



Asset Forfeiture in Oregon 2016

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

April 2017

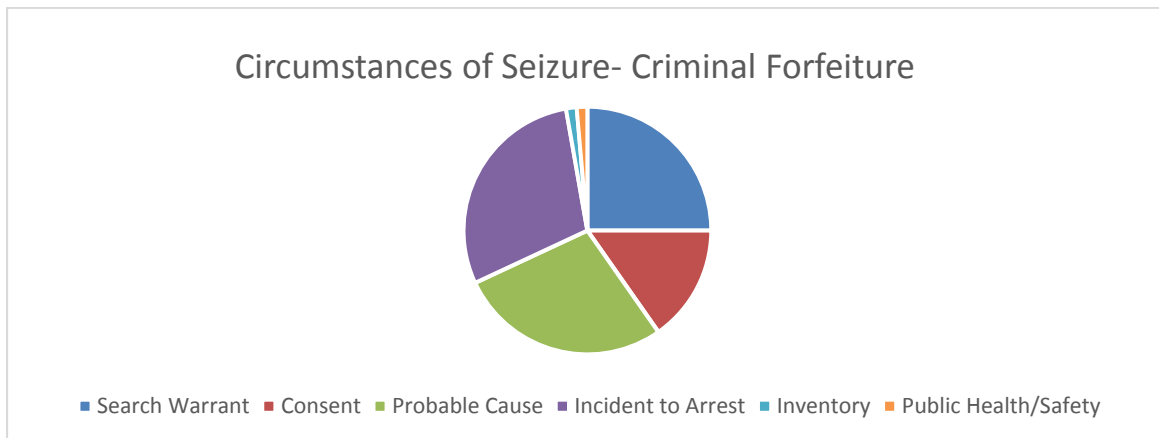
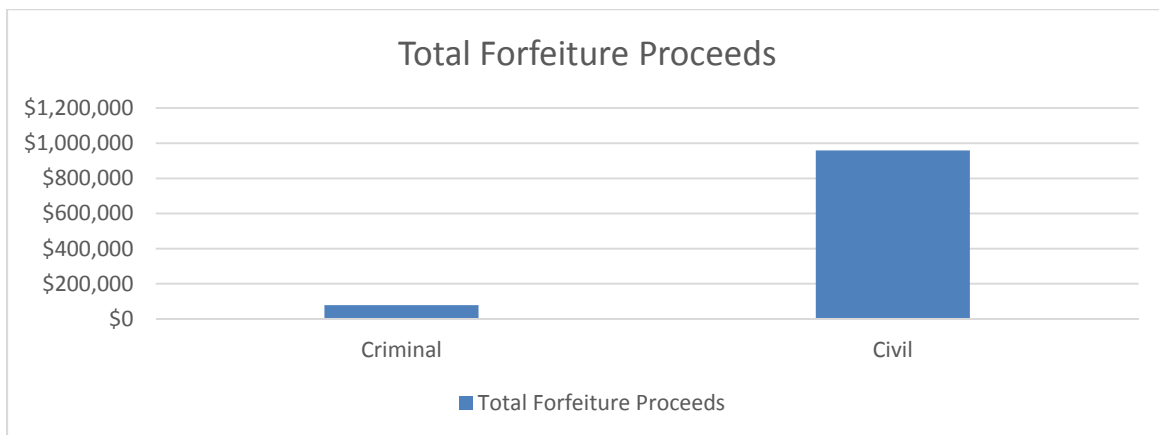
Criminal Justice Commission
State of Oregon

Foreword

The purpose of this report is to provide the number and nature of asset forfeitures in Oregon in 2016. 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) and the Oregon Asset Forfeiture (FluidReview) website. 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 April 5, 2017 to discuss the findings represented in the 2016 annual report.

The committee noted that we continue to see a large disparity in the forfeiture proceeds between criminal and civil forfeitures. Criminal and civil forfeitures in Oregon are governed by different statutes. ORS 131A.005 *et seq* authorizes civil forfeiture when a drug crime is committed. ORS 131.550 *et seq* authorizes criminal forfeiture for a variety of crimes. Drug crimes are committed to gain both property and money, leading to more civil forfeiture cases being filed in Oregon than criminal.



Recommendations

- The committee proposes to support legislation that will amend the statute regarding publication of forfeiture cases. The committee recommends that the civil and criminal forfeiture statutes be amended to provide for publication in a newspaper of general circulation one time rather than four times and that the notice of seizure for forfeiture be posted for thirty days on the forfeiting agencies official web site.
- The current forfeiture proceeds distribution procedure was enacted in 2005. The AFOAC recommends that a subcommittee be formed to review and recommend possible changes to that distribution procedure to ensure the best use of forfeiture funds.

