



2023 Utah Annual Forfeiture Report

June 30, 2024

TABLE OF CONTENTS:

- **I.** Background and Legislative Overview.....page 1
- **II.** State Forfeiture Report - *State Case Evaluation*.....pages 2 - 4
- **III.** State Forfeiture Report - *Use of State Forfeiture Funding in 2021*.....pages 4
- **IV.** Federal Forfeiture Report - *Federal Case Evaluation*.....pages 4 - 6
- **V.** Federal Forfeiture Report - *Use of Federal Forfeiture Funding in 2021*.....page 6 - 7

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 15 state and local agencies reporting on 76 state forfeiture cases in 2023.**
- **54% of all cases were forfeited in Civil Court** with 39% adjudicated in Criminal Court and 7% unknown.
- **Enforcement Stop was the primary enforcement action (59%),** followed by Search Warrant (33%).
- **Almost all forfeiture cases were the result of alleged narcotic offenses (92%).**
- **Cash was the type of property seized in 98% of state cases reported in 2023** with a median cash value of **\$3,933** (average \$11,630).
- **87 percent of cases reported that a criminal charge was associated with the seizure,** with 62 percent resulting in a conviction.

The data summarized in this section is based on self-reported data pertaining to 76 state forfeited court cases in 2023. 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.

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	45	59%
A Search Warrant	25	33%
An Arrest Warrant	2	2.7%
Other	1	1.3%
Multiple enforcement actions indicated	1	1.3%
Unknown or Unresponsive	2	2.6%
Total	76	100%

TABLE B - Type of Property Seized?

Cash	70	92%
Car	1	1.3%
Firearm		
Real Estate		
Cash, Firearm		

Cash, Other	1	1.3%
Other	3	4.1%
Unknown or Unresponsive	1	1.3%
Total	76	100%

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

Narcotics Offense	70	92%
Money Laundering	3	4.1%
Other Offense	2	2.6%
Multiple offenses indicated	0	
Unknown or Unresponsive	1	1.3%
Total	76	100%

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

Possession / Purchase of a Controlled Substance (CS)	1	1.3%
Possession with Intent to Distribute a C.S.	53	70%
Conspiracy to Distribute a C.S.	1	1.3%
Manufacture of a C.S. / Clandestine Laboratory		
Distribution or Arranging to Distribute a C.S.	15	20%
Multiple offenses indicated		
Unknown or Unresponsive	6	7.4%
Total	76	100%

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

Yes	66	87%
No	9	11.7%
Unknown or Unresponsive	1	1.3%
Total	76	100%

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

Conviction	47	62%
Acquittal		
Dismissal		
Final Disposition Pending	16	21%
Multiple dispositions in cases with Multiple charges	2	2.6%
Indicated No in Table D or No Response (NR)	11	14.4%
Total	76	100%

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

Default	46	61%
Summary Judgment	7	9%
Guilty Plea or Verdict in a Criminal Forfeiture	16	21%
Stipulation of the Parties	5	6.4%
Other Jury Award		
Multiple dispositions in cases with multiple charges		
No Response (NR)	2	2.6%
Total	76	100%

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 2023 (FY 2024) SAFG Grant Awards:

1. **\$532,000** awarded to the Weber/Morgan, Davis Metro, Salt Lake Area Gang and Utah multi-jurisdictional drug and crime task force projects in FY 2024. 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.
2. **\$54,176** awarded to the Utah Chief's of Police Association for a statewide law enforcement officer recruitment and retention program.
3. **\$118,289** was transferred directly from the CFRA to the Utah Crime Victims Fund in 2024 (*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 2024 - \$729,465 *Funding for FY 2025 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, 2023 through December 31, 2023.

The following provides a summary of aggregated responses from the 2023 federal case evaluation questions and use of funds information:

- There were **11** state and local agencies reporting on **43** federal forfeiture cases in 2022.

