

Special Report

Arkansas Legislative Audit

Law Enforcement Agencies' Compliance with Asset Seizure and Forfeiture Requirements Uniform Controlled Substances Act For the Calendar Year Ended December 31, 2015



INTRODUCTION

This report reviews law enforcement agencies' compliance with the asset seizure and forfeiture requirements of the Uniform Controlled Substances Act, Ark. Code Ann. § 5-64-505, for the year ended December 31, 2015. Arkansas Code provides for reporting noncompliant law enforcement entities to the responsible Circuit Court and the Arkansas Alcohol and Drug Abuse Coordinating Council as no longer eligible to receive grants or forfeited assets. The results of the review are provided on **page 2**. A statewide summary of seized items entered into the Asset Seizure Tracking System (ASTS), maintained by the Arkansas Drug Director, for the review period is provided in **Schedule 1 on page 4**.

OBJECTIVES

The objectives of the report are as follows:

- Verify that law enforcement agencies complete and file confiscation reports, in compliance with Arkansas Code.
- Confirm that law enforcement agencies, prosecuting attorneys, and other public entities properly account for seized property, in accordance with Arkansas Code.

SCOPE AND METHODOLOGY

This annual review was conducted for the period January 1, 2015 through December 31, 2015, and encompasses reports from various law enforcement agencies located in south Arkansas, as identified in **Exhibit I on page 2**. For review purposes, the State's 28 judicial districts are divided into four regions, with seven judicial districts in each region. Each region is reviewed at least once every four years. A map of the State's judicial districts is provided in **Exhibit II on page 3**.

To conduct the review, two seizure incidents in each of the region's judicial districts were randomly chosen from ASTS. Auditors traced the seized assets recorded in ASTS to the supporting confiscation report and verified that required procedures had been followed in the disposition of the seized assets. Additionally, one confiscation report was randomly selected from the agency and traced to ASTS to ensure all seized assets had been properly reported. Finally, one seized asset was randomly selected from the agency's evidence room and traced to the entity's confiscated inventory records.

The methodology used in conducting this review was developed uniquely to address the stated objectives; therefore, this review was more limited in scope than an audit performed in accordance with *Government Auditing Standards*.

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BACKGROUND

Ark. Code Ann. § 5-64-505(f) provides that, within 48 hours of an asset seizure, the seizing officer must file with the seizing law enforcement agency an original confiscation report to be maintained in a separate file. Within three business days of receiving the confiscation report, the seizing agency is required to forward a copy of the report to the prosecuting attorney and to the Arkansas Drug Director for entry in ASTS. In turn, the prosecuting attorney has 60 days to file a complaint in Circuit Court listing the seized property. This process is illustrated in **Exhibit III on page 3.**

RESULTS OF REVIEW

All assets selected for testing were accounted for; however, exceptions in recordkeeping were noted at 8 of the 13 agencies reviewed:

- An odometer reading was not included in confiscation reports of seized vehicles, as required by Ark. Code Ann. § 5-64-505(f)(3), by the Tenth Drug Task Force and Thirteenth Drug Task Force, as well as the Police Departments in El Dorado and Nashville.
- The Eighth South Judicial District Office of Prosecuting Attorney did not maintain an inventory of forfeited property, as required by Ark. Code Ann. § 5-64-505(h).

