



Asset Forfeiture in Oregon 2011  
Report from the Asset Forfeiture Oversight Advisory  
Committee to the Oregon legislature

February 2012

Criminal Justice Commission  
State of Oregon

## Summary

This report provides a look at the implementation of the new online Asset Forfeiture reporting system and also includes all 2011 Asset Forfeitures reported and entered into the new system. Included in the report is a historical review of the changes in the Asset Forfeiture laws, a review of the process of creating and implementing the new online reporting system and an initial review of the forfeitures reported on the system since its launch July 1, 2010.

In order to give a more detailed look at Asset Forfeiture in Oregon, the 2011 report will include lists of property seized and will also give a detailed look at forfeiture costs, including a list of those costs as reported by the distributing agencies. In 2011, after all costs were deducted there was \$1,775,251.80 in combined forfeiture funds available for distribution. This is an increase from the 6 month total of \$732,903.70 in 2010. This means that there was only a slight increase (about 8%) in the total funds available for distribution. But there was a large increase in the combined costs for Civil and Criminal forfeitures deducted prior to distribution from (\$49,221.71) in 2010 to (\$296,940.71) in 2011.

This represents an approximate 600% increase in costs while the total combined number of seizures increased from 159 in 2010 to 345 in 2011, an increase of about 16% considering the increased reporting period. Total funds and property seized increased from \$782,125.64 for the six month reported in 2010 to \$1,826,121.50. This represents an approximate 33% increase in the amount seized in 2011 from the amount seized in the six months in 2010

It should be noted that because of problem integrating prior data, this report and all future reports will only cover the information provided by the online reporting system.

## Legal and Legislative Update

There were several changes to the Asset Forfeiture laws made during the 2011 legislative session. The first was included in Senate Bill 373 which removed the requirement in ORS131A.460 (5) and ORS 131A.365 that:

*"If, at the end of a biennium, the Asset Forfeiture Oversight Account has received amounts under the provisions of ORS 131A.360 and 131A.365 that are in excess of 115 percent of the biennial expenditure limitation established for expenditures from the account, the Oregon Criminal Justice Commission shall refund to each public body that made payment into the account during the biennium a pro rata share of the amounts that are in excess of 115 percent of the expenditure limitation for the account, based on the amount of forfeiture proceeds paid into the account by the public body. The commission is not required to issue any refund under this subsection if the amount of the refund is less than \$25."*

This entire provision was removed from law because funds from civil forfeiture that came into the Criminal Justice Commission per ORS 131A.360 (c) and ORS131A.365 (c) require local and state agencies to distribute 20 percent of total forfeited to the Commission to be used for drug courts. This amount

increased the funds coming into the Commissions accounts and put the funding intended for drug courts at risk.

Other legislative changes included in Senate Bill 373 were to change the method of reporting forfeitures to the Asset Forfeiture Oversight Advisory Committee (AFOAC) through the Criminal Justice Commission. Those are as follows: ORS 131.600 was changed as follows:

*(2)(a) As soon as practicable following the seizure of property for criminal forfeiture, forfeiture counsel shall file with the Asset Forfeiture Oversight Advisory Committee an electronic report that describes the property seized and the circumstances of the seizure.*

*(b) As soon as practicable following entry of judgment under ORS 131.588, forfeiture counsel shall file with the committee an electronic report describing the judgment and the manner in which any forfeited property and the proceeds from any sales of forfeited property were distributed.*

*(3) Law enforcement agencies shall supply to forfeiture counsel all information requested by forfeiture counsel necessary for the preparation of the electronic reports required by subsection (2) of this section.*

*(4) Political subdivisions of this state that receive forfeiture proceeds under ORS 131.594 shall submit an electronic report to the committee for any year in which those proceeds are received. The committee shall develop and make available forms for the purpose of those reports. The report must describe how proceeds received by the political subdivision have been or will be used. Reports shall be submitted each by December 15 for the preceding fiscal year of the political subdivision.*

*(5) The committee may require forfeiture counsel or a political subdivision to include in the electronic reports any additional information requested by the committee. The committee shall develop and make available electronic forms for the purposes of the reports described in this section.*

ORS131A.450 was also amended by SB 373 as follows:

*(2)(a) As soon as practicable following the seizure of property for civil forfeiture, forfeiture counsel shall file with the Asset Forfeiture Oversight Advisory Committee an electronic report that describes the property seized and the circumstances of the seizure.*

*(b) As soon as practicable following the entry of judgment under this chapter, forfeiture counsel shall file with the committee an electronic report describing the judgment and the manner in which any forfeited property and the proceeds from any sales of forfeited property were distributed.*

*(5)The committee may require forfeiture counsel or a political subdivision to include in the electronic reports any additional information requested by the committee. The committee shall develop and make available electronic forms for the purposes of the reports described in this section.*

Additionally, ORS 131.588(6) and ORS 131A.300 (4) requiring Forfeiture Counsel to send the Asset Forfeiture Oversight Advisory Committee a copy of the forfeiture judgment were removed from law because the Committee now has the ability to get a copy of the judgment from the court of record electronically. And no longer needed a paper copy of the judgment.

Because of Measure 3, criminal forfeiture replaced civil forfeiture in recent years

with only one seizure for civil forfeiture reported after June, 2004. But the number of criminal forfeitures increased each of the following years with 22 forfeitures in 2005, 25 in 2006, 27 in 2007 and 46 forfeitures in 2008. Beginning late 2008 before the passage of Measure 53 by the voters, a few civil forfeitures began with 10 civil forfeitures completed and funds disbursed through April 2009. This report will only include data following the implementation of the online reporting since July 1, 2010.

