

Asset Forfeiture (2023) Report

Report from the Asset Forfeiture Oversight
Advisory Committee

April 30, 2024



Oregon Criminal Justice Commission

Ken Sanchagrin
Executive Director

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

Committee Membership and Staff List

Asset Forfeiture Oversight Advisory Committee Members, by appointment type:

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Senator Floyd Prozanski

Senator Dick Anderson

Speaker of the House of Representatives Appointees:

Representative Rick Lewis

(Vacant)

Attorney General Appointees:

Elijah Michalowski

Colin Benson

Justin Leonard

Governor Appointees:

(Vacant)

(Vacant)

(Vacant)

AFOAC Staff:

Ken Sanchagrin, Executive Director, Criminal Justice Commission

Angel Pairan, Asset Forfeiture Liaison, Criminal Justice Commission

Emma Dunn, Research Analyst, Criminal Justice Commission

Katherine Tallan, Senior Research Analyst, Criminal Justice Commission

Kelly Officer, Research Director, Criminal Justice Commission

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1. Executive Summary

The 2023 Asset Forfeiture Report includes all calendar year seizures and dispositions reported to CJC before the writing of the report. The Asset Forfeiture Report is supplemented by a dashboard updated frequently by CJC¹. This allows us to consolidate the 2023 Seizures and 2023 Dispositions sections of this year's report to include only 2023 seizures and 2023 dispositions reported to CJC before its writing. If seizures or dispositions that occurred in 2023 but were not reported before this report was written are later submitted, they will appear on the dashboard for the year 2023.

There was a notable decrease in the number of seizures in 2022 from previous years, and in 2023 from 2022. One potential cause for this decrease is that various case law and statutory changes in recent years have changed the way that asset forfeiture is performed in the state.

HB 4002 recently passed during the 2024 Legislative Session. The bill recriminalizes possession of user amounts of controlled substances at the misdemeanor level and makes changes to laws regarding the delivery of controlled substances. More specifically, HB 4002 reinstates the standard for prosecuting delivery of controlled substances to the standard existing prior to the *State v. Hubbell* decision in 2021, making it possible for an increase in so-called "Boyd Delivery" convictions (in reference to *State v. Boyd* ruling in 1988). Historically, nearly all seizures are drug related and often stem from drug-related cases. While the exact relationship between the number of drug possession/delivery charges and the number/nature of seizures is unclear, the law changes brought by HB 4002 are notable.

There were 26 total seizures reported to CJC in 2023, down from 42 in 2022 and 153 in 2021. Twenty-five of these 26 seizures (96.2%) were drug-related cases, with the majority (69.2%) of these 26 cases being filed as civil forfeitures. The most commonly reported circumstances of seizure were search warrant/seizure order, search incident to arrest, and probable cause search. New this year, agencies reported demographic information about the individuals from whom property or currency was seized including their gender, race, ethnicity, and age. In total, 36 individuals were involved in these cases with the majority identified as male (80.6%), white (66.7%), and 20 to 39 years of age (55.6%). Two-thirds of individuals were identified as Non-Hispanic (66.7%) with the majority of individuals who were identified as Hispanic also being identified as white. Further information regarding seizure cases and demographic information can be found in Tables 3.1. through 3.5. and Figure 3.1. in Section 3 of this report.

Statewide, 75 dispositions were made in 2023, with the majority of these dispositions occurring on civil forfeiture cases (82.7%). All dispositions occurred on local agency cases; there were no dispositions from state agencies. Total receipts available for distribution in 2023 totaled \$1,185,836 between all local and state civil and criminal forfeitures. After costs and distributions, net proceeds for law enforcement agencies totaled \$588,007. Further disposition information can be found in Table 4.1. in Section 4 of this report.

¹ The 2023 Asset Forfeiture Dashboard can be found here: [Dashboard](#)

2. Background and Methodology

In 1989, the Oregon Legislature enacted a comprehensive civil forfeiture statute for two purposes. First, to capture revenue from controlled substance transactions which otherwise escape taxation. Second, 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 disbursal 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 ORS § 131A.455. 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.

State and local government agencies electronically report seizures and subsequent dispositions using the Oregon Asset Forfeiture (SMApply) website. The staff at CJC uses the information reported by state and local agencies to compile this report for the AFOAC. Generally, within 30 days of a seizure occurring, a seizure for forfeiture form is completed by the forfeiting agency, and then a report of the seizure is made to CJC. There is no mandated time constraint on the report of a seizure to the CJC, although it is generally expected that reports of seizures that occurred in a calendar year (say 2023) be reported to the CJC at the latest in the following year (by the end of 2024). Reports of dispositions are typically 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 2023 through their final disposition in time to include them in this report, as many dispositions have not yet been made and will not be made until later in 2024 or beyond.

