Update: Asset Forfeiture

Overview

In 2015, the Crime Commission conducted a comprehensive study on asset forfeiture in Virginia.[1] As a result of that study, Crime Commission members endorsed a recommendation requiring staff to work with stakeholders to develop a training program on asset forfeiture. Staff began working with stakeholders in 2016 to develop and coordinate this training. As a result, the Commonwealth's Attorneys' Services Council (CASC), the Virginia Sheriffs' Institute (VSI), and the Virginia Department of Criminal Justice Services (DCJS) sponsored an in-person training entitled *Asset Forfeiture: Law and Procedure* in Chesterfield County on March 9, 2017, at no cost to participants. Over 230 individuals from throughout the Commonwealth attended this training.[2]

Development

While developing the training, it was determined that the program should specifically focus on the needs of the various stakeholders involved in the asset forfeiture process, including the following: (i) law enforcement officers, (ii) asset forfeiture coordinators, and (iii) prosecutors and staff in Commonwealth's Attorneys' Offices. The initial plan to provide this training involved video-recording presentations on asset forfeiture specifically tailored to each stakeholder group and making those recordings and accompanying training materials available online. Various online distribution options were explored; however, these options were not accessible to all stakeholders due to cost, data security concerns, or privacy considerations.

Because online training options were not feasible, planning was commenced for a live training that would be available at no cost to participants. Crime Commission staff maintained regular contact with the stakeholders involved in planning and presenting this training program. Mock training sessions were conducted for the instructors to present their training materials and receive feedback to ensure that the information being offered was clear, complete, and accurate.

Implementation

On March 9, 2017, a training entitled *Asset Forfeiture: Law and Procedure* was held at the Thomas R. Fulghum Conference Center in Chesterfield County. This training was sponsored by CASC, VSI, and DCJS. The agenda included the following topics: (i) introduction to asset forfeiture, (ii) investigation of asset forfeiture cases, (iii) law enforcement asset forfeiture coordinators, (iv) Commonwealth's Attorneys' asset forfeiture coordinators and procedure, (v) legal standards and alternatives, and (vi) Department of Criminal Justice Services' policy and procedure.

This training was open to a wide variety of stakeholders, including law enforcement, asset forfeiture coordinators, prosecutors and staff from Commonwealth's Attorneys' Offices, local government administrators, and city/county Treasurers. There were 237 registered attendees present for this event. The CASC made the materials from this training available online to all Virginia prosecutors along with a guide to asset forfeiture.[3]

Due to the overall success of the March 2017 program, training on asset forfeiture was again offered by CASC, in conjunction with VSI, on April 5, 2018, in Roanoke.[4] Tentative plans exist to offer this training program in 2019 in another area of the Commonwealth.[5] Additionally, DCJS published an updated program manual on asset forfeiture in March 2018.[6]

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Tom Shaia, Deputy Commonwealth's Attorney for the City of Suffolk

Endnotes

[1] The Crime Commission report on asset forfeiture is available at http://vscc.virginia.gov/Asset%20Forfeiture-1.pdf.
[2] Commonwealth's Attorneys' Services Council, personal communication, March 21, 2018.
[3] *Id.*
[4] Commonwealth's Attorneys' Services Council, personal communication, April 19, 2018. A total of 123 individuals attended this Roanoke event.
[5] *Id.*
[6] Virginia Department of Criminal Justice Services. (March 2018). *Forfeited Asset Sharing Program Manual.* Available at https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/dcjs/forfeited-asset-sharing-program-manual.pdf.