

State of Kansas

2020 Civil Asset Forfeiture Report

April 15, 2021



A Report from the Kansas Bureau of Investigation
to the Kansas Legislature
Pursuant to K.S.A. 60-4127

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Table of Contents

Background	3
Table 1: Property Seized and Forfeited	5
Table 2: State Forfeiture Fund Expenditures.....	8
Table 3: Federal Forfeiture Fund Expenditures	9
Table 4: Non-Compliant Agencies	10
Visual 1: Owner/Possessor Race and Ethnicity	11
Visual 2: Owner/Possessor Gender Total	11
Visual 3: Owner/Possessor Age.....	12
Visual 4: Owner/Possessor Arrested.....	12
Visual 5: Initiating Law Enforcement Activity	13
Visual 6: Place of Seizure	13
Visual 7: Legal Authority Under Which Property was Seized.....	14
Visual 8: Agency Disposition of Seized Property.....	14
Visual 9: Primary Criminal Offense Related to Seizure	15
Visual 10: Criminal Case Disposition at Time of Forfeiture Disposition.....	15
Visual 11: Ownership of Seized Property Claimed or Denied	16
Visual 12: Seized Currency, Ownership Claimed or Denied by Possessor	16
Visual 13: Forfeited Currency, Civil Forfeiture Case Disposition	17
Visual 14: Kansas Map – Number of Incidents by County	18

Background

The Kansas Standard Asset Seizure and Forfeiture Act (KSASFA), K.S.A. 60-4101, *et seq.*, was passed in 1994. This act governs the process by which a law enforcement agency may seize and take ownership of property used in the commission of a crime. In 2018, the Kansas Legislature passed K.S.A. 60-4127 requiring all Kansas law enforcement agencies, including Police Departments (PDs), Sheriff's Offices (SOs), and state law enforcement agencies, to report asset seizure and forfeiture information to the Kansas Asset Seizure and Forfeiture Repository (KASFR).

The KASFR website¹ was launched in accordance with the 2018 legislation, to provide Kansas law enforcement agencies with a method to report asset seizure and forfeiture information. The website allows the Kansas Bureau of Investigation (KBI) to collect and maintain the reports submitted by law enforcement agencies and provide relevant information about asset seizures and forfeitures in the state to Kansas citizens and the Legislature.

In addition to collecting information, the website provides a means for the information to be publicly available in two formats. One format available allows data to be downloaded in a spreadsheet for sorting and research purposes. The other format provides visual representations of the statewide data in interactive charts and graphs on dashboards. The visuals allow a user to interact with the dashboards to filter the data in various ways. For instance, when viewing the map of the state, the information can be restricted to a single county by clicking on that county.

There are two different forms for submitting civil asset forfeiture data; the *Incident Report Form* and the *Annual Report Form*.

The *Incident Report Form* collects information related to the seizure of property once there is a completed forfeiture action. The data collected on an *Incident Report* includes, but is not limited to, information such as:

- The county from which the property was seized
- The name of the seizing law enforcement agency
- The date the property was seized
- The case numbers from associated criminal and civil actions
- The demographics of the owner(s) and/or the possessor(s) of the property
- Information pertaining to the arrest, prosecution and disposition of the criminal case related to the forfeiture
- The initiating law enforcement activity giving rise to the forfeiture action
- The legal authority under which property was seized
- The primary criminal offense leading to the seizure
- The location of the seizure
- The estimated value of any property seized for forfeiture
- The nature, quantity and value of any contraband seized
- The agency disposition of the seized property (forwarded to the prosecutor for civil filing or returned to the owner)
- The rationale for transfer of any state forfeiture action to federal agency
- State civil forfeiture case disposition information
- Whether the possessor was represented by legal counsel
- Whether ownership of forfeited property was claimed/denied by the possessor
- Whether there were any additional interest holder(s)

¹ The Kansas Asset Seizure and Forfeiture Repository website can be found at <https://kasfr.kbi.ks.gov/>

- The total value of currency/property forfeited to agency
- Any costs, fees, and shared proceeds associated with forfeiture case

The *Annual Report Form* is a financial summary for each agency’s three forfeiture fund accounts. The accounts include the state forfeiture fund, pending state forfeiture fund, and federal forfeiture fund. The state forfeiture fund is a law enforcement agency’s account for currency and proceeds from the sale of forfeited property on completed state forfeiture cases. The pending state forfeiture fund is an agency’s account for holding seized currency for which there has been no completed forfeiture action. The federal forfeiture fund account is a law enforcement agency’s account that holds federally shared proceeds from the sale of property on completed forfeiture cases through federal court as part of the federal Equitable Sharing Program².

The KBI uses this information to determine if an agency is in substantial compliance of the act’s reporting requirements as defined in the KASFR Handbook³. To be in substantial compliance, an agency’s forfeiture fund accounts must each have less than a \$5,000 difference between the actual beginning balance as reported, minus expenditures, plus deposits in comparison with the ending balance reported on the annual form; or, less than a 10% difference if less than \$5,000. The agency’s *Annual Report* must also substantially match the amounts on the incident reports received for currency forfeited and currency deposits during the reporting period.

The new reporting requirements went into effect July 1, 2019. The 2020 Annual Report contains activity within the forfeiture fund accounts between January 1, 2020 and December 31, 2020.

While the KSASFA requires only that a report of non-compliant Kansas law enforcement agencies be submitted to the Kansas Legislature, the KBI has included additional information from the KASFR, in this report, to provide a more comprehensive picture of asset forfeiture actions in our state. The following charts and graphs summarize that information.

2020 Statewide Totals

Seized Property		Forfeited Property	
Total Seized Currency	\$5,131,376.47	Total Forfeited Currency	\$2,072,744.20
Total Seized Property	\$1,130,029.00	Total Forfeited Property	\$772,607.00
Total	\$6,261,405.47	Total	\$2,845,351.20

The value or estimated value of what is seized and what is forfeited is collected on Incident Reports after a final disposition of the completed forfeiture action. Since law enforcement agencies must report asset forfeiture data after the final disposition of the civil forfeiture action, the property may have been seized prior to the beginning of the reporting period, January 1, 2020.

