



DRUG ASSET FORFEITURE

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DRUG ASSET FORFEITURES

- Prosecutors can seek a court order to forfeit property seized related to drug crimes
- Total forfeited funds in recent years range from \$1.1 million to \$3.2 million
- Law enforcement agencies, prosecutors, and the Department of Mental Health and Addiction Services receive portions of forfeited money

ISSUE

Describe Connecticut's drug asset forfeiture law including how it is administered, how much the state receives from forfeitures annually, how forfeited funds are distributed and for what purposes, and what the current balances are for funds. Also provide examples from news stories of how forfeited funds are used.

SUMMARY

Under the forfeiture law, prosecutors file civil actions in court seeking an order to forfeit property seized related to drug crimes. Forfeited money is deposited in a drug asset forfeiture

revolving account. The law requires using account funds for substance abuse treatment and education programs and detecting, investigating, apprehending, and prosecuting people for drug crimes. It requires distributing funds to the Department of Emergency Services and Public Protection (DESPP), local police departments, the Department of Mental Health and Addiction Services (DMHAS), and the Division of Criminal Justice (DCJ) for certain purposes. A three-person panel must authorize distributions to DESPP and local police, and these law enforcement agencies must place any money they receive in a separate account.

Using the drug asset forfeiture law, the state collected \$1.1 million in FY 13, almost \$1.7 million in FY 14, and almost \$2 million in FY 15. At the end of FY 15, DESPP's account had a balance of \$443,477, DMHAS's account a balance of \$307,517, and DCJ's account a balance of \$147,012. We do not have information on current balances in the forfeiture accounts of police departments other than DESPP.

We searched Connecticut newspapers and found a few articles in recent years discussing drug asset forfeitures. According to these articles, forfeitures helped departments purchase surveillance cameras, uniforms, bicycles, and police dogs and prepare a military vehicle for police use. An article also reports that a seized car was used to teach young people about drug crimes.

FORFEITURE PROCESS

The law allows prosecutors to file a civil action in court seeking an order to forfeit money or property seized from someone related to a drug crime. The court must identify and the prosecutor notify anyone who is an owner or has an interest in the money or property. The court must hold a hearing and the prosecutor must prove any material facts by clear and convincing evidence. Testimony or evidence offered by an owner or interested person, and evidence derived from it, cannot be used against the person in any proceeding except for perjury or contempt related to providing the testimony or evidence.

The court cannot order forfeited (1) an owner's or lienholder's interest in property when he or she did not know and could not reasonably have known that the property was related to criminal activity or (2) money or property an owner used or intends to use for legitimate attorney's fees for his or her criminal defense.

If a court issues a forfeiture order:

1. the Department of Administrative Services must sell any forfeited property at a public auction;
2. storage costs, court costs, and any property interests the court orders paid (for example, the court can order that proceeds pay off a loan on a forfeited car) are paid from the forfeited money or auction proceeds; and
3. funds are deposited in the drug asset forfeiture revolving account (CGS § 54-36h).

Prosecutors assigned to the Asset Forfeiture Bureau in the Chief State's Attorney's Office generally conduct forfeiture proceedings. According to the office's website, the bureau is designed to "take full advantage of state and federal laws" allowing forfeiture of property related to illegal drug trafficking (see <http://www.ct.gov/csao/cwp/view.asp?q=285778#AssetFB>).

DISTRIBUTION OF FORFEITED FUNDS

The law requires using account funds for (1) substance abuse treatment and education programs and (2) detecting, investigating, apprehending, and prosecuting people for drug crimes. The law requires using funds as follows:

1. 70% to DESPP and local police departments, of which 15% must be used for drug education and 85% for detecting, investigating, apprehending, and prosecuting people for drug crimes and training police on gang violence;
2. 20% to DMHAS for (a) substance abuse treatment and education programs and (b) tobacco prevention and enforcement positions engaged in compliance activities, as required to receive a federal block grant for substance abuse and treatment; and
3. 10% to DCJ to prosecute people for drug crimes (the division states that it uses this money for salaries related to asset forfeiture).

The law requires a panel to authorize the equitable distribution of funds to DESPP and local police departments to reflect each department's contribution in events leading to a forfeiture. The panel consists of the following people or their designees: the DESPP commissioner, statewide narcotics task force commander, and Connecticut Police Chiefs Association president. DESPP and local departments must hold any money they receive in separate accounts or funds established for these purposes and the money cannot be placed in a state or town general fund or be used for purposes other than those described above. Local departments that use their own funds for drug crime activities can apply to the panel for reimbursement. The law requires any money in the account at the end of a fiscal year to remain there (CGS § 54-36i).

Table 1 shows total asset forfeitures in recent years and their distributions according to the statutory formula described above.

<i>Year</i>	<i>Total</i>	<i>Law Enforcement</i>	<i>DMHAS</i>	<i>DCJ</i>
FY 15	\$1,958,168	\$1,370,717	\$391,634	\$195,817
FY 14	1,688,588	1,183,658	336,620	168,310
FY 13	1,100,217	770,125	220,061	110,031
FY 12	3,198,314	2,239,030	639,523	319,761
FY 11	2,477,469	1,734,228	495,494	247,747

Tables 2 through 4 show changes in the DESPP, DMHAS, and DCJ asset forfeiture accounts between FY 11 and FY 15. Revenues in DESPP's account include funds to be passed on to other law enforcement agencies, although the balance at the end of each fiscal year appears to be remaining money available for DESPP's use.

