

Asset Forfeiture (2018) Report

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

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Oregon Criminal Justice Commission

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CJC made some substantial changes to the format of the Asset Forfeiture Report this year. If you have any questions, comments, or suggestions about the report format, please direct them to our Asset Forfeiture Liaison, Breeze Potter, at breeze.potter@oregon.gov.

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

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Executive Summary

This 2018 Asset Forfeiture Report differs in a few aspects from previous reports. In an effort to better represent the true characteristics of asset forfeiture in 2018, seizures reported to the Criminal Justice Commission (CJC) in 2018 are split into “all seizures reported in 2018” and “all 2018 seizures reported in 2018.” This distinguishes those seizures which were made previous to 2018 but reported during the year. Similarly, this report reexamines the 2017 asset forfeiture data to distinguish “all 2017 seizures reported in 2017” from the entire set of seizures reported to CJC in 2017 (which occurred anytime from 2002 through 2017). It is important to note that because seizures made in 2017 are distinguished from all seizures reported to CJC in 2017, this dataset will not match that from the 2017 Asset Forfeiture Report. However, with these similarly defined datasets, this report provides a comprehensive comparison of the nature and number of forfeitures made in Oregon in 2017 and 2018. In order to facilitate a transition from the previous reporting method to this more accurate and accessible one, this report does include a section on all seizures reported to CJC during 2018, regardless of seizure date. In future reports, more emphasis will be put on seizures made in the calendar year of the report, as opposed to seizures reported to CJC in the calendar year of the report.

There were 120 seizures made statewide in 2018, down from 155 made in 2017. 90 percent of these were made by local agencies and 91.7 percent were filed as civil forfeitures. 99.2 percent of all seizures were drug related. The three most common circumstances of search and seizure reported were incident to arrest, probable cause (no warrant), and search warrant/seizure order. Finally, the four most common natures of prohibited conduct leading to search and seizure were possession, delivery, controlled substances, and manufacture. Further detail regarding 2018 seizures is available in Tables 5 and 7–9.

Aside from a slight drop in the overall number of seizures made in 2018 from 2017, there are very few notable differences in the two groups of seizures. The number of cases filed as criminal forfeitures and the number of marijuana related cases have increased slightly from 2017 to 2018. Further information about the differences between 2017 and 2018 seizures can be found in Tables 5–9 and in Figure 1.

Statewide, the receipts made available for disposition in 2018 totaled \$1,336,707. After costs and distributions, the net proceeds for law enforcement totaled \$744,804. The majority of dispositions occurred under civil forfeitures from local agencies, the next highest amount under civil forfeitures from state agencies, and finally the smallest amount under criminal forfeitures from local agencies. There were no receipts made available in 2018 under criminal forfeitures from state agencies. On July 1, 2018, the distribution formula for civil forfeitures changed to accommodate an additional 10% distribution to a scholarship program for children of slain or injured public safety officers. This is not reflected in many dispositions in this report, but will become more apparent in upcoming years and reports as law enforcement proceeds from civil forfeitures decrease.

Statewide, agencies reported a total of \$1,567,761.36 received as a result of asset forfeiture in 2018, \$934,812.03 spent, and an end of 2018 balance of \$3,267,292.42. A more detailed look at use of proceeds broken down by agency can be found in Table 11.

Background

The 1989 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.

Constitutional Asset Forfeiture

The Eighth Amendment of the U.S. Constitution states that “[e]xcessive bail shall not be required, *nor excessive fines imposed*, nor cruel and unusual punishments inflicted” (emphasis added). In a recent decision, the Supreme Court of the United States (SCOTUS) applied this clause to the topic of state civil asset forfeiture. On February 9, 2019, SCOTUS reached a unanimous decision in *Timbs v. Indiana*. The main question asked and answered in *Timbs* is whether the Excessive Fines Clause of the Eighth Amendment applies to state forfeiture actions.

The case began when Mr. Timbs pled guilty to dealing in a controlled substance and conspiracy to commit theft. At the time of Mr. Timbs’ arrest, police seized his Land Rover SUV and the State brought a civil suit of forfeiture against the vehicle. Although the trial court found the SUV had been used to facilitate violation of a criminal statute, it denied the State’s requested forfeiture. The maximum monetary fine for Mr. Timbs’ conduct was \$10,000, and his SUV was worth \$42,000, making the seizure potentially grossly disproportionate to the gravity of the offense. The trial court determined this was a violation of the Eighth Amendment’s Excessive Fines Clause and therefore unconstitutional. While the Court of Appeals of Indiana affirmed the trial court’s ruling, the Indiana Supreme Court reversed the decision.

