heads.

Task forces have memorandums of understanding (MOUs) that govern their sharing.

VSP has separate sharing agreements with the Commonwealth's Attorney's Office.

- Kept on file at DCJS
- New signed agreements should be sent to DCJS. Agreements may be modified at any time.
- Deviations from sharing agreements need documentation of approval by C/A or task force coordinators.

## **ASSET FORFEITURE SHARING AGREEMENT**

**This AGREEMENT is between the ALEXANDRIA POLICE DEPARTMENT and the OFFICE OF THE COMMONWEALTH'S ATTORNEY FOR THE CITY OF ALEXANDRIA regarding the sharing of seized and forfeited assets.**

**Both parties HEREBY AGREE that all property seized by ALEXANDRIA POLICE DEPARTMENT law enforcement personnel in accordance with the asset forfeiture statutes of Virginia §19.2-386.1 et. seq., Va. Code Ann. (1950 as Amended), after a proper court order has been filed, and further after all expenses have been paid in accordance with §19.2-386.14 of the Code of Virginia, will be shared in accordance with this agreement. Seized property will be divided at the rate of 70% to the Alexandria Police Department and 30% to the Commonwealth's Attorney's Office, with the 10% share to the Department of Criminal Justice Services being deducted prior to the distribution divided rate of 70%/30%.**

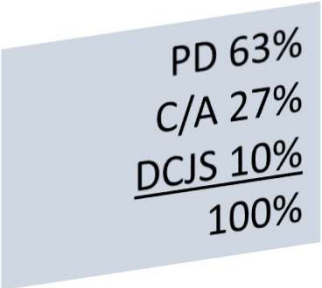
**This AGREEMENT shall be continuing in nature and renewed automatically each year unless one of the parties gives 30 days notice prior to the automatic renewal date of one year from the date of the last signature.**

# Sharing Agreements *(continued)*

- Disbursements on 999s require the percentages to add to 100%.
- If the sharing agreement indicates percentages are after DCJS' 10%, it may be easier to modify the agreement, because the percentages can be confusing. If modification is not possible, the asset forfeiture coordinator will need to determine actual percentages:
- SHARING AGREEMENT EXAMPLE WORDING: "Of the monies returned by the Department of Criminal Justice Services (DCJS) following the deduction of the DCJS statutory share, it is agreed that \_\_\_\_% will be returned to the Police Department and \_\_\_\_% will be returned to the Commonwealth's Attorney's Office."

If your agreement reads like this example:

- Take the PD% and C/A %s from the 90% remaining after the DCJS 10% is deducted
- PD=70% C/A=30%
- Convert the percentage to a decimal and multiply by 90
- PD =  $90 \times .70 = 63\%$
- C/A =  $90 \times .30 = 27\%$



PD 63%  
C/A 27%  
DCJS 10%  
100%

Or modify the agreement:

“The parties agree that of all assets seized and forfeited of \$500 or more, DCJS shall receive 10% as a statutory share, and it is agreed that 70% will be returned to the Police Department and 20% will be returned to the Commonwealth’s Attorney’s Office.”

**Changes to sharing agreements have to be signed by the law enforcement agency head and the Commonwealth’s Attorney.**

# Civil Forfeiture Process

1. After seizure, the seizing agency sends a written notification to the C/A— may use DCJS Form 998
2. LEA submits Form 998 to DCJS online within 21 days
3. C/A files a Notice of Seizure with Circuit Court Clerk within 21 days (not jurisdictional and will not prevent the forfeiture Commonwealth v. Wilks 2000)
4. C/A files a Notice of Information with Circuit Court within 90 days of seizure. Owners and lien holders notified.
  - If not filed, property returned to owner (Commonwealth v. Bronson 1994)
  - Defendant should receive Notice of Information within 30 days
  - Defendant and/or lien holder can respond. If forfeiture is opposed, civil trial date is set.
  - If no response, defendant is in default
5. Court Ruling-Commonwealth must meet burden of proof of “clear and convincing evidence”

# Changes July 1, 2020

- On this date, the asset forfeiture code was changed to require a criminal conviction for all forfeitures. Most judges are interpreting the law to apply to seizures (or filings) after July 1, 2020. There is an automatic stay to all civil forfeiture cases.
- Primarily alters § 19.2-386.1
- Exceptions to the conviction requirement are:
  - Plea agreements
  - Agreed order of forfeitures
  - No written notice of demand received in 21 days and forfeited civilly





# Forfeiture Action is Stayed

There is an automatic stay of the civil case until the owner or person the asset was seized from is found guilty of the offense giving rise to the forfeiture.

- For the Forfeited Asset Sharing Program governed by § 19.2-386.22, the offenses are below. The conviction must be one of these code sections:
  - **§ 18.2-248** Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited
  - **§ 18.2-248.1** Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana
  - **§ 18.2-474.1** Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons

Upon a finding of guilt, the stay is lifted, and the civil case is allowed to proceed.



