

2012 Annual Report

# asset FORFEITURE



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California Department of Justice

## **Health and Safety Code Section 11495**

11495. (a) The funds received by the law enforcement agencies under section 11489 shall be deposited into an account maintained by the Controller, county auditor, or city treasurer. These funds shall be distributed to the law enforcement agencies at their request. The Controller, auditor, or treasurer shall maintain a record of these disbursements which records shall be open to public inspection, subject to the privileges contained in sections 1040, 1041, and 1042 of the Evidence Code.

(b) Upon request of the governing body of the jurisdiction in which the distributions are made, the Controller, auditor, or treasurer shall conduct an audit of these funds and their use. In the case of the state, the governing body shall be the Legislature.

(c) Each year, the Attorney General shall publish a report which sets forth the following information for the state, each county, each city, and each city and county:

(1) The number of forfeiture actions initiated.

(2) The number of cases and the administrative number or court docket number of each case for which forfeiture was ordered or declared.

(3) The value of the assets forfeited.

(4) The recipients of the forfeited assets, the amounts received, and the date of the disbursement.

(d) The Attorney General shall develop administrative guidelines for the collection and publication of the information required in subdivision (c).

(e) The Attorney General's report shall cover the calendar year and shall be made no later than March 1 of each year beginning with the year after the enactment of this law.

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# INTRODUCTION

California's asset forfeiture statute, section 11495 of the Health and Safety Code, requires the Attorney General to publish an annual report that provides the following information for the state and each county:

- The number of forfeiture actions initiated during the report year.
- The number of cases and the administrative number or court docket number of each case for which forfeiture was ordered or declared during the report year.
- The value of the assets forfeited during the report year.
- The recipients of the forfeited assets, the amounts received, and the dates of the disbursements.

The information contained in this report covers seizures and forfeitures conducted pursuant to California law only. Federal seizures and forfeitures in which California law enforcement agencies participated or shared are not reported in this document.

The 18th annual report covers the 2012 calendar year.



## State of California – Asset Forfeiture Report 2012

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# HIGHLIGHTS

Statistics were solicited from California's 58 counties, 49 of which provided information for this report.

- A total of 2,795 forfeiture proceedings were initiated in 2012.
- A total of 2,092 forfeiture cases were completed during 2012, which included cases initiated in 2012 and prior years. The total value of the disbursed assets is \$15,046,569.
- Three counties reported no forfeiture cases in 2012, and nine counties did not participate in this report.

# METHODOLOGY

To comply with the requirements of Health and Safety Code section 11495, the Department of Justice (DOJ) reaches out to all California district attorneys to request that they, as the officials conducting state forfeiture proceedings, provide the DOJ with the required information for each forfeiture action conducted during the reporting period.

The DOJ collects the statistical data from all participating counties and converts the information into a uniform format suitable for printing. Prior to completing this report, the counties are sent a draft of their section so they have an opportunity to correct any errors before publication.

This report provides the information required by Health and Safety Code section 11495 on all forfeitures initiated during calendar year 2012, both by county and statewide. For forfeitures completed during calendar year 2012, detailed information is provided including the total number of completed cases, case numbers, asset values, and recipients of the forfeited assets.

Pursuant to Health and Safety Code section 11489, state asset forfeiture proceeds are distributed as follows:

- One percent to a private, nonprofit organization composed of local prosecutors for the exclusive purpose of providing a statewide program of education and training for prosecutors and law enforcement in the ethics and proper use of state asset forfeiture laws.
- Ten percent to the prosecutorial agency that processes the forfeiture action.
- Twenty-four percent to the State General Fund.
- Sixty-five percent to the state and/or local law enforcement agencies that participated in the seizure, distributed in a manner that reflects the proportionate contribution of each agency.

## METHODOLOGY continued

Fifteen percent of the funds distributed to law enforcement must be deposited in a special fund which is maintained by a council made up of local government entities. This fund shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.

Some counties have reported the disposition of 15 percent of their share to a special fund, while others have not, nor are they required to. For those counties that include the 15 percent, the special fund's share is listed in Table 3 as going to "15%-11489" or to a county special fund.

In some cases in which the report lists only one law enforcement recipient, that agency may have made further distributions to other law enforcement agencies that assisted in that case.



# asset forfeiture

## STATISTICAL DATA



## forfeitures INITIATED

- Table 1 provides information on asset forfeiture actions initiated pursuant to California law during 2012.
- For purposes of this report, seizure of assets constitutes the initiation of a forfeiture action.
- Some cases listed involved forfeiture actions that were still pending after 2012. In other cases, forfeiture was ordered or declared and assets were distributed during 2011. (Details on the latter are provided in the “Forfeitures Completed” section.)
- The counties of Alpine, Mariposa, and San Benito have no information listed in Table 1 because they did not initiate any forfeiture actions during 2012.
- The following counties chose not to participate in this report: Del Norte, Fresno, Los Angeles, Sacramento, San Francisco, Santa Clara, Sierra, Siskiyou and Yuba. Counties are not mandated to provide the DOJ with their asset forfeiture data.



