



## **2022 Utah Annual Forfeiture Report**

**June 30, 2023**

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## **I. Background and Legislative Overview:**

Over the last two plus decades, the forfeiture process in Utah has gone through various procedural changes along with changes to how funding is to be allocated and used. During the 2015 Utah General Legislative Session, Senate Bill 52 was passed creating additional reporting requirements for state and federal forfeitures. During the 2017 Utah General Legislative Session, Senate Bill 70 was passed building on the reporting requirements found in S.B. 52. The additional reporting requirements imposed by S.B. 52 and S.B. 70 are presented here along with the basic forfeiture reporting requirements that have been in place since 2005. The new legislation aims to improve the current understanding of the characteristics of these cases, including the nature of the alleged offense, type (and quantity) of the property forfeited, and the nature of the case dispositions. The following is a brief chronology of some of the key changes in the use and allocation of forfeiture funding since 2000.

2000 - The Utah Property Protection Act (Initiative B): A state ballot initiative passed in 2000 that placed significant restrictions on State and Federal forfeiture in the State of Utah. Specifically, Initiative B restricted the ability for law enforcement and prosecutors to forfeit property seized from individuals charged with criminal activity; Established uniform procedures for the forfeiture of property; Prohibited use of any funds by law enforcement resulting from forfeiture and mandated that all liquidated assets from forfeitures be given to the Utah Uniform School Fund.

2004 - Senate Bill 175 (S.B. 175): Legislation passed in the 2004 Legislative General Session for the purpose of modifying some aspects of Initiative B, including restoring the ability of law enforcement to use money gained from state and federal forfeitures. S.B. 175 also created the State Asset Forfeiture Grant Program (SAFG) and tasked the Utah Commission on Criminal and Juvenile Justice (CCJJ) with the administration of all state forfeiture funds remitted by law enforcement to the Criminal Forfeiture Restricted Account (CFRA). Through S.B. 175, CCJJ was tasked with gathering information and reporting on how law enforcement agencies were using federal forfeiture money. CCJJ continues to fulfill these responsibilities today. Additionally, through S.B. 175, the Utah Legislature also created specific allowable and unallowable uses of state and federal forfeiture funding.

2014 - House Bill 427 (H.B. 427): Legislation passed in the 2014 Legislative General Session for the purpose of expanding the allowable uses of state asset forfeiture funding. Specifically, H.B. 427 authorized CCJJ, as the administrative agency for the SAFG program, to award grants in support of the state crime victims' reparation fund.

2015 - Senate Bill 52 (S.B. 52): Legislation passed in the 2015 Legislative General Session for the purpose of expanding the annual reporting requirements for law enforcement agencies receiving state and federal asset forfeiture awards. S.B. 52 substantially increased the information to be collected each year by CCJJ from law enforcement agencies.

2017 - Senate Bill 70 (S.B. 70): Legislation passed in the 2017 Legislative General Session for the purpose of further expanding the annual reporting requirements for law enforcement agencies receiving state and federal asset forfeiture awards. Some of the key reporting provisions of S.B. 70 include: information on related criminal charges, the value of seized property, the agency's share of property received from a federal forfeiture case, the agency's costs incurred in making the required reports, the

Agencies costs incurred for storage of storing seized property and the legal costs incurred by the prosecuting attorney.

## **II. State Forfeiture Report - State Case Evaluation**

The following provides a summary of aggregated responses from the 2022 state case evaluation questions and use of funds information:

- **There were 21 state and local agencies reporting on 122 state forfeiture cases in 2022.**
- **70% of all cases were forfeited in Civil Court** with 27% adjudicated in Criminal Court and 3% unknown.
- **Use of a search warrant Enforcement was the primary enforcement action (61%),** followed by enforcement stops (49%).
- **Almost all forfeiture cases were the result of alleged narcotic offenses (95%).** The narcotics charges include: Possession with intent to distribute a controlled substance (62%), distribution or arranging to distribute (27%), possession/purchase of a controlled substance (4%), conspiracy to distribute (1%), and manufacturing (0%).
- **Cash was the type of property seized in 98% of state cases reported in 2022** with a median cash value of **\$2,377** (average \$17,558).
- **Default judgment was the primary reason code underlying the final disposition (58%),** followed by guilty plea or verdict in a criminal forfeiture (12%), summary judgment (9%) and stipulation of the parties (7%).
- **93 percent of cases reported that a criminal charge was associated with the seizure,** with 53 percent resulting in a conviction.
- **\$1,554,520 in state forfeiture funding** was awarded through the State Asset Forfeiture Grant Program (SAFG) from revenue in the Criminal Forfeiture Restricted Account (CFRA) in 2022 (FY2023). At State fiscal year-end 2022, **\$20.7 million in state forfeiture funding** has been remitted to the Criminal Forfeiture Restricted Account (CFRA) by Utah law enforcement agencies since 2004.

