



Asset Forfeiture in Oregon 2014
Report from the Asset Forfeiture Oversight Advisory
Committee to the Oregon Legislature

April 2015

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 2014. 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). The staff at 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.

During 2014, the AFOAC focused on the review of the reporting process and the discussion of internet publication as a means of notice of forfeiture. AFOAC provided a workgroup to review and revise the required reporting forms in OOGS. This process resulted in the reorganization of the reporting forms to better serve state and local agencies required to report asset forfeiture seizures, while maintaining compliance of Oregon statutes and preserving the validity of the annual report. Currently, AFOAC is working with legislature to include internet publication for notice of the order of forfeiture in addition to the existing requirement of publishing these notices in the newspaper.

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 2014 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, Kohlmetz, Steen & Hanrahan, 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

**2014 OREGON ASSET FORFEITURE
TOTALS**

Cash Seized: \$ 1,959,396.00

Cash Returned: \$ 180,798.00

**Cash Forfeited at
time of Judgment:** \$ 1,751,147.00

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**Total Adjudicated Receipts  
Available for Distribution:** \$ 1,954,024.33

**Total Costs:** \$ 284,175.14

**Total Distributions:** \$ 716,385.63

**Total Proceeds:** \$ 978,628.20

## ***Criminal Forfeiture***

| <b>SEIZING AGENCY</b>                          | <b># OF SEIZURES</b> |
|------------------------------------------------|----------------------|
| Beaverton PD                                   | 3                    |
| Clackamas County Interagency Task Force        | 1                    |
| Grants Pass Dept of Public Safety              | 2                    |
| Gresham Police Department                      | 1                    |
| Jackson County Sheriff's Office                | 2                    |
| Lane Co Interagency Narcotics Enforcement Team | 3                    |
| Medford Police Department                      | 14                   |
| Milwaukie Police Department                    | 1                    |
| Oregon State Police                            | 16                   |
| Rogue Area Drug Enforcement                    | 8                    |
| Springfield Police Department                  | 4                    |
| Tigard PD                                      | 1                    |
| Washington County Sheriff's Office             | 1                    |
| Yamhill County Sheriff's Office                | 1                    |
| <b>TOTAL:           14 Agencies</b>            | <b>57</b>            |

## SEIZURE DATA

| <b>Class of Property Seized for Forfeiture</b> |    |
|------------------------------------------------|----|
| Conveyance                                     | 0  |
| Real Property                                  | 0  |
| Currency                                       | 57 |
| Weapons                                        | 0  |
| Computer Equipment                             | 0  |
| Other Property                                 | 2  |

| <b>Drug-Related Cases</b> |    |
|---------------------------|----|
| Marijuana                 | 21 |
| Cocaine                   | 3  |
| Heroin                    | 17 |
| Methamphetamine           | 22 |
| Meth Precursor            | 0  |
| Amphetamine               | 0  |
| LSD                       | 0  |
| Hashish                   | 0  |
| Ecstasy                   | 1  |
| Unknown                   | 1  |
| Other                     | 1  |

| <b>Claims Filed By:</b> |          |
|-------------------------|----------|
| Person                  | 0        |
| Other Party             | 0        |
| Financial Institution   | 0        |
| <b>TOTAL CLAIMS</b>     | <b>0</b> |

| <b>Nature of Prohibited Conduct</b> |    |
|-------------------------------------|----|
| <b>Controlled Substances:</b>       |    |
| Possession                          | 42 |
| Manufacture                         | 19 |
| Delivery                            | 46 |
| Attempt                             | 0  |
| Solicitation                        | 0  |
| Conspiracy                          | 0  |
| DUII                                | 0  |
| DWS/R                               | 0  |
| Forgery I                           | 2  |
| ID Theft                            | 0  |
| Prostitution                        | 0  |
| Money Laundering                    | 2  |
| Other                               | 0  |

| <b>Circumstances of Search/Seizure</b> |    |
|----------------------------------------|----|
| Search Warrant                         | 24 |
| Incident to Arrest                     | 5  |
| Vehicle Consent                        | 9  |
| Probable Cause                         | 19 |
| Inventory                              | 1  |
| Public Health                          | 0  |
| Other Consent                          | 11 |

