

# Asset Forfeiture (2022) Report

Report from the Asset Forfeiture Oversight  
Advisory Committee

April 2023

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Oregon Criminal Justice Commission

Ken Sanchagrin  
Executive Director

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The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

## **Asset Forfeiture Oversight Advisory Committee (AFOAC) Members**

The committee consists of two legislators appointed by the President of the Senate, two legislators appointed by the Speaker of the House of Representatives, three members appointed by the Governor, and three members appointed by the Attorney General.

### **Committee Members:**

Committee Chair Senator Floyd Prozanski

Senator Dick Anderson

Representative Rick E. Lewis

Representative Marty Wilde

Andrew M. Kohlmetz

Elijah Michalowski

Jason J. Myers

Leslie J. Westphal

Note: There are two vacant committee seats at the time of this report.

### **Staff:**

Ken Sanchagrin, Executive Director, Criminal Justice Commission

Angel Jenkins, Asset Forfeiture Liaison, Criminal Justice Commission

Katherine Tallan, Senior Research Analyst, Criminal Justice Commission

Alex Pichel, Head of Operations, Criminal Justice Commission

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## **Executive Summary**

In this 2022 Asset Forfeiture Report, all calendar year seizures reported to CJC before the writing of the report are included. All 2022 seizures reported to CJC before this report was written are included in the seizure tables below. This seizure information is supplemented by a dashboard<sup>1</sup> on the CJC website, which includes the same information as the report but is updated monthly, so that information on any 2022 seizures reported to CJC after the publishing of this report can be accessed easily online. This will make the report clearer and make accessing real-time information possible. Using this method for previous years as well, this report provides a comparison of the nature and number of forfeitures made in Oregon in 2020, 2021, and 2022.

There were 42 seizures made statewide in 2022, down from 153 made in 2021. 88.1 percent of these were made by local agencies and 76.2 percent were filed as civil forfeitures. 95.2 percent of all seizures were drug related. The three most common circumstances of search and seizure reported were search warrant/seizure order, vehicle consent, and probable cause (no warrant). The three most common natures of prohibited conduct leading to search and seizure were delivery, manufacture, and possession. Further detail regarding 2022 seizures is available in Tables 1 and 3-4.

Statewide, the receipts made available for disposition in 2022 totaled \$1,475,785.76. After costs and distributions, the net proceeds for law enforcement totaled \$673,946.97. The majority of dispositions occurred under civil forfeitures from local agencies, and the next largest number of dispositions occurred under criminal forfeitures from local agencies. There were no dispositions from state agencies. See Table 5 for more information about dispositions.

Statewide, agencies reported a total of \$326,249.03 received as a result of asset forfeiture in 2022, \$474,846.03 spent, and an end of 2022 balance of \$2,187,968.09. A more detailed look at use of proceeds broken down by agency can be found in Table 7.

There was a notable decrease in the number of seizures in 2022 from previous years. One potential cause for this decrease is that various case law and statutory changes in recent years have changed the way that asset forfeiture is performed in the state.

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<sup>1</sup> <https://www.oregon.gov/cjc/SAC/Pages/Asset-Forfeiture-Dashboard.aspx>

## **Background**

In 1989, the Oregon Legislature enacted a comprehensive civil forfeiture statute to capture revenue from controlled substance transactions which otherwise escape taxation and to allow the use of that revenue to improve government response to drug-related prohibited conduct. That law provided for forfeiture in a civil action of properties used in or related to drug crimes. 1989 Oregon Laws Chapter 791, amended and codified as ORS Chapter 475A in 1997, further describes how seized assets will be handled. It establishes conditions for disbursement of funds received through forfeiture, and provides for the return of assets to claimants if those assets are not found to have been used for or derived from unlawful drug activity.

