



Asset Forfeiture in Oregon 2015
Report from the Asset Forfeiture Oversight Advisory
Committee to the Oregon Legislature

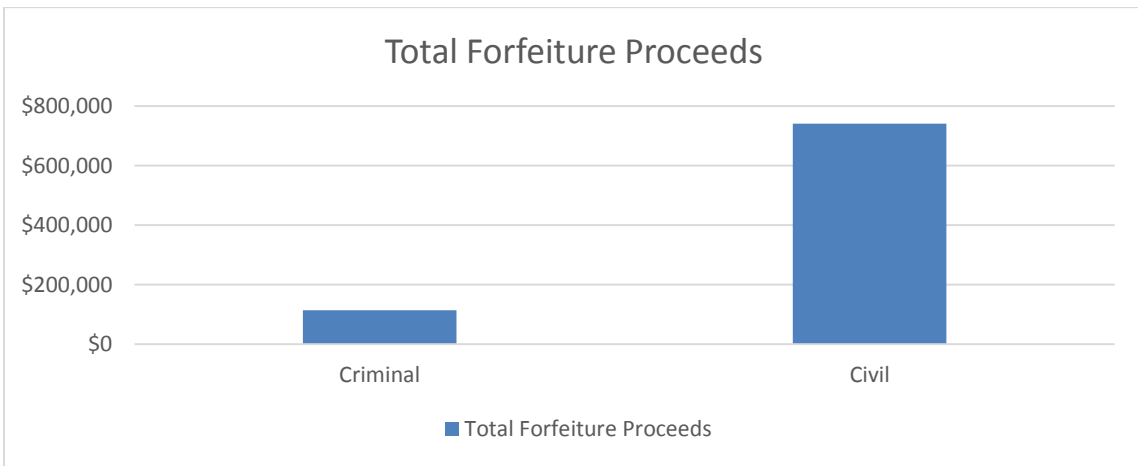
April 2016

Criminal Justice Commission
State of Oregon

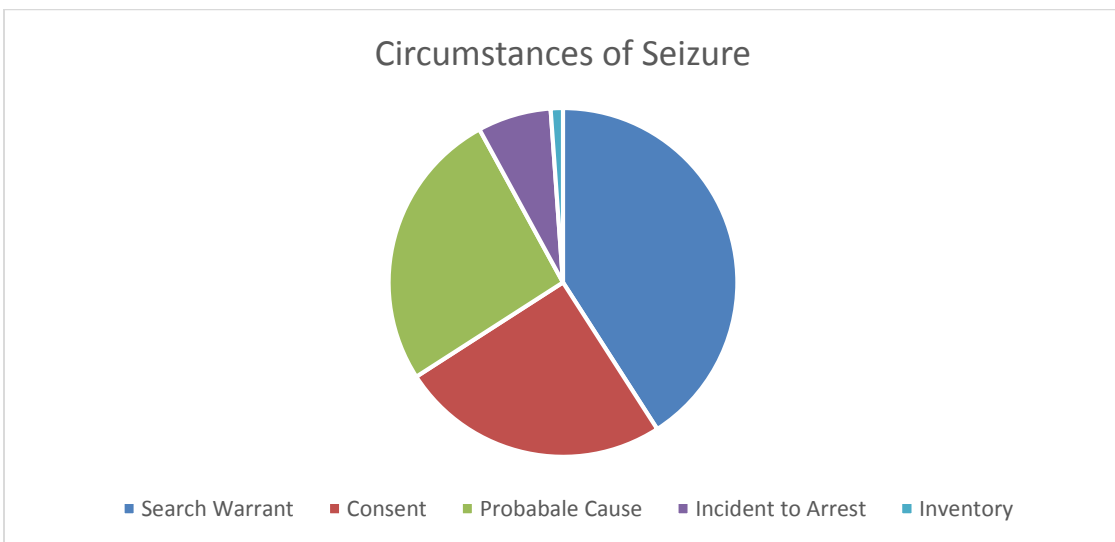
Foreword

The purpose of this report is to provide the number and nature of asset forfeitures in Oregon in 2015. 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.

