

CALIFORNIA DEPARTMENT OF JUSTICE

ASSET FORFEITURE

ANNUAL REPORT
2011
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KAMALA D. HARRIS ATTORNEY GENERAL

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Division of Law Enforcement - Bureau of Investigation

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

The state's asset forfeiture statute, Health & Safety Code section 11495, 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 covers state 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.

This 17th annual report covers the 2011 calendar year.



Highlights

Statistics were solicited from California's 58 counties. The information provided in this report reflects the responses that were received and reconciled from 45 counties.

- ◆ A total of 2,644 forfeiture proceedings were initiated in 2011 involving assets with a total estimated value of \$24,597,028. 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 2,569 forfeiture cases were completed during 2011 (includes cases initiated from 1995 through 2011). The total value of the disbursed assets is \$17,958,201.

- ◆ Eleven counties report that no cases were initiated during 2011 because of the following circumstances: Seven counties initiated no forfeitures, three counties were not able to reconcile their data at the time this report was compiled and one county did not participate.



Methodology

To comply with the requirements of Health and Safety Code section 11495, the Department of Justice (DOJ) distributes a Division of Law Enforcement Information Bulletin to all California district attorneys. The bulletin requests that the district attorneys, as the officials conducting state forfeiture proceedings, document the information required for each forfeiture action effective January 1, 1995, and each year thereafter.

DOJ collects the statistical data from all counties in their own unique formats and converts the information into a uniform format suitable for printing. Prior to completing the Annual Asset Forfeiture Report, the counties are sent the draft of their section so that 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 2011, both by county and statewide. For forfeitures initiated between 1995 and 2011 that were completed during calendar year 2011, detailed information is provided by county and statewide on the number of 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 seizure and forfeiture laws.



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- ◆ 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.

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. The funds shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.

This report indicates that most counties have shared the full 65 percent allotment with 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 those counties that include this 15 percent, the 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. This further distribution information was not available from some district attorneys' offices.



Asset Forfeiture Statistical Data



.....
Forfeitures
Initiated

- ◆ Table 1 provides information on asset forfeiture actions initiated pursuant to California law during 2011.

- ◆ 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 2011. 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 following counties have no information listed in Table 1 because they did not initiate any forfeiture actions during 2011:

Alpine	Calaveras	Lassen	Mariposa
Modoc	Nevada	Sierra	

Contra Costa, Los Angeles and San Benito Counties were not able to reconcile their data when this report was compiled. Amador County did not participate in this report. Counties are not required to participate.



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Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
ALAMEDA	199	\$1,332,474.97
ALPINE	0	\$0.00
AMADOR	0	\$0.00
BUTTE	102	\$1,623,911.65
CALAVERAS	0	\$0.00
COLUSA	2	\$53,224.00
CONTRA COSTA	0	\$0.00
DEL NORTE	14	\$38,319.47
EL DORADO	18	\$41,852.00
FRESNO	19	\$119,947.80
GLENN	5	\$134,684.00
HUMBOLDT	70	\$1,389,856.86
IMPERIAL	8	\$1,951,536.35
INYO	1	\$1,521.00
KERN	106	\$639,843.94
KINGS	4	\$12,422.25
LAKE	40	\$122,303.00
LASSEN	0	\$0.00
LOS ANGELES	0	\$0.00
MADERA	17	\$59,719.00
MARIN	8	\$363,879.38
MARIPOSA	0	\$0.00
MENDOCINO	111	\$1,683,224.07
MERCED	68	\$423,573.42
MODOC	0	\$0.00
MONO	6	\$21,348.00
MONTEREY	62	\$177,178.65
NAPA	41	\$175,681.00
NEVADA	0	\$0.00
ORANGE	161	\$435,978.26
PLACER	64	\$589,941.11
PLUMAS	4	\$58,257.00
RIVERSIDE	135	\$1,815,360.25
SACRAMENTO	303	\$2,441,855.69
SAN BENITO	0	\$0.00
SAN BERNARDINO	177	\$1,672,045.44
SAN DIEGO	33	\$37,336.58
SAN FRANCISCO	68	\$101,549.89
SAN JOAQUIN	21	\$70,976.23



