

Using This Revisable PDF Form

1. Copies
 - a. Original – to court by law enforcement officer requesting destruction of items.
 - b. First copy – to law enforcement officer after order entered by judge.
 - c. Second copy – to court by executing officer after completion of Affidavit and Return.
 - d. Third copy (if used with destruction of controlled substance) – to State Board of Pharmacy by executing officer after completion of affidavit and return.
 - e. Additional copies to others as directed by local practice.
2. Application completed by law enforcement officer; order signed by judge; affidavit prepared by officer, acknowledged by clerk, magistrate, judge or notary public.
3. Attachments – none.
4. Preparation details – precise descriptions of items to be destroyed should be placed in Data Element No. 5 because the order can serve as prima facie evidence of the drugs and other controlled substances should the conviction be appealed for any reason (Virginia Code § 18.2-253(A)(2)). Use exact descriptions contained in Certificates of Analysis.

**APPLICATION, ORDER AND CERTIFICATE OF DESTRUCTION
OF CONTROLLED/CONFISCATED ITEMS**

Commonwealth of Virginia

VA. CODE § 19.2-386.23

Case No. 1

2
CITY OR COUNTY

3 General District Court Circuit Court
 Juvenile and Domestic Relations District Court

COMMONWEALTH OF VIRGINIA

v./in re

4
DEFENDANT/JUVENILE

APPLICATION

I request that the controlled substances, imitation controlled substances, marijuana, and/or paraphernalia described below be ordered to be forfeited and destroyed in the manner proposed below:

1. Existence and nature of the substance or paraphernalia or items and quantity seized:

5

2. 6
(LOCATION OF SEIZURE)

3. 7
(PERSON OR PERSONS FROM WHOM SEIZED)

4. Manner whereby such items are proposed to be destroyed: 8

9
BADGE NO., AGENCY AND JURISDICTION

10
NAME OF LAW ENFORCEMENT OFFICER

11
DATE

12
LAW ENFORCEMENT OFFICER

ORDER

TO: 13
NAME OF OFFICER

I order that the controlled substances, imitation controlled substances, marijuana and/or paraphernalia described above be forfeited and destroyed in the manner proposed above once all rights of appeal have been exhausted. The substances or paraphernalia, the manner of destruction, the location where such substances or paraphernalia were seized and the person(s) from whom the substances or paraphernalia was seized, if known, are as set forth above and are incorporated by reference.

14
DATE

15
JUDGE

AFFIDAVIT AND RETURN

I, the undersigned, certify under oath that I personally destroyed the items referenced in this order in the manner described above, after all rights of appeal were exhausted, on 16

DATE AND TIME OF DESTRUCTION

at 17
LOCATION

18
NAME OF LAW ENFORCEMENT OFFICER

19
BADGE NO., AGENCY AND JURISDICTION

20
OFFICER

Subscribed and sworn to before me this day.

21
DATE

22
 CLERK MAGISTRATE JUDGE

FOR NOTARY PUBLIC'S USE ONLY: 23
State of _____ City County of _____
Acknowledged, subscribed and sworn to before me this _____ day of _____, 20_____

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires: _____)

Form DC-367 APPLICATION, ORDER AND CERTIFICATE OF Form DC-367
DESTRUCTION OF CONTROLLED/CONFISCATED ITEMS

Data Elements

1. Court case number.
2. Court name.
3. Check type of court.
4. Name of accused in case for which this evidence was obtained.
5. Description of items to be destroyed.
6. Location where items were seized.
7. Name(s) of person or persons from whom items were seized.
8. Proposed method of destruction of items.
9. Badge number of officer making request to seize items, and agency and jurisdiction of officer.
10. Print or type name of officer making request.
11. Date of signature of officer.
12. Signature of officer.
13. Name of law enforcement officer to whom order is directed.
14. Date of order.
15. Signature of judge.
16. Date and time when items were destroyed.
17. Location where items destroyed.
18. Print or type name of officer who destroyed items.
19. Badge number of officer who destroyed items, and agency and jurisdiction of officer.
20. Signature of officer who destroyed items.
21. Date of acknowledgment of affidavit.
22. Signature of person acknowledging affidavit. Check the appropriate title box.
23. If acknowledgment is taken by a notary public, all enclosed fields must be completed including notary's registration number and date notary's commission expires.