



June 4, 2020

To: Governor Kay Ivey  
President Pro Tempore of the Senate Del Marsh  
Speaker of the House Mac McCutcheon

From: Hal Taylor *HT*  
Secretary of Law Enforcement  
Chair, Alabama Justice Information Commission

Maury Mitchell *MM*  
State Crime Information Director

Re: **FY 2019 Alabama Forfeiture Report**

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Asset forfeiture is a civil court action used to either disrupt criminal activity by confiscating instrumentalities used to commit crimes or to deprive criminals of the proceeds of crimes. In 2018, the Alabama Justice Information Commission (AJIC) and the Office of Prosecution Services (OPS) voluntarily created a process for reporting civil asset forfeiture actions in Alabama. This process originated with the creation of a standard report submission by state prosecutors. In 2019, the legislature adopted this process as law with the **Alabama Forfeiture Information Reporting Act** (§§41-9-655, et al).

AJIC, through ALEA, and OPS are jointly developing the **Alabama Forfeiture Accountability System (AFAS)**; an online reporting information system for our state prosecutors that is integrated with the state's electronic law enforcement crime reporting system, **eCrime**. After several months of beta testing by the Jefferson County District Attorney's Office, this new forfeiture system is in the final testing stages and expected to be in full production by the end of summer 2020. During this development period, state prosecutors have collected the Act's required information on paper forms submitted to ALEA.

This is the inaugural report for forfeiture in Alabama. This report summarizes the reported seizures of property by policing agencies related to criminal actions within Alabama and civil forfeiture actions by state prosecutors during fiscal year 2019, which is October 2018 through September 2019. Please note that the formal collection of seizure and forfeiture information from state prosecutor's offices did not begin until February 2019. Some, but not all, offices submitted records for seizure and forfeiture actions occurring earlier in FY2019. Therefore, the information in this report, while accurate for what it reports, *may not include the entire fiscal year.*

### General Policing Statistics

Alabama law enforcement agencies have regular contact with the public. Seizures are one of many tools used by law enforcement to keep the public safe. The following numbers generally summarize the big-

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picture activity by our state's 11,000-plus sworn officers and will help put the volume of seizure activity in perspective.

**Number of incident/offenses reports submitted by law enforcement** **486,714**

Law enforcement is required to record a uniform crime report (UCR) for each formal police interaction involving criminal activity. A law enforcement agency may also use this same report to record police action not involving criminal activity, often referred to as an incident report. AJIC, through ALEA, provides a statewide system called eCrime to every law enforcement agency that records these reports. This is the total number of incident/offense reports recorded in the eCrime/UCR database during the fiscal year and which document official police actions (not including traffic citations).

**Number of arrests** **185,047**

This is the total number of reported custodial arrests by law enforcement for criminal-related activity.

**Number of traffic citations and warnings issued** **1,133,630**

This is the total number of traffic-related tickets or warnings issued during the fiscal year. This number does not include traffic stops where only a verbal warning was given.

### Seizures

There are more than a dozen statutes in Alabama law allowing for the seizure of property related to criminal activity. Common examples include *Sale of Illegal Drugs*, *Gambling* and *Prohibited Firearms*. Not all criminal activity results in an arrest but may still justify a seizure.

Property seized by law enforcement is generally divided into 4 categories – Currency, Vehicles, Weapons or other items. Other items may include electronics, ammunition, real estate or any other items that are not considered currency, vehicles or weapons. Other items do not include contraband, such as illegal drugs or child pornography. During the fiscal year, the following represents the recorded total amount of money seized or the number of items seized with the intention of forfeiture in each category by law enforcement as reported by state prosecutors.

<b>Number of seizure events</b>	<b>870</b>
<b>Amount of currency seized</b>	<b>\$4,882,016.20</b>
<b>Number of vehicles seized</b>	<b>186</b>
<b>Number of weapons seized</b>	<b>470</b>
<b>Number of other items seized</b>	<b>231</b>

### Items seized by circuit

Circuit	Currency	Weapons	Vehicles	Other	Counties
<b>1</b>	\$6,500.00	27	1	1	Choctaw, Clarke, Washington
<b>2</b>	-	-	-	-	Butler, Crenshaw, Lowndes
<b>3</b>	-	-	-	-	Barbour, Bullock
<b>4</b>	\$15,845.47	17	-	2	Bibb, Dallas, Hale, Perry, Wilcox
<b>5</b>	\$5,213.00	27	1	-	Tallapoosa, Chambers, Macon, Randolph
<b>6</b>	\$96,708.00	24	5	-	Tuscaloosa
<b>7</b>	\$85,914.77	17	4	9	Calhoun, Cleburne

