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Very Civil Asset Forfeiture in Santa Cruz County

Summary

Many national media reports cite abuse surrounding civil asset forfeitures.^{[1][2][3][4][5][6][7]} The Santa Cruz Civil Grand Jury noted that none of the reports of abuse involved Santa Cruz County. The Grand Jury investigated the processes and procedures that the Santa Cruz County District Attorney's Office and Sheriff's Office use to implement and oversee the handling of civil asset forfeitures.

Civil asset forfeiture is a process whereby law enforcement seize assets (cash, vehicles, boats, property, etc.) from persons suspected of involvement with crime or illegal activity, most often in connection with drug offenses, and the District Attorney processes the adjudication in Santa Cruz County Superior Court.

We found the civil asset forfeiture process in Santa Cruz County has been and continues to be handled and adjudicated with intelligence, compassion, and fairness. The Sheriff's Office and the District Attorney's Office have fully complied with the letter and the spirit of the law.

Investigation

The Grand Jury investigated those county entities responsible for implementing civil asset forfeiture. We conducted interviews and reviewed documentation for Santa Cruz County fiscal year 2014–15.

The Grand Jury reviewed policies and procedures relating to the forfeited funds distributed to the Sheriff's Office per California Health and Safety Code Section 11489.^[8] We investigated the policies and procedures relating to seizure of money or property returned to rightful owners for cases that were dropped or defendants that were found innocent.

These distributed funds were used by the Sheriff's Office to purchase additional equipment and furnishings, and not used for salaries and benefits. The District Attorney's Office and the Sheriff's Office are not dependent on civil asset forfeiture funds for meeting their budgets. These policies remove any likelihood that forfeiture will be misapplied for personal gain.

The total value of property held in abeyance as evidence that came to final disposition after adjudication in 2014 was \$177,018.72. Of this, \$71,364.21 was returned to the property owners. The remaining \$105,654.51 (\$12,707.50 of non-currency assets like trucks, motorcycles, and bicycles, and \$92,947.01 of cash or cash equivalents), was forfeited and distributed as directed by California Health and Safety Code Section 11489.^[8]

2014 Civil Asset Forfeiture Process Summary

Value of property returned		\$71,364.21
Value of forfeited cash-equivalent property retained	\$92,947.01	
Value of forfeited non-cash property retained	<u>\$12,707.50</u>	
Value of property retained		<u>\$105,654.51</u>
Total value of property that came to final disposition		\$177,018.72
Note: all values include accrued interest.		

Source: Information gathered from the Sheriff's and DA's Offices.^[9]

Findings

- F1.** The District Attorney's Office does not currently provide an annual summary of the disposition of civil asset forfeitures.
- F2.** The Sheriff and prosecuting authorities are following the letter and spirit of the law.
- F3.** The District Attorney's Office and the Sheriff's Office are following strict accounting procedures in managing the process.
- F4.** Property due to be returned was released in a timely and fair manner.
- F5.** Proper escrow procedures were followed.
- F6.** There is no incentive to abuse the program to supplement salaries and benefits, since none of the retained funds are used for salaries or benefits in the Santa Cruz County Sheriff's Office.

Recommendations

- R1.** The Santa Cruz County District Attorney's Office should include an annual summary of civil asset forfeitures on their website. (F1)
- R2.** Such a report should include a chart similar to the table *2014 Civil Asset Forfeiture Process Summary* above. (F1)

Commendations

- C1.** The Grand Jury commends the quality of the process followed by the District Attorney's Office and the Sheriff's Office.
- C2.** The Grand Jury found that the District Attorney's Office and Sheriff's Office are treating the return of assets to parties as directed, and it is being done intelligently, with care, compassion, and a focus on timeliness.

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County District Attorney	F1	R1, R2	60 days August 1, 2016

Definitions

- **Abeyance:** A state of temporary disuse or suspension.
- **Adjudication:** The legal process of resolving a dispute. The formal giving or pronouncing of a judgment or decree in a court proceeding; also the judgment or decision given. The entry of a decree by a court in respect to the parties in a case.
- **Civil Asset Forfeiture:** A legal tool that allows law enforcement officials to seize property that they allege has been involved in certain criminal activity. The assets are held in abeyance, as evidence, during the civil asset forfeiture process and are either forfeited or returned upon adjudication of the case.
- **Forfeiture:** The loss or giving up of something as a penalty for wrongdoing.
- **Seize:** Forcible taking of property by a government law enforcement official from a person who is suspected of violating, or is known to have violated, the law.

Sources

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