One other change was introduced in HB 2174. This added an additional use for the funds in the DEQ collected for the drug lab clean up fund established in ORS 475.495:

(c) Funding safety certification training and personal protective equipment for law enforcement personnel assigned to respond to illegal drug manufacturing sites.

### **Online Asset Forfeiture Reporting System**

In January 2009, with the Asset Forfeiture Oversight Committee's approval, the Criminal Justice Commission contracted with a private vendor to design an online asset forfeiture reporting website. CJC chose the same vendor (Agate Systems) it was using to run its online grants system, the Oregon Online Grants System. The new Asset Forfeiture process was incorporated as a separate link on the Oregon Online Grants System. Following implementation of the new system in 2010, 2011 is the first full year of operation of the online forfeiture reporting system.

### **The Online Forfeiture Reporting Process**

The process begins with the forfeiting agency filling out Form One (Seizure Information) in which they report both the Defendant's name, the Agency and Court case numbers, the date of seizure, the date of judgment and the seizing agency. A second section contains the seizure data: what was seized, the nature of the prohibited conduct that led to the seizure, and if this was a drug-related case, what the suspected substances were. The third section of this form contains the Dispositional Data for both Civil and Criminal Forfeitures which outlines the legal processes (hearing, legal representation, forfeiture counsel action, used in each case).

This form is submitted and filed online with the Criminal Justice Commission for review, modification or acceptance. If modification is needed, CJC staff notifies the agency of the needed modification and the revised form is resubmitted and then accepted. This same process is used for all forms.

Once Form One is accepted, the agency submits a Form 2 (Asset Distribution – Civil or Criminal). This form auto populates using the data entered on Form One. Using the cash forfeited, Interest earned and the proceeds from Liquidated Property, the form totals the amount available for distribution. The reporting

agency then enters the deductible costs, which are then automatically subtracted from the liquidated total, and shows the total amount available for distribution.

The distribution totals are auto populated based on the requirements of ORS 131.594 (Criminal, non-state agency seizure) or ORS 131.597 (Criminal, state agency seizure) or ORS 131A.360 (Civil, non-state agency seizure) or ORS 131A.365 (Civil, state agency seizure). These are the amounts to be distributed to each of the required agencies as listed online under the Asset Forfeiture Distribution Contacts link.

Finally this form allows the seizing agency to list all other distributions made to other governmental agencies as allowed by the Civil and Criminal Forfeiture statutes.

Only after this form is accepted, will the seizing agency send the listed distributions to each agency. These are accompanied by the Form 4 which lists the cases associated with the payment. In 2008 and early 2009, there were several instances where payments were sent to the wrong agencies and CJC received other distributions without the necessary accompanying paperwork which meant CJC did not know which cases the distributions were related to. Beginning in 2010, per the reporting requirements in ORS 131A.450 (4), government agencies receiving forfeiture funds will receive a form from CJC with which they will report to the AFOAC how much they received from Asset Forfeiture during the preceding year and in general how they used the funds.

### **Online Reporting, January 1 through December 31, 2011**

As of December 31st there were 230 Civil Forfeitures reported on the online system. There were also 115 Criminal Forfeitures reported. Below is the initial data from cases submitted on both the Form 1 and Form 2 for both Criminal and Civil Forfeitures. Also of note is that while there were 345 Criminal and Civil Seizures in 2011 there were only 311 seizures where there were distributions. This is because some cases were withdrawn from the system after they were started.

It should be noted that many of the cases reported in 2010 had begun in preceding years and dated back as far as 2002. There were also numerous reports entered into the system from prior years as agencies continued to catch up on old forfeiture cases. Based on early 2012 reporting, it appears that there will also be several late reports entered into the system in 2012.

While these forfeitures were completed, they continued to accrue interest and that amount was included in the final distributions. Also of note is that forfeiting agencies were instructed to use prior distribution formulas (prior to 2009 changes in forfeiture laws) for cases that were from earlier forfeitures.

All new 2011 cases used the current distribution formulas which are calculated by the online system itself.

## **Criminal Forfeiture Seizure Data**

Direct comparisons between 2010 and 2011 cannot be made because the seizure numbers for 2010 were only for 6 months (July 1 – December 31, 2010) and the 2011 seizures cover the entire year. In 2011, there were twice as many agencies reporting seizures and the number of criminal seizures was slightly more than double.

There were 115 Criminal Forfeiture Form 1 Seizure Reports filed online from January 1 to December 31, 2011 compared to 47 cases filed during 2010. The following data is from that period this report will list both the 2011 data and the 2010 data for a comparison. It should be noted that the increased number of reported cases and seized funds comes following agencies ‘catching up’ on old cases from prior to 2010 this process was reported in the 2010 Asset Forfeiture Report. Also, the change in the number of cases reported by OSP is attributed to a change in OSP reporting their seizures directly instead of being reported by the DOJ.