The Asset Forfeiture Committee met on March 28, 2016 to discuss the findings represented in the 2015 annual report. The committee noted that we continue to see a large disparity in the forfeiture proceeds between criminal and civil forfeitures.



The committee also remarked positively that the bulk of criminal seizures were pursuant to a court order via a search warrant or seizure order.



Finally, the committee discussed the notable absence of firearms in the forfeiture data. Pursuant to a relatively recent law change ORS 166.279 now makes the forfeiture of deadly weapons less cumbersome for law enforcement officials. However, unless the weapons are forfeited for proceeds under a civil forfeiture, and not destroyed or used for training purposes, they will not show up in this report. It is the belief of the AFOAC that the vast majority of firearms seized in Oregon are not forfeited for proceeds, thus explaining the notable lack of firearms data in this report.

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 2015 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

Staff:

Michael Schmidt, Executive Director, Criminal Justice Commission
Julie Vaughn, Criminal Justice Commission staff

Special Thanks:

Serena Thompson, Department of Corrections

Criminal Forfeiture

SEIZING AGENCY	# OF SEIZURES	TOTAL RECEIPTS
Clackamas County Interagency Task Force - CCINT	1	\$15,835.00
Clatsop County Sheriff's Office	4	\$820.00
Central Oregon Drug Enforcement -CODE: Central Oregon Drug Enforcement Agency –CODE (10) Deschutes County Sheriff's Office (2) Redmond Police Department (1)	13	\$20,048.00
Grants Pass Department of Public Safety : Grants Pass Department of Public Safety (5) Rogue Area Drug Enforcement- RADE (3)	8	\$14,190.94
Lane County Sheriff's Office	7	\$14,543.58
Lane County Interagency Narcotics Team - INET	2	\$7,799.82
Medford Police Department: Medford Police Department (26) Jackson County Sheriff's Office (4) Ashland Police Department (1) Talent Police Department (1) Eagle Point Police Department (1)	33	\$82,791.90
Oregon State Police	3	\$124,877.61
Washington County District Attorney: Tigard Police Department (2) Hillsboro Police Department (4) Yamhill County Sheriff's Office (1) Cornelius Police Department (1) Forest Grove Police Department (1)	9	\$22,326.99
TOTAL: 20 Seizing Agencies	80	\$303,233.84*

Note:

- The number of seizures represents the seizures made in 2015. Items seized in 2015 are not necessarily forfeited in the same calendar year due to the necessary time it takes for a case to proceed through the court system, and for a seizure to become forfeited. Therefore, the "Total Receipts" column reflects some items seized in the previous calendar year, and necessarily some items seized in 2015 will not be reflected in this year's total receipts column.
- Agencies in bold are reporting agencies.
- The numbers in the parentheses reflect the sub agency's portion of the total number of seizures.

*Total receipts includes actual cash forfeited at time of judgement, interest earned on forfeited cash pending judgment, and value of liquidated proceeds of other property

SEIZURE DATA

Class of Property Seized for Forfeiture	
Conveyance	0
Real Property	0
Currency	76
Weapons	1
Computer Equipment	0
Vehicle Hidden Compartment	0
Other Personal Property	1

Drug-Related Cases	
Marijuana	21
Cocaine	2
Heroin	23
Methamphetamine	46
Meth. Precursor	0
Amphetamine	1
LSD	0
Hydrocodone	2
Oxycodone	5
Methadone	0
Other Known	3
Unknown	0

Estimated Value of Property (excludes cash) Seized	
Less than \$1,000	3
\$1,000 – 5,000	1
\$5,001 – 10,000	0
\$10,001 – 25,000	0
\$25,001 – 100,000	0
Over \$100,000	0
N/A	76

Property Sold or Placed in Use	
Property Sold	1
Property Placed in Use	0

Nature of Prohibited Conduct	
Controlled Substances:	
Possession	71
Manufacture	35
Delivery	67
Attempt	1
Solicitation	0
Conspiracy	1
Forgery I	1
ID Theft	1
Prostitution	0
DUII	1
DWS/R	0
Other Conduct	4

