



Susan Montee, JD, CPA  
Missouri State Auditor

---

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures



---

February 2010  
Report No. 2010-28

---

[auditor.mo.gov](http://auditor.mo.gov)



Office of the  
Missouri State Auditor  
Susan Montee, JD, CPA

February 2010

**As required by state law, the State Auditor's Office compiled the 2009 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 105 (91 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 2009. Of the 105 reports received, 100 (95 percent) of the reports were received prior to the January 31, 2010, deadline.

To accomplish our objectives, we compiled all seizure information submitted to the State Auditor for calendar year 2009 and reviewed the compiled information previously submitted for calendar years 2008 and 2007 for comparison purposes.

A letter dated December 21, 2009, 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 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 dated January 27, 2010, was faxed 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](http://www.auditor.mo.gov)**

YELLOW SHEET

---

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Table of Contents

---

State Auditor's Report	2
------------------------	---

---

Executive Summary	3
-------------------	---

---

Objectives, Scope and Methodology, and Limitations	Objectives.....	6
	Scope and Methodology.....	6
	Limitations .....	6

---

Appendixes		
	<u>Appendix</u>	
I.	Missouri Revised Statutes .....	7
II.	2009 CAFA Seizures Disposition Reported.....	8
III.	2009 CAFA Seizures Required Information Reported.....	11



**SUSAN MONTEE, JD, CPA**  
**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 2009 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 2009 CAFA seizure reports to the State Auditor.
2. Summarize the 2009 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 86 percent of the CAFA seizure reports by the required due date of January 31, 2010.

A handwritten signature in black ink that reads "Susan Montee".

Susan Montee, JD, CPA  
State Auditor

The following auditors participated in the preparation of this report:

Director of Audits: Alice M. Fast, CPA, CIA, CGFM  
In-Charge Auditor: Becky Webb, CPA  
Audit Staff: Dana Wansing

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures Executive Summary

## Background

Section 513.607.8, RSMo, of the state's Criminal Activity Forfeiture Act (CAFA) requires 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 CAFA Seizures Reports

The State Auditor received a total of 105 (91 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 2009. Of the 105 reports received, 100 (95 percent) of the reports were received prior to the January 31, 2010 deadline. The following table lists the total number of CAFA seizure reports submitted to the State Auditor for 2009, 2008, and 2007.

Reporting Status	2009		2008		2007	
By January 31	100	86.2 %	98	84.5 %	101	87.1 %
After January 31	5	4.3	15	12.9	15	12.9
Total Reported	105	90.5	113	97.4	116	100.0
Failed to Report	11	9.5	3	2.6	0	0.0
Total Reports Required	116	100.0 %	116	100.0 %	116	100.0 %

## Prosecutors that Failed to Report 2009 CAFA Seizures or Submitted Report Late

The following table lists the prosecuting attorneys that either submitted the 2009 CAFA seizure report after January 31, 2010, or failed to submit a 2009 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.

Prosecuting Attorney	Failed to Report	Submitted Late
Daviess	X	
Dent	X	
Douglas		X
Dunklin	X	
Livingston		X
Madison	X	
Perry	X	
Polk	X	
Pulaski	X	
St. Clair	X	
St. Genevieve		X
Saline		X
Schuyler		X
Sullivan	X	
Texas	X	
Washington	X	
Total	11	5



Compilation of 2009 Criminal Activity Forfeiture Act Seizures  
Executive Summary

In addition, the DPS was contacted to determine CAFA Seizure reports received by the DPS. We noted 3 counties (Franklin, Grundy, and Mississippi) submitted the CAFA Seizure Report to the DPS but did not submit the required copy to the State Auditor, and 11 counties (Andrew, Barton, Caldwell, Cape Girardeau, Clark, DeKalb, Saline, Scott, Shannon, Stoddard, and Wayne) submitted the required copy of the CAFA Seizure Report to the State Auditor but did not submit a copy to the DPS.

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

Reported Disposition	2009		2008		2007	
Pending	\$ 2,383,413	42 %	\$ 1,377,108	20 %	\$ 1,464,990	33 %
Returned	237,730	4	179,582	3	674,253	15
Transferred to Federal Agency	2,761,010	49	5,183,935	75	2,028,673	45
Transferred to State	30,673	1	58,532	1	74,461	2
Disposition Not Reported	85,876	2	83,979	1	248,730	6
Other	120,833	2	0	0	13,914	0
<b>Total</b>	<b>\$ 5,619,535</b>	<b>100 %</b>	<b>\$ 6,883,136</b>	<b>100 %</b>	<b>\$ 4,505,021</b>	<b>100 %</b>

