



KING COUNTY AUDITOR'S OFFICE

KyMBER WALTMUNSON, County Auditor

Civil Asset Forfeiture: Increased Transparency Would Improve Accountability

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March 11, 2025 | GOVERNMENT ACCOUNTABILITY AND OVERSIGHT COMMITTEE

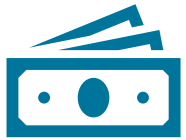


Civil Asset Forfeiture – Definition

If an officer reasonably believes that some of the money used to buy property came from a drug crime, then the officer can seize that property

Civil Asset Forfeiture – Definition

- Property subject to seizure includes cash, cars, houses, jewelry, electronics, etc.



- No arrests or criminal charges are necessary



Civil Asset Forfeiture – Definition

- Unless the seizure is successfully challenged, the property is deemed forfeit
- Forfeit property is kept for agency's own use
 - 10% of proceeds go to State Treasury
 - 45% goes to partner city (when applicable)
 - Remainder goes to Sheriff's Office



Civil Asset Forfeiture – In King County

- Sheriff's Office policy: only felony investigations
 - Not used for misdemeanor possession
- Dedicated team oversees entire process
 - All seizures reviewed by attorney
 - Asset Forfeiture Unit trains other jurisdictions
- No evidence of seizures outside of process

Summary of Audit Findings



Paper-centric recordkeeping limits transparency and oversight



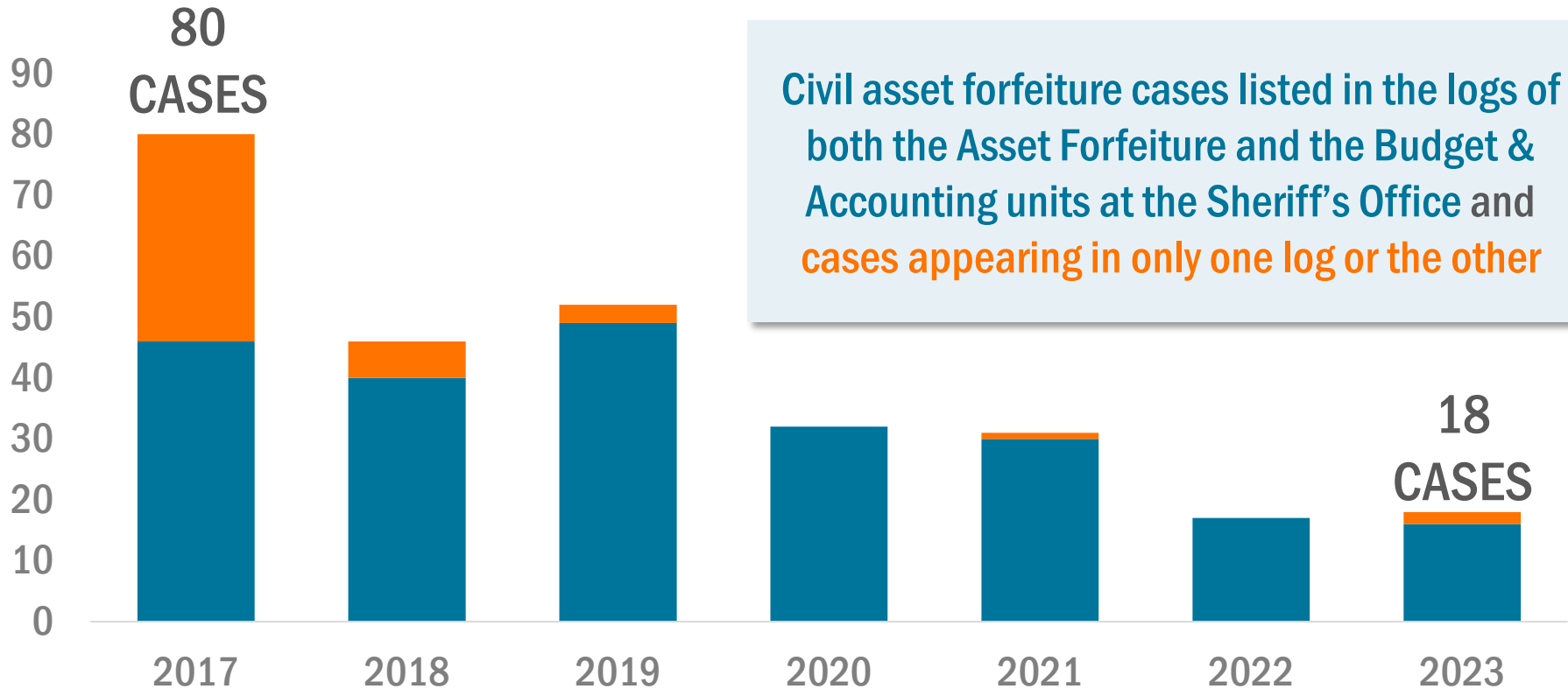
Seizure notice forms need clarification and translations