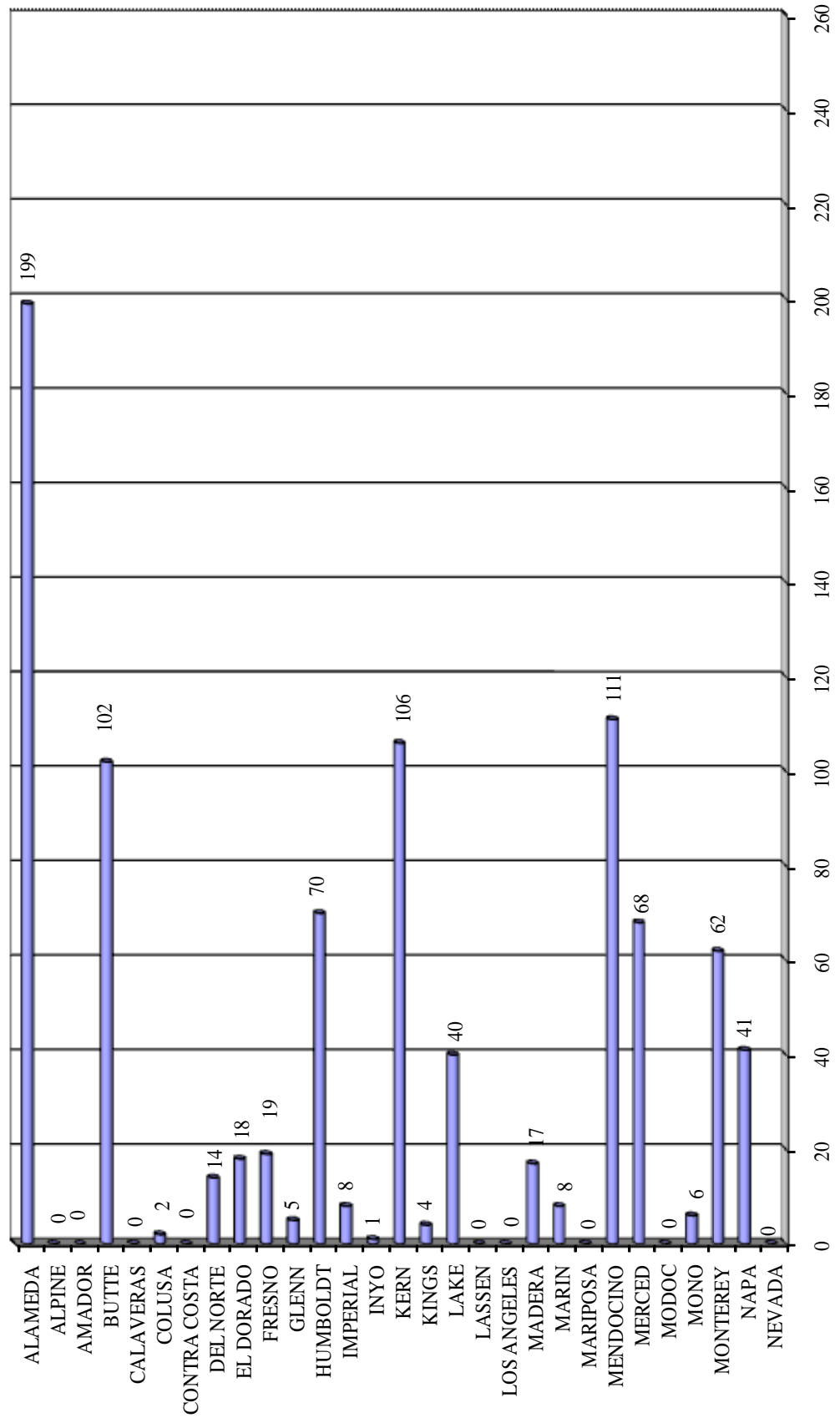
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Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
SAN LUIS OBISPO	11	\$248,938.44
SAN MATEO	97	\$821,983.39
SANTA BARBARA	58	\$790,883.08
SANTA CLARA	7	\$28,336.00
SANTA CRUZ	27	\$206,773.11
SHASTA	22	\$122,091.00
SIERRA	0	\$0.00
SISKIYOU	9	\$101,593.00
SOLANO	102	\$429,854.79
SONOMA	93	\$1,841,242.17
STANISLAUS	57	\$193,657.65
SUTTER	23	\$172,685.14
TEHAMA	50	\$711,070.91
TRINITY	8	\$79,240.00
TULARE	29	\$305,310.08
TUOLUMNE	19	\$219,279.47
VENTURA	110	\$623,403.36
YOLO	38	\$66,379.00
YUBA	17	\$44,507.00
Total:	2,644	\$24,597,028.85

