



Susan Montee, CPA
Missouri State Auditor

Compilation of 2008 Criminal Activity Forfeiture Act Seizures

February 2009
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Office of the
Missouri State Auditor
Susan Montee, CPA

February 2009

As required by state law, the State Auditor's Office compiled the 2008 Criminal Activity Forfeiture Act (CAFA) seizure reports submitted to our office by prosecuting attorneys and the Attorney General. This compilation was limited to the presentation of information submitted.

The State Auditor received a total of 113 (97 percent) of the 116 CAFA seizure reports required by Section 513.607, RSMo, from prosecuting attorneys and the Attorney General for property seized in calendar year 2008. Of the 113 reports received, 98 (87 percent) of the reports were received prior to the January 31, 2008 deadline.

To accomplish our objectives, we compiled all seizure information submitted to the State Auditor for calendar year 2008 and reviewed the compiled information previously submitted for calendar years 2007 and 2006 for comparison purposes.

A letter dated December 15, 2008, was mailed to prosecuting attorneys and the Attorney General, notifying them of the deadline for submission of the CAFA seizure and forfeiture reports. This letter listed the information that should be included in the report according to state law, and indicated the report should be submitted to both the State Auditor and to the Director of the Department of Public Safety. The letter also stated that if there were no seizures, a report was still needed indicating that information. In addition, a second reminder letter dated January 26, 2009, was mailed to prosecuting attorneys that had not submitted CAFA seizure and forfeiture reports at that time.

All reports are available on our Web site: www.auditor.mo.gov

YELLOW SHEET

COMPILATION OF 2008 CRIMINAL ACTIVITY FORFEITURE ACT SEIZURES

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STATE AUDITOR'S REPORT



SUSAN MONTEE, JD, CPA
Missouri State Auditor

Honorable Jeremiah W. (Jay) Nixon, Governor
and
Members of the General Assembly
Jefferson City, MO 65102

As required by Section 513.607, RSMo, we have compiled the 2008 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 2008 CAFA seizure reports to the State Auditor.
2. Summarize the 2008 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 84 percent of the CAFA seizure reports by the required due date of January 31, 2009.

A handwritten signature in cursive script that reads "Susan Montee".

Susan Montee, CPA
State Auditor

The following staff participated in the preparation of this report:

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In-Charge Auditor: Becky Webb, CPA
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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Background

Sections 513.607.8 to 513.653, RSMo, of the state's Criminal Activity Forfeiture Act (CAFA) require the prosecuting attorneys and the Attorney General to submit a copy of the seizure report to the State Auditor at the time the report is submitted to the Director of the Department of Public Safety (DPS). The CAFA also requires the State Auditor to make an annual report compiling the data received regarding the seizures.

Compliance with Submitting Criminal Activity Forfeiture Act (CAFA) Seizures Reports

The State Auditor received a total of 113 (97 percent) of the 116 CAFA seizure reports required by Section 513.607, RSMo, from prosecuting attorneys and the Attorney General for property seized in calendar year 2008. Of the 113 reports received, 98 (87 percent) of the reports were received prior to the January 31, 2008 deadline. Table 1.1 lists the total number of CAFA seizure reports submitted to the State Auditor for 2008, 2007, and 2006.

Table 1.1 includes 2 CAFA seizure reports submitted by prosecuting attorneys to the State Auditor after the 2007 report was issued.

Table 1.1: Summary of CAFA Seizure Reports Submitted By Date

Reporting Status	2008		2007		2006	
By January 31	98	84.5%	101	87.1%	92	79.3%
After January 31	15	12.9	15	12.9	15	12.9
Total Reported	113	97.4	116	100.0	107	92.2
Failed to Report	3	2.6	0	0.0	9	7.8
Total Reports Required	116	100.0%	116	100.0%	116	100.0%

Source: CAFA seizure reports submitted by prosecuting attorneys and the Attorney General

Prosecutors that Failed to Report 2008 CAFA Seizures or Submitted Report Late

Table 1.2 lists the prosecuting attorneys that either submitted the 2008 CAFA seizure report after January 31, 2009, or failed to submit a 2008 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.