Paper records limit transparency

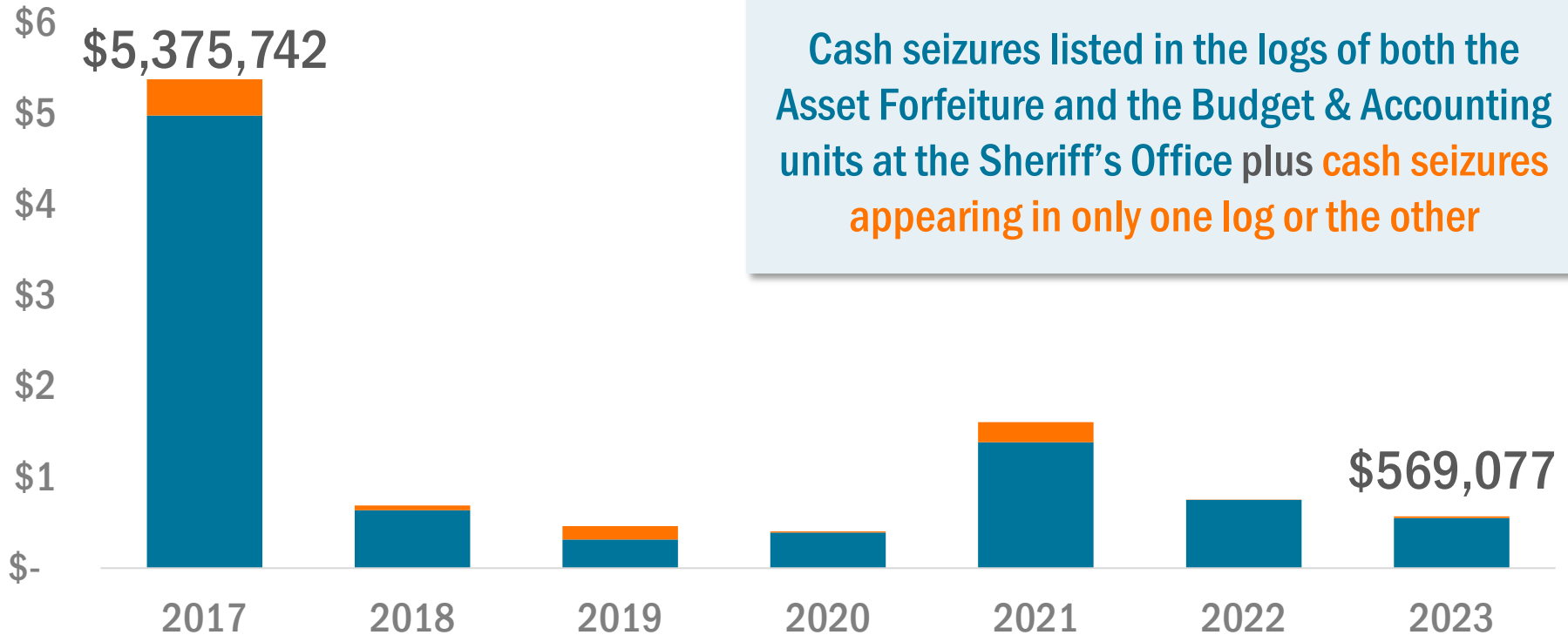
- Official records kept on paper in case folders
- Electronic records not complete or reliable
 - No easy way to look across cases
- Electronic records inconsistent between units
 - Asset Forfeiture Unit, Budget & Accounting have different case counts and amounts seized

