



Office of the Attorney General  
Washington, D. C. 20530

ORDER NO. 3946-2017

FEDERAL FORFEITURE OF PROPERTY SEIZED  
BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§ 509 and 510, 18 U.S.C. §§ 981 and 982, and the other civil and criminal forfeiture statutes enforced or administered by the Department of Justice, I hereby direct that the following policy be followed by all Department of Justice attorneys and components, and all participants in the Department of Justice Asset Forfeiture Program, concerning the federal adoption of property seized by state or local law enforcement under state law in order for the property to be forfeited under federal law (“federal adoption”):

Federal forfeiture of property seized lawfully by state and local law enforcement agencies is authorized whenever the conduct giving rise to the seizure is in violation of federal law.

Asset forfeiture is one of law enforcement’s most effective tools to reduce crime and its use should be encouraged where appropriate. To ensure that this tool is used appropriately, the Department is implementing safeguards to make certain that there is sufficient evidence of criminal activity before a federal adoption occurs, that the evidence is well documented, that our state and local law enforcement partners have appropriate training to use this tool, and that there is appropriate supervisory review of decisions to approve forfeiture.

The Department also commits to giving individual property owners notice and an opportunity to challenge federal adoptions earlier than the law requires.

This order does not affect the ability of state and local agencies to pursue the forfeiture of assets pursuant to their respective state laws, but instead makes another tool available to our state and local partners.

This order is effective immediately and applies prospectively to all federal adoptions. Attorney General Order No. 3488-2015 of January 16, 2015, and Attorney General Order No. 3485-2015 of January 12, 2015, are revoked. To the extent that prior Department of Justice orders, directives, and policies are inconsistent with this order, those orders, directives, and policies are superseded.

July 19, 2017  
Date

  
Jefferson B. Sessions III  
Attorney General