In overruling the lower courts, the Indiana Supreme Court did not determine whether the forfeiture was in fact disproportionate. Instead, the court held the Clause only constrains federal, not state, action. In order to determine whether a protection expressed in the U.S. Bill of Rights is applicable to the states, SCOTUS asks two questions: (1) “Is the right expressed fundamental to our scheme of ordered liberty?” and (2) “Is the right involved deeply rooted in this Nation’s history and tradition?” If the answer to either question is yes, the right is incorporated and enforced against the states through the Fourteenth Amendment to the U.S. Constitution. Relying upon the strong historical backdrop of the Clause, SCOTUS held that the Eighth Amendment’s Excessive Fines Clause is incorporated and applicable to state forfeiture actions.

Indiana did not meaningfully challenge this incorporation of the Excessive Fines Clause, but did argue the Clause does not apply to civil *in rem* forfeitures because that application is neither fundamental nor deeply rooted. This argument runs up against two problems. First, SCOTUS previously decided in *Austin v. United States* that civil *in rem* forfeitures fall within the Clause’s protection when those forfeitures are at least partially punitive. Second, when a protection from the U.S. Bill of Rights is incorporated, SCOTUS asks whether the right as a whole, not each possible application of the right, is fundamental or deeply rooted.

The State of Oregon protects against excessive fines in Article XV, Section 10(7) of the Constitution which states: “The value of property forfeited under the provisions of this section may not be excessive and shall be substantially proportional to the specific conduct for which the owner of the property has been convicted.” In light of the decision in *Timbs v. Indiana*, forfeitures in Oregon that are disproportionate or excessive run the risk of being declared unconstitutional under both the State of Oregon Constitution and the Eighth Amendment’s Excessive Fines Clause.

Methodology

In previous reports, a basic description of all seizures and dispositions reported to CJC during the calendar year of the report has been provided. In this report, we attempt 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 2018. This will allow for some explanation of seizure and disposition changes over time and pave the way for more detailed reports in future years.

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 2018 should be made in 2018, or at the very latest in 2019. There are a number of cases reported in 2018 which occurred anywhere from 2004 to 2017. In past reports, this has not been noted or addressed, so the number of seizures reported for 2017, for instance, are “inflated” by this type of latent reporting. In this and following reports, an effort will be made to distinguish between reports made in 2018 and seizures made in 2018 for clarity and accurate year-to-year comparison.

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 2018 through their final disposition in time to report them here, as many dispositions have not been made and will not be made until later in 2019. Consequently, CJC also received large numbers of disposition reports in 2018 stemming from seizures which occurred in 2017. To address this problem, CJC chooses to include all disposition reports received in 2018 (regardless of seizure 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.

In order to facilitate the transition from the previous all-encompassing report type to the future more detailed report type, this report will include both the description of all seizures and dispositions reported to CJC in 2018 and the more specific description of seizures made just in 2018. In future reports, a focus on the more specific description of just seizures made in the report year can be expected.

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 2018.

2018 Seizures

Table 1 describes all seizures reported to CJC in the calendar year 2018, as previous reports have done. This includes seizures that occurred anywhere from 2004–2018, with about 30 percent of these actually occurring in 2018, 46 percent occurring in 2017, 9.5 percent occurring in 2016, and the remaining occurring previously.

Table 1. All seizures reported to CJC in 2018

	Number	Percent
Total Number of Seizures	402	
Seizures by Local Agencies	377	93.8%
Seizures by State Agencies	25	6.2%
Civil Forfeitures	342	85.1%
Criminal Forfeitures	60	14.9%
Cases which are Drug Related	379	94.3%

Drug Type	Number of Cases*	Percent of (Drug Related) Cases†
Methamphetamine	192	50.7%
Heroin	176	46.4%
Marijuana	77	20.3%
Cocaine	51	13.5%
Oxycodone	10	2.6%
Unknown	5	1.3%
MDMA	4	1.1%
Xanax	4	1.1%
Psilocybin Mushrooms	3	0.8%
Fentanyl	2	0.5%
Anabolic Steroids	1	0.3%
BHO	1	0.3%
Clonazepam	1	0.3%
Counterfeit Viagra	1	0.3%
Ecstasy	1	0.3%
LSD	1	0.3%
Methamphetamine Precursor	1	0.3%
Suboxone	1	0.3%
Unlawful Extract	1	0.3%
Vicodin	1	0.3%

Cash Seized	\$2,814,715
Value of non-Cash Property Seized‡	\$487,578
Total Value of Seized Property	\$3,302,293

*Many drug-related cases involve multiple drug types, so numbers will not add to total cases.

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

‡This does not include non-cash property with no reported liquid value.

Table 2 below also describes all seizures reported to CJC in the calendar year 2018, however divides them by principal seizing agency and provides the percent of civil (and therefore criminal) cases, the number of claims filed, and the percent of the state's total value seized that each agency is responsible for. The number of claims filed refers to the number of legal claims filed by the party from which something was seized against the seizing agency.