Around 275 forfeiture cases (2017-23)



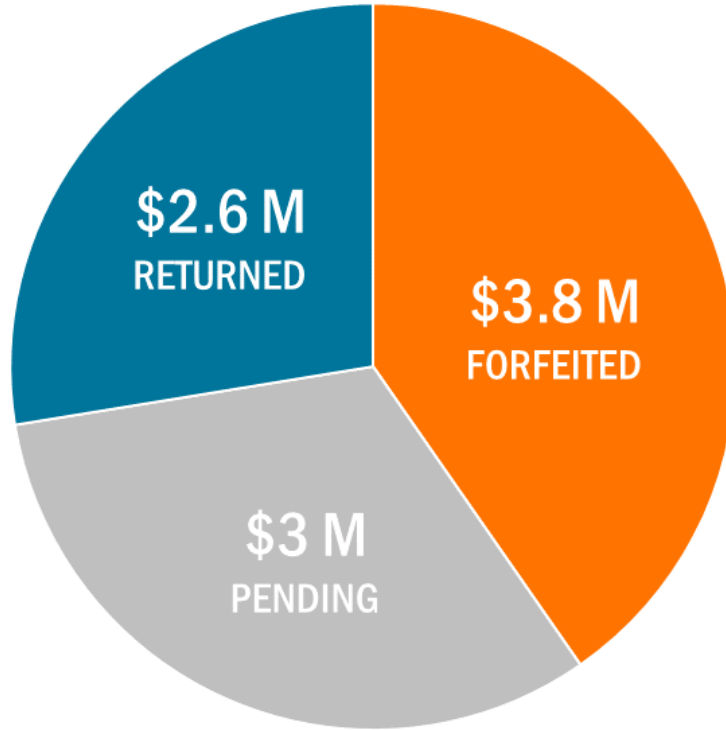
Around \$9.4M cash seized (2017-23)