## DISPOSITIONAL DATA

| <b>Property was:</b>  |    |
|-----------------------|----|
| Proceeds              | 44 |
| Instrumentalities     | 33 |
| Prior Similar Conduct | 6  |

| <b>Proportionality Hearing?</b> |    |
|---------------------------------|----|
| Forfeiture Mitigated            | 0  |
| Forfeiture Not Mitigated        | 12 |

| <b>Ancillary Hearing Held for Third Party Claims:</b> |    |
|-------------------------------------------------------|----|
| Yes                                                   | 0  |
| Sustained                                             | 0  |
| Partially Sustained                                   | 0  |
| Denied                                                | 0  |
| No                                                    | 50 |

| <b>Appeal</b>                        |    |
|--------------------------------------|----|
| None Filed                           | 53 |
| Filed by Claimant                    | 3  |
| Filed by Government                  | 0  |
| Unknown, appeal time not yet expired | 1  |

## ACCOUNTING DATA

**Cash Seized:**           \$ 366,051

**Cash Returned:**     \$ 18,049  
(includes interest)

**Cash Forfeited at time of Judgment:** \$ 348,051

| <b>Estimated Value of Property (excludes cash) Seized</b> |   |
|-----------------------------------------------------------|---|
| Less than \$1,000                                         | 1 |
| \$1,001 – 5,000                                           | 2 |
| \$5,001 – 10,000                                          | 0 |
| \$10,001 – 25,000                                         | 0 |
| \$25,001 – 100,000                                        | 0 |
| Over \$100,000                                            | 0 |

| <b>Real Property Involved:</b> |    |
|--------------------------------|----|
| Yes                            | 0  |
| No                             | 57 |

| <b>If property returned to claimant, to whom was it returned?</b> |   |
|-------------------------------------------------------------------|---|
| Person from whom seized                                           | 0 |
| 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):

**\$298,759.07**

| <b>Costs</b>          |                    |
|-----------------------|--------------------|
| Publication / Notice  | \$8,937.98         |
| Towing / Storage      | \$0                |
| Maintenance / Service | \$0                |
| Victim Restitution    | \$0                |
| Other Costs           | \$4,240.74         |
| <b>Total Costs:</b>   | <b>\$13,178.72</b> |

| <b>Required Distributions</b> |                     |
|-------------------------------|---------------------|
| DEQ Illegal Drug Cleanup Fund | \$20,089.73         |
| AFOAC                         | \$8,609.90          |
| State General Fund            | \$28,699.59         |
| Drug Treatment Programs       | \$114,798.40        |
| <b>Total Distributions:</b>   | <b>\$172,197.62</b> |

**Total Criminal Forfeiture Proceeds**  
(Receipts minus Costs & Distributions):

**\$113,382.73**

## ***Civil Forfeiture***

| <b>SEIZING AGENCY</b>                                    | <b># OF SEIZURES</b> |
|----------------------------------------------------------|----------------------|
| Baker County Narcotics Team                              | 1                    |
| Beaverton PD                                             | 5                    |
| Blue Mountain Enforcement Narcotics Team                 | 1                    |
| Canby Police Department                                  | 4                    |
| Clackamas County Interagency Task Force                  | 16                   |
| Central Point Police Department                          | 2                    |
| Coos Bay PD                                              | 1                    |
| Coos County Sheriff's Office                             | 1                    |
| Coquille Police Department                               | 3                    |
| Douglas County Interagency Narcotics Team                | 72                   |
| Gresham Police Department                                | 9                    |
| Jackson County Sheriff's Office                          | 1                    |
| Lane Co Interagency Narcotics Enforcement Team           | 30                   |
| Lincoln County Sheriff's Office                          | 20                   |
| Medford Police Department                                | 21                   |
| Multnomah County Sheriff's Office                        | 38                   |
| Oregon Department of Justice – Criminal Justice Division | 5                    |
| Oregon State Police                                      | 24                   |
| Polk Interagency Narcotics Team                          | 3                    |
| Roseburg Police Department                               | 1                    |
| South Coast Interagency Narcotics Team                   | 13                   |
| Springfield Police Department                            | 10                   |
| Sutherlin Police Department                              | 1                    |
| Washington County Sheriff's Office                       | 19                   |
| West Linn Police Department                              | 1                    |
| <b>TOTAL:           25 Agencies</b>                      | <b>302</b>           |

