SEIZURE | *Search found pot in trash, warrant says*

States have civil forfeiture laws that allow police to take money, vehicles and property – even if the owners are not arrested – when there's evidence the items have been used for criminal activity. Seizures raise the cost of doing illegal business, the Drug Enforcement Administration says.

Between 2000 and 2008 in Arkansas, nearly $42 million in currency was forfeited to law enforcement, according to a 2010 study by the Institute for Justice, a libertarian organization that opposes the seizures. Virginia averaged 2,221 civil forfeitures of vehicles and currency annually, with an average yearly seizure of nearly $4.5 million in cash, according to the report.

Jernigan, 42, of the Bayview neighborhood, came back to Norfolk after the March 10 traffic stop. But an agent with Homeland Security Investigations, a division of U.S. Immigration and Customs Enforcement whose cases include drug smuggling, notified Norfolk police narcotics detectives about the incident in Arkansas.

A federal agent and Norfolk officers on several occasions in April, May and July took

cash forfeitures

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Jernigan's garbage after he left it at the curb of his Croyden Road residence, according to the search warrant.

In court records, police refer to such operations as "a trash pull," and they sifted through contents of Jernigan's knotted, white trash bags. According to the search warrant, they found marijuana and a rental car receipt from Oakland, Calif. Police then used an informant to record a conversation with Jernigan "in reference to Phillip Jernigan selling narcotics."

Jernigan was charged in late July with possession with intent to distribute marijuana and related charges and is awaiting a court hearing. Andy Protogyrou, his attorney, said he plans to file motions to suppress evidence.