MILLIONS

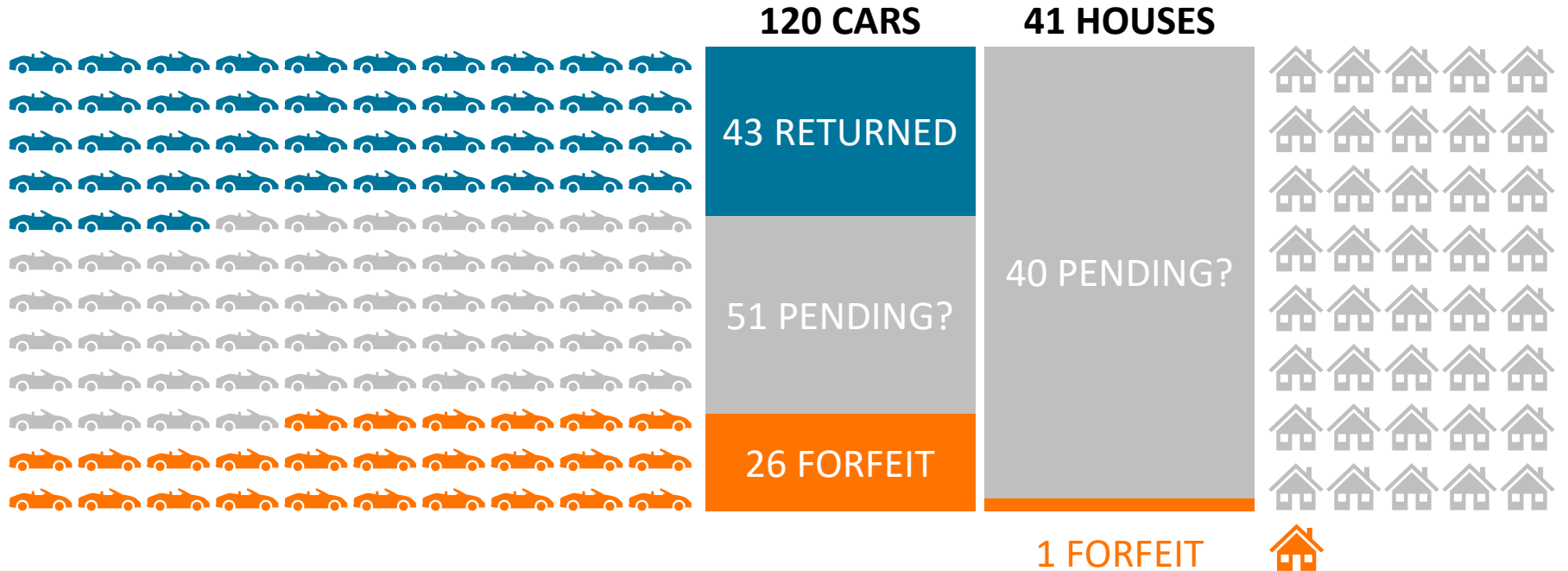




Around 40% of cash seizures returned



Status of cars, houses not centrally tracked

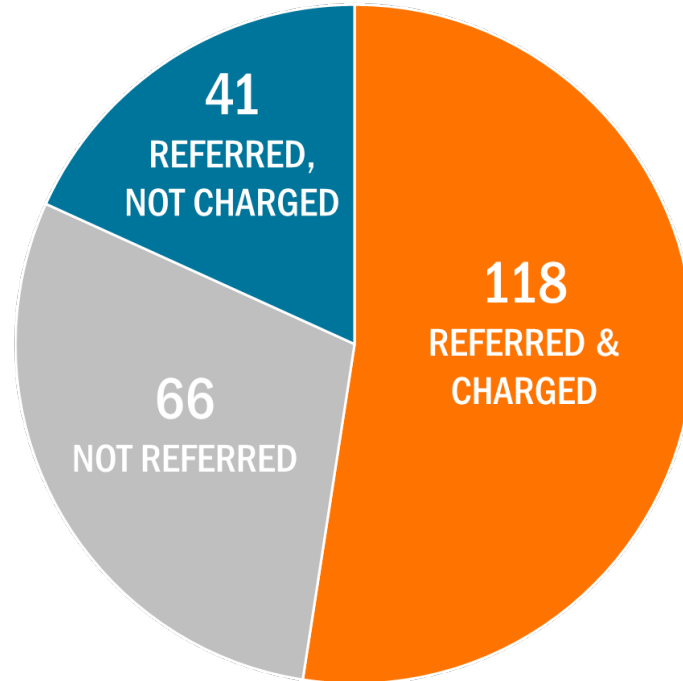




Recommendations

- The Sheriff's Office should keep electronic records that are: accurate, complete, up-to-date, centralized, and easily aggregated
- The Sheriff's Office should reconcile the forfeiture records kept by different units

Associated criminal cases not tracked



Case outcomes (convictions) not tracked



Recommendations

The Sheriff's Office should keep records of associated criminal cases, which prosecuting agency is handling the criminal case, and the outcome of those cases

The Sheriff's Office does not concur



Frequency of challenges not tracked

- No data, but might be majority of cases
- Outcomes of challenges not tracked
- Resolution type (hearing examiner, judge, or settlement) not tracked
 - Almost all apparently reached settlement



Recommendations

The Sheriff should consider designating the independent Hearing Examiner's Office to conduct hearings of contested asset seizures



