

**OFFICE OF ATTORNEY GENERAL
COMMONWEALTH OF PENNSYLVANIA**

**ASSET FORFEITURE
REPORT**

Fiscal Year 2010-2011



**Linda L. Kelly
Attorney General**

**The Attorney General's Annual Report to the
Appropriations and Judiciary Committees of
Assets Received by Forfeiture Under the
Motor Vehicle Chop Shop and
Illegally Obtained and Altered Property Act**

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INTRODUCTION

This annual report is submitted to the Appropriations and Judiciary Committees of the Senate and House of Representatives to provide the Legislature with an accounting of the property forfeited under the provisions of the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, Act No. 1998-110, 18 P.S Section 1.1 et seq. Section 1.7 (j) of the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act provides that the Attorney General shall annually submit a report specifying the forfeited property or proceeds thereof obtained under this Act. The report shall give an accounting of all proceeds derived from the sale of forfeited property and the use made of unsold forfeited property.

The Act provides for the utilization of forfeitures by both the Attorney General and the District Attorneys in the Commonwealth. This report contains information on property forfeited to the Commonwealth collected pursuant to this Act, as reported by both the Office of Attorney General and the District Attorneys. For fiscal year 2010-2011, there were three (3) counties that had information to report on assets received by having forfeitures under the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act. The remaining sixty-four (64) counties reported no activity. The information reported from the counties is a compilation of data provided by them and has not been audited by the Office of Attorney General.

The Report of the Office of Attorney General Summary of Forfeited Cash includes the forfeited property and the proceeds from the sale of forfeited property, not only for assets retained by the Office of Attorney General, but also for those which have been transferred to the Pennsylvania State Police.

DEFINITIONS

USE OF CASH PROCEEDS

Income

Cash Forfeitures. Seized cash forfeited.

Interest. Interest earned in restricted forfeiture accounts.

Other. List all items of other income not previously specified in the above categories. Note you must provide a general description of the source of these funds in the report.

Proceeds Received from Shared Forfeitures. Cash received from a forfeiture processed by another agency (e.g., Office of Attorney General, another County District Attorney, etc.).

Proceeds Received from Sale of Forfeited Property. Cash received when seized property is forfeited and ultimately sold.

Expenses

Community Based Crime Fighting Programs. Forfeited monies provided to community groups and/or programs. Provide a general description of the use of the funds.

Confidential Case Expenditures. Costs associated with confidential cases to include undercover purchases and informant expenses (not confidential costs associated with municipal task forces).

Data Processing Equipment/Supplies. Costs associated with the purchase, rental, repair or service of Data Processing equipment to include computers, printers, software and supplies.

Education/Training. Costs associated with continuing education, either investigative or legal.

Investigative Equipment/Supplies. Costs associated with the purchase, rental, repair or service of investigative equipment to include cellular phones, pagers, weapons, apparel and electronic equipment.

Maintenance of Forfeited Property. Costs associated with the maintenance or sale of forfeited property to include but not limited to liens, storage, advertising, auctions, taxes, utility bills, physical maintenance and lawn care services.

Municipal Task Force Support. Forfeited monies provided to a task force and/or payments to municipal police departments.

Other. List all items of other expenses not previously specified in the above categories. Describe the expense sufficiently to determine its proper use.

Other Equipment/Supplies. Costs associated with the purchase, rental, repair or service of office equipment to include typewriters, filing cabinets, furniture, telephones and supplies.

Real Estate Expenses. Costs associated with maintaining an investigative office which use is proper pursuant to this Act, e.g. rent for task force office.

Salaries. Costs associated with salary expenses for an employee engaged in enforcing the criminal laws of this Commonwealth to include salaries, overtime and benefits (not salary costs satisfied with municipal task force funds).

Shared Forfeitures. Forfeited monies shared with local, state and/or federal governmental agencies, which were derived from a joint investigation.

Vehicles. Costs associated with operating vehicles to include purchase, rental, repairs and automotive supplies.

Witness Relocation and/or Protection Expenses. Costs associated with either relocating or protecting a witness in a criminal case.