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 2016 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:

Jason Myers, Marion County Sheriff's Office
Elijah Michalowski, AAG, Oregon Department of Justice
Colin Benson, Senior AAG, Oregon Department of Justice

Staff:

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

Special Thanks:

Alex Pichel
Martha Lea

2016 OREGON ASSET FORFEITURE TOTALS

Cash Seized (Criminal): **\$ 154,207.68**

Cash Seized (Civil): **\$2,136,627.31**

Total Cash Seized: \$2,290,834.99

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**Total Receipts**  
**Available for Distribution: \$1,943,007.80**

**Total Costs:** \$ 301,836.90

**Total Distributions:** **\$ 603,385.93**

**Total Proceeds:** **\$1,037,784.97**

## ***Criminal Forfeiture***

| <b>SEIZING AGENCY</b>                                                                                                                             | <b># OF SEIZURES</b> | <b>TOTAL RECEIPTS</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|
| <b>Clackamas County District Attorney's Office:</b><br>Clackamas County Interagency Task Force (2)                                                | 2                    | \$2,835.00            |
| <b>Dallas Police Department</b>                                                                                                                   | 1                    | **                    |
| <b>Deschutes County Sheriff's Office:</b><br>Central Oregon Drug Enforcement Team (4)<br>Deschutes County Sheriff's Office Street Crimes Unit (9) | 13                   | \$12,329.15           |
| <b>Eugene Police Department</b>                                                                                                                   | 8                    | \$16,866.12           |
| <b>Grand Ronde Tribal Police Department</b>                                                                                                       | 1                    | \$5,000.00            |
| <b>Lane County Sheriff's Office</b>                                                                                                               | 3                    | **                    |
| <b>Medford Police Department:</b><br>Ashland Police Department (1)<br>Jackson County Sheriff's Office (1)<br>Medford Police Department (12)       | 14                   | \$58,023.41           |
| <b>Oregon State Police</b>                                                                                                                        | 11                   | \$54,631.00           |
| <b>Union County District Attorney's Office:</b><br>Union County Drug Task Force (3)                                                               | 3                    | \$3,503.00            |
| <b>Washington County District Attorney:</b><br>Beaverton Police Department (1)                                                                    | 1                    | \$1,020.00            |
| <b>TOTAL: 13 Seizing Agencies</b>                                                                                                                 | <b>57</b>            | <b>\$154,207.68*</b>  |

**Note:**

- The number of seizures represents the seizures made in 2016. Items seized in 2016 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 2016 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.
- \*\* Means the agency did not report the value of the property seized.

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

## CRIMINAL FORFEITURE- SEIZURE DATA

| Class of Property Seized for Forfeiture |    |
|-----------------------------------------|----|
| Conveyance                              | 0  |
| Real Property                           | 0  |
| Currency                                | 52 |
| Weapons                                 | 3  |
| Computer Equipment                      | 0  |
| Vehicle Hidden Compartment              | 0  |
| Other Personal Property                 | 5  |

| Drug-Related Cases |    |
|--------------------|----|
| Marijuana          | 18 |
| Cocaine            | 5  |
| Heroin             | 17 |
| Methamphetamine    | 33 |
| Meth. Precursor    | 0  |
| Amphetamine        | 0  |
| LSD                | 0  |
| Hydrocodone        | 0  |
| Oxycodone          | 1  |
| Methadone          | 1  |
| Other Known        | 2  |
| Unknown            | 0  |

| Estimated Value of Property (excludes cash) Seized |    |
|----------------------------------------------------|----|
| Less than \$1,000                                  | 5  |
| \$1,000 – 5,000                                    | 3  |
| \$5,001 – 10,000                                   | 1  |
| \$10,001 – 25,000                                  | 0  |
| \$25,001 – 100,000                                 | 0  |
| Over \$100,000                                     | 0  |
| N/A                                                | 47 |

| Nature of Prohibited Conduct |    |
|------------------------------|----|
| Controlled Substances:       |    |
| Possession                   | 46 |
| Manufacture                  | 21 |
| Delivery                     | 45 |
| Attempt                      | 0  |
| Solicitation                 | 0  |
| Conspiracy                   | 0  |
| Forgery I                    | 0  |
| ID Theft                     | 0  |
| Prostitution                 | 0  |
| DUII                         | 0  |
| DWS/R                        | 0  |
| Other Conduct                | 7  |

| Circumstances of Search/Seizure |    |
|---------------------------------|----|
| Search Warrant/Seizure Order    | 18 |
| Vehicle Consent                 | 7  |
| Inventory                       | 1  |
| Public Health/Safety            | 1  |
| Probable Cause                  | 20 |
| Incident to Arrest              | 21 |
| Other Consent to Search         | 4  |

| Claims Filed:         |    |
|-----------------------|----|
| Yes                   | 3  |
| Financial Institution | 0  |
| Other                 | 2  |
| No                    | 49 |

| If property returned to claimant, to whom was it returned? |   |
|------------------------------------------------------------|---|
| Person from whom seized                                    | 1 |

|                       |   |
|-----------------------|---|
| Financial Institution | 0 |
| Other:                | 0 |

| Property Sold or Placed in Use |   |
|--------------------------------|---|
| Property Sold                  | 5 |
| Property Placed in Use         | 0 |