The Asset Forfeiture Oversight Advisory Committee (AFOAC) was created to aid the Legislature in determining the effect of the law and the manner in which it was being applied. The AFOAC prepares “reports detailing the number and nature of forfeitures carried out” under this law. In 1997, the Legislature repealed the sunset provision of the forfeiture law, provided staff for the AFOAC, and directed the AFOAC to review the reporting process. Funding for AFOAC staff was provided from state and local forfeiture proceeds. These funds allowed the creation of one 0.5 FTE position within the Criminal Justice Commission to serve as AFOAC staff. Statutory directions for the AFOAC, the CJC, and reporting requirements are found in ORS 131.600, ORS 131A.450, and ORS 131A.455.

During the 2018 legislative short session, HB 4056 was passed. This new legislation made the following changes to ORS Chapter 131A Civil Forfeiture:

- 1) Language change – HB 4056 strikes the term “drug courts” and adds “support for specialty courts” defined as drug, veteran, and mental health courts. This change broadens the use of forfeiture proceeds deposited in the Oregon Criminal Justice Commission drug courts account.
- 2) Addition of new distribution – the Oregon 529 College Savings Plan began receiving 10% of civil forfeiture proceeds as of July 1, 2018. The 10% is taken from proceeds after forfeiture costs, as with all other distributions, and is specifically distributed to the scholarship fund subaccount for children of public safety officers who have “suffered a qualifying death or disability,” i.e. a line of duty injury or fatality.

State and local government agencies electronically report seizures they have made for the purpose of civil and criminal forfeiture using the Oregon Asset Forfeiture (FluidReview) website. The staff at CJC uses the information reported by state and local agencies to compile this report for the AFOAC.

## **Methodology**

In reports previous to 2018, a basic description of all seizures and dispositions reported to CJC during the calendar year of the report was provided. In the 2018 and 2019 reports, we attempted to better represent the process of asset forfeiture and its reporting through a more in-depth display and discussion of the data CJC received in the report year. This allowed for some explanation of seizure and disposition changes over time and paved the way for more detailed reports in future years. From the 2020 report moving forward, the Asset Forfeiture Report is supplemented by a dashboard updated frequently by CJC. This allows us to consolidate the Seizures section of this year's report to include only 2022 seizures reported to CJC before its writing. If seizures that occurred in 2022 but were not reported before this report was written are later submitted, they will appear on the dashboard.

In order to make sense of the following data tables (particularly in comparison to previous reports), it is important to note that the nature of seizure and disposition reporting is more time-dependent than one might expect. Specifically, a seizure occurs, and generally within 30 days a seizure for forfeiture form is submitted by the forfeiting agency, then at some point following that submission, the report of the seizure is made to CJC. There is no mandated time constraint on the report of seizure to the CJC, although it is generally expected that reports of seizures (for example) in 2019 should be made in 2019, or at the very latest in 2020. There were a number of cases reported to CJC in 2020 which occurred anywhere from 2005 to 2019. In reports previous to 2018, this has not been noted or addressed, so the number of seizures reported in the 2017 report, for instance, are “inflated” by this type of latent reporting. This issue, from the 2020 report forward, is addressed by the supplemental dashboard regularly updated by CJC.

Similarly, reports of dispositions are made quite some time after the date of seizure. This is due mostly to the fact that multiple court processes must occur between the date of seizure and the final disposition of a single case. Typically, this process takes at least 6 months to complete, so it is not possible for CJC to track all seizures made in 2022 through their final disposition in time to report them here, as many dispositions have not yet been made and will not be made until later in 2023. Consequently, CJC also received large numbers of disposition reports in 2022 stemming from seizures which occurred in 2021. To address this problem, CJC chooses to include all disposition reports received in 2022 (regardless of seizure or disposition date) and treat them similarly to a simple income. This will ensure that all dispositions into “accounts” (distributions and agencies) will be recorded over time.

The remaining sections of this report contain detailed figures and tables describing asset forfeiture, distribution of assets to funds and agencies, and agency use of proceeds in 2022.

