

CALIFORNIA DEPARTMENT OF JUSTICE

ASSET FORFEITURE

ANNUAL REPORT
2004
ANNUAL REPORT

BILL LOCKYER, ATTORNEY GENERAL



Prepared by
Division of Law Enforcement - Bureau of Narcotic Enforcement



March 1, 2005

It is my pleasure to publish this annual comprehensive statistical report on asset forfeiture proceedings conducted pursuant to California state law (California Health and Safety Code Sections 11469, et seq.).

This is the 10th annual asset forfeiture report, providing information on all forfeitures initiated throughout the state during calendar year 2004. This report contains details on the recipients and value of all forfeited assets from forfeitures completed and disbursed in 2004 (including those initiated in 2004 and those pending from 1995 through 2003).

The goal of asset forfeiture is to remove the profits from those who benefit from the illegal drug trade. Illegal drug trafficking diverts money from lawful commerce to illegal activity. While drug seizures and arrests present a temporary setback for drug traffickers, asset forfeiture takes away proceeds from them and diminishes their ability to continue the illegal enterprise.

Education and drug abuse prevention programs are funded with asset forfeiture proceeds. Law enforcement agencies are permitted by law to use the proceeds of forfeiture to purchase safe, more effective equipment they otherwise could not afford. Thus, law enforcement is able to convert criminal profits into supplemental funding which, in turn, is used to inhibit the illegal drug trade.

Legally and fairly administered, asset forfeiture laws are a powerful tool for enforcing California's drug laws and preventing violent crime. Depriving drug traffickers of their profits and ability to continue their criminal enterprises makes California a safer and healthier state.

BILL LOCKYER
Attorney General

Health and Safety Code 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 Health and Safety Code Section 11495, which became effective August 19, 1994, as part of the state's current asset forfeiture statutes, 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 year covered by the report.

- ◆ 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 covers state seizures and forfeitures conducted pursuant to California law only. Federal seizures and forfeitures in which California law enforcement agencies participated/shared are not reported in this document.

This 10th annual report covers the 2004 calendar year. Subsequent reports will be published by March 1 of each year.



Methodology

To comply with the requirements of Health and Safety Code Section 11495, the Department of Justice (DOJ) on December 22, 1994, distributed a Division of Law Enforcement Information Bulletin to all California district attorneys. This bulletin requested that the district attorneys, as the officials conducting state forfeiture proceedings, document the information required for each forfeiture action effective January 1, 1995, and for every year thereafter.

DOJ created a self-contained computer program for the district attorneys' use in collecting/reporting the required statistical information. In 1995 a computer disk containing this program and a User's Guide were sent to each district attorney's office in California. In 1996, and again in 1997, DOJ developed enhanced versions of the computer program for easier and more efficient entry/modification of data for the annual report. Most district attorneys provided data to DOJ for this report via this computer program.

This report provides the information required by Health and Safety Code Section 11495 on all forfeitures **initiated** during calendar year **2004**, both by county and statewide. For each forfeiture **initiated** during **1995 through 2004** that was **completed** during calendar year **2004**, detailed information is provided as to the number of cases, case numbers, asset values and recipients of the forfeited assets -- again by county and statewide.

Pursuant to Health and Safety Code Section 11489, state asset forfeiture proceeds are to be 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 seizure and forfeiture laws.
- ◆ Ten percent to the prosecutorial agency that processes the forfeiture action.



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- ◆ 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.

(Fifteen percent of any funds distributed to local law enforcement agencies must be deposited in a special fund maintained by the county, city, or city and county of any agency making the seizure or seeking an order for forfeiture and shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.)

In setting forth the recipients of assets forfeited in 2004, this report lists for most counties the full sixty-five percent share going to local law enforcement agencies. It does not provide detail as to those agencies' disposition of 15 percent of their share to a county and/or city special fund because the information was not provided, nor is it required for this report. Some agencies did voluntarily provide this information for their cases, and for those counties the amount of the fifteen percent share is listed in Table 3 as going to "15% -11489" or to a county special fund.

In some cases where the report lists only one law enforcement recipient, that agency may in fact have done a further distribution of the amount listed to other law enforcement agencies that participated in the case. This further distribution information was not available in some cases because of the type of distribution system used by some district attorneys' offices.



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Highlights

The information provided in this report represents 100 percent reporting by California's 58 district attorneys.

- ◆ A total of 3,988 forfeiture proceedings were initiated in 2004 involving assets with a total estimated value of \$28,373,526. Some of these proceedings are still pending. (The disposition of any pending proceedings will be provided in the annual report covering the year they are completed and fully disbursed.)

- ◆ A total of 3,512 forfeiture cases were completed during 2004 (includes cases initiated from 1995 through 2004). The total value of the disbursed assets is \$22,459,346.

- ◆ Eight counties initiated no forfeitures during 2004.



Asset Forfeiture
Statistical Data



*Forfeitures
Initiated*

- ◆ **Table 1** provides information on asset forfeiture actions initiated pursuant to California law during 2004.