### CRIMINAL FORFEITURE- DISPOSITIONAL DATA

| Property was:         |    |
|-----------------------|----|
| Proceeds              | 34 |
| Instrumentalities     | 22 |
| Prior Similar Conduct | 2  |

| Proportionality Hearing? |   |
|--------------------------|---|
| Forfeiture Mitigated     | 0 |
| Forfeiture Not Mitigated | 1 |

| Ancillary Hearing Held for Third Party Claims: |    |
|------------------------------------------------|----|
| Yes                                            | 1  |
| Sustained                                      | 0  |
| Partially Sustained                            | 0  |
| Denied                                         | 0  |
| No                                             | 26 |

| Appeal                               |    |
|--------------------------------------|----|
| None Filed                           | 42 |
| Filed by Claimant                    | 0  |
| Filed by Defendant                   | 1  |
| 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):

**\$103,104.61**

| <b>Costs</b>          |                   |
|-----------------------|-------------------|
| Publication / Notice  | \$2,948.82        |
| Towing / Storage      | \$0               |
| Maintenance / Service | \$381.47          |
| Victim Restitution    | \$0               |
| Other Costs           | \$500.00          |
| <b>Total Costs:</b>   | <b>\$3,830.29</b> |

**Net Proceeds Available for Distribution**

(Total Receipts Available for Distribution minus Costs):

**\$99,274.32**

| <b>Required Distributions</b> |                    |
|-------------------------------|--------------------|
| DEQ Illegal Drug Cleanup Fund | \$6,949.18         |
| AFOAC                         | \$2,978.24         |
| State General Fund            | \$9,927.44         |
| Drug Treatment Programs       | \$915.01           |
| <b>Total Distributions:</b>   | <b>\$20,769.87</b> |



## Total Criminal Forfeiture Proceeds

(Receipts minus Costs & Distributions):

**\$ 78,504.45**

## *Civil Forfeiture*

| SEIZING AGENCY                                                                                                                                                                                                                                                                          | # OF SEIZURES | TOTAL RECEIPTS |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|
| <b>Albany Police Department</b>                                                                                                                                                                                                                                                         | 2             | \$11,572.00    |
| <b>Baker County Narcotics Enforcement Team</b>                                                                                                                                                                                                                                          | 1             | \$25,800       |
| <b>City of Canby</b>                                                                                                                                                                                                                                                                    | 2             | \$3,050.00     |
| <b>City of Gresham Police Department</b>                                                                                                                                                                                                                                                | 19            | \$201,813.00   |
| <b>City of Portland Police Bureau</b>                                                                                                                                                                                                                                                   | 70            | \$793,410.05~  |
| <b>City of Salem Police Department</b>                                                                                                                                                                                                                                                  | 5             | \$9,220.00     |
| <b>Clackamas County:</b><br>Clackamas County Interagency Task Force                                                                                                                                                                                                                     | 7             | \$18,326.00    |
| <b>Coos County:</b><br>Brookings Police Department (4)<br>Coos Bay Police Department (8)<br>Coos County Sheriff's Office (4)<br>Coquille Police Department (17)<br>Curry County Sheriff's Office (1)<br>North Bend Police Department (4)<br>South Coast Interagency Narcotics Team (30) | 68            | \$120,585.52   |
| <b>Deschutes County Sheriff's Office:</b><br>Central Oregon Drug Enforcement Team                                                                                                                                                                                                       | 35            | \$99,466.50    |
| <b>Lane County Interagency Narcotics Team:</b><br>Lane County Sheriff's Office INET                                                                                                                                                                                                     | 23            | \$147,831.00   |
| <b>Lane County Sheriff's Office</b>                                                                                                                                                                                                                                                     | 1             | \$1,548.00     |
| <b>Medford Police Department:</b><br>Jackson County Sheriff's Office (2)<br>Medford Police Department (34)                                                                                                                                                                              | 36            | \$118,723.80   |
| <b>Multnomah County Sheriff's Office</b>                                                                                                                                                                                                                                                | 32            | \$304,636.00   |
| <b>Oregon State Police</b>                                                                                                                                                                                                                                                              | 26            | \$229,985.22   |
| <b>Polk County Sheriff's Office:</b><br>Independence Police Department                                                                                                                                                                                                                  | 2             | \$18,183.00    |
| <b>Springfield Police Department</b>                                                                                                                                                                                                                                                    | 7             | \$47,206.00    |
| <b>Umatilla County District Attorney's Office:</b>                                                                                                                                                                                                                                      | 1             | **             |

|                                                                                   |            |                       |
|-----------------------------------------------------------------------------------|------------|-----------------------|
| Blue Mountain Enforcement Narcotics Team                                          |            |                       |
| <b>Washington County District Attorney:</b><br>Washington County Sheriff's Office | 22         | \$205,297.22          |
| <b>West Linn Police Department</b>                                                | 1          | \$4,019.00            |
| <b>Yamhill County Interagency Narcotics Team</b>                                  | 1          | **                    |
| <b>Yamhill County Sheriff's Office</b>                                            | 1          | \$7,883.00~           |
| <b>TOTAL: 28 Seizing Agencies</b>                                                 | <b>362</b> | <b>\$2,368,555.31</b> |