The KSASFA requires every Kansas law enforcement agency to report to the KASFR on or before February 1st of each year. On March 1st of each year the KBI is required to determine if each agency is in substantial compliance with the reporting requirements of the act. Agencies who are not compliant are notified and have 30 days to work with the KBI to correct any reporting errors to reach compliance. If an agency fails to file the required reports or achieve substantial compliance, the KBI is required to formally notify the agency and the District Attorney of the county that the agency may not initiate state forfeiture actions until compliance is

² The Federal Equitable Sharing Program Guide is located at <https://www.justice.gov/criminal-mlars/equitable-sharing-program>

³ The KASFR Handbook is located at <https://kasfr.kbi.ks.gov/res/p/handbook/>

achieved. On April 15th of each year the KBI is required to notify the Kansas Legislature of those law enforcement agencies who are not compliant with the previous year reporting requirements.

Total Number of Active Law Enforcement Agencies in Kansas: 384

Total Number of Compliant Agencies for 2020: 379 (98.7%)

Total Number of Non-Compliant Agencies for 2020: 5 (1.3%)

Table 1: Property Seized and Forfeited

The following table breaks down the amount of seized property and forfeited property each agency reported on *Incident Reports*. Please note that a law enforcement agency is required to report anything that was seized *with the intent to forfeit*. That reporting is required once a civil forfeiture is considered complete. A completed civil forfeiture action under the KSASFA means:

- The civil forfeiture case was completed through the court.
- The county or district attorney declined to file a civil forfeiture case against the seized property.
- The property subject to the seizure was ordered to be returned to the owner by the court.
- The seizing law enforcement agency decided to not forward the civil forfeiture case for filing and returned the property to the owner.
- The property seized under state law was transferred to a federal agency for forfeiture under federal law.

Property Seized and Forfeited Agency Totals

Agency Name	Seized			Forfeited		
	Seized Currency Total	Seized Property Total	TOTAL Seized	Forfeited Currency (\$)	Forfeited Property - Estimated Value (\$)	TOTAL Forfeited
ABILENE PD	\$6,863.00	\$0.00	\$6,863.00	\$6,863.00	\$0.00	\$6,863.00
ALLEN COUNTY SO	\$0.00	\$18,300.00	\$18,300.00	\$1,500.00	\$6,300.00	\$7,800.00
ARKANSAS CITY PD	\$14,164.00	\$0.00	\$14,164.00	\$14,164.00	\$0.00	\$14,164.00
ATCHISON COUNTY SO	\$6,478.02	\$3,265.00	\$9,743.02	\$6,478.02	\$2,500.00	\$8,978.02
BARTON COUNTY SO	\$39,321.00	\$13,800.00	\$53,121.00	\$36,737.00	\$8,550.00	\$45,287.00
BONNER SPRINGS PD	\$5,817.00	\$0.00	\$5,817.00	\$5,817.00	\$0.00	\$5,817.00
BOURBON COUNTY SO	\$8,811.20	\$66,242.00	\$75,053.20	\$13,061.20	\$31,894.00	\$44,955.20
CHANUTE PD	\$11,206.00	\$100,748.00	\$111,954.00	\$0.00	\$25,596.00	\$25,596.00
CLOUD COUNTY SO	\$0.00	\$300.00	\$300.00	\$0.00	\$300.00	\$300.00
COFFEYVILLE PD	\$4,615.00	\$0.00	\$4,615.00	\$4,615.00	\$0.00	\$4,615.00
COWLEY COUNTY SO	\$2,268.00	\$1,000.00	\$3,268.00	\$2,268.00	\$1,000.00	\$3,268.00
DECATUR COUNTY SO	\$0.00	\$5,000.00	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00

Property Seized and Forfeited Agency Totals

	Seized			Forfeited		
Agency Name	Seized Currency Total	Seized Property Total	TOTAL Seized	Forfeited Currency (\$)	Forfeited Property - Estimated Value (\$)	TOTAL Forfeited
DODGE CITY PD	\$17,460.34	\$16,589.00	\$34,049.34	\$17,460.34	\$16,589.00	\$34,049.34
EL DORADO PD	\$5,858.00	\$0.00	\$5,858.00	\$5,858.00	\$0.00	\$5,858.00
ELKHART PD	\$18,713.00	\$0.00	\$18,713.00	\$18,713.00	\$0.00	\$18,713.00
ELLIS COUNTY SO	\$40,544.12	\$2,500.00	\$43,044.12	\$37,544.12	\$2,500.00	\$40,044.12
EMPORIA PD	\$3,074.00	\$15,591.00	\$18,665.00	\$3,074.00	\$15,591.00	\$18,665.00
FORD COUNTY SO	\$6,800.00	\$6,750.00	\$13,550.00	\$6,800.00	\$6,750.00	\$13,550.00
FT SCOTT PD	\$3,551.35	\$2,120.00	\$5,671.35	\$3,551.35	\$1,320.00	\$4,871.35
GARDNER PD	\$22,632.00	\$4,000.00	\$26,632.00	\$22,632.00	\$4,000.00	\$26,632.00
GEARY COUNTY SO	\$243,192.00	\$70,800.00	\$313,992.00	\$243,192.00	\$50,800.00	\$293,992.00
GOVE COUNTY SO	\$1,859.28	\$341.00	\$2,200.28	\$0.00	\$0.00	\$0.00
GRANDVIEW PLAZA PD	\$10,000.00	\$27,500.00	\$37,500.00	\$6,650.00	\$6,000.00	\$12,650.00
GRAY COUNTY SO	\$4,816.77	\$0.00	\$4,816.77	\$4,816.77	\$0.00	\$4,816.77
GREAT BEND PD	\$8,492.00	\$15,850.00	\$24,342.00	\$8,492.00	\$10,850.00	\$19,342.00
GREENWOOD COUNTY SO	\$0.00	\$10,081.00	\$10,081.00	\$0.00	\$10,081.00	\$10,081.00
HALSTEAD PD	\$0.00	\$2,950.00	\$2,950.00	\$0.00	\$0.00	\$0.00
HARVEY COUNTY SO	\$2,649.00	\$5,223.00	\$7,872.00	\$2,030.00	\$1,223.00	\$3,253.00
HAYS PD	\$2,025.99	\$2,515.00	\$4,540.99	\$2,025.99	\$415.00	\$2,440.99
HILLSBORO PD	\$4,272.00	\$450.00	\$4,722.00	\$4,272.00	\$450.00	\$4,722.00
HUTCHINSON PD	\$27,692.50	\$2,500.00	\$30,192.50	\$27,692.50	\$2,500.00	\$30,192.50
IOLA PD	\$3,113.00	\$0.00	\$3,113.00	\$1,913.00	\$0.00	\$1,913.00
JACKSON COUNTY SO	\$0.00	\$18,300.00	\$18,300.00	\$670.00	\$15,000.00	\$15,670.00
JOHNSON COUNTY SO	\$13,820.00	\$3,000.00	\$16,820.00	\$10,745.00	\$3,000.00	\$13,745.00
JUNCTION CITY PD	\$415,611.50	\$148,173.00	\$563,784.50	\$415,611.50	\$88,720.00	\$504,331.50
KANSAS CITY PD	\$100,482.00	\$111,257.00	\$211,739.00	\$100,482.00	\$111,257.00	\$211,739.00
KANSAS HIGHWAY PATROL	\$2,963,303.00	\$83,000.00	\$3,046,303.00	\$344,994.00	\$78,475.00	\$423,469.00
KANSAS RACING & GAMING COMMISSION	\$38,495.15	\$0.00	\$38,495.15	\$10,845.15	\$0.00	\$10,845.15
KIOWA COUNTY SO	\$2,250.00	\$11,773.00	\$14,023.00	\$2,250.00	\$11,773.00	\$14,023.00
LEAVENWORTH COUNTY SO	\$1,963.00	\$0.00	\$1,963.00	\$1,963.00	\$0.00	\$1,963.00
LENEXA PD	\$20,392.80	\$9,000.00	\$29,392.80	\$19,047.80	\$0.00	\$19,047.80
LIBERAL PD	\$13,731.00	\$8,500.00	\$22,231.00	\$13,731.00	\$4,000.00	\$17,731.00
LOGAN COUNTY SO	\$260,846.97	\$21,000.00	\$281,846.97	\$242,846.97	\$31,000.00	\$273,846.97
LYON COUNTY SO	\$4,035.74	\$2,200.00	\$6,235.74	\$4,035.74	\$2,200.00	\$6,235.74
MARION COUNTY SO	\$1,107.00	\$0.00	\$1,107.00	\$1,107.00	\$0.00	\$1,107.00
MARION PD	\$0.00	\$500.00	\$500.00	\$0.00	\$500.00	\$500.00

