

Equitable Sharing to State and Local Law Enforcement: Is it Worth It?

Law enforcement can seize the property of criminals if that property is suspected of past or future use in a criminal act. This process of asset forfeiture is used every day by law enforcement officers across the country. In addition to using this process to cripple criminals by removal of their assets and property, asset forfeiture provides federal, state, and local law enforcement additional revenue through the selling of seized assets. All forfeiture revenue that occurs within federal courts is put into the Asset Forfeiture Fund run by the U.S. Department of Justice. To incentivize help from state and local law enforcement, an Equitable Sharing program exists in which state and local law enforcement can share in the proceeds of federal forfeiture. This study aims to investigate asset forfeiture revenue from federal forfeitures shared with states. Does the money from the Equitable Sharing program given to states have an effect on crime? The findings of this study suggest there is no statistically significant linkage between Equitable Sharing Payments and crime. This finding aligns with previous research and provides an important start to thinking about where this money can be used more effectively.

Introduction

Asset forfeiture is one of the largest tools used by law enforcement that nobody has heard of. Asset forfeiture is when law enforcement seizes someone's property (cars, houses, and even cash) if they can prove in court that it connected to a crime. It is used by almost every local, state, and federal law enforcement organization in the country. All federal asset forfeiture is siphoned into a multi-million-dollar fund run by the Department of Justice called the *Asset Forfeiture Fund*, *AFF*, which comfortably operates unnoticed by major news organizations. If state and local law enforcement agencies help in the seizure of federal assets, they can receive a portion of the revenue from the federal forfeiture through the Equitable Sharing Program. According to the yearly audit conducted by KPMG in 2019, the Asset Forfeiture Fund net assets were valued at \$6,762.7 million dollars.¹ The Attorney General's Guidelines on the Asset Forfeiture Program from 2019 states the

¹ Office of Inspector General, U.S. Department of Justice, (2019). *Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2019*. Retrieved from <https://oig.justice.gov/reports/2019/a20014.pdf#page=1>.

mission of the Asset Forfeiture Fund is to: “Punish and deter criminal activity by depriving criminals of property used in or acquired through illegal activities, Promote and enhance cooperation between federal, state, local, tribal, and foreign law enforcement agencies, Recover assets that may be used to compensate victims when authorized under federal law, and Ensure the AFP is administered professionally, lawfully, and in a manner consistent with sound public policy.”²

The act of asset forfeiture began with passage of the Comprehensive Drug Abuse Prevention and Control Act in 1970 which allowed law enforcement to seize and forfeit drugs and equipment used by drug organizations which was major tool in the “war on drugs”.³ It was based on the idea that property can be charged for a crime. Unlike people, property does not have the presumption of innocence thus law enforcement have a much lower bar to clear in court. After law enforcement seizes the property, proves in court that the property is tangentially connected to crime, and depending on the state, they get to keep a portion if not all the proceeds from said property. If it is a house or car, it gets sold at auction. If involved in a federal forfeiture, the proceeds from the sale gets put into the Asset Forfeiture fund then are redispersed to state and local law enforcement through the Equitable Sharing Program. According to the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* (2018) permissible uses of Equitable Sharing proceeds can be used for: law enforcement operations and investigations, law enforcement training and education, law enforcement, public safety, and detention facilities, law enforcement equipment, joint law enforcement/public safety operations, contracts for services, law enforcement travel and per diem, law enforcement awards and memorials, drug, gang, and other

² U.S. Department of Justice, (2019). Asset Forfeiture Policy Manual. Retrieved at <https://www.justice.gov/criminal-afmls/file/839521/download>.

³ “Here’s a Brief History of Civil Asset Forfeiture”, Morgan & Morgan, Nov. 22, 2017, <https://www.forthethepeople.com/blog/history-behind-civil-asset-forfeiture/>.

prevention or awareness programs, matching grants, and support of community-based organizations.⁴ With the right interpretation, these guidelines declare the funds can be used for almost everything and they have been. In Camden County, Georgia, a \$90,000 Dodge Viper was purchased for the county's DARE program. In Fulton County, Georgia, football tickets were purchased for the district attorney office. In Kimble County, Texas, \$14,000 were used for a "training seminar" in Hawaii for the staff of the district attorney's office.⁵

With the millions of dollars being siphoned in and out into state and local agencies, there poses a legitimate question as to whether the money is being used where it can benefit society at large. This research paper is not going to discuss the legality or legitimacy of asset forfeiture. My research question has a much narrower scope on the issue and is looking directly at the Equitable Sharing Program and its efficacy. Does the money received by state and local law enforcement through the Equitable Sharing program have any effect on crime? There is no doubt that law enforcement uses the money to buy more radios, pay more officers, and buy more vehicles but does all of this translate into less crime? Does an increase in money given to a state reduce crime or vice versa? I want to ensure the millions of dollars that are doled out are not going to waste. Given what has been researched in the past, I believe Equitable Sharing payments will prove to have little or no effect crime reduction. Law enforcement agencies are required to use Equitable Sharing payments for "law enforcement purposes", however it is never specifically defined allowing law enforcement agencies to spend this money as they see fit. It is not always guaranteed they spend the money within the best interest of society. However, if I am incorrect in my

⁴ U.S. Department of Justice, U.S. Department of Treasury, (2018). *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*. Retrieved at <https://www.justice.gov/criminal-afmls/file/794696/download>.

⁵ "Part I: Policing for Profit", Institute for Justice, Mar 2010, <https://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/>.

hypothesis, I want to know what factors contribute to the reduction of crime and if it specifically the Equitable Sharing money.

Brief Description of Asset Forfeiture

Before I get into past research into the Fund, I want to fully describe how it was created, how it transformed over time, and how it operates today. The law of forfeiture is based on the idea that an object, not the owner, can be charged with a crime even if the owner has no connection to said crime. For the past 40 years, civil and criminal asset forfeiture has been used exclusively for the war on drugs in attempts to dismantle large criminal organizations.⁶ Criminal asset forfeiture applies when an asset is used in a crime or is suspected to be the ill-gotten gains from a crime. It usually requires judicial process and proof beyond a reasonable doubt that the asset is assisted or were connected to a crime.⁷ Civil asset forfeiture is much easier to conduct, and it uses a combination of non-judicial summaries, administrative actions, and judicial seizures. Non-judicial summaries involve property who's only purpose is illegal. Administrative actions refer to the seizure of uncontested material. If a person contests an administrative action or non-judicial summary, which elevates the seizure to a judicial proceeding. Like I said before, forfeiture is a function against an asset and not a person, thus making the burden of proof in court by preponderance of the evidence, more often than not, which is much easier than criminal forfeiture. The government only needs to prove that the object is connected to a crime making civil asset forfeiture much more attractive to law enforcement. In current legal standards, a person can be

⁶ "Here's a Brief History of Civil Asset Forfeiture", Morgan & Morgan, Nov. 22, 2017, <https://www.forthethepeople.com/blog/history-behind-civil-asset-forfeiture/>.

⁷ Kelly, Brian D., and Maureen Kole. "The effects of asset forfeiture on policing: a panel approach." *Economic Inquiry* 54.1 (2016): 558-575

deprived of property without being proven to have been involved in a criminal act through civil asset forfeiture.⁸

Asset Forfeiture Over the Years

How do law enforcement agencies reap the financial benefits of asset forfeiture? Like I said, it began with passage of the Comprehensive Drug Abuse Prevention and Control Act in 1970 which allowed law enforcement to seize and forfeit drugs and equipment used by drug organizations.⁹ To further accentuate the war on drugs, the Psychotropic Substances Act of 1978 allowed law enforcement to seize money that was thought to be the proceeds of the drug trade and the Comprehensive Crime Control Act of 1984 pushed the envelope further allowing law enforcement to seize property.¹⁰ Most importantly, the Comprehensive Crime Control Act allowed law enforcement to keep the proceeds from assets that were seized. This applied to local, state, and federal agencies acting as a financial incentive for law enforcement agencies to forcefully fight the war on drugs. Local and state agencies would receive money through the Equitable Sharing program which required federal agencies to share 80% of the value of their assets. These funds can be given to state and local officials in two ways. First, officials can give federal agencies their seized assets and then receive a portion of the forfeited funds which is known as “adoptive forfeiture”. Second, law enforcement officials can take part in joint operations with federal agencies where everyone would split the assets seized during that operation.¹¹ The Assets Forfeiture Fund was created by the Comprehensive Crime Control Act of 1984 and according to the Department of Justice it, “receive the proceeds of forfeiture and to pay the costs associated

⁸ Ibid.