**REPORT OF THE OFFICE OF
ATTORNEY GENERAL
SUMMARY OF FORFEITED CASH**

**ASSET FORFEITURE REPORT
FISCAL YEAR 2010-2011**

OAG/PSP

USE OF ALL CASH PROCEEDS			
<u>ITEM</u>	<u>OAG</u>	<u>PSP</u>	<u>TOTAL</u>
STARTING BALANCE - 7/1/10	87,099.87	83,544.06	170,643.93
REVENUE:			
Cash Forfeitures	0.00	0.00	0.00
Sale of Forfeited Property	0.00	0.00	0.00
Restitution	0.00	0.00	0.00
Other (Interest)	242.65	0.00	242.65
TOTAL REVENUE	242.65	0.00	242.65
TOTAL AVAILABLE	87,342.52	83,544.06	170,886.58
EXPENSES:			
Confidential	0.00	0.00	0.00
Task Force Support	0.00	0.00	0.00
Maintenance of Forfeited Property	0.00	0.00	0.00
Salaries	0.00	0.00	0.00
Vehicles	0.00	0.00	0.00
Investigative Equipment/Supplies	0.00	0.00	0.00
EDP Equipment/Supplies	0.00	0.00	0.00
Other Equipment/Supplies	0.00	0.00	0.00
Training	0.00	0.00	0.00
Shared Forfeitures	0.00	0.00	0.00
Drug Law Appropriation Support	0.00	0.00	0.00
TOTAL EXPENSES	0.00	0.00	0.00
ENDING BALANCE - 6/30/11	87,342.52	83,544.06	170,886.58

**REPORTS OF THE COUNTY
DISTRICT ATTORNEYS
SUMMARY OF FORFEITED CASH AND
PROPERTY**

Asset Forfeiture Report
County: CRAWFORD

Fiscal Year: 10-11
Chop Shop

Use Of All Cash Proceeds	
	<u>Amount</u>
Starting Balance	\$18,249.40
INCOME	
Cash Forfeitures	\$0.00
Interest	\$18.45
Other	\$0.00
Proceeds Received from Shared Forfeitures	\$0.00
Sale of Forfeited Property	<u>\$0.00</u>
Total Income	\$18.45
Total Available	\$18,267.85
EXPENSES	
Community Based Drug & Crime Fighting Programs	\$0.00
Confidential Case Expenditures	\$0.00
Data Processing	\$0.00
Equipment/Supplies	\$0.00
Education/Training	\$0.00
Investigative Equipment/Supplies	\$0.00
Maintenance of Forfeited Property	\$0.00
Municipal Task Force Support	\$0.00
Other	\$0.00
Other Equipment/Supplies	\$0.00
Real Estate	\$0.00
Salaries	\$0.00
Shared Forfeitures	\$0.00
Vehicles	\$0.00
Witness Relocation and/or Protection Expenses	<u>\$0.00</u>
Total Expenses	\$0.00
Ending Balance	\$18,267.85

Forfeited Property	
<u>Item</u>	<u>Quantity</u>
Miscellaneous	0
Other Conveyances	0
Real Estate	0
Vehicles	0
Weapons	0

Proceeds From Sale Of Forfeited Property		
<u>Item</u>	<u>Quantity</u>	<u>Amount</u>
Miscellaneous	0	\$0.00
Other Conveyances	0	\$0.00
Real Estate	0	\$0.00
Vehicles	0	\$.00
Weapons	0	<u>\$0.00</u>
Total	0	\$.00

Use Of Unsold Forfeited Property

Asset Forfeiture Report

County: LEHIGH

Fiscal Year: 10-11

Chop Shop

Use Of All Cash Proceeds	
	<u>Amount</u>
Starting Balance	\$29,314.56
INCOME	
Cash Forfeitures	\$0.00
Interest	\$135.76
Other	\$0.00
Proceeds Received from Shared Forfeitures	\$0.00
Sale of Forfeited Property	<u>\$2,605.00</u>
Total Income	\$2,740.76
Total Available	\$32,055.32
EXPENSES	
Community Based Drug & Crime Fighting Programs	\$3,947.87
Confidential Case Expenditures	\$0.00
Data Processing	\$0.00
Equipment/Supplies	\$0.00
Education/Training	\$0.00
Investigative Equipment/Supplies	\$0.00
Maintenance of Forfeited Property	\$0.00
Municipal Task Force Support	\$0.00
Other	\$0.00
Other Equipment/Supplies	\$0.00
Real Estate	\$0.00
Salaries	\$0.00
Shared Forfeitures	\$0.00
Vehicles	\$0.00
Witness Relocation and/or Protection Expenses	<u>\$0.00</u>
Total Expenses	\$3,947.87
Ending Balance	\$28,107.45

Forfeited Property	
<u>Item</u>	<u>Quantity</u>
Miscellaneous	6
Other Conveyances	0
Real Estate	0
Vehicles	2
Weapons	5