Exhibit I

Uniform Controlled Substances Act Rotation of Judicial Districts for Testing

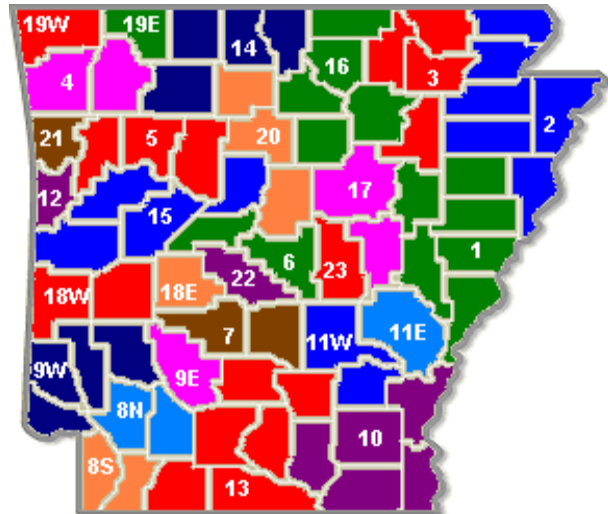
Grouping of Judicial Districts		Agencies Selected for 2015 Testing	
Judicial District	Agency	Judicial District	Agency
Eighth North	Hope Police Department Arkansas State Police	Eighth North	Hope Police Department Arkansas State Police
Eighth South	Texarkana Police Department Arkansas State Police	Eighth South	Texarkana Police Department Arkansas State Police
Ninth East	Group Six Drug Task Force	Ninth East	Group Six Drug Task Force
Ninth West	South Central Drug Task Force Nashville Police Department	Ninth West	South Central Drug Task Force Nashville Police Department
Tenth	Crossett Police Department Tenth Drug Task Force	Tenth	Crossett Police Department Tenth Drug Task Force
Thirteenth	El Dorado Police Department Thirteenth Drug Task Force	Thirteenth	El Dorado Police Department Thirteenth Drug Task Force
Eighteenth West	Mena Police Department Eighteenth Drug Task Force	Eighteenth West	Mena Police Department Eighteenth Drug Task Force

Note: We have divided the State's 28 judicial districts into four regions, with seven judicial districts in each region. As a result, law enforcement agencies within each judicial district may be selected for review once every four years. Results from previous reviews are available on the Arkansas Legislative Audit website at www.arklegaudit.gov.

- Adequate seized property inventory records were not maintained by the Texarkana, Nashville, and Crossett Police Departments, as required by Ark. Code Ann. § 5-64-505(f)(5)(A)(ii).
- The Mena Police Department and the Thirteenth Drug Task Force did not report the seizure of property to the Arkansas Drug Director within three business days, as required by Ark. Code Ann. § 5-64-505(f)(4).
- Separate files of original confiscation reports were not maintained by the Crossett Police Department, as required by Ark. Code Ann. § 5-64-505(f)(2)(C)(ii).

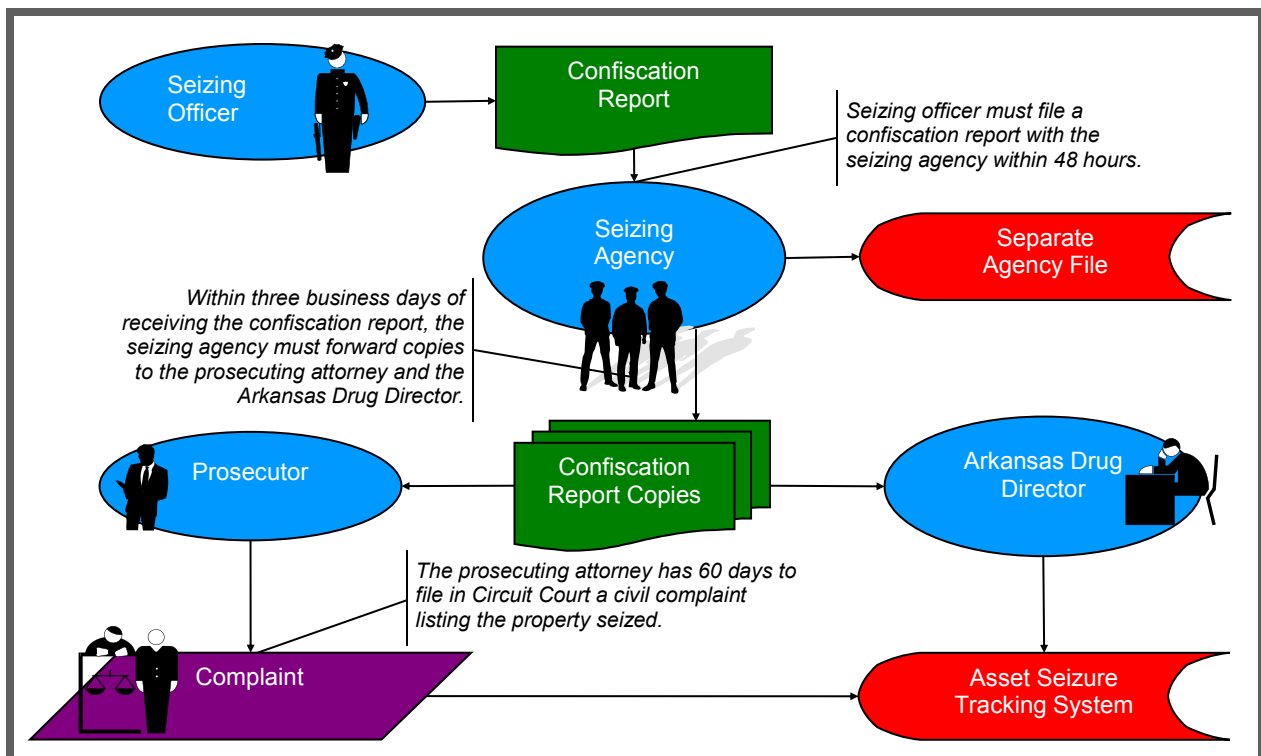
The remaining law enforcement entities were reviewed without exception.