- ◆ For purposes of this report, seizure of assets constitutes the initiation of a forfeiture action.

- ◆ Some cases listed involved forfeiture actions that are still pending. In other cases, forfeiture was ordered or declared and assets were distributed during 2004. (Details on the latter are provided in the “Forfeitures Completed” section.)

- ◆ The following counties have no information listed in Table 1 because they did not initiate any forfeiture actions during 2004:

Alpine	Amador	Del Norte
Fresno	Mariposa	Mono
Sierra	Trinity	



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Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
ALAMEDA	190	\$1,193,002.42
ALPINE	0	\$0.00
AMADOR	0	\$0.00
BUTTE	21	\$33,281.66
CALAVERAS	4	\$12,228.00
COLUSA	2	\$5,800.80
CONTRA COSTA	181	\$1,212,406.27
DEL NORTE	0	\$0.00
EL DORADO	5	\$10,810.00
FRESNO	0	\$0.00
GLENN	1	\$1,265.00
HUMBOLDT	56	\$330,473.68
IMPERIAL	3	\$6,662.00
INYO	4	\$62,473.90
KERN	159	\$902,652.16
KINGS	23	\$120,287.56
LAKE	8	\$39,719.37
LASSEN	8	\$28,206.00
LOS ANGELES	989	\$8,631,121.60
MADERA	13	\$61,963.00
MARIN	5	\$101,731.93
MARIPOSA	0	\$0.00
MENDOCINO	56	\$293,514.00
MERCED	21	\$717,752.57
MODOC	1	\$1,110.00
MONO	0	\$0.00
MONTEREY	47	\$100,641.69
NAPA	45	\$218,039.61
NEVADA	9	\$15,192.00
ORANGE	345	\$1,857,387.57
PLACER	19	\$26,922.24
PLUMAS	2	\$3,054.00
RIVERSIDE	132	\$1,329,077.34
SACRAMENTO	318	\$2,122,999.06
SAN BENITO	2	\$17,355.00
SAN BERNARDINO	256	\$3,462,842.15



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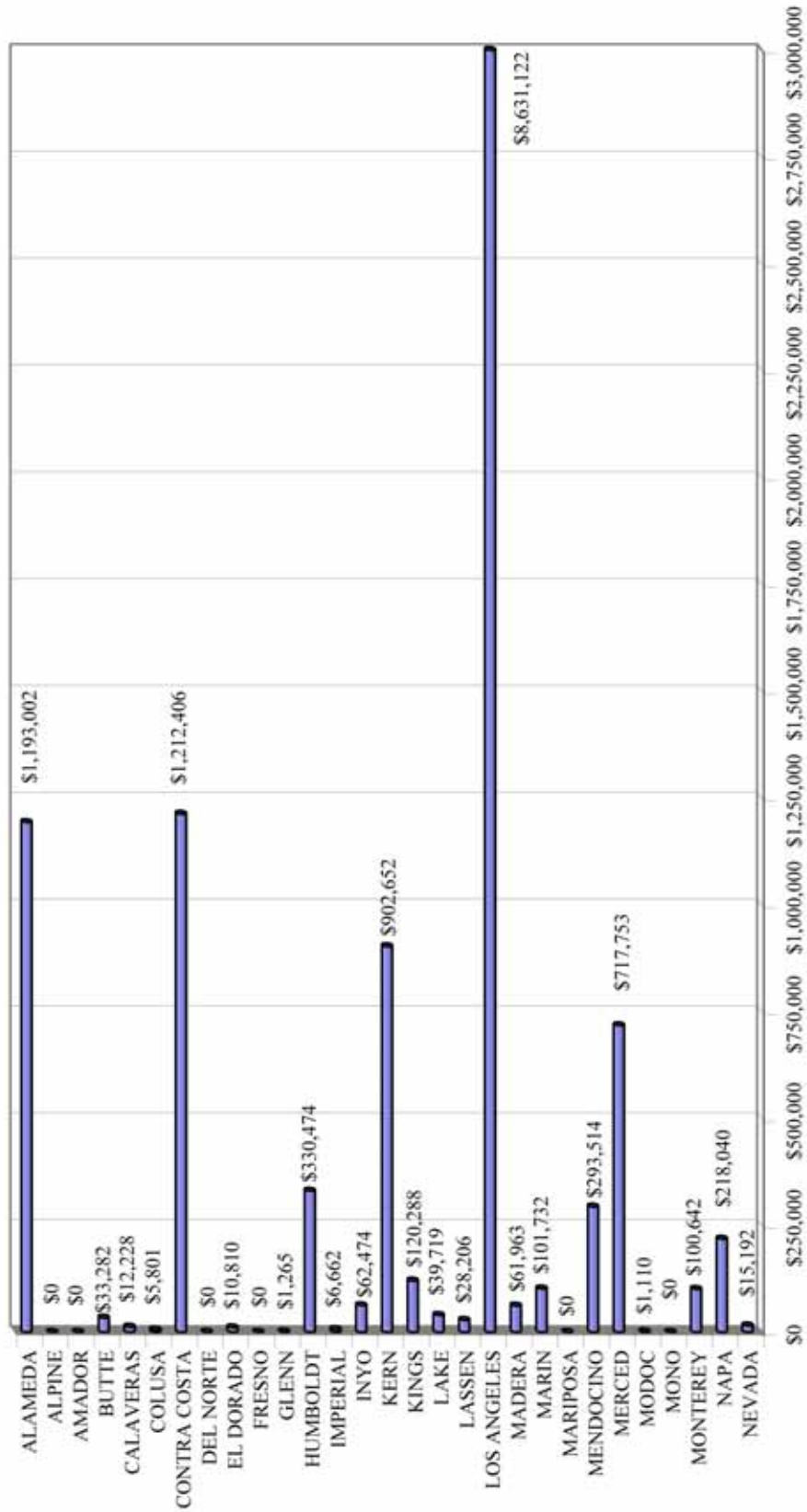
Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
SAN DIEGO	7	\$53,012.00
SAN FRANCISCO	277	\$1,205,239.44
SAN JOAQUIN	69	\$307,808.74
SAN LUIS OBISPO	26	\$78,970.00
SAN MATEO	56	\$451,131.95
SANTA BARBARA	48	\$249,333.03
SANTA CLARA	163	\$1,272,217.42
SANTA CRUZ	55	\$305,285.08
SHASTA	44	\$279,071.00
SIERRA	0	\$0.00
SISKIYOU	4	\$13,370.00
SOLANO	111	\$193,987.82
SONOMA	31	\$329,216.78
STANISLAUS	43	\$242,449.38
SUTTER	4	\$19,398.91
TEHAMA	12	\$58,150.00
TRINITY	0	\$0.00
TULARE	14	\$47,226.48
TUOLUMNE	6	\$6,805.00
VENTURA	52	\$243,443.69
YOLO	32	\$63,133.26
YUBA	9	\$34,303.55
Total:	3,988	\$28,373,526.11