**Note: 2010 reported seizures are listed first, 2011 reported seizures are the second number in *bold*.**

### ***Criminal Forfeitures Seizures (Form 1):***

Cash Seized:           \$224,035 (2010);  
                                  **\$522,800** (2011)

Cash Returned:       \$3,639 (2010);  
                                  **\$23,435** (2011)

Net Cash Forfeited: \$218,553 (2010);  
                                  **\$499,480** (2011)

### **Seizing Agencies (12/18)**

**Note: the number of seizures per agency lists the 2010 reported seizures first; the 2011 reported seizures are listed second.**

Clackamas County – 4/1
Clatsop County Drug Task Force 0/4
Corvallis PD – 1/1
Deschutes County(CODE) – 7/10
Douglas County (DINT) – 8/7
Eugene PD – 0/20
Grants Pass DPS – 0/14
Jackson County S.O. – 0/1
Lane County S.O. – 0/1

Malheur S.O – 0/2
Marion S.O. – 0/3
Medford (Medford PD) – 5/19
Springfield PD – 0/3
Oregon DOJ – 0/1
Oregon State Police – 6/16
Springfield PD – 2
Washington SO – 0/10
Yamhill SO – 0/1

**All 2011 data is in BOLD**

**Search Type**

As was the case in 2010, the most common type of search was by warrant (47%/**47%**) followed in order by probable cause (23%/**22%**) and vehicle consent (15%/15%); these three search types accounted for over 4 out of 5 searches.

<b>Search Warrant – 19/56</b>
<b>Incident to Arrest – 4/2</b>
<b>Vehicle Consent – 11/18</b>
<b>Probable Cause – 7/26</b>
<b>Inventory – 2/0</b>
<b>Other Consent – 4/16</b>
<b>Public Health – 0/1</b>
<b>Total: 47/120</b>

**Seizure data**

This report looks at what was seized. As noted below currency accounted for the vast majority of the items which were seized. Also, in 2011 there were 6 cases in which there were multiple categories of items seized such as currency and weapons. In three cases the seized property was returned to the person and in one case to another party.

<b>Currency – 39/107</b>
<b>Conveyance – 3/5</b>
<b>Weapons – 2/4</b>
<b>Real Property – 1/1</b>
<b>Other Property – 1/9</b>
<b>Computer equipment – 0/0</b>
<b>Total: 46/126</b>

**Property Seizure data**

ORS 131.558 specifies the types of property which can be seized for forfeiture in a criminal proceeding.

How the property was involved in the crime and why it was seized.

<b>Proceeds – 40/101</b>
<b>Instrumentalities – 23/37</b>
<b>Prior Similar Conduct – 9/13</b>

**Property Seized values**

<b>Less than \$1,000 – 4/6</b>
<b>\$1,001 – 5,000 – 6/20</b>
<b>\$5,001 – 10,000 – 1/3</b>
<b>\$10,001 – 25,000 – 2/4</b>
<b>\$25,001 – 100,000 – 0/1</b>
<b>Over \$100,000 – 0/0</b>

**Property Returned**

<b>Person – 0/3</b>
<b>Other Party – 0/1</b>
<b>Financial Institution – 0/0</b>

**Property Seized**

Include the following items:  
2007 Honda Foreman ATV;  
Honda Recon ATV;  
1990 Jeep Wrangler;  
2000 Honda Odyssey Van;  
2000 Chevy Astro Van;  
1995 Toyota 4 Runner;  
1994 GMC U-Haul Van;  
2004 Chevy Corvette;  
2005 Interstate utility Trailer;  
Commercial Frigidaire Refrigerator;  
Misc. Grow Equipment; Black strong Box; Trim Pro Machine; Misc. tools;  
Lawn Mower; Metal racks; Drill Rig;  
9mm Stainless Steel S&W Pistol  
2000 Toyota Tacoma Pick Up\*;  
*\* indicates this property was retained for Law Enforcement use.*



### Real Property Seizure

As with the only Real Property Seizure 2010, in 2011 the case where Real Property was seized, it was not returned to the person, a financial institution or other party.

### Ancillary Hearings

Hearing filed– 0/0
Sustained – 0/0
Part Sustained – 0/0
Denied – 0/0

### Appeals

No Appeal–0/110
By Claimant – 0/3
Unknown party – 0/1

### All 2011 data is in BOLD

### Arrest data

Arrests leading to criminal forfeitures were made in the following types of cases, including how many of each type of arrest was made. It should be noted that arrests may include several charges.

<b>Possession – 35/81</b>
<b>Manufacture – 13/55</b>
<b>Delivery – 36/95</b>
<b>Attempt – 1/0</b>
<b>Solicitation – 0/0</b>
<b>Conspiracy – 3/1</b>
<b>DUII – 1/2</b>
<b>DWS – 0/0</b>
<b>Forgery I – 0/1</b>
<b>Forgery II – 0/0</b>
<b>ID Theft – 0/0</b>
<b>Prostitution – 0/2</b>

### Drugs Seized

This list includes the types of drugs seized during these criminal cases, including how many of each type of drugs were present in these cases.

It is anticipated that 2012 data will include other types of drug seizures as HB 2174 added Oxycodone, Hydrocodone and Methadone to the list of drugs specifically identified by separate ORS sections for drug crimes where in the past they would have fallen in the unknown category.

<b>Marijuana – 16/57</b>
<b>Heroin – 4/13</b>
<b>Methamphetamine – 24/42</b>
<b>Cocaine – 2/8</b>
<b>Crack Cocaine – 0/0</b>
<b>Precursors – 0/0</b>
<b>Amphetamine – 0/0</b>
<b>LSD – 0/0</b>
<b>Unknown – 0/2</b>
<b>Other drug – 0/0</b>

Other drugs listed were: MDMA; Mushrooms; Hashish; Ecstasy; Methadone; Oxycontin; Psilocybin;

## ***Criminal Forfeitures Distributions***

These data are based on the 103 Form 2 Distribution reports filed online between January 1 and December 31, 2011. In several seizure cases four (4) property was returned and in four (4) other cases there were appeals which resulted in the cases not being resolved. The following data is from that period. Because of this the funds reported on Form 1 as cash forfeited may not be reflected here. Also, these funds may not have actually been distributed to the required agencies yet. Oregon Forfeiture statutes require that following judgment all cash, the cash received from liquidating forfeited property and interest accrued be distributed according to a formula established in ORS 131.594 for non-state agencies. ORS 131.597 establishes a different distribution formula where the forfeiture was by a state agency. The distributions below include those differing formulas and show the final combined totals.

