

Asset Forfeiture



Safety with Respect



CITY & COUNTY OF SAN FRANCISCO

Police Department

05/05/21

Asset Forfeitures

The purpose of asset forfeiture interventions is to disrupt and deter criminal activity by seizing items that are suspected of being tied to criminal offenses.

Federal Statutes

Title 21 U.S.C. § 333(e)(3)
Title 21 U.S.C. § 853
Title 21 U.S.C. § 881
Title 18 U.S.C. § 981
Title 18 U.S.C. § 982
Title 18 U.S.C. § 1963
Title 18 U.S.C. § 1955
Title 18 U.S.C. § 1177
Title 18 U.S.C. § 2253
Title 18 U.S.C. § 2254
Title 18 U.S.C. § 1467
Title 18 U.S.C. § 512

Title 18 U.S.C. § 2513
Title 22 U.S.C. § 401
Title 17 U.S.C. § 509
Title 8 U.S.C. § 1324(b)
Title 21 U.S.C. § 1177

State Statutes

CA H&S Code § 11469-11495

SF Admin Code

SF Admin Code § 10.100-310

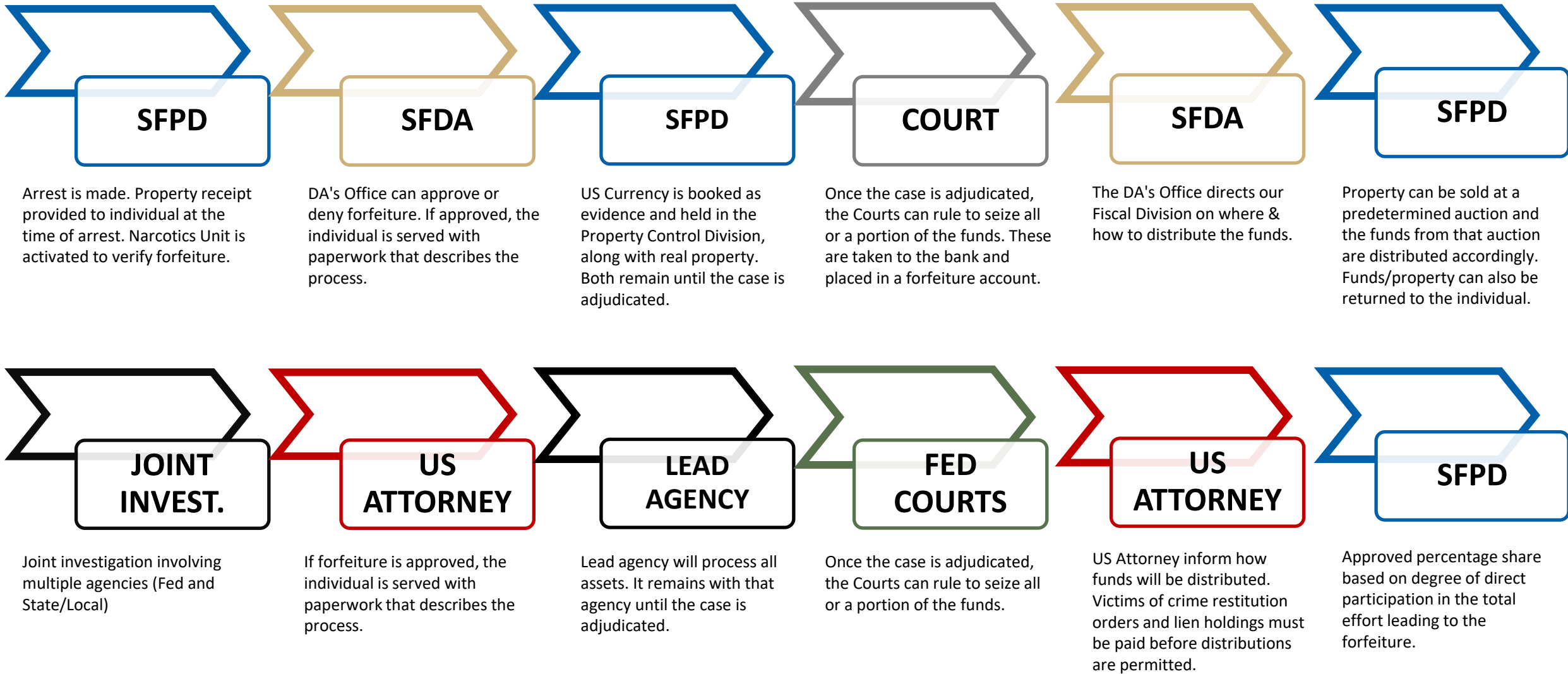


When Are Items/Property Seized

Federal and state laws authorize asset forfeiture for certain types of criminal offenses or circumstances:

- Drug-related offenses
- During the execution of search warrants
- When there is probable cause to believe that the item (to be seized) was used to violate state drug laws--an eligible drug-related crime occurred before assets may be seized

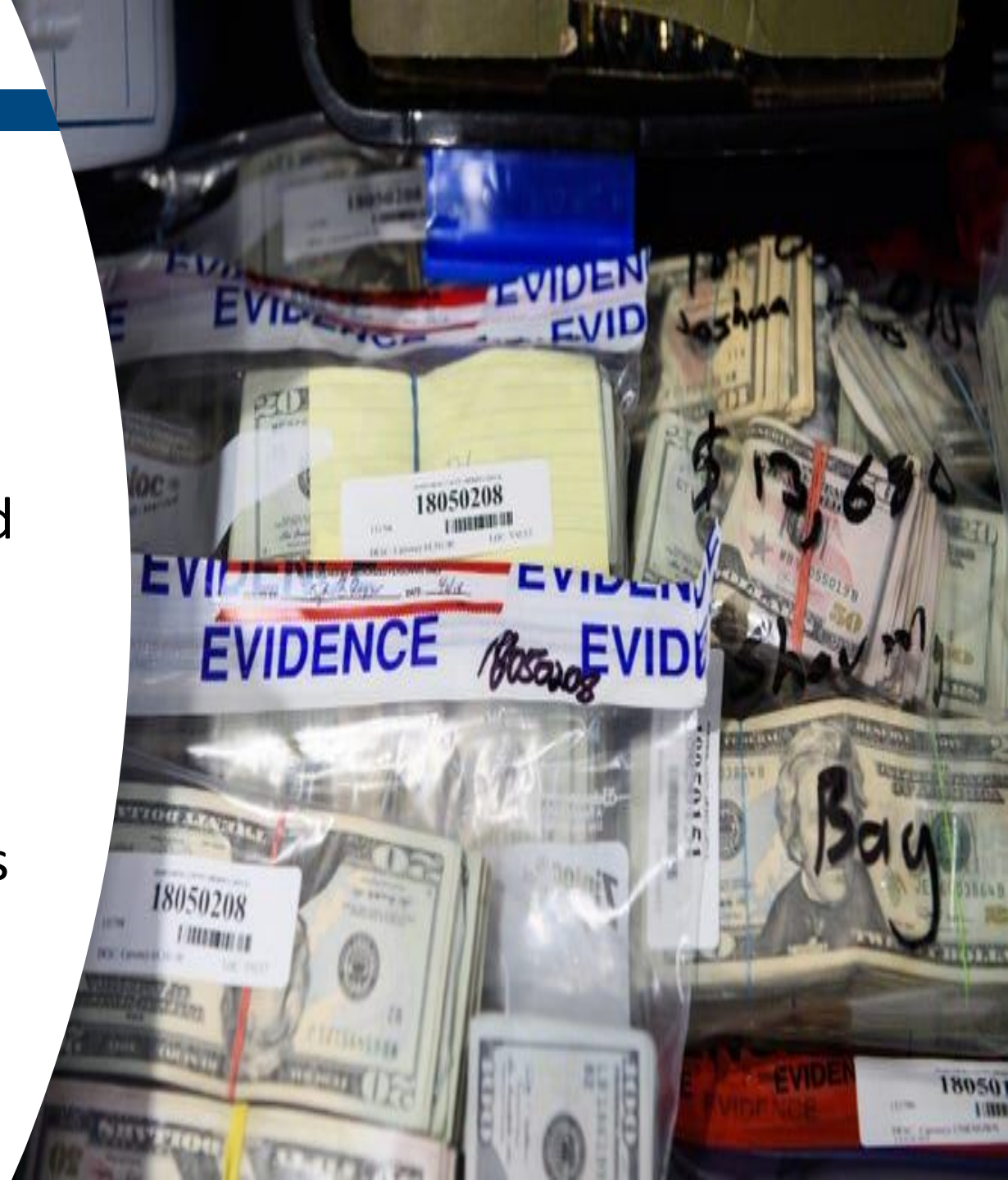
SFPD's Role in Asset Forfeiture Procedures