Table 1.2: Summary of Prosecuting Attorneys that Failed to Report 2008 CAFA Seizures or Submitted 2008 CAFA Seizure Reports Late

Prosecuting Attorney	Failed to Report	Submitted Late
Caldwell		X
Camden		X
Carroll		X
Carter		X
Gentry	X	
Greene		X
Grundy		X
Harrison		X
Jackson		X
Madison	X	
Miller		X
Pulaski		X
St. Francois		X
Scott		X
Shannon		X
Stoddard	X	
Stone		X
Wayne		X
Total	3	15

Source: Review of CAFA seizure reports submitted by prosecuting attorneys and the Attorney General

Disposition of the Seizures Reported

The disposition of the CAFA seizures reported was compiled from the reports submitted by the prosecuting attorneys and the Attorney General. Table 1.3 lists the dollar value of the disposition of seizures reported.

Table 1.3: Summary of Required Information Reported

Reported Disposition	2008		2007		2006	
Pending	\$ 1,377,108	20%	\$ 1,464,990	33%	\$ 1,591,228	30%
Returned	179,582	3	674,253	15	664,158	13
Transferred to Federal Agency	5,183,935	75	2,028,673	45	2,810,763	54
Transferred to State	58,532	1	74,461	2	83,038	2
Disposition Not Reported	83,979	1	248,730	5	51,942	1
Other	0	0	13,914	0	14,446	0
Total	\$ 6,883,136	100%	\$ 4,505,021	100%	\$ 5,215,275	100%

Source: CAFA seizure reports submitted by prosecuting attorneys and the Attorney General

See Appendix I for a listing of the 2008 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. Table 1.4 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.

Table 1.4: Summary of Required Information Reported

Required Information	2008		2007		2006		
Date	1,136	99.6%	1,654	99.9%	633	99.8%	
Time	960	84.1	1,430	86.4	409	64.5	
Place of Seizure	1,131	99.1	1,637	98.9	626	98.7	
Property Seized	1,140	99.9	1,655	99.9	628	99.1	
Estimated Value of Property Seized	1,119	98.1	703	42.5	612	96.5	
Person(s) Property Seized From	1,140	99.9	1,656	100.0	625	98.6	
Criminal Charges Filed	943	82.6	1,450	87.6	346	54.6	
Disposition of Seizure	1,137	99.6	1,656	100.0	634	100.0	
Disposition of Criminal Actions	1,000	87.6	1,344	81.2	443	69.9	
Total Cases Reported	*	1,141	100.0%	1,656	100.0%	634	100.0%

Source: CAFA seizure reports submitted by prosecuting attorneys and the Attorney General

* The increase in the number of seizures from 2006 to 2007 and subsequent decrease from 2007 to 2008 appears due to the fluctuation in the number of seizures reported by St. Louis City. In 2006, St. Louis City reported only 90 seizures with no vehicles. In 2007, St. Louis City reported 1,150 seizures including 937 vehicles. In 2008, St. Louis City reported 702 seizures including 583 vehicles.

See Appendix II for a listing of the number of 2008 CAFA seizure cases that contained the required information reported for each prosecuting attorney and the Attorney General.

OBJECTIVES, SCOPE AND METHODOLOGY

OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

The primary objectives of this compilation were to (1) identify those officials who submitted 2008 CAFA seizure reports to the State Auditor and (2) summarize the 2008 CAFA seizure information reported.

Scope and Methodology

To accomplish our objectives we:

- Reviewed the compiled seizure information submitted to the State Auditor for calendar years 2007 and 2006 for comparison purposes only.
- Mailed a letter to prosecuting attorneys and to the Attorney General, dated December 15, 2008, reminding them of the deadline for submission of the CAFA seizure and forfeiture reports.
- Mailed a second reminder letter, dated January 26, 2009, to the prosecuting attorneys that had not reported their 2008 CAFA seizures by that date.
- Compiled all seizure information submitted to the State Auditor for calendar year 2008.
- Identified the reports submitted on a timely basis.
- Identified the reports not containing the required information.
- Compiled the dollar value of the disposition of all seizures reported.
- Contacted the Department of Public Safety to identify the 2008 CAFA seizure reports submitted to both the State Auditor and to the Director of the Department of Public Safety or to one office.
- Compiled only seizure reports received by February 19, 2009, due to the February 28, 2009, statutory deadline for the State Auditor to submit this report.