Table 2: DESPP Asset Forfeiture Account from FY 11 to FY 15

	<i>FY 11</i>	<i>FY 12</i>	<i>FY 13</i>	<i>FY 14</i>	<i>FY 15</i>
Beginning Balance	\$116,693	\$218,776	\$687,996	\$727,424	\$774,466
Revenue*	1,734,228	2,239,030	770,125	1,183,658	1,370,717
Expenditures	(1,632,145)	(1,769,810)	(730,697)	(1,136,616)	(1,701,706)
Ending Balance	218,776	687,996	727,424	774,466	443,477

*Revenue in DESPP's account includes money to be passed on to other law enforcement agencies.

Table 3: DMHAS Asset Forfeiture Account from FY 11 to FY 15

	<i>FY 11</i>	<i>FY 12</i>	<i>FY 13</i>	<i>FY 14</i>	<i>FY 15</i>
Beginning Balance	\$190,292	\$388,607	\$258,950	\$209,864	\$224,660
Revenue	495,494	639,523	220,061	336,620	391,634
Expenditures	(297,179)	(769,180)	(269,147)	(321,824)	(308,777)
Ending Balance	388,607	258,950	209,864	224,660	307,517

Table 4: DCJ Asset Forfeiture Account from FY 11 to FY 15

	<i>FY 11</i>	<i>FY 12</i>	<i>FY 13</i>	<i>FY 14</i>	<i>FY 15</i>
Beginning Balance	\$115,855	\$102,691	\$147,651	\$54,227	\$90,013
Revenue	247,747	319,761	110,031	168,310	195,817
Expenditures	(260,911)	(274,801)	(203,455)	(132,524)	(138,818)
Ending Balance	102,691	147,651	54,227	90,013	147,012

Table 5 shows the amount of funds distributed to individual local law enforcement agencies in FY 15.

Table 5: Drug Asset Forfeiture Funds Distributed to Local Law Enforcement Agencies in FY 15 (total \$406,609)

<i>Town</i>	<i>Amount</i>	<i>Town</i>	<i>Amount</i>	<i>Town</i>	<i>Amount</i>
Ansonia	\$10,802	Meriden	\$11,481	Seymour	\$1,491
Avon	571	Middletown	33,218	Shelton	1,721
Bethel	410	Milford	7,301	Southington	3,769

Table 5 (continued)

<i>Town</i>	<i>Amount</i>	<i>Town</i>	<i>Amount</i>	<i>Town</i>	<i>Amount</i>
Bloomfield	400	Naugatuck	18,043	Stamford	38,514
Bridgeport	149,043	New Britain	82,302	Stratford	16,823
Bristol	130	New Canaan	135	Suffield	3,703
Brookfield	1,785	New Haven	45,072	Terryville	2,030
Cheshire	5,940	New London	1,050	Torrington	1,028
Clinton	3,754	New Milford	2,612	Trumbull	376
Cromwell	5,842	Newington	1,184	Uncasville	1,737
Danbury	35,102	Newtown	2,395	Unionville	5,950
East Hartford	40,214	North Branford	875	Wallingford	1,359
East Haven	1,450	North Haven	19,605	Waterbury	95,802
Enfield	17,072	Norwalk	66,083	Waterford	3,128
Glastonbury	1,481	Norwich	1,150	Watertown	6,677
Greenwich	4,974	Orange	6,043	West Hartford	43,646
Groton	1,050	Pawcatuck	302	West Haven	5,881
Guilford	4,347	Plainfield	1,050	Wethersfield	4,691
Hartford	82,778	Putnam	326	Willimantic	4,292
Kensington	2,575	Ridgefield	2,556	Wolcott	1,590
Manchester	36,889	Rocky Hill	502	Woodbridge	6,043

EXAMPLES OF FUND USES

We searched Connecticut newspapers and found a few articles in the last few years discussing drug asset forfeitures.

A 2014 *Record Journal* article states that Meriden used drug asset forfeiture money to purchase downtown surveillance cameras, uniforms, and bicycles, although it is unclear whether the assets were forfeited under state or federal law (Buchanan, "Area Police Seize Assets Sporadically," *Record Journal*, August 11, 2014).

- The same 2014 *Record Journal* article states that Southington purchased two police dogs with forfeiture money (Buchanan, "Area Police Seize Assets Sporadically," *Record Journal*, August 11, 2014).
- A 2014 *Hartford Courant* article states that the Newington Police Department planned to use money from its drug asset forfeiture fund to "civilianize" a military vehicle acquired through a federal surplus equipment program. The vehicle, a BAE Caiman that was designed to carry combat troops in Afghanistan, required \$54,365 to, among other things, eliminate gun ports, add lights, and install a radio system (Hoffman, "Police Acquire Armored Vehicle," *Hartford Courant*, July 24, 2014).
- A 2012 *New London Day* article states that Norwich and New London police each obtained a Lexus from a drug dealer in 2009. It states that New London used the vehicle to teach young people and placed a decal on the car stating it was seized from a drug dealer (Florin, "When a Drug Dealer Goes to Jail, the State Pockets His Money," *New London Day*, February 26, 2012).

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