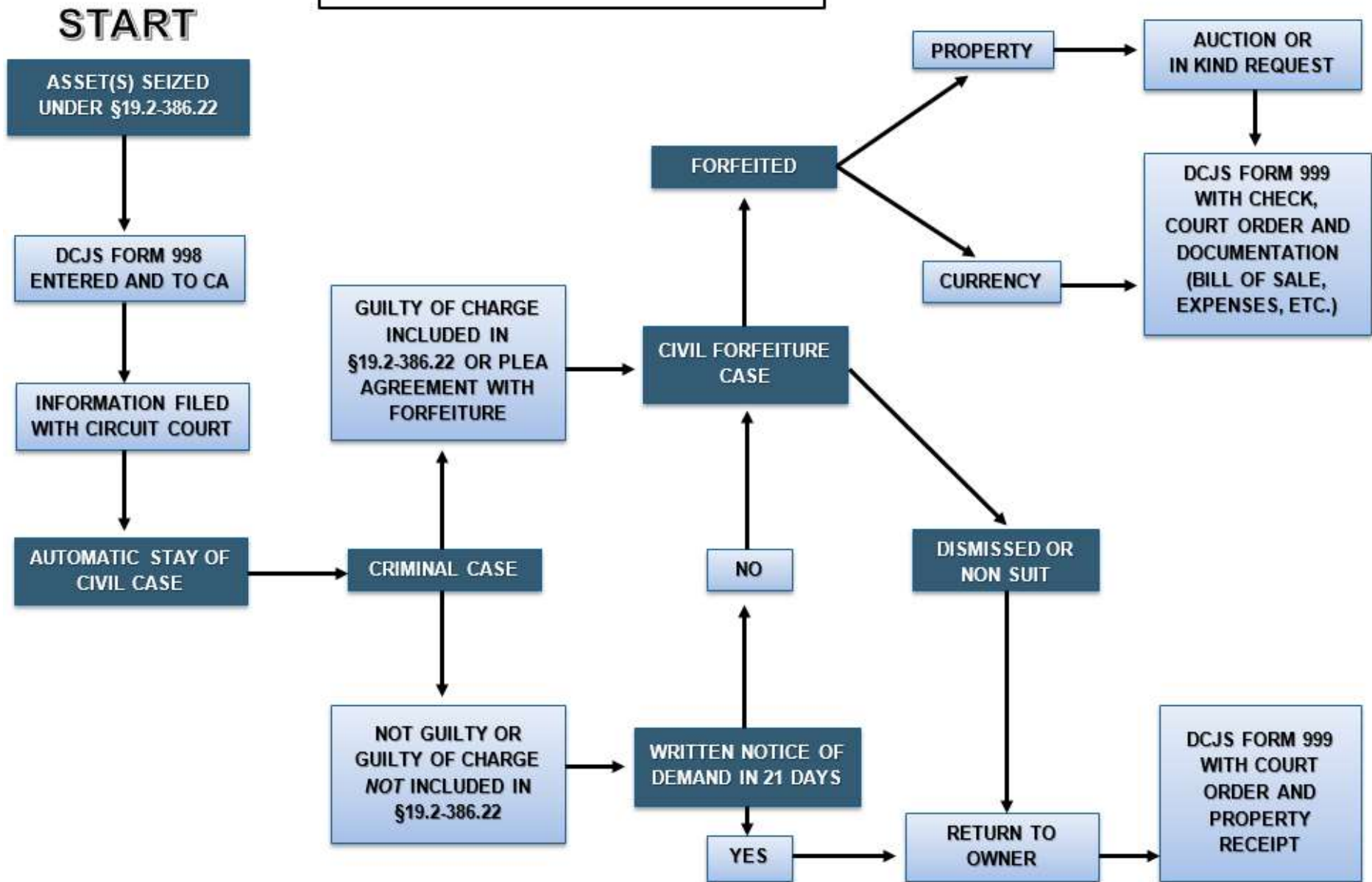
# When Does Civil Trial Proceed?

- A party respondent must appear at the first calling, and
- The stay is then put into effect (regardless of whether an answer is filed), and
- The party respondent comes to all subsequent proceedings, and
- The criminal matter is concluded, and
- The stay is lifted (regardless of whether there is a finding of guilt),

THEN...



**ASSET FORFEITURE PROCEDURES  
EFFECTIVE JULY 1, 2020**



# Frequently Asked Questions Answered!

- The criminal and civil trial must be independent of one another.
- If there is no finding of guilt and a written demand for return is received by law enforcement, the asset must be released.
- No finding of guilt, but plea agreement or agreed order – can be forfeiture
- No finding of guilt but no written demand to the seizing law enforcement agency in 21 days, civil process may proceed after Commonwealth sends notice for default
- The LEA or C/A is not required to notify the defendant that a written demand is required. They are notified on initial notice and information.
  - Respondent appears and files answer – normal proceedings continue
  - Respondent fails to appear and held in default

# More FAQs Answered

- All defendants do not have to be found guilty for assets to be forfeited. However, a defendant *not* found guilty could make a claim to the property during the forfeiture action.
- The asset cannot be forfeited under a deferred disposition unless there is a plea agreement, agreed order of forfeiture, or a subsequent finding of guilt. Asset is held until the end of the deferral period.
- Per §19.2-386.1, the written demand goes to the seizing law enforcement agency. Localities should have an internal policy to ensure all personnel are aware of this requirement and that any written demand is forwarded to the appropriate law enforcement personnel as well as the Commonwealth's Attorney's Office. Any form of writing must be accepted (email, fax, note, etc.)



# FASP Online System

**All seizures are submitted electronically. To gain access to the online system, a FASP registration form signed by the agency head must be on file at DCJS.**

There are two approval choices granted by an agency head:

1. **Program Administrator**—the user can enter and edit 998s and/or 999s in the system, run reports, and make corrections requested by DCJS staff.
2. **Program View**—the user can view the 998s and 999s and run reports, but cannot enter or make changes.

Agency personnel registers in the online system at <https://fasp.dcjs.virginia.gov/> and an email is sent to FASP staff to approve the registration.

If the agency head has granted approval to personnel to gain access to the online system, FASP staff will approve the registration. If not, staff will email a Registration Approval Form to be completed and signed.

