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Missouri State Auditor

Compilation of 2011 Criminal Activity Forfeiture Act Seizures



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CITIZENS SUMMARY

Compilation of 2011 Criminal Activity Forfeiture Act Seizures

Compliance with Submitting Required Reports

Missouri's Criminal Activity Forfeiture Act (CAFA) requires prosecuting attorneys and the Attorney General to submit an annual report to the State Auditor's office summarizing the disposition of all property, including cash, seized pursuant to state law.

The State Auditor did not receive six of the 116 required CAFA reports. Fifteen of the 110 reports received were submitted late. Prosecuting attorneys from the following counties failed to submit required reports: Barton, Daviess, Gentry, Ray, St. Clair and Sullivan. As noted in last year's report (2011-008), the Gentry County Prosecuting Attorney also failed to file a 2010 CAFA report. Section 513.607.10, RSMo, states intentional or knowing failure to comply with any reporting requirement shall be a class A misdemeanor punishable by a fine of up to \$1,000.

Disposition of Seizures Reported

Of the \$6,683,059 reported seized in 2011, the disposition was reported as follows: \$4,707,994 transferred to a federal agency, \$1,410,410 pending, \$391,258 returned, \$158,589 transferred to the state, and \$14,808 "other."

Compliance with Reporting Required Information

Section 513.607.8, RSMo, requires prosecuting attorneys and the Attorney General to report specific seizure information. Some reports lacked required information such as: the time of the seizure, the estimated value of the property seized, any criminal charges filed, and the disposition of any criminal actions.

Because of the nature of this compilation, no overall rating is provided.

American Recovery and Reinvestment Act (Federal Stimulus)

Not applicable.

Compilation of 2011 Criminal Activity Forfeiture Act Seizures

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THOMAS A. SCHWEICH

Missouri State Auditor

Honorable Jeremiah W. (Jay) Nixon, Governor
and
Members of the General Assembly
Jefferson City, Missouri

As required by Section 513.607, RSMo, we have compiled the 2011 Criminal Activity Forfeiture Act (CAFA) seizure reports submitted to the State Auditor by prosecuting attorneys and the Attorney General. A compilation is limited to presenting information that is submitted. We have not audited the reports submitted and, accordingly, do not express an opinion or any other form of assurance on them. The primary objectives of this compilation were to:

1. Identify those officials who submitted 2011 CAFA seizure reports to the State Auditor.
2. Summarize the 2011 CAFA seizure information reported.

Section 513.607, RSMo, requires prosecuting attorneys and the Attorney General to report CAFA seizures for the previous calendar year by January 31, to both the Director of the Department of Public Safety and the State Auditor. We received 81.9 percent of the CAFA seizure reports by the required due date of January 31, 2012.

Compliance with Section 513.653, RSMo, which requires law enforcement agencies involved in using the federal forfeiture system to submit copies of audit reports to the State Auditor's office, will be separately reported.

Thomas A. Schweich
State Auditor

The following auditors participated in the preparation of this report:

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Compilation of 2011 Criminal Activity Forfeiture Act Seizures

Executive Summary

Compliance with Submitting CAFA Seizure Reports

The State Auditor received a total of 110 (94.8 percent) of the 116 Criminal Activity Forfeiture Act (CAFA) seizure reports required by Section 513.607, RSMo, from prosecuting attorneys and the Attorney General for property seized in calendar year 2011. Of the 110 reports received, 95 of the reports were received by the January 31, 2012, deadline. The following table lists the total number of CAFA seizure reports submitted to the State Auditor for 2011, 2010, and 2009.

Reporting Status	2011		2010 ¹		2009 ¹	
By January 31	95	81.9 %	104	89.6 %	100	86.2 %
After January 31	15	12.9	9	7.8	6	5.2
Total Reported	110	94.8	113	97.4	106	91.4
Failed to Report	6	5.2	3	2.6	10	8.6
Total Reports Required	116	100.0 %	116	100.0 %	116	100.0 %

¹ Includes CAFA seizure reports submitted by prosecuting attorneys to the State Auditor after the annual reports were issued.