Table 2. All seizures reported to CJC in 2018 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
Bend Police Department	3	100.0%	\$18,935.00	0	0.57%
Canby Police Department	6	100.0%	\$30,175.68	0	0.91%
Central Oregon Drug Enforcement	32	96.9%	\$480,107.30	2	14.54%
Central Point Police Department	8	25.0%	\$78,352.00	0	2.37%
Clackamas County Sheriff's Department	26	100.0%	\$244,732.00	2	7.41%
Clackamas County Interagency Task Force	4	100.0%	\$12,088.00	0	0.37%
Clatsop County Sheriff's Department	5	0.0%	\$5,601.23	0	0.17%
Dallas Police Department	1	100.0%	\$0.00 [†]	0	0.00%
Deschutes County Sheriff's Department	10	60.0%	\$20,691.22	0	0.63%
Douglas County Sheriff's Department	1	100.0%	\$667.00	1	0.02%
Douglas Interagency Narcotics Team	46	97.8%	\$69,624.46	9	2.11%
Grants Pass Department of Public Safety	6	0.0%	\$14,868.00	0	0.45%
Gresham Police Department	6	100.0%	\$21,472.00	3	0.65%
Jackson County Sheriff's Department	1	0.0%	\$215.00	0	0.01%
Lane County Interagency Narcotics Team	3	100.0%	\$47,315.00	1	1.43%
Medford Police Department	89	89.9%	\$756,360.40	13	22.90%
Oregon City Police Department	1	100.0%	\$12,500.00	0	0.38%
Oregon State Police	25	88.0%	\$175,618.10	5	5.32%
Polk County Sheriff's Department	1	100.0%	\$4,549.00	0	0.14%
Portland Police Bureau	59	100.0%	\$139,247.60	11	4.22%
Redmond Police Department	2	50.0%	\$6,451.00	0	0.20%
Rogue Area Drug Enforcement	7	0.0%	\$65,776.00	0	1.99%
Salem Police Department	3	100.0%	\$563,721.80	2	17.07%
Sherman County Sheriff's Department	16	12.5%	\$7,303.00	2	0.22%
South Coast Interagency Narcotics Team	6	100.0%	\$7,980.00	1	0.24%
Springfield Police Department	16	93.8%	\$43,114.00	1	1.31%
Washington County Sheriff's Department	17	94.1%	\$130,128.40	0	3.94%
Yamhill County Interagency Narcotics Team	2	50.0%	\$344,700.00	1	10.44%

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

[†]Dallas Police Department seized property, but did not report its liquid value.

The following tables give information about statewide totals for all seizures reported to CJC in 2018 regarding the circumstances of the seizure.

Table 3. Circumstances of search and seizure for all seizures reported to CJC in 2018

Circumstance	Number of Cases*	Percent of Cases†
Incident to arrest	118	29.4%
Inventory	42	10.4%
Other consent to search	32	8.0%
Probable cause (no warrant)	90	22.4%
Public health/safety	1	0.2%
Search warrant/seizure order	154	38.3%
Vehicle consent	49	12.2%
None reported	6	1.5%

*Many cases involve multiple circumstances, so numbers will not add to total cases.
†Many cases involve multiple circumstances, so percentages will not add to 100%.

Table 4. Nature of prohibited conduct leading to seizure for all seizures reported to CJC in 2018

Conduct	Number of Cases*	Percent of Cases†
Aggravated identity theft	1	0.2%
Attempt solicitation	2	0.5%
Burglary and theft	1	0.2%
Child neglect I	1	0.2%
Conspiracy	17	4.2%
Controlled substances	170	42.3%
Delivery	301	74.9%
Export marijuana	8	2.0%
Felon in possession	2	0.5%
Forgery I	1	0.2%
Identity theft	1	0.2%
Import/export marijuana	4	1.0%
Mail theft	1	0.2%
Manufacture	106	26.4%
Money laundering	10	2.5%
Possession	285	70.9%
Prostitution	1	0.2%
Tampering with drug records	1	0.2%

*Many cases involve multiple circumstances, so numbers will not add to total cases.
†Many cases involve multiple circumstances, so percentages will not add to 100%.

Tables 5–9 below provide the same information as tables 1–4, however they only include data on seizures that occurred within the indicated calendar year. In order to begin comparing seizure data over time, both 2017 and 2018 seizures have been included in these tables. Note that the 2017 data included in these tables is not consistent with the data in the 2017 report. This is due to the fact that the 2017 report included a number of seizures that occurred anywhere from 2002 to 2016 in the 2017 totals, but the following tables will only include seizures that occurred in 2017.