Please notify FASP staff when personnel is no longer with agency or leaves asset forfeiture.

3. Name of Authorized Contact Person: Click or tap here to enter text. Title: Click or tap here to enter text.  
Phone: Click or tap here to enter text.  
Email Address: Click or tap here to enter text.  
**Will this officer also submit paperwork for a Task Force:**  YES  NO  
**What type of access is allowed:**  Program Admin-can enter and make changes  Program View Only  
**If yes, please list all Task Forces:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name of Chief/Sheriff/Superintendent:** Click or tap here to enter text.  
Title: Click or tap here to enter text.  
Phone: Click or tap here to enter text.  
Email Address: Click or tap here to enter text.  
**If you would like access to the system, indicate the type:**  Program Admin  Program View Only

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Signature grants approval of above personnel

1

# Online Submission



<https://fasp.dcjs.virginia.gov>

- The DCJS Form 998 opens a case by reporting a seizure.
- The DCJS Form 999 reports disposition on an asset.
- Allows for collection of data on the basis of the seizure and the criminal charge information as required by amended *Code* § 19.2-386.14.
- All users must have their own registration using their own email and password. Do not share sign-in information.



# 998 Features

1. The basis of the seizure must be indicated on the 998 per *Code* § 19.2-386.14. The 998 also questions if criminal charges have been brought and if they are drug-related.
2. Non drug-related seizures are not to be reported to DCJS on a 998. If forfeited, proceeds from these cases are sent to the State Literary Fund.
3. Only assets with an estimated value of \$500 or more *must* be submitted on the 998. Assets valued under \$500 *may* be submitted with another asset valued at \$500 or more.
4. Vehicles should always be reported on the 998. DCJS suggests always reporting weapons.
5. Misc. Property valued at \$500 or more should be reported. Valuation basis must be from a valid source like a professional appraisal, NADA, etc.

# Submitting a 998 to DCJS

- When the 998 is submitted, FASP staff checks that all agencies are included.
- DCJS staff will review and approve or reject the 998.
- If rejected, the reason is emailed to the submitting contact person.

## Common errors in submission:

- Commonwealth's Attorneys are not included in sharing.
- Missing an agency or C/A on a task force.
- No asset included or description of asset is blank.
- Incorrect jurisdiction applied.

**REJECTED!**



# Virginia Department of Criminal Justice Services

Improving and promoting public safety in the Commonwealth

## View 998

21-FS23405

**Seizing Agency**  
Virginia Beach Police Department

**Email Address**  
elasam@vb.gov.com

**Joint Seizure Participating Agencies**  
 VIRGINIA BEACH COMMONWEALTH'S ATTORNEY x VIRGINIA BEACH POLICE DEPARTMENT x

**Criminal Charges Filed:** Yes  
Drug Related Case

**Virginia Dept of State Police (VSP) Involved?** No

**Seizing Agency Case Number**  
21S03272

**Date of Seizure**  
8/6/2020

**Seizure State**  
VA

**Seizure Locality**  
City of Virginia Beach

**Legal Grounds for Seizure under Code of Virginia Section § 19.2-386.22**  
18.2 - 248.1

### Defendant/Co-Defendant

*Per Code of Virginia § 19.2-386.14. Sharing of forfeited assets, agencies must choose ALL criminal charges pertaining to this case, including misdemeanors and charges not related to the forfeited asset. The status of each charge at the time the 999 is submitted must also be included.*

+ ADD NEW RECORD

First Name	Middle Name	Last Name	
NOAH	COLE	BLACK	<a href="#">EDIT/ADD CHARGE(S)</a> <a href="#">X DELETE</a>

Vehicles				
Year	Make	Model	Property Value	
2008	Acura	TL	\$2,150.00	<a href="#">VIEW</a>
			<b>\$2,150.00</b>	

Currencies		
Property Description	Property Value	
US CURRENCY	\$3,748.00	<a href="#">VIEW</a>
	<b>\$3,748.00</b>	

Misc Items		
Property Description	Property Value	
SAMSUNG TV	\$499.00	<a href="#">VIEW</a>
	<b>\$499.00</b>	

Officer Information		
<b>Contact Officer</b>	<b>Email</b>	<b>Phone</b>
<input type="text" value="sadams@vbgov.com"/>	<input type="text" value="sadams@vbgov.com"/>	<input type="text" value="(757) 427-1749"/>
<b>Chief/Sheriff/Superintendent</b>	<b>Email</b>	<b>Phone</b>
<input type="text" value="Chief Paul Neudigate"/>	<input type="text" value="pneudigate@vbgov.com"/>	<input type="text" value="(757) 385-8900"/>

Comments	DCJS Comments
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

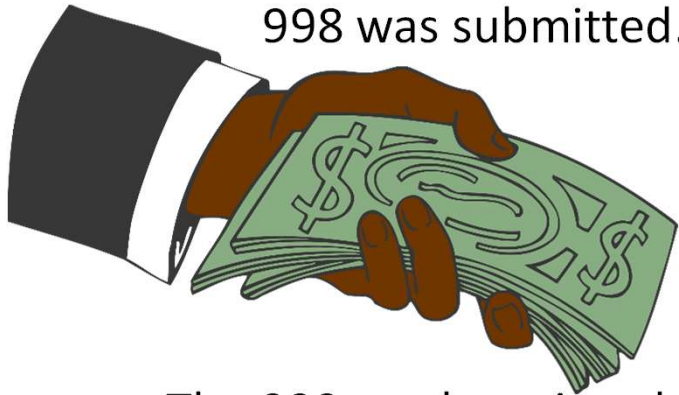
# Form 999 Reports Disposition on an Asset

- The DCJS 999 is the closing document. It is completed after the civil forfeiture is complete or the case is resolved in another way. For seizures after July 1, 2020, the criminal case must be complete before the civil case is heard unless it is an agreed order of forfeiture.
- The percentage each agency will receive is on the 999. The total **must** equal 100% if there is a disbursement. An agency can receive 0%; DCJS is always 10%.
- Sharing agreements between law enforcement agencies and the Commonwealth's Attorney's Office must be honored.