Note:

- The number of seizures represents the seizures made in 2016. Items seized in 2016 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 2016 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.
- \*\* The agency did not report the value of the property seized.
- ~ Includes value of Personal Property

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

## CIVIL FORFEITURE- SEIZURE DATA

| Class of Property Seized for Forfeiture |     |
|-----------------------------------------|-----|
| Conveyance                              | 37  |
| Real Property                           | 2   |
| Currency                                | 340 |
| Weapons                                 | 7   |
| Computer Equipment                      | 0   |
| Vehicle Hidden Compartment              | 0   |
| Other Property                          | 30  |

| Drug-Related Cases |     |
|--------------------|-----|
| Marijuana          | 58  |
| Cocaine            | 41  |
| Heroin             | 139 |
| Methamphetamine    | 209 |
| Meth Precursor     | 0   |
| Amphetamine        | 0   |
| LSD                | 3   |
| Hydrocodone        | 4   |
| Oxycodone          | 14  |
| Methadone          | 1   |
| Other              | 4   |
| Unknown            | 18  |

| Estimated Value of Property (excludes cash) Seized |     |
|----------------------------------------------------|-----|
| Less than \$1,000                                  | 16  |
| \$1,000 – 5,000                                    | 15  |
| \$5,001 – 10,000                                   | 14  |
| \$10,001 – 25,000                                  | 12  |
| \$25,001 – 100,000                                 | 7   |
| Over \$100,000                                     | 1   |
| N/A                                                | 299 |

| Property Sold or Placed in Use |    |
|--------------------------------|----|
| Property Sold                  | 25 |
| Property Placed in Use         | 6  |

| Nature of Prohibited Conduct |     |
|------------------------------|-----|
| Controlled Substances:       |     |
| Possession                   | 312 |
| Manufacture                  | 82  |
| Delivery                     | 277 |
| Attempt                      | 3   |
| Solicitation                 | 4   |
| Conspiracy                   | 4   |
| DUII                         | 4   |
| DWS/R                        | 7   |
| Other                        | 64  |

| Circumstances of Search/Seizure |     |
|---------------------------------|-----|
| Search Warrant/Seizure Order    | 125 |
| Vehicle Consent                 | 57  |
| Inventory                       | 46  |
| Public Health/Safety            | 0   |
| Probable Cause                  | 148 |
| Incident to Arrest              | 106 |
| Other Consent to Search         | 75  |

| Claims Filed:         |     |
|-----------------------|-----|
| Yes                   | 57  |
| Financial Institution | 0   |
| Other                 | 5   |
| No                    | 307 |

| If property returned to claimant, to whom was it returned? |    |
|------------------------------------------------------------|----|
| Person from whom seized                                    | 13 |
| Financial Institution                                      | 0  |
| Other:                                                     | 6  |

## CIVIL FORFEITURE- DISPOSITIONAL DATA

| <b>Was Property Owner Represented/Assisted by Counsel?</b> |     |
|------------------------------------------------------------|-----|
| Yes, sometime other than judgment                          | 35  |
| Yes, at Judgment                                           | 16  |
| Assisted Only                                              | 30  |
| Not Represented                                            | 260 |

| Defendant to criminal action was represented on the forfeiture by counsel other than defense counsel for the criminal charge | 1   |
|------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>Entire forfeiture case/charge declined by forfeiture counsel?</b>                                                         |     |
| Yes                                                                                                                          | 13  |
| No                                                                                                                           | 303 |
| <b>Associated criminal case/charge also declined?</b>                                                                        |     |
| Yes                                                                                                                          | 15  |
| No                                                                                                                           | 276 |
| <b>Attorney Fees and Costs Awarded</b>                                                                                       | 12  |

| <b>Case Type</b>             |     |
|------------------------------|-----|
| Judgment of Civil Forfeiture | 302 |
| Default Judgment             | 57  |
| Contraband                   | 10  |

| <b>Outcome of Petition for Probable Cause or Expedited Hearing</b> |    |
|--------------------------------------------------------------------|----|
| <b>Probable Cause Petition</b>                                     | 0  |
| <b>Expedited Hearing</b>                                           | 0  |
| Affirmative Defense Proved                                         | 9  |
| Receiver Appointed to Manage Property                              | 9  |
| Probable Cause Found                                               | 9  |
| Property returned during pendency of hearing                       | 9  |
| Claimant Petition Denied                                           | 9  |
| Hearing Not Held                                                   | 17 |

### CIVIL FORFEITURE- DISPOSITIONAL DATA (CONT'D)

| <b>Contested Hearing</b>        |   |
|---------------------------------|---|
| For Claimant                    | 0 |
| For Government                  | 1 |
| Mixed Verdict                   | 0 |
| Summary Judgment for Claimant   | 0 |
| Summary Judgment for Government | 0 |
| <b>Fact Finder</b>              |   |
| Jury                            | 0 |
| Court                           | 1 |
| Arbitration/Mediation           | 0 |

| <b>Other Disposition</b>        |    |
|---------------------------------|----|
| Settled by Stipulated Judgment  | 24 |
| Dismissed by Forfeiture Counsel | 6  |