- Nearly 60% of all reported federal cases were handled as a Criminal forfeiture (26 cases)
- Search Warrants were the primary enforcement action (40%).
- Most federal forfeiture cases were the result of alleged narcotic offenses (86%).
- Cash was involved in the vast majority of the type of property forfeited (86%). The median cash value = \$16,416 (min: \$912, max: \$345,000), average = \$37,359, total for all cases indicated = \$1,344,922.
- Guilty plea or Verdict in a Criminal Forfeiture was the primary reason code underlying the final disposition (60%).
- 77 percent of cases reported that a criminal charge was associated with the seizure, with 70 percent resulting in a conviction.

The data summarized in this section is based on self-reported data pertaining to 43 federal forfeited court cases in 2023. 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	5	12%
A Search Warrant	17	40%
An Arrest Warrant		
Federal Seizure Warrant		
Warrantless PC		
Other	5	12%
Multiple enforcement actions indicated		
Unknown or Unresponsive	16	36%
Total	43	100%

TABLE B - Type of Property Seized?

Cash	37	86%
Car	2	5%
Firearm		
Real Estate	3	7%
Other	1	2%
Multiple types indicated		
Unknown or Unresponsive		
Total	43	100%

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

Narcotics Offense	37	86%
Money Laundering	6	14%
Other Offense		

Multiple offenses indicated		
No offense indicated		
Total	43	100%

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	5%
Possession with Intent to Distribute a C.S.	6	14%
Conspiracy to Distribute a C.S.	12	27%
Manufacture of a C.S. / Clandestine Laboratory		
Distribution or Arranging to Distribute a C.S.	17	40%
Multiple offenses indicated		
No Response (NR) or not a narcotics case.	6	14%
Total	43	100%

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

Yes	33	77%
No	6	14%
Unknown or Unresponsive	4	9%
Total	43	100%

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

Conviction	30	70%
Acquittal		
Dismissal		
Plea Agreement		
Final Disposition Pending	6	14%
Indicated No in Table D or No Response (NR)	7	16%
Multiple dispositions in cases with multiple charges		
Total	43	100%

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

Default,	2	5%
Summary Judgment	3	7%
Guilty Plea or Verdict in a Criminal Forfeiture	26	60%
Stipulation of the Parties		
Other Jury Award		
Multiple dispositions in cases with multiple charges		
Unknown Disposition or No Response	12	28%
Total	43	100%

V. Federal Forfeiture Report - Use of Federal Forfeiture Funding in 2023

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

- \$43,437 - Beaver Co. Sheriff or Narcotics Task Force
- \$21,741 - Cedar City PD or Narcotics Task Force
- \$4,536 - Orem City PD or Utah Major Crimes Task Force
- \$72,618 - Juab Co. Sheriff's Office or Juab Narcotics Strike Force
- \$181,361 - Layton City PD or Davis Metro Narcotics TF
- \$3,021 - Murray City PD or DEA Metro TF
- \$70,356 – Utah National Guard Counterdrug Unit
- \$17,622 - Ogden City PD or Weber/Morgan Task Force
- \$3,021 – Park City PD or DEA Metro TF
- \$44,169 - St. George City PD or Washington Major Crimes TF
- \$47,577 - Salt Lake City PD or DEA Metro TF
- \$1,314 - Salt Lake Co. D.A. or DEA Metro TF
- \$8,795 - Sandy City PD or DEA Metro TF
- \$6,905 - Sevier Co. Sheriff's Office
- \$3,021 - Summit Co. Sheriff's Office
- \$3,021 - Tooele City PD
- \$8,091 - Utah DPS/UHP
- \$34,515 - Unified Police Department (UPD)
- \$19,460 - Washington City PD
- \$35,363 - West Jordan City PD
- \$7,200 - West Valley City PD

Total Reported Federal Sharing Funds Received by Utah Agencies for Calendar Year 2023 by U.S Department of Justice = \$640,900 and from the U.S Treasury Department = \$19,460. 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