# 999 Features

- **All** criminal charges related to the case, including non-drug charges, must be included on the 999 along with the status of each charge at the time of forfeiture per § 19.2-386.14. [www.courts.state.va.us](http://www.courts.state.va.us)
- Defendant and criminal charge information entered on in an online form attached to a DCJS case number will update that information on all 998s and 999s connected to that case.
- Multiple 999s may be submitted for an asset if entered as in-kind or sale pending, or if a new court order has been issued and funds recalled.
- DCJS staff can immediately view the electronic 999 when submitted. At this time, a printed form with signatures is still required. Electronic approval by agency heads is in the future.

- Multiple assets may be reported on one 999. However, agencies may consider entering separate 998s for items they will be requesting to use in-kind as those cases will remain open.
- Assets valued at less than \$500 will be the seizing agency's responsibility.
  - ✓ The seizing agency must distribute the funds per the sharing agreement or MOU.
  - ✓ These amounts are reported by both the seizing agency making the disbursement and the receiving agency on the FASP Annual Certification Report
  - ✓ Final dispositions of these assets still must be reported to DCJS if a 998 was submitted.



- The 999 can be printed or downloaded into various formats.



# Virginia Department of Criminal Justice Services

Improving and promoting public safety in the Commonwealth

## 999 View

1 2

DCJS FS #: 19-FS32506

### Seizing Agency

Virginia Beach Police Department

### Email Address

elasam@vbgov.com

### Seizing Agency Case Number

19S03093

### Date of Forfeiture Order/Plea Agreement

2/5/2019

### Date of Seizure

10/25/2018

### Defendant/Co-Defendant

Per Code of Virginia § 19.2-386.14. Sharing of forfeited assets, agencies must choose ALL criminal charges pertaining to this case, including misdemeanors and charges not related to the forfeited asset. The status of each charge at the time the 999 is submitted must also be included.

+ ADD NEW RECORD			
First Name	Middle Name	Last Name	
Jamil	Q	Taylor-Kamara	EDIT/ADD CHARGE(S) DELETE

### Vehicles

Year	Make	Model	Value	Court Disposition	Disbursement Amount
------	------	-------	-------	-------------------	---------------------

### Currency

Description	Value	Court Disposition	Disbursement Amount
-------------	-------	-------------------	---------------------



**Misc Property**

Property Description	Value	Disposition(s)	Disbursement Amount
Jewelry-silver necklace with "OYB" pendant.	\$17,590.00	<div style="border: 1px solid gray; padding: 2px;">Forfeiture ▼</div> <div style="border: 1px solid gray; padding: 2px;">Sold ▼</div>	\$612.67

Sale Price:  Date of Sale:

**Expenses**

Expense Type	Expense Comment	Expense Amount
Deduct	\$214.23 (25% COMMISSION) + \$30 (APPRAISAL FEE)	\$244.23

Agency	Percent	Amount
Virginia Dept of Criminal Justice Services	10.0000	61.27
Virginia Beach Commonwealth's Attorney	20.2500	124.07
<input checked="" type="checkbox"/> Virginia Criminal Justice Foundation	2.2500	13.78
Virginia Beach Police Department	67.5000	413.55
Total %:		100.00
Total Amount:		612.67

**Total Disbursement**

## Summary

Agency	Amount
Virginia Dept of Criminal Justice Services	61.27
Virginia Beach Commonwealth's Attorney	124.07
Virginia Criminal Justice Foundation	13.78
Virginia Beach Police Department	413.55
Total Amount: 612.67	

### Officer Information

#### Contact Officer

Asset Forfeiture Coordinator Edbert Lasam

#### Email

sadams@vbgov.com

#### Phone

(757) 427-1749

### Chief/Sheriff/Superintendent

I certify the above information is true and accurate, that the property transferred will be used for the law enforcement purpose stated, and that all monies received pursuant to this order will be accounted for consistent with applicable state laws, regulations, and court orders.

#### Name

Chief Paul Neudigate

#### Email

pneudigate@vbgov.com

#### Phone

(757) 385-8900

### Comments



999

Name: Officer Beth Dandridge  
 Printed: 6/21/2019 10:37 AM

16-FS14139

Asset Seizure Reporting Form

Agency Information

1. Seizing Agency: Fairfax County Police Department  
 Email Address: elizabeth.dandridge@dcjs.virginia.gov  
 2. Seizing Agency Case Number: 2016-0910264  
 3. Date of Forfeiture Order/Plea Agreement: 2/1/2017  
 4. Date of Seizure: 3/31/2016

5. Defendant's Name(s) and Criminal Charges:

Name	Original Charge	Convicted	Amended Charge	Fugitive	Pending	Dismissed	Nolle Prossed	Plea Agreement
Bryan R FLORES	18.2-248.1 (a,2)	Yes						
	18.2-248.1 (a,2)	No						
	18.2-250(A,a)	No						
	18.2-250(A,a)	No						
	18.2-250(A,a)	No						
	18.2-255.2	No						