## ***Civil Forfeitures Distributions***

### **Sources of Forfeiture Funds**

#### **Total Receipts Available for Distribution**

(Includes actual cash forfeited at time of judgment,  
interest earned on forfeited cash pending judgment, and  
liquidated proceeds of other property):

**\$1,839,903.19**

| <b>Costs</b>          |                     |
|-----------------------|---------------------|
| Publication / Notice  | \$59,600.85         |
| Attorney Fees         | \$162,810.12        |
| Towing / Storage      | \$16,338.00         |
| Maintenance / Service | \$7,898.66          |
| Other Costs           | \$51,358.98         |
| <b>Total Costs:</b>   | <b>\$298,066.61</b> |

#### **Net Proceeds Available for Distribution**

(Total Receipts Available for Distribution minus Costs):

**\$1,541,896.58**

| <b>Required Distributions</b> |                     |
|-------------------------------|---------------------|
| DEQ Illegal Drug Cleanup Fund | \$81,099.09         |
| AFOAC                         | \$38,947.84         |
| OCJC Drug Court Fund          | \$308,379.33        |
| Early Learning Division Fund  | \$154,189.80        |
| <b>Total Distributions:</b>   | <b>\$582,616.06</b> |

#### **Total Civil Forfeiture Proceeds**

(Receipts minus Costs & Distributions):

**\$959,280.52**

***Local Government Use of Proceeds***  
***Purchases made in 2016 with Asset Forfeiture Funds***  
***from both Civil and Criminal Cases***

**Organizations Reporting NO PURCHASES Made in 2016**

|                                                 |
|-------------------------------------------------|
| Albany Police Department                        |
| Baker County Narcotics Enforcement Team         |
| Benton County Sheriff's Office                  |
| Clackamas County District Attorney's Office     |
| Clatsop County Sheriff's Office                 |
| Dallas Police Department                        |
| Douglas Interagency Narcotics Team              |
| Eugene Police Department                        |
| Forest Grove Police Department                  |
| Grand Ronde Tribal Police Department            |
| Grant County District Attorney's Office         |
| Jackson County Sheriff's Office                 |
| Jefferson County Sheriff's Office               |
| Josephine County District Attorney's Office     |
| Marion County District Attorney's Office        |
| Marion County Sheriff's Office                  |
| McMinnville Police Department                   |
| Multnomah County District Attorney's Office     |
| Newberg-Dundee Police Department                |
| Philomath Police Department                     |
| Yamhill County Sheriff's Office                 |
| Department of Justice-Criminal Justice Division |
| <b>TOTAL: 22 Agencies</b>                       |

**Local Government Use of Proceeds (continued)**  
**Purchases made in 2016 with Asset Forfeiture Funds**  
**from both Civil and Criminal Cases**

**Organizations Reporting Purchases Made in 2016**

| <b>Organization</b>                    | <b>Use of Proceeds</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Canby                          | Cellebrite training \$3,850.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Deschutes County Sheriff's Office      | After making all payments and deductions required by law, the remaining proceeds are used to off-set expenses of the joint narcotics task force (CODE). All law enforcement agencies in Deschutes, Crook, and Jefferson Counties have an intergovernmental agreement that outlines this. Current examples of expenditures through 2016 were for the following: vehicle leases, building rental, insurance premiums, data lines/phone lines/communication, confidential funds (buy money).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Gresham Police Department              | \$5,470.00 Professional Services: FAA Training for Pilot License for Drone, Phone Charges for Undercover Investigations<br>\$2,437.39 Motor Vehicle Repair & Maintenance: Maintenance and installation of equipment for seized vehicles placed into service for undercover investigations<br>\$300.00 Advertising: Public Notices<br>\$5,986.98 Minor Equipment & Tools: LED Opticom Emitter for Undercover Vehicle, I-Pad (2) for Undercover Investigations<br>\$369.99 Computer Equipment /Software: Laptop computer for use in Undercover Investigations<br>\$33,826.97 Equipment: Currency Imaging Machine, Drone, Fence for Parking Lot for securing seized vehicles, Camera<br>Total Expenditure for 2016 = \$48,391.33                                                                                                                                                                                                                                                                                                                                                          |
| Harney County District Attorney        | FORFEITURES ACCOUNT<br>Beginning Balance = \$34,680.00<br>Expenditures:<br>August 15, 2016 = \$1,000.00 (confidential informant buy money)<br>September 21, 2016 = \$5,000.00 (drug dog purchase)<br>Revenues:<br>Interest = \$171.00<br>Ending Balance = \$28,851.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Jackson County District Attorney       | \$1,411.15 Computer and Docking station (Drug Prosecution DDA)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lane County District Attorney          | All forfeiture funds received by the Lane County District Attorney's Office are used by its Criminal Prosecution Division for the prosecution of criminal cases, including cases involving the unlawful delivery, distribution, manufacture, and/or possession of controlled substances.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Lane County Interagency Narcotics Team | The purchase and repair of equipment used to respond and support cases regarding controlled substances.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Lane County Sheriff's Office           | HUMVEE Repair \$10,193.60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Medford Police Department              | Criminal Forfeiture Proceeds Expenditures:<br>\$29,809.07 Keith Sporting Goods 9mm Glock<br>\$20,000.00 Smith CFI PD furniture<br>\$3,308.00 Motorola Solutions Police Radio<br>\$155.00 Valley Vinyl Window Tinting<br>\$104.50 OR DMV PD Vehicle Registration<br>\$23,547.00 Power Ford Lincoln 2016 Ford Escape<br>Total \$76,923.57<br>Civil Forfeiture Proceeds Expenditures:<br>\$4,109.74 Reece Security System for Roxy Ann (PD half)<br>\$240.49 Graybar Wire for PA system in new PD<br>\$545.00 Datanab Barix Instreamer for PA System<br>\$6.80 Lowes Hardware for PA system<br>\$136.55 B & H Photo Attenuator for PA System<br>\$46.39 B & H Photo Input line Transformer for PA System<br>\$876.88 Graybar Equipment for PA system<br>\$87.56 Graybar Equipment for PA system freight charge<br>\$46.76 Amazon Mean Well AC to DC power supply<br>\$331.27 Graybar CAT 5E VIP & patch cord<br>\$14.48 Graybar CAT 5E patch cord<br>\$6,417.89 Dell 11 TV's for new station<br>\$531.00 URS Glocalcom 16 input logic module<br>\$6,072.01 Dell Optiplex PCs & Mounts (7) |