## SEIZURE DATA

| <b>Class of Property Seized for Forfeiture</b> |     |
|------------------------------------------------|-----|
| Conveyance                                     | 30  |
| Real Property                                  | 0   |
| Currency                                       | 268 |
| Weapons                                        | 5   |
| Computer Equipment                             | 1   |
| Other Property                                 | 26  |

| <b>Drug-Related Cases</b> |     |
|---------------------------|-----|
| Marijuana                 | 77  |
| Cocaine                   | 17  |
| Heroin                    | 102 |
| Methamphetamine           | 156 |
| Meth Precursor            | 0   |
| Amphetamine               | 0   |
| LSD                       | 1   |
| Ecstasy                   | 5   |
| Unknown                   | 2   |
| Other                     | 5   |

| <b>Claims Filed By:</b> |           |
|-------------------------|-----------|
| Person                  | 45        |
| Other Party             | 13        |
| Financial Institution   | 1         |
| <b>TOTAL</b>            | <b>59</b> |

| <b>Nature of Prohibited Conduct</b> |     |
|-------------------------------------|-----|
| <b>Controlled Substances:</b>       |     |
| Possession                          | 259 |
| Manufacture                         | 54  |
| Delivery                            | 255 |
| Attempt                             | 6   |
| Solicitation                        | 0   |
| Conspiracy                          | 12  |
| DUII                                | 1   |
| DWS/R                               | 1   |
| Forgery I                           | 0   |
| ID Theft                            | 0   |
| Prostitution                        | 0   |
| Other                               | 12  |

| <b>Circumstances of Search/Seizure</b> |     |
|----------------------------------------|-----|
| Search Warrant                         | 125 |
| Incident to Arrest                     | 52  |
| Vehicle Consent                        | 57  |
| Probable Cause                         | 60  |
| Inventory                              | 1   |
| Other Consent                          | 42  |
| Public Health                          | 0   |

## DISPOSITIONAL DATA

| <b>Was Property Owner Represented/Assisted by Counsel?</b> |    |
|------------------------------------------------------------|----|
| Yes, some time other than judgment                         | 52 |
| Yes, at Judgment                                           | 17 |
| Assisted Only                                              | 19 |

|                                                                                                                              |       |
|------------------------------------------------------------------------------------------------------------------------------|-------|
| Not Represented                                                                                                              | 219   |
| Defendant to criminal action was represented on the forfeiture by counsel other than defense counsel for the criminal charge | 3     |
| Entire forfeiture case/charge declined by forfeiture counsel                                                                 |       |
| Yes                                                                                                                          | 1     |
| No                                                                                                                           | 290   |
| Associated criminal case/charge also declined                                                                                |       |
| Yes                                                                                                                          | 5     |
| No                                                                                                                           | 241   |
| Court Awarded amount for attorney fees                                                                                       | \$660 |