Property Seized and Forfeited Agency Totals

	Seized			Forfeited		
Agency Name	Seized Currency Total	Seized Property Total	TOTAL Seized	Forfeited Currency (\$)	Forfeited Property - Estimated Value (\$)	TOTAL Forfeited
NEMAHA COUNTY SO	\$22,397.00	\$11,100.00	\$33,497.00	\$22,397.00	\$11,100.00	\$33,497.00
NESS COUNTY SO	\$16,462.00	\$0.00	\$16,462.00	\$16,462.00	\$0.00	\$16,462.00
NORTH NEWTON PD	\$2,492.00	\$1,305.00	\$3,797.00	\$2,492.00	\$1,305.00	\$3,797.00
OLATHE PD	\$48,266.47	\$12,119.00	\$60,385.47	\$45,713.57	\$9,119.00	\$54,832.57
OVERLAND PARK PD	\$5,336.58	\$0.00	\$5,336.58	\$3,941.58	\$0.00	\$3,941.58
PLEASANTON PD	\$2,022.00	\$31,351.00	\$33,373.00	\$4,022.00	\$9,875.00	\$13,897.00
RENO COUNTY SO DRUG UNIT	\$6,744.00	\$23,575.00	\$30,319.00	\$6,744.00	\$17,075.00	\$23,819.00
RILEY COUNTY PD	\$7,545.00	\$1,400.00	\$8,945.00	\$7,545.00	\$1,400.00	\$8,945.00
ROSSVILLE PD	\$3,845.00	\$0.00	\$3,845.00	\$3,845.00	\$0.00	\$3,845.00
SALINA PD	\$5,086.79	\$0.00	\$5,086.79	\$5,086.79	\$0.00	\$5,086.79
SALINE COUNTY SO	\$4,271.00	\$0.00	\$4,271.00	\$4,271.00	\$0.00	\$4,271.00
SEDGWICK COUNTY SO	\$21,721.00	\$35,350.00	\$57,071.00	\$22,721.00	\$2,550.00	\$25,271.00
SEWARD COUNTY SO	\$14,065.00	\$0.00	\$14,065.00	\$14,065.00	\$0.00	\$14,065.00
SHAWNEE COUNTY SO	\$259,376.20	\$6,000.00	\$265,376.20	\$2,184.00	\$0.00	\$2,184.00
SHAWNEE PD	\$6,392.00	\$0.00	\$6,392.00	\$6,392.00	\$0.00	\$6,392.00
SHERMAN COUNTY SO	\$17,330.00	\$2,770.00	\$20,100.00	\$12,100.00	\$2,770.00	\$14,870.00
SUMNER COUNTY SO	\$11,666.00	\$0.00	\$11,666.00	\$11,666.00	\$0.00	\$11,666.00
TOPEKA PD	\$15,660.23	\$22,870.00	\$38,530.23	\$10,660.23	\$22,870.00	\$33,530.23
TREGO COUNTY SO	\$18,031.00	\$0.00	\$18,031.00	\$18,031.00	\$0.00	\$18,031.00
WABAUNSEE COUNTY SO	\$3,366.00	\$15,500.00	\$18,866.00	\$3,366.00	\$15,500.00	\$18,866.00
WICHITA PD	\$274,672.47	\$155,571.00	\$430,243.47	\$171,289.58	\$122,909.00	\$294,198.58
WYANDOTTE COUNTY SO	\$2,302.00	\$0.00	\$2,302.00	\$1,200.00	\$0.00	\$1,200.00
Statewide Totals - January 1, 2020 through December 31, 2020	\$5,131,376.47	\$1,130,029.00	\$6,261,405.47	\$2,072,744.20	\$772,607.00	\$2,845,351.20

Table 2: State Forfeiture Fund Expenditures

K.S.A. 60-4117⁴ defines the acceptable use of state forfeiture funds by listing approved expenditure categories. The table below breaks down each of those categories and the total spent by Kansas law enforcement agencies during the reporting period.