Types of Property Seized

Federal and individual state laws authorize the seizure of cash, property, and other items, such as illegal drugs and vehicles.

California prohibits the seizure of real property if it is being used as a family residence or for other lawful purposes as a drug-related asset forfeiture.



Return of Seized Property

Once the case has settled, either by a settlement that is agreed upon by the claimant or the courts, the District Attorney's Asset Forfeiture Unit notifies SFPD and provides official documentation for the release of property & funds.

An individual does not get their property returned if:

- A claim for the funds is not filed.
- A stipulated agreement between the DA's Office and the claimant is reached and a portion is forfeited.
- A court rules that the items are forfeited (this could be done as part of a plea agreement at the end of case)

Asset Distribution

Federal and state laws generally dictate how asset forfeiture proceeds can be used.

STATE OF CALIFORNIA

State funds are distributed per CA Health & Safety Code §11469-11495

- California General Fund 24%
- CDDA Training Fund 1%
- District Attorney 10%
- Anti-Drug/Anti-Gang Programs 9.75%
- Residual Fund (Law Enforcement Agency) 55.25%

FEDERAL

Federal funds are divided into the Department of Justice or Treasury and shares to law enforcement are based on degree of direct participation in the total effort leading to the forfeiture.



State Forfeiture Totals

State Forfeitures by Fiscal Year	2018	2019	2020
California GF	\$182,698	\$142,379	\$57,376
CDAA Training Fund	7,612	5,932	2,391
District Attorney	79,453	67,441	24,738
Anti-Drug/Anti-Gang Programs	113,357	88,353	25,882
Police Department	377,856	277,263	86,275
Other Entities	3,603	20,017	0
Total State Forfeitures	\$764,580	\$601,387	\$196,662

Federal Forfeiture Revenue Received

Federal Department	2018	2019	2020
Department of Justice	\$578,923	\$725,703	\$690,418
Department of Treasury	0	313,729	265,423
Total Federal Forfeitures	\$578,923	\$1,039,432	\$955,841

Federal Agencies determine the amount of monies or shares of proceeds law enforcement agencies receive following forfeiture cases.

How Forfeiture Funds Are Used

- Federal and California laws prohibit proceeds from being used to supplant any existing law enforcement funding.
- Funds must be for law enforcement purposes only. Examples include items such as law enforcement equipment and training.
- Funds must be used to increase or supplement law enforcement resources
- Agencies may not budget for anticipated shared funds

SFPD Accessing Funds

Categories	2020	2021
Non-Personnel Services	354,408	426,314
Materials & Supplies	519,355	
Capitalized Equipment	265,296	444,977
Interdepartmental Services	189,176	96,388
Totals	1,328,236	967,679

Thank you.

Any questions?