### **ORS 131.594 Local Agency Distribution formulas:**

(a) ***Three percent to the Asset Forfeiture Oversight Account*** established in ORS 131A.460;

(b) ***Seven percent to the Illegal Drug Cleanup Fund*** established in ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6); and

(c) ***Ten percent to the state General Fund.***

(3) Of the property distributed under subsection (1)(c) of this section that remains in the general fund of the political subdivision after the distributions required by subsection (2) of this section have been made:

(a) ***Fifty percent must be for official law enforcement use;*** and

(b) ***Fifty percent must be used for substance abuse treatment*** pursuant to a plan developed under ORS 430.420.

(4) Except as otherwise provided by intergovernmental agreement, the seizing agency may:

(a) ***Sell, lease, lend or transfer the property or proceeds to any federal, state or local law enforcement agency or district attorney.***

(b) ***Sell the forfeited property by public or other commercially reasonable sale and pay from the proceeds the expenses of keeping and selling the property.***

(c) ***Retain the property.***

### **ORS 131.597 State Agency Distribution Formulas:**

(A) ***Three percent to the Asset Forfeiture Oversight Account*** established in ORS 131A.460;

(B) ***Seven percent to the Illegal Drug Cleanup Fund*** established in ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(C) ***Ten percent to the state General Fund;***

(D) Subject to subsection (5) of this section, ***40 percent to the Department of State Police or the Department of Justice for official law enforcement use;***

(E) ***Forty percent to the Drug Prevention and Education Fund*** established in ORS 430.422.

**Sources of Forfeiture Funds:**

Cash Forfeited at Judgment:  
\$212,795.61 (2010)  
**\$479,530.01 (2011)**

Interest:  
\$2,853.54 (2010)  
**\$5,411.73 (2011)**

Liquidated proceeds of other property:  
\$33,092.60 (2010)  
**\$49,572.86 (2011)**

**TOTAL RECEIPTS:** \$248,741.75 (2010)  
**\$534,514.60 (2011)**

**Costs/Restitution:**

	2010	2011
Publication Costs:	\$6,335.71	<b>\$17887.36</b>
Towing:	\$825.00	<b>\$6300.00</b>
Other Costs:	\$182.00	<b>\$6597.31</b>
Victim Restitution:	\$0	<b>\$35</b>
Maintenance Costs:	\$800.26	<b>\$4289.51</b>
<b>Total Costs:</b>	<b>\$8,142.97</b>	<b>\$36,299.80</b>

**Detailed List of Other Costs (2011)**

Vehicle Payoff; Auction costs; County Council; Mailing costs; Interest returned to owner; Cash returned to claimant on appeal.

**Total Receipts less Total Costs:**

\$240,598.78(2010)  
**\$510,206.51(2011)**

*(This is the money reported as being available for distribution, even if the actual distributions may not have occurred by the end of the reporting period)*

**Forfeiture Distributions:**

	<u>2010</u>	<u>2011</u>
Oregon General Fund:	\$24,059.89	<b>\$51,020.63</b>
DEQ Illegal drug Cleanup Fund:	\$16,841.92	<b>\$35,714.47</b>
AFOAC:	\$7,217.95	<b>\$15,306.20</b>
State Police or DOJ (State seizures only):	\$27,270.43	<b>\$26,948.14</b>
DHS Drug Prevention & Education Fund (State):	\$27,270.43	<b>\$26,948.14</b>
Official Law Enforcement use:	\$68,969.08	<b>\$177,134.44</b>
Local Substance Abuse treatment:	\$68,969.08	<b>\$177,138.98</b>
Value of Property retained by Law Enforcement*:	\$9058.25	<b>\$11,600.88</b>
<b>Total Criminal Distributions:</b>	<b>\$240,602.20</b>	<b>\$510,211.04</b>

The difference of \$4.49 is due to a rounding error in the reporting program.

\*this is not included in the distribution total and includes property destroyed by Law Enforcement.

## Civil Forfeiture Data

As is the case with Criminal Forfeitures, direct comparisons between 2010 and 2011 cannot be made because the seizure numbers for 2010 were only for 6 months (July 1 – December 31, 2010) and the 2011 seizures cover the entire year. But there were more than twice as many agencies reporting seizures and the number of civil seizures did slightly more than double.

There were 230 Civil Forfeiture Form 1 Seizure Reports filed online from January 1 to December 31, 2011 compared to 112 cases filed during 2010. The following data is from that period this report will list both the 2011 data and the 2010 data for a comparison. Also, the change in the number of cases reported by OSP is attributed to a change in OSP reporting their seizures directly instead of being reported by the DOJ.