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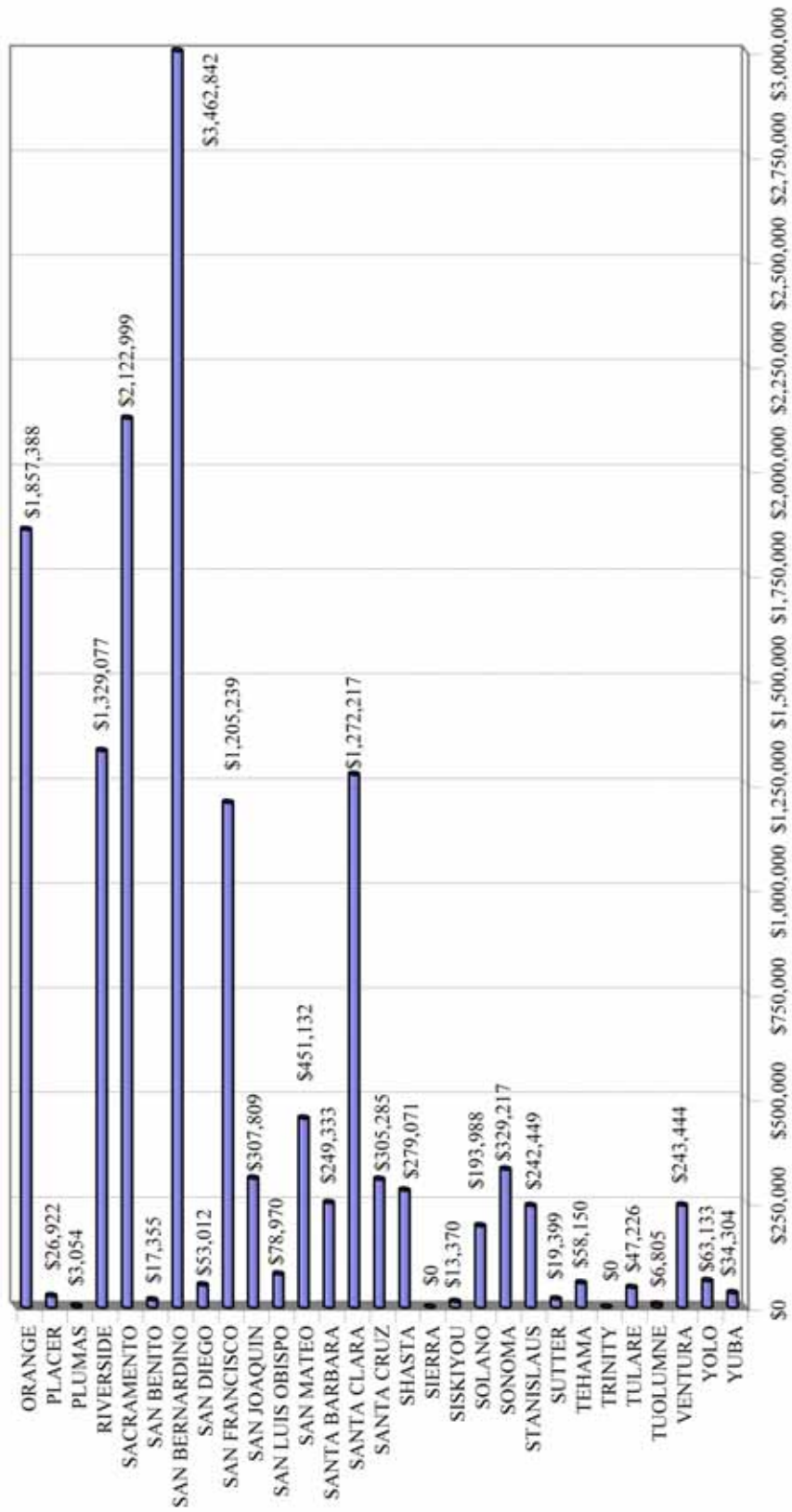
Estimated Value of Forfeiture Actions Initiated by County
January 1, 2004 - December 31, 2004





