



Asset Forfeiture in Oregon 2013
Report from the Asset Forfeiture Oversight Advisory
Committee to the Oregon Legislature

April 2014

Criminal Justice Commission
State of Oregon

Summary

The purpose of this report is to provide the number and nature of asset forfeitures in Oregon in 2013. State and local government agencies electronically report seizures they have made for the purpose of civil and criminal forfeiture using the Oregon Online Grants System (OOGS). Agencies also report disposition and use of the proceeds. The staff of the Oregon Criminal Justice Commission (CJC) uses the information reported by state and local agencies to compile this report for the Asset Forfeiture Oversight Advisory Committee (AFOAC). Statutory direction for the AFOAC, the CJC, and these reporting requirements are found at ORS 131.600, ORS 131A.450, & ORS 131A.455. Included in this report is a review of the recent changes in the asset forfeiture laws.

Asset Forfeiture Oversight Advisory Committee (AFOAC) Members

The committee consists of two legislators appointed by the Senate President and two legislators by the Speaker of the House of Representatives. The Governor appoints three members, and the Attorney General appoints three members. The 2013 members are as follows:

Senate Appointees:

Senator Floyd Prozanski (AFOAC Chair)
Senator Ted Ferrioli

House Appointees:

Representative Andy Olson (AFOAC Vice Chair)
Representative Jeff Barker

Governor's Appointees:

Daina Vitolins, Crook County District Attorney*
Lt. Fred Testa, Oregon State Police*
Andrew Kohlmetz, Attorney at Law, Raivio, Kohlmetz & Steen, P.C.*

Attorney General's Appointees:

Sheriff Dennis Dotson, Lincoln County Sheriff's Office*
Elijah Michalowski, AAG, Oregon Department of Justice*
Matt McCauley, AAG, Oregon Department of Justice *

*new members appointed in 2013-2014

Legal and Legislative Updates

The following two bills impacting asset forfeiture were approved in 2013 & 2011 by the Oregon Legislature and signed into law by Governor Kitzhaber.

2013

Senate Bill 27 - (signed by Governor Kitzhaber on March 18, 2013)

- Changes to Reporting Times Related to Reporting Forfeitures
 - Prepared annual reports are based on the Calendar Year (*previously Fiscal Year*)
 - Political subdivisions that receive forfeiture proceeds must submit an electronic report no later than January 31 of the following year (*previously December 15 for the preceding fiscal year*)
 - Annual report detailing the number and nature of forfeitures shall be submitted to the Governor's Office on or before April 30 (*previously March 31*)

2011

Senate Bill 373- (signed by Governor Kitzhaber on June 23, 2011)

- Clarifies reporting of seizures shall be made as soon as practicable so that it is clear that agencies should not wait till the disposition to report a seizure; and
- Streamlined statutory reporting and made it "paperless"

Criminal Forfeiture

SEIZING AGENCY	# OF SEIZURES
Beaverton PD	1
Burns PD	1
Central Oregon Drug Enforcement	8
Corvallis Police Department	2
Deschutes County Sheriff's Office	7
Eugene Police Department	9
Grants Pass Dept of Public Safety	5
Gresham Police Department	1
Harney County Sheriff's Office	16
Lane Co Interagency Narcotics Enforcement Team	2
Lane County Sheriff's Office	18
Medford Police Department	13
Oregon State Police	43
Philomath, City of	1
Rogue Area Drug Enforcement	5
Springfield Police Department	1
Tigard PD	1
Westside Interagency Narcotics Team (Washington Co)	1
Washington County DA	1
TOTAL: 19 Agencies	136

SEIZURE DATA

Class of Property Seized for Forfeiture	
Conveyance	17
Real Property	0
Currency	127
Weapons	12
Computer Equipment	1
Other Property	3

Nature of Prohibited Conduct	
Controlled Substances:	
Possession	94
Manufacture	47
Delivery	103
Attempt	1
Solicitation	0
Conspiracy	0
DUII	2
DWS/R	1
Forgery I	2
ID Theft	1
Prostitution	0
Money Laundering	13
Other:	9