Limitations

The data presented in the appendixes were compiled from information submitted by prosecuting attorneys and the Attorney General and were not verified by us via additional audit procedures. In analyzing these appendixes, some disparity may result due to the different methods used by the various prosecuting attorneys and the Attorney General presenting essentially the same information.

APPENDIXES

2008 CAFA Disposition Reported

Reporting Entity	Estimated Value of all Cases Reported	Status Reported as of December 31, 2008				
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported
Adair	\$ 2,300	2,300				
Andrew	0					
Atchison	0					
Attorney General	0					
Audrain	8,668	7,884			784	
Barry	2,659	2,659				
Barton	0					
Bates	0					
Benton	0					
Bollinger	0					
Boone	105,074	46,689	21,051	33,779	3,555	
Buchanan	39,163	34,379	523		4,261	
Butler	0					
Caldwell	17,091	17,091				
Callaway	22,984	22,984				
Camden	0					
Cape Girardeau	12,752	7,626		5,126		
Carroll	44				44	
Carter	0					
Cass	8,535	6,535	2,000			
Cedar	110,091	110,091				
Chariton	0					
Christian	17,889	16,953	936			
Clark	0					
Clay	40,628	40,628				
Clinton	3,281	3,281				
Cole	31,705	23,511	7,194		1,000	
Cooper	0					
Crawford	548	548				
Dade	7,800	7,800				
Dallas	0					
Daviess	4,504				4,504	
Dekalb	0					
Dent	0					
Douglas	0					
Dunklin	0					
Franklin	15,530	15,530				
Gasconade	0					
Gentry	DNF					
Greene	14,110	6,289		7,821		
Grundy	0					
Harrison	10,650	525	10,125			
Henry	1,687	1,687				
Hickory	0					
Holt	2,515			2,515		
Howard	1,400				1,400	
Howell	30,191	2,468			27,723	

2008 CAFA Disposition Reported

Reporting Entity	Estimated Value of all Cases Reported	Status Reported as of December 31, 2008				
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported
Iron	0					
Jackson	287,393	255,493			3,010	28,890
Jasper	30,525	30,525				
Jefferson	520,219	63,831		455,380		1,008
Johhnson	4,727	4,727				
Knox	0					
Laclede	5,032		150			4,882
Lafayette	28,171	9,528				18,643
Lawrence	0					
Lewis	0					
Lincoln	14,172	14,172				
Linn	0					
Livingston	3,000	3,000				
Macon	0					
Madison	DNF					
Maries	0					
Marion	30,355			30,355		
McDonald	0					
Mercer	0					
Miller	0					
Mississippi	57,001			57,001		
Moniteau	0					
Monroe	40,300	40,300				
Montgomery	64,658	64,658				
Morgan	0					
New Madrid	41,051	8,700	3,911	28,440		
Newton	1,105	1,105				
Nodaway	0					
Oregon	0					
Osage	0					
Ozark	0					
Pemiscot	7,075				7,075	
Perry	0					
Pettis	18,856	3,463	6,200		2,637	6,556
Phelps	1,430				1,430	
Pike	3,057	3,057				
Platte	28,557	28,557				
Polk	0					
Pulaski	0					
Putnam	0					
Ralls	0					
Randolph	5,100	4,700	310		90	
Ray	7,143	7,143				
Reynolds	0					
Ripley	0					
Saline	4,427	4,427				
Schuyler	0					

2008 CAFA Disposition Reported

Reporting Entity	Estimated Value of all Cases Reported	Status Reported as of December 31, 2008				
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported
Scotland	0					
Scott	11,124	6,410	2,739	1,975		
Shannon	0					
Shelby	0					
St. Charles	3,884,655	18,984	1,310	3,840,361		24,000
St. Clair	0	0				
St. Francois	15,495	15,495				
St. Louis County	274,497	150,253	12,209	111,567	468	
St. Louis City	946,674	226,135	110,924	609,615		
Ste. Genevieve	0			0		
Stoddard	DNF					
Stone	897	897				
Sullivan	0					
Taney	30,841	30,841				
Texas	0					
Vernon	0					
Warren	2,966	2,415			551	
Washington	834	834				
Wayne	0					
Webster	0					
Worth	0					
Wright	0					
	<u>\$ 6,883,136</u>	<u>1,377,108</u>	<u>179,582</u>	<u>5,183,935</u>	<u>58,532</u>	<u>83,979</u>

DNF - Did not file a 2008 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. Not all seizure reports included an estimated value of the property seized and not all reports included the disposition of all seizures reported.