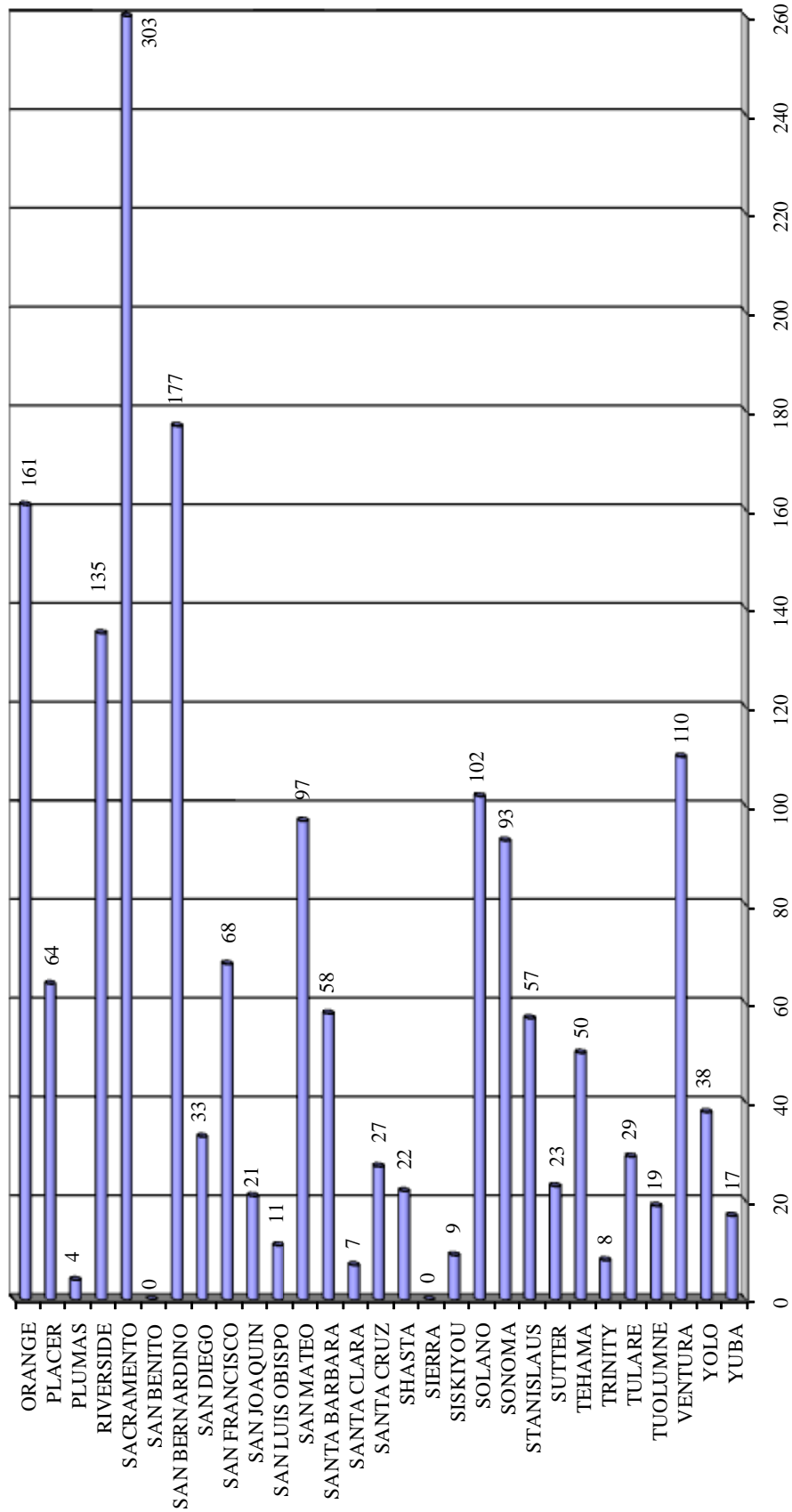


Number of Forfeiture Actions Initiated by County (A-N)
January 1, 2011 - December 31, 2011
(excluding counties with nothing to report - Alpine, Amador, Calaveras, Contra Costa,
Lassen, Los Angeles, Mariposa, Modoc, Nevada, San Benito and Sierra)