State Expenditure Category	Total
Evidence purchase funds (A)	\$63,870.57
Law enforcement operations (A)	\$835,189.85
Overtime (A)	\$6,233.44
Training expenses (B)	\$159,672.13
Building & facilities (C)	\$605,041.20
Law enforcement equipment (D)	\$1,215,977.62
Vehicles (D)	\$567,682.07
Administrative/multi-use equipment (E)	\$252,689.27
Joint law enforcement/non-law enforcement use (E)	\$105,685.56
Professional services (F)	\$248,559.89
Travel expenses (G)	\$42,722.91
Employee/partner/citizen recognitions (H)	\$27,590.27
Prevention/awareness programs (I)	\$116,327.49
Grant match (J)	\$3,417.90
Transfers to other law enforcement agencies (K)	\$652,056.59
Transfers to a state, county or local governmental agency or community non-profit (L)	\$0.00
Total Expenditures State Forfeiture Fund All State Agencies	\$4,902,716.56

⁴ K.S.A. 60-4117 can be found online at

http://www.kslegislature.org/li_2020/b2019_20/statute/060_000_0000_chapter/060_041_0000_article/060_041_0017_section/060_041_0017_k/

Table 3: Federal Forfeiture Fund Expenditures

Law enforcement agencies have the opportunity to receive federal civil asset forfeiture proceeds through the Department of Justice and the Department of the Treasury Equitable Sharing Programs. These programs allow law enforcement agencies to transfer civil forfeiture cases to a federal agency, where the civil forfeiture case will be filed through the federal courts. The local agency then receives a portion of the proceeds. The Guide to Equitable Sharing⁵ provides information on this program, including how a law enforcement agency can spend federal forfeiture funds. The table below displays the statewide total for each federal expenditure category made by Kansas law enforcement agencies during the reporting period.

Federal Expenditure Category	Statewide Total for each Federal Expenditure Category
Evidence purchase (a)	\$0.00
Law enforcement operations and investigations (a)	\$1,276,220.52
Training and education (b)	\$43,862.46
Law enforcement, public safety and detention facilities (c)	\$964,228.25
Law enforcement equipment (d)	\$1,297,093.15
Vehicles (d)	\$350,547.43
Joint law enforcement/public safety operations (e)	\$0.00
Contracting for services (f)	\$58,676.58
Law enforcement travel and per diem (g)	\$51,234.08
Law enforcement awards and memorials (h)	\$4,226.63
Drug, gang and other education or awareness programs (i)	\$500.00
Matching grants (j)	\$0.00
Support of community-based programs (k)	\$38,979.32
Non-categorized expenditures/other	\$371,379.00
Transfers to other participating Law Enforcement agencies (With appropriate Waiver)	\$10,000.00
Salaries (Appropriate Exception Required)	\$109,399.37
Overtime (Appropriate Exception Required)	\$199,724.04
Total Expenditures Federal Forfeiture Fund All State Agencies	\$4,776,070.83

⁵ The Federal Equitable Sharing Program Guide is located at: <https://www.justice.gov/criminal-mlars/equitable-sharing-program>

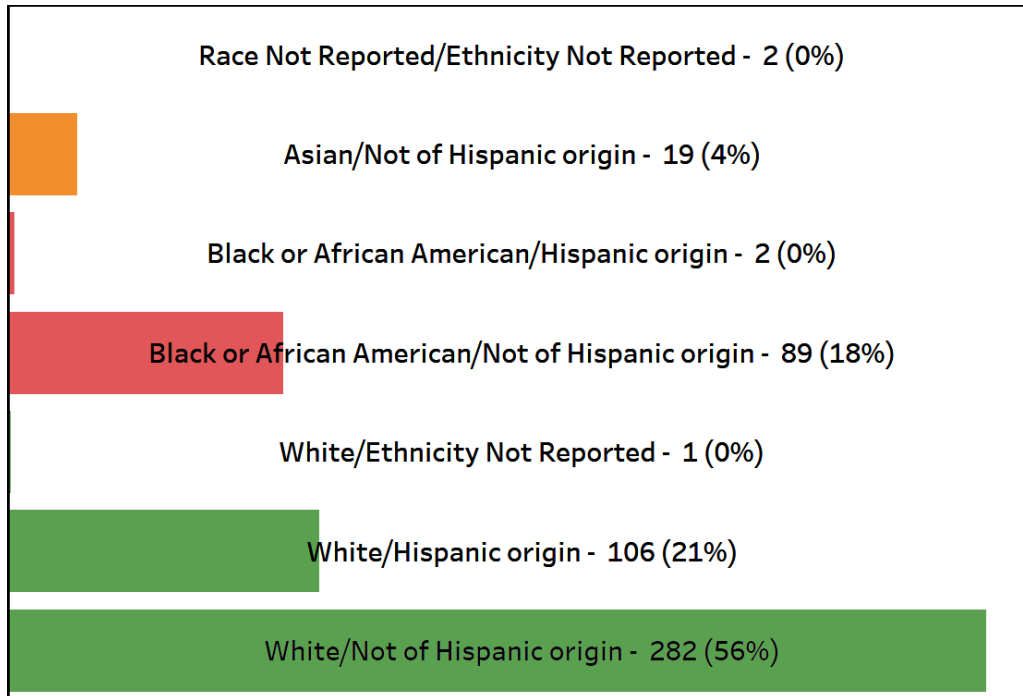
Table 4: Non-Compliant Agencies

Listed below are the law enforcement agencies that are not in compliance with 2020 reporting requirements. Agencies on the list either failed to submit a required report(s) or submitted a report that was not in substantial compliance with the act. Each of the agencies was notified on more than one occasion by mail, email, and phone regarding their non-compliance status. Those agencies were given 30 days to work with the KBI to make any necessary corrections. If the agency did not achieve substantial compliance, letters were sent to the law enforcement agency and the county or district attorney to inform them that the agency could not file further state forfeiture actions until they were back in compliance.