Reconciliation of seizure account balances

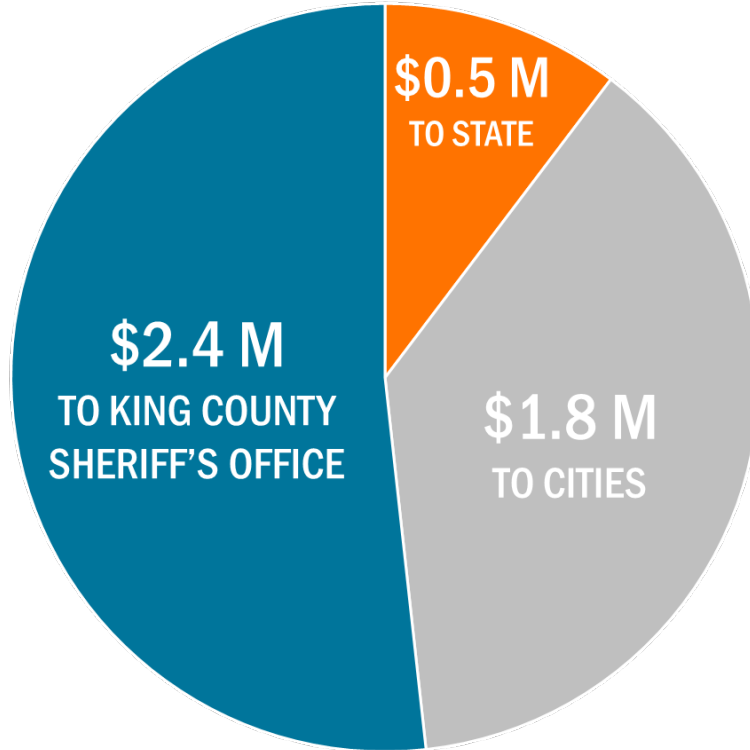
- Prior to audit, certain withdrawals only recorded in paper records, not in electronic log
- Bank account balance appeared \$1.5 million less than log of deposits and withdrawals
- KCSO conducted manual review of paper files and discrepancy is actually less than \$250



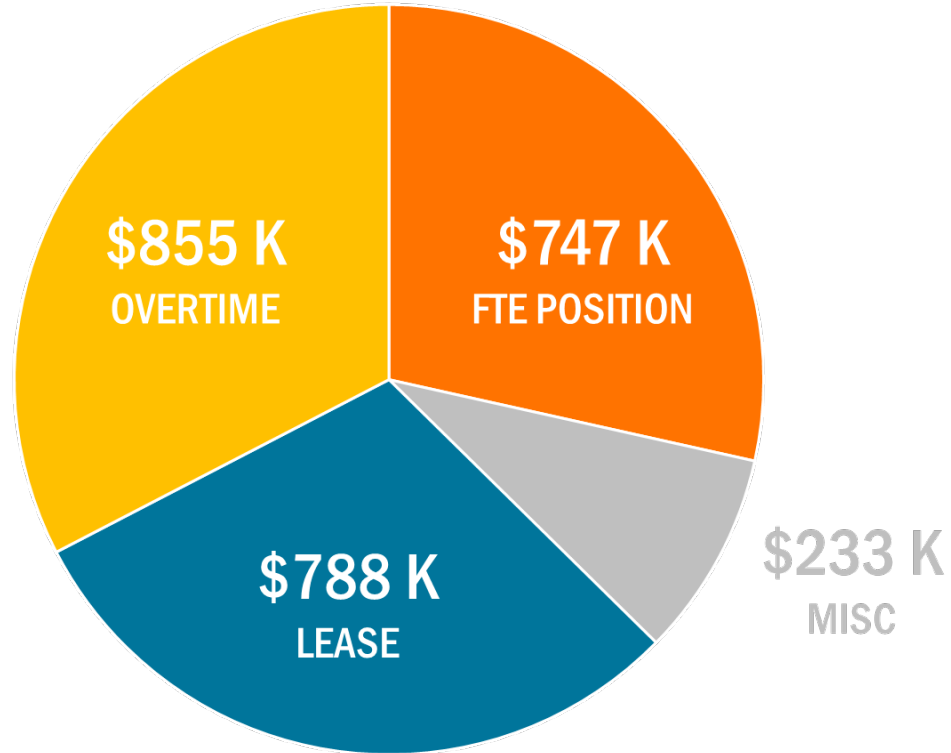
Recommendations

The Sheriff's Office should continue to record all transactions in its centralized electronic log and reconcile the bank balance at least monthly

County kept \$2.4M in forfeitures (2018-23)