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Circuit	Currency	Weapons	Vehicles	Other	Counties
8	\$86,566.47	15	6	16	Morgan
9	\$104,801.00	8	21	3	Dekalb, Cherokee
10	\$500,706.40	40	17	71	Jefferson
11	\$9,547.00	1	4	-	Lauderdale
12	\$40,410.00	-	1	-	Pike, Coffee
13	\$382,576.54	94	33	12	Mobile
14	\$12,807.72	4	1	58	Walker
15	\$103,134.85	7	-	-	Montgomery
16	\$124,741.23	16	7	1	Etowah
17	\$1,263,941.00	-	0	1	Marengo, Sumter, Greene
18	\$25,590.50	21	1	-	Shelby
19	\$37,837.00	6	4	2	Autauga, Chilton, Elmore
20	\$43,676.00	6	4	-	Houston, Henry
21	\$27,206.67	1	2	-	Escambia
22	-	-	-	-	Covington
23	\$952,349.15	6	8	7	Madison
24	\$7,722.00	-	2	-	Lamar, Fayette, Pickens
25	\$23,224.00	21	3	8	Marion, Winston
26	\$67,069.00		9	3	Russell
27	\$155,060.00	1	12	2	Marshall
28	\$189,677.87	1	5	3	Baldwin
29	-	-	-	-	Talladega
30	\$8,071.25	7	1	1	St Claire
31	\$28,351.00	7	15	1	Colbert
32	\$84,128.00	30	5	1	Cullman
33	\$25,892.00	1	3	-	Dale, Geneva
34	\$5,429.00	11	5	5	Franklin
35	\$4,391.00	1	1	-	Conecuh, Monroe
36	\$1,279.00	-	2	-	Lawrence
37	\$233,467.56	5	-	-	Lee
38	\$31,382.00	40	1	11	Jackson
39	\$81,378.00	8	1	13	Limestone
40	\$9,421.75	-	1	-	Clay, Coosa
41	-	-	-	-	Blount

**Forfeitures**

A state prosecutor has the discretion to decide whether or not to file for the civil forfeiture of property seized by police. Generally, the prosecutor has a short window of opportunity to file for forfeiture after the seizure, but the disposition of that property may take a considerable amount of time to occur. Therefore, the reported numbers associated with forfeitures do not directly correlate with the number of seizures. Further, there may be multiple civil forfeiture cases related to the same criminal activity or there may be multiple dispositions for property seized during a single seizure event. For example, a vehicle and currency may be seized related to a crime. The court may decide to keep the currency but return the vehicle to the offender's spouse. Please note that this inaugural report only includes reported civil case information and some of the first quarter of FY2019 may be unavailable.

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### Civil Forfeiture Dispositions

Seizure Type	Forfeited	Returned	Pending
Currency	\$2,410,184.85	\$25,509.00	\$1,181,794.38
Weapons	136	0	90
Vehicles	54	11	19
Other	35	0	9

There were an additional 511 civil forfeiture cases reported by state prosecutors that did not have an associated court case disposition, nor specific description of seizure type.

### Lessons learned and Commission recommendations

The effort to build out a standardized reporting system for forfeitures has proven more difficult than originally assumed. Through the process of creating a standard, building out a web-based data reporting system, integrating that system into other state justice information technologies and testing for quality, the management team at ALEA and OPS has learned quite a bit. Most, if not all, data quality issues will be addressed with the full implementation of AFAS.

For future reporting, the Commission recommends the following improvements:

1. A training curriculum should be developed to ensure uniformity of information reported across circuits.
2. To avoid duplication of data entry, whenever technically possible, information systems within ALEA, AOC or the local agencies should be integrated.
3. All seized property should be categorized according to the FBI's national crime reporting standards. In this initial report, property is only divided into four (4) categories – Currency, Vehicles, Weapons and Other. The FBI standard breaks down property into twenty-two (22) categories. Law enforcement is already required to use these standards for crime reporting. The effort to further describe seized property will take minimal effort but provide a much more detailed understanding of the property seized.