2008 CAFA Seizure Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated Value of all Cases Reported	Number of Cases that Reported Required Information							Disposition	
			Date	Time	Place Seized	Property Seized	Property Seized	Seized From	Criminal Charges Filed	Criminal Seizure	Criminal Actions
Adair	2	\$ 2,300	2	2	2	2	2	2	2	2	2
Andrew	0	0									
Atchison	0	0									
Attorney General	0	0									
Audrain	6	8,668	6	6	6	6	6	6	6	6	6
Barry	3	2,659	3		3	3	3	3	3	3	3
Barton	0	0									
Bates	0	0									
Benton	0	0									
Bollinger	0	0									
Boone	23	105,074	23	7	23	23	23	23	23	23	10
Buchanan	13	39,163	13	13	13	13	13	13	13	13	13
Butler	0	0									
Caldwell	1	17,091	1	1	1	1	1	1	1	1	1
Callaway	3	22,984	3	3	3	3	3	3	3	3	3
Camden	0	0									
Cape Girardeau	2	12,752	2		2	2	2	2	2	2	1
Carroll	1	44	1	1	1	1	1	1	1	1	1
Carter	0	0									
Cass	3	8,535	3	3	3	3	3	3		3	3
Cedar	4	110,091	4	4	4	4	4	4	4	4	4
Chariton	0	0									
Christian	6	17,889	6		6	6	5	6	4	6	1
Clark	0	0									
Clay	8	40,628	8	6	8	8	8	8	2	8	8
Clinton	1	3,281	1	1	1	1	1	1	1	1	1
Cole	19	31,705	19	14	19	19	19	19	16	19	19
Cooper	0	0									
Crawford	1	548	1	1	1	1	1	1	1	1	1
Dade	1	7,800	1	1	1	1	1	1	1	1	1
Dallas	0	0									
Daviess	1	4,504				1	1	1		1	1
Dekalb	0	0									
Dent	0	0									
Douglas	0	0									
Dunklin	0	0									
Franklin	10	15,530	10	9	10	10	7	10	2	10	
Gasconade	0	0									
Gentry	DNF	DNF									
Greene	3	14,110	2	1	1	3	3	3	2	3	3
Grundy	0	0									
Harrison	2	10,650	2	2	2	2	2	2	1	2	2
Henry	2	1,687	2	2	2	2	2	2		2	
Hickory	0	0									
Holt	1	2,515	1	1	1	1	1	1	1	1	1
Howard	1	1,400	1	1	1	1	1	1	1	1	1

