

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



THE OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA
FISCAL YEAR 2017 CIVIL ASSET FORFEITURE REPORT

INTRODUCTION

Pursuant to D.C. Official Code § 41-312, the Office of the Attorney General for the District of Columbia (OAG) is required, on an annual basis, to file with the Council of the District of Columbia and publish on its website, information regarding its civil asset forfeiture efforts. This report is provided in compliance with that requirement.

CIVIL FORFEITURE OVERVIEW

In 2015, the Civil Asset Forfeiture Amendment Act of 2014 (Act) was signed into law. The Act outlines the process the District of Columbia must follow to execute civil forfeitures against seized property and the process for a citizen to contest the forfeiture of the property. Under the Act, property subject to forfeiture may be seized by the District by judicial order or upon the District's determination that there is probable cause to believe that the property is subject to forfeiture. D.C. Official Code §§41-303(a)(1)-(2). The District must provide a property owner whose property has been seized of its intent to commence forfeiture against the property. D.C. Code §41-304(a)(1)(A). A property owner may contest a civil forfeiture by filing a claim with the District. D.C. Official Code §41-305(a). When filing a claim, the owner can also request an interim release of the property. *Id.* If, after receiving the owner's request for interim release, the District seeks to retain possession of the property pending the outcome of the civil forfeiture trial, then the District must file a request for a hearing in the Superior Court for the District of Columbia (Superior Court) within five days of receiving the owner's request for interim release, or within five days of the property being released by the prosecutor's office, whichever is later. D.C. Official Code §41-306(c)(3)(A). At the interim release hearing, if the court finds that the District did provide the owner with the requisite notice, and that it met its burden in establishing the property is subject to forfeiture, the Act requires the court to consider whether there are any reasonable considerations, other than the retention of the owner's property, that would protect the District's interest in the property pending the outcome of the forfeiture proceeding. D.C. Official Code §306(f)(3)(A). If the court cannot identify any such considerations, the property remains with the District pending the civil forfeiture trial. D.C. Official Code §41-306(f)(3)(B). If the court determines that the District failed to meet its burden, the court shall order the release

of the property to the owner, without conditions, pending the file outcome of the civil forfeiture trial. D.C. Official Code §306(f)(2).

If the matter proceeds to a civil forfeiture trial, the District again has the burden of establishing that the property is forfeitable. At the trial, the District must prove that the property is subject to forfeiture by a preponderance of the evidence standard. D.C. Official Code §41-308(d)(1)(B). However, if the property is a motor vehicle or real property, the standard of proof is elevated to clear and convincing evidence. *Id.* Also, if the property is cash totaling \$1000 or less, there is a presumption that the property is not forfeitable; however, the District may rebut this presumption with clear and convincing evidence that the property is forfeitable. D.C. Official Code §41-308(d)(1)(C). Further, if the property is the primary residence of the owner, the Act requires that the District prove the owner was convicted of the crime giving rise to the forfeiture. D.C. Official Code §41-308(d)(4). If the District is successful in meeting its burden, the seized property is deemed forfeited and may be sold, and the proceeds of the sale are to be deposited into the District's General Fund. D.C. Official Code §41-310(a). If the District does not meet its burden, the District's interest in the property is terminated, and the property is returned to the owner. D.C. Official Code §41-308(h).

2017 CIVIL FORFEITURE DATA

1. The number of seizures by type of property seized and the number of forfeitures (D.C. Official Code §41-312(1))

In fiscal year 2017 (FY 2017), the Metropolitan Police Department (MPD) seized the following property types:

Property Type	Seizures*
Money (U.S. Currency)	166
Money (Coins)	5
Vehicles	9
Total	180

Additionally, in FY 2017, OAG initiated one civil forfeiture action against seized U.S. currency in the Superior Court. *See District of Columbia v. Five Thousand Four Hundred and Seventy-Five Dollars (\$5,475.00) in U.S. Currency*, 2017 CA 0005907.

2. The total quantity of each type of property seized and each type of property forfeiture. (D.C. Official Code §41-312(2))

The total quantity of property seized by MPD in FY 2017 is reflected in the table above. The table below lists the quantity or amount of each type of property seized by MPD in FY 2017.