Table 5. 2017 and 2018 seizures reported to CJC in 2017 and 2018, respectively

	Number		Percent	
	2017	2018	2017	2018
Total Number of Seizures	155	120		
Seizures by Local Agencies	142	108	91.6%	90.0%
Seizures by State Agencies	13	12	8.4%	10.0%
Civil Forfeitures	150	110	96.8%	91.7%
Criminal Forfeitures	5	10	3.2%	8.3%
Cases which are Drug Related	154	119	99.4%	99.2%

Drug Type	Number of Cases*		Percent of (Drug Related) Cases†	
	2017	2018	2017	2018
Methamphetamine	79	53	51.3%	44.5%
Heroin	73	60	47.4%	50.4%
Marijuana	19	27	12.3%	22.7%
Cocaine	32	21	20.8%	17.6%
Oxycodone	6	1	3.9%	0.8%
Unknown	2	3	1.3%	2.5%
MDMA	4	2	2.6%	1.7%
Xanax	3	3	1.9%	2.5%
Fentanyl	2	1	1.3%	0.8%
BHO	1	0	0.6%	0.0%
Counterfeit Viagra	1	0	0.6%	0.0%
LSD	1	0	0.6%	0.0%
Suboxone	2	0	1.3%	0.0%
Unlawful Extract	1	0	0.6%	0.0%
Amphetamine	1	0	0.6%	0.0%
Hydrocodone	2	0	1.3%	0.0%
Methadone	1	0	0.6%	0.0%
Lorazepam	1	0	0.6%	0.0%
Dextroamphetamine	1	0	0.6%	0.0%

	2017	2018
Cash Seized	\$899,455	\$489,715
Value of non-Cash Property Seized‡	\$278,000	\$344,700
Total Value of Seized Property	\$1,177,455	\$834,415

*Many drug-related cases involve multiple drug types, so numbers will not add to total cases.

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

‡This does not include non-cash property with no reported liquid value.

Table 6. 2017 seizures reported to CJC in 2017

Principal Seizing Agency	Number of Cases	Percent Civil Cases	Total Value Seized*	Number of Claims Filed	Percent of State Total by Total Value Seized
Canby Police Department	1	100.0%	\$12,348.68	0	1.05%
Central Oregon Drug Enforcement	29	96.6%	\$382,323.30	2	32.47%
Central Point Police Department	1	100.0%	\$99,900.00	1	8.48%
Deschutes County Sheriff's Department	2	100.0%	\$2,126.00	0	0.18%
Douglas Interagency Narcotics Team	2	100.0%	\$1,645.00	0	0.14%
Gresham Police Department	12	100.0%	\$139,274.10	3	11.83%
Jackson County Sheriff's Department	1	0.0%	\$2,097.00	0	0.18%
Lane County Interagency Narcotics Team	10	100.0%	\$25,381.00	0	2.16%
Medford Police Department	10	90.0%	\$19,018.00	3	1.62%
Oregon State Police	13	15.4%	\$187,181.80	2	15.90%
Polk County Sheriff's Department	8	100.0%	\$40,658.00	0	3.45%
Portland Police Bureau	45	100.0%	\$80,710.25	7	6.85%
Salem Police Department	2	100.0%	\$74,030.00	0	6.29%
Springfield Police Department	12	100.0%	\$43,001.00	0	3.65%
Washington County Sheriff's Department	4	100.0%	\$55,651.00	1	4.73%
West Linn Police Department	1	100.0%	\$708.00	0	0.06%
Yamhill County Interagency Narcotics Team	1	100.0%	\$11,402.00	1	0.97%

*This does not include non-cash property with no reported liquid value

Table 7. 2018 seizures reported to CJC in 2018

Principal Seizing Agency	Number of Cases	Percent Civil Cases	Total Value Seized*	Number of Claims Filed	Percent of State Total by Total Value Seized
Bend Police Department	3	100.0%	\$18,935.00	0	2.27%
Central Oregon Drug Enforcement	14	100.0%	\$41,482.00	0	4.97%
Central Point Police Department	5	40.0%	\$53,837.00	0	6.45%
Clackamas County Sheriff's Department	2	100.0%	\$3,569.00	0	0.43%
Deschutes County Sheriff's Department	6	66.7%	\$17,879.00	0	2.14%
Douglas Interagency Narcotics Team	4	100.0%	\$5,898.00	0	0.71%
Gresham Police Department	1	100.0%	\$6,040.00	1	0.72%
Medford Police Department	15	80.0%	\$66,736.98	5	8.00%
Oregon State Police	12	100.0%	\$60,477.12	2	7.25%
Portland Police Bureau	35	100.0%	\$46,119.58	8	5.53%
Redmond Police Department	1	100.0%	\$1,445.00	0	0.17%
Rogue Area Drug Enforcement	1	0.0%	\$8,678.00	0	1.04%
Salem Police Department	2	100.0%	\$31,332.00	1	3.75%
Springfield Police Department	12	100.0%	\$31,040.00	1	3.72%
Washington County Sheriff's Department	5	100.0%	\$96,246.00	0	11.53%
Yamhill County Interagency Narcotics Team	2	50.0%	\$344,700.00	1	41.31%

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

Table 8. Circumstances of search and seizure for 2017 and 2018 seizures reported to CJC in 2017 and 2018, respectively