Agency Name	Reason for Non-Compliant Status
Chetopa Police Department	No annual report
Clark County Sheriff's Office	Submitted Annual Report but out of substantial match requirements regarding reported forfeited currency on Annual Report and reported Forfeited currency on Incident Reports
WaKeeney Police Department	No annual report
Walton Police Department	No annual report
Windom Police Department	No annual report

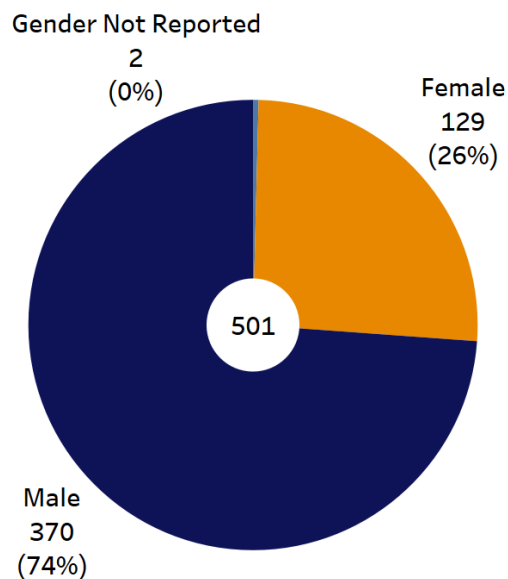
Visual 1: Owner/Possessor Race and Ethnicity

The following graph compares race and ethnicity among all owners or possessors reported on *Incident Reports*. The terms owner and possessor refer to the individual who was in possession of the seized property at the time of the incident leading to seizure. An owner or possessor may or may not claim ownership of the property and there may be more than one owner or possessor per *Incident Report*.



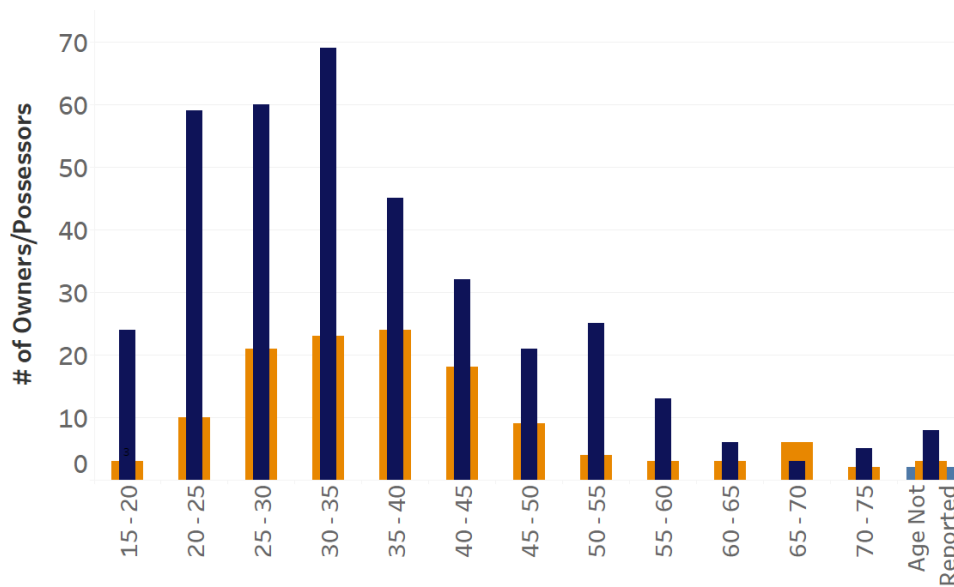
Visual 2: Owner/Possessor Gender Total

The following chart displays the total number of owners or possessors reported as male and female on *Incident Reports*. The terms owner and possessor refer to the individual(s) who was in possession of the seized property at the time of the incident leading to the seizure. There may be more than one owner or possessor per *Incident Report*.



Visual 3: Owner/Possessor Age

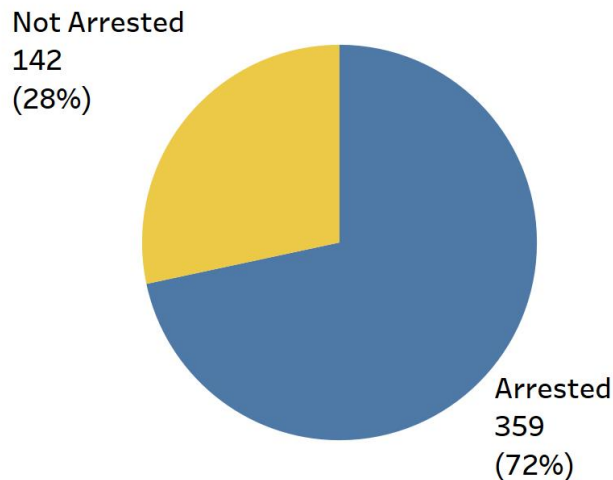
The following graph compares owners or possessors on *Incident Reports* by age and gender. The terms owner and possessor refer to the individual who was in possession of the seized property at the time of the incident leading to the seizure. There may be more than one owner or possessor per *Incident Report*.



Gender
■ Male
■ Female
■ Gender Not Reported

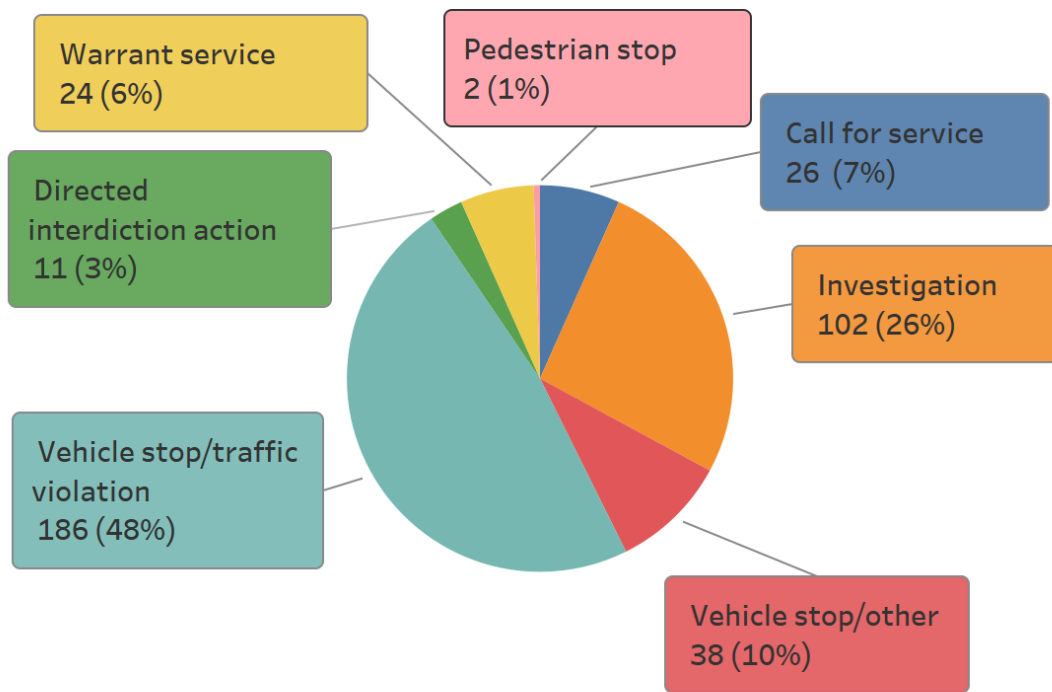
Visual 4: Owner/Possessor Arrested

The following chart displays the total percentage of owners or possessors who were arrested or not arrested as reported on *Incident Reports*. The terms owner and possessor refer to the individual(s) who was in possession of the seized property at the time of the incident leading to seizure.