6. Disposition of Property Seized:

Asset	Disposition	Disbursement Amount
(1) \$4,456.00 U.S. Currency		
(2) 2004 ACURA TSX	Forfeiture/Sold	\$5,475.00
Sale: \$8,250.00    Sale Date: 11/22/2017    Adjustments: \$150.00 Tow Fee, \$825.00 Auction Fee		

7. Case Comments:

Sharing Information:

8. Agency	Percentage	Amount
Virginia Dept of Criminal Justice Services	10.0000%	\$547.50
Fairfax County Commonwealth's Attorney	20.0000%	\$1,095.00
Fairfax County Police Department	70.0000%	\$3,832.50
<b>TOTAL</b>		<b>\$5,475.00</b>

Officer Information:

9. Contact Officer

\_\_\_\_\_  
Signature Date

**Name:** Michael Byrnes  
michael.byrnes@fairfaxcounty.gov  
**Title:** Detective  
**Phone:** (571) 328-6694

**10. Chief/Sheriff/Superintendent:**

I certify the above information is true and accurate, that the property transferred will be used for the law enforcement purpose stated, and that all monies received pursuant to this request will be deposited and accounted for consistent with applicable state laws, regulations, and court orders.

\_\_\_\_\_  
Signature Date

**Name:** Edwin Roessler, Jr.  
chief@fairfaxcounty.gov  
**Title:** Chief  
**Phone:** (703) 246-4277

**11. Additional Signature Lines (if needed):**

\_\_\_\_\_  
Signature Title Date Phone  
\_\_\_\_\_  
Signature Title Date Phone

Submit this form to the Department of Criminal Justice Services with necessary documentation (court order, bill of sale, expense receipts, etc.) and check if applicable. Mail to:

Virginia Department of Criminal Justice Services  
Forfeited Asset Sharing Program  
1100 Bank Street, 12th Floor  
Richmond, VA 23219

# 999 Submission

## Documents to *mail* to DCJS:

1. **Original signed 999:** Once the 999 is completed and printed, it must be signed by the appropriate personnel. If signing for the chief/sheriff/superintendent, DCJS needs a letter on agency letterhead signed by the agency head granting permission.

## Signing statement:

**I certify the above information is true and accurate, that the property transferred will be used for the law enforcement purpose stated, and that all monies received pursuant to this request will be deposited and accounted for consistent with applicable state laws, regulations, and court orders.**

2. A **court order of forfeiture from circuit court.** If there is more than one owner, there must be an order of forfeiture for each one.
3. A **check payable to the Treasurer of Virginia** for the same amount as the court order minus any adjustments. This amount should also match the 999 disbursement amount.



**4. Supporting documentation** for any expenses or additions (GAL, interest income, towing, returned to owner, etc.) and auction documentation for any sales that include:

- The date of sale
  - The sale price
  - The expenses for the sale and documentation such as invoices, list of sales on company letterhead, etc.
- ❖ Proceeds from the sale of an asset >1 year after the *forfeiture* date or whose forfeited funds are under \$500 are not disbursed through DCJS. However, a signed 999 is **still submitted** with the bill of sale and a court order to close the case. **The amounts from these cases are submitted on the FASP Annual Report.**

**5. Sharing agreements if not already on file.**

## Disbursements:

1. DCJS will disburse the funds to the *Treasurer's Office* of the locality or the Finance Division for the Department of Virginia State Police.
2. If the Commonwealth's Attorney has requested a portion of their proceeds (10%) be donated to the Virginia Criminal Justice Foundation, agencies will notice these payments on the electronic 999s.
3. All agencies receiving proceeds will receive an email with distribution information for their locality noting the amounts distributed to that locality's Police Department, Sheriff's Office, and/or Commonwealth's Attorney. Disbursement amounts to other agencies on the 999 may be viewed online.
4. Please notify DCJS staff when contacts change.

# Online System Home Page

Forfeited Asset Sharing Program

[Home](#)

[Search](#)

[Reports](#) ▾

Hello Beth Dandridge!

[Log off](#)



## Virginia Department of Criminal Justice Services

Improving and promoting public safety in the Commonwealth

### Forfeited Asset Sharing Program

29th Circuit Narcotics TF/Grundy-4W 

Open Cases

Open Cases with In-Kind Assets

Closed Cases

Participating Agency Open Cases

Participating Agency Closed Cases



## Online System Reports



### **Agency Disbursements:**

Report on DCJS disbursements to your agency by date range

### **County Disbursements:**

Report on DCJS disbursements by payments to your locality by date range-includes agency and C/A

### **Disbursal Amounts:**

Yearly report format of disbursements from DCJS

### **Case History-Seizing Agency:**

List of all cases where your agency was the seizing agency. Designed to download into an Excel spreadsheet.

### **Case History-Participating Agency:**

List of all cases your agency has participated in. Designed to download into an Excel spreadsheet.

### **Criminal Charge Details:**

Report showing all criminal charges and their status for each defendant related to assets forfeited within a particular date range. Also used on Report to the Governor and General Assembly.

### **Criminal Charge Summary:**

Report showing the number of forfeited assets within a date range that had related criminal charges. Also used on Report to the Governor and General Assembly.