⁹ “Here’s a Brief History of Civil Asset Forfeiture”, Morgan & Morgan, Nov. 22, 2017, <https://www.forthepeople.com/blog/history-behind-civil-asset-forfeiture/>.

¹⁰ Ibid.

¹¹ Ibid.

with such forfeitures, including the costs of managing and disposing of property, satisfying valid liens, mortgages, and other innocent owner claims, and costs associated with accomplishing the legal forfeiture of the property.”¹² In other words, it is the fund used to pay for the acquisition, investigation, seizure, management, and destruction of assets and reimburses local and state law enforcement agencies for their involvement through the Equitable Sharing program.

The Asset Forfeiture Fund operates solely from the revenue of federal asset forfeitures. Federally, asset forfeiture is only allowed following a criminal conviction through a federal court. If property is seized as a part of an ongoing state investigation and the defendant is being tried in a state court, then the property should be forfeited in a state court depending on the laws of that state. However, if a state or local law enforcement agency participates in an operation that results in federal asset forfeiture, they are eligible to share in the gains if they are an Equitable Sharing partner of the Asset Forfeiture Fund. To become a member of the Equitable Sharing program, an agency just needs to apply. The Attorney General has sole authority to determine the amount to which the wealth is shared. Within the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*, the de facto guide released by the Department of Justice which covers all things Equitable Sharing, describes the proportion of money shared through the Equitable Sharing program as “...having the value that bears and reasonable relationship to the degree of participation...” and “...will serve to encourage further cooperation between the recipient State or local agency...”.¹³ The exact mathematical calculations that decide the amount of money shared with state and local agencies are determined through various factors: “the inherent importance of the contributing activity; whether the agency otherwise entitled to an adjustment would already

¹² United States Department of Justice. “The Fund.” The United States Department of Justice, 28 Feb. 2020, www.justice.gov/afp/fund.

¹³ U.S. Department of Justice, U.S. Department of Treasury, (2018). *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*. Retrieved at <https://www.justice.gov/criminal-afmls/file/794696/download>.

receive a comparatively large share based on reported work hours; whether the agency originated the information leading to the seizure; whether the agency provided and articulated specific unique or indispensable assistance; or whether the agency seized one or more assets that were forfeited in non-federal proceedings during the same investigation.”¹⁴ However, if any agency feels they have been overlooked in any way, they can simply put in a request for more.

Beliefs on Either Side of Asset Forfeiture

There are two fields of thought when it comes to the Fund. The pro-forfeiture group emphasize that even though law enforcement profit off asset forfeiture, the money is being used wisely and it is helping law enforcement close more cases. They are less worried about budget cuts and can focus more on valuable police work. With more money coming in from forfeitures, law enforcement can use this money to buy more equipment, pay overtime, and improve the life of law enforcement officers overall thus allowing them to focus more on solving more crimes and getting more criminals off the streets. The financial benefit of asset forfeiture is a social benefit which provides more funding for law enforcement while making the public safer as a result.¹⁵ These assertions fall away when faced with legitimate criticism. Those in opposite group propose that asset forfeiture is solely for financial benefit of law enforcement agencies and it undermines the practice of having democratically elected officials create the budget for law enforcement. As an example, if a city council wanted to change the way policing is used in a community it would take away money from the police budget and use it somewhere else. With asset forfeiture, police can make up the lost money from their budget by prioritizing policing that would bring in more money and continue to police the way it wants which undermines the whole process entirely. Critics also

¹⁴ Ibid.

¹⁵ Brian D. Kelly, Ph.D, “Fighting Crime or Raising Revenue: Testing Opposing Views of Forfeiture”, Jun 2019, <https://ij.org/wp-content/uploads/2019/06/Fighting-Crime-or-Raising-Revenue.pdf>.

say that asset forfeiture changes the way policing is conducted. An investigation by Channel 5 News in Tennessee provides a striking example. They investigated the rate in which traffic stops were made by police officers on Interstate 40. It is conventional wisdom that drugs would come into Nashville using the eastbound lane from Mexico and the money from those drug deals leave through the westbound side. Knowing this, you would expect that law enforcement would want to prioritize the eastbound lane to stop as many drugs as possible from entering the city. However, they found that officers are 10 times more likely to make traffic stops in the westbound lane where the money is most likely located. Instead of focusing on the drugs, Tennessee law enforcement is more likely to pursue the cash.¹⁶

Current Research

There has been extensive study on the Assets Forfeiture Fund, and on asset forfeiture in general, trying to figure out if it truly does help law enforcement solve more crimes and get more drugs off the street. The consensus from numerous studies across the political spectrum have not been in favor of the Assets Forfeiture Fund in practice.

In a study conducted by Brian D. Kelly (Ph.D.) for the Institute of Justice, a libertarian leaning law firm, he reviewed law enforcement data collected from the Law Enforcement Management and Administrative Statistics (LEMAS) survey, a survey conducted by the Bureau of Justice Statistics which contains police operational data from thousands of large and small law enforcement agencies around the country, and the Department of Justice's Uniform Crime Reporting Program (UCR), a survey collected by the Federal Bureau of Investigation, which focuses on police employment data and crime statistics from around the country. His study is much

¹⁶ Phil Williams, "Are Middle Tennessee Police Profiting Off Drug Trade?", Jan 17, 2017, <https://www.newschannel5.com/news/newschannel-5-investigates/policing-for-profit/are-middle-tennessee-police-profiting-off-drug-trade>.

broader than mine because he uses data that I do not have access to such as the Consolidated Asset Tracking System, CATS which only university partners can use. He was testing if more money giving to the police through asset forfeiture translated into more crimes solved. He constructed crime and forfeiture datasets using four LEMAS data years (2000, 2003, 2007 and 2012), UCR, and data from the Consolidated Asset Tracking System, CATS, from the Department of Justice that tracks all the assets, deposits, and withdrawals within the Asset Forfeiture Fund. He discovered that forfeiture does not statistically help police solve more cases.¹⁷ He also found using the National Survey on Drug Use and Health, a survey conducted by the U.S. Department of Health and Human Services to gauge drug usage in the United States, that more Equitable Sharing does not translate into less drug usage. The latter half of his study investigated the budgets of individual police departments and concluded that fiscal stress, calculated by using unemployment rate and personal income statistics, led to more forfeiture activity. Even though his study was published in 2019, the data used only covers 2000-2017 at the latest. In 2019, the Fund was totaling \$6,762 million dollars' worth of assets, around \$200 million more than in 2017.¹⁸ Significant legislative change has not occurred since so it is safe to assume that more money will exaggerate problems that the Fund, and asset forfeiture, creates. In addition to being more recent, my study also focuses on broader trends and include other types of crime which may lead to more significant understand of the problem rather than just focusing on drug usage and cases closed.

¹⁷ Brian D. Kelly, Ph.D, "Fighting Crime or Raising Revenue: Testing Opposing Views of Forfeiture", Jun 2019, <https://ij.org/wp-content/uploads/2019/06/Fighting-Crime-or-Raising-Revenue.pdf>.

¹⁸ Office of Inspector General, U.S. Department of Justice, (2019). *Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2019*. Retrieved from <https://oig.justice.gov/reports/2019/a20014.pdf#page=1>.