Circumstance	Number of Cases*		Percent of Cases†	
	2017	2018	2017	2018
Incident to arrest	74	48	47.74%	40.00%
Inventory	39	20	25.16%	16.67%
Other consent to search	22	10	14.19%	8.33%
Probable cause (no warrant)	67	40	43.23%	33.33%
Public health/safety	0	1	0.00%	0.83%
Search warrant/seizure order	42	29	27.10%	24.17%
Vehicle consent	29	17	18.71%	14.17%
None reported	1	1	0.65%	0.83%

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

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

Table 9. Nature of prohibited conduct leading to seizure for 2017 and 2018 seizures reported to CJC in 2017 and 2018, respectively

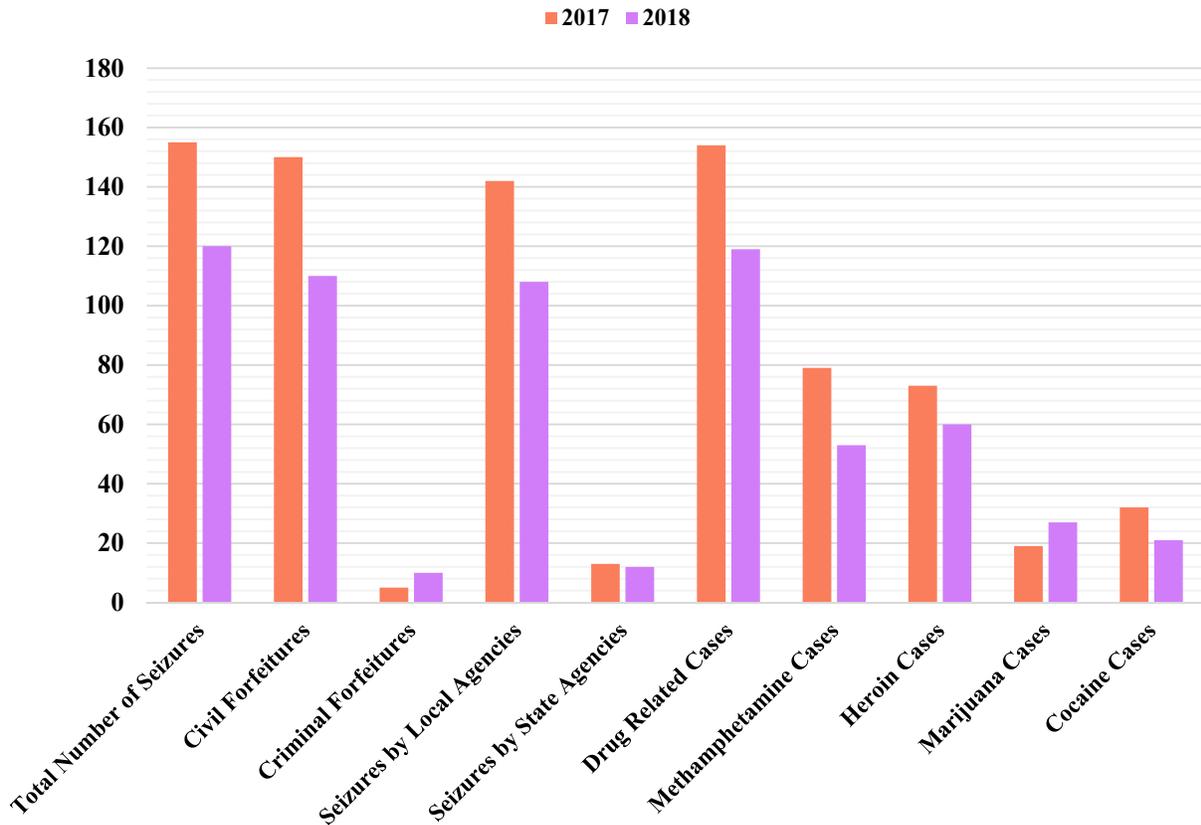
Conduct	Number of Cases*		Percent of Cases†	
	2017	2018	2017	2018
Attempt solicitation	1	1	0.65%	0.83%
Conspiracy	5	1	3.23%	0.83%
Controlled substances	77	65	49.68%	54.17%
Delivery	139	97	89.68%	80.83%
DUII	1	0	0.65%	0.00%
Export marijuana	1	3	0.65%	2.50%
Import/export marijuana	1	2	0.65%	1.67%
Manufacture	35	34	22.58%	28.33%
Money laundering	4	6	2.58%	5.00%
Possession	137	104	88.39%	86.67%
Possession of loaded firearm in public	1	0	0.65%	0.00%
Unlawful import	1	0	0.65%	0.00%

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

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

Figure 1 displays a few pieces of information from the tables above in a way that allows for more clear comparison between 2017 and 2018 seizures. Note that many of the categories in the figure show a drop between 2017 and 2018. These drops can be accounted for in large part by the small drop in total number of seizures (see first category in Figure 1).