### Forfeiture Case and Associated Criminal Case Declined

| <b>Case Type</b>             |     |
|------------------------------|-----|
| Judgment of Civil Forfeiture | 220 |
| Voluntary Forfeiture         | 20  |
| Contraband                   | 2   |
| Abandoned Property           | 136 |
| No Claim Filed               | 135 |
| Defective Claim              | 9   |
| Default Judgment             | 21  |

| <b>Stay of Proceedings Requested</b> |   |
|--------------------------------------|---|
| By Government                        | 6 |
| By Claimant                          | 0 |
| Jointly                              | 0 |

| <b>Outcome of Petition for Probable Cause or Expedited Hearing</b> |   |
|--------------------------------------------------------------------|---|
| Affirmative Defense Proved                                         | 0 |
| Receiver Appointed to Manage Property                              | 0 |
| Probable Cause Found                                               | 0 |
| Property returned during pendency of hearing                       | 0 |
| Claimant Petition Denied                                           | 0 |
| Hearing Not Held                                                   | 2 |

| <b>Contested Hearing</b>        |   |
|---------------------------------|---|
| For Claimant                    | 0 |
| For Government                  | 0 |
| Mixed Verdict                   |   |
| Summary Judgment for Claimant   | 0 |
| Summary Judgment for Government | 0 |
| <b>Fact Finder</b>              |   |
| Jury                            | 0 |
| Court                           | 0 |
| Arbitration/Mediation           | 0 |

| <b>Other Disposition</b>                                              |    |
|-----------------------------------------------------------------------|----|
| Settled by Stipulated Judgment                                        | 19 |
| Dismissed by Forfeiture Counsel                                       | 1  |
| Stipulated by Forfeiture Counsel                                      | 6  |
| Forfeiture count only dismissed for FTA, re-filed as civil forfeiture | 0  |
| General Judgment of Civil Forfeiture                                  | 34 |
| Other                                                                 | 4  |

### Accounting Data

**Cash Seized:** \$1,593,345

**Cash Returned:** \$ 162,749

**Cash Forfeited at time of Judgment:** \$1,403,096

| <b>Estimated Value of Property (excludes cash) Seized</b> |    |
|-----------------------------------------------------------|----|
| Less than \$1,000                                         | 24 |
| \$1,000 – 5,000                                           | 47 |
| \$5,001 – 10,000                                          | 13 |
| \$10,001 – 25,000                                         | 10 |
| \$25,001 – 100,000                                        | 1  |
| Over \$100,000                                            | 0  |

| <b>Real Property Involved:</b> |     |
|--------------------------------|-----|
| Yes                            | 0   |
| No                             | 302 |

| <b>If property returned to claimant, to whom was it returned?</b> |   |
|-------------------------------------------------------------------|---|
| Person from whom seized                                           | 5 |
| Financial Institution                                             | 0 |
| Other:                                                            | 2 |

**Civil Forfeitures Distributions**  
Sources of Forfeiture Funds

|                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Total Post Judgment Receipts Available for Distribution</b><br/>(includes interest earned for forfeited cash pending judgment &amp; liquidated proceeds of other property):</p> <p><b>\$1,655,265.26</b></p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Costs</b>          |                     |
|-----------------------|---------------------|
| Publication / Notice  | \$ 53,403.41        |
| Attorney Fees         | \$ 79,530.51        |
| Towing / Storage      | \$ 81,120.75        |
| Maintenance / Service | \$ 6,511.69         |
| Other Costs           | \$ 50,430.06        |
| <b>Total Costs:</b>   | <b>\$270,996.42</b> |

| <b>Required Distributions</b> |                      |
|-------------------------------|----------------------|
| DEQ Illegal Drug Cleanup Fund | \$ 82,914.15         |
| AFOAC                         | \$ 36,602.84         |
| OCJC Drug Court Fund          | \$ 283,113.94        |
| Early Learning Division Fund  | \$ 141,557.08        |
| <b>Total Distributions:</b>   | <b>\$ 544,188.01</b> |

|                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------|
| <p><b>Total Civil Forfeiture Proceeds</b><br/>(Receipts minus Costs &amp; Distributions):</p> <p><b>\$ 865,245.47</b></p> |
|---------------------------------------------------------------------------------------------------------------------------|