Brian D. Kelly and Maureen Kole conducted a similar study in 2015 which studied if asset forfeiture had any significant impact on clearance rates and if they differ from a normal operating budget. They used similar data sources as Kelly's later study, however they broadened their study to include types of indexed crimes in the UCR. They organized the data into three different sections: arrests for codes 01–09 crimes (serious crime), arrests for code 18 (drug crime), and all other arrests (see Figure 1).¹⁹ They concluded that arrests that were coded 01-09 rarely led to forfeiture which suggests that police may spend more time pursuing drug related cases. However, more time spent on drug cases translated into more clearance rates because these cases are usually easier to complete. This led the researchers to a pair of null hypotheses: “H1: Forfeiture receipts do not affect the clearance rate, H2: Forfeiture's effects upon the clearance rate do not differ significantly from those of normal operating budgets.”²⁰ This

01A Murder and non-negligent manslaughter	PART I CRIMES: Violent: 01A, 02, 03, 04 Property: 05, 06, 07, 09	
02 Forcible rape		
03 Robbery		
04 Aggravated assault		
05 Burglary—breaking or entering		
06 Larceny—theft (not motor vehicles)		
07 Motor vehicle theft		
09 Arson		
01B Manslaughter by negligence		
08 Other assaults		
10 Forgery and counterfeiting	DRUG CRIMES	
11 Fraud		
12 Embezzlement		
13 Stolen property—buy, receive, poses		
14 Vandalism		
15 Weapons—carry, possess, etc.		
16 Prostitution and commercialized vice		
17 Sex offenses (not rape or prostitution)		
18 Total drug abuse violations		
180 Sale/manufacture (subtotal)		
185 Possession (subtotal)		
18A Sale/mfg—opium, coke, and their derivatives		
18B Sale/mfg—marijuana		
18C Sale/mfg—truly addicting synthetic narcotics		
18D Sale/mfg—other dangerous non-narc drugs		
18E Possession—opium, coke, and their derivatives		
18F Possession—marijuana		
18G Possession—truly addicting synthetic narcotics		
18H Possession—other dangerous non-narc drugs		
19 Gambling (total)		
19A Bookmaking (horse and sports)		
19B Number and lottery		
19C All other gambling		
20 Offenses against family and children		
21 Driving under the influence		
22 Liquor laws		
23 Drunkenness		
24 Disorderly conduct		
25 Vagrancy		
26 All other non-traffic offenses		
27 Suspicion		
28 Curfew and loitering violations		
29 Runaways		
998 (M) Not applicable		

Notes: The UCR Offenses Known (“Return A”) report number of offenses for each of the eight Part 1 crimes as well as codes 01B and 08. The UCR Arrests by Age, Sex, and Race report arrest data for all crime codes. Codes other than Part 1 are referred to as Part II.

Figure 1- Types of UCR Data

study showed that asset forfeiture does not significantly impact clearance rate, however they fail to investigate case type specific trends. My study will be using Part 1, 01 through 09, crimes and arrests reported to the UCR through contributing agencies.

¹⁹ Kelly, Brian D., and Maureen Kole. "The effects of asset forfeiture on policing: a panel approach." *Economic Inquiry* 54.1 (2016): 558-575

²⁰ Ibid.

Another variable I included to include in my study is the types of laws individual states have that effect the availability of forfeited assets. The Institute of Justice conducted a study in 2010 that looked at the percentage of assets that are distributed to law enforcement for every state in the United States and created a chart to represent that data (see Appendix V).²¹ Additionally, they compared the standard of proof for every state (see Appendix III). There exists a spectrum of proof that must be presented to the court for the court or jury to agree with your accusation or statement. Just like any law, civil asset forfeiture has different standard of proof depending on the state. The spectrum goes from easiest to prove “Prima Facie” (Probable Cause), the government has a reasonable belief that someone has committed a crime, to hardest to prove which is “Beyond a Reasonable Doubt”, like convictions on criminal charges, which requires considerable evidence. It makes sense that states who require “Beyond a Reasonable Doubt” for civil asset forfeiture will have much less than states who simply require “Probable Cause”. They also indicated their findings on a chart (Table 2).²² I used their findings in my own study so that I can compare states with different percentages of money available to law enforcement but also to those who have a different standard of proof required in court to obtain a civil asset forfeiture conviction. It is important to note that all federal asset forfeiture is following a criminal conviction. So, a majority of asset forfeiture proceeds come from state and local departments and not the federal government. This could be an interesting focus in future research to calculate the differences between the amount of state and local forfeiture compared to federal.

In 2019, St. Louis Public Radio in collaboration with the Pulitzer Center on Crisis Reporting conducted an investigative report on civil asset forfeiture. Asset Forfeiture does not only

²¹ “Part I: Policing for Profit”, Institute for Justice, Mar 2010, <https://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/>.

²² Ibid.

effect law enforcement, but the money also has the potential to go somewhere else. States like Missouri, Indiana, Maine, Maryland, North Carolina, South Dakota, Ohio, and Vermont have laws put in place that require forfeited funds to go towards public school. However, this only applies to funds within the state system and does not apply to funds funneled through the equitable sharing program. This could also be an interesting data point within my research to determine if law enforcement agencies received more Equitable Sharing than those who can acquire forfeiture funds on their own. They also found that over eighteen interagency drug task forces seize property in Missouri, but do not publicize their actions or their names and try to remain hidden. In Missouri, they looked specifically at St. Charles and Phelps county who seized about \$1 million a year, mostly cash, in highway stops but fail to file criminal charges and no other drugs are seized.²³ Asset forfeiture has a clear impact on the way policing is being conducted. The real question is whether this effect is for the better of society or not.

The politics on this issue not what you would expect and in light of the recent Black Lives Matter movement calling for an end to police overreach and the disparaging treatment of minorities across the country. It would be understandable to expect Democrats to be critical of anything that has the possibility of targeting minorities and the poor, however many Democrats support asset forfeiture siding with prosecutors and police.²⁴ Given Republicans were supportive of law enforcement throughout the protests, it is surprising to see that asset forfeiture is where the line in the sand is drawn. For example, S.B. 1556 in Arizona was written in 2020 to tighten asset forfeiture laws in the state and requires criminal conviction as burden of proof in forfeiture proceedings. It

²³ William H. Freivogel, “No Drugs, No Crime and Just Pennies for School: How Police Use Civil Asset Forfeiture”, Feb 18, 2019, <https://pulitzercenter.org/reporting/no-drugs-no-crime-and-just-pennies-school-how-police-use-civil-asset-forfeiture>.

²⁴ Shackford, Scott. “Why Did Arizona Democrats Kill a Bill Protecting Citizens From Police Overreach?” Reason.com, Reason, 22 May 2020, <https://reason.com/2020/05/22/why-did-arizona-democrats-kill-a-bill-protecting-citizens-from-police-overreach/>.

passed the state Senate unanimously but could not reach the require threshold to become law because of a lack of bipartisan votes. Rep. Kirsten Engel (D–Tucson) stated her reasoning behind the blocked bill was because she wants to ensure that counties have the money they need during the pandemic and Diego Rodriguez (D–Phoenix) stated that money from asset forfeiture also goes toward public defenders.²⁵ This is a much larger issue and deserves further research. Due to the size and scope of this study, I could not go in depth. However, I still want to make the reader aware.

Hypothesis

Before I dive into how I structured this study and what I found, I want to lay out all the facts. As you have read there has been a fair amount of research into asset forfeiture. Brian D. Kelly has dedicated a large amount of research towards this topic and found in his multiple studies that asset forfeiture does not increased cases solved by law enforcement or lower drug usage. He also found that there is a direct correlation between fiscal stress of law enforcement agencies and forfeiture activity. Maureen Kole, along with Kelly, discovered that asset forfeiture of any kind does not affect clearance rate overall. In addition, they find drug cases are solved quicker and more often than Part I crimes even though Part I crimes are more serious and detrimental to society. St. Louis Public Radio and Pulitzer Center on Crisis Reporting found that drug task forces in Missouri were hiding over 1 million dollars of seized cash because those involved were never charged with criminal charges thus never put released for public knowledge. My study builds on those that came before it, specifically looking at money coming from the Equitable Sharing fund given to the states. Based on previous research, I hypothesis that the money given to states will not have a significant impact on crime.

²⁵ Ibid.

Design and Data

This study used a cross-sectional analysis to study the effectiveness of money coming from the Equitable Sharing program and its effect on crime. A national cross-sectional analysis allowed me to study every state in the United States from 2015-2019 since this is the only data available on the Department of Justice website. I had to control for other variables that are known to cause crime such as population, unemployment, number of police officers, gross national product, and illicit drug use. In this study, my independent variable was the money provided back to state and local law enforcement through the Equitable Sharing program while my dependent variable will be the amount of Part 1 crimes reported per state in the Uniform Crime Report. This is all an effort to deduce if Equitable Sharing payments given to states has any statistical effect on crime.