Exhibit II
Arkansas Judicial Districts



Source: Arkansas Judicial Directory

Exhibit III
Seized Asset Forfeiture Process



Source: Ark. Code Ann. § 5-64-505

**Arkansas Drug Director
Asset Seizure Tracking System (ASTS) - Seized Assets
For the State's 28 Judicial Districts
January 1, 2015 through December 31, 2015**

Judicial District	Currency	Automobiles	Weapons	Other* **	Counties
1st	\$ 183,848	28	18	2	Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff
2nd	322,481	19	13	1	Clay, Craighead, Crittenden, Greene, Mississippi, and Poinsett
3rd	133,113	3	10	5	Jackson, Lawrence, Randolph, and Sharp
4th	267,515	7	0	0	Madison and Washington
5th	3,038,094	39	19	5	Franklin, Johnson, and Pope
6th	634,263	18	12	6	Perry and Pulaski
7th	65,756	7	14	0	Grant and Hot Spring
8th North	342,779	7	4	1	Hempstead and Nevada
8th South	172,905	2	0	0	Lafayette and Miller
9th East	11,353	3	1	0	Clark
9th West	56,520	15	35	6	Howard, Little River, Pike, and Sevier
10th	31,536	14	16	7	Ashley, Bradley, Chicot, Desha, and Drew
11th East	22,617	9	2	0	Arkansas
11th West	45,660	11	8	0	Jefferson and Lincoln
12th	242,655	95	12	45	Sebastian
13th	67,517	24	10	4	Calhoun, Cleveland, Columbia, Dallas, Ouachita, and Union
14th	90,258	12	3	3	Baxter, Boone, Marion, and Newton
15th	18,442	21	53	4	Conway, Logan, Scott, and Yell
16th	63,557	16	62	7	Cleburne, Fulton, Independence, Izard, and Stone
17th	47,745	12	44	1	Prairie and White
18th East	75,383	22	2	0	Garland
18th West	26,953	6	34	0	Montgomery and Polk
19th East	6,057	0	0	0	Carroll
19th West	96,803	26	0	4	Benton
20th	72,827	10	29	2	Faulkner, Searcy, and Van Buren
21st	281,641	32	22	12	Crawford
22nd	44,760	5	58	5	Saline
23rd	440,315	23	20	3	Lonoke
Totals	\$ 6,903,353	486	501	123	

*Represents the number of incidents in which these types of items were seized. The Arkansas Drug Director's ASTS Report listing does not provide an actual count of these items.

**Includes, but is not limited to, all-terrain vehicles, campers, trailers, electronics, and jewelry.

\$ 60,704,048 6,220 3,424 10 Year Totals – 2006 through 2015

Source: Arkansas Drug Director (unaudited by the Arkansas Legislative Audit)