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The Asset Forfeiture Report is supplemented by a dashboard updated frequently by CJC. This allows us to consolidate the 2023 Seizures and 2023 Dispositions sections of this year’s report to include only 2023 seizures and 2023 dispositions reported to CJC before its writing. If seizures or dispositions that occurred in 2023 but were not reported before this report was written are later submitted, they will appear on the dashboard for the year 2023.

3. 2023 Seizures

Table 3.1. 2023 Seizures Reported to CJC by Agency

Seizing Agency	Total Seizures	Total Value Seized*	% of State Total Value Seized	Criminal Cases	Civil Cases	Drug Related Cases
Clackamas Co SO	3	\$203,487.76	54.8%	3	0	3
DINT	3	\$25,827.00	7.0%	0	3	3
Grants Pass PD	1	\$500.00	0.1%	1	0	1
Josephine Co SO	4	\$56,897.00	15.3%	4	0	4
Medford PD	7	\$10,409.00	2.8%	0	7	7
Oregon State Police	3	\$59,704.00	16.1%	0	3	3
Portland PB	5	\$14,210.50	3.8%	0	5	4
Total	26	\$371,035.26	100.0%	8	18	25

*Includes both currency and non-currency reported values.

Table 3.2. Nature of Prohibited Conduct Leading to Seizure

Nature of Conduct	Number of Cases	% of Cases
Drug	25	96.2%
Other	1	3.8%
Total	26	100.0%

Table 3.3. Drug Related Seizures by Type

Drug Type	Number of Cases*	% of Drug Related Cases**
Marijuana	10	40%
Fentanyl	7	28%
Amphetamines	5	20%
Cocaine	4	16%
Heroin	1	4%
Opiates	1	4%

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

**Many drug related cases involve multiple drug types, so percentages may not add to 100%.

Table 3.4. Circumstances of Search and Seizure

Circumstance	Number of Cases*	% of Cases**
Search warrant/seizure order	14	53.8%
Search incident to arrest	7	26.9%
Probable cause search	6	23.1%
Inventory search	2	7.7%
Consent search	2	7.7%

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

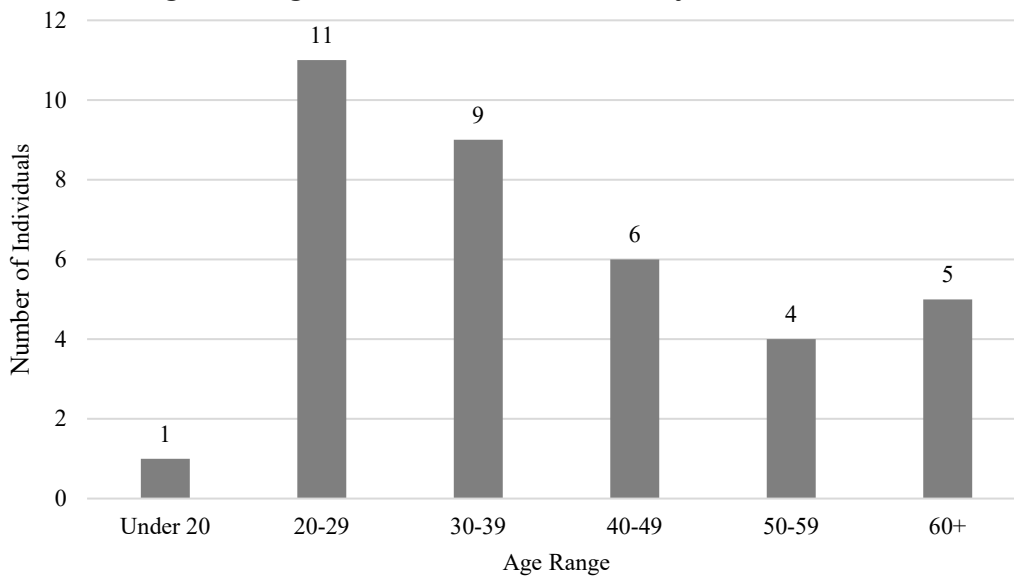
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In 2023, the AFOAC began tracking demographic information about the individuals from whom property was seized. The following table and figure detail this information. AFOAC asked agencies to report demographic data for all individuals present based on the United States Census reporting parameters of gender, race, ethnicity, and age. This information was provided by the agencies and therefore may be according to agency perception rather than individual self-identification. It is possible (and often true) that multiple individuals are present during a seizure. Please note, therefore, that the number of individuals whose demographics are reported here (36) is higher than the number of seizures reported above.