Drug-Related Cases	
Marijuana	81
Cocaine	13
Crack Cocaine	0
Heroin	11
Methamphetamine	43
Meth Precursor	0
Amphetamine	0
LSD	1
Hashish	2
Ecstasy	1
Unknown	7
Other:	5

Circumstances of Search/Seizure	
Search Warrant	49
Incident to Arrest	21
Vehicle Consent	27
Probable Cause	39
Inventory	2
Public Health	0
Other Consent	11

Claims Filed By:	
Person	9
Other Party	2
Financial Institution	0
TOTAL CLAIMS	11

DISPOSITIONAL DATA

Property was:	
Proceeds	84
Instrumentalities	79
Prior Similar Conduct	0

Proportionality Hearing?	
Forfeiture Mitigated	0
Forfeiture Not Mitigated	12

Ancillary Hearing Held for Third Party Claims:	
Yes	0
Sustained	0
Partially Sustained	0
Denied	0
No	124

Appeal	
None Filed	132
Filed by Claimant	2
Filed by Government	0
Unknown, appeal time not yet expired	2

ACCOUNTING DATA

Cash Seized: \$1,430,388

Cash Returned: \$ 113,245

Cash Forfeited at time of Judgment: \$1,316,736

Estimated Value of Property (excludes cash) Seized	
Less than \$1,000	5
\$1,001 – 5,000	9
\$5,001 – 10,000	10
\$10,001 – 25,000	3
\$25,001 – 100,000	0
Over \$100,000	0

Real Property Involved:	
Yes	1
No	135

If property returned to claimant, to whom was it returned?	
Person from whom seized	15
Financial Institution	0
Other:	2

Criminal Forfeiture Distributions
Sources of Forfeiture Funds

Total Post Judgment Receipts Available for Distribution

(includes interest earned for forfeited cash pending judgment &
liquidated proceeds of other property):

\$1,388,603.70

Costs	
Publication / Notice	\$17,700.38
Attorney Fees	\$0
Towing / Storage	\$150.00
Maintenance / Service	\$2,689.36
Victim Restitution	\$0
Other Costs	\$41,348.05
Total Costs:	\$61,880.79

Required Distributions	
DEQ Illegal Drug Cleanup Fund	\$96,323.22
AFOAC	\$41,281.38
State General Fund	\$137,604.60
Total Distributions:	\$275,209.20

Total Criminal Forfeiture Proceeds

(Receipts minus Costs & Distributions):

\$1,056,687.65

Civil Forfeiture

SEIZING AGENCY	# OF SEIZURES
Beaverton PD	1
Canby, City of	2
Clackamas County	12
Central Oregon Drug Enforcement	21
Coos Bay PD	1
Coos County Sheriff's Office	3
Coquille Tribal Police	1
Deschutes County Sheriff's Office	1
Gresham Police Department	8
Hines PD	1
Jefferson County Sheriff's Office	4
Lake Oswego Police Department	3
Lane Co Interagency Narcotics Enforcement Team	17
Lincoln Interagency Narcotics Team	4
McMinnville Police Department	1
Medford Police Department	21
Multnomah County Sheriff's Office	28
Oregon State Police	16
Polk Interagency Narcotics Team	3
Portland, City of	55
Salem Police Department	10
Springfield Police Department	3
South Coast Interagency Narcotics Team	5
Washington County Sheriff's Office	37
TOTAL: 24 Agencies	258

SEIZURE DATA

Class of Property Seized for Forfeiture	
Conveyance	25
Real Property	0
Currency	249
Weapons	2
Computer Equipment	3
Other Property	4

Nature of Prohibited Conduct	
Controlled Substances:	
Possession	213
Manufacture	76
Delivery	234
Attempt	0
Solicitation	0
Conspiracy	6
DUII	0
DWS/R	0
Forgery I	1
ID Theft	1
Prostitution	0
Other:	12

