

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, 2022



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, 2022. 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 3**. 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**. **Schedule 2 on page 5** provides a five-year average for asset seizures for each judicial district

OBJECTIVES

The objectives of this review were to:

- 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, 2022 through December 31, 2022, and encompassed reports from various law enforcement agencies located across the State, as identified in **Exhibit I on page 2**. A map of the State's judicial districts is provided in **Exhibit II on page 2**.

To conduct the review, two seizure incidents in each judicial district selected were chosen from ASTS. Arkansas Legislative Audit (ALA) staff traced the seized assets recorded in ASTS to the supporting confiscation report and verified required procedures were 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 were properly reported. Finally, one seized asset was randomly selected from the agency's evidence room and traced to the entity's confiscated inventory records.

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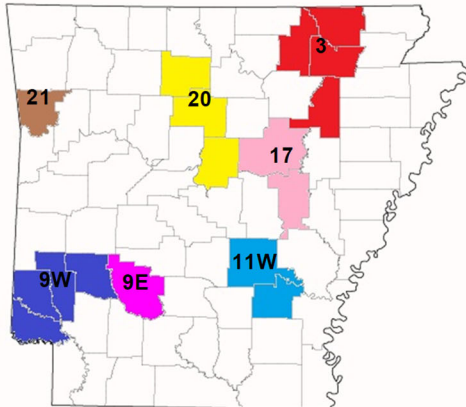
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Report Date: May 19, 2023



Exhibit I

Uniform Controlled Substances Act
Judicial Districts Selected for Testing
Calendar Year 2022

2022 Testing		Districts Selected for Testing
Judicial Districts	Agencies Selected for Testing	
Third	Jackson County Sheriff's Office Newport Police Department	 <p>Note: ALA staff selected 7 of the 28 judicial districts in the State. Two confiscation reports were selected for testing from each district. Results from previous reviews are available on the ALA web site at www.arklegaudit.gov.</p>
Twentieth	20th Drug Task Force Conway Police Department	
Twenty-First	Van Buren Police Department 21st Drug Task Force	
Seventeenth	White County Sheriff's Office Central Drug Task Force	
Ninth West	9th West Drug Task Force Nashville Police Department	
Ninth East	Group 6 Drug Task Force ¹	
Eleventh West	Pine Bluff Police Department White Hall Police Department	

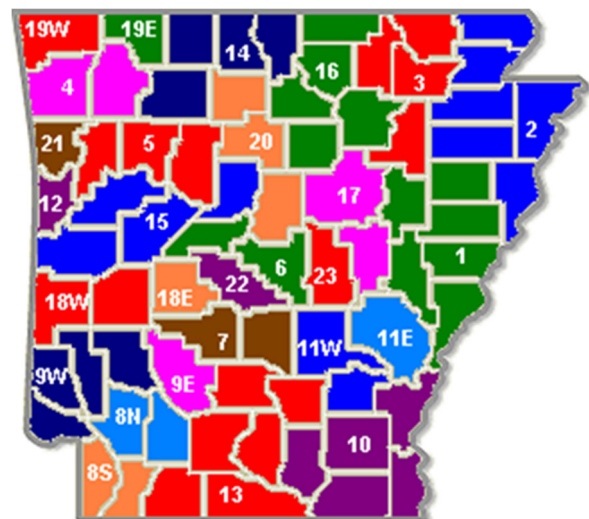
¹Two confiscation reports were selected from the Group 6 Drug Task Force (DTF) due to the DTF being responsible for the majority of the seizures in the district.

Exhibit II

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**.

Arkansas Judicial Districts



Source: Arkansas Judicial Directory

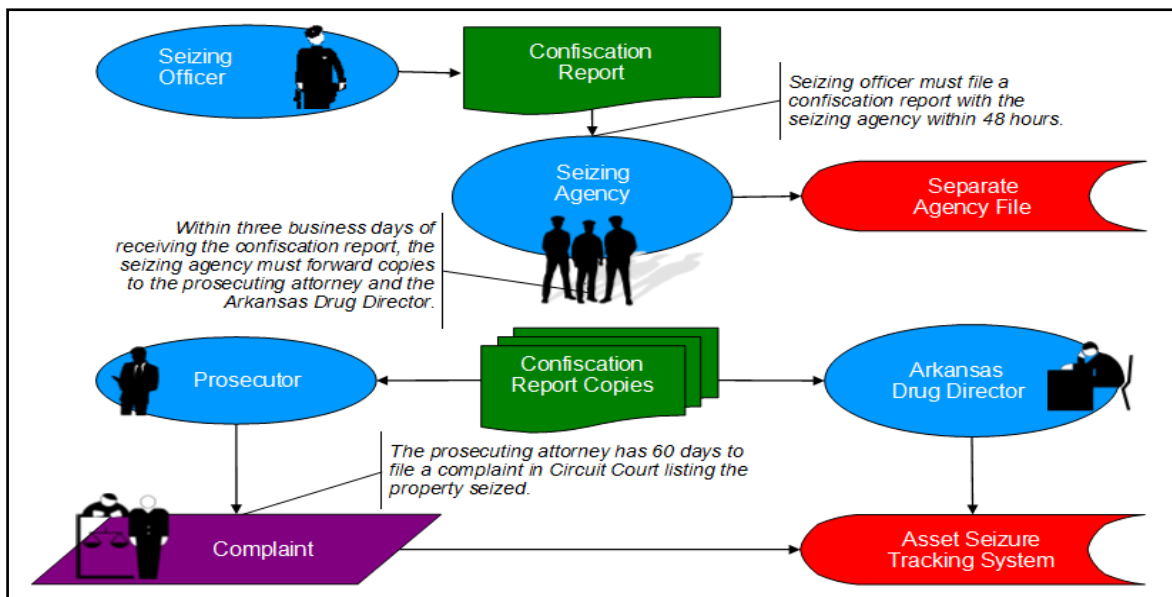
RESULTS OF REVIEW

All material assets selected for testing were accounted for; however, exceptions in recordkeeping were noted at 5 of the 13 agencies reviewed:

- The 9th West, 20th, and 21st Drug Task Forces and the White Hall Police Department did not maintain adequate seized property inventory records, as required by Ark. Code Ann. § 5-64-505(f)(5)(ii).
- The 20th and 21st Drug Task Forces and the White Hall Police Department did not maintain a separate file of original confiscation reports, as required by Ark. Code Ann. § 5-64-505(f)(2)(C)(ii).
- The Group Six and 21st Drug Task Forces did not obtain and maintain a proper transfer of property receipt, as required by Ark. Code Ann. § 5-64-505(e)(3).
- The Group Six Drug Task Force did not forward the confiscation report to the Arkansas Drug Director within three business days, as required by Ark. Code Ann. § 5-64-505(f)(4).
- The Prosecuting Attorney's Office for the 21st Judicial District did not include all seized property from the confiscation report in its initial complaint. As a result, the office is now in possession of seized assets beyond the maximum 120 days that a forfeiture complaint can be filed, as stated in Ark. Code Ann. § 5-64-505(g)(3)(B).

Exhibit III

Seized Asset Forfeiture Process



Source: Ark. Code Ann. § 5-64-505

Schedule 1

Arkansas Drug Director Asset Seizure Tracking System (ASTS) - Seized Assets For the State's 28 Judicial Districts January 1, 2022 through December 31, 2022						
Judicial District	Currency	Automobiles	Firearms	Other* **	Counties	
1st	\$ 70,428	10	3	1	Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff	
2nd	763,160	25	108	4	Clay, Craighead, Crittenden, Greene, Mississippi, and Poinsett	
3rd	58,674	13	6	0	Jackson, Lawrence, Randolph, and Sharp	
4th	109,577	1	2	0	Madison and Washington	
5th	58,645	27	109	0	Franklin, Johnson, and Pope	
6th	426,403	20	7	0	Perry and Pulaski	
7th	401,861	2	3	0	Grant and Hot Spring	
8th North	4,920	0	0	0	Hempstead and Nevada	
8th South	301,098	0	3	1	Lafayette and Miller	
9th East	15,688	1	0	1	Clark	
9th West	42,378	7	26	0	Howard, Little River, Pike, and Sevier	
10th	28,854	6	41	9	Ashley, Bradley, Chicot, Desha, and Drew	
11th East	7,380	10	5	2	Arkansas	
11th West	52,608	9	0	0	Jefferson and Lincoln	
12th	94,332	49	15	6	Sebastian	
13th	122,395	24	48	0	Calhoun, Cleveland, Columbia, Dallas, Ouachita, and Union	
14th	38,050	9	14	0	Baxter, Boone, Marion, and Newton	
15th	190,159	20	114	5	Conway, Logan, Scott, and Yell	
16th	46,035	2	32	0	Clebume, Fulton, Independence, Izzard, and Stone	
17th	246,118	10	39	1	Prairie and White	
18th East	32,786	30	0	0	Garland	
18th West	4,419	1	0	0	Montgomery and Polk	
19th East	4,277	0	0	0	Carroll	
19th West	83,387	14	9	2	Benton	
20th	119,229	9	36	1	Faulkner, Searcy, and Van Buren	
21st	104,675	15	2	4	Crawford	
22nd	154,739	2	1	0	Saline	
23rd	24,443	9	3	2	Lonoke	
Totals	\$ 3,606,718	325	626	39		
*Includes, but is not limited to, all-terrain vehicles, campers, trailers, electronics, jewelry, and real property. **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.						
\$ 60,712,158		4,587	5,161	10 Year Totals (2013 through 2022)		

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

Schedule 2

Asset Seizures						
Five-Year Averages by Judicial District						
January 1, 2018 through December 31, 2022						
Judicial District	Currency	Automobiles	Firearms	Other* **	Average Number of Seizures per 10,000 Citizens	
1st	\$	174,499	12	7	2	4.75
2nd		481,639	18	57	4	5.10
3rd		81,259	12	26	1	4.32
4th		181,074	4	1	0	2.00
5th		254,701	25	48	1	4.62
6th		581,253	20	5	1	3.88
7th		374,167	4	4	0	2.41
8th North		60,451	4	1	1	8.90
8th South		108,305	3	4	1	3.45
9th East		30,240	1	1	0	3.01
9th West		47,380	8	10	1	3.38
10th		58,481	9	33	10	7.60
11th East		14,563	6	4	1	9.08
11th West		90,108	10	6	1	5.55
12th		137,452	51	21	11	8.03
13th		121,830	18	41	1	6.64
14th		73,708	14	43	2	3.67
15th		305,613	21	58	3	11.88
16th		75,348	5	33	2	2.13
17th		316,763	12	58	3	7.25
18th East		83,106	42	0	2	6.03
18th West		21,787	6	13	2	6.88
19th East		9,821	1	6	0	2.16
19th West		179,355	20	16	2	2.15
20th		152,123	10	20	4	3.55
21st		370,530	22	14	4	7.83
22nd		161,317	6	11	1	2.10
23rd		306,243	12	2	1	4.07
*Includes, but is not limited to, all-terrain vehicles, campers, trailers, electronics, jewelry, and real property.						
**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.						

Sources: Arkansas Drug Director (unaudited by Arkansas Legislative Audit) and United States 2020 Census