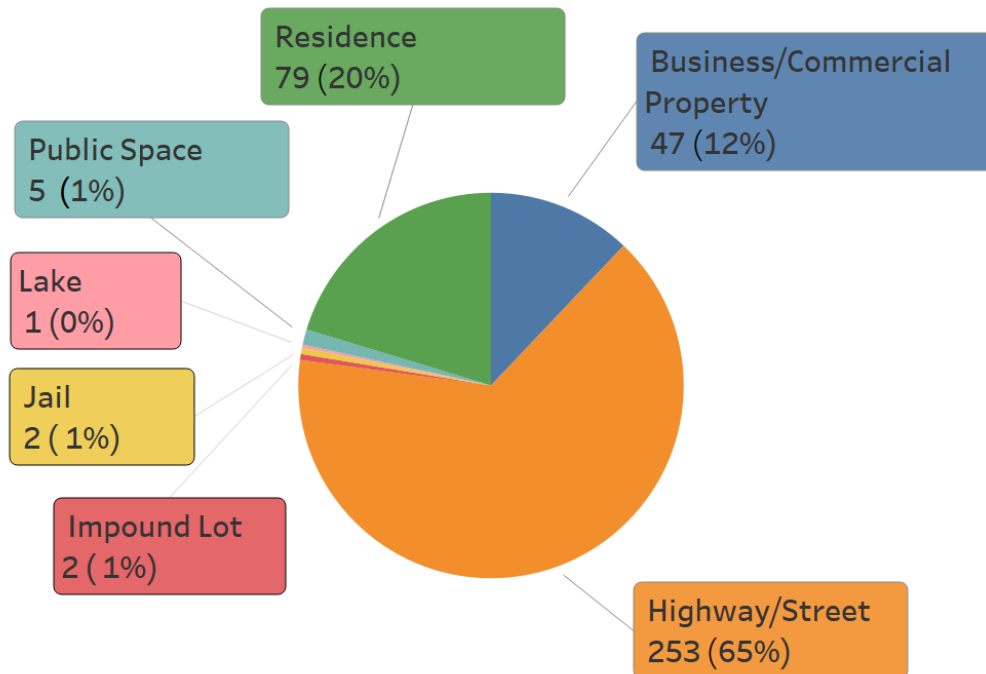
Visual 5: Initiating Law Enforcement Activity

The following chart displays the total number and percentage of *Incident Reports* broken down by the initiating law enforcement activity that led to a seizure.



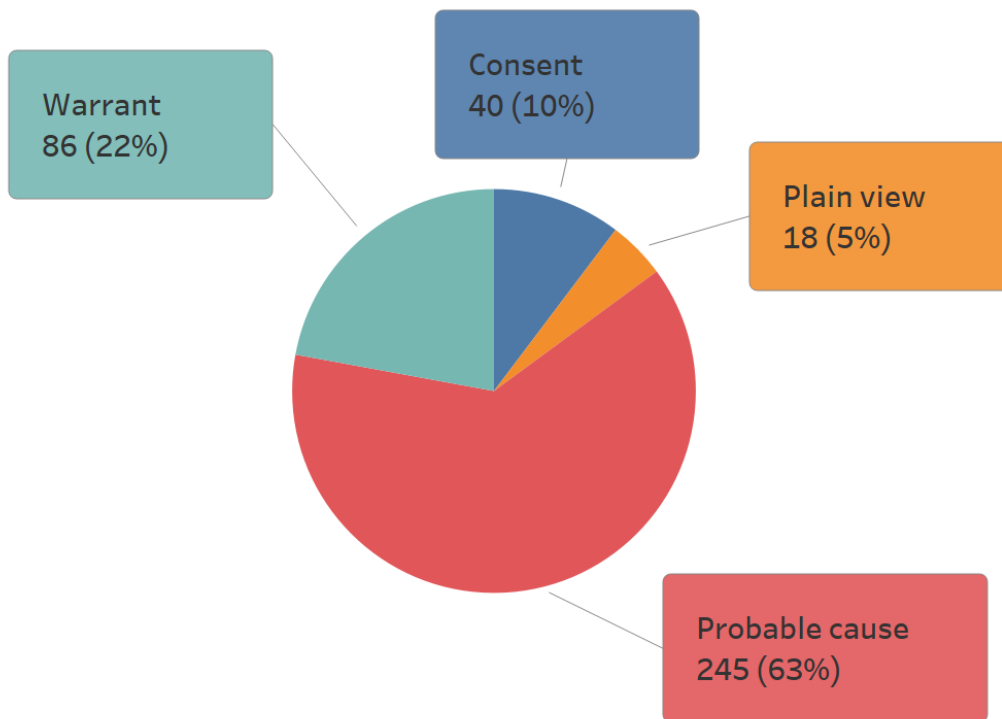
Visual 6: Place of Seizure

The following chart describes the total number and percentage of *Incident Reports* submitted by place of seizure.



Visual 7: Legal Authority under Which Property was Seized

The following chart displays the total number and percentage of *Incident Reports* submitted, by the legal authority under which the property was seized.