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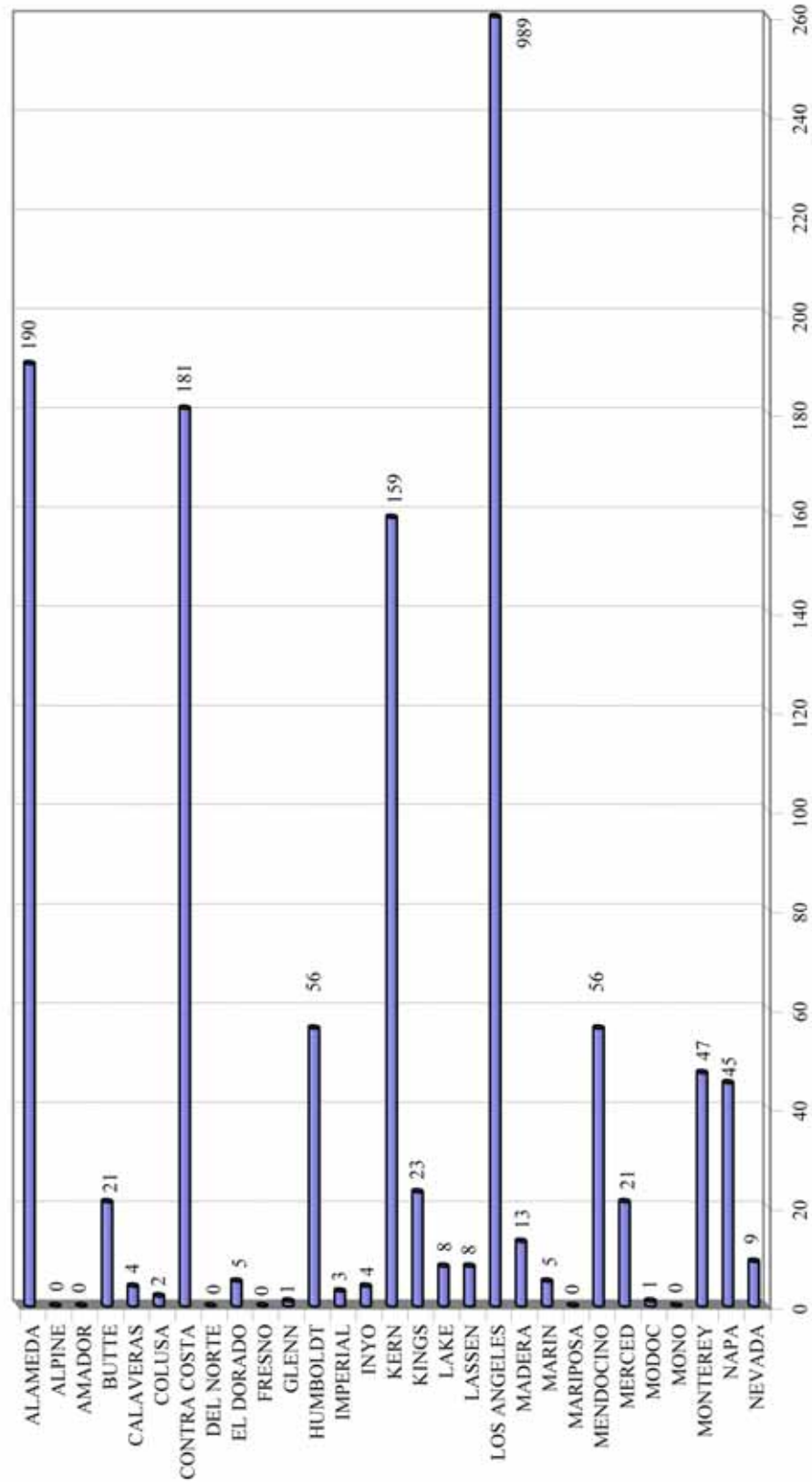
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