The data summarized in this section is based on self-reported data pertaining to 122 state forfeited court cases in 2022. Because this section is based on self-reported data, the summarized information is only as accurate as the information reported by each individual agency. Each table below provides the agency responses to individual questions in the state forfeiture reporting form.

Slightly fewer cases were tried in civil court in 2022 (70%) compared to 2021 (75%). Ninety-three percent of these cases reported that a criminal charge was associated with the seizure reporting a conviction (53%).

The average number of individuals with a known property interest was 1.1 (max: 3). None of the 123 cases involved transferring property to a federal agency or government entity not created under or applicable to Utah state law.

The sum of all reported cash forfeitures amounted to \$819,113 in 2022 (compared to \$833,400 in 2021, \$1,103,741 in 2020; and \$1,747,945 in 2019). The median cash value was \$2,377 (min: \$248 and max: \$120,800). The reported dollar amount of property that was returned to any claimant was \$40,542 (min: \$759 and max: \$19,995). The following tables provide aggregated data taken from agency responses to the forfeiture questionnaire:

**TABLE A - Indicate the type of enforcement action that resulted in the seizure.**

Enforcement Stop	49	40%
A Search Warrant	61	49%
An Arrest Warrant	1	1%
Other		0%
Multiple enforcement actions indicated	11	9%
Unknown or Unresponsive	1	1%
<b>Total</b>	<b>122</b>	<b>100%</b>

**TABLE B - Type of Property Seized?**

Cash	121	98%
Car	1	1%
Firearm		0%
Real Estate		0%
Cash, Firearm	1	1%
Cash, Car, Other		0%
Cash, Car		0%
Unknown or Unresponsive		0%
<b>Total</b>	<b>122</b>	<b>100%</b>

**TABLE C - Indicate the Alleged Offense that was the Cause for Seizure of the Property.**

Narcotics Offense	117	95%
Money Laundering	5	4%
Other Offense	1	1%
Multiple offenses indicated		0%
Unknown or Unresponsive		0%
<b>Total</b>	<b>122</b>	<b>100%</b>

**TABLE D - If you selected "Narcotics Offense" Table C, Indicate the Most Serious Offense that Applies.**

Possession / Purchase of a Controlled Substance (CS)	5	4%
Possession with Intent to Distribute a C.S.	77	62%
Conspiracy to Distribute a C.S.	1	1%
Manufacture of a C.S. / Clandestine Laboratory		0%
Distribution or Arranging to Distribute a C.S.	33	27%
Multiple offenses indicated		0%
Unknown or Unresponsive	7	6%
<b>Total</b>	<b>122</b>	<b>100%</b>

**TABLE E - Were Criminal Charges Filed Regarding the Alleged Offense Indicated in Table C?**

Yes	114	93%
No	6	5%
Unknown or Unresponsive	3	2%
<b>Total</b>	<b>122</b>	<b>100%</b>

**TABLE F - If You Answered "Yes" in Table E, Please Indicate the Final Disposition of Each Charge.**

Conviction	65	53%
Acquittal		0%
Dismissal	4	3%
Final Disposition Pending	43	35%
Multiple dispositions in cases with Multiple charges		0%
Indicated No in Table D or No Response (NR)	11	9%
<b>Total</b>	<b>122</b>	<b>100%</b>

**TABLE G - Indicate the final disposition of the forfeiture case.**

Default	72	58%
Summary Judgment	11	9%
Guilty Plea or Verdict in a Criminal Forfeiture	15	12%
Stipulation of the Parties	8	7%
Other Jury Award		0%
Multiple dispositions in cases with multiple charges	11	9%
No Response (NR)	6	5%
<b>Total</b>	<b>122</b>	<b>100%</b>

### **III. State Forfeiture Report - Use of State Forfeiture Funding in 2022 (FY2023)**

**Background:** State and local law enforcement agencies are required by law to liquidate assets forfeited in state court and deposit the cash from those assets in the state Criminal Forfeiture Restricted Account (CFRA).