### **Pending Asset Report:**

Lists all assets seized by an agency with no final disposition or used in-kind

# Pending Asset Report

- Requested in February, due April 1
- Lists all assets seized by an agency without a final disposition or used in-kind
- Can be run anytime by personnel with access to the online system
- Requests updates on vehicles and property-does agency still possess item? Is there a forfeiture order? Etc.
- 999s should be completed and returned with report for forfeited assets or assets that have a final disposition (sold, destroyed, returned to owner, dismissal, etc.)
- Provides accountability for law enforcement agency and to the public

DCJS Number: 17-FS22551

Law Enforcement Agency Case Number: 160728194

998 Submitted: 8/12/2016

Date of Seizure: 7/28/2016

Court Order Date:

Participating Agencies: Henrico County Commonwealth's Attorney, Henrico County Division of Police

Defendant Name(s): Edwin D BURSE

Property Description

Property Value

Status

999 Print Date

\$2,162.10 U.S. Currency (Currency)

\$2,162.10

Pending

Seized from: Edwin D BURSE

Is there a forfeiture order for this case? \_\_\_ YES \_\_\_ NO If YES, please submit a 999 as soon as possible.

DCJS Number: 18-FS05816

Law Enforcement Agency Case Number: 180110206

998 Submitted: 2/27/2018

Date of Seizure: 1/10/2018

Court Order Date: 3/14/2019

Participating Agencies: Henrico County Commonwealth's Attorney, Henrico County Division of Police

Defendant Name(s): John R CARLYLE JR.

Property Description

Property Value

Status

999 Print Date

2005 JEEP Grand Cherokee-V6  
(1J4GR48K55C517828)

\$4,125.00

In-Kind

7/10/2019

Seized from: John R CARLYLE JR.

(999 not received by DCJS)

Agency Receiving In-Kind Asset: Henrico County Division of Police

In-Kind Date: 8/21/2019

Is this asset still in your agency's possession? \_\_\_ YES \_\_\_ NO

If NO, please indicate \_\_\_ SOLD \_\_\_ DESTROYED; you must also submit a 999 with updated information.

# Online System Search



Virginia Department of Criminal Justice Services

Improving and promoting public safety in Virginia

## Case Search

- Search By Case Number
- Search By Defendant
- Search By Property Description

Allows user to search all cases by status, case numbers, defendant first and last, property.

FASP staff can search statewide.

## Case Search

Search By Case Number

DCJS Case Number ↓	Agency Case Number	Case Status	Agency Name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Agency Name: 29th Circuit Narcotics TF/Grundy-4W</b>				
19-FS27407	18-4581	Pending	29th Circuit Narcotics TF/Grundy-4W	<input type="button" value="View 998"/> <input type="button" value="View 999"/>
19-FS27406	18-10993	Pending	29th Circuit Narcotics TF/Grundy-4W	<input type="button" value="View 998"/> <input type="button" value="View 999"/>

# Disputed Distributions

- If there is a dispute between agencies on the distribution of forfeiture proceeds, by statute agencies may petition the Criminal Justice Services Board for a share of the proceeds. The Forfeited Assets Distribution Committee holds a hearing to determine settlement.
- Disputes must be filed at DCJS within twenty-one (21) days of the entry of the court's forfeiture order.
- Only one (1) such case in more than twenty (20) years.
- Participating agencies should try to determine percentages amongst themselves.
- See FASP Manual for more information.

# Forfeiture Program Best Practices

1. Keep forfeited funds separate from seized funds.
2. Keep federal and state **asset forfeiture** funds separated; either in separate accounts or coded in separate line items. There must be a clear distinction.
3. Communicate with the Treasurer/Finance Director and reconcile forfeiture account quarterly.
4. Maintain a copy of all disbursements received from other agencies (under \$500) and sale of assets not reportable to DCJS. Organize this information on a spreadsheet and keep updated for use on the Annual Report.
5. Maintain copies of all invoices for purchases paid from the State Asset Forfeiture Fund. You must follow your locality's procurement policy on these purchases.

6. Maintain and update a spreadsheet of criminal charges related to federal asset forfeiture throughout the year.
7. Maintain copies of bank statements of forfeiture account (suspension and/or forfeited fund) and reconcile monthly.
8. Keep copies of previous Annual Certification reports and supporting documentation. (Minimum retention: three (3) years plus current year on file.)
9. Implement filing system and record keeping to ensure continuity when other coordinators take over.
10. If you have a civilian asset forfeiture coordinator, they may need training on criminal charge info, assistance from an officer, or a form submitted with criminal charges from the Commonwealth's Attorney.

[www.courts.state.va.us](http://www.courts.state.va.us)



10. Follow local policies of your law enforcement agency, the Commonwealth's Attorney's Office, and the local government.
  - How will seizure information be given to the AFC?
  - What information does the C/A need? When?
  - Does your treasurer allow for a separate suspension checking account?
  - Do you have a separate fund set up with the Treasurer for forfeiture proceeds?
  - Who will decide what purchases will be made with forfeiture money and who will make the purchases?
  - What is your locality's procurement policy?
  - Consider a minimum equity guideline

**Upon sale of an item purchased with forfeiture funds, the proceeds are to be returned to the forfeiture account. They do not go back into the general fund. Restitution proceeds will generally go back to the general fund.**

# Uses of Forfeiture Proceeds

## Must support law enforcement

Supplement not Supplant Budget

- Law-enforcement training
- Equipment and operations
- Drug investigations including “buy” money
- Detention facilities
- Law-enforcement facilities
- Drug education/awareness programs
- Pro rata funding (costs to support multi-agency items)
- Joint law-enforcement and public safety operations

- Asset accounting and tracking
- Contributions to community-based non-profits whose stated missions are supportive of and consistent with a law-enforcement effort, policy, and/or initiative
- Law-enforcement travel and per diem payments
- Purchase of food and beverages during training, for officers during undercover operations, or while involved in local emergency operations. Payments for food during staff meetings, etc. is not allowed.
- Law-enforcement awards and memorials-no cash or gift cards
- Matching grants--Costs for an agency's matching contribution or share in a state or federal grant program for items other than salaries are allowed.