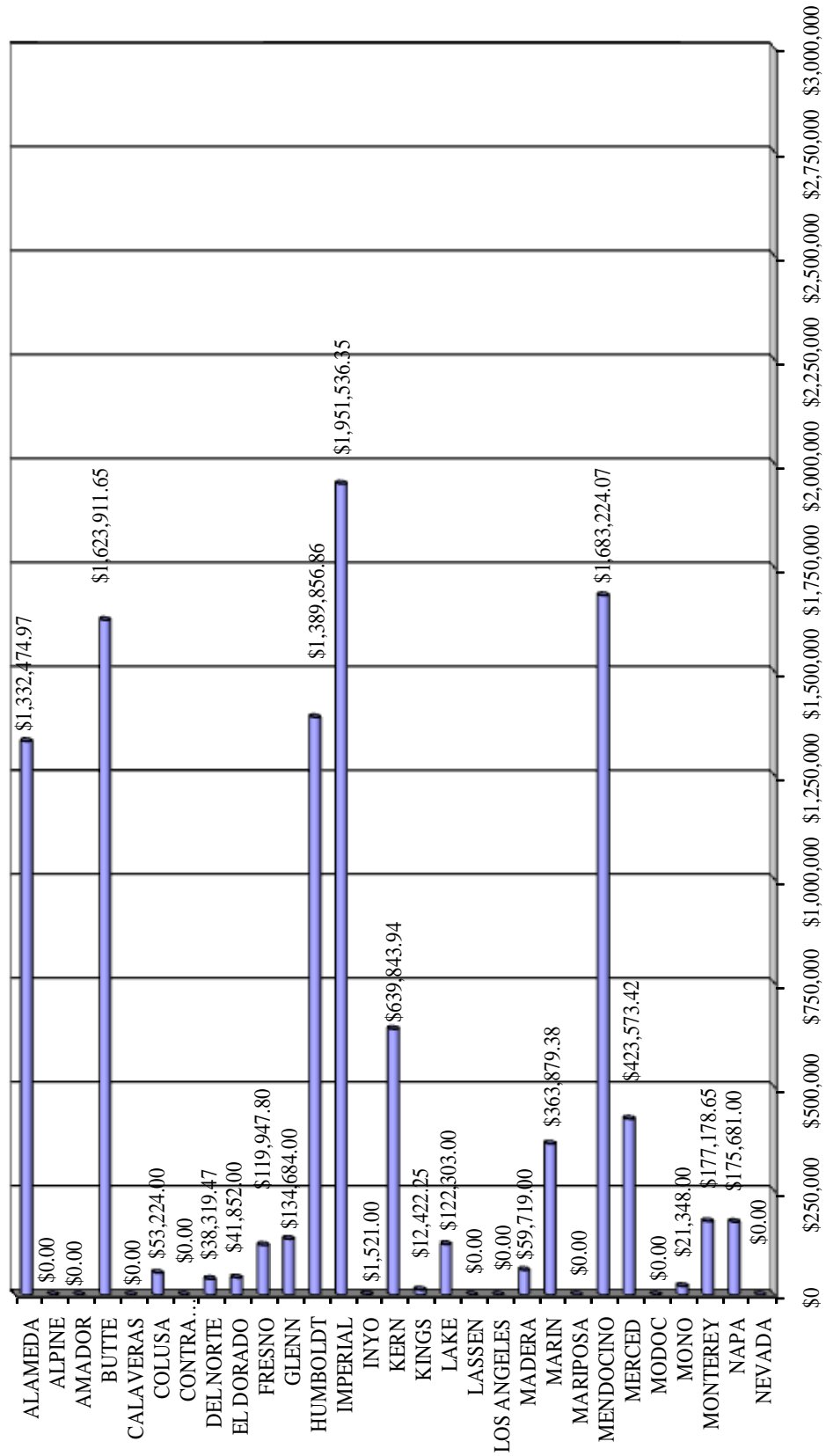


Number of Forfeiture Actions Initiated by County (O-Y)
January 1, 2011 - December 31, 2011
(excluding counties with nothing to report - Alpine, Amador, Calaveras, Contra Costa,
Lassen, Los Angeles, Mariposa, Modoc, Nevada, San Benito and Sierra)