**Note: 2010 reported seizures are listed first, 2011 reported seizures are the second number in *bold*.**

### Civil Forfeiture Seizures (Form 1)

Cash Seized: \$547,069 (2010)  
**\$1,387,180 (2011)**

Cash Returned: \$19,945 (2010)  
**\$115,411 (2011)**

Cash Forfeited: \$516,897 (2010)  
**\$1,294,566 (2011)**

### Seizing Agencies (12/19)

**Note: the number of seizures per agency lists the 2010 reported seizures first; the 2011 reported seizures are listed second and in bold.**

Baker County Narcotics Team – 0/2
Clackamas County(CCITF) – 26/9
Clatsop County Interagency Narcotics Team 0/8
Coos County (SCINT) – 11/11
Deschutes S.O.(CODE) – 0/18
Douglas S.O (DINT) – 0/10
DOJ – 17/35
DOJ/ Klamath Falls PD – 0/1
Eugene PD – 0/1

Lincoln County (LINT) – 6/7
Malheur S.O – 2/3
Marion S.O – 1/12
Morrow S.O. (BENT) – 0/1
Multnomah County S.O. – 6/18
Oregon State Police – 2/25
Polk County S.O. (POINT) – 0/5
Portland Police Bureau – 36/66
Salem PD – 2/6
Washington County – 2/16

**All 2011 data is in BOLD**

**Search Type**

The most common type of search

Search Warrant – <b>44/102</b>
Vehicle Consent – <b>30/49</b>
Inventory Search <b>0/8</b>
Other Consent – <b>30/44</b>
Probable Cause – <b>25/63</b>
Incident to Arrest – <b>18/31</b>
Public Health – <b>0/0</b>
Total – <b>147/297</b>

was by search warrant (30/**34%**); followed in order by probable cause (17/**21%**), vehicle consent (21/**16%**); other consent

(21/**15%**); incident to arrest (12/**10%**) and

**Seizure data\***

Conveyance – 1/26
Computer Equipment – 1/1
Real Property – 0/4
Currency – 50/ <b>209</b>
Weapons – 1/0
Other Property – 5/15

**Drugs Seized**

Amphetamine – 0/0
Cocaine – 12/ <b>36</b>
Crack Cocaine – 1/0
Heroin – 24/ <b>61</b>
LSD – 0/1
Marijuana – 46/ <b>91</b>
Methamphetamine – 46/ <b>88</b>
Other – 0/0
Unknown – 0/8
Meth Precursors – 0/0

### Arrest by Type

Attempt – 2/3
Conspiracy – 0/6
Delivery – 104/201
DUII II – 0/0
DWS – 0/0
Forgery I – 1/0
Forgery II – 0/0
ID Theft – 0/0
Manufacture – 21/52
Possession – 85/177
Prostitution – 0/0
Solicitation – 0/0

### Property Seized values

Less than \$1000 – 5/23
\$1,001 – 5,000 – 11/16
\$5,001 – 10,000 – 9/11
\$10,001 – 25,000 – 5/8
\$25,001 – 100,000 – 3/2
Over \$100,000 – 0/1

### Property Returned

Person – 4/6
Other Party – 5/3
Financial Institution – 1/1

### Stay of Proceedings Request

By Government – 0/4
By Claimant – 2/0
Jointly – 0/0

### Expedited Hearing Requests

Affirmative Defense Proved – 0/0
Receiver Appointed – 0/0
Probable Cause Found – 0/0
Property Returned to Claimant prior to hearing – 1/0
Claimant Petition denied – 0/1
No Hearing – 4/8

### Defendant Represented by Counsel

Time Other Than Judgment – 8/23
At Judgment – 5/16
Assisted Only – 3/6
Not Represented – 97/194
Criminal Defendant represented – 0/4

### Forfeiture Case Property Status

Voluntary – 31/57
Contraband – 27/44
Abandoned Property – 39/119
Abandoned No Claim – 37/112
Abandoned Defective Claim – 2/15

For Claimant – 0/1
For Government – 0/2
Mixed Verdict – 0/0
Summary Judgment – Claimant 0/0
Summary Judgment – Gov't 0/1
Jury – 0/0
Court – 0/2
Arbitration/Mediation – 0/0

### Forfeiture Counsel Action

Case Declined – 7/4
Criminal Charge Declined – 2/13

### Contested hearings

### Other Dispositions

Stipulated Judgment in Conjunction with Criminal Case – 3/2
Settled by Stipulated Judgment – 4/17
Dismissed by Forfeiture Counsel – 1/2
Forfeiture Count Dismissed for Failure to Appear re-filed as Civil Forfeiture – 0/0
Other – 32/96

**Personal Property Seized**

Include the following items:  
2003 H3 Hummer\*\*  
2008 Chevy Pick up\*\*  
2008 Ford F550 Pick up\*\*  
2006 Dodge 2500 Pick Up\*\*  
2006 Ford F 150 Pick up \*\*  
2006 Ford F450 Dump Truck\*\*  
1964 Chevy El Camino\*\*  
1968 Chevy Camaro "racecar" \*\*  
Conino Lamborghini Men's Watch \*\*  
1997 Kawasaki Jet Ski \*\*  
1997 Yamaha Jet Ski w/ Trailer\*\*  
2005 Extreme 33' trailer\*\*  
2006 Pastime Camper\*\*  
2004 Suzuki 4 wheeler ATV\*\*  
2008 Honda 4 wheeler ATV\*\*  
Yamaha custom weld 4 wheeler  
ATV\*\*  
Yamaha 4 wheeler ATV\*\*  
Purple Yamaha 4 Wheeler ATV\*\*  
Can Am 4 Wheeler ATV\*\*  
2007 Mirage Trailer\*\*  
JLG Scissor Lift\*\*  
Orange Scissor Lift\*\*  
Red Sky Jack Scissor Lift\*\*  
Red JLG Commander Scissor Lift\*\*  
Grn JLG Commander Scissor Lift\*\*  
Blue Upright Scissor Lift Model  
MX99\*\*  
Blue Upright Scissor Lift Model  
TM12\*\*  
Grn Upright Scissor Lift Model  
MX99\*\*  
Skyjack Scissor Lift\*\*  
Yell Scissor Lift Model SM2632E\*\*  
Onan Homesite 6500 Generator\*\*  
Central Hydraulics 2.5 ton pallet  
jack\*\*  
Great Northern Utility Trailer\*\*  
10' Aluminum trailer w/ rear gate\*\*  
94 Dodge Ram Pick Up  
95 white Ford Thunderbird  
2004 Honda Civic Motorcycle;