Due to the manpower available and time constraints, I focused this study on the state level data and not specifically by state or local departments. With this being the case, I had to focus on trends over time within states. For all the data being discussed in this research report, I personally downloaded data that was collected by a third-party and used it within my own research. All data used has been collected by either a federal agency or someone working for a federal agency thus can be trusted. Specifically referring to the type of data and their sources, I began by downloading the Equitable Sharing data which can be found on the Asset Forfeiture Fund's website²⁶. The Civil Asset Forfeiture Reform Act of 2000 and 28 USC 524 (c) requires that reports be provided to Congress and made available to the public at the end of each fiscal year. The summaries reflect Asset Forfeiture Program annual statistics including Assets Forfeiture Fund (AFF) expenditures and deposits, as well as Official Use and Equitable Sharing activity. Through their annual reports to Congress, I downloaded the amount of money the Equitable Sharing program handed out to

²⁶ Reports to Congress can be found at <https://www.justice.gov/afp/reports-0>.

states from 2015-2019. I choose 2015-2019 because those years are the only data available on the Department of Justice's website when this study was being conducted. I excluded from my research US territories such as Guam, Virgin Islands, Mariana Islands, and Puerto Rico because asset forfeiture laws and regulations are very obscure, and they receive a negligible amount of money from the Asset Forfeiture Fund. I also collected net deposits that states put into the Fund for 2015-2019 which can also be found within the annual reports to Congress. Unlike previous research on the Fund, I could not access the CATS system which requires government approval and can only use data which is publicly available.

For crime statistics, I downloaded crime statistics from the Uniform Crime Report.²⁷ Because the UCR collects large amounts of data on all sorts of crime, I wanted this research to have a narrower view of crime. The UCR collects two types of data: Part 1 and Part 2 data. According to the UCR, "Each month, participating law enforcement agencies submit information on the number of Part I offenses that become known to them; those offenses cleared by arrest or exceptional means; and the age, sex, and race of persons arrested for each of the offenses. Contributors provide only arrest data for Part II offenses."²⁸ Part I crimes include: Criminal Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft, Arson. The "crime" variable within the study is Part I data because it is personally collected by the FBI which makes the data more trustworthy. However, I also collected Part II data, specifically number and type of arrests, which are collected by state and local law enforcement agencies and reported to the FBI to provide peripheral state points. I also downloaded data pertaining to the number of police officers in every state ranging from 2015-2019 from the UCR as well. Due to

²⁷ UCR data can be found at <https://ucr.fbi.gov/crime-in-the-u.s>.

²⁸ Federal Bureau of Investigation, (2012, June 29). *Offense definitions*. Retrieved February 13, 2021, from <https://ucr.fbi.gov/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/offense-definitions>

the format in which the FBI publishes the UCR data, I had to manually re-format the data so that I could combine it with the data from other sources. First, I downloaded the data from the UCR website found at <https://ucr.fbi.gov/crime-in-the-u.s>. I compiled this data on multiple spreadsheets which was uploaded into Tableau Public 2020.4. The data was stripped of its original formatting in Tableau and forced into generic formatting which made the data uniform. I copied the data back into excel and combined it with the other pieces of data.

To account for outside circumstances that may affect the study, I have collected covariance data. I had to think about what other factors incite crime or are correlated to crime and included them in the study to ensure my independent variable and dependent variable show causation and not just correlation. I collected population estimates from United States Census Bureau to account for population size and diversity in each state for 2015-2019. To account unemployment rates, I downloaded data collected by the United States Bureau of Labor Statistics. The United States Department of Commerce has personal income and expenditures by country and year as well as gross domestic product data by year which I included in the study. Finally, I downloaded the National Survey on Drug Use and Health, sub state series, from the United States Department of Health and Human Services to account for drug use within the study. Since asset forfeiture was galvanized in the 1970s to be used as a tool in the war on drugs, it is very important to see if there is any major correlation between Equitable Sharing payments and drug use within states.

All the data mentioned was aggregated on multiple Microsoft excel spreadsheets and congregated into one very large master table. The rows of the table represented the states, all US states not including US territories, while the columns contained every other piece of data being analyzed: Equitable Sharing data to the states, deposits from the states into the Fund, population estimates, unemployment statistics, UCR data, gross domestic product, personal income, annual

expenditures, and drug usage. Once all the data was neatly inside the table, I exported the data into SPSS. Once in SPSS, I could manipulate and parse through the data to find correlation and possible causations between all the variables I described above.

Results

Let me briefly describe what I did with the data once the data was imported into SPSS. I shortened the names of variables so the program would not choke on the large names (see Appendix II). I created averages for: From the Fund to States, Net Deposits to the Fund, Population, Unemployment, Real Gross Domestic Product, Personal Income, and Illicit Drug Use. I created rates (per 100,000) for all the data to ensure an even distribution. SPSS allows for various kinds of data analysis but the two I used for this study was correlate (bivariate) and regression (automatic linear) modeling. The correlate command in SPSS creates a correlation matrix of the variables which indicates if two variables are correlated.

To begin my analysis, I started with a correlation test between all relevant variables. A Pearson correlation indicates if two quantitative variables are linearly related; correlation of -1 indicates a linear descending relation, a correlation of 0 indicates no relation, and a 1 indicates a positive ascending linear relation. I conducted a Pearson correlation test against: From the Fund to States (Equitable Sharing Payments), Net Deposits to the Fund, % of Forfeiture that goes to LE in the State, Population Estimate Based of 2010 Data, Unemployment Rate, Real Gross Domestic Product (GDP) (Millions of chained 2012 dollars), Personal income (Millions of dollars), Illicit Drug Usage (NSDUH), Violent Crime Rate, Property Crime Rate, Arrests Total all classes, Arrests Violent crime, Arrests Property crime. To reiterate, my data exists in the years between 2015 and 2019 along with average and rate data that I have created. The test illustrated there is a direct correlation between money coming out of the Fund and money going into the Fund for all the years

including the average year. It makes sense that the more money put into the Fund by the States is correlated with the money doled out to the States. It also comes to no surprise that From the Fund to States and Net Deposits to the Fund are both correlated to population statistics. A densely populated state will have more asset forfeiture occurring than a less populated one. Real Gross Domestic Product is correlated with all three going along the same logical reasoning. The Part 1 data is correlated with one another same goes for arrest data.

It is not the obvious correlations that are of note, but the correlations that do not present themselves which are the true test of this study. Within the correlation matrix, the money given to the states (Equitable Sharing Payments) has no statistical significance with Violent Crime Rate or Property Crime (Part 1 UCR Data) rate in any year. There is no direct correlation between Equitable Sharing Payments and Part 1 data which lends credence to my original hypothesis which stated that Equitable Sharing payments will have little to no effect on crime.

		From the Fund to States 2015	Net Deposits to the Fund FY15	Population Estimate Based of 2010 Data	(GDP) (Millions of chained 2012 dollars)	Arrests 2015 Total all classes	Arrests 2015 Violent crime	Arrests 2015 Property crime
From the Fund to States 2015	Pearson Correlation	1	.964**	.680**	.748**	.504**	.534**	.516**
	Sig. (2-tailed)		.000	.000	.000	.000	.000	.000
	N	50	50	50	50	50	50	50
Net Deposits to the Fund FY15	Pearson Correlation	.964**	1	.563**	.624**	.385**	.369**	.428**
	Sig. (2-tailed)	.000		.000	.000	.006	.008	.002
	N	50	50	50	50	50	50	50
2015 Population Estimate Based of 2010 Data	Pearson Correlation	.680**	.563**	1	.984**	.938**	.876**	.928**
	Sig. (2-tailed)	.000	.000		.000	.000	.000	.000
	N	50	50	50	50	50	50	50
Real Gross Domestic Product 2015 (GDP) (Millions of chained 2012 dollars)	Pearson Correlation	.748**	.624**	.984**	1	.894**	.870**	.875**
	Sig. (2-tailed)	.000	.000	.000		.000	.000	.000
	N	50	50	50	50	50	50	50
Arrests 2015 Total all classes	Pearson Correlation	.504**	.385**	.938**	.894**	1	.920**	.978**
	Sig. (2-tailed)	.000	.006	.000	.000		.000	.000
	N	50	50	50	50	50	50	50
Arrests 2015 Violent crime	Pearson Correlation	.534**	.369**	.876**	.870**	.920**	1	.842**
	Sig. (2-tailed)	.000	.008	.000	.000	.000		.000
	N	50	50	50	50	50	50	50
Arrests 2015 Property crime	Pearson Correlation	.516**	.428**	.928**	.875**	.978**	.842**	1
	Sig. (2-tailed)	.000	.002	.000	.000	.000	.000	
	N	50	50	50	50	50	50	50

** Correlation is significant at the 0.01 level (2-tailed).

Figure 2- Pearson Correlations for 2015.