Circumstances of Search/Seizure	
Search Warrant/Seizure Order	36
Vehicle Consent	8
Inventory	1
Public Health/Safety	0
Probable Cause	23
Incident to Arrest	6
Other Consent to Search	14

Claims Filed:	
Yes	2
Financial Institution	0
Other	1
No	70

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

DISPOSITIONAL DATA

Property was:	
Proceeds	74
Instrumentalities	11
Prior Similar Conduct	5

Proportionality Hearing?	
Forfeiture Mitigated	0
Forfeiture Not Mitigated	9

Ancillary Hearing Held for Third Party Claims:	
Yes	1
Sustained	0
Partially Sustained	0
Denied	3
No	34

Appeal	
None Filed	77
Filed by Claimant	0
Filed by Defendant	2
Filed by Government	0
Unknown, appeal time not yet expired	0

Criminal Forfeiture Distributions
Sources of Forfeiture Funds

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

\$303,233.84

Costs	
Publication / Notice	\$7,539.45
Towing / Storage	\$0
Maintenance / Service	\$0
Victim Restitution	\$9,300.00
Other Costs	\$1,214.80
Total Costs:	\$18,054.25

Net Proceeds Available for Distribution

(Total Receipts Available for Distribution minus Costs):

\$285,179.59

Required Distributions	
DEQ Illegal Drug Cleanup Fund	\$19,962.59
AFOAC	\$8,555.41
State General Fund	\$28,517.98
Drug Treatment Programs	\$114,071.85
Total Distributions:	\$171,107.83

Total Criminal Forfeiture Proceeds

(Receipts minus Costs & Distributions):

\$ 114,071.76

Civil Forfeiture

SEIZING AGENCY	# OF SEIZURES	TOTAL RECEIPTS
Baker County Narcotics Enforcement Team- BCNET	5	\$12,400.00
Deschutes County Sheriff's Office: Deschutes County Sheriff's Office (1) Deschutes County Sheriff's Office/Oregon State Police (1) Central Oregon Drug Enforcement- CODE (86)	88	\$192,843.50
City of Canby: Canby Police Department (10)	10	\$5,916.00
Clackamas County Interagency Task Force- CCITF	13	\$26,911.00
Douglas County Interagency Narcotics Team- DINT: Douglas County Interagency Narcotics Team- DINT (60) Myrtle Creek Police Department (1) Reedsport Police Department (1) Roseburg Police Department (1) Sutherlin Police Department (3) Winston Police Department (1)	67	\$171,496.02
City of Gresham Police Department	11	\$69,924.26
Lane County Sheriff's Office	4	\$36,358.58
Lane County Interagency Narcotics Enforcement Team – INET: Lane County Sheriff's Office (24)	24	\$181,338.86
Medford Police Department	43	\$107,253.01
Multnomah County Sheriff's Office	8	\$83,462.11
Oregon State Police	8	\$62,769.55
Polk County Sheriff's Office: Polk County Interagency Narcotics Team- POINT (1)	1	\$2,610.00
City of Portland: Portland Police Bureau (60)	60	\$160,237.22
Coos County: South Coast Interagency Narcotics Team- SCINT (3) Brookings Police Department (1) Curry County Sheriff's Office (1) North Bend Police Department (1)	6	\$5,565.44
Springfield Police Department	8	\$16,340.17
Washington County District Attorney's Office: Washington County Sheriff's Office- WIN (39) Beaverton Police Department (3) Forest Grove Police Department (1) Hillsboro Police Department (1)	44	\$318,255.25
West Linn Police Department	4	\$0.00
TOTAL: 30 Seizing Agencies	404	\$1,453,680.97*

Note:

- The number of seizures represents the seizures made in 2015. Items seized in 2015 are not necessarily forfeited in the same calendar year due to the necessary time it takes for a case to proceed through the court system, and for a seizure to become forfeited. Therefore, the “Total Receipts” column reflects some items seized in the previous calendar year, and necessarily some items seized in 2015 will not be reflected in this year’s total receipts column.
- Agencies in bold are reporting agencies.
- The numbers in the parentheses reflect the sub agency’s portion of the total number of seizures.