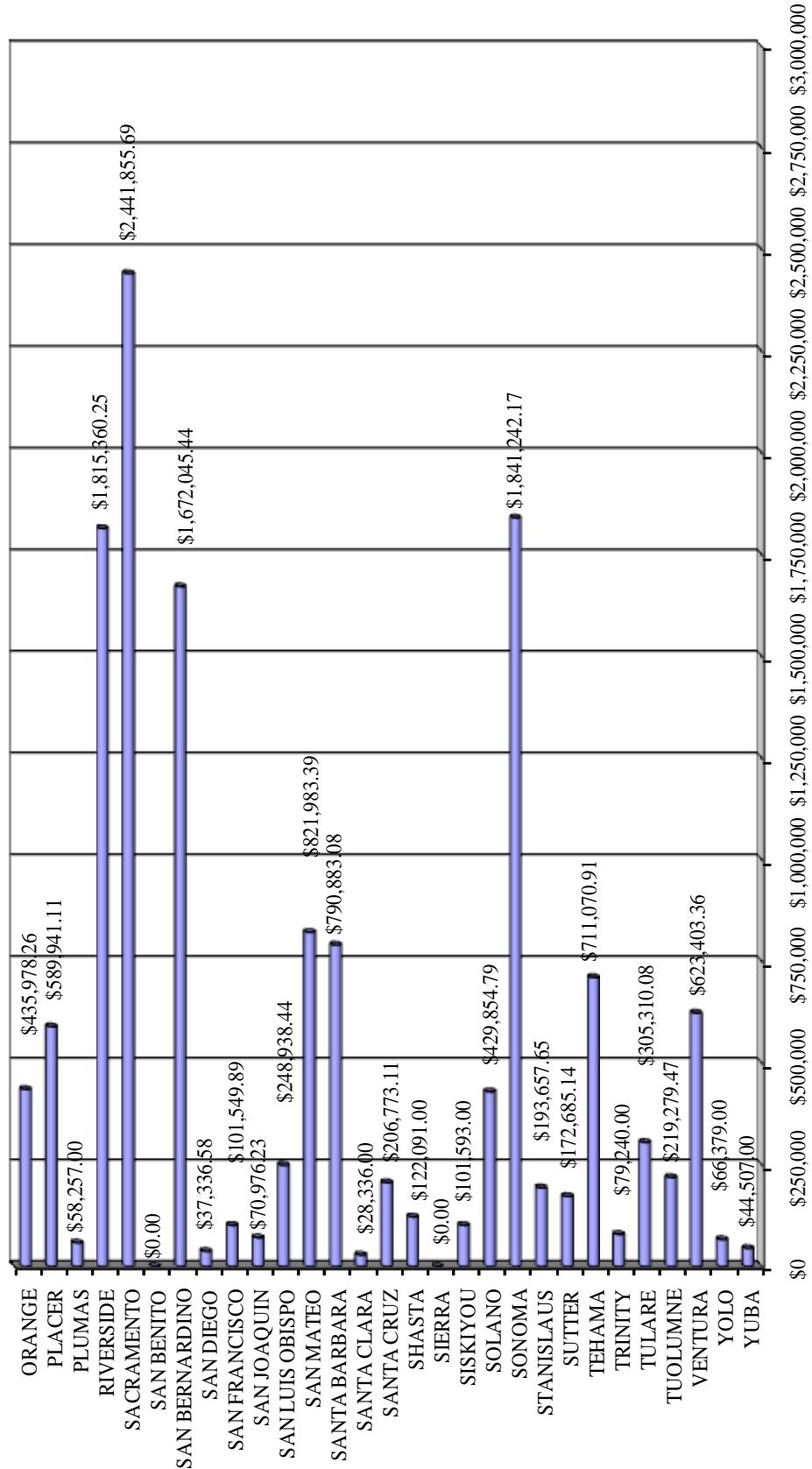


Estimated Value of Forfeiture Actions Initiated by County (A-N)
(January 1, 2011 - December 31, 2011)
(excluding counties with nothing to report - Alpine, Amador, Calaveras, Contra Costa, Lassen, Los Angeles, Mariposa, Modoc, Nevada, San Benito and Sierra)





Estimated Value of Forfeiture Actions Initiated by County (O-Y)
January 1, 2011 - December 31, 2011
(excluding counties with nothing to report - Alpine, Amador, Calaveras, Contra Costa, Lassen, Los Angeles, Mariposa, Modoc, Nevada, San Benito and Sierra)





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Forfeitures
Completed

- ◆ Table 2 provides summary information by county on asset forfeiture cases completed pursuant to California law during 2011. (This includes disbursement information on cases initiated from 1995 through 2011.)
- ◆ 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 initiated cases were adjudicated and all items seized were returned to the defendant, the cases were not considered asset forfeiture cases—rather these cases were treated as not being forfeited.)
- ◆ Cases initiated from 1995 through 2011 in which only a partial distribution has been made are not listed in Table 3 because they are considered still pending. (These cases will be included in the report for the calendar year in which the case has been fully distributed.)
- ◆ Table 3 provides detailed information on each asset forfeiture case completed pursuant to California law during 2011. (This includes disbursement information on cases initiated from 1995 through 2011.)
- ◆ 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.
- ◆ 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 2011:

Alpine	Del Norte	Inyo	Lake
Madera	Mariposa	Modoc	Nevada
Sierra			

Contra Costa, Los Angeles and San Benito Counties were not able to reconcile their data when this report was compiled. Amador County did not participate in this report. Counties are not required to participate.



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Table 2

County	Forfeitures Completed	Amount Disbursed
ALAMEDA	150	\$508,021.85
ALPINE	0	\$0.00
AMADOR	0	\$0.00
BUTTE	68	\$151,251.61
CALAVERAS	9	\$9,934.00
COLUSA	14	\$92,662.45
CONTRA COSTA	0	\$0.00
DEL NORTE	0	\$0.00
EL DORADO	17	\$40,115.84
FRESNO	21	\$93,780.81
GLENN	1	\$66,228.50
HUMBOLDT	91	\$1,408,638.86
IMPERIAL	11	\$1,982,636.27
INYO	0	\$0.00
KERN	108	\$560,941.96
KINGS	6	\$53,946.37
LAKE	0	\$0.00
LASSEN	4	\$23,149.19
LOS ANGELES	0	\$0.00
MADERA	0	\$0.00
MARIN	7	\$14,637.12
MARIPOSA	0	\$0.00
MENDOCINO	105	\$1,884,509.66
MERCED	37	\$174,937.60
MODOC	0	\$0.00
MONO	2	\$6,965.00
MONTEREY	67	\$98,135.13
NAPA	14	\$28,398.67
NEVADA	0	\$0.00
ORANGE	392	\$2,081,198.56
PLACER	67	\$224,213.46
PLUMAS	22	\$72,192.38
RIVERSIDE	83	\$1,002,808.63
SACRAMENTO	255	\$984,593.80
SAN BENITO	0	\$0.00
SAN BERNARDINO	196	\$2,120,666.78
SAN DIEGO	30	\$40,291.86
SAN FRANCISCO	158	\$611,831.69
SAN JOAQUIN	80	\$233,760.86
SAN LUIS OBISPO	7	\$21,713.59
SAN MATEO	63	\$233,967.36