When looking specifically 2015 and 2016, all the arrest data have a small positive correlation with Equitable Sharing Payments, Population, and Real Gross Domestic Product. A correlation with Population and Real Gross Domestic Product is no surprise, however a correlation with the Equitable Sharing Payments is quite interesting. The money going to the states has a positive correlation to the arrest data collected by the FBI in both years, but money going into the Fund from the states is only slightly positively correlated to arrest data in 2015 meaning this correlation is only temporary(see Figures 4 and 5). It may be the more money given to law enforcement increased their arrest number of arrests for that year thus increasing the amount of asset forfeiture deposited into the Fund, but why does this correlation not translate for other years? A possible explanation is asset forfeiture revenue can vary from year to year depending on the amount and size of seizures. For example, in 2017 \$4 billion in funds was funneled into the Fund in connection with the Bernard L. Madoff Investment Securities LLC (BLMIS) fraud scheme. Those funds were later siphoned back to law enforcement and victims as compensation.²⁹

Moving on from correlations, I ran a singular linear regression between Equitable Sharing Payments and both Part 1 crime data –Violent Crime and Property Crime – for 2015 through 2019. When running a linear regression through SPSS, it provides: Descriptive Statistics, Correlations, Variables Entered/Removed, Model Summary, ANOVA, and Coefficients. I extracted the relevant data from the linear regression tests and included them into the two tables below.

²⁹ “Department of Justice Compensates Victims of Bernard Madoff Fraud Scheme With Funds Recovered Through Asset Forfeiture.” The United States Department of Justice, 13 Apr. 2018, www.justice.gov/opa/pr/departments-justice-compensates-victims-bernard-madoff-fraud-scheme-funds-recovered-through.

Year	F	Regression Sig	R Square	Adjusted R Square	B	Std. Error	t	Sig.
2015	0.297	0.589	0.006	-0.015	4.468E-07	0.000	0.545	0.589
2016	0.077	0.783	0.002	-0.019	4.784E-07	0.000	0.277	0.783
2017	0.076	0.784	0.002	-0.019	6.351E-07	0.000	0.276	0.784
2018	0.028	0.867	0.001	-0.020	-3.129E-07	0.000	-0.169	0.867
2019	0.096	0.758	0.002	-0.019	9.009E-07	0.000	0.310	0.758
AVG	0.115	0.756	0.002	-0.018	0.000	0.000	0.248	0.756

Table 1- Violent Crime

Year	F	Regression Sig	R Square	Adjusted R Square	B	Std. Error	t	Sig.
2015	1.041	0.313	0.021	0.001	-3.585E-06	0.000	-1.021	0.313
2016	0.465	0.499	0.010	-0.011	-4.788E-06	0.000	-0.682	0.499
2017	0.732	0.396	0.015	-0.005	-8.080E-06	0.000	-0.856	0.396
2018	1.290	0.262	0.026	0.006	-7.909E-06	0.000	-1.136	0.262
2019	0.249	0.62	0.005	-0.016	-5.380E-06	0.000	-0.499	0.620
AVG	0.755	0.418	0.015	-0.005	0.000	0.000	-0.839	0.418

Table 2- Property Crime

To begin the linear regression analysis, I want to point out the F and P-value, or regression sig in the table. F and P-values are used either reject or accept the null hypothesis. In this study the null hypothesis is that Equitable Sharing Payments will have no effect on crime. The P-values are all the way on the right of the table under Sig. In simpler terms is asks the question, “Does the independent variable (Equitable Sharing Payments) reliably predict the dependent variable (Violent and Property Crime)?” If the p-value is below .05, then the null hypothesis is rejected, and you can conclude that “yes” the independent can accurately predict the dependent variable. If the p-value is above .05, you would accept the null hypothesis say that the independent variable has no statical significance on the dependent variable. The tables illustrate the p-value in both tables is far above .05 thus concluding that in the singular linear regression test there is no statical significant between the two. However, it is important to point out that the p-value is almost twice as significant in Property crime than Violent crime. Property crimes result in far more asset

forfeiture than violent crimes so it makes sense that property crime would be more significant even though it is still technically not significant overall.

The R-Square is the proportion of variance in the dependent variable which can be predicted from the independent variables. As you can see, the R Square in violent crime and property crime is not enough to be statistically significant. Same as the p-value, property crime has a little more statistical significance with Equitable Sharing payments. Equitable Sharing payments can predict on average 1.5% of property while Equitable Sharing payments can only predict .24% of violent crime.

What is very important in this first regression is there are so many omitted variables that the omitted variable bias would indicate a too high of the effect on crime and Equitable Sharing payments. To get a more accurate view of the relationship, other variables are added in to bring down the omitted variable bias.

Format for Equations:

Dependent Variable = Independent Variable (data depicted in Tables) + Covariance Data

Equation 1:

VioRatePart1 = Equitable Sharing Payment Rates (main independent) + Population + Unemployment Rate + GDP Rate + Income Rate + Illicit Drug Use Rate + % of Proceeds from Asset Forfeiture to Law Enforcement

Violent Crime with POP									
Year	F	Regression Sig	R Square	Adjusted R Square	B	Std. Error	t	Sig.	
2015	0.339	0.931	0.055	-0.107	-3.722E-05	0.000	-0.258	0.798	
2016	0.711	0.663	0.106	-0.043	-6.660E-05	0.000	-1.141	0.260	
2017	1.109	0.376	0.156	0.015	-9.177E-05	0.000	-1.301	0.200	
2018	1.330	0.26	0.181	0.045	-4.392E-05	0.000	-1.329	0.191	
2019	1.316	0.271	0.155	0.037	0.000	0.000	-0.889	0.379	
AVG	0.961	0.500	0.131	-0.010	0.000	0.000	-0.984	0.366	

Table 3- Equation 1

Even with the covariance data included, the p-values illustrate there is little to no statistical significance between Equitable Sharing Payments and Violent crime. However, the average R Squared 13.1% which is much higher than in the singular linear regression which was .2%. This is most likely due to the addition of covariance data which are usual indicators of crime. The t-value and sig (two tailed p-value) numbers indicate the even less statistical significance because the p-values are more than .05 and the t-value being more than 1.05. Another thing to point out is the low value of the B correlations. B Correlation coefficients are used to measure the strength of the linear relationship between two variables. In this instance a 1 unit change in Equitable Sharing payments results in a unit change represented by the B correlation in crime. As you can see in the table, the B correlation is near zero indicating any change in Equitable Sharing payments does not result in a change in crime.

Equation 2:

PropRatePart1 = Equitable Sharing Payment Rates (main independent) + Population + Unemployment Rate + GDP Rate + Income Rate + Illicit Drug Use Rate + % of Proceeds from Asset Forfeiture to Law Enforcement

Property Crime with POP									
Year	F	Regression Sig	R Square	Adjusted R Square	B	Std. Error	t	Sig.	
2015	1.056	0.409	0.153	0.008	-0.001	0.001	-1.222	0.229	
2016	1.119	0.37	0.157	0.017	0.000	0.000	-1.426	0.161	
2017	1.249	0.299	0.172	0.034	0.000	0.000	-1.486	0.145	
2018	0.874	0.535	0.127	-0.018	0.000	0.000	-1.331	0.190	
2019	1.127	0.363	0.136	0.015	-0.002	0.001	-1.487	0.144	
AVG	1.085	0.395	0.149	0.011	-0.001	0.000	-1.390	0.174	

Table 4- Equation 2

Like before, there is a little more connection between Equitable Sharing Payments and Property Crime however little connection it may be. B correlations are near zero and p-values are far above .05 thus accepting the null hypothesis.