2008 CAFA Seizure Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated Value of all Cases Reported	Number of Cases that Reported Required Information							Disposition		
			Date	Time	Place Seized	Property Seized	Property Seized	Seized From	Person(s) Criminal Charges Filed	Value of Property Seized	Criminal Seizure	Criminal Actions
Howell	5	30,191	5	4	5	5	5	5	4	5	4	
Iron	0	0										
Jackson	79	287,393	76	42	74	79	77	78	7	75	11	
Jasper	9	30,525	9		9	9	9	9	9	9	9	
Jefferson	21	520,219	21	12	21	21	21	21	9	21	20	
Johnson	5	4,727	5		5	5	5	5	3	5	5	
Knox	0	0										
Laclede	9	5,032	9	9	9	9	7	9	8	9	9	
Lafayette	8	28,171	8	8	8	8	8	8	8	8	8	
Lawrence	0	0										
Lewis	0	0										
Lincoln	5	14,172	5		4	5	4	5	5	5	5	
Linn	0	0										
Livingston	1	3,000	1	1	1	1	1	1	1	1	1	
Macon	0	0										
Madison	DNF	DNF										
Marion	2	30,355	2	2	2	2	2	2	1	2	2	
McDonald	0	0										
Mercer	0	0										
Miller	0	0										
Mississippi	2	57,001	2	2	2	2	2	2	1	2	1	
Moniteau	0	0										
Monroe	1	40,300	1	1	1	1	1	1	1	1	1	
Montgomery	2	64,658	2	2	2	2	2	2	2	2	2	
Morgan	0	0										
New Madrid	9	41,051	9		9	9	9	9	9	9	9	
Newton	2	1,105	2		2	2	2	2	2	2	2	
Nodaway	0	0										
Oregon	0	0										
Osage	0	0										
Ozark	0	0										
Pemiscot	2	7,075	2	2	2	1	2	2	1	2	1	
Perry	0	0										
Pettis	8	18,856	8	4	8	8	8	8	7	8	8	
Phelps	1	1,430	1	1	1	1	1	1	1	1	1	
Pike	3	3,057	3	3	3	3	3	3	3	3	3	
Platte	6	28,557	6	6	6	6	6	6	6	6	6	
Polk	0	0										
Pulaski	0	0										
Putnam	0	0										
Ralls	0	0										
Randolph	4	5,100	4		4	4	4	4	4	4	4	
Ray	1	7,143	1		1	1	1	1	1	1	1	
Reynolds	0	0										
Ripley	0	0										

2008 CAFA Seizure Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated Value of all Cases Reported	Number of Cases that Reported Required Information							Disposition	
			Date	Time	Place Seized	Property Seized	Property Seized	Seized From	Person(s) Criminal Charges Filed	Criminal Seizure	Criminal Actions
Saline	1	4,427	1	1	1	1	1	1	1	1	1
Schuyler	0	0									
Scotland	0	0									
Scott	7	11,124	7	2	7	7	7	7	7	7	7
Shannon	0	0									
Shelby	0	0									
St. Charles	34	3,884,655	34	34	34	34	33	34	9	34	8
St. Clair	4	0	4		4	4		4	4	4	4
St. Francois	3	15,495	3		3	3	3	3	3	3	3
St. Louis County	73	274,497	73	67	72	73	69	73	23	73	62
St. Louis City	702	946,674	702	675	702	702	702	702	700	702	701
Ste. Genevieve	0	0									
Stoddard	DNF	DNF									
Stone	1	897	1		1	1	1	1	1	1	1
Sullivan	0	0									
Taney	10	30,841	10		10	10	6	10	8	10	10
Texas	0	0									
Vernon	0	0									
Warren	3	2,966	3	3	3	3	3	3	3	3	3
Washington	1	834	1		1	1	1	1	1	1	1
Wayne	0	0									
Webster	0	0									
Worth	0	0									
Wright	0	0									
	<u>1,141</u>	<u>\$ 6,883,136</u>	<u>1,136</u>	<u>960</u>	<u>1,131</u>	<u>1,140</u>	<u>1,119</u>	<u>1,140</u>	<u>943</u>	<u>1,137</u>	<u>1,000</u>

DNF - Did not file a 2008 CAFA Seizure report with the State Auditor's Office

This appendix compiles the total number of 2008 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.

Missouri Revised Statutes

Chapter 513

Executions and Exemptions

Section 513.607

Property subject to forfeiture--procedure--report required, when, contents--annual state auditor's report, contents--violations, penalty.

513.607. 8. The prosecuting attorney or attorney general to whom the seizure is reported shall report annually by January thirty-first for the previous calendar year all seizures. Such report shall include the date, time, and place of seizure, the property seized, the estimated value of the property seized, the person or persons from whom the property was seized, the criminal charges filed, and the disposition of the seizure, forfeiture and criminal actions. The report shall be made to the director of the Missouri department of public safety and shall be considered an open record. The prosecuting attorney or attorney general shall submit a copy of the report to the state auditor at the time the report is made to the director of the department of public safety.

9. The state auditor shall make an annual report compiling the data received from law enforcement, prosecuting attorneys and the attorney general, and shall submit the report regarding seizures for the previous calendar year to the general assembly annually by February twenty-eighth.

10. Intentional or knowing failure to comply with any reporting requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.