See Appendix II for a listing of the 2009 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	2009		2008		2007	
Date	442	99.8 %	1,136	99.6 %	1,654	99.9 %
Time	322	72.7	960	84.1	1,430	86.4
Place of Seizure	436	98.4	1,131	99.1	1,637	98.9
Property Seized	443	100.0	1,140	99.9	1,655	99.9
Estimated Value of Property Seized	431	97.3	1,119	98.1	703	42.5
Person(s) Property Seized From	443	100.0	1,140	99.9	1,656	100.0
Criminal Charges Filed	225	50.8	943	82.6	1,450	87.6
Disposition of Seizure	443	100.0	1,137	99.6	1,656	100.0
Disposition of Criminal Actions	380	85.8	1,000	87.6	1,344	81.2
<b>Total Cases Reported</b>	<b>443</b>	<b>100.0 %</b>	<b>1,141</b>	<b>100.0 %</b>	<b>1,656</b>	<b>100.0 %</b>



## Compilation of 2009 Criminal Activity Forfeiture Act Seizures Executive Summary

---

The decrease in the number of seizures from 2007 to 2008 and the subsequent decrease from 2008 to 2009 appears primarily due to the fluctuation in the number of seizures reported by St. Louis City. In 2007, St. Louis City reported 1,150 seizures including 937 vehicles. In 2008, St. Louis City reported 702 seizures including 583 vehicles. In 2009, St. Louis City reported 66 seizures with no vehicles reported seized.

See Appendix III for a listing of the number of 2009 CAFA seizure cases that contained the required information reported for each prosecuting attorney and the Attorney General.

---

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures Objectives, Scope and Methodology, and Limitations

---

## Objectives

The primary objectives of this compilation were to (1) identify those officials who submitted 2009 Criminal Activity Forfeiture Act (CAFA) seizure reports to the State Auditor and (2) summarize the 2009 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 2008 and 2007 for comparison purposes only.
- Mailed a letter to prosecuting attorneys and to the Attorney General, dated December 21, 2009, reminding them of the deadline for submission of the CAFA seizure and forfeiture reports.
- Faxed a second reminder letter, dated January 27, 2010, to the prosecuting attorneys that had not reported their 2009 CAFA seizures by that date.
- Compiled all seizure information submitted to the State Auditor for calendar year 2009.
- 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 2009 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 17, 2010, due to the February 28, 2010, 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 we did not verify the data. In analyzing these appendixes, some disparity may result due to the different methods used by the various prosecuting attorneys and the Attorney General in presenting essentially the same information.

---

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures Appendix I

---

## 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.

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Appendix II

### 2009 CAFA Seizures Disposition Reported

Reporting Entity	Estimated Value of all Cases Reported	Status Reported as of December 31, 2009					
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported	Other
Adair	\$ 0						
Andrew	17,717	17,717					
Atchison	9,430	9,430					
Attorney General	0						
Audrain	23,861	20,796				3,065	
Barry	1,837	1,305	532				
Barton	0						
Bates	0						
Benton	1,712	1,712					
Bollinger	0						
Boone	45,201	7,148	500	29,822	4,021	3,710	
Buchanan	16,438	14,723			1,715		
Butler	12,677			12,677			
Caldwell	0						
Callaway	2,539	2,539					
Camden	57,107	57,107					
Cape Girardeau	5,501					5,501	
Carroll	1,078	791			287		
Carter	0						
Cass	50,543	47,384	3,159				
Cedar	132,000	132,000					
Chariton	0						
Christian	5,536	3,325			2,211		
Clark	1,108		1,108				
Clay	10,290	10,290					
Clinton	0						
Cole	1,047,434	1,039,109	7,840		485		
Cooper	0						
Crawford	0						
Dade	300,000	300,000					
Dallas	0						
Daviess	DNF						
Dekalb	0						
Dent	DNF						
Douglas	2,500	2,500					
Dunklin	DNF						
Franklin	29,693	28,533			1,160		
Gasconade	829	829					
Gentry	0						