## State of California – Asset Forfeiture Report 2012

Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
ALAMEDA	220	\$1,616,424.68
ALPINE	0	\$0.00
AMADOR	6	\$440,507.22
BUTTE	80	\$795,969.89
CALAVERAS	9	\$75,164.74
COLUSA	9	\$150,350.00
CONTRA COSTA	261	\$1,115,064.68
DEL NORTE	0	\$0.00
EL DORADO	19	\$55,064.65
FRESNO	0	\$0.00
GLENN	10	\$66,801.27
HUMBOLDT	79	\$1,756,888.45
IMPERIAL	9	\$81,890.00
INYO	2	\$4,242.00
KERN	92	\$625,846.74
KINGS	2	\$3,687.00
LAKE	35	\$266,481.17
LASSEN	3	\$12,836.00
LOS ANGELES	0	\$0.00
MADERA	21	\$70,049.38
MARIN	6	\$39,423.74
MARIPOSA	0	\$0.00
MENDOCINO	142	\$1,919,096.11
MERCED	56	\$439,782.72
MODOC	6	\$31,447.69
MONO	8	\$50,946.00
MONTEREY	73	\$254,002.66
NAPA	30	\$869,668.16
NEVADA	8	\$170,916.27
ORANGE	310	\$1,798,750.04
PLACER	101	\$475,509.81
PLUMAS	1	\$17,698.00
RIVERSIDE	119	\$3,230,422.00
SACRAMENTO	0	\$0.00
SAN BENITO	0	\$0.00
SAN BERNARDINO	178	\$2,539,193.93
SAN DIEGO	11	\$13,387.00
SAN FRANCISCO	0	\$0.00
SAN JOAQUIN	94	\$384,136.16



## State of California – Asset Forfeiture Report 2012

Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
SAN LUIS OBISPO	22	\$81,611.00
SAN MATEO	71	\$378,353.32
SANTA BARBARA	33	\$215,791.40
SANTA CLARA	0	\$0.00
SANTA CRUZ	33	\$589,842.16
SHASTA	52	\$620,794.77
SIERRA	0	\$0.00
SISKIYOU	0	\$0.00
SOLANO	104	\$299,630.21
SONOMA	172	\$2,842,062.31
STANISLAUS	17	\$144,329.43
SUTTER	13	\$95,183.00
TEHAMA	48	\$712,188.13
TRINITY	31	\$976,774.00
TULARE	29	\$175,028.01
TUOLUMNE	9	\$35,218.00
VENTURA	119	\$332,756.25
YOLO	42	\$309,006.00
YUBA	0	\$0.00
<b>Total:</b>	<b>2,795</b>	<b>\$27,180,216.15</b>

# forfeitures COMPLETED

- Table 2 provides summary information by county on asset forfeiture actions completed pursuant to California law during 2012. This includes disbursement information on cases initiated from 1995 through 2012.
- For purposes of this report, an asset forfeiture case is considered completed when forfeiture has been ordered or declared and all assets have been distributed. (When all seized items are returned to the defendant following adjudication of a previously-initiated case, it is no longer considered to be an asset forfeiture case.)
- Table 3 provides detailed information on each asset forfeiture case that was completed during 2012. This includes disbursement information on cases initiated from 1995 through 2012.
- Cases for which only a partial distribution was made during 2012 are not listed in Table 3, as they are still considered to be pending. They will be reported once they are fully distributed.
- The following counties have no information listed in Table 2 and are not included in Table 3 because they did not distribute assets from any forfeiture cases during 2012: Alpine, Mariposa, San Benito.
- The following counties did not participate in this report: Del Norte, Fresno, Los Angeles, Sacramento, San Francisco, Santa Clara, Sierra, Siskiyou and Yuba.



## State of California – Asset Forfeiture Report 2012

Table 2

County	Forfeitures Completed	Amount Disbursed
ALAMEDA	181	\$857,257.54
ALPINE	0	\$0.00
AMADOR	0	\$0.00
BUTTE	54	\$174,418.30
CALAVERAS	7	\$65,291.24
COLUSA	7	\$103,376.61
CONTRA COSTA	196	\$763,918.23
DEL NORTE	0	\$0.00
EL DORADO	10	\$28,021.68
FRESNO	0	\$0.00
GLENN	7	\$36,766.10
HUMBOLDT	28	\$524,193.74
IMPERIAL	2	\$4,350.16
INYO	0	\$0.00
KERN	97	\$501,814.05
KINGS	6	\$18,346.66
LAKE	34	\$98,781.12
LASSEN	1	\$10,000.00
LOS ANGELES	0	\$0.00
MADERA	0	\$0.00
MARIN	0	\$0.00
MARIPOSA	0	\$0.00
MENDOCINO	105	\$1,541,201.43
MERCED	55	\$246,432.48
MODOC	0	\$0.00
MONO	0	\$0.00
MONTEREY	73	\$154,848.04
NAPA	25	\$108,037.14
NEVADA	11	\$22,220.35
ORANGE	224	\$1,076,788.36
PLACER	66	\$237,868.55
PLUMAS	2	\$25,393.00
RIVERSIDE	78	\$2,539,288.37
SACRAMENTO	0	\$0.00
SAN BENITO	0	\$0.00
SAN BERNARDINO	155	\$1,730,331.05
SAN DIEGO	20	\$26,754.23
SAN FRANCISCO	0	\$0.00
SAN JOAQUIN	73	\$329,991.47
SAN LUIS OBISPO	10	\$48,808.92
SAN MATEO	77	\$539,126.05



## State of California – Asset Forfeiture Report 2012

Table 2

County	Forfeitures Completed	Amount Disbursed
SANTA BARBARA	35	\$280,660.14
SANTA CLARA	0	\$0.00
SANTA CRUZ	6	\$82,711.45
SHASTA	30	\$250,213.66
SIERRA	0	\$0.00
SISKIYOU	0	\$0.00
SOLANO	71	\$303,145.79
SONOMA	89	\$1,146,114.44
STANISLAUS	72	\$184,823.98
SUTTER	26	\$161,890.22
TEHAMA	36	\$214,620.18
TRINITY	3	\$57,271.82
TULARE	19	\$105,269.90
TUOLUMNE	9	\$138,749.05
VENTURA	71	\$219,380.51
YOLO	21	\$88,093.63
YUBA	0	\$0.00
<b>Total:</b>	<b>2,092</b>	<b>\$15,046,569.64</b>