*Total receipts includes actual cash forfeited at time of judgement, interest earned on forfeited cash pending judgment, and value of liquidated proceeds of other property.

SEIZURE DATA

Class of Property Seized for Forfeiture	
Conveyance	45
Real Property	2
Currency	369
Weapons	3
Computer Equipment	0
Vehicle Hidden Compartment	0
Other Property	40

Drug-Related Cases	
Marijuana	73
Cocaine	33
Heroin	143
Methamphetamine	229
Meth Precursor	0
Amphetamine	0
LSD	0
Hydrocodone	4
Oxycodone	9
Methadone	4
Other	14
Unknown	10

Estimated Value of Property (excludes cash) Seized	
Less than \$1,000	29
\$1,000 – 5,000	55
\$5,001 – 10,000	20
\$10,001 – 25,000	12
\$25,001 – 100,000	9
Over \$100,000	2
N/A	277

Property Sold or Placed in Use	
Property Sold	31
Property Placed in Use	3

Nature of Prohibited Conduct	
Controlled Substances:	
Possession	337
Manufacture	108
Delivery	340
Attempt	0
Solicitation	3
Conspiracy	12
DUII	0
DWS/R	0
Other	15

Circumstances of Search/Seizure	
Search Warrant/Seizure Order	154
Vehicle Consent	71
Inventory	38
Public Health/Safety	2
Probable Cause	108
Incident to Arrest	95
Other Consent to Search	81

Claims Filed:	
Yes	82
Financial Institution	0
Other	82
No	325

If property returned to claimant, to whom was it returned?	
Person from whom seized	8
Financial Institution	0
Other:	6

DISPOSITIONAL DATA

Was Property Owner Represented/Assisted by Counsel?	
Yes, sometime other than judgment	70
Yes, at Judgment	14
Assisted Only	27
Not Represented	244
Defendant to criminal action was represented on the forfeiture by counsel other than defense counsel for the criminal charge	7
Entire forfeiture case/charge declined by forfeiture counsel?	
Yes	7
No	278
Associated criminal case/charge also declined?	
Yes	9
No	234
Attorney Fees and Costs Awarded	0

Case Type	
Judgment of Civil Forfeiture	279
Default Judgment	43
Contraband	2

Outcome of Petition for Probable Cause or Expedited Hearing	
Probable Cause Petition	0
Expedited Hearing	1
Affirmative Defense Proved	0
Receiver Appointed to Manage Property	0
Probable Cause Found	0
Property returned during pendency of hearing	0
Claimant Petition Denied	1
Hearing Not Held	3

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

Other Disposition	
Settled by Stipulated Judgment	15
Dismissed by Forfeiture Counsel	1

Civil Forfeitures Distributions
Sources of Forfeiture Funds

Total Receipts Available for Distribution
(Includes actual cash forfeited at time of judgement,
interest earned on forfeited cash pending judgment, and
liquidated proceeds of other property):
\$1,453,680.97

Costs	
Publication / Notice	\$53,640.79
Attorney Fees	\$141,277.63
Towing / Storage	\$40,161.00
Maintenance / Service	\$1,790.95
Other Costs	\$25,138.73
Total Costs:	\$262,009.10

Net Proceeds Available for Distribution
(Total Receipts Available for Distribution minus Costs):

\$1,191,671.87

Required Distributions	
DEQ Illegal Drug Cleanup Fund	\$62,301.60
AFOAC	\$30,063.66
OCJC Drug Court Fund	\$238,334.39
Early Learning Division Fund	\$119,167.29
Total Distributions:	\$449,866.94

Total Civil Forfeiture Proceeds
(Receipts minus Costs & Distributions):