|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | \$149.99 Best Buy Large full motion mount<br>\$639.96 Best Buy Apple TV 64 GB (4)<br>\$539.00 Touchpoint Shoretel Licenses<br>\$2,149.95 Highway Products Secure Trunk Box<br>\$2,049.50 Amazon Shoretel Phones for MADGE<br>\$828.94 Dell Computer for CID TV<br>Total \$25,820.16                                                                                                                                                         |
| Multnomah County Sheriff's Office         | Detective Overtime for Cases, Auction Admin Fees, LexisNexis-Person Searches, Buy Money, Public Notices, AT&T- Nat'l Compliance Center, L-Site GPS Subpoena, Service Repairs for Aircraft, Printing Costs, Communications/GPS Locator, Support Agreement renewal for Olympus, Travel & Training, Subscription of Software Maintenance, Dues & Subscriptions, Central/Departmental Indirect Costs                                            |
| Oregon State Police                       | Interagency Charges, Confidential Funds, Interagency/County DA Asset Share                                                                                                                                                                                                                                                                                                                                                                  |
| Polk County Sheriff's Office              | Currency for undercover law enforcement operations: \$11,077.53                                                                                                                                                                                                                                                                                                                                                                             |
| Portland Police Bureau                    | Forfeiture Attorney Fees & Costs: \$7,893.60                                                                                                                                                                                                                                                                                                                                                                                                |
| Redmond Police Department                 | \$800 of petty cash for confidential funds money (aka "buy money" for drug purchasing operations).                                                                                                                                                                                                                                                                                                                                          |
| Salem Police Department                   | Computer for surveillance system; upgrade equipment for bait car/drop car; lift truck for installing pole cams.                                                                                                                                                                                                                                                                                                                             |
| South Coast Interagency Narcotics Team    | Equipment, Task Force Operations, Task Force Expenses, Task Force Investigations                                                                                                                                                                                                                                                                                                                                                            |
| Springfield Police Department             | Crime Prevention/Drug Prevention/Education materials                                                                                                                                                                                                                                                                                                                                                                                        |
| Union County District Attorney            | Money was or will be given to the Union County Drug Task Force for them to purchase equipment and other necessities in order for them to run.                                                                                                                                                                                                                                                                                               |
| Washington County Sheriff's Office        | 1. Investigative Overtime - in excess of HIDTA/OCDETF overtime reimbursement funds, & Federal caps<br>2. Training-ONEA, CNOA, ALEA and other regional training opportunities.<br>3. WIN Vehicles - maintenance, lease/purchase, up-fit & operational cost for Air Support Unit.<br>4. Investigative Cost - PE/PI, PEN/T3/Ping/CallYo<br>5. Equipment - Communications, money imaging/software                                               |
| Yamhill County Interagency Narcotics Team | Cellebrite - \$3,000<br>Cellebrite license - \$3,000<br>GPS tracker - \$995<br>GPS Tracker Data Plan - \$600<br>Surveillance Recorder - \$24.97<br>Undercover Vehicle Rental: \$1,000<br>Batteries for Surveillance Equipment- \$332.10<br>Office Supplies: \$518.62<br>Taser: \$1,202.92<br>Body Wire Repair: \$800.00<br>Telephones: \$2,504.06<br>Investigative Funds: \$5,365.20<br>Software License: \$16<br>Attorney Fees: \$2,231.00 |
| <b>TOTAL: 20 Agencies</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## **Appendix**

Attached are letters from the City of Portland describing their asset forfeiture distributions for civil forfeiture cases per Portland City Code. These distributions relate to forfeiture proceeds that arise out of prohibited conduct other than narcotics offenses. Due to reporting restrictions in the online asset forfeiture reporting system, the City of Portland was only able to file the seizure data related to these cases. In order to comply with the statutory requirement of reporting the distribution of the asset forfeiture funds, the City of Portland has documented the distributions in the following letters.