Proceeds From Sale Of Forfeited Property		
<u>Item</u>	<u>Quantity</u>	<u>Amount</u>
Miscellaneous	0	\$0.00
Other Conveyances	0	\$0.00
Real Estate	0	\$0.00
Vehicles	1	\$2,605.00
Weapons	0	<u>\$0.00</u>
Total	1	\$2,605.00

Use Of Unsold Forfeited Property
1 YAMAHA MOTORCYCLE
NONE
NONE
NONE
NONE

Asset Forfeiture Report
County: WAYNE

Fiscal Year: 10-11
Chop Shop

Use Of All Cash Proceeds	
	<u>Amount</u>
Starting Balance	\$4,224.77
INCOME	
Cash Forfeitures	\$0.00
Interest	\$6.65
Other	\$3,000.00
Proceeds Received from Shared Forfeitures	\$0.00
Sale of Forfeited Property	<u>\$0.00</u>
Total Income	\$3,006.65
Total Available	\$7,231.42
EXPENSES	
Community Based Drug & Crime Fighting Programs	\$0.00
Confidential Case Expenditures	\$3,920.00
Data Processing	\$0.00
Equipment/Supplies	\$583.95
Education/Training	\$0.00
Investigative Equipment/Supplies	\$0.00
Maintenance of Forfeited Property	\$0.00
Municipal Task Force Support	\$0.00
Other	\$28.00
Other Equipment/Supplies	\$0.00
Real Estate	\$0.00
Salaries	\$0.00
Shared Forfeitures	\$0.00
Vehicles	\$0.00
Witness Relocation and/or Protection Expenses	<u>\$0.00</u>
Total Expenses	\$4,531.95
Ending Balance	\$2,699.47

Forfeited Property	
<u>Item</u>	<u>Quantity</u>
Miscellaneous	0
Other Conveyances	0
Real Estate	0
Vehicles	0
Weapons	0

Proceeds From Sale Of Forfeited Property		
<u>Item</u>	<u>Quantity</u>	<u>Amount</u>
Miscellaneous	0	\$0.00
Other Conveyances	0	\$0.00
Real Estate	0	\$0.00
Vehicles	0	\$.00
Weapons	0	<u>\$0.00</u>
Total	0	\$.00

Use Of Unsold Forfeited Property

**Asset Forfeiture Report
Grand Total**

**Fiscal Year: 10-11
Chop Shop**

Use Of All Cash Proceeds	
	<u>Amount</u>
Starting Balance	\$51,788.73
INCOME	
Cash Forfeitures	\$0.00
Interest	\$160.86
Other	\$3,000.00
Proceeds Received from Shared Forfeitures	\$0.00
Sale of Forfeited Property	<u>\$2,605.00</u>
Total Income	\$5,765.86
Total Available	\$57,554.59
EXPENSES	
Community Based Drug & Crime Fighting Programs	\$3,947.87
Confidential Case Expenditures	\$3,920.00
Data Processing	\$0.00
Equipment/Supplies	\$0.00
Education/Training	\$583.95
Investigative Equipment/Supplies	\$0.00
Maintenance of Forfeited Property	\$0.00
Municipal Task Force Support	\$0.00
Other	\$28.00
Other Equipment/Supplies	\$0.00
Real Estate	\$0.00
Salaries	\$0.00
Shared Forfeitures	\$0.00
Vehicles	\$0.00
Witness Relocation and/or Protection Expenses	<u>\$0.00</u>
Total Expenses	\$8,479.82
Ending Balance	\$49,074.77

Forfeited Property	
<u>Item</u>	<u>Quantity</u>
Miscellaneous	6
Other Conveyances	0
Real Estate	0
Vehicles	2
Weapons	5

Proceeds From Sale Of Forfeited Property		
<u>Item</u>	<u>Quantity</u>	<u>Amount</u>
Miscellaneous	0	\$0.00
Other Conveyances	0	\$0.00
Real Estate	0	\$0.00
Vehicles	1	\$2,605.00
Weapons	0	<u>\$0.00</u>
Total	1	

**MOTOR VEHICLE CHOP SHOP AND
ILLEGALLY OBTAINED AND ALTERED
PROPERTY FORFEITURES
18 P.S. SECTION 1.7**

CHAPTER 1. MOTOR VEHICLE CHOP SHOP AND ILLEGALLY OBTAINED AND ALTERED PROPERTY ACT

§ 1.7. LOSS OF PROPERTY RIGHTS TO COMMONWEALTH

(a) Forfeitures generally.--The following shall be subject to forfeiture to the Commonwealth and no property right shall exist in them:

(1) Any tool, implement or instrumentality, including, but not limited to, a motor vehicle or motor vehicle part, used or possessed in connection with any violation of this act.