**Personal Property Seized (con't)**

Television; Computer Monitor  
4 Wheeler;4 Wheeler;  
Suzuki Quad Sport;  
2 snowmobiles; Samsung 42" T.V.  
42" Insignia Flat Screen T.V  
1992 Acura Integra  
1995 Nissan Pathfinder  
Snowmobile trailer  
2005 Nissan Titan \*  
60" LED T.V\* Sentry Safe\*  
Samsung 40" T.V\*  
Emerson LCD T.V\*  
2001 Nissan Maxima\*  
*\* indicates this property was retained  
for Law Enforcement use.  
\*\* indicates all these seizures were  
from the same case*

**Other Dispositions**

Stipulated Judgment in Conjunction with Criminal Case – 3/2
Settled by Stipulated Judgment – 4/17
Dismissed by Forfeiture Counsel – 1/2
Forfeiture Count Dismissed for Failure to Appear re-filed as Civil Forfeiture – 0/0
Other – 32/96

## ***Civil Forfeiture Distributions (Form 2)***

These data are based on the 213 Civil Forfeiture Asset Distribution Reports filed between January 1 and December 31, 2011. The reduced number of distributions results from four (4) cases being declined, ten (10) cases where property was returned and cases where forfeiture counsel requested a stay of the proceedings. The following data is from that period. Because some forfeitures were abandoned, some funds reported on Form 1 as cash forfeited may not be reflected here. Also, these funds have been reported as the amounts to be distributed in these forfeiture cases the funds may not have actually been distributed to the required agencies as of December 31, 2011.

### **ORS 131A.360 Local Agency Distribution Formulas**

(4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to **five percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund** established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to **2.5 percent of the forfeiture proceeds and deposit that amount in the Asset Forfeiture Oversight Account;**

(c) Deduct an amount equal to **20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs** as described in ORS 3.450; and

(d) Deduct an amount equal to **10 percent of the forfeiture proceeds and deposit that amount in the State Commission on Children and Families Account established by ORS 417.733 for disbursement to relief nurseries** as described in ORS 417.788.

(5) If the forfeiting agency has entered into an agreement with a county under subsection (2) of this section, after paying costs under subsection (3) of this section and making the deductions required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts required by the agreement.

(6) After making all payments and deductions required by subsections (3), (4) and (5) of this section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received by a county under subsection (5) of this



section or by a any other public body under an intergovernmental agreement entered into under ORS 131A.355, only for:

(a) **The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;**

(b) **Currency for undercover law enforcement operations;**

(c) **Drug awareness and drug education programs offered in middle schools and high schools;**

(d) **The expenses of a forfeiting agency in operating joint narcotic operations** with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment; and

(e) **Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution, manufacture or possession of controlled substances,** as determined through intergovernmental agreement between the forfeiting agency and the district attorney.

### **ORS 131A.365 State Agency Distribution Formulas**

(3) After payment of costs under subsection (2) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to **10 percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund** established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to **three percent of the forfeiture proceeds, not to exceed \$50,000 in a biennium, and deposit that amount in the Asset Forfeiture Oversight Account;**

(c) Deduct an amount equal to **20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs** as described in ORS 3.450; and

(d) Deduct an amount equal to **10 percent of the forfeiture proceeds and deposit that amount in the State Commission on Children and Families Account established by ORS 417.733 for disbursement to relief nurseries** as described in ORS 417.788.

(4) If the forfeiting agency has entered into an **intergovernmental agreement** with another public body under ORS 131A.355, or has entered into an agreement with any other law enforcement agency of the state relating to distribution of forfeiture proceeds, after paying costs under subsection (2) of this section and making the deductions required by subsection (3) of this section, **the forfeiting agency shall pay an equitable portion of the forfeiture proceeds to each agency participating in the seizure or forfeiture as provided by the agreement.**

(5) After making all payments and deductions required by subsections (2), (3) and (4) of this section, the forfeiting agency shall distribute the remaining forfeiture proceeds as follows:

(a) **If no law enforcement agency other than the Department of Justice participated in the seizure or forfeiture**, the remaining forfeiture proceeds, and forfeiture proceeds received by the Department of Justice under subsection (4) of this section, shall be **divided between the Criminal Justice Revolving Account and the Special Crime and Forfeiture Account** according to the following schedule:

(A) **One hundred percent of the first \$200,000** accumulated shall be deposited in the Criminal Justice Revolving Account.

(B) Seventy-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(C) Fifty percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(D) Twenty-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(E) One hundred percent of all additional sums shall be deposited in the Special Crime and Forfeiture Account.

(b) **If no law enforcement agency other than the Department of State Police participated in the seizure or forfeiture**, the remaining proceeds, and proceeds received by the Department of State Police under subsection (4) of this section, shall be divided between the State Police Account and the Special Crime and Forfeiture Account according to the following schedule:

(A) **One hundred percent of the first \$600,000** accumulated shall be deposited in the State Police Account.

(B) **Seventy-five percent of the next \$300,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.**

(C) **Fifty percent of the next \$200,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.**

(D) Twenty-five percent of the next \$200,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(E) One hundred percent of all additional sums shall be deposited in the Special Crime and Forfeiture Account.