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF THE CITY ATTORNEY

**Tracy Reeve, City Attorney**  
1221 S.W. 4<sup>th</sup> Avenue, Suite 430  
Portland, Oregon 97204  
Telephone: (503) 823-4047  
Fax: (503) 823-3089

August 31, 2016

VIA EMAIL

Criminal Justice Commission  
Attn: Julie Vaughn  
885 Summer Street NE  
Salem OR 97301

Re: Civil Forfeiture Cases Pursuant to Portland City Code  
14B.30.030 and 14B.30.050

Dear Ms. Vaughn:

The matters listed below relate to civil forfeitures involving prohibited conduct other than narcotics offenses by the Portland Police Bureau (PPB) pursuant to Portland City Code (PCC). The City of Portland has reported on these matters by filing a Form 1 with the Criminal Justice Commission. Due to the current electronic system, the City of Portland is requesting that these forfeitures be given a "filed" status without a Form 2. I have summarized below the distribution for these cases and have enclosed copies of the full text of the relevant PCC provisions.

**Civil Forfeitures pursuant to PCC 14B.50.030 (prostitution):**

**AF-2016-City of Portland-00284**

PCC 14B.50.035 mandates that forfeiture proceeds arising out of the prohibited conduct as defined by PCC 14B.50.030 shall be distributed in the following order:

1. Satisfaction of any foreclosed liens, security interests and contracts in order of their priority;
2. Actual and reasonable expenses incurred by the seizing and/or forfeiting agencies related to the costs of the forfeiture proceeding;
3. 75% of remaining proceeds shall be used to provide services, including shelter services for victims of human trafficking;
4. 25% of remaining proceeds may be used by PPB for law enforcements purposes relating to the provisions of ORS 167.002, 167.007(1)(b), 167.012 and 167.017.

Under PCC 14B.50.035 the forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency.

**Civil Forfeitures pursuant to PCC 14B.50.050 (money laundering):**

**AF-2016-City of Portland-00200**  
**AF-2016-City of Portland-00201**  
**AF-2016-City of Portland-00285**  
**AF-2016-City of Portland-00286**

PCC 14B.50.055 mandates that forfeiture proceeds arising out of the prohibited conduct as defined by PCC 14B.50.050 shall be distributed in the following order:

1. Satisfaction of any foreclosed liens, security interests and contracts in order of their priority;
2. Actual and reasonable expenses incurred by the seizing and/or forfeiting agencies related to the costs of the forfeiture proceeding.
3. If not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.103 *et seq.* and compensatory fines awarded under ORS 137.101 shall be paid to any victim of the prohibited conduct;
4. Any remaining proceeds shall be used for law enforcement purposes.

Please let me know if you need additional information. Thank you for your time.

Sincerely,



Rebeca Plaza  
Deputy City Attorney

RAP/cdn

c. Bob Azorr

### **14B.50.020 Forfeiture Proceedings.**

(Amended by Ordinance Nos. 180260 and 184197, effective October 27, 2010.) All civil forfeitures conducted pursuant to this Chapter are subject to the procedures and limitations set forth in ORS Chapter 131A except that the distribution of proceeds in 131A.360 is not applicable.

### **14B.50.030 Prostitution.**

(Amended by Ordinance Nos. 184197 and 184648, effective June 8, 2011.) Conduct involving violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.002 to 167.027, excluding 167.007(1)(a) is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

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### **14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture.**

(Replaced by Ordinance No. 184648, effective June 8, 2011.)

A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.030 shall be separately accounted for.

B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.030, the forfeiting agency shall distribute or apply the proceeds in the following order:

1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
  - a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
  - b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
  - c. expenses arising in connection with the sale of any forfeited property.
3. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this Subsection.

C. After payment of costs under Subsection 14B.50.035 B., the forfeiting agency shall use seventy-five percent of the remaining proceeds to provide services, including but not limited to

shelter services, for victims of human trafficking. The remaining twenty-five percent of the proceeds from any assets forfeited under or Section 14B.50.030 may be used by the Portland Police Bureau for law enforcement purposes relating to the provisions of ORS 167.002, 167.007(1)(b), 167.012, and 167.017.

#### **14B.50.050 Money Laundering.**

(Added by Ordinance No. 185503, effective August 17, 2012.) Conduct involving a violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 164.170 and 164.172 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

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#### **14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.**

(Added by Ordinance No. 185503, effective August 17, 2012.)

A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.050 shall be separately accounted for.

B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.050, the forfeiting agency shall distribute or apply the proceeds in the following order:

1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
  - a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
  - b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
  - c. expenses arising in connection with the sale of any forfeited property.