Equation 3:

@Totalallclasses (Part 2 data) = Equitable Sharing Payment Rates (main independent) + Population + Unemployment Rate + GDP Rate + Income Rate + Illicit Drug Use Rate + % of Proceeds from Asset Forfeiture to Law Enforcement

Total-WithPOP									
Year	F	Regression Sig	R Square	Adjusted R Square	B	Std. Error	t	Sig.	
2015	0.989	0.453	0.144	-0.002	-0.002	0.001	-1.698	0.097	
2016	1.022	0.43	0.146	0.003	-0.002	0.002	-0.983	0.331	
2017	2.914	0.014	0.327	0.215	-0.006	0.004	-1.334	0.189	
2018	3.171	0.009	0.346	0.237	-0.002	0.002	-1.387	0.173	
2019	1.502	0.2	0.173	0.058	-0.015	0.019	-0.794	0.431	
AVG	1.920	0.221	0.227	0.102	-0.005	0.006	-1.239	0.244	

Table 5- Equation 3

Like in the two regressions before, there is little to no statistical significance between Equitable Sharing payments and total arrests made. The average regression significance is well above .05 and the average R Squared coefficient is only 22.7%. There seems to be a higher degree of significance with the years 2017 and 2018 with a sharp drop off for the rest of the years. A likely explanation for this is following 2017, many law enforcement organizations are finding different alternatives to arrests such as transportation to treatment centers as well as the decriminalization of drug offenses, such as marijuana. Again, the P-values are far above .05 and the B correlations are near zero.

Equation 4:

@Drugabuseviolations (arrests) = Equitable Sharing Payment Rates (main independent) + Population + Unemployment Rate + GDP Rate + Income Rate + Illicit Drug Use Rate + % of Proceeds from Asset Forfeiture to Law Enforcement

Total-WithPOP									
Year	F	Regression Sig	R Square	Adjusted R Square	B	Std. Error	t	Sig.	
2015	1.841	0.105	0.239	0.109	0.000	0.000	-1.151	0.256	
2016	0.593	0.758	0.090	-0.062	0.000	0.000	-0.843	0.404	
2017	2.196	0.054	0.268	0.146	-0.001	0.001	-1.262	0.214	
2018	2.196	0.054	0.268	0.146	0.000	0.000	-1.215	0.231	
2019	1.192	0.329	0.143	0.023	-0.002	0.003	-0.803	0.426	
AVG	1.604	0.260	0.202	0.072	-0.001	0.001	-1.055	0.306	

Table 6- Equation 4

Since asset forfeiture has historically been used to combat organized crime and a major tool in the war on drugs, it seemed important to focus on drug abuse violations as a dependent variable while the rest remained the same. There seems to be a no direct correlation between the two while 20.2% of Equitable Sharing Payments predict the amount of drug abuse violation arrests. Same as all the other tests, the P-values are above .05 and the B correlations are near zero.

Conclusions

The effectiveness of asset forfeiture at large was not at question in this study. This study was to determine if Equitable Sharing Payments from the Asset Forfeiture Fund has any effect on crime. The answer is no. When comparing the Equitable Sharing Payments to crime, there is little to no statistical significance between the two. The Pearson correlation is too low, and the p-values indicate no connection. Going off the conclusion of the findings, it is evident the millions of dollars being sent back to state and local law enforcement is not being used efficiently. As with everything in life, we want our money to be spent in the most effective way possible. We want to see change, and change is not what we see with Equitable Sharing payments. With some states, all asset forfeiture revenue award in local courts is put towards education or infrastructure. Why should Equitable Sharing payments be any different?

As I mentioned before, the scope of my research is very limited. I only managed to collect and analyze state level data. There is also the problem with only measuring 50 states leaving the possibilities of what is called, “a small n problem.” Only having 50 variables limits the accuracy of many different types of statistical analysis.

For future research on the topic of asset forfeiture and the Asset Forfeiture Fund, there should be more focus on the types of crimes associated with organized crime and drugs such as prostitution, racketeering, etc... I believe it may prove important in determining the effectiveness

of the Equitable Sharing Program. I would also urge those on both sides of political spectrum, preferably those with institutional accreditation, to research this topic to give it the unbiased research it deserves. Further research should be conducted to determine if the states that force all the revenue of asset forfeiture into education are better off than those who do not. Even better would be research to determine where Equitable Sharing payments could go to have the greatest impact on society. Maybe the money could go to fund infrastructure projects, fund new welfare policies, or more.

References

- “Here’s a Brief History of Civil Asset Forfeiture”, Morgan & Morgan, Nov. 22, 2017, <https://www.forthepeople.com/blog/history-behind-civil-asset-forfeiture/>.
- “Part I: Policing for Profit”, Institute for Justice, Mar 2010, <https://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/>.
- Brian D. Kelly, Ph.D, “Fighting Crime or Raising Revenue: Testing Opposing Views of Forfeiture”, Jun 2019, <https://ij.org/wp-content/uploads/2019/06/Fighting-Crime-or-Raising-Revenue.pdf>.
- Brian D. Kelly, Ph.D, “Fighting Crime or Raising Revenue: Testing Opposing Views of Forfeiture”, Jun 2019, <https://ij.org/wp-content/uploads/2019/06/Fighting-Crime-or-Raising-Revenue.pdf>.
- Federal Bureau of Investigation, (2012, June 29). *Offense definitions*. Retrieved February 13, 2021, from <https://ucr.fbi.gov/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/offense-definitions>
- Kelly, Brian D., and Maureen Kole. "The effects of asset forfeiture on policing: a panel approach." *Economic Inquiry* 54.1 (2016): 558-575
- Office of Inspector General, U.S. Department of Justice, (2019). *Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2019*. Retrieved from <https://oig.justice.gov/reports/2019/a20014.pdf#page=1>.
- Office of Inspector General, U.S. Department of Justice, (2019). *Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2019*. Retrieved from <https://oig.justice.gov/reports/2019/a20014.pdf#page=1>.
- Phil Williams, “Are Middle Tennessee Police Profiting Off Drug Trade?”, Jan 17, 2017, <https://www.newschannel5.com/news/newschannel-5-investigates/policing-for-profit/are-middle-tennessee-police-profiting-off-drug-trade>.
- Shackford, Scott. “Why Did Arizona Democrats Kill a Bill Protecting Citizens From Police Overreach?” Reason.com, Reason, 22 May 2020, <https://reason.com/2020/05/22/why-did-arizona-democrats-kill-a-bill-protecting-citizens-from-police-overreach/>.
- U.S. Department of Justice, (2019). *Asset Forfeiture Policy Manual*. Retrieved at <https://www.justice.gov/criminal-afmls/file/839521/download>.
- U.S. Department of Justice, U.S. Department of Treasury, (2018). *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*. Retrieved at <https://www.justice.gov/criminal-afmls/file/794696/download>.

U.S. Department of Justice, U.S. Department of Treasury, (2018). *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*. Retrieved at <https://www.justice.gov/criminal-afmls/file/794696/download>.

United States Department of Justice. “The Fund.” The United States Department of Justice, 28 Feb. 2020, www.justice.gov/afp/fund.


William H. Freivogel, “No Drugs, No Crime and Just Pennies for School: How Police Use Civil Asset Forfeiture”, Feb 18, 2019, <https://pulitzercenter.org/reporting/no-drugs-no-crime-and-just-pennies-school-how-police-use-civil-asset-forfeiture>.

Appendix I

Equitable Sharing Payments and Deposits to the Fund- United States Department of Justice	https://www.justice.gov/afp/reports-0
Population Data- United States Census Bureau	https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html#par_textimage
Unemployment Data- U.S. Bureau of Labor Statistics	https://www.bls.gov/cps/tables.htm
GDP and Income Data- Bureau of Economic Analysis, United States Department of Commerce	https://apps.bea.gov/iTable/iTable.cfm?acrdn=2&reqid=70&step=1
Drug Usage Data- National Survey on Drug Use and Health, Substance Abuse and Mental Health Service Administration	https://www.samhsa.gov/data/
Crime Data- Federal Bureau of Investigation, United States Department of Justice	https://ucr.fbi.gov/crime-in-the-u.s

Appendix II

*Table 2 Standard of Proof in State Forfeiture Laws**



Prima Facie/Probable Cause	Alabama, Alaska, Delaware, Illinois, Massachusetts, Missouri, Montana, Rhode Island, South Carolina, Wyoming
Probable Cause and Preponderance of the Evidence	Georgia, North Dakota, South Dakota, Washington
Preponderance of the Evidence	Arizona, Arkansas, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia
Preponderance of the Evidence and Clear and Convincing	Kentucky, New York, Oregon
Clear and Convincing	Colorado, Connecticut, Florida, Minnesota, Nevada, New Mexico, Ohio, Utah, Vermont
Clear and Convincing and Beyond a Reasonable Doubt	California
Beyond a Reasonable Doubt	Nebraska, North Carolina**, Wisconsin

* Most commonly, in states with two forfeiture standards, the higher one is for the forfeiture of real property.