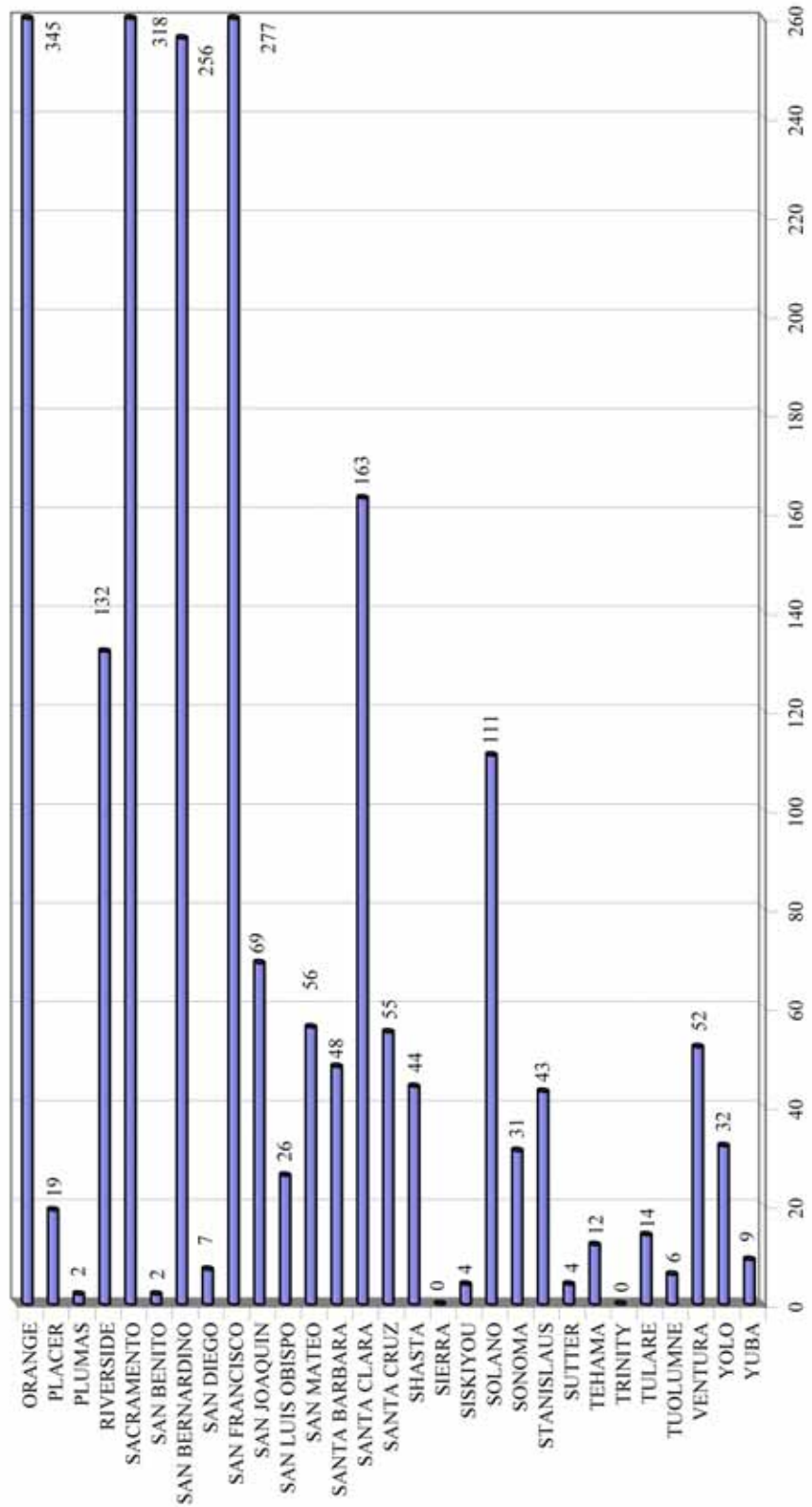
Number of Forfeiture Actions Initiated by County
January 1, 2004 - December 31, 2004