C. To the extent not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.103 et seq. and compensatory fines awarded under ORS 137.101 shall be paid to any victim of the prohibited conduct or similar crime.

D. After payment of costs under Subsection 14B.50.055 B. and C., the forfeiting agency shall use any remaining proceeds for law enforcement purposes.





CITY OF  
**PORTLAND, OREGON**  
OFFICE OF THE CITY ATTORNEY

**Tracy Reeve, City Attorney**  
1221 S.W. 4<sup>th</sup> Avenue, Suite 430  
Portland, Oregon 97204  
Telephone: (503) 823-4047  
Fax: (503) 823-3089

October 14, 2016

VIA EMAIL

Criminal Justice Commission  
Attn: Julie Vaughn  
885 Summer Street NE  
Salem OR 97301

Re: Civil Forfeiture Cases Pursuant to Portland City Code  
14B.30.030 and 14B.30.050

Dear Ms. Vaughn:

The matters listed below relate to civil forfeitures involving prohibited conduct other than narcotics offenses by the Portland Police Bureau (PPB) pursuant to Portland City Code (PCC). The City of Portland has reported on these matters by filing a Form 1 with the Criminal Justice Commission. Due to the current electronic system, the City of Portland is requesting that these forfeitures be given a "filed" status without a Form 2. I have summarized below the distribution for these cases and have enclosed a copy of the full text of the relevant PCC provision.

**Civil Forfeitures pursuant to PCC 14B.50.050 (money laundering):**

**AF-2016-City of Portland-00341**  
**AF-2016-City of Portland-00343**  
**AF-2016-City of Portland-00349**  
**AF-2016-City of Portland-00358**

PCC 14B.50.055 mandates that forfeiture proceeds arising out of the prohibited conduct as defined by PCC 14B.50.050 shall be distributed in the following order:

1. Satisfaction of any foreclosed liens, security interests and contracts in order of their priority;
2. Actual and reasonable expenses incurred by the seizing and/or forfeiting agencies related to the costs of the forfeiture proceeding.
3. If not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.103 *et seq.* and compensatory fines awarded under ORS 137.101 shall be paid to any victim of the prohibited conduct;
4. Any remaining proceeds shall be used for law enforcement purposes.

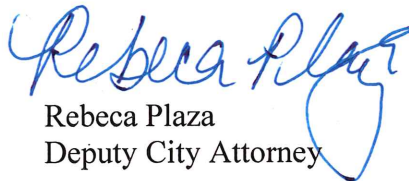
Criminal Justice Commission  
October 14, 2016  
Page 2 of 2

Please note that there was an identified crime victim in AF-2016-City of Portland-00358 with a restitution award of \$707,784.00 in the criminal case. The total value of forfeited assets was \$290,397.66. That value does not include costs associated with sale of certain property. Despite a time and resource intense criminal investigation, PPB waived all of its investigative costs. Similarly, despite a lengthy and time intensive forfeiture, the City Attorney's Office waived all of its litigation fees and reduced its standard attorney fees by half. The total amount of costs and fees to the City with those reductions was \$50,703.18. Per PCC 14B.50.055(3), the remaining forfeiture proceeds were provided to the victim. The victim received \$239,694.48. There were no remaining forfeiture proceeds retained by the City.

There was also an identified crime victim in AF-2016-City of Portland-00349 with a restitution award of \$8,053.50. However, the DA informed the City that other money that had been seized as evidence in the criminal case was being applied to the restitution award. Thus the restitution award in this case was satisfied. Therefore, per PCC 14B.50.055(4), remaining forfeiture proceeds will be used for law enforcement purposes.

Thank you for your assistance.

Sincerely,

  
Rebeca Plaza  
Deputy City Attorney

RAP/cdn  
Enclosure  
c. Bob Azorr



### **14B.50.020 Forfeiture Proceedings.**

(Amended by Ordinance Nos. 180260 and 184197, effective October 27, 2010.) All civil forfeitures conducted pursuant to this Chapter are subject to the procedures and limitations set forth in ORS Chapter 131A except that the distribution of proceeds in 131A.360 is not applicable.

### **14B.50.050 Money Laundering.**

(Added by Ordinance No. 185503, effective August 17, 2012.) Conduct involving a violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 164.170 and 164.172 is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

### **14B.50.055 Distribution of Proceeds from Money Laundering Forfeiture.**

(Added by Ordinance No. 185503, effective August 17, 2012.)

**A.** Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.050 shall be separately accounted for.

**B.** After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.050, the forfeiting agency shall distribute or apply the proceeds in the following order:

- 1.** To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;
- 2.** To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to
  - a.** the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;
  - b.** special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and
  - c.** expenses arising in connection with the sale of any forfeited property.

**C.** To the extent not addressed by a claim filed under ORS 131A.165, restitution awarded under ORS 137.103 et seq. and compensatory fines awarded under ORS 137.101 shall be paid to any victim of the prohibited conduct or similar crime.

**D.** After payment of costs under Subsection 14B.50.055 B. and C., the forfeiting agency shall use any remaining proceeds for law enforcement purposes.