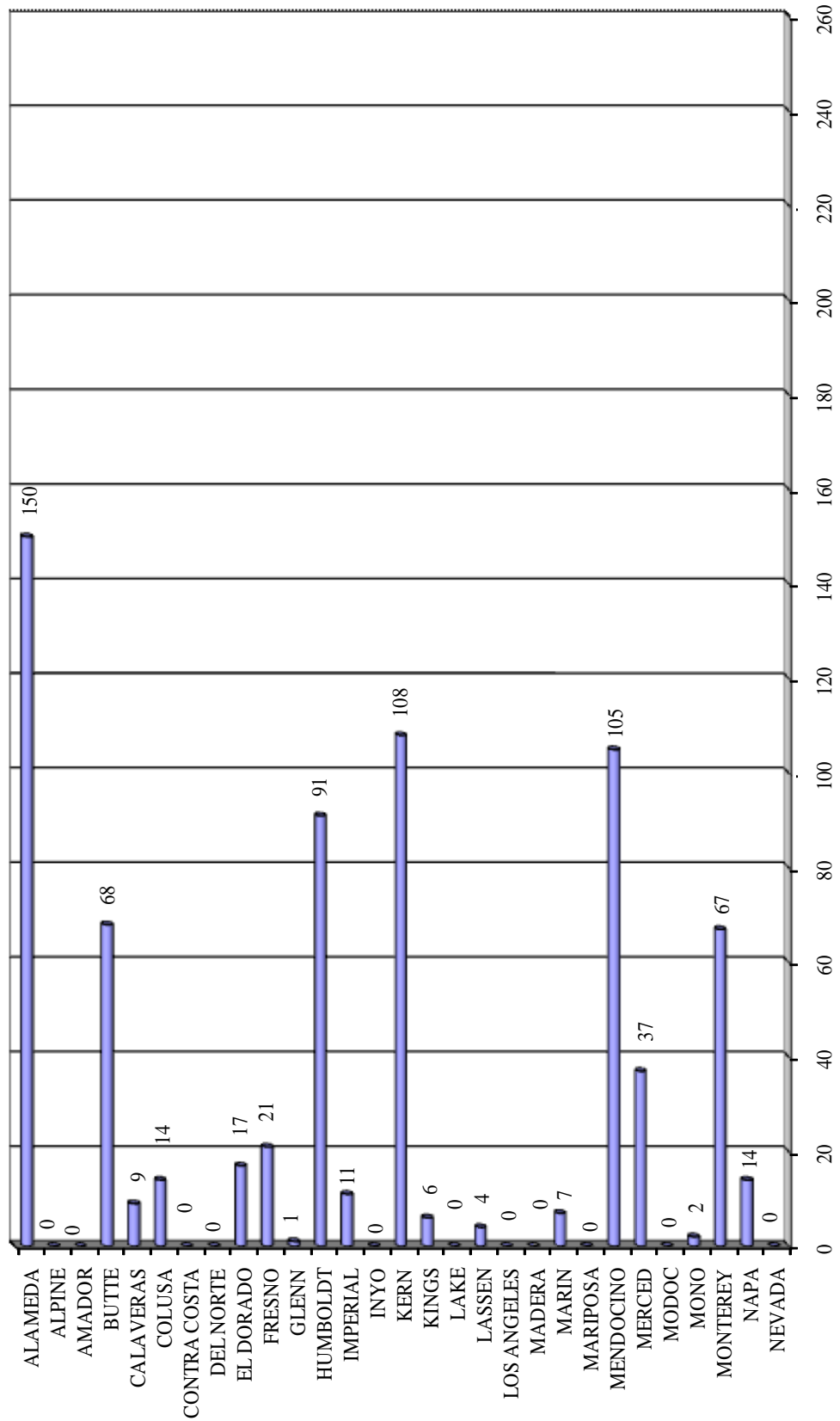
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Table 2