(2) All materials, products and equipment of any kind which are used or intended for use in violation of this act.

(3) All books, records, microfilm, tapes and data which are used or intended for use in violation of this act.

(4) All money, negotiable instruments, securities or other things of value used or intended to be used to facilitate any violation of this act and all proceeds traceable to any transactions in violation of this act.

(5) All real property used or intended to be used to facilitate any violation of this act, including structures or other improvements thereon and including any right, title and interest in the whole or any lot or tract of land and any appurtenances or improvements which are used or intended to be used in any manner or part to commit or to facilitate the commission of a violation of this act.

(b) Exceptions.--

(1) No property shall be forfeited under this section, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the knowledge or consent of that owner.

(2) No valid lien or encumbrance on real property shall be subject to forfeiture or impairment under this paragraph. A lien which is fraudulent or intended to avoid forfeiture under this section shall be invalid.

(c) Process and seizure.--Property subject to forfeiture under this act may be seized by the law enforcement authority upon process issued by a court of common pleas having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search warrant or inspection pursuant to 75 Pa. C.S. § 6308 (relating to investigation by police officers) or any other administrative inspection;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the Commonwealth in a criminal injunction or forfeiture proceeding under this act;

(3) there is probable cause to believe that the property is dangerous to health or safety; or

(4) there is probable cause to believe that the property has been used or is intended to be used in violation of this act.

(d) Seizure without process.--In the event seizure without process occurs, as provided in this act, proceedings for the issuance thereof shall be instituted forthwith.

(e) Custody of property.--Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement authority, subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney or the Office of Attorney General. When property is seized under this act, the law enforcement authority shall place the property under seal and either:

(1) remove the property to a place designated by it; or

(2) require that the district attorney or the Office of Attorney General take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(f) Use of property held in custody.--Whenever property is forfeited under this act, the property shall be transferred to the custody of the district attorney if the law enforcement authority seizing the property has local or county jurisdiction or the Office of Attorney General if the law enforcement authority seizing the property has Statewide jurisdiction. The district attorney or the Office of Attorney General, where appropriate, may:

(1) Retain the property for official use.

(2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, but the proceeds from any such sale shall be used to pay all proper expenses of the proceeding for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be dealt with in accordance with subsections (g) and (h).

(g) Use of cash, property or proceeds of property.--Cash or proceeds of forfeited property transferred to the custody of the district attorney pursuant to subsection (f) shall be placed in the operating fund of the county in which the district attorney is elected. The appropriate county authority shall immediately release from the operating fund, without restriction, a like amount for the use of the district attorney in enforcing the criminal laws of this Commonwealth. The entity having budgetary control shall not anticipate future forfeitures or proceeds therefrom in adoption and approval of the budget for the district attorney.

(h) Distribution of property among law enforcement authorities.--If both State and municipal law enforcement authorities were substantially involved in effecting the seizure, the court having jurisdiction over the forfeiture proceedings shall equitably distribute the property between the district attorney and the Office of Attorney General.

(i) Annual audit of forfeited property.--It shall be the responsibility of every county in this Commonwealth to provide, through the controller, board of auditors or other appropriate auditor and the district attorney, an annual audit of all forfeited property and proceeds obtained under this section. The audit shall not be made public but shall be submitted to the Office of Attorney

General. The county shall report all forfeited property and proceeds obtained under this section and the disposition thereof to the Office of Attorney General by September 30 of each year.

(j) Annual report; confidential information regarding property.--The Office of Attorney General shall annually submit a report to the Appropriations and Judiciary Committees of the Senate and to the Appropriations and Judiciary Committees of the House of Representatives, specifying the forfeited property or proceeds thereof obtained under this section. The report shall give an accounting of all proceeds derived from the sale of forfeited property and the use made of unsold forfeited property. The Office of Attorney General shall adopt procedures and guidelines governing the release of information by the district attorney to protect the confidentiality of forfeited property or proceeds used in ongoing enforcement activities.

(k) Proceeds and appropriations.--The proceeds or future proceeds from forfeited property under this act shall be in addition to any appropriation made to the Office of Attorney General.

1998, Nov. 24, P.L. 874, No. 110 § 7, effective in 60 days