KING COUNTY AUDITOR'S OFFICE

Kymber Waltmunson, County Auditor

Civil Asset Forfeiture: Increased Transparency Would Improve Accountability

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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)

80

CASES

90

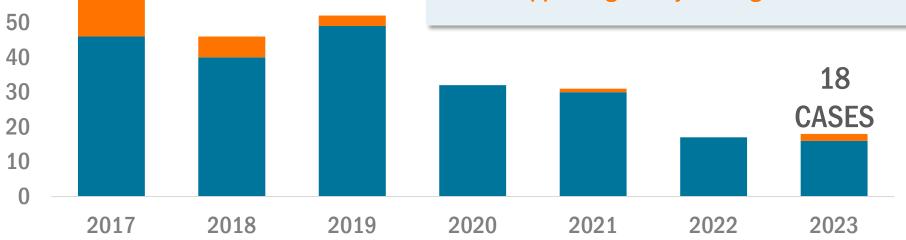
80

70

60

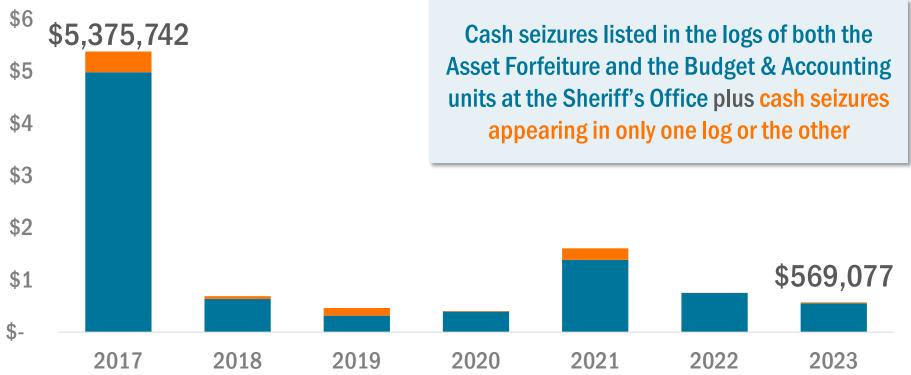
Civil asset forfeiture cases listed in the logs of both the Asset Forfeiture and the Budget & Accounting units at the Sheriff's Office and cases appearing in only one log or the other

KCAO 8

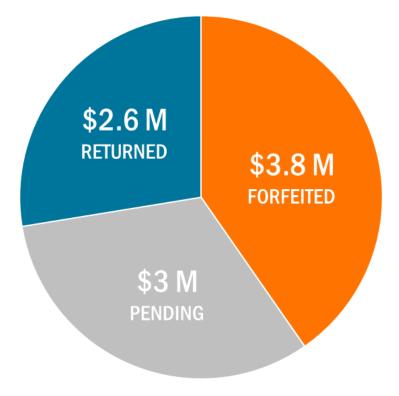


Around \$9.4M cash seized (2017-23)

MILLIONS



Around 40% of cash seizures returned



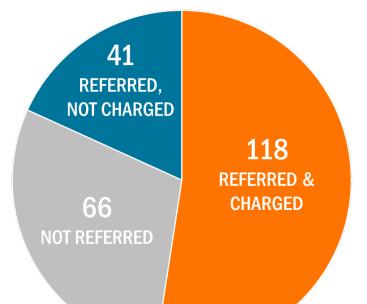
KCAO 10

Status of cars, houses not centrally tracked

	120 CARS	41 HOUSES	
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		1 FORFEIT	

- 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

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

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

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

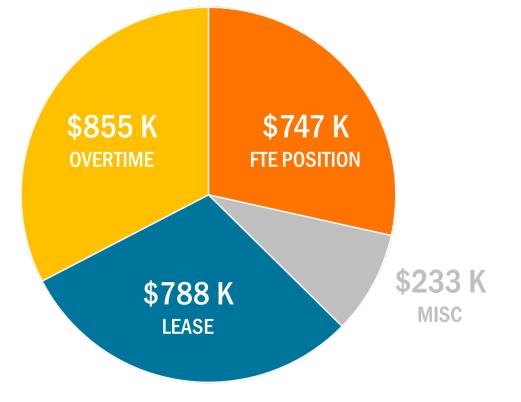
County kept \$2.4M in forfeitures (2018-23)

\$2.4 M TO KING COUNTY SHERIFF'S OFFICE TO STATE

\$0.5 M

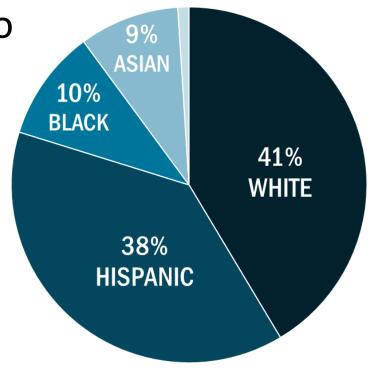
\$1.8 M TO CITIES

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



1% INDIGENOUS

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

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	Oth	er Property	
Evidence Item #	Description	Evidence Item #	Description
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Asset Forfeiture Unit

Unincorporated King County

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

Thank you!

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