County	Forfeitures Completed	Amount Disbursed
SANTA BARBARA	57	\$490,239.78
SANTA CLARA	42	\$116,070.87
SANTA CRUZ	23	\$188,912.17
SHASTA	19	\$72,953.22
SIERRA	0	\$0.00
SISKIYOU	12	\$95,604.38
SOLANO	83	\$288,266.85
SONOMA	70	\$1,002,005.68
STANISLAUS	11	\$40,964.65
SUTTER	4	\$4,783.60
TEHAMA	8	\$21,703.08
TRINITY	2	\$45,218.38
TULARE	19	\$85,149.06
TUOLUMNE	6	\$8,522.15
VENTURA	87	\$602,029.06
YOLO	35	\$52,822.00
YUBA	6	\$16,826.57
Total:	2,569	\$17,958,201.36

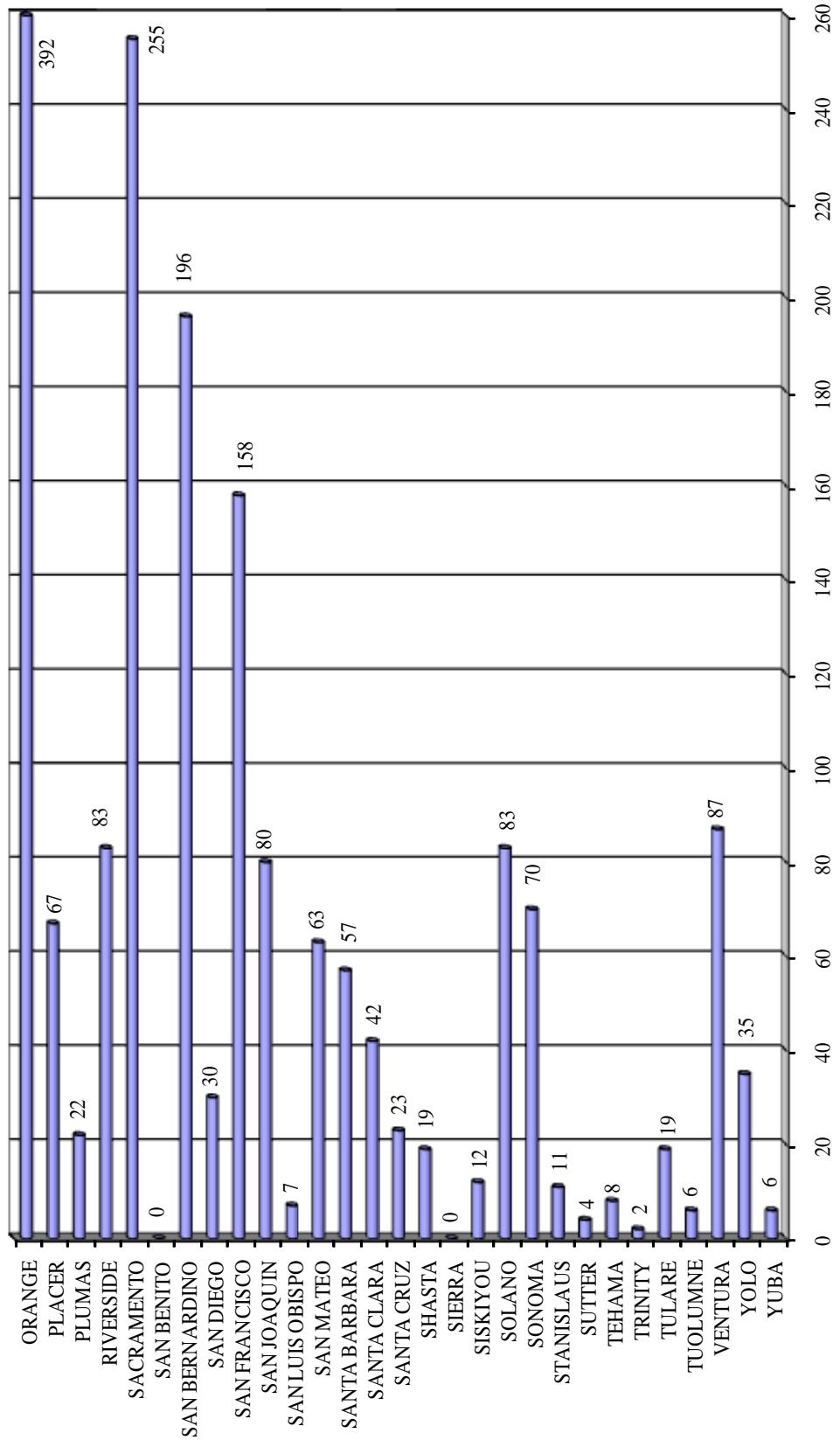


Number of Forfeiture Actions Completed by County (A-N)
January 1, 2011 - December 31, 2011
(excluding counties with nothing to report - Alpine, Amador, Contra Costa, Del Norte, Inyo, Lake, Los Angeles, Madera, Mariposa, Modoc, Nevada, San Benito and Sierra)