*UCA 24-4-117(8) A recipient state agency, local law enforcement agency, multijurisdictional law enforcement agency, or political subdivision shall use awards only for law enforcement purposes as described in this section or for victim reparations as described in Subsection (2)(g), and only as these purposes are specified by the agency or political subdivision in its application for the award.*

**Calendar 2022 (FY 2023) SAFG Grant Awards:** CCJJ made SAFG grants available to all Utah law enforcement agencies last year using a competitive grant RFP. Funding was awarded to agencies that scored highest in the competitive review.

- \$521,000** awarded to the Weber/Morgan, Davis Metro, Salt Lake Area Gang and Utah multi-jurisdictional drug and crime task force projects in FY 2023. Utah has seventeen multi-jurisdictional drug and crime task force projects operating throughout the state this year. In addition to asset forfeiture money, other state resources along with federal grant funding (HIDTA) is used to assist each of the task force projects.
- \$494,020** awarded to state and local law enforcement grants. Grant funding was used for among other things: officer safety equipment, narcotics interdiction support, surveillance

equipment, body-worn cameras, state crime lab training and equipment, license plate reader, crime prevention education materials for schools, drug diversion education program equipment, cell phone data extraction, officer training and enhancement of crime scene investigation capabilities.

3. **\$514,500** was transferred directly from the CFRA to the Utah Crime Victims Fund in 2021 *(providing aid to victims of criminally injurious conduct, as defined in Section 63M-7-502, who may be eligible for assistance under Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime)*. Additionally, \$25,000 was awarded to the Utah Administrative Office of the Courts for their annual Drug Court Conference.

***Total SAFG Funds Awarded in FY 2022 - \$1,554,520 \*Funding for FY 2023 will include major crime task forces, drug court training, law enforcement grants (including a statewide competitive grant) and direct transfer of SAFG funding to the state crime victims' fund.***

#### **IV. Federal Forfeiture Report - Federal Case Evaluation**

**Background:** The primary mission of the federal government's forfeiture program is to assist law enforcement with crime deterrence by depriving criminals of the profits and proceeds of their illegal activities and to weaken criminal enterprises by removing the instrumentalities of crime. Another purpose of the program is to enhance cooperation among federal, state, and local law enforcement agencies through the equitable sharing of federal forfeiture proceeds. The period of this report is January 1, 2022 through December 31, 2022.

The following provides a summary of aggregated responses from the 2020 federal case evaluation questions and use of funds information:

- There were **10** state and local agencies reporting on **55** federal forfeiture cases in 2022.
- **Nearly 60% of all reported cases were handled by the DEA (33 cases).**
- **Nearly 71% of all reported federal cases were handled as an Administrative forfeiture (39 cases),** 22% in Criminal Court (12 cases), with 5% adjudicated in Civil Court (3 cases), with (1) unknown.
- **Search Warrants were the primary enforcement action (45%).**
- **Most federal forfeiture cases were the result of alleged narcotic offenses (91%).** The narcotics charges breakdown as follows: Possession with Intent to Distribute a C.S. (51%), Distribution or Arranging to Distribute a C.S. (20%), Possession / Purchase of a Controlled Substance (CS)(4%).

- **Cash was involved in the vast majority of the type of property forfeited (85%).** The median cash value = \$15,223 (min: \$665, max: \$1,200,000), average = \$77,223, total for all cases indicated = \$3,706,723.
- **Guilty plea or Verdict in a Criminal Forfeiture was the primary reason code underlying the final disposition (40%),** followed by Default Judgement (9%) and Summary Judgement (2%).
- **67 percent of cases reported that a criminal charge was associated with the seizure,** with 60 percent resulting in a conviction.