** State law effectively does not have civil forfeiture.

Percentage of Asset Forfeiture that goes back to Law Enforcement.

Appendix III

Table 1 Proceeds Distributed to Law Enforcement

0%	Indiana, Maine, Maryland, Missouri, North Carolina, North Dakota, Ohio, Vermont
50%	Colorado, Wisconsin
60%	Connecticut, New York
63%	Oregon
65%	California
75%	Nebraska
80%	Louisiana, Mississippi
85%	Florida
90%	Illinois, Minnesota, New Hampshire, Rhode Island, Texas
95%	South Carolina
100%	Alaska, Alabama, Arkansas, Arizona, Delaware, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wyoming

Burden of Proof required for Asset Forfeiture in Every State.

Appendix V

Variable Name	Label
State	
FY15	From the Fund to States 2015
FY16	From the Fund to States 2016
FY17	From the Fund to States 2017
FY18	From the Fund to States 2018
FY19	From the Fund to States 2019
AVG	From the Fund to States Average
Deposit2015	Net Deposits to the Fund FY15
Deposit2016	Net Deposits to the Fund FY16
Deposit2017	Net Deposits to the Fund FY17
Deposit2018	Net Deposits to the Fund FY18
Deposit2019	Net Deposits to the Fund FY19
DepositAVG	Net Deposits to the Fund Average
toLE	% of Forfeiture that goes to LE
BurdenofProof	Burden of Proof
POP2015	2015 Population Estimate Based of 2010 Data
POP2016	2016 Population Estimate Based of 2010 Data
POP2017	2017 Population Estimate Based of 2010 Data
POP2018	2018 Population Estimate Based of 2010 Data
POP2019	2019 Population Estimate Based of 2010 Data
POPAVG	AVG Population Estimate Based of 2010 Data
UNRate2015	Unemployment Rate 2015
UNRate2016	Unemployment Rate 2016
UNRate2017	Unemployment Rate 2017
UNRate2018	Unemployment Rate 2018
UNRate2019	Unemployment Rate 2019
UNRateAVG	Unemployment Rate Average

GDP2015	Real Gross Domestic Product 2015 (GDP) (Millions of chained 2012 dollars)
GDP2016	Real Gross Domestic Product 2016 (GDP) (Millions of chained 2012 dollars)
GDP2017	Real Gross Domestic Product 2017 (GDP) (Millions of chained 2012 dollars)
GDP2018	Real Gross Domestic Product 2018 (GDP) (Millions of chained 2012 dollars)
GDP2019	Real Gross Domestic Product 2019 (GDP) (Millions of chained 2012 dollars)
GDPAVG	Real Gross Domestic Product AVG (GDP) (Millions of chained 2012 dollars)
INCOME2015	Personal income (Millions of dollars)
INCOME2016	Personal income (Millions of dollars)
INCOME2017	Personal income (Millions of dollars)
INCOME2018	Personal income (Millions of dollars)
INCOME2019	Personal income (Millions of dollars)
INCOMEAVG	Personal income (Millions of dollars)
ILLCDRU1516	ILLCDRU15-16
ILLCDRU1617	ILLCDRU16-17
ILLCDRU1718	ILLCDRU17-18
ILLCDRU1819	ILLCDRU18-19
ILLCDRUAVG	
POP15Part1	2015 Population from Part 1 Data
Vio15Part1	2015 Violent crime
Prop15Part1	2015 Property crime
VioRate15Part1	Violent Crime Rate 2015
PropRate15Part1	Property Crime Rate 2015
POP16Part1	2016 Population
Vio16Part1	2016 Violent crime

Prop16Part1	2016 Property crime
VioRate16Part1	Violent Crime Rate 2016
PropRate16Part1	Property Crime Rate 2016
POP17Part1	2017 Population
Vio17Part1	2017 Violent crime
Prop17Part1	2017 Property crime
VioRate17Part1	Violent Crime Rate 2017
PropRate17Part1	Property Crime Rate 2017
POP18Part1	2018 Population
Vio18Part1	2018 Violent crime
Prop18Part1	2018 Property crime
VioRate18Part1	Violent Crime Rate 2018
PropRate18Part1	Property Crime Rate 2018
POP19Part1	2019 Population
Vio19Part1	2019 Violent crime
Prop19Part1	2019 Property crime
VioRate19Part1	Violent Crime Rate 2019
PropRate19Part1	Property Crime Rate 2019
@2015Totalallclasses	Arrests 2015 Total all classes
@2015Violentcrime	Arrests 2015 Violent crime
@2015Propertycrime	Arrests 2015 Property crime
@2015Murderandnonnegligentmanslaughter	Arrests 2015 Murder and nonnegligent manslaughter
@2015Rape	Arrests 2015 Rape
@2015Robbery	Arrests 2015 Robbery
@2015Aggravatedassault	Arrests 2015 Aggravated assault
@2015Burglary	Arrests 2015 Burglary
@2015Larcenytheft	Arrests 2015 Larceny- theft
@2015Motorvehicletheft	Arrests 2015 Motor vehicle theft
@2015Arson	Arrests 2015 Arson
@2015Otherassaults	Arrests 2015 Other assaults

@2015Forgeryandcounterfeiting	Arrests 2015 Forgery and counterfeiting
@2015Fraud	Arrests 2015 Fraud
@2015Embezzlement	Arrests 2015 Embezzlement
@2015Stolenpropertybuyingreceivingpossessing	Arrests 2015 Stolen property; buying, receiving, possessing
@2015Vandalism	Arrests 2015 Vandalism
@2015Weaponscarryingpossessingetc	Arrests 2015 Weapons; carrying, possessing, etc.
@2015Prostitutionandcommercializedvice	Arrests 2015 Prostitution and commercialized vice
@2015Sexoffensesexceptrapeandprostitution	Arrests 2015 Sex offenses (except rape and prostitution)
@2015Drugabuseviolations	Arrests 2015 Drug abuse violations
@2015Gambling	Arrests 2015 Gambling
@2015Offensesagainstthefamilyandchildren	Arrests 2015 Offenses against the family and children
@2015Drivingundertheinfluence	Arrests 2015 Driving under the influence
@2015Liquorlaws	Arrests 2015 Liquor laws
@2015Drunkenness	Arrests 2015 Drunkenness
@2015Disorderlyconduct	Arrests 2015 Disorderly conduct
@2015Vagrancy	Arrests 2015 Vagrancy
@2015Allotheroffensesexcepttraffic	Arrests 2015 All other offenses (except traffic)
@2015Suspicion	Arrests 2015 Suspicion
@2015Curfewandloiteringlawviolations	Arrests 2015 Curfew and loitering law violations
@2016Totalallclasses	Arrests 2016 Total all classes
@2016Violentcrime	Arrests 2016 Violent crime
@2016Propertycrime	Arrests 2016 Property crime
@2016Murderandnonnegligentmanslaughter	Arrests 2016 Murder and nonnegligent manslaughter
@2016Rape	Arrests 2016 Rape3
@2016Robbery	Arrests 2016 Robbery
@2016Aggravatedassault	Arrests 2016 Aggravated assault
@2016Burglary	Arrests 2016 Burglary
@2016Larcenytheft	Arrests 2016 Larceny- theft
@2016Motorvehicletheft	Arrests 2016 Motor vehicle theft