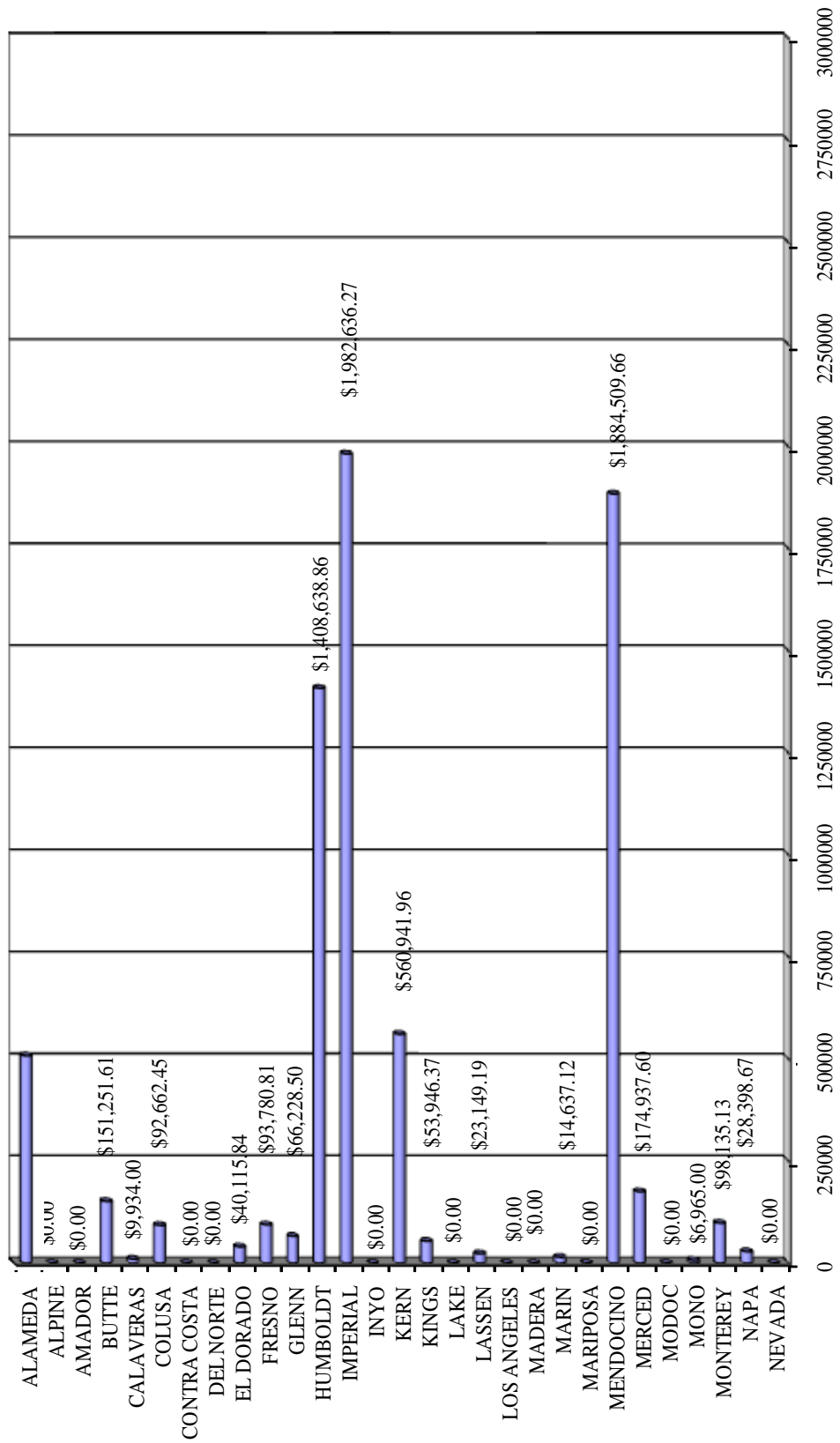
Number of Forfeiture Actions Completed by County (O-Y)
January 1, 2011 - December 31, 2011
(excluding counties with nothing to report - Alpine, Amador, Contra Costa, Del Norte, Inyo, Lake, Los Angeles, Madera, Mariposa, Modoc, Nevada, San Benito and Sierra)





Estimated Value of Forfeiture Actions Completed by County (A-N)
January 1, 2011 - December 31, 2011

(excluding counties with nothing to report - Alpine, Amador, Contra Costa, Del Norte, Inyo, Lake, Los Angeles, Madera, Mariposa, Nevada, San Benito, Sierra)





Estimated Value of Forfeiture Actions Completed by County (O-Y)
January 1, 2011 - December 31, 2011

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