

2016 Annual Report

asset FORFEITURE



Xavier Becerra, Attorney General
California Department of Justice



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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 dates of the disbursements, the recipients of the funds, and the amounts received.

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 22nd annual report covers the 2016 calendar year.

HIGHLIGHTS

Statistics were solicited from California's 58 counties, 52 of which provided information for this report.

- A total of 3,230 forfeiture proceedings were initiated in 2016.
- A total of 2,739 forfeiture cases were completed during 2016, which included cases initiated in 2016 and prior years. The total value of the disbursed assets is \$37,915,514.
- Four counties reported no forfeiture cases initiated and six counties reported no forfeiture cases completed in 2016. Six 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, the officials conducting state forfeiture proceedings, to 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 publishing this report, the counties are provided with a draft and have an opportunity to make corrections.

This report provides the information required by Health and Safety Code section 11495 on all forfeitures initiated during calendar year 2016, both by county and statewide. For forfeitures completed during calendar year 2016, 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 of the assets, distributed in a manner that reflects the proportionate contribution of each agency.

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.

METHODOLOGY continued

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 2016.
- For purposes of this report, seizure of assets constitute the initiation of a forfeiture action.
- Initiated cases can be forfeited in the 2016 reporting year or be still pending after 2016.
- The counties of Fresno, Inyo, Modoc, and Mono have no information listed in Table 1 because they did not initiate any forfeiture actions during 2016.
- The following counties did not participate in this report: Alpine, Del Norte, Mariposa, San Benito, Santa Barbara, and Sierra. Counties are not mandated to provide the DOJ with their asset forfeiture data.



State of California – Asset Forfeiture Report 2016

Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
ALAMEDA	316	\$2,601,248.92
ALPINE	0	\$0.00
AMADOR	14	\$299,853.81
BUTTE	37	\$441,786.17
CALAVERAS	1	\$4,000.00
COLUSA	7	\$69,399.00
CONTRA COSTA	121	\$1,105,556.72
DEL NORTE	0	\$0.00
EL DORADO	10	\$354,011.83
FRESNO	0	\$0.00
GLENN	3	\$131,596.00
HUMBOLDT	80	\$1,644,534.50
IMPERIAL	14	\$672,996.50
INYO	0	\$0.00
KERN	35	\$491,324.94
KINGS	7	\$117,077.56
LAKE	47	\$385,630.70
LASSEN	3	\$25,000.00
LOS ANGELES	390	\$6,984,310.05
MADERA	20	\$166,410.00
MARIN	10	\$266,588.00
MARIPOSA	0	\$0.00
MENDOCINO	105	\$1,232,727.16
MERCED	21	\$569,060.00
MODOC	0	\$0.00
MONO	0	\$0.00
MONTEREY	1	\$9,477.90
NAPA	26	\$213,203.16
NEVADA	9	\$458,534.00
ORANGE	193	\$1,863,047.78
PLACER	46	\$423,157.60
PLUMAS	4	\$2,357.31
RIVERSIDE	106	\$1,384,764.50
SACRAMENTO	526	\$7,282,047.91
SAN BENITO	0	\$0.00
SAN BERNARDINO	119	\$4,072,603.99
SAN DIEGO	76	\$2,671,266.05
SAN FRANCISCO	172	\$1,009,665.83
SAN JOAQUIN	91	\$2,361,168.30

Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
SAN LUIS OBISPO	11	\$51,316.17
SAN MATEO	89	\$902,980.58
SANTA BARBARA	0	\$0.00
SANTA CLARA	57	\$2,467,646.48
SANTA CRUZ	9	\$77,591.73
SHASTA	54	\$707,598.10
SIERRA	0	\$0.00
SISKIYOU	20	\$261,201.22
SOLANO	88	\$307,430.39
SONOMA	55	\$2,067,224.29
STANISLAUS	40	\$266,672.25
SUTTER	18	\$367,388.86
TEHAMA	20	\$375,469.76
TRINITY	13	\$700,361.63
TULARE	30	\$603,370.61
TUOLUMNE	7	\$62,089.96
VENTURA	80	\$781,441.35
YOLO	16	\$71,388.00
YUBA	13	\$155,843.68
Total:	3,230	\$49,541,421.25