(6) **Forfeiture proceeds distributed under subsection (5) of this section may be used only for:**

(a) **The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;**

(b) **Currency for undercover law enforcement operations;**

(c) **Drug awareness and drug education programs offered in middle schools and high schools; and**

(d) **The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment.**

Receipts:

In order to give some perspective on forfeitures in the state, the report will list both the 2010 6 month totals and the 2011 totals (**In Bold**)

Cash Forfeited at Judgment:

\$488,688.87 (2010)

**\$1,192,532.31 (2011)**

Interest:

\$2,762.03 (2010)

**\$2,032.44 (2011)**

Liquidated proceeds of other property:

**\$70,480.54**

**TOTAL RECEIPTS:** \$533,383.89 (2010)  
**\$1,265,045.29 (2011)**

**Costs/Restitution:**

Attorney fees: \$17,757.10 (2010)  
**\$170,453.37 (2011)**

Publication Costs: \$19,516.32 (2010)  
**\$31,816.46 (2011)**

Towing: \$0 (2010)  
**\$7,449.59 (2011)**

Maintenance: \$0 (2010)  
**\$1,378.32 (2011)**

Other Costs: \$3,805.55(2010)  
**\$49,613.17 (2011)**

**Total Costs:** \$41,078.97 (2010)  
**\$260,710.91 (2011)**

**Detailed List of Other Costs (2011)**

Multnomah County Court Fines & Fees; Multnomah County Circuit Court  
Multnomah County Circuit Court; Buy money spent; Narcotics Purchased  
Narcotic Purchases; Buy money; Buy money spent on drug purchase  
\$880.22 PAID TO LIEN HOLDER / \$100.00 PAID TO PIERCE CO. SHERIFF FOR  
SERVICE OF PLEADINGS; Advertisement for Sale; DMV Title Fee and Travel Exp to  
retrieve Vehicle; Provision of Currency and Fines/Restitution owed by one defendant  
Provision of Currency; Provision of Currency; Currency Provision; Storage/Maintenance  
& Auto Detail, Tow, Undercover Ops; Storage/Maintenance & Auto Detail, Tow,  
Undercover Ops; Provision of Currency for undercover ops; Provision of Currency for  
undercover ops; Provision of Currency for undercover ops; Commission for vehicle sale  
@ 5%, tow fee, buy money and vehicle storage for 804 days; Confidential Funds;  
Confidential Funds; Confidential Funds; Confidential Funds; Confidential Funds;  
PROCESS SERVING

<b>Total Receipts less Total Costs:</b> \$492,304.92 (2010): <b>\$1,020,339.99 (2011)</b>
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*(This is the money reported as being available for distribution)*

**Forfeiture Distributions:**

DEQ Illegal drug Cleanup Fund: \$34,405.67 (2010)  
**\$67,352.97 (2011)**

AFOAC: \$13,286.66 (2010)  
**\$27,142.10 (2011)**

Oregon Criminal Justice Commission Drug Court Fund:  
 \$98,460.94 (2010)  
**\$204,067.96 (2011)**

Oregon Commission on Children and Families Relief Nursery Fund:  
 \$49,230.52 (2010)  
**\$102,034.11 (2011)**

Total Distributions: \$195,383.79 (2010)  
**\$400,597.14 (2011)**

Law Enforcement use and distribution to other agencies per ORS 131A.360 (6)  
 (a-e) and 131A.365(5): \$255,583.76 (2010)  
**\$619,742.85 (2011)**

Total Distributed: \$471,175.90 (2010)  
**\$1,020,339.99 (2011)\***

\*It should be noted that 12 agencies reported costs greater than the amount seized totaling -\$24,449.96. Additionally agencies reported \$52,189.20 in funds that were collected but not used in 2011;

**Agency receipts and expenditure reports**

Both ORS 131 and 131A required that any agency receiving Asset Forfeiture funds must report how much they received and in general what they used the funds for.

**Agency Forfeiture funds receipts.**

Canby PD	<b>\$980.66</b>
Central Oregon Drug Enforcement (CODE)	<b>\$84,852.10</b>
	1)\$1,301.40
	2)\$4,443.20
	3)\$2,221.60
Clackamas Co. SO	4)\$920.10
Clackamas County Interagency Narcotics Task Force (CCITF)	<b>\$17,361.00</b>
DAS, SFMS	<b>\$66,135.62</b>
DEQ	<b>\$119,357.00</b>
DHS A&D	<b>\$49,987.26</b>
Douglas County Interagency Narcotics Team (DINT)	<b>\$31,782.64</b>
Eugene PD	<b>\$11,600.88</b>
Grants Pass DPS	<b>\$3,254.56</b>
Gresham PD	<b>\$2,583.95</b>
Josephine County S.O.	<b>\$3,437.43</b>
	1)\$7,980.12
	2)\$15,960.24
Lane County S.O.	3)\$7,980.12

Medford PD	1)\$2,172.14 2)\$91.68
Multnomah County Sheriffs Office	\$25,264.12
OCCF	\$105,492.00
OSP	1)\$108,832.49 2) \$61,096.61
Oregon Criminal Justice Commission Asset Forfeiture Oversight Fund	\$42,391.95
Oregon Criminal Justice Commission Drug Court Fund	1)\$203,654.20 2)\$50,000.00**
Ontario PD	\$410.40
Polk County District Attorney	\$1,601.02
	1)\$74,087.03 2)\$190,192.79 3)\$16,230 4)\$16,030.65 5)\$2,583.95 6)\$3,574.13
Portland Police Bureau Civil Forfeiture (1) Criminal (2)	
Rogue Area Drug Enforcement (RADE)	\$7206.91
Salem PD	1)\$9,778.42 2)\$14,040.96*
	1)\$25,583.70 (pre M3funds) 2)\$3,305.88 3)\$3,305.88
Springfield PD	
Tigard PD	\$3,932.42
Troutdale PD	1)\$11,327.91 2) \$910.56
Washington County Sheriffs Office	\$11,512.29