Drug-Related Cases	
Marijuana	69
Cocaine	41
Crack Cocaine	5
Heroin	83
Methamphetamine	104
Meth Precursor	0
Amphetamine	0
LSD	1
Ecstasy	5
Unknown	0
Other:	11

Circumstances of Search/Seizure	
Search Warrant	119
Incident to Arrest	41
Vehicle Consent	36
Probable Cause	91
Inventory	8
Other Consent	44
Public Health	1

Claims Filed By:	
Person	36
Other Party	6
Financial Institution	0
TOTAL	42

DISPOSITIONAL DATA

Was Property Owner Represented/Assisted by Counsel?	
Yes, some time other than judgment	36
Yes, at Judgment	12
Assisted Only	16

Not Represented	198
Defendant to criminal action was represented on the forfeiture by counsel other than defense counsel for the criminal charge	2
Entire forfeiture case/charge declined by forfeiture counsel	
Yes	11
No	238
Associated criminal case/charge also declined	
Yes	10
No	226
Court Awarded amount for attorney fees	\$16,513

Forfeiture Case and Associated Criminal Case Declined

Case Type	
Judgment of Civil Forfeiture	187
Voluntary Forfeiture	10
Contraband	4
Abandoned Property	112
No Claim Filed	98
Defective Claim	9
Default Judgment	25

Stay of Proceedings Requested	
By Government	7
By Claimant	1
Jointly	0

Outcome of Petition for Probable Cause or Expedited Hearing	
Affirmative Defense Proved	0
Receiver Appointed to Manage Property	0
Probable Cause Found	1
Property returned during pendency of hearing	0
Claimant Petition Denied	0
Hearing Not Held	0

Contested Hearing	
For Claimant	0
For Government	1
Mixed Verdict	1
Summary Judgment for Claimant	0
Summary Judgment for Government	1
Fact Finder	
Jury	0
Court	3
Arbitration/Mediation	0

Other Disposition	
Settled by Stipulated Judgment	21
Dismissed by Forfeiture Counsel	3
Stipulated by Forfeiture Counsel	5
Forfeiture count only dismissed for FTA, re-filed as civil forfeiture	1
General Judgment of Civil Forfeiture	42
Other	5

Accounting Data

Cash Seized: \$1,080,908

Cash Returned: \$ 48,404

Cash Forfeited at time of Judgment: \$1,033,807

Estimated Value of Property (excludes cash) Seized	
Less than \$1,000	6
\$1,000 – 5,000	15
\$5,001 – 10,000	7
\$10,001 – 25,000	12
\$25,001 – 100,000	3
Over \$100,000	0

Real Property Involved:	
Yes	0
No	257

If property returned to claimant, to whom was it returned?	
Person from whom seized	21
Financial Institution	0
Other:	6

Civil Forfeitures Distributions
Sources of Forfeiture Funds

Total Post Judgment Receipts Available for Distribution

(includes interest earned for forfeited cash pending judgment &
liquidated proceeds of other property):

\$1,241,912.28

Costs	
Publication / Notice	\$ 46,492.90
Attorney Fees	\$107,800.07
Towing / Storage	\$ 43,110.00
Maintenance / Service	\$ 784.51
Other Costs	\$ 74,017.64
Total Costs:	\$272,205.12

Required Distributions	
DEQ Illegal Drug Cleanup Fund	\$ 54,586.31
AFOAC	\$ 25,800.96
OCJC Drug Court Fund	\$ 203,423.00
DHS – Oregon Health Authority	\$101,711.62
Total Distributions:	\$385,521.89

Total Civil Forfeiture Proceeds

(Receipts minus Costs & Distributions):

\$ 724,541.61

AGENCY RECEIPTS AND EXPENDITURE REPORTS

Civil Forfeiture and Criminal Forfeiture require that any agency receiving Asset Forfeiture funds “must describe how proceeds received by the public body have been or will be used.” The following outline the amounts each agency received from forfeiture funds after all costs and distributions were deducted, along with how proceeds were spent.