@2016Arson	Arrests 2016 Arson
@2016Otherassaults	Arrests 2016 Other assaults
@2016Forgeryandcounterfeiting	Arrests 2016 Forgery and counterfeiting
@2016Fraud	Arrests 2016 Fraud
@2016Embezzlement	Arrests 2016 Embezzlement
@2016Stolenpropertybuyingreceivingpossessing	Arrests 2016 Stolen property; buying, receiving, possessing
@2016Vandalism	Arrests 2016 Vandalism
@2016Weaponscarryingpossessingetc	Arrests 2016 Weapons; carrying, possessing, etc.
@2016Prostitutionandcommercializedvice	Arrests 2016 Prostitution and commercialized vice
@2016Sexoffensesexceptrapeandprostitution	Arrests 2016 Sex offenses (except rape and prostitution)
@2016Drugabuseviolations	Arrests 2016 Drug abuse violations
@2016Gambling	Arrests 2016 Gambling
@2016Offensesagainstthefamilyandchildren	Arrests 2016 Offenses against the family and children
@2016Drivingundertheinfluence	Arrests 2016 Driving under the influence
@2016Liquorlaws	Arrests 2016 Liquor laws
@2016Drunkenness	Arrests 2016 Drunkenness4
@2016Disorderlyconduct	Arrests 2016 Disorderly conduct
@2016Vagrancy	Arrests 2016 Vagrancy
@2016Allotheroffensesexcepttraffic	Arrests 2016 All other offenses (except traffic)
@2016Suspicion	Arrests 2016 Suspicion
@2016Curfewandloiteringlawviolations	Arrests 2016 Curfew and loitering law violations
@2017Totalallclasses	Arrests 2017 Total all classes
@2017Violentcrime	Arrests 2017 Violent crime
@2017Propertycrime	Arrests 2017 Property crime
@2017Murderandnonnegligentmanslaughter	2017 Murder and nonnegligent manslaughter
@2017Rape	2017 Rape3
@2017Robbery	2017 Robbery
@2017Aggravatedassault	2017 Aggravated assault
@2017Burglary	2017 Burglary

@2017Larcenytheft	2017 Larceny- theft
@2017Motorvehicletheft	2017 Motor vehicle theft
@2017Arson	2017 Arson
@2017Otherassaults	2017 Other assaults
@2017Forgeryandcounterfeiting	2017 Forgery and counterfeiting
@2017Fraud	2017 Fraud
@2017Embezzlement	2017 Embezzlement
@2017Stolenpropertybuyingreceivingpossessing	2017 Stolen property; buying, receiving, possessing
@2017Vandalism	2017 Vandalism
@2017Weaponscarryingpossessingetc	2017 Weapons; carrying, possessing, etc.
@2017Prostitutionandcommercializedvice	2017 Prostitution and commercialized vice
@2017Sexoffensesexceptrapeandprostitution	2017 Sex offenses (except rape and prostitution)
@2017Drugabuseviolations	2017 Drug abuse violations
@2017Gambling	2017 Gambling
@2017Offensesagainstthefamilyandchildren	2017 Offenses against the family and children
@2017Drivingundertheinfluence	2017 Driving under the influence
@2017Liquorlaws	2017 Liquor laws
@2017Drunkenness	2017 Drunkenness4
@2017Disorderlyconduct	2017 Disorderly conduct
@2017Vagrancy	2017 Vagrancy
@2017Allotheroffensesexcepttraffic	2017 All other offenses (except traffic)
@2017Suspicion	2017 Suspicion
@2017Curfewandloiteringlawviolations	2017 Curfew and loitering law violations
@2018Totalallclasses	Arrests 2018 Total all classes
@2018Violentcrime	Arrests 2018 Violent crime
@2018Propertycrime	Arrests 2018 Property crime
@2018Murderandnonnegligentmanslaughter	2018 Murder and nonnegligent manslaughter
@2018Rape	2018 Rape3
@2018Robbery	2018 Robbery

@2018Aggravatedassault	2018 Aggravated assault
@2018Burglary	2018 Burglary
@2018Larcenytheft	2018 Larceny- theft
@2018Motorvehicletheft	2018 Motor vehicle theft
@2018Arson	2018 Arson
@2018Otherassaults	2018 Other assaults
@2018Forgeryandcounterfeiting	2018 Forgery and counterfeiting
@2018Fraud	2018 Fraud
@2018Embezzlement	2018 Embezzlement
@2018Stolenpropertybuyingreceivingpossessing	2018 Stolen property; buying, receiving, possessing
@2018Vandalism	2018 Vandalism
@2018Weaponscarryingpossessingetc	2018 Weapons; carrying, possessing, etc.
@2018Prostitutionandcommercializedvice	2018 Prostitution and commercialized vice
@2018Sexoffensesexceptrapeandprostitution	2018 Sex offenses (except rape and prostitution)
@2018Drugabuseviolations	2018 Drug abuse violations
@2018Gambling	2018 Gambling
@2018Offensesagainstthefamilyandchildren	2018 Offenses against the family and children
@2018Drivingundertheinfluence	2018 Driving under the influence
@2018Liquorlaws	2018 Liquor laws
@2018Drunkenness	2018 Drunkenness4
@2018Disorderlyconduct	2018 Disorderly conduct
@2018Vagrancy	2018 Vagrancy
@2018Allotheroffensesexcepttraffic	2018 All other offenses (except traffic)
@2018Suspicion	2018 Suspicion
@2018Curfewandloiteringlawviolations	2018 Curfew and loitering law violations
@2019Totalallclasses	Arrests 2019 Total all classes
@2019Violentcrime	Arrests 2019 Violent crime
@2019Propertycrime	Arrests 2019 Property crime
@2019Murderandnonnegligentmanslaughter	2019 Murder and nonnegligent manslaughter

@2019Rape	2019 Rape3
@2019Robbery	2019 Robbery
@2019Aggravatedassault	2019 Aggravated assault
@2019Burglary	2019 Burglary
@2019Larcenytheft	2019 Larceny- theft
@2019Motorvehicletheft	2019 Motor vehicle theft
@2019Arson	2019 Arson
@2019Otherassaults	2019 Other assaults
@2019Forgeryandcounterfeiting	2019 Forgery and counterfeiting
@2019Fraud	2019 Fraud
@2019Embezzlement	2019 Embezzlement
@2019Stolenpropertybuyingreceivingpossessing	2019 Stolen property; buying, receiving, possessing
@2019Vandalism	2019 Vandalism
@2019Weaponscarryingpossessingetc	2019 Weapons; carrying, possessing, etc.
@2019Prostitutionandcommercializedvice	2019 Prostitution and commercialized vice
@2019Sexoffensesexceptrapeandprostitution	2019 Sex offenses (except rape and prostitution)
@2019Drugabuseviolations	2019 Drug abuse violations
@2019Gambling	2019 Gambling
@2019Offensesagainstthefamilyandchildren	2019 Offenses against the family and children
@2019Drivingundertheinfluence	2019 Driving under the influence
@2019Liquorlaws	2019 Liquor laws
@2019Drunkenness	2019 Drunkenness4
@2019Disorderlyconduct	2019 Disorderly conduct
@2019Vagrancy	2019 Vagrancy
@2019Allotheroffensesexcepttraffic	2019 All other offenses (except traffic)
@2019Suspicion	2019 Suspicion
@2019Curfewandloiteringlawviolations	2019 Curfew and loitering law violations
@TotalRate2015	Total Arrests rate by 100,000
@TotalRate2016	Total Arrests rate by 100,000

@TotalRate2017	Total Arrests rate by 100,000
@TotalRate2018	Total Arrests rate by 100,000
@TotalRate2019	Total Arrests rate by 100,000
FYRate15	Equitable Sharing Payments Rate by 100,000
FYRate16	Equitable Sharing Payments Rate by 100,000
FYRate17	Equitable Sharing Payments Rate by 100,000
FYRate18	Equitable Sharing Payments Rate by 100,000
FYRate19	Equitable Sharing Payments Rate by 100,000
GDPRate15	GDP Rate by 100,000
GDPRate16	GDP Rate by 100,000
GDPRate18	GDP Rate by 100,000
GDPRate17	GDP Rate by 100,000
GDPRate19	GDP Rate by 100,000
IncomeRate15	Income Rate by 100,000
IncomeRate16	Income Rate by 100,000
IncomeRate17	Income Rate by 100,000
IncomeRate18	Income Rate by 100,000
IncomeRate19	Income Rate by 100,000
DrugAbuseRate15	Drug Abuse Rate by 100,000
DrugAbuseRate16	Drug Abuse Rate by 100,000
DrugAbuseRate17	Drug Abuse Rate by 100,000
DrugAbuseRate18	Drug Abuse Rate by 100,000
DrugAbuseRate19	Drug Abuse Rate by 100,000