## 2022 Seizures

**Table 1. 2022 seizures reported to CJC**

	Number	Percent
Total Number of Seizures	42	100.0%
Seizures by Local Agencies	37	88.1%
Seizures by State Agencies	5	11.9%
Civil Forfeitures	32	76.2%
Criminal Forfeitures	10	23.8%
Cases which are Drug Related	40	95.2%

Drug Type	Number of Cases*	Percent of (Drug Related) Cases†
Marijuana/BHO	18	45.0%
Methamphetamine	12	30.0%
Heroin	7	17.5%
Cocaine	3	7.5%
Fentanyl	3	7.5%
Amphetamines	1	2.5%
Oxycodone	1	2.5%

Total Cash Seized‡	\$606,166.67
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\*Many drug-related cases involve multiple drug types, so numbers may not add to total cases.

†Many drug-related cases involve multiple drug types, so percentages may not add to 100%.

‡The value of non-cash property seized is indeterminate.

**Table 2. 2022 seizures reported to CJC by agency**

Principal Seizing Agency	Number of Cases	Percent Civil Cases	Total Value Seized*	Number of Claims Filed	Percent of State Total by Total Value Seized
Douglas Interagency Narcotics Team	15	100.0%	\$126,159.00	5	20.1%
Grants Pass Police Department	1	0.0%	\$368.00	0	0.1%
Josephine County DA	1	0.0%	\$2,522.00	0	0.4%
Josephine County Sheriff's Office	7	0.0%	\$41,259.00	0	6.6%
Medford PD	4	100.0%	\$12,591.00	1	2.0%
Multnomah County Sheriff's Office	1	100.0%	\$1,680.00	0	0.3%
Oregon City Police Department	1	100.0%	\$1,200.00	0	0.2%
Oregon State Police	5	80.0%	\$371,877.79	2	59.2%
Portland Police Bureau	4	100.0%	\$61,978.62	4	9.9%
South Coast Interagency Narcotics Team	2	100.0%	\$3,180.26	0	0.5%
Washington County Sheriff's Office	1	100.0%	\$4,851.00	0	0.8%

\*This does not include the value of non-cash property with no reported liquid value.



**Table 3. Circumstances of search and seizure for 2022 seizures reported to CJC**

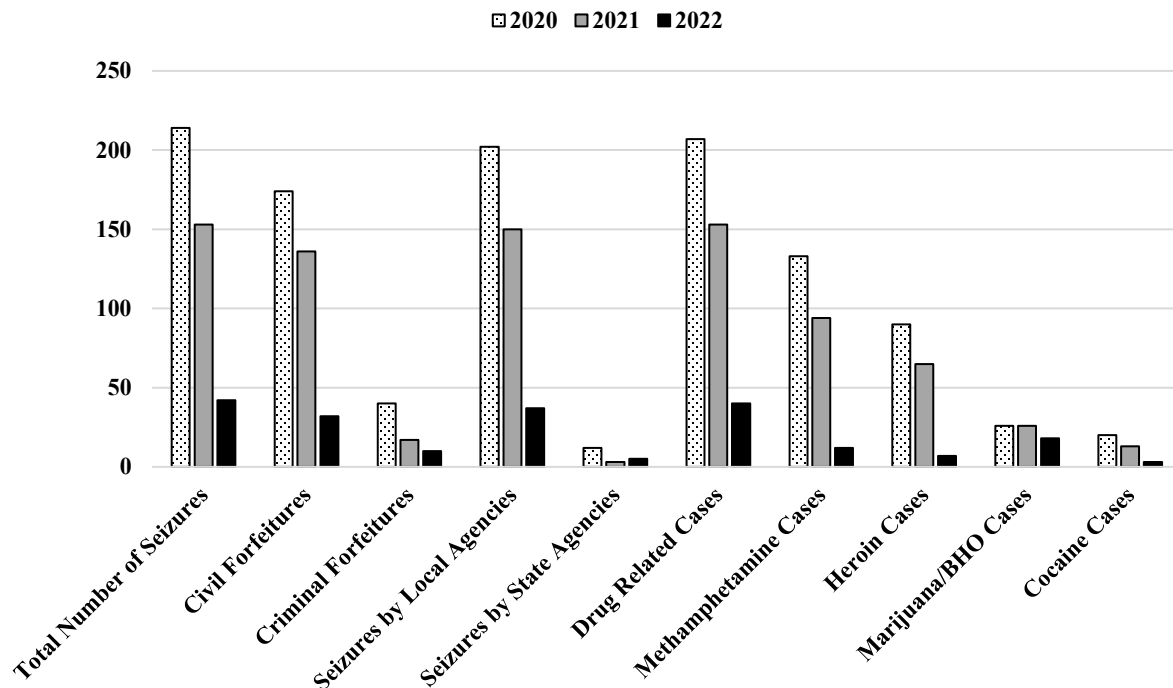
Circumstance	Number of Cases*	Percent of Cases†
Search warrant/seizure order	23	54.8%
Vehicle consent	7	16.7%
Probable cause (no warrant)	4	9.5%
Incident to arrest	3	7.1%
Probable cause search	2	4.8%
Other consent to search	1	2.4%
Inventory	1	2.4%
Consent search	1	2.4%