Figure 1. 2017 and 2018 seizures



2018 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 2017 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 10 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

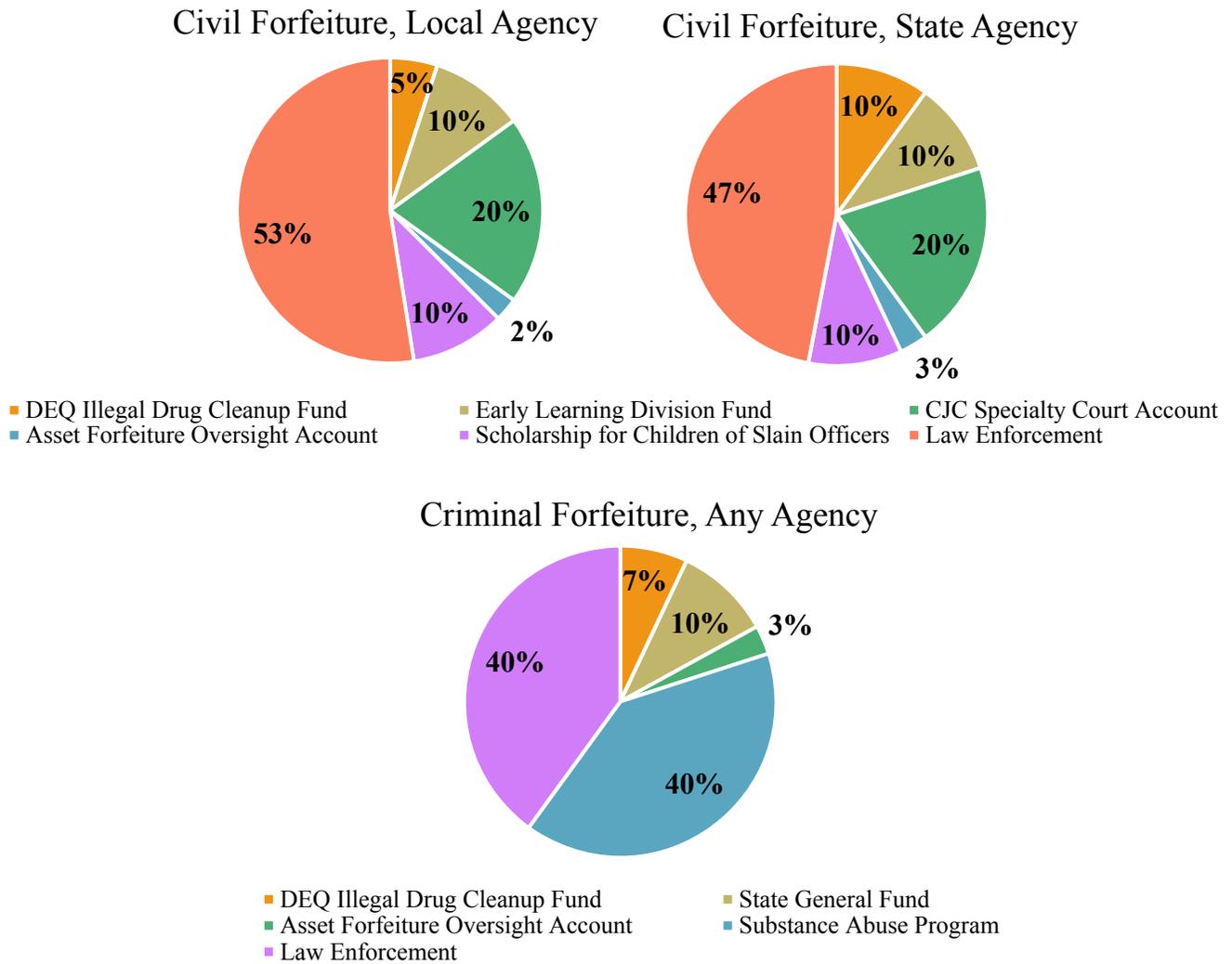


Table 10. All receipts, costs, and distributions for 2018 dispositions by case type and agency type