Prosecutors that Failed to Report 2011 CAFA Seizures or Submitted Report Late

The following table lists the prosecuting attorneys that either submitted the 2011 CAFA seizure report after January 31, 2012, or failed to submit a 2011 CAFA seizure report. Section 513.607.10, RSMo, states intentional or knowing failure to comply with any reporting requirement shall be a class A misdemeanor punishable by a fine of up to \$1,000.



Compilation of 2011 Criminal Activity Forfeiture Act Seizures Executive Summary

Prosecuting Attorney	Failed to Report	Submitted Late
Adair		X
Barton	X	
Bollinger		X
Daviess	X	
Dunklin		X
Gentry	X	
Henry		X
Lawrence		X
Madison		X
McDonald		X
Miller		X
Perry		X
Phelps		X
Putnam		X
Ralls		X
Ray	X	
St. Clair	X	
Saline		X
Scott		X
Sullivan	X	
Taney		X
Total	6	15

In addition, we contacted the Missouri Department of Public Safety (DPS) to determine CAFA Seizure reports received by the DPS. We identified one county (Franklin) submitted the CAFA Seizure Report to the DPS but did not submit the required copy to the State Auditor, and three counties (Dunklin, Miller and St. Francois) submitted the required copy of the CAFA Seizure Report to the State Auditor but did not submit a copy to the DPS.



Compilation of 2011 Criminal Activity Forfeiture Act Seizures Executive Summary

Disposition of the Seizures Reported

The following table lists the dollar value of the disposition of seizures reported.

Reported Disposition ¹	2011		2010		2009				
Pending	\$	1,410,410	21 %	\$	985,482	17 %	\$	2,383,413	42 %
Returned		391,258	6		291,638	5		237,730	4
Transferred to Federal Agency		4,707,994	71		4,255,770	74		2,761,010	49
Transferred to State		158,589	2		25,974	1		30,673	1
Disposition Not Reported		0	0		5,430	0		85,876	2
Other		14,808	0		152,129	3		120,833	2
Total	\$	6,683,059	100 %	\$	5,716,423	100 %	\$	5,619,535	100 %

¹ The disposition of the CAFA seizures reported was compiled from the reports submitted by the prosecuting attorneys and the Attorney General.

See Appendix I for a list of the 2011 CAFA seizures disposition reported by each prosecuting attorney and the Attorney General.

Compliance with Reporting the Required Information

Section 513.607.8, RSMo, requires prosecuting attorneys and the Attorney General to report the date, time, and place of the seizure; property seized; estimated value of the property seized; person(s) from whom the property was seized; criminal charges filed; and disposition of the seizure, forfeiture, and criminal actions. The following table lists the required information for the CAFA seizure reports received and the number of cases that reported each required item. Some reports did not include all of the required information; therefore, our compilation includes only the information reported.

Required Information	2011		2010		2009	
Date	508	100.0 %	465	99.6 %	442	99.8 %
Time	395	77.8	316	67.7	322	72.7
Place of Seizure	508	100.0	461	98.7	436	98.4
Property Seized	506	99.6	467	100.0	443	100.0
Estimated Value of Property Seized	493	97.0	440	94.2	431	97.3
Person(s) Property Seized From	508	100.0	467	100.0	443	100.0
Criminal Charges Filed	266	52.4	233	49.9	225	50.8
Disposition of Seizure	508	100.0	467	100.0	443	100.0
Disposition of Criminal Actions	412	81.1	371	79.4	380	85.8
Total Cases Reported	508	100.0 %	467	100.0 %	443	100.0 %

See Appendix II for a list of the number of 2011 CAFA seizure cases that included the required information reported for each prosecuting attorney and the Attorney General.

