

**ARLINGTON COUNTY CODE**

**Chapter 19**

**PROPERTY SEIZED BY POLICE**

**§ 19-1. Immediate Delivery of Seized Property to Chief of Police; Exception.**

**§ 19-2. Disposition Proceedings--Generally.**

**§ 19-3. Same--Posting of Notice of Sale.**

**§ 19-4. Same--Sale Proceeds.**

**§ 19-1. Immediate Delivery of Seized Property to Chief of Police; Exception.**

It shall be the duty of all officers and members of the Police Division into whose possession any property seized, taken or found shall come, to deliver the same at once to the Chief of Police, or a person designated by him, unless it is wanted for immediate use as evidence in any case, and in that event a report and inventory of the same shall be forwarded at once to the Chief of Police.

(11-7-52)

**§ 19-2. Disposition Proceedings--Generally.**

A. It shall be the duty of the Chief of Police to keep or cause to be kept a record of all property which may be seized or otherwise taken possession of by the Police Department of the County; and if such property, so seized or taken possession of shall not be claimed by the rightful owner thereof and possession surrendered to such owner within sixty (60) days from the date of the final disposition of the court proceedings in connection with which such property was seized or otherwise taken possession of, or in case there are no court proceedings, then if such property so seized or taken possession of shall not be claimed by the rightful owner thereof and possession surrendered to such owner within sixty (60) days from the date of such seizure or taking by the police, the Chief of Police shall publish, or cause to be published, in a newspaper of the County, a description of such property, with the date of seizure, or the taking possession thereof, and shall give notice that if such property is not claimed by the rightful owner within ten (10) days from the date of such publishing, such property will be sold at public auction at such place and time as the Chief of Police may direct and in such a manner as to expose to the inspection of bidders all property so offered for sale; provided, that all such unclaimed property, if deemed by the Chief of Police to be of use to the Police Department, may be retained for the use of the Department and a record of same shall be filed with the property officer.

B. If any property seized or taken possession of by the Police Force shall be of a perishable nature, or so bulky or of such nature as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in the preceding paragraph, upon a certificate of such fact by the Chief of Police, setting forth his reasons why such property should not be retained for the period fixed in the preceding paragraph before selling the same, the Chief of Police shall cause such property to be sold at public auction at any time deemed advisable by the Chief of Police.

C. Nothing in this chapter shall be held to require the Chief of Police to take possession of, or to make disposition of, any lost or stolen property, the disposition or possession of which is otherwise provided for by law, and none of the provisions of this chapter shall apply to pistols, revolvers, derringers, bowie knives, dirks, slingshots, metallic knuckles or other deadly weapons of like character, but all such weapons shall be disposed of as required by § 15.2-1721 of the Code of Virginia, 1950, as amended.

(11-7-52; Ord. No. 90-18, 7-1-90)

**§ 19-3. Same--Posting of Notice of Sale.**

In addition to the publication of notice provided for in the preceding section, the Chief of Police shall post or cause to be posted in at least three (3) public places in the County where public notices are commonly or usually posted, a copy of such notice published in the newspaper, and shall make a record of the date when such publication and the posting of notices are made, and if, within ten (10) days from the date of such publication and posting, no claim for such property described in such notices shall have been made by the rightful owner thereof, the Chief of Police shall proceed to sell such property at public auction, or put it to use by the Police Department as described in the preceding section.

(11-7-52; Ord. No. 90-18, 7-1-90)

**§ 19-4. Same--Sale Proceeds.**

The proceeds of any sale made as provided in § 19-2 of this Code, after deducting the cost of storage, advertising, selling and other expenses, incident to the handling or selling of such property, shall be paid by the Chief of Police into the treasury of the County Police and Firemen's Pension Fund.

(11-7-52)