Table 3.5. Gender, Race, and Ethnicity of Individuals Subject to Search and Seizure

		Count	Percent
Gender	Male	29	80.6%
	Female	7	19.4%
Race	White	24	66.7%
	Black	3	8.3%
	Asian	8	22.2%
	Pacific Islander	0	0.0%
	Native	1	2.8%
Ethnicity	Hispanic	12	33.3%
	Non-Hispanic	24	66.7%

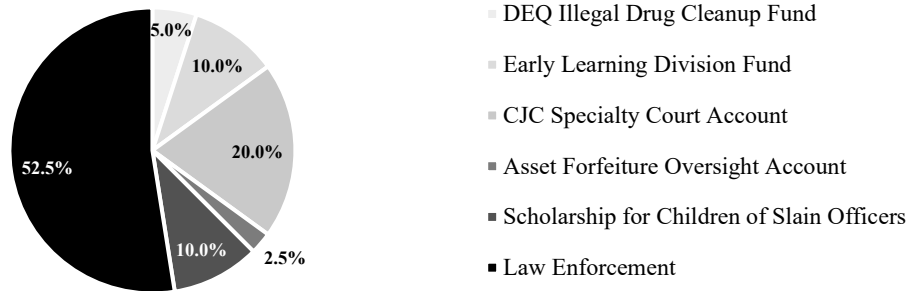
Figure 3.1. Age Distribution of Individuals Subject to Search and Seizure



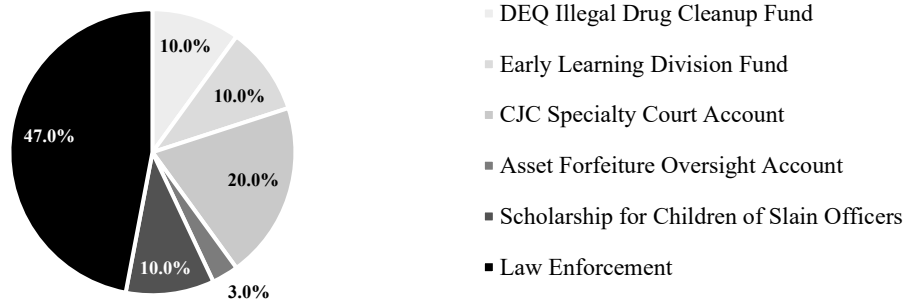
4. 2023 Dispositions

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 prior to 2023. Similarly, there are many seizures reported in the section 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 4.1. below reflect the following distribution requirements based on case type and agency type for any given disposition:

Civil Forfeiture by Local Law Enforcement Agency



Civil Forfeiture by State Law Enforcement Agency



Criminal Forfeiture by Any Law Enforcement Agency

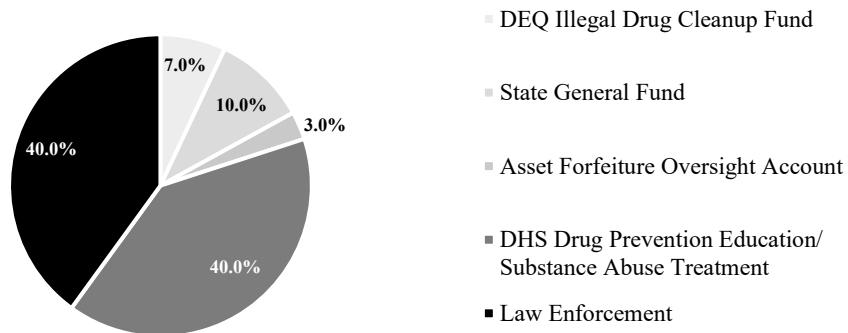


Table 4.1. All Receipts, Costs, and Distributions for 2023 Dispositions by Case Type and Agency Type