Appendix I

2011 CAFA Seizures Disposition Reported

Reporting Entity	Estimated ¹ Value of all Cases Reported	Status Reported as of December 31, 2011					
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported	Other
Adair	\$ 0						
Andrew	0						
Atchison	0						
Attorney General	0						
Audrain	4,273	4,273					
Barry	0						
Barton	DNF						
Bates	0						
Benton	0						
Bollinger	5,655			5,655			
Boone	691,694	28,487	70	659,857	3,280		
Buchanan	11,704	7,237		344	4,123		
Butler	4,312			4,312			
Caldwell	0						
Callaway	12,294	12,294					
Camden	164,041	164,041					
Cape Girardeau	10,120			10,120			
Carroll	0						
Carter	0						
Cass	7,872	1,163	6,709				
Cedar	0						
Chariton	0						
Christian	12,388	12,388					
Clark	6,907				6,907		
Clay	8,296	5,460	2,836				
Clinton	10,254		5,627		4,627		
Cole	39,392	30,979	3,947		4,466		
Cooper	1,798	1,798					
Crawford	0						
Dade	0						
Dallas	0						
Daviess	DNF						
Dekalb	0						
Dent	0						
Douglas	0						
Dunklin	0						
Franklin	15,220	11,093	4,127				
Gasconade	4,435	4,435					
Gentry	DNF						
Greene	58,245	52,855		5,390			
Grundy	800	147			653		
Harrison	5,220		5,220				
Henry	7,187	7,187					

Appendix I
2011 CAFA Seizures Disposition Reported

Reporting Entity	Estimated ¹ Value of all Cases Reported	Status Reported as of December 31, 2011					
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported	Other
Hickory	0						
Holt	0						
Howard	0						
Howell	3,653	3,653					
Iron	0						
Jackson	453,889	176,608	277,281				
Jasper	23,714	11,362	9,362		2,990		
Jefferson	109,780	53,867	200	55,713			
Johnson	2,664	2,664					
Knox	0						
Laclede	14,645	14,645					
Lafayette	67,055	46,874	5,373				14,808
Lawrence	2,791	2,791					
Lewis	0						
Lincoln	7,884	5,070			2,814		
Linn	1,313		1,313				
Livingston	0						
Macon	0						
Madison	0						
Maries	0						
Marion	0						
McDonald	0						
Mercer	0						
Miller	0						
Mississippi	35,720	35,720					
Moniteau	15,347	6,855		8,492			
Monroe	3,153	3,153					
Montgomery	121,297	119,692	1,605				
Morgan	0						
New Madrid	54,536	10,412	11,124	23,000	10,000		
Newton	4,563	3,173	1,390				
Nodaway	0						
Oregon	0						
Osage	0						
Ozark	0						
Pemiscot	0						
Perry	0						
Pettis	15,062	8,408			6,654		
Phelps	1,995,665	9,770	1,829	1,984,066			
Pike	4,200	4,200					
Platte	22,140	22,140					
Polk	7,000	7,000					
Pulaski	5,900	5,900					

Appendix I

2011 CAFA Seizures Disposition Reported

Reporting Entity	Estimated ¹ Value of all Cases Reported	Status Reported as of December 31, 2011					
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported	Other
Putnam	0						
Ralls	0						
Randolph	13,907	13,677	230				
Ray	DNF						
Reynolds	4,552	2,579		1,973			
Ripley	0						
Saline	20,370	20,370					
Schuyler	0						
Scotland	0						
Scott	19,840	4,706		4,930	10,204		
Shannon	0						
Shelby	0						
St. Charles	1,941,308	34,222		1,907,086			
St. Clair	DNF						
St. Francois	11,979	11,979					
St. Louis County	384,047	251,793	9,000	28,244	95,010		
St. Louis City	205,677	149,859	40,145	8,812	6,861		
Ste. Genevieve	753	753					
Stoddard	0						
Stone	7,804	7,804					
Sullivan	DNF						
Taney	4,600	4,600					
Texas	0						
Vernon	0						
Warren	10,274	10,274					
Washington	0						
Wayne	0						
Webster	0						
Worth	0						
Wright	3,870		3,870				
	<u>\$ 6,683,059</u>	<u>1,410,410</u>	<u>391,258</u>	<u>4,707,994</u>	<u>158,589</u>	<u>0</u>	<u>14,808</u>

¹ DNF - Did not file a 2011 CAFA seizure report with the State Auditor's office.