	Civil Forfeiture		Criminal Forfeiture	Total
	Local Agency	State Agency	Any Agency	
Total Receipts	\$1,207,354	\$106,317	\$23,036	\$1,336,707
Total Costs	\$110,166	\$18,220	\$186	\$128,572
Publication	\$22,415	\$5,508	\$186	\$28,109
Attorney Fees	\$45,218	\$10,726	\$0	\$55,944
Towing/Storage	\$360	\$1,986	\$0	\$2,346
Maintenance of Property	\$0	\$0	\$0	\$0
Other	\$42,173*	\$0	\$0	\$42,173
Net Receipts	\$1,097,188	\$88,097	\$22,850	\$1,208,135
Total Distributions	\$411,737	\$37,883	\$13,711	\$463,331
DEQ Illegal Drug Cleanup Fund	\$54,859	\$8,810	\$1,600	\$65,269
Asset Forfeiture Oversight Account	\$27,430	\$2,643	\$686	\$30,759
OCJC Account Supporting Specialty Courts	\$219,438	\$17,620	N/A	\$237,058
Early Learning Division Fund	\$109,719	\$8,810	N/A	\$118,529
State General Fund	N/A	N/A	\$2,285	\$2,285
Scholarship Program for Children of slain or injured Public Safety Officers	\$291	\$0	N/A	\$291
Substance Abuse Treatment	N/A	N/A	\$9,140	\$9,140
Net Law Enforcement Proceeds	\$685,451	\$50,214	\$9,139	\$744,804

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).

*The majority of the \$42,173 in “other costs” listed under civil forfeiture for a local agency was used for investigative costs.

The scholarship program for children of slain or injured public safety officers was not included in distributions until July 1, 2018, explaining the lower amount of funds going into this account in 2018 overall.

2018 Use of Proceeds

Table 11. Use of proceeds in 2018 by agency

Reporting Body	Received in 2018	Spent in 2018	End of 2018 Balance
Albany PD	\$0.00	\$0.00	\$5,691.78
City of Canby	\$0.00	\$3,764.00	\$18,981.00
City of Oregon City	\$12,500.00	\$7,370.12	\$4,422.08
City of Portland	\$13,632.94	\$690.00	\$442,968.00
Clackamas County	\$73,120.86	\$10,000.00	\$199,183.00
Clackamas County DA	\$0.00	\$7,898.00	\$11,102.00
Clatsop County Sheriff	\$3,449.78	\$0.00	\$3,449.78
Deschutes County Sheriff	\$73,511.11	\$16,359.40	\$57,151.71
DINT	\$47,559.09	\$47,559.09	\$0.00
Eugene PD	\$0.00	\$0.00	\$0.00
Grants Pass DPS	\$0.00	\$9,860.00	\$158,823.37
Gresham PD	\$138,746.00	\$72,965.00	\$117,225.00
Harney County DA	\$4,409.67	\$0.00	\$25,663.07
Jackson County	\$24,100.08	\$197.73	\$23,902.35
Josephine County DA	\$0.00	\$0.00	\$4,318.01
Lane County DA	\$8,728.20	\$8,728.20	\$0.00
Lane County Sheriff	\$0.00	\$105,407.45	\$100,360.88
Lane County Sheriff INET	\$54,870.48	\$17,971.27	\$77,588.62
Marion County DA	\$0.00	\$0.00	\$2,731.26
Medford PD	\$441,537.38	\$395,943.33	\$526,048.38
Multnomah County DA	\$0.00	\$0.00	\$5,837.72
Oregon State Police	\$53,141.11	\$56,782.34	\$478,481.75
POINT	\$6,777.00	\$6,777.00	\$0.00
Redmond PD	\$0.00	\$2,950.66	\$0.00
RADE	\$0.00	\$2,624.99	\$70,856.38
Salem PD	\$430,325.73	\$75,003.35	\$441,345.04
SCINT	\$5,367.43	\$25,756.68	\$2,833.14
Springfield PD	\$4,083.00	\$8,844.80	\$176,612.39
Talent PD	\$0.00	\$0.00	\$1,651.97
Washington County Sheriff	\$129,491.14	\$42,978.19	\$252,759.88
YCINT	\$42,410.36	\$8,380.43	\$51,980.81
Yamhill County Sheriff	\$0.00	\$0.00	\$5,323.05
State Total	\$1,567,761.36	\$934,812.03	\$3,267,292.42