The data summarized in this section is based on self-reported data pertaining to 55 federal forfeited court cases in 2022. Because this section is based on self-reported data, the summarized information is only as accurate as the information reported by each individual agency. The following tables provide aggregated data taken from agency responses to the forfeiture questionnaire:

**TABLE A - Indicate the type of enforcement action that resulted in the seizure.**

Enforcement Stop	8	15%
A Search Warrant	25	45%
An Arrest Warrant		0%
Federal Seizure Warrant		0%
Warrantless PC		0%
Other	20	36%
Multiple enforcement actions indicated		0%
Unknown or Unresponsive	2	4%
<b>Total</b>	<b>55</b>	<b>100%</b>

**TABLE B - Type of Property Seized?**

Cash	47	85%
Car		0%
Firearm		0%
Real Estate		0%
Other	6	11%
Multiple types indicated	1	2%
Unknown or Unresponsive	1	2%
<b>Total</b>	<b>55</b>	<b>100%</b>

**TABLE C - Indicate the Alleged Offense that was the Cause for Seizure of the Property.**

Narcotics Offense	50	91%
Money Laundering	1	2%
Other Offense	2	4%
Multiple offenses indicated		0%
No offense indicated	2	4%
<b>Total</b>	<b>55</b>	<b>100%</b>

**TABLE D - If you selected "Narcotics Offense" in Table C, Indicate the Most Serious Offense that Applies.**

Possession / Purchase of a Controlled Substance (CS)	2	4%
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Possession with Intent to Distribute a C.S.	28	51%
Conspiracy to Distribute a C.S.		0%
Manufacture of a C.S. / Clandestine Laboratory		0%
Distribution or Arranging to Distribute a C.S.	11	20%
Multiple offenses indicated	8	14%
No Response (NR) or not a narcotics case.	6	11%
<b>Total</b>	<b>55</b>	<b>100%</b>

**TABLE E - Were Criminal Charges Filed Regarding the Alleged Offense Indicated in Table C?**

Yes	37	67%
No	16	29%
Unknown or Unresponsive	2	4%
<b>Total</b>	<b>55</b>	<b>100%</b>

**TABLE F - If You Answered "Yes" in Table E, Please Indicate the Final Disposition of Each Charge.**

Conviction	33	60%
Acquittal		0%
Dismissal		0%
Plea Agreement		0%
Final Disposition Pending	1	2%
Indicated No in Table D or No Response (NR)	21	38%
Multiple dispositions in cases with multiple charges		0%
<b>Total</b>	<b>55</b>	<b>100%</b>

**TABLE G - Indicate the final disposition of the forfeiture case.**

Default,	9	16%
Summary Judgment	2	4%
Guilty Plea or Verdict in a Criminal Forfeiture	22	40%
Stipulation of the Parties		0%
Other Jury Award		0%
Multiple dispositions in cases with multiple charges		0%
Unknown Disposition or No Response	22	40%
<b>Total</b>	<b>55</b>	<b>100%</b>

## **V. Federal Forfeiture Report - Use of Federal Forfeiture Funding in 2022**

Utah agencies receiving federal sharing funds and/or property as reported by the U.S Department of Justice or U.S Treasury Department:

- \$497,486 - DEA Metro TF or Salt Lake City PD
- \$10,391 - DPS
- \$79,740 - Washington Major Crimes TF or St. George City PD
- \$468,430 - Utah Major Crimes TF or Orem PD
- \$14,533 - Cache/Rich Task Force or Logan City PD
- \$11,228 - Washington City PD

- \$5,771 - Davis Metro Narcotics TF or Layton City PD
- \$3,021 - Murray City PD
- \$17,750 - Ogden City PD or Weber/Morgan Task Force
- \$665 - DEA Metro TF or Park City PD
- \$48,726 - DEA Metro TF or Salt Lake Co. D.A.
- \$10,756 - Summit Co. Sheriff's Office
- \$665 - Tooele City PD
- \$19,912 - Unified Police Department (UPD)
- \$34,289 - West Jordan City PD
- \$7,375 - West Valley City PD

**Total Reported Federal Sharing Funds Received by Utah Agencies for Calendar Year 2022 by U.S Department of Justice = \$1,070,852 and from the U.S Treasury Department = \$159,886. Agency use of federal forfeiture funding includes, but is not limited to following general areas:**

- Law enforcement equipment
- Computer and technology equipment
- Surveillance/Tracking equipment
- Law enforcement operating costs (vehicle lease, maintenance, etc.)
- Communications equipment
- Narcotics test kits
- Audio and video equipment (recorders, cameras, etc.)
- Confidential informant costs
- Firearms
- Less than lethal (Tasers, etc.)
- Officer safety gear (bulletproof vests, etc.)
- Basic office equipment and supplies (copiers, paper etc.)
- Officer Training