This appendix compiles only the information reported to the State Auditor by prosecuting attorneys and the Attorney General, we did not verify this data. In analyzing this appendix, some differences may result due to the various methods used by the prosecuting attorneys and the Attorney General in presenting essentially the same information. In addition, not all seizure reports included an estimated value of the property seized.

Appendix II
2011 CAFA Seizures Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated ¹ Value of Cases Reported	Number of Cases that Reported Required Information								
			Date	Time	Place Seized	Property Seized	Property Seized	Person(s) Seized From	Criminal Charges Filed	Disposition	
										Seizure	Criminal Actions
Adair	0	\$ 0									
Andrew	0	0									
Atchison	0	0									
Attorney General	0	0									
Audrain	7	4,273	7	7	7	7	7	7	7	7	7
Barry	1	0	1		1	1		1	1	1	1
Barton	DNF	DNF									
Bates	0	0									
Benton	0	0									
Bollinger	1	5,655	1	1	1	1	1	1	1	1	1
Boone	13	691,694	13		13	13	13	13	11	13	13
Buchanan	12	11,704	12	9	12	12	12	12	12	12	7
Butler	1	4,312	1	1	1	1	1	1		1	1
Caldwell	0	0									
Callaway	7	12,294	7	7	7	7	7	7	6	7	6
Camden	7	164,041	7	4	7	7	7	7	7	7	
Cape Girardeau	1	10,120	1	1	1	1	1	1	1	1	1
Carroll	0	0									
Carter	0	0									
Cass	2	7,872	2	2	2	2	2	2		2	2
Cedar	0	0									
Chariton	0	0									
Christian	1	12,388	1	1	1	1	1	1	1	1	
Clark	1	6,907	1	1	1	1	1	1	1	1	1
Clay	3	8,296	3	3	3	3	3	3	1	3	1
Clinton	2	10,254	2	2	2	2	2	2	2	2	2
Cole	17	39,392	17	17	17	17	16	17	16	17	16
Cooper	1	1,798	1	1	1	1	1	1	1	1	1
Crawford	0	0									
Dade	0	0									
Dallas	0	0									
Daviess	DNF	DNF									
Dekalb	0	0									
Dent	0	0									
Douglas	1	0	1	1	1	1		1	1	1	1
Dunklin	0	0									
Franklin	11	15,220	11	8	11	11	11	11	5	11	4
Gasconade	2	4,435	2		2	2	2	2	2	2	2
Gentry	DNF	DNF									
Greene	10	58,245	10	3	10	10	7	10	1	10	
Grundy	4	800	4	4	4	4	4	4	4	4	4
Harrison	1	5,220	1	1	1	1	1	1	1	1	1