Table 12. Items purchased using proceeds in 2018 by agency

Agency*	Reported Items Purchased
City of Canby	AP 477 Air Science USA LLC (Ductless Fume Hood).
City of Oregon City	TruNarc.
City of Portland	Per forfeiture counsel contract we pay for work on declined cases.
Clackamas County	Investigative expense (buy money for CCITF).
Clackamas County DA	TruNarc SOL Kit Type H-100 with 5 Yr Warranty and Training.
Deschutes County Sheriff	Confidential Funds, Publication and Processing expenses, Attorney Fees.
DINT	Payroll expenses for ADA assigned to DINT.
Grants Pass DPS	New World Mobile upgrade/Server migration for CAD/RMS system.
Gresham PD	Narcotics processing equipment, covert tracker, vehicle vault, Undercover Investigations, Camera software, GPS Location Services, Vehicle R & M, Drug Detecting Supplies, Advertising, Covert Camera.
Jackson County	Minor Equipment for prosecution use.
Lane County DA	Civil Forfeiture proceeds are used to partially fund the personnel costs of the staff who work with local Law Enforcement to file Civil Forfeiture cases.
Lane County Sheriff	MaxPro Repair, Mrap shipping, Armored Vehicle repair, REVA Repair, Mrap wiring.
Lane County INET	Auto Equipment, Phones, Space Rental, Postage, Advertising, Secure Shredding, Towing.
Medford PD	Vehicle, Faro 3-D Scene Software Equipment & Maintenance, GrayKey Unit & License, MADGE Partner Agency Sharing, \$45,000 x 5, Cyber Crimes Expansion, Vehicles, Ashland PD share of forfeiture.
Oregon State Police	Currency for undercover law enforcement operations, Publications and Annual inter-agency Team dues, Attorney General Fees.
POINT	Currency for law enforcement operations.
Redmond PD	Drug Dog Purchase – K9 Rogue, SCU Confidential Buy Funds.
RADE	Food and travel expenses during narcotics operations, Buy money used during narcotics investigations and operations.
Salem PD	Computer forensics servers & monitors; investigative equipment; ruggedized mobile computers for Drug team, Training in computer and cell phone forensics; upgrade of computer forensics software.
SCINT	Replacement computer, Drug prevention materials for Community events, Taskforce operating expenses, Operating expenses.
Springfield PD	Drug prevention/awareness promotional items.
Washington County Sheriff	Training, WIN Vehicles: Maintenance and operational cost for Air Support Unit, Investigative Overtime for WIN team not covered by HIDTA grant, Legal fees.
YCINT	Computer parts, Narcotics trainings, forfeiture costs, Forfeiture counsel.

*This table contains only agencies which reported money spent in 2018.

Conclusion

CJC made some substantial changes to the format of the Asset Forfeiture report this year. We would appreciate any feedback about the accessibility and presentation of the information in the report, and have one particular issue to address. As a reader, is the inclusion of “controlled substances” in tables four and nine helpful, or does it confuse the issue of drug related charges? CJC is considering removing this category entirely and asking agencies to provide ORS codes for only the most severe offense leading to seizure. If you have any questions, comments, or suggestions about the report format, please direct them to our Asset Forfeiture Liaison, Breeze Potter, at breeze.potter@oregon.gov.

Appendix

“CJC Drug Court Fund – Asset Forfeiture Funds Inquiry”

Good morning, My name is Curtis Chambers, I am a Lieutenant at the Redmond Police Department; I hope this email finds you well. In 2012, RPD took ownership of 2 residences in the city as part of a civil forfeiture related to a drug investigation. The City now desires to sell the two houses to Housing Works at a reduced price, compared to market price.

Our attorneys have not found any legal hurdles to the reduced price but recommended we contact each of the interested parties (DEQ, Education, CJC, AFOAC, College Fund). The purpose is to ensure each party did not have any objection about receiving a smaller share of the funds, compared to the amount which they would have received if we sold the houses at market price. The AFOAC (asset funds oversight committee) reviewed this request and supported it. To be clear, CJC-Drug Court Fund would still receive their full 20%, this is not changing.

There is an opportunity to sell the homes to Housing Works so they can then be sold to low-income families as affordable housing. Housing Works properties are all affordable income properties and acquiring new properties must meet the same requirement. What I need to know from the interested parties, if RPD sells the homes to Housing Works at a reduced rate, would each entity be amenable to accepting a lower amount of proceed money (you would receive the same percentage, just less funds due to the reduced sale price. The difference is approximately \$15,600) to support the affordable housing needs of two families, rather than a higher amount if the homes are sold at market rate? The prices for the homes Housing Works can work with for affordable housing is still more than what the homes were valued at when first seized back in 2012 due to the economy and the condition of the homes. Housing Works offer for the homes to pencil for affordable housing sales is \$140K and \$215K. The market rate for each is currently about \$230K and \$245K respectively.

In summary, this is an opportunity for RPD to support the community’s need for affordable housing through the surplus of the homes to Housing Works for the lower prices. If support is obtained from all forfeiture proceed recipients entitled to money, RPD will move forward with the above plan, and the homes will be deeded as affordable housing for 35 years, thereby making them available in the future to other families in need of affordable housing should the first buyers sell, or default.

Asset Forfeiture Oversight Advisory Committee (AFOAC) Statutory Authority:

The AFOAC cannot provide legal advice. Per Oregon Revised Statute 131A.455 the duties of the AFOAC are: (1) To prepare reports detailing the number and nature of forfeitures, including the disposition and use of the proceeds from forfeitures; (2) To review, and if necessary, modify, the reports required from forfeiture counsel and public bodies in order to ensure information necessary for oversight is gathered in an efficient and effective manner; (3) To make recommendations necessary to increase the effectiveness, fairness, and efficiency of forfeiture actions; (4) To make recommendations for additional legislation governing forfeiture actions; and (5) To conduct studies or other activities necessary to accomplish the purposes of ORS 131A.455. Interpreting statutory language and opining on the legality of a method of disposition is outside the statutory authority of the AFOAC.