## Salaries (not benefits) in limited circumstances:

- ✓ First year *only* of new law enforcement officer's employment that supplements the agency
- ✓ Overtime
- ✓ Non-traditional law enforcement positions in approved specialized programs
- ✓ Sworn officers hired to replace those assigned to a federal task force (up to six months after TF disbands)

Contracts for Services — Payment for a contracted service that supports law enforcement is permitted. Examples include: expert witnesses, translation and language assistance services, auditor of state asset forfeiture funds, grant writer, etc. Payment on these contracts based on a percentage of the forfeitures is not allowed. Contracts for law-enforcement functions are *not* allowed, such as hiring an investigator, attorney, or other civilian personnel to perform tasks typically or previously performed by agency or jurisdiction personnel.

# Impermissible Uses of Forfeiture Proceeds

- Payments for non-law enforcement expenses
- Use of forfeited tangible assets by non-law enforcement personnel
- Non law-enforcement purposes
- Uses contrary to laws of the state or local jurisdiction
- Non official government use of assets or proceeds (political or personal purposes)
- Creation of endowments or scholarships
- Costs related to lawsuits

**These lists are not all inclusive. It is the agency/task force's responsibility to spend these funds appropriately!! Consult the FASP Manual for further information or contact DCJS with questions.**

# Be aware of appearances!



**FASP Annual Reports and asset seizure information, including a locality's expenditures, are subject to FOIA.**

# Examples of Impermissible Uses

- Commonwealth's Attorney uses proceeds to purchase water bottles with a wrap advertising re-election points.
- Sheriff uses asset forfeiture funds to pay for a teacher appreciation luncheon for all teachers at Anytown Elementary School.
- Police department donates \$2500 to sponsor a table at a luncheon honoring women leaders in their community.

# Important to Remember

- Don't budget for forfeiture proceeds or spend them before received.
- You cannot be certain when a forfeiture will be complete. With new criminal conviction requirement, forfeitures will take longer.
- The amount received is not determined until the forfeiture is complete. Some proceeds may be returned to owner or another individual, paid to a guardian ad litem, or used for expenses.
- Net proceeds are not determined until sale of forfeited asset and payment of expenses.



# Annual Certification Reports

1. An annual report is required from all participating agencies to remain in the program whether or not the agency received disbursements in that year. The Annual Report is due **on** September 30<sup>th</sup>.
2. DCJS' Report to the Governor is due December 31. Agencies not in compliance will be indicated on the report. This report contains:
  - The amount DCJS distributed to your agency during the fiscal year.
  - The **total** of funds sent by your agency to the State Literary Fund and the **total** of federal funds your agency received from the Federal Equitable Sharing program (agency reports these amounts).
  - Criminal charge information related to asset forfeitures for each agency by summary and detail.
  - Federal criminal charge information for forfeitures submitted by each agency on a spreadsheet with details. Keep a spreadsheet throughout the year.

3. The certification report is a key audit component. DCJS may request additional documentation or ask for items to be removed from expenses.
4. Keep all records of the use and handling of the proceeds, property, income, or interest. This includes invoices, contracts and procurement information for three prior fiscal years plus the current year.
5. Include funds received from cases under \$500 and property sold more than a year after the forfeiture date. This is entered as a total, but an itemized list must be attached.
6. Proceeds, income, or interest shall be used for law enforcement purposes only.
7. Task forces must submit an annual report if they have an asset forfeiture checking account.

8. The report must be signed by the Chief/Sheriff, County Administrator/City Manager, and Treasurer. An additional signature line is available for the Finance Director or other official involved.
  - Electronic signatures and emailed reports are accepted.
  - Signature indicates agreement to sharing statement:  
“The undersigned certifies that the information on this report is an accurate account of funds received and spent by the law enforcement agency during this reporting period. The undersigned certifies that all monies received have been deposited and accounted for consistent with applicable state laws, FASP regulations, and court orders, and that all property transferred and all proceeds have been used to promote law enforcement and have not supplanted existing funds.”
  
9. The annual report form may be downloaded at <https://www.dcjs.virginia.gov/forfeited-asset-sharing-program/forms>.  
Electronic submission of the report may be available in the future.

# Annual Certification Report and Sharing Agreement



## Annual Certification Report and Sharing Agreement

This Report must be submitted by October 31, 2020 For Fiscal Year 2020 ending on June 30, 2020

<b>Name of Agency:</b>					
<b>Contact Person:</b>			<b>Email:</b>		
<b>Mailing Address:</b>				VA	
	<i>(Street)</i>		<i>(City)</i>		<i>(Zip Code)</i>
<b>Phone #:</b>			<b>Federal ID #:</b>	<b>Fax #:</b>	
<b>Summary of Asset Forfeiture Fund Activity</b>					<b>Funds</b>
1. Beginning Asset Forfeiture Fund Balance <i>Must agree to prior FY Annual Report's Ending Balance in line 10</i>	1				\$0.00
2. State Asset Forfeiture Funds Received from DCJS	2				\$0.00
3. State Asset Forfeiture Funds Received from DCJS as the Fiscal agent for a Task Force	3				\$0.00
4. Other Income (Transfers from other agencies) <i>Attach Itemized List</i>	4				\$0.00
5. Other Income (Auction Proceeds, Forfeiture Proceeds under \$500.00, etc.) <i>Attach Itemized List</i>	5				\$0.00
6. Interest Income Accrued <i>Attach documentation</i>	6				\$0.00
7. Adjustment to Income that was not reported on prior fiscal year Certification Report <i>Attach explanation</i>	7				\$0.00
8. Total Asset Forfeiture Funds (total of lines 1-7) <b>THIS ROW AUTO CALCULATES BY FORMULA</b>	8				<b>\$0.00</b>
9. <b>State Forfeiture Funds Spent (totals line L) DO NOT POPULATE - THIS ROW AUTO CALCULATES BY FORMULA</b>	9				<b>\$0.00</b>
10. Asset Forfeiture Fund Balance. <b>(This amount must be in agreement with the balance of the City/County Treasurer's accounts.) This row auto calculates by formula.</b>	10				<b>\$0.00</b>