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Number of Forfeiture Actions Initiated by County
January 1, 2004 - December 31, 2004





*Forfeitures
Completed*

- ◆ **Table 2** provides summary information by county on asset forfeiture cases completed pursuant to California law during 2004. (This includes disbursement information on cases initiated from 1995 through 2004.)

- ◆ 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.

- ◆ **Table 3** provides detailed information on each asset forfeiture case completed pursuant to California law during 2004. (This includes disbursement information on cases initiated from 1995 through 2004.)

- ◆ The “Amount Forfeited” listed in Table 3 for each case represents the net amount available for disbursement, after deduction of costs or returns to claimants and addition of accrued interest.

- ◆ Cases initiated from 1995 through 2004 in which only partial distribution has been made are not listed in Table 3 and are considered still pending.

- ◆ The following counties show zeroes in Table 2 and are not shown in Table 3 because, during this report period, they did not fully distribute assets from any forfeiture cases initiated from 1995 through 2004:

Alpine	Amador	Calaveras	Fresno
Glenn	Lake	Mariposa	Mono
Plumas	San Benito	Sierra	Trinity



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Table 2

County	1995 - 2004 Forfeitures Completed	Amount Disbursed
ALAMEDA	138	\$529,502.74
ALPINE	0	\$0.00
AMADOR	0	\$0.00
BUTTE	12	\$26,900.67
CALAVERAS	0	\$0.00
COLUSA	1	\$7,425.27
CONTRA COSTA	195	\$1,068,614.55
DEL NORTE	1	\$18,135.05
EL DORADO	5	\$10,112.34
FRESNO	0	\$0.00
GLENN	0	\$0.00
HUMBOLDT	48	\$239,695.87
IMPERIAL	5	\$108,106.22
INYO	3	\$59,561.22
KERN	95	\$607,355.87
KINGS	12	\$50,039.62
LAKE	0	\$0.00
LASSEN	5	\$5,995.10
LOS ANGELES	789	\$7,742,947.72
MADERA	3	\$28,963.57
MARIN	5	\$61,413.75
MARIPOSA	0	\$0.00
MENDOCINO	47	\$806,532.80
MERCED	34	\$309,678.99
MODOC	1	\$1,110.00
MONO	0	\$0.00
MONTEREY	51	\$70,513.61
NAPA	42	\$86,204.77
NEVADA	2	\$7,767.00
ORANGE	266	\$1,138,726.07
PLACER	16	\$34,302.03
PLUMAS	0	\$0.00
RIVERSIDE	168	\$1,050,788.79
SACRAMENTO	283	\$1,173,944.58



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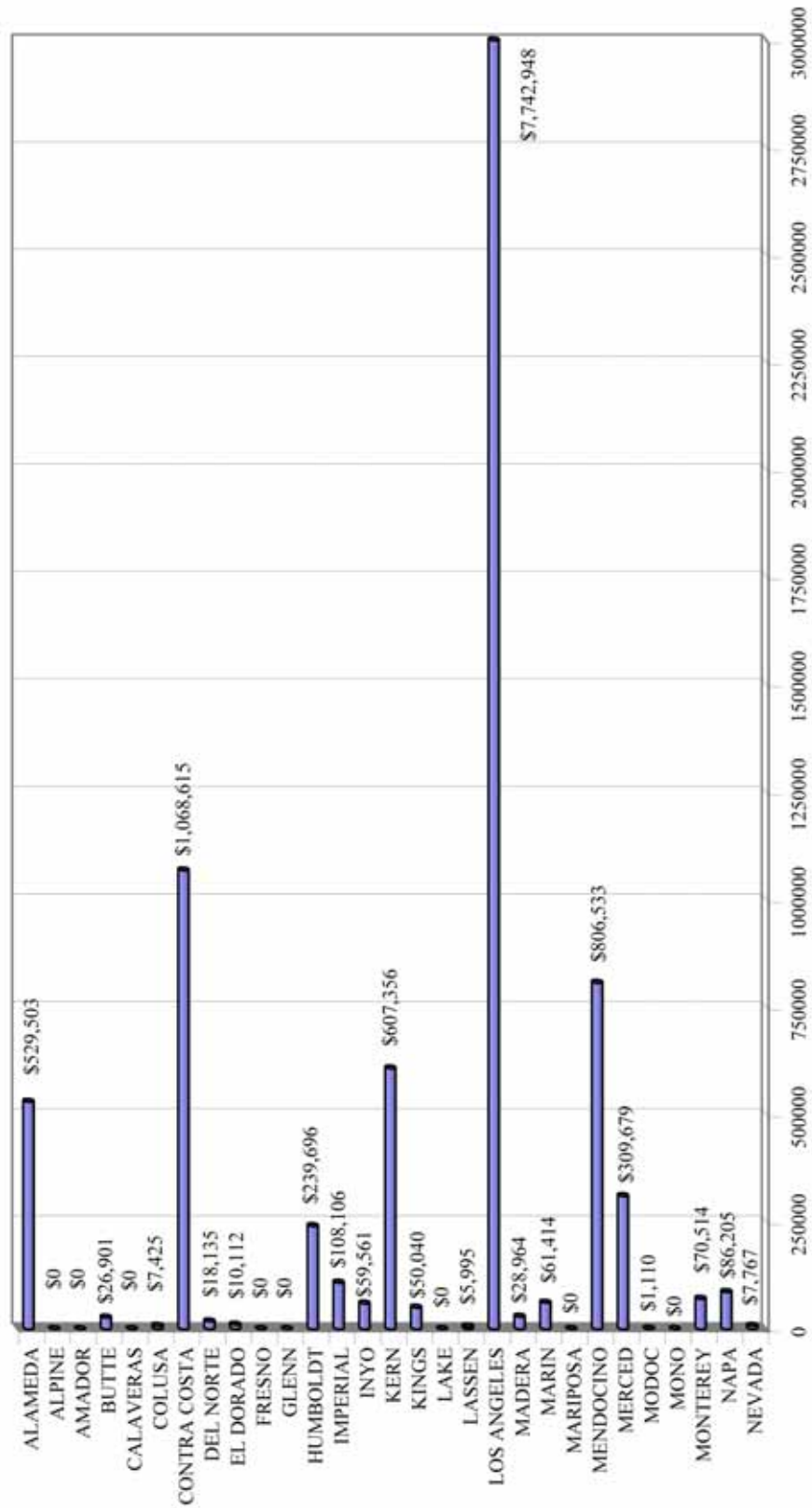
Table 2