\$ 741,804.93

Local Government Use of Proceeds
Purchases made in 2015 with Asset Forfeiture Funds
from both Civil and Criminal Cases

Organizations Reporting NO Purchases Made in 2015

City of Portland/ Portland Police Bureau
Clackamas County Interagency Task Force-CCITF
Clackamas County District Attorney's Office
Clatsop County Sheriff's Office
Eugene Police Department
Forest Grove Police Department
Grant County District Attorney's Office
Grants Pass Department of Public Safety
Jackson County Sheriff's Office
Jefferson County Sheriff's Office
Josephine County District Attorney's Office
Lake Oswego Police Department
Linn County District Attorney's Office
Malheur County District Attorney's Office
Marion County District Attorney's Office
Morrow County Sheriff's Office
Polk County Sheriff's Office/ Polk County Interagency Narcotics Team- POINT
Sutherlin Police Department
Tillamook County Sheriff's Office
Union/Wallowa County Drug Task Force
Wheeler County District Attorney's Office
Yamhill County Sheriff's Office
TOTAL: 22 Agencies

Agencies in bold are reporting agencies

Organizations that did not file a Use of Proceeds Report for 2015

Lane County District Attorney's Office
TOTAL: 1 Agency

Local Government Use of Proceeds (continued)
Purchases made in 2015 with Asset Forfeiture Funds
from both Civil and Criminal Cases

Organizations Reporting Purchases Made in 2015

Organization	Use of Proceeds
Baker County Narcotics Enforcement Team	Maintained possession of vehicle used by the Baker City Police Department for drug investigations.
City of Canby	Case cracker, interview recording system.
City of Gresham Police Department	Five Whelen GTT Self-Contained LED IR Opticom Emitter for the Special Enforcement Team vehicles (SET).
City of Salem Police Department	Bait car program upgrades, laptop and accessories, lockboxes, Livescan system server upgrade, heavy duty metal cabinet for bomb team.
Coos County/ South Coast Interagency Narcotics Team (SCINT)	Investigation expenses, Task Force (SCINT) expenses.
Cornelius Police Department	All proceeds were given to the Washington County Sheriff's Office.
Deschutes County Sheriff's Office	CODE team operations (training, facility costs, equipment leases/costs, confidential funds, administrative costs, public education programs).
Douglas County Sheriff's Office- Douglas Interagency Narcotics Team (DINT)	Annual wages for dedicated DINT prosecutor.
Jackson County District Attorney's Office	Training
Lane County Interagency Narcotics Team- INET	Law enforcement operational supplies to respond to and support cases regarding substance abuse offenses.
Lane County Sheriff's Office	Repair/purchase of equipment used to respond to and support cases regarding controlled substances.
Marion County Sheriff's Office	Adapter, Camcorder Battery and Charger purchased for use in narcotic investigations.
Medford Police Department	Share to Talent Police Department.
Multnomah County Sheriff's Office	Confidential funds, hangar rental for surveillance aircraft, software/maintenance fees for digital recording, miscellaneous surveillance equipment, Telecom services.
Myrtle Creek Police Department	4 Tasers (three XP-26 Tasers, one AR-15).
Oregon Department of Justice-Criminal Justice Division	Computer equipment/software, confidential funds.
Oregon State Police	Interagency charges, confidential funds, county DA asset share.
Philomath Police Department	Confidential funds (buy money to purchase evidence)
Redmond Police Department	EQUIPMENT: New Drug Detection K-9, tools used by Street Crimes Unit for drug investigations.
Springfield Police Department	Drug prevention program, staffing, computer equipment/software, training, travel.
Washington County District Attorney's Office/ Washington County Sheriff's Office/ Westside Interagency Narcotics Team (WIN)	WIN Team overtime, training, WIN vehicles maintenance, lease/purchase, upgrade, and operational cost for air support unit, investigative costs.
West Linn Police Department	Camera equipment, gym equipment, weapons accessories, medical supplies.
TOTAL: 22 Agencies	

Agencies in bold are reporting agencies