Property Type	Amount*
Money (U.S. Currency)	\$561,655.37
Money (Coins)	2,699 coins
Money (Silver Bars)	690 oz.
Vehicles	9

Additionally, in FY 2017, OAG initiated one civil forfeiture action against seized U.S. currency in the Superior Court. *See District of Columbia v. Five Thousand Four Hundred and Seventy-Five Dollars (\$5,475.00) in U.S. Currency*, 2017 CA 0005907.

3. The number of seizures and forfeitures by type of asserted violation of District law that gave rise to the seizure or forfeiture (D.C. Official Code §41-312(3))

The chart below reflects the number of seizures by violations of District law conducted by MPD in FY 2017.

Seizure Offenses	Amount*
Drug Offenses (D.C. Official Code § 48-905.02)	168
Firearm Offenses (D.C. Official Code § 48-905.02)	10
Drug Offenses (D.C. Official Code § 48-905.02) and Firearms (D.C. Official Code § 7-2507.06a)	1
Gambling (D.C. Official Code § 22-1705)	1
Total	180

Additionally, in FY 2017, OAG initiated one civil forfeiture action against seized U.S. currency in the Superior Court. *See District of Columbia v. Five Thousand Four Hundred and Seventy-Five Dollars (\$5,475.00) in U.S. Currency*, 2017 CA 0005907.

4. The number of libels of information that were filed under D.C. Official Code §41-301 (D.C Official Code §41-312(4))

In FY 2017, OAG filed one libel of information under D.C. Official Code §41-301. *See District of Columbia v. Five Thousand Four Hundred and Seventy-Five Dollars (\$5,475.00) in U.S. Currency*, 2017 CA 0005907.

5. The number of times the District exercised its authority pursuant to D.C. Official §41-305(c) and determined the property to be forfeitable and the number of the District determined the property was not forfeitable (D.C Official Code §41-312(5))

In FY 2017, OAG determined property was not subject to forfeiture in eight cases, and it determined property was subject to forfeiture in one case. *See District of*

Columbia v. Five Thousand Four Hundred and Seventy-Five Dollars (\$5,475.00) in U.S. Currency, 2017 CA 0005907.

6. The number of seizures where the District either did not file a libel of information pursuant to §41-307 or withdrew a libel of information, excluding seizures where the District had the authority to determine forfeitures pursuant to D.C. Official Code §41-305(c) (D.C. Official Code § 41-312(6))

In FY 2017, OAG did not file libels of information in eight cases involving seized property.

7. The number of settlements reached between the District and an owner pursuant to D.C. Official Code §41-306(d) (D.C Official Code §41-312(7))

In FY 2017, OAG did not enter into any settlements with property owners under D.C. Official Code §41-306(d).

8. Amount of currency received from forfeiture listed separately according to the provision of the District of Columbia law that gave rise to the forfeiture (D.C Official Code §41-312(8))

In FY 2017, OAG received the following currency from forfeiture:

Code Provisions Authorizing Forfeiture	Currency Received
D.C. Official Code §§ 7-2507.06a (transporting firearms); 48-90.02 (transporting controlled substances)	\$700

9. Gross and net proceeds received from forfeiture, listed separately according to the provision of District law giving rise to the forfeiture (D.C Official Code §41-312(9))

In FY 2017, OAG received the following proceeds from forfeiture:

Code Provisions Authorizing Forfeiture	Proceeds Received
D.C. Official Code §§ 7-2507.06a (transporting firearms); 48-90.02 (transporting controlled substances)	\$700

10. By type of property, the number of seized items determined to be returnable for which the District does not have on file a receipt of return as required by D.C. Official Code §41-309(b) (D.C. Official Code §41-312(10))

In FY 2017, there were no instances where seized property was determined to be returnable, but the District did not have receipts of return on file as required by D.C. Official Code §41-309(b).*

11. The total quantity of each type of property seized for forfeiture that the District treated as abandoned under D.C. Official Code §§5-119.01 through 5-119.10 and §§5-119.12 through 5-119.19 and §5-119.11 (*D.C. Official Code §41-312(11)*)

In FY 2017, the District did not seize property for forfeiture that was later treated as abandoned.*

***Information provided by MPD.**