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Appendix II

### 2009 CAFA Seizures Disposition Reported

Reporting Entity	Estimated Value of all Cases Reported	Status Reported as of December 31, 2009					
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported	Other
Greene	42,530	17,439		3,731		21,360	
Grundy	981	981					
Harrison	6,935		6,935				
Henry	0						
Hickory	0						
Holt	0						
Howard	0						
Howell	28,926	26,426			2,500		
Iron	0						
Jackson	261,432	227,505	33,927				
Jasper	15,357	14,240	1,117				
Jefferson	87,444	39,471	0		1,722	46,251	
Johnson	43,417	13,813	29,604				
Knox	0						
Laclede	118,960	36,784	56,599	24,520		1,057	
Lafayette	17,566	10,675					6,891
Lawrence	2,173	2,173					
Lewis	0						
Lincoln	13,540	10,990	2,200			350	
Linn	0						
Livingston	0						
Macon	0						
Madison	DNF						
Maries	0						
Marion	0						
McDonald	0						
Mercer	0						
Miller	0						
Mississippi	0						
Moniteau	0						
Monroe	16,215	9,715	6,500				
Montgomery	4,790		4,790				
Morgan	0						
New Madrid	25,549	4,750		20,799			
Newton	3,900	3,900					
Nodaway	0						
Oregon	400				400		
Osage	0						
Ozark	0						
Pemiscot	0						
Perry	DNF						

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Appendix II

### 2009 CAFA Seizures Disposition Reported

Reporting Entity	Estimated Value of all Cases Reported	Status Reported as of December 31, 2009					
		Pending	Returned	Transferred to Federal Agency	Transferred to State	Not Reported	Other
Pettis	11,735	8,867	1,000		1,868		
Phelps	0						
Pike	3,972		167		3,805		
Platte	4,864	4,864					
Polk	DNF						
Pulaski	DNF						
Putnam	0						
Ralls	0						
Randolph	2,212					2,212	
Ray	23,010	23,010					
Reynolds	1,067	1,067					
Ripley	0						
Saline	0						
Schuyler	0						
Scotland	0						
Scott	2,838	2,838					
Shannon	0						
Shelby	0						
St. Charles	2,581,833	18,150		2,563,683			
St. Clair	DNF						
St. Francois	1,215	1,215					
St. Louis County	227,512	140,830	81,052		5,630		
St. Louis City	218,647			104,705			113,942
Ste. Genevieve	5,865	5,865					
Stoddard	0						
Stone	0						
Sullivan	DNF						
Taney	52,900	49,457		1,073		2,370	
Texas	DNF						
Vernon	1,872	885			987		
Warren	14,147	10,265			3,882		
Washington	DNF						
Wayne	0						
Webster	0						
Worth	0						
Wright	700		700				
	<u>\$ 5,619,535</u>	<u>2,383,413</u>	<u>237,730</u>	<u>2,761,010</u>	<u>30,673</u>	<u>85,876</u>	<u>120,833</u>

DNF - Did not file a 2009 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.

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Appendix III

### 2009 CAFA Seizures Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated Value of all Cases Reported	Number of Cases that Reported Required Information										
			Estimated Value of Property Seized							Person(s) Criminal Charges		Disposition	
			Date	Time	Place Seized	Property Seized	Property Seized	Property Seized	From	Seized	Filed	Seizure	Criminal Actions
Adair	0	\$ 0											
Andrew	1	17,717	1	1	1	1	1	1	1	1	1	1	1
Atchison	1	9,430	1	1	1	1	1	1	1	1	1	1	1
Attorney General	0	0											
Audrain	6	23,861	6	6	6	6	6	6	6	5	6	6	5
Barry	3	1,837	3		3	3	3	3	3	3	3	3	3
Barton	0	0											
Bates	1	0	1		1	1			1	1	1	1	1
Benton	1	1,712	1		1	1		1	1		1		
Bollinger	0	0											
Boone	12	45,201	12	10	12	12	12	12	12	10	12	12	12
Buchanan	9	16,438	9	9	9	9	9	9	9	9	9	9	9
Butler	2	12,677	2	1	2	2	2	2	2	2	2	2	2
Caldwell	0	0											
Callaway	3	2,539	3	2	3	3	3	3	3	3	3	3	3
Camden	7	57,107	7		7	7	7	7	7	7	7	7	1
Cape Girardeau	2	5,501	2		2	2	2	2	2	2	2	2	2
Carroll	3	1,078	3	3	3	3	3	3	3	3	3	3	3
Carter	0	0											
Cass	5	50,543	5	5	5	5	5	5	5	4	5	5	5
Cedar	2	132,000	2	1	2	2	2	2	2	2	2	2	2
Chariton	0	0											
Christian	6	5,536	6		6	6	6	6	6	6	6	6	6
Clark	1	1,108	1	1	1	1	1	1	1		1	1	1
Clay	4	10,290	4	3	4	4	4	4	4	1	4	4	4
Clinton	0	0											
Cole	13	1,047,434	13	10	13	13	13	13	13	12	13	13	13
Cooper	0	0											
Crawford	0	0											
Dade	1	300,000	1	1	1	1	1	1	1	1	1	1	1
Dallas	0	0											
Daviess	DNF	DNF											
Dekalb	0	0											
Dent	DNF	DNF											
Douglas	1	2,500	1	1	1	1	1	1	1	1	1	1	1
Dunklin	DNF	DNF											
Franklin	5	29,693	5	4	5	5	5	5	5	2	5	5	1
Gasconade	3	829	3		3	3	3	3	3	3	3	3	3
Gentry	0	0											
Greene	6	42,530	5	2	6	6	5	6	6	2	6	6	6
Grundy	4	981	4	4	4	4	4	4	4	4	4	4	4
Harrison	2	6,935	2	2	2	2	2	2	2	2	2	2	2
Henry	0	0											
Hickory	0	0											
Holt	0	0											