\*Many cases involve multiple circumstances, so numbers may not add to total cases.

†Many cases involve multiple circumstances, so percentages may not add to 100%.

**Table 4. Nature of prohibited conduct leading to seizure for 2022 seizures reported to CJC**

Conduct	Number of Cases	Percent of Cases
Delivery	19	45.2%
Manufacture	13	31.0%
Possession	5	11.9%
Controlled Substances	2	4.8%
Money laundering	2	4.8%
DUII	1	2.4%

**Figure 1. 2020, 2021, and 2022 seizures\***

\*The values in this figure are updated from previous reports, and therefore do not match the values in reports for their respective years. This is because agencies can still submit seizure data after the report is published. For the most up-to-date data, visit the Asset Forfeiture dashboard at <https://www.oregon.gov/cjc/SAC/Pages/Asset-Forfeiture-Dashboard.aspx>

## **2022 Dispositions**

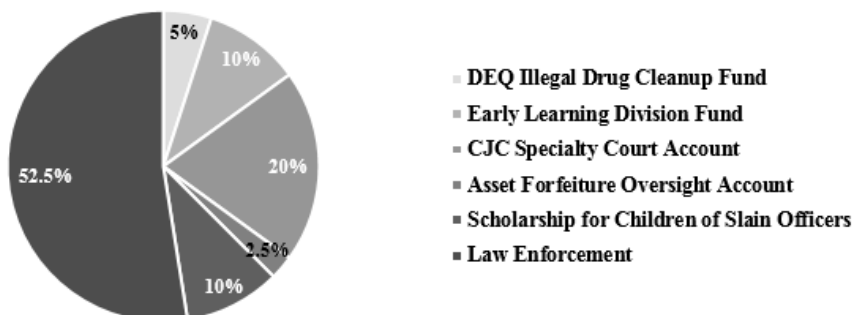
Recall from the explanation above that dispositions typically occur months after their associated seizure. Therefore, many of the dispositions in the following tables are the result of seizures occurring in 2021 or previously. Similarly, there are many seizures reported above for which dispositions have not yet occurred and cannot yet be reported. Dispositions for these seizures will be included in reports as they occur in future years.

The distributions seen in Table 5 reflect the following distribution requirements based on case type and agency type for any given disposition:

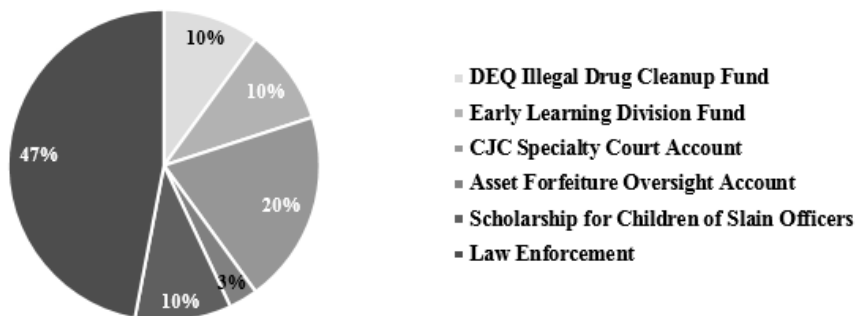
**Figure 2. Distribution percentages for civil and criminal forfeitures by agency type**