<b>Summary of Monies Spent: Keep invoices for your records and for audit purposes; do not send to DCJS .</b>		
a. Total spent on salaries (for details, see instructions) <i>Attach Itemized List</i>	a.	\$0.00
b. Total spent on informants and "buy money" <i>Attach Itemized List</i>	b.	\$0.00
c. Total spent on travel and training <i>Attach Itemized List</i>	c.	\$0.00
d. Total spent on communications and computers <i>Attach Itemized List</i>	d.	\$0.00
e. Total spent on firearms and weapons <i>Attach Itemized List</i>	e.	\$0.00
f. Total spent on body armor and protective gear <i>Attach Itemized List</i>	f.	\$0.00
g. Total spent on electronic surveillance equipment <i>Attach Itemized List</i>	g.	\$0.00
h. Total spent on buildings and improvements <i>Attach Itemized List</i>	h.	\$0.00
i. Total spent on other law enforcement expenses <i>Attach Itemized List</i>	i.	\$0.00
j. Total transfers to other law enforcement agencies <i>Attach List of of Recipients</i>	j.	\$0.00
k. Adjustment to Monies Spent that was not reported on the prior fiscal year Annual Certification Report <i>Attach Memo</i>	k.	\$0.00
<b>l. Total of Monies Spent (totals equal line a-k) DO NOT POPULATE - THIS ROW AUTO CALCULATES BY FORMULA</b>	<b>l.</b>	<b>\$0.00</b>
<b>Supplemental Information</b>		
1. Total forfeited amounts sent to the State Literary Fund	1	\$0.00
2. Total forfeited amounts received from the Federal Equitable Sharing Program <i>See instructions for details</i>	2	\$0.00

# Certification

<b>Certification</b>			
<p><i>The undersigned certifies that the information on this report is an accurate account of funds received and spent by the law enforcement agency during this reporting period. The undersigned certifies that all monies received have been deposited and accounted for consistent with applicable state laws, FASP regulations, and court orders, and that all property transferred and all proceeds have been used to promote law enforcement and have not supplanted existing funds.</i></p>			
<b>Name (Print or Type Above)</b>	<b>Date</b>	<b>Name (Print or Type Above)</b>	<b>Date</b>
<b>Law Enforcement Agency Head</b>		<b>Governing Body Head-Title</b>	
<b>Signature</b>		<b>Signature</b>	
<b>Name (Print or Type Above)</b>	<b>Date</b>	<b>Optional Name (Print or Type Above)</b>	<b>Date</b>
<b>City or County Treasurer</b>		<b>Title</b>	
<b>Signature</b>		<b>Signature</b>	

# Legislation

- Asset Forfeiture is scrutinized by many outside agencies and subject to FOIA.
- Recent bills proposed by the General Assembly:
  - “Preponderance of the evidence” changed to “clear and convincing evidence” – [enacted into law](#)
  - Funding opioid treatment centers with a percentage of forfeiture monies
  - Requiring a criminal finding of guilt for a forfeiture – [enacted into law](#)
  - Requiring criminal charge and status information – [enacted into law](#)
  - Requiring state asset forfeiture for seized assets under \$100,000 – no federal option



# FASP System Additional Information

An online system user guide, training documents  
and Forfeited Asset Sharing Program Manual  
are available online at:

[https://www.dcjs.virginia.gov/forfeited-asset-sharing-program.](https://www.dcjs.virginia.gov/forfeited-asset-sharing-program)

In person and online training is periodically offered.



# Resources

**DCJS Forfeited Sharing Program Manual –**

[www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/dcjs/forfeited-asset-sharing-program-manual.pdf](http://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/dcjs/forfeited-asset-sharing-program-manual.pdf)

**Federal Guide to Equitable Sharing July, 2018 –**

<https://www.justice.gov/criminal-afmls/file/794696/download>

**Virginia Dept. of the Treasury, *Unclaimed Property Division* –**

<https://www.vamoneysearch.org/Report/Forms>

**State Literary Fund – Tracey Edwards, Trust Accounting Manager**

[www.trs.virginia.gov/contact.aspx](http://www.trs.virginia.gov/contact.aspx)

# FASP Contacts

## **Beth Dandridge**

FASP Coordinator

Mon, Tues, Wed, Fri, 6:30 AM to 4 PM

Thursday 6:30 to 10:30 AM

[elizabeth.dandridge@dcjs.virginia.gov](mailto:elizabeth.dandridge@dcjs.virginia.gov)

(804) 371-0538

## **Bobbie Morris**

FASP Specialist

Monday, Tuesday, Thursday, 7:15 AM to 3:15 PM

[bobbie.morris@dcjs.virginia.gov](mailto:bobbie.morris@dcjs.virginia.gov)

(804) 786-4249