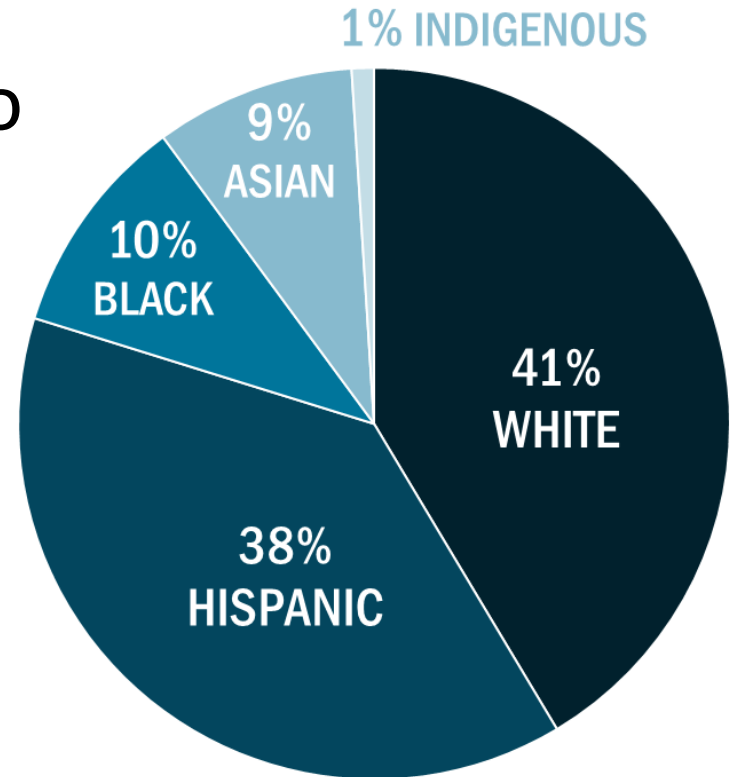


Expenditures on overtime, FTE, lease space



Seizure notice form only in English to date

- Notice form explains how to challenge seizure
- Estimated 15% may have limited English proficiency
- Translation effort is already underway



Notice language difficult, inaccurate



You must notify this Agency **IN WRITING** of your claim of ownership or right to possession of the property **WITHIN 45 DAYS** of service of this note or you will lose it forever. If you do timely notify this Agency, in writing, of your claim, a hearing date will be scheduled for you, within 90 days, to prove your claim or right.

- Written at 12th-grade reading level; best practice is 8th
- Implies owner must prove claim
 - State law puts burden of proof on law enforcement agency

SHERIFF King County Sheriff's Office
Asset Forfeiture Unit
500 Fourth Avenue, Suite 2001

Contract City
 Unincorporated King County

Mileage _____ Mileage _____

| Other Property | | | |
|-----------------|-------------|-----------------|-------------|
| Evidence Item # | Description | Evidence Item # | Description |
| | | | |
| | | | |
| | | | |

This is notice to you that the property above was seized by the King County Sheriff under the:

Uniform Controlled Substances Act, Chapter 69.50.505 RCW
 Money Laundering Act, Chapter 9A.83.030 RCW
 Felony Forfeiture Act, Chapter 10.105.010 RCW
 DUI / DWLS Forfeiture Act

You must notify this Agency **IN WRITING** of your claim of ownership or right to possession of the property **WITHIN 45 DAYS** of service of this note or you will lose it forever. If you do timely notify this Agency, in writing, of your claim, a hearing date will be scheduled for you, within 90 days, to prove your claim or right.

Return of Service
I certify that I am a commissioned Officer of the King County Sheriff's Office, and I personally served a copy of this notice on:

Name _____ Date _____
Date _____ Time _____ Place _____

Officer's Signature _____
Recipient's Signature _____

Personal Service: Yes No

Distribution: Original to Asset Forfeiture; Pink to Person Named

KCSO 8-128 (Rev. 4/12)
Penalty: \$1000.00



Recommendations

The Sheriff's Office should issue seizure notices that use plain language and contain an accurate explanation of the burden of proof



Thank you!

Full report available online at
KingCounty.gov/Auditor

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bit.ly/KCAOAuditInput