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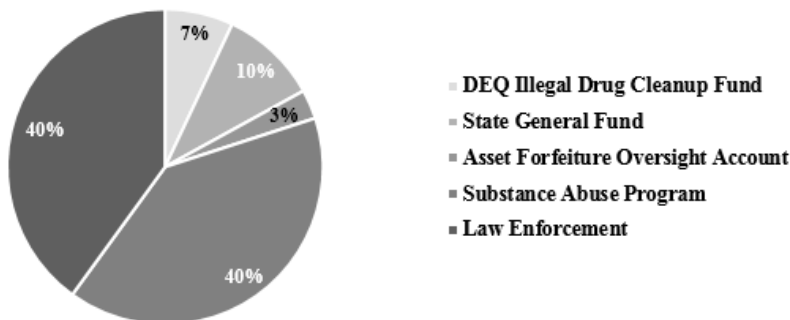
### **Civil Forfeiture by Local Agency**



### **Civil Forfeiture by State Agency**



### **Criminal Forfeiture by any Agency**



**Table 5. All receipts, costs, and distributions for 2022 dispositions by case type and agency type**

	Civil Forfeiture		Criminal Forfeiture		Total
	Local Agency	State Agency	Local Agency	State Agency	
Total Receipts	\$1,434,214	\$0	\$41,572	\$0	\$1,475,786
Total Costs	\$114,062	\$0	\$1,745	\$0	\$115,807
Publication	\$21,487	\$0	\$932	\$0	\$22,419
Attorney Fees	\$35,707	\$0	\$0	\$0	\$35,708
Towing/Storage	\$18,364	\$0	\$0	\$0	\$18,364
Maintenance of Property	\$1,414	\$0	\$0	\$0	\$1,414
Victim Restitution	\$0	\$0	\$0	\$0	\$0
Other	\$37,090	\$0	\$813	\$0	\$37,902
Net Receipts*	\$1,320,152	\$0	\$39,827	\$0	\$1,359,979
Total Distributions*	\$645,859	\$0	\$15,616	\$0	\$661,475
DEQ Illegal Drug Cleanup Fund	\$72,370	\$0	\$2,853	\$0	\$75,222
Asset Forfeiture Oversight Account	\$33,723	\$0	\$1,223	\$0	\$34,946
OCJC Account Supporting Specialty Courts	\$264,611	\$0	N/A	N/A	\$264,611
Early Learning Division Fund	\$132,473	\$0	N/A	N/A	\$132,473
State General Fund	N/A	N/A	\$4,075	\$0	\$4,075
Scholarship Program for Children of slain or injured Public Safety Officers	\$142,350	\$0	N/A	N/A	\$142,350
Substance Abuse Treatment	\$333 <sup>†</sup>	N/A	\$7,465	\$0	\$7,798
Net Law Enforcement Proceeds*	\$666,482	\$0	\$7,465	\$0	\$673,947

Note: All dollar values shown are rounded to the nearest dollar to account for rounding in distributions. N/A indicates that no percentage of net receipts in cases under the indicated forfeiture and agency types are distributed to the indicated fund (see Figure 2 for further information on distribution percentages).

\*In theory, the sum of Total Distributions and Net Law Enforcement Proceeds should equal Net Receipts. In some past reports, this has been the case. In this report, this is not the case due to changes made to the Disposition reporting process. Instead of automatic calculation of distributions by AFOAC's forms, each agency is now responsible for manually entering distribution amounts. This results in some small differences. If there are any questions regarding this matter, please contact CJC's Asset Forfeiture Liaison, Angel Jenkins.

<sup>†</sup>No distribution to the Substance Abuse Treatment fund is required for Civil Forfeitures by Local Agencies, however one agency made one distribution to this fund in 2022.