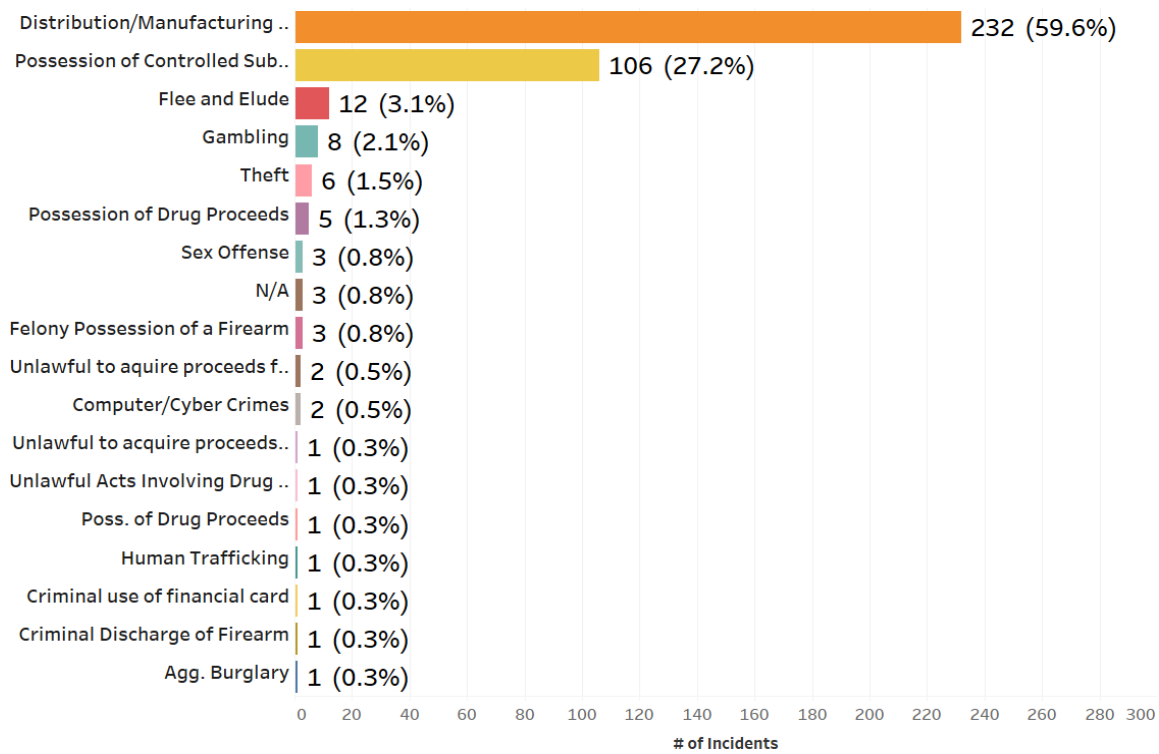
Visual 8: Agency Disposition of Seized Property

The following bar graph displays the total number and percentage of *Incident Reports* submitted, by agency disposition of the seized property.



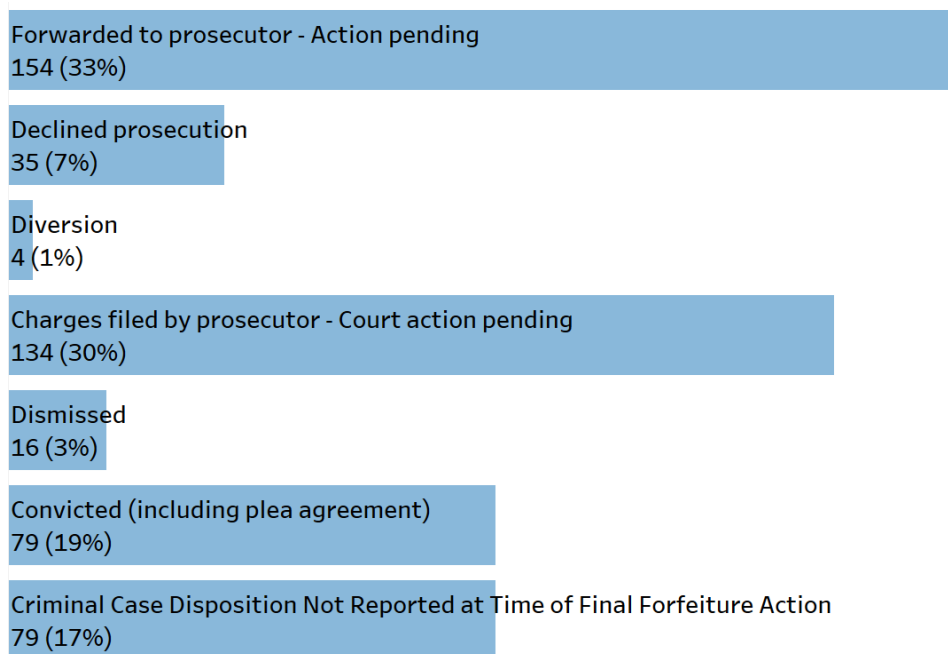
Visual 9: Primary Criminal Offense Related to Seizure

The graph below displays the total number of *Incident Reports* submitted, by the primary criminal offense that led to the seizure.



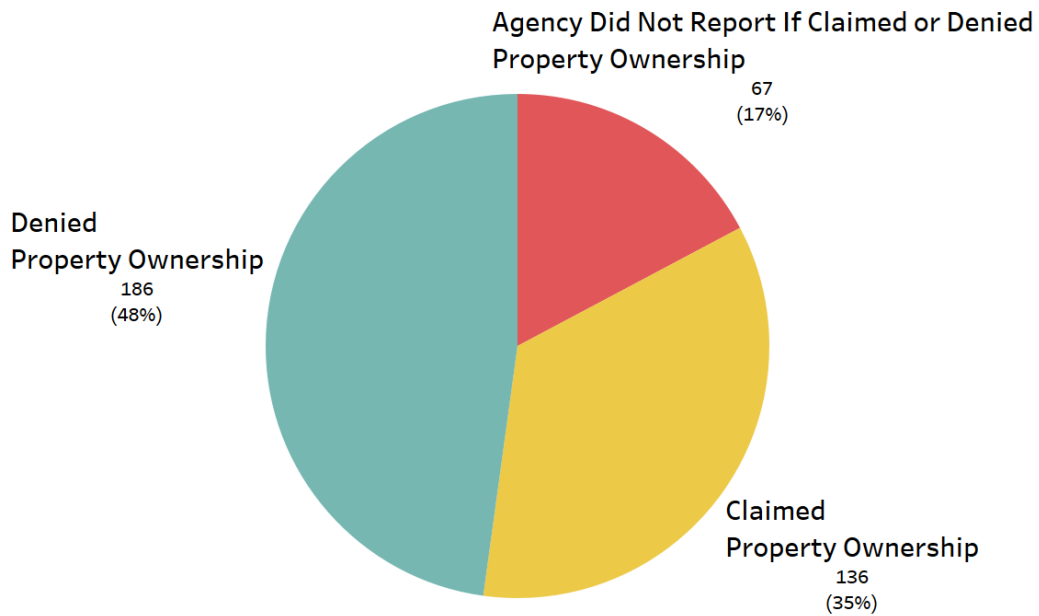
Visual 10: Criminal Case Disposition at Time of Forfeiture Disposition

The graph below displays totals of each criminal case disposition for each of the owners or possessors as reported on *Incident Reports*. The terms owner and possessor refer to the individual who was in possession of the seized property at the time of the incident leading to seizure. There may be more than one criminal case disposition per *Incident Report* if there was more than one owner or possessor.