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Appendix III

### 2009 CAFA Seizures 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	Person(s) Seized From	Criminal Charges Filed	Seizure	Criminal Actions
Howard	0	0									
Howell	3	28,926	3	3	3	3	3	3	2	3	3
Iron	0	0									
Jackson	71	261,432	71	59	70	71	68	71	7	71	70
Jasper	4	15,357	4		4	4	4	4	4	4	4
Jefferson	20	87,444	20	19	20	20	19	20	8	20	1
Johnson	8	43,417	8	8	8	8	8	8	4	8	8
Knox	0	0									
Laclede	12	118,960	12	12	12	12	12	12	12	12	12
Lafayette	5	17,566	5	5	5	5	5	5	5	5	5
Lawrence	2	2,173	2		2	2	2	2	2	2	2
Lewis	0	0									
Lincoln	12	13,540	12		12	12	12	12	12	12	12
Linn	0	0									
Livingston	0	0									
Macon	0	0									
Madison	DNF	DNF									
Maries	0	0									
Marion	0	0									
McDonald	0	0									
Mercer	0	0									
Miller	0	0									
Mississippi	0	0									
Moniteau	0	0									
Monroe	3	16,215	3		3	3	3	3	3	3	3
Montgomery	2	4,790	2	1	2	2	2	2	2	2	1
Morgan	0	0									
New Madrid	5	25,549	5		5	5	5	5	5	5	5
Newton	1	3,900	1		1	1	1	1	1	1	1
Nodaway	0	0									
Oregon	1	400	1	1	1	1	1	1	1	1	1
Osage	0	0									
Ozark	0	0									
Pemiscot	0	0									
Perry	DNF	DNF									
Pettis	7	11,735	7	2	7	7	7	7	7	7	7
Phelps	0	0									
Pike	3	3,972	3		3	3	3	3	2	3	3
Platte	3	4,864	3	3	3	3	3	3	3	3	3
Polk	DNF	DNF									
Pulaski	DNF	DNF									
Putnam	0	0									
Ralls	0	0									
Randolph	2	2,212	2		2	2	2	2	2	2	2
Ray	2	23,010	2		2	2	2	2	2	2	2

# Compilation of 2009 Criminal Activity Forfeiture Act Seizures

## Appendix III

### 2009 CAFA Seizures Required Information Reported

Reporting Entity	Number of Cases Reported	Estimated Value of all 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 Criminal Seizure Actions	
Reynolds	2	1,067	2		2	2	2	2	2	2	2
Ripley	0	0									
Saline	0	0									
Schuyler	0	0									
Scotland	0	0									
Scott	5	2,838	5	5	5	5	5	5	5	5	5
Shannon	0	0									
Shelby	0	0									
St. Charles	28	2,581,833	28	28	28	28	28	28	4	28	5
St. Clair	DNF	DNF									
St. Francois	3	1,215	3	1	3	3	3	3	3	3	3
St. Louis County	66	227,512	66	65	63	66	61	66	13	66	62
St. Louis City	41	218,647	41	37	41	41	41	41		41	40
Ste. Genevieve	2	5,865	2		2	2	2	2	2	2	2
Stoddard	0	0									
Stone	0	0									
Sullivan	DNF	DNF									
Taney	17	52,900	17		14	17	16	17	16	17	15
Texas	DNF	DNF									
Vernon	2	1,872	2		2	2	2	2	2	2	2
Warren	6	14,147	6	6	6	6	6	6	6	6	6
Washington	DNF	DNF									
Wayne	0	0									
Webster	0	0									
Worth	0	0									
Wright	1	700	1		1	1	1	1	1	1	1
	<u>443</u>	<u>\$ 5,619,535</u>	<u>442</u>	<u>322</u>	<u>436</u>	<u>443</u>	<u>431</u>	<u>443</u>	<u>225</u>	<u>443</u>	<u>380</u>

DNF - Did not file a 2009 CAFA Seizure report with the State Auditor's office.

This appendix compiles the total number of 2009 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.