

Virginia earns a D- for its civil forfeiture laws:

- Higher bar to forfeit in limited cases: Weak conviction provision falls short of criminal forfeiture (see page 41). It applies only if an owner contests forfeiture, putting the burden on owners to engage in a costly legal battle and making it easy for the government to forfeit without a conviction. It does not require conviction of the owner. Once the conviction provision is satisfied, property must be linked to the crime by clear and convincing evidence.
- Poor protections for the innocent: Third-party owners must prove their own innocence to recover seized property.
- Large profit incentive: 100% of forfeiture proceeds go to law enforcement (90% to the seizing agencies and 10% to the Department of Criminal Justice Services).

Recent Reforms

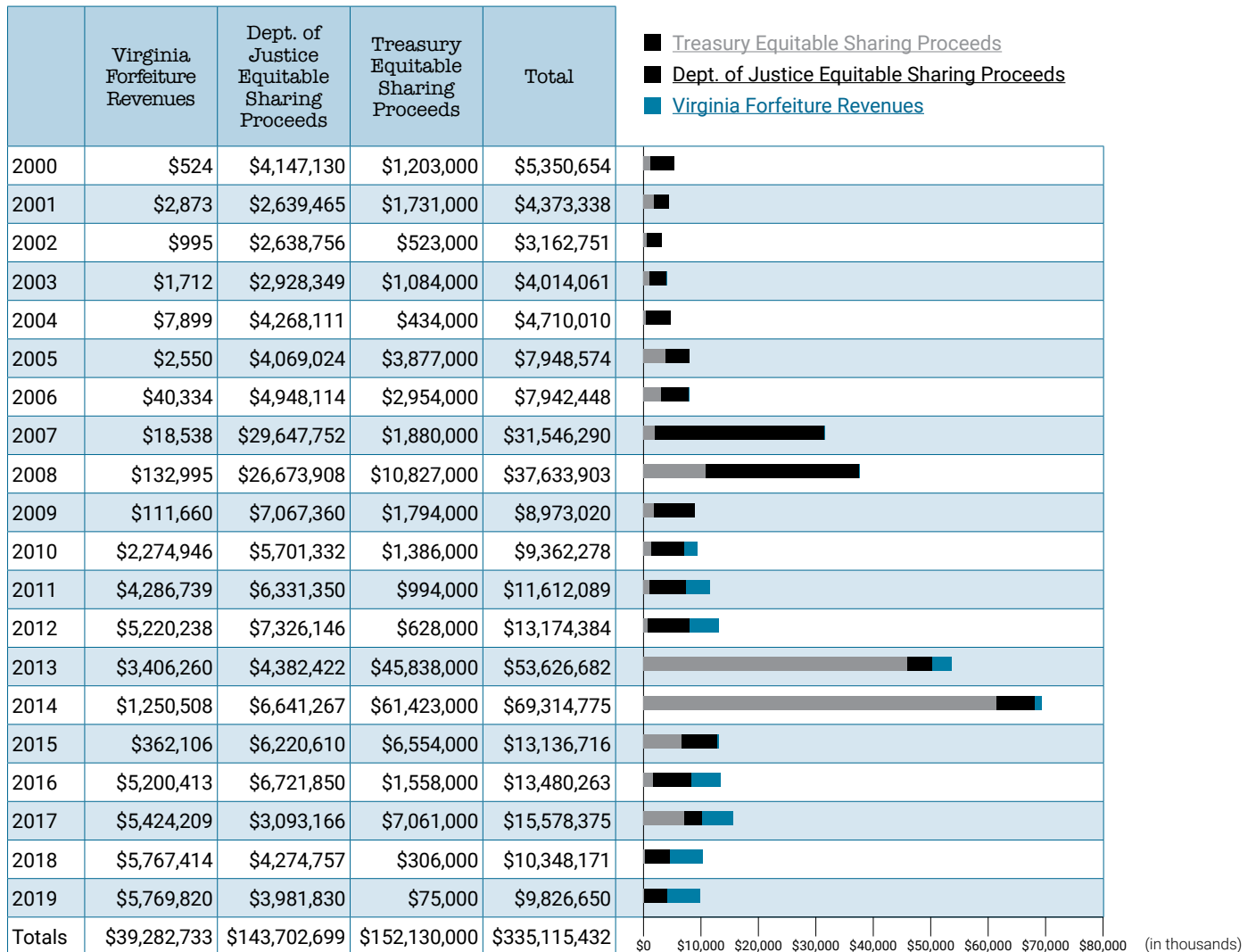
- (2020) HB 1522: Created weak conviction provision.
- (2018) SB 813: Further strengthened transparency requirements.
- (2016) SB 457/HB 771: Raised standard of proof; strengthened transparency requirements; banned use of roadside waivers to pressure motorists into abandoning seized property.

State and Federal Forfeiture Revenues, 2000–2019

Between 2000 and 2019, Virginia law enforcement agencies forfeited more than \$39 million under state law and generated an additional \$296 million from federal equitable sharing, for a total of at least \$335 million in forfeiture revenue—averaging more than \$15 million a year. Virginia ranks 31st for its participation in the Department of Justice’s equitable sharing program. The state does not prevent state and local agencies from using equitable sharing to circumvent state forfeiture law.

**At least \$335 million
in state and federal
forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation. State reporting format changed in 2016.

Virginia's Forfeiture Transparency and Accountability Report Card

Tracking Seized Property	B	Accessibility of Forfeiture Records	B
Accounting for Forfeiture Fund Spending	C	Penalties for Failure to File a Report	F*
Statewide Forfeiture Reports	A	Financial Audits of Forfeiture Accounts	C

* Agencies must file even when they have nothing to report.

For full transparency and accountability grades, visit www.ij.org/TransparencyReportCards.

Forfeitures Under Virginia Law: Key Facts

Median Value



Virginia does not report property-level data necessary to calculate median forfeiture value.

Property Types

UNKNOWN

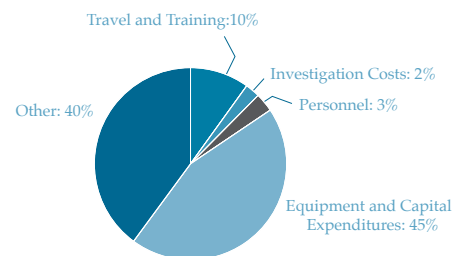
Virginia does not report the types of property forfeited.

Civil vs. Criminal

UNKNOWN

Virginia does not report whether forfeitures are processed under civil or criminal forfeiture law.

Expenditures



From 2007 to 2019, Virginia law enforcement spent \$64 million from forfeiture funds—45% on equipment and capital expenditures.

Data Notes

Most data and records were obtained via public records requests to the Virginia Department of Criminal Justice Services. Revenue figures for 2016 through 2019 were obtained from reports on DCJS' website. Figures for 2000 through 2015 are conservative estimates of forfeited cash and proceeds from sales of forfeited property and are based on the fiscal year in which assets were reported forfeited or seized. Figures for 2016 through 2019 are based on the fiscal year in which agencies received funds from forfeiture proceeds. Compared to revenues, expenditure figures, also in fiscal years, suggest state forfeiture revenues are vastly underreported. Equitable sharing data are from DOJ's and Treasury's annual forfeiture reports. Due to differences in reporting and accounting practices, state figures may not match aggregate numbers produced by the state or cover the same 12-month period as the federal data.