\*Salem PD: This included 2010 Civil Forfeiture funds that were not expended until 2011

\*\* This total includes \$50,000 in unexpended 2010 Civil Forfeiture Drug funds

## Individual Agency Reports

### Agency

### use

DAS, SFMS	General Governmental purposes
Clackamas County Sheriffs Office	1)Clackamas County Sheriff's Office 2)Clackamas County Mental Health 3)Clackamas DA – not spent 4)Oregon City PD
Clackamas County Interagency Task Force (CCITF)	Not reported
Clackamas Co. SO	Overtime
Canby Police Department	Funds not used
Central Oregon Drug Enforcement (CODE)	Proceeds used to off-set costs for confidential funds (buy money, informant expenses), replacement/update of equipment used in investigations, education & training relating to narcotics, investigation supplies, other expenses contained in the CODE yearly budget that do not supplant grant expenses.
DEQ – Note, some of these are continuing work from 2010	1)EASTERN OREGON EVIDENCE LOCKER CLEANOUT 2)NE GLISAN STREET DRUG LAB (M-3) 3)PORTLAND DRUG LAB EVIDENCE

	<p>LOCKER  4)SE 72<sup>ND</sup> (M-1)  5)SHORT MOUNTAIN (M-6)  6)WASHINGTON COUNTY DRUG LAB EVIDENCE LKR  7)ADANDONED DRUG LAB – BLM (M-8)  8)MULTNOMAH CTY SHERIFF'S EVIDENCE LOCKER  9)PORTLAND PD TRANSIT DIVISION (M-10)  10)NW 6<sup>TH</sup> STREET (M-9)  11)SE GLADSTONE DRUG LAB (M-12)  12)NE 110<sup>TH</sup> DRUG LAB (M-14)  13)N SAWYER RD (M-11)  14)SW 78<sup>TH</sup> DRUG LAB (M-12)  15)AUBURN AVE DRUG LAB (M-15)</p>
DHS A&D	Alcohol and Drug Treatment Prevention programs
Eugene PD	Equipment and training to respond to cases regarding use and manufacturing of controlled substances. 2000 Toyota Pick Up and 2005 Nissan Titan retained by Eugene PD for undercover work.
Grants Pass DPS	Funds unexpended, in bank
Douglas County Interagency Narcotics Team (DINT)	ORS 131.594(3)(a): Fire and liability insurance policy for the Interagency Narcotics Team
Gresham P.D.	Funds unspent at this time
Josephine County S.O.	Funds not expended, remain in bank account
Lane County S.O.	1)Not Used yet 2)Lane County Drug Court 3)Not used yet
Medford PD	1) Items for law enforcement use according to equitable sharing guidelines. 2) Forfeiture Council, Jackson County DA
Multnomah Sheriff's Office	1)Deposited in SEDE Account which helps to fund our buy money and CRI fees 2) late report of 2009-2010 forfeiture funds, used for investigator's overtime
Oregon Criminal Justice Commission Drug Court fund	1)Funds unexpended but are planned to be distributed in 2012/13 2) Funds distributed to Multnomah County STOP Court
OCCF	\$12,402 towards Relief Nursery program evaluation at the request of the Oregon Association of Relief Nurseries (OARN). OARN members and OCCF plan to use funds for database updates and data quality.
OCJC Asset Forfeiture Oversight Advisory Committee	Payroll and administrative costs, including maintenance of online reporting system
Ontario PD	Vehicle kept for undercover operations

OSP	<p>1) Civil Cases: Drug treatment and education, task force investigative funds contribution, District attorney's Offices share.</p> <p>2) Criminal Cases: Drug treatment and education, task force investigative funds contribution, District attorney's Offices share.</p>
Clackamas Co.	<p>1) Items for law enforcement use according to equitable sharing guidelines.</p> <p>2) Drug treatment, education, prevention</p>
Polk County District Attorney	Legal services
Portland Police Bureau	<p>1) Funds remain in Civil Forfeiture Trust account unspent from 2010 seizures</p> <p>2) Funds unspent while Chief of police works to use them to create a drug treatment program.</p> <p>3) cars placed in use: Honda Pilot (\$3,000), 2004 Nissan Xterra (\$4,539), 2002 Toyota Highlander (\$8,691)</p> <p>4) Additional funds used to pay civil forfeiture atty.</p> <p>5) Shared with Gresham PD</p> <p>6) Shared with Multnomah County S.O.</p>
Rogue Area Drug Enforcement (RADE)	Funds unexpended, still in bank
Salem PD	<p>1) Law enforcement equipment and training</p> <p>2) purchase investigative equipment and training</p>
South Coast Interagency Narcotics Task Force (SCINT)	Equipment; Task Force Operations; Local Agency Sharing (Training)
Springfield PD	<p>1) City of Springfield General Fund per Ordinance 5991, used for Drug Prevention, Education, Treatment (pre-measure 3 funds)</p> <p>2) Lane County District Attorney's office per IGA</p> <p>3) Springfield PD not expended, retained for future use.</p>
Tigard PD	Sharing with US DOJ. no funds expended this year; reserved for purchase of equipment and software
Troutdale PD	<p>1) Civil forfeiture funds from prior years – funds not expended</p> <p>2) Criminal Forfeiture funds from prior years – funds not expended</p>
Washington County Sheriffs Office	Funds delivered to Washington County Drug court, but not expended