County	1995 - 2004 Forfeitures Completed	Amount Disbursed
SAN BENITO	0	\$0.00
SAN BERNARDINO	242	\$2,687,502.31
SAN DIEGO	10	\$46,026.90
SAN FRANCISCO	305	\$1,126,223.86
SAN JOAQUIN	59	\$202,711.68
SAN LUIS OBISPO	27	\$99,323.39
SAN MATEO	53	\$388,697.94
SANTA BARBARA	81	\$243,804.02
SANTA CLARA	139	\$1,094,373.42
SANTA CRUZ	33	\$90,578.11
SHASTA	31	\$81,445.47
SIERRA	0	\$0.00
SISKIYOU	1	\$293.74
SOLANO	81	\$333,273.80
SONOMA	34	\$135,238.99
STANISLAUS	41	\$234,874.77
SUTTER	16	\$32,915.20
TEHAMA	11	\$27,872.39
TRINITY	0	\$0.00
TULARE	23	\$54,996.91
TUOLUMNE	5	\$6,204.11
VENTURA	44	\$203,990.74
YOLO	45	\$105,812.17
YUBA	4	\$18,847.68
Total:	3,512	\$22,459,345.80



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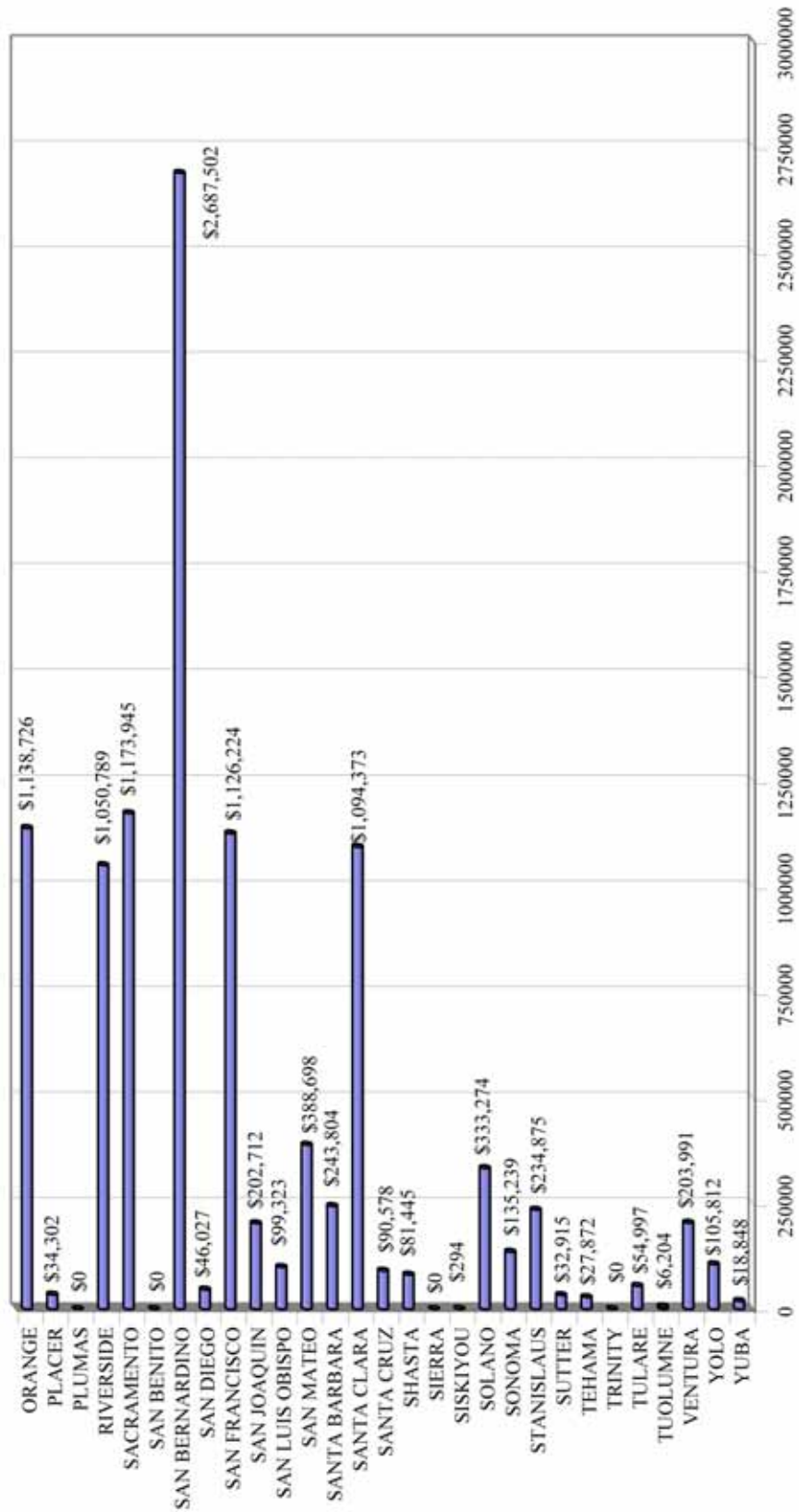
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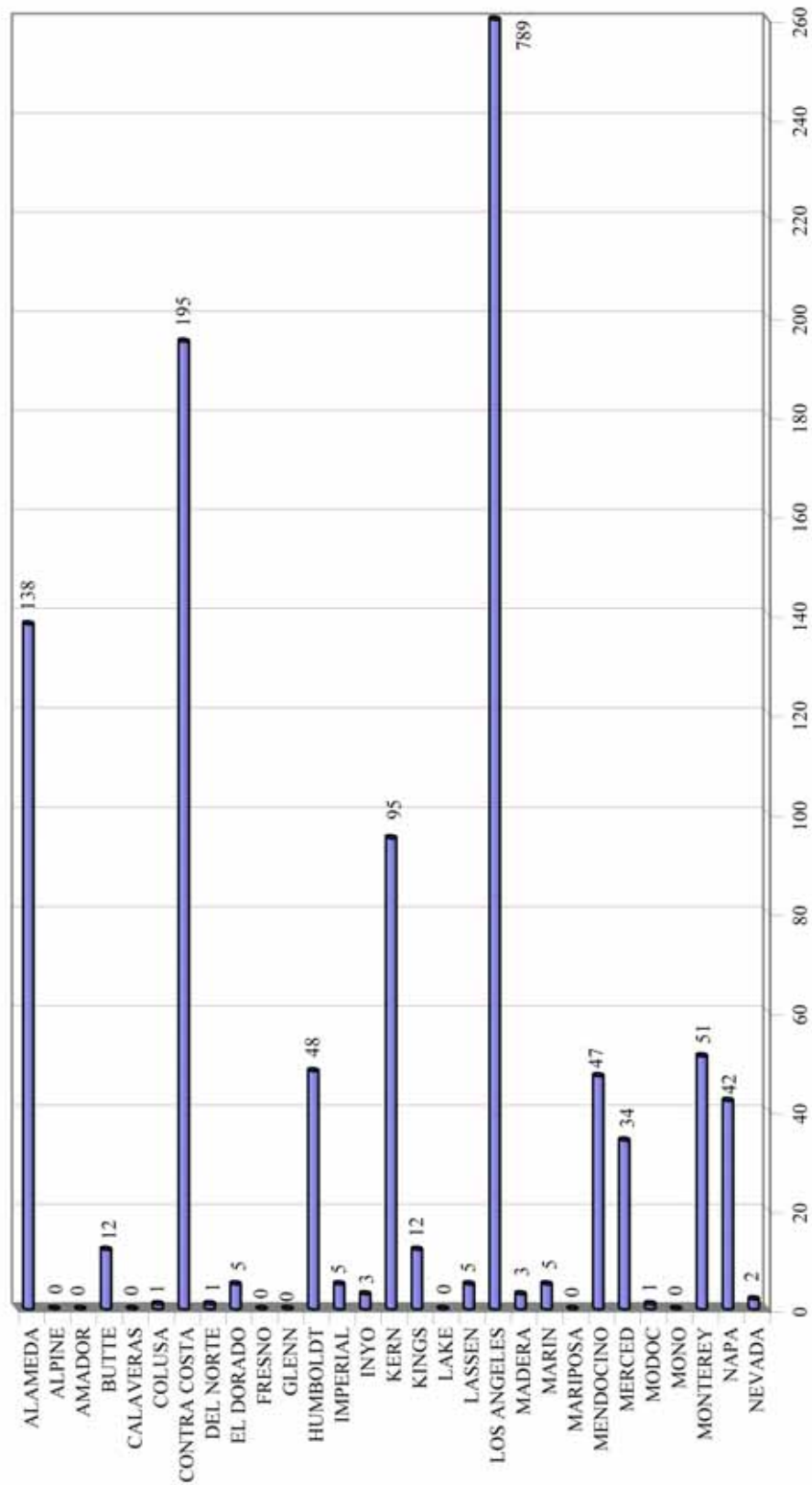
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Number of Forfeiture Actions Completed by County
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Number of Forfeiture Actions Completed by County
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