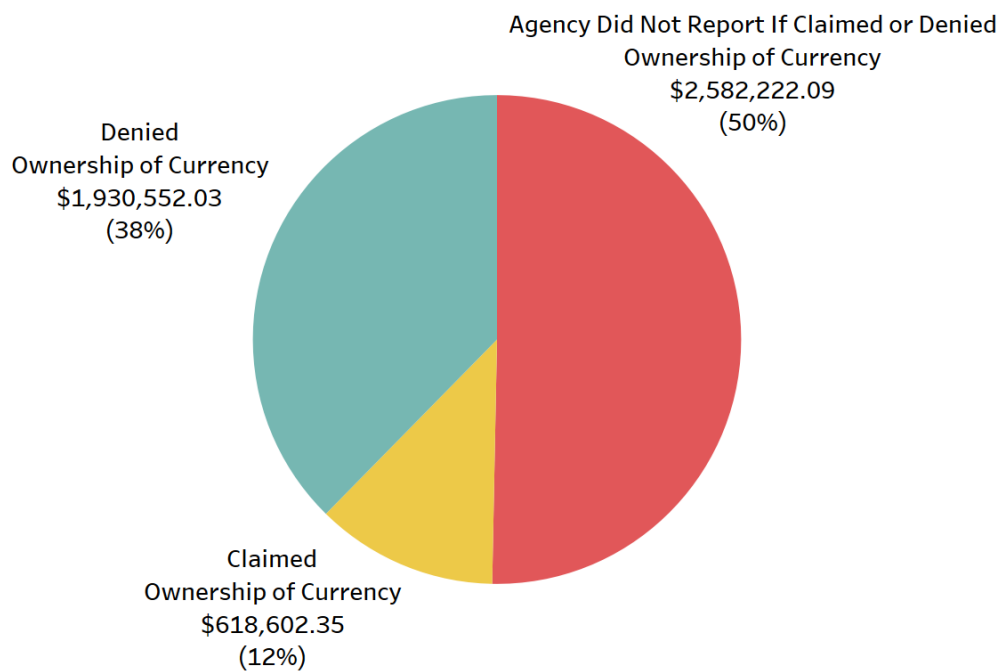
Visual 11: Ownership of Seized Property Claimed or Denied

The chart below displays state forfeiture cases in regards to whether the owner or possessor claimed or denied ownership of the seized property. The terms owner and possessor refer to the individual(s) who was in possession of the seized property at the time of the incident leading to seizure.



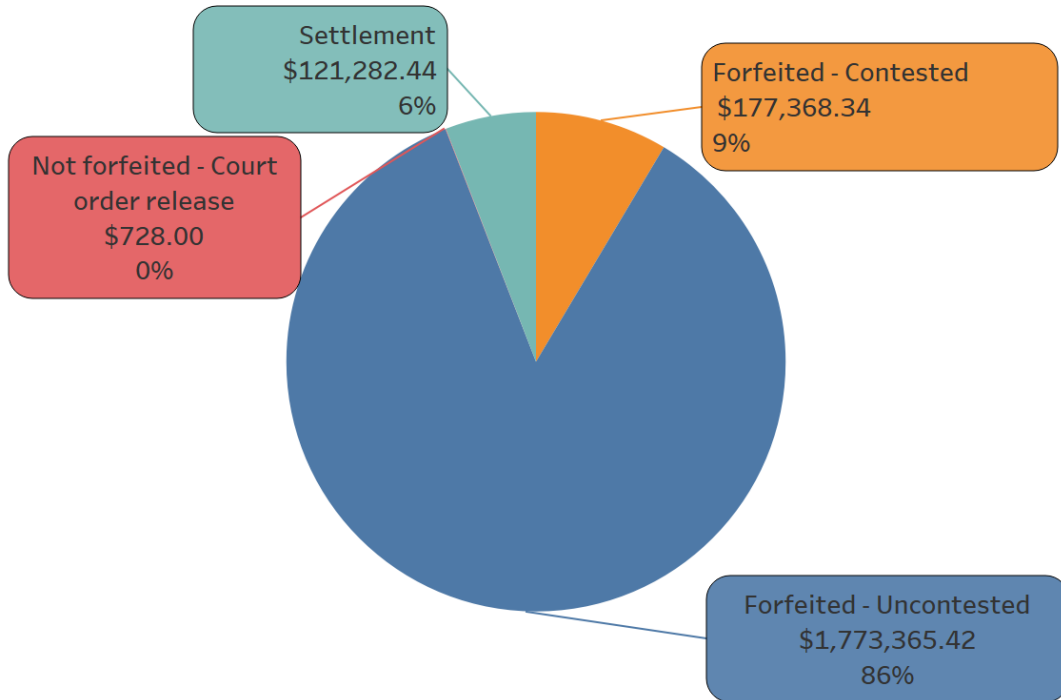
Visual 12: Seized Currency, Ownership Claimed or Denied by Possessor

The following chart displays the total amount of seized currency in which ownership was either claimed or denied by the owner or possessor. The terms owner and possessor refer to the individual(s) who was in possession of the seized property at the time of the incident leading to seizure.



Visual 13: Forfeited Currency, Civil Forfeiture Case Disposition

The chart below displays the amount and percent of currency that was forfeited based on the civil forfeiture case disposition as reported on *Incident Reports*.



Disposition - State Forfeiture Case*

- Not Reported
- Forfeited - Contested
- Forfeited - Uncontested
- Not forfeited - Court order release
- Settlement