	Civil		Criminal		Total
	Local	State	Local	State	
Total Receipts Available for Distribution	\$1,062,100	\$0	\$123,736	\$0	\$1,185,836
Total Costs	\$34,238	\$0	\$774	\$0	\$35,012
Publication	\$8,606	\$0	\$474	\$0	\$9,079
Attorney Fees	\$20,719	\$0	\$300	\$0	\$21,019
Towing/Storage	\$4,734	\$0	\$0	\$0	\$4,734
Property Maintenance	\$180	\$0	\$0	\$0	\$180
Victim Restitution	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0
Net Receipts*	\$1,027,862	\$0	\$122,962	\$0	\$1,150,824
Total Distributions*	\$500,657	\$0	\$75,574	\$0	\$576,069
DEQ Illegal Drug Clean-Up Fund	\$52,860	\$0	\$8,628	\$0	\$61,488
State General Fund	N/A	N/A	\$12,326	\$0	\$12,326
Asset Forfeiture Oversight Advisory Committee	\$26,401	\$0	\$3,698	\$0	\$30,099
DHS Drug Prevention Education Funds/Substance Abuse Treatment	\$505	\$0	\$50,760	\$0	\$51,265
Early Learning Division	\$105,603	\$0	N/A	N/A	\$105,603
CJC Specialty Courts Fund	\$210,703	\$0	N/A	N/A	\$210,703
Children of Slain Public Safety Officers College Fund	\$104,584	\$0	N/A	N/A	\$104,584
Net Law Enforcement Proceeds*	\$538,762	\$0	\$49,245	\$0	\$588,007

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 the figure above for further information on distribution percentages).

*In theory, the sum of Total Distributions and Net Law Enforcement Proceeds should equal Net Receipts. In some past reports, this has been the case. In this report, this is not the case due to changes made to the Disposition reporting process. Instead of automatic calculation of distributions by AFOAC's forms, each agency is now responsible for manually entering distribution amounts. This results in some small differences. If there are any questions regarding this matter, please contact CJC's Asset Forfeiture Liaison, Angel Pairan at angel.pairan@cjc.oregon.gov

5. 2023 Use of Proceeds

Table 5.1. Use of Proceeds in 2023 by Agency

Reporting Body*	Received in 2023	Spent in 2023	End of 2023 Balance
Albany Police Department	\$0.00	\$2,257.00	\$2,450.63
Baker County District Attorney's Office	\$0.00	\$0.00	\$0.00
Clackamas County District Attorney's Office	\$0.00	\$0.00	\$11,102.00
Clackamas County Sheriff's Office	\$0.00	\$0.00	\$0.00
Columbia County District Attorney's Office	\$0.00	\$0.00	\$0.00
Columbia County Sheriff's Office	\$0.00	\$0.00	\$0.00
Cottage Grove Police Department	\$0.00	\$33,289.38	\$7,815.42
Dallas Police Department	\$0.00	\$0.00	\$0.00
Douglas Interagency Narcotics Team	\$71,945.41	\$71,945.41	\$0.00
Eugene Police Department	\$0.00	\$2,590.00	\$21,102.66
Gilliam County Sheriff's Office	\$0.00	\$0.00	\$0.00
Grants Pass Police Department	\$184.00	\$0.00	\$22,904.54
Gresham Police Department	\$83,065.04	\$972.00	\$297,519.97
Hillsboro Police Department	\$0.00	\$0.00	\$160,434.50
Hood River Police Department	\$0.00	\$0.00	\$0.00
Hubbard Police Department	\$0.00	\$0.00	\$0.00
Independence Police Department	\$0.00	\$0.00	\$0.00
Jackson County District Attorney's Office	\$5,882.59	\$5,882.59	\$0.00
Josephine County District Attorney's Office	\$4,822.63	\$11,641.00	\$167,744.85
Josephine County Sheriff's Office	\$55,895.57	\$4,418.18	\$61,133.16
Keizer Police Department	\$0.00	\$26,000.00	\$45,510.00
Klamath Falls Police Department	\$0.00	\$0.00	\$141,202.41
Lane County District Attorney's Office	\$0.00	\$0.00	\$0.00
Lane County Sheriff's Office	\$0.00	\$23,321.50	\$71,038.91
Linn County District Attorney's Office	\$0.00	\$0.00	\$0.00
Linn County Sheriff's Office	\$0.00	\$0.00	\$0.00
Marion County District Attorney's Office	\$0.00	\$0.00	\$3,803.56
Medford Police Department	\$131,768.78	\$208,487.82	\$384,822.19
Molalla Police Department	\$0.00	\$0.00	\$0.00
Mt. Angel Police Department	\$0.00	\$0.00	\$0.00
Newberg-Dundee Police Department	\$0.00	\$0.00	\$870.40
Oakridge Police Department	\$0.00	\$0.00	\$0.00
Oregon City Police Department	\$0.00	\$0.00	\$0.00
Oregon State Police	\$40,862.79	\$66,500.00	\$528,520.00
Portland Police Bureau	\$8,240.50	\$13,982.72	\$516,156.17
Powers Police Department	\$0.00	\$0.00	\$0.00
Rogue Area Drug Enforcement	\$2,661.27	\$37,661.77	\$191,404.99
Salem Police Department	\$0.00	\$8,887.00	\$37,565.52
Silverton Police Department	\$0.00	\$0.00	\$0.00
South Coast Interagency Narcotics Team	\$1,262.28	\$4,061.82	\$31,919.96
Springfield Police Department	\$0.00	\$0.00	\$65,148.85
Sweet Home Police Department	\$0.00	\$0.00	\$0.00
Talent Police Department	\$0.00	\$0.00	\$0.00
Tigard Police Department	\$0.00	\$0.00	\$0.00
Umatilla Police Department	\$0.00	\$0.00	\$0.00
Warrenton Police Department	\$0.00	\$0.00	\$0.00
Wheeler County District Attorney's Office	\$0.00	\$0.00	\$0.00
State Total*	\$406,590.86	\$521,898.19	\$2,770,170.69