## **2022 Use of Proceeds**

**Table 6. Use of proceeds in 2022 by agency**

Reporting Body	Received in 2022	Spent in 2022	End of 2022 Balance
Albany Police Department	\$0.00	\$0.00	\$4,627.74
City of Newberg	\$0.00	\$0.00	\$870.40
Clackamas County DA's Office	\$0.00	\$0.00	\$11,102.00
Eugene Police Department	\$23,692.66	\$0.00	\$23,692.66
Grants Pass Police Department	\$705.12	\$672.99	\$22,720.54
Gresham Police Department	\$2,107.23	\$906.00	\$222,535.20
Jackson County DA's Office	\$7,934.42	\$16,290.06	\$8,355.64
Josephine County Sheriff's Office	\$0.00	\$0.00	\$0.00
Lane County Sheriff's Office	\$0.00	\$0.00	\$92,797.76
Lane County Sheriff's Office – INET	\$10,622.42	\$86,669.00	\$6,810.65
Marion County DA's Office	\$0.00	\$0.00	\$3,803.00
Medford Police Department	\$170,823.60	\$246,503.90	\$457,965.80
Oregon State Police	\$64,765.95	\$22,314.95	\$528,520.00
Philomath Police Department	\$0.00	\$0.00	\$0.00
Portland Police Bureau	\$5,165.18	\$150.00	\$508,983.30
RADE	\$7,639.94	\$7,639.94	\$195,315.00
Sherman County Sheriff's Office	\$0.00	\$0.00	\$0.00
South Coast Interagency Narcotics Team	\$7,463.48	\$5,293.04	\$34,719.53
Springfield Police Department	\$25,329.05	\$88,406.19	\$65,148.85
State Total*	\$326,249.03	\$474,846.03	\$2,187,968.09

\* Includes only those bodies that reported for the 2022 calendar year before the writing of this report.

**Table 7. Items purchased using proceeds in 2022 by agency**

Agency*	Reported Items Purchased
Albany Police Department	N/A
City of Newberg	N/A
Clackamas County DA's Office	N/A
Eugene Police Department	N/A
Grants Pass Police Department	Coin sorter, legal advertisements.
Gresham Police Department	Currency counter maintenance.
Jackson County DA's Office	Equipment for prosecution purposes, operating/subscription expenses for prosecution.
Josephine County Sheriff's Office	N/A
Lane County Sheriff's Office	N/A
Lane County Sheriff's Office – INET	Disbursement to participating agencies; Springfield Police Department, Eugene Police Department, Oregon State Police. Toughbooks for Illegal MJ Market Enforcement team, Illegal Marijuana Market Enforcement Office Supplies, and training & warranty on light lab analyzer.
Marion County DA's Office	N/A
Medford Police Department	UTM firearms blank conversion kits for SWAT, shotgun breaching equipment for SWAT, shotgun retention system and light for SWAT, SWAT bang pole, computer and monitor for MADGE crime analyst, book case and cabinets for MADGE CRI files, less lethal multi-launcher for SWAT, jet scan currency counter, taser 7s for MADGE and IMET, ABIS terminal latent work station, fuel and oil for MADGE/IMET/SWAT vehicles, SWAT ballistic tactical vests (6), chainsaw batteries for IMET, snow tires for MADGE vehicle, 2022 Chevy Silverado MADGE vehicle, mobile radio for Chevy Silverado MADGE vehicle, mobile radio for seized 2020 Denali, security cameras for Property Control, Rewrap undercover MADGE vehicle, upfit 2022 Chevy Silverado, Upfit 2020 GMC Denali seized vehicle, license 2020 GMC Denali seized vehicle, software maintenance on ABIS terminal, vehicle maintenance for MADGE, IMET, SWAT vehicles, Dell computer and monitor for CID crime analyst, shelving for MRT gear.
Oregon State Police	Currency for under cover Law Enforcement operations, publications and Interagency team dues.
Philomath Police Department	N/A
Portland Police Bureau	Per agreement with Forfeiture Counsel. Pay \$150.00 on declined case for attorney fees.
RADE	Office equipment, Computer technical equipment, Drug test kits, Search warrants and investigation operations, training expenses.
Sherman County Sheriff's Office	N/A
South Coast Interagency Narcotics Team	Taskforce Operating Expense.
Springfield Police Department	New drug K9 vehicle, gun sights, drug prevention materials, plea agreement return of funds.
*This table contains only agencies that reported proceeds spent in 2022 before the writing of this report.	