Appendix II
2011 CAFA Seizures Required Information Reported

Reporting Entity	Number of Cases Reported	Number of Cases that Reported Required Information											
		Estimated ¹ Value of Cases Reported	Estimated Value of Property Seized							Person(s) Seized From	Criminal Charges Filed	Disposition	
			Date	Time	Place Seized	Property Seized	Property Seized	Property Seized	Seizure			Criminal Actions	
Henry	1	7,187	1	1	1	1	1	1	1		1		
Hickory	0	0											
Holt	0	0											
Howard	0	0											
Howell	2	3,653	2	2	2	2	2	2	2	2	2	2	
Iron	0	0											
Jackson	55	453,889	55	49	55	54	55	55	55	12	55	54	
Jasper	9	23,714	9		9	9	8	9	9	9	9	9	
Jefferson	28	109,780	28	26	28	28	28	28	28	12	28	28	
Johnson	1	2,664	1		1	1	1	1	1		1	1	
Knox	0	0											
Laclede	2	14,645	2	2	2	2	2	2	2	2	2	2	
Lafayette	8	67,055	8	8	8	8	8	8	8	8	8	7	
Lawrence	2	2,791	2		2	2	1	2	2	2	2	1	
Lewis	0	0											
Lincoln	7	7,884	7		7	7	7	7	7	7	7	7	
Linn	1	1,313	1	1	1		1	1			1	1	
Livingston	0	0											
Macon	0	0											
Madison	0	0											
Maries	0	0											
Marion	0	0											
McDonald	0	0											
Mercer	0	0											
Miller	0	0											
Mississippi	1	35,720	1	1	1	1	1	1	1	1	1	1	
Moniteau	6	15,347	6	6	6	6	6	6	6	6	6	6	
Monroe	1	3,153	1	1	1	1	1	1	1	1	1	1	
Montgomery	4	121,297	4	4	4	4	4	4	4	4	4	4	
Morgan	0	0											
New Madrid	3	54,536	3		3	3	3	3	3	3	3	3	
Newton	4	4,563	4		4	4	4	4	4	4	4	4	
Nodaway	0	0											
Oregon	0	0											
Osage	0	0											
Ozark	0	0											
Pemiscot	0	0											
Perry	0	0											
Pettis	5	15,062	5	1	5	5	5	5	5	5	5	5	
Phelps	12	1,995,665	12	12	12	12	12	12	12	12	12	2	
Pike	1	4,200	1		1	1	1	1	1	1	1	1	
Platte	1	22,140	1	1	1	1	1	1			1	1	

Appendix II

2011 CAFA Seizures Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated ¹ Value of Cases Reported	Number of Cases that Reported Required Information								
			Date	Time	Place Seized	Property Seized	Estimated Value of Property Seized	Person(s) Seized From	Criminal Charges Filed	Disposition	
										Seizure	Criminal Actions
Polk	1	7,000	1	1	1	1	1	1		1	1
Pulaski	1	5,900	1	1	1	1	1	1		1	1
Putnam	0	0									
Ralls	0	0									
Randolph	10	13,907	10		10	10	10	10	8	10	10
Ray	DNF	DNF									
Reynolds	3	4,552	3		3	3	3	3	3	3	3
Ripley	0	0									
Saline	2	20,370	2	2	2	2	2	2	2	2	2
Schuyler	0	0									
Scotland	0	0									
Scott	7	19,840	7		7	7	7	7	7	7	7
Shannon	0	0									
Shelby	0	0									
St. Charles	40	1,941,308	40	40	40	40	40	40	3	40	5
St. Clair	DNF	DNF									
St. Francois	8	11,979	8		8	8	7	8	2	8	8
St. Louis City	51	205,677	51	47	51	51	51	51	44	51	43
St. Louis County	110	384,047	110	110	110	110	108	110	9	110	106
Ste. Genevieve	1	753	1		1	1	1	1	1	1	
Stoddard	0	0									
Stone	2	7,804	2	2	2	2	2	2	2	2	2
Sullivan	DNF	DNF									
Taney	8	4,600	8		8	8	4	8	8	8	8
Texas	0	0									
Vernon	0	0									
Warren	3	10,274	3	3	3	3	3	3	3	3	3
Washington	0	0									
Wayne	0	0									
Webster	0	0									
Worth	0	0									
Wright	1	3,870	1		1	1	1	1	1	1	1
	508	\$ 6,683,059	508	395	508	506	493	508	266	508	412

¹ DNF - Did not file a 2011 CAFA seizure report with the State Auditor's office.

This appendix compiles the total number of 2011 CAFA seizure cases, the total estimated value of cases reported, and the number of cases that reported the required information by each prosecuting attorney and the Attorney General. We did not verify this data. In analyzing this appendix, some differences may result due to the various methods used by the prosecuting attorneys and the Attorney General in presenting essentially the same information. In addition, not all seizure reports included an estimated value of property seized.