Agency	Proceeds	Use of Proceeds
Administrative Services, Department of (General Fund)	\$89,195.41	General governmental purposes
Canby, City of	\$3,482.33	KRP Data Systems (WebLeds) – police investigators access to LEDS while out in the field.
Central Oregon Drug Enforcement	\$82,903.87	Drug investigations for CODE.
Clackamas County DA	\$18,759.60	Expenditure plans undetermined at this time.
South Coast Interagency Narcotics Team (Coos Co)	\$9,895.39	Equipment; Task force operation; Task force expenses; Task force investigation
Corvallis Police Department	\$3,071.10	Funds will be used as buy money in criminal activity in drug cases investigated by the Corvallis/Benton County Street Crimes Unit.
Environmental Quality, Dept of	\$49,534.09	Funds were used for cleanup activities at several drug lab sites.
Eugene Police Department	\$7,259.09	Law enforcement operational supplies to respond to and support cases regarding use of manufacturing of controlled substances
Grants Pass Dept of Public Safety	1) GPDPS - \$1,304.97 2) RADE - \$7,727.56	1) Expenditure plans undetermined at this time. 2) Expenditure plans undetermined at this time.
Gresham Police Department	\$34,727.34	Expenditure plans undetermined at this time.
Harney County	\$34,680.49	Equipment, buy money, training for local agencies' drug enforcement
Human Services, Dept of (Oregon Health Authority)	\$173,296.55	Alcohol and drug treatment and prevention programs
Jackson County DA	\$42,677.98	A percentage of Karpel (case management system) used to track criminal cases throughout all phases of prosecution, including drug cases
Jefferson County Sheriff's Office	\$1395.66	Drug enforcement/prevention efforts
Lake Oswego Police Department	\$1,868.25	New evidence packaging station, cabinets and storage for drug test kits

Lane Co Interagency Narcotics Enforcement Team	\$66,066.32	Used to fund investigative efforts, purchase evidence and pay for narcotics related travel, training, and equipment
Lane County Sheriff's Office	\$106,890.80	Expenditure plans undetermined at this time.
Lincoln Interagency Narcotics Team	\$2,100.55	Expenditure plans undetermined at this time.
Marion County Sheriff's Office	\$2,720.99	Travel, lodging, meals, vehicle maintenance & vehicle rental costs
Medford Police Department	\$213,015.26	Criminal: expansion of Property Control facility; Drug team undercover vehicle
Multnomah County Sheriff's Office, Special Investigation Unit	\$77,477.00	Will be used for furtherance of SIU investigations, training, equipment, informants, and other needed materials to investigate and arrest individuals who manufacture, deliver or possess illegal controlled substances.
Oregon Criminal Justice Commission - AFOAC	\$57,389.77	Personnel (temp appts); data processing; publications; interagency charges
Oregon Criminal Justice Commission - Drug Court Fund	\$155,922.18	Interagency charges; distributions to counties and non-governments
Oregon State Police	1) \$278,920.97 2) \$169,953.22	1) Legal fees, DA offices (per agreements), Drug Treatment Education & Prevention, Spreakwrite. Criminal Cases 2) County distributions, uniforms, weapons, vehicles, computer tech, supplies, cellular charges, capital outlay, ammunition, weapon supplies. Civil Cases
Philomath, City of	\$8,774.69	Expenditure plans undetermined at this time.
Polk County Interagency Narcotics Team	\$14,900.95	These funds were continually used for funding further drug operations (buy money)
Portland, City of	\$55,801.18	Forfeiture attorney fees; Drug education & awareness; Oregon State Police (share)
Salem Police Department	\$37,563.37	Purchase of RAPID (Regional Pawn Database System) used to track pawn & metal recycling dealer transactions in OR & WA. Unspent funds to be used for undercover investigation with narcotics nexus.
Springfield Police Department	\$2,261.70	Drug prevention materials
Washington County DA	\$126,534.43	A portion of funds were used to reimburse legal expenses charged after statutory distributions and for some support expenses. Additional expenditures are planned for training and equipment.