*Includes only those bodies that reported for the 2023 calendar year before the writing of this report.

Table 5.2. Items Purchased Using Proceeds in 2023 by Agency

Reporting Body*	Reported Items Purchased in 2023
Albany Police Department	Evidence Barcode Printer and labeling; Public Information Officer Conference lodging/per diem.
Cottage Grove Police Department	Capital Outlay; Administrative Fee Debt Service Fund.
Douglas Interagency Narcotics Team	Multiple insurance policies.
Eugene Police Department	Purchases of Narcan.
Gresham Police Department	Currency Counter Maintenance.
Jackson County District Attorney’s Office	Operating/Subscription expenses for prosecution.
Josephine County District Attorney’s Office	Cannon Copier/Printer IRADVDXC5850I (photo printer/scanner/copier) for use in all cases--including 475/475C cases for photos, search warrants, exhibits, etc.
Josephine County Sheriff’s Office	The WRAP safe restraints CART, Covert DVR, DJI Mini 3 Fly Combo.
Keizer Police Department	TruNarc Hand Held Analyzer made by Thermo-Scientific.
Lane County Sheriff’s Office	Vehicle for drug enforcement program.
Medford Police Department	Boots-Madge, IMET raid vests, cuff cases for IMET vests, Nik drug test kits,SWAT replacement rifles, SWAT ballistic safety glasses, SWAT headset, bang pole extensions, eotech magnifier, glock 34 holsters,eotech holographic,8 wedge forcible entry tool,axe/fire hooks for SWAT,glock sights (17) for SWAT, kydex gun holders/prop sticks,vest pouches for IMET,weapon parts-SWAT,30x60 MS 0 primadets explosives,USI MXV Level IIIA, distraction bangs,glock guns, sights and mags (SWAT), Project 7 rifle plates, MADGE safety equipment,MADGE safety glasses,fentanyl test kits,long-range camera for IMET,stabilizing camera for IMET, service call/maintenance for currency counter, rescue tool for safe breaking,tires for SWAT vehicle,unwrap MADGE vehicle to maintain anonymity>window replacement for seized MADGE vehicle,new tires for MADGE vehicle,breaching tool KBT,installation of IMET radio,custom paraclate,fentanyl imprint kit for K9s,IMET jacket,cannabis test kit supplies,2023 Supercrew Ford F150 4x4 for MADGE>window tinting new Supercrew Ford F150; Fuel/oil for MADGE/IMET/SWAT,vehicle maintenance,brake repairs for narcotic k9 vehicle,brakes/drive belt for IMET Chevy Silverado,oil change for K9 vehicle, disbursement advertising,vehicle maintenance for IMET/MADGE/SWAT, repairs to AC in drug K9 vehicle,repairs to SWAT vehicle 2009 freightliner,windshield replacement for drug K9 vehicle; Repair wiring for k9 vehicle.
Oregon State Police	Currency for undercover Law Enforcement operations; Publications and Interagency team dues; Attorney General fees.
Portland Police Bureau	Narcotics K9; Per agreement with Forfeiture Counsel, PPB pays \$150 in attorney fees for each declined case.
Rogue Area Drug Enforcement	laptops and accessories; building lease, building maintenance utilities, subscriptions, software, training.
Salem Police Department	Tactical Gear.
South Coast Interagency Narcotics Team	Taskforce Operating Expense.

*Includes only those bodies that reported spending for the 2023 calendar year before the writing of this report.