First Report to the State of Maryland Under Chapters 619 and 658, 2016: Seizure and Forfeiture

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Introduction

In 2016, Chapters 619 and 658, *Criminal Procedure - Seizure and Forfeiture*, require each seizing authority in consultation with the corresponding forfeiting authority to report information to the Maryland Statistical Analysis Center (Center) with regards to the seizure and forfeiture of property related to violations of Controlled Dangerous Substances law.[1] Chapters 619 and 658 (2016) also require the Center to develop a standard form, a process, and deadlines for electronic data entry for annual submission of forfeiture data by seizing authorities.[2] These Acts took effect on October 1, 2016.

In 2017, an implementation group formed to include law enforcement, legal, and legislative representatives. This group met to review the requirements of the bill, to review the data elements, and to develop a reporting protocol. As a result, an online reporting form (Legislative Reporting Portal) was created for the consistent and unified collection of seizure and forfeiture information. The finalized protocol for reporting was disseminated to all seizing authorities in the state (*as illustrated in **Appendix A***). Since September 1, 2017, all seizing authorities have reported information to the Center as it relates to all seizure and forfeiture incidents.

Pursuant to Chapters 619 and 658 (2016), the Center is required to submit a report to the Governor, the General Assembly, and each seizing authority before September 1st of each year as it relates to the data submitted by each seizing authority (*as illustrated below*):

1. The date that currency, vehicles, houses, or other types of property were seized;
2. The type of property seized, including year, make, and model, as applicable;
3. The outcome of related criminal action, including whether charges were brought, a plea bargain was reached, a conviction was obtained, or an acquittal was issued;
4. Whether a unit of federal government took custody of the seized property, and the name of the unit;
5. For property other than money, the market value of the property seized;
6. If money was seized, the amount of money;
7. The amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement;
8. The race and gender of the person or persons from whom the property was seized, if known; and
9. Whether the property was returned to the owner.

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[1] Maryland General Assembly. (2016). Chapters 619 and 658*, Criminal Procedure - Seizure and Forfeiture*. Retrieved from http://mgaleg.maryland.gov/2016RS/bills/sb/sb0161E.pdf.
[2] Ibid.

Summary

Between September 1 and December 31, 2017, there were a total of 1,556 cases involving the seizure of property with a total of 1,881 property items seized from 1,691 individuals from one of 46 law enforcement agencies (seizing authorities) in Maryland. The most common form of seizure consisted of currency. The majority of individuals who had property seized were Black (85%) or male (92%).

As of March 1, 2018, most of the property seizures remained in a pending status, and 56 resulted in a forfeiture of property. Law enforcement agencies continue to provide property updates in the Legislative Reporting Portal beyond the March 1st deadline but those numbers are not included in this report (see below Recommendations).

The amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement will be tracked separately through individual law enforcement reports submitted to the Department of Justice Asset Forfeiture Programs Equitable Sharing (E-Share) reports. The next report will include information regarding the seizure and forfeiture of property related to violations of Controlled Dangerous Substances laws for the calendar year 2018.

Methodology

Pursuant to Chapters 619 and 658 (2016), the following *DEFINITIONS* are to be used when recording seizure and forfeiture data:

- *Seizing authority* means a law enforcement unit in the State that is authorized to investigate violations of the Controlled Dangerous Substances law and that has seized property under Criminal Procedure Article, § 12-101.
- *Forfeiting Authority* means the unit or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body having jurisdiction over assets subject to forfeiture to act on behalf of the governing body regarding those assets; OR if the seizing authority is a unit of the State, a unit or person that the Attorney General or the Attorney General's designee designates by agreement with a State's Attorney, county attorney, or municipal attorney to act on behalf of the State regarding assets subject to forfeiture by the State.
- *Return* means an agreement to return the property has been finalized or the agency has sent notification in any form (phone, email, letter) to the lienholder or owner that the property is available for return. It does not require that the owner has taken physical possession of the property.

In accordance with Chapters 619 and 658 (2016), all seizing authorities are required to submit data each time a law enforcement agency authorizes the seizure of money or property from a criminal investigation of a Controlled Dangerous Substances law violation. In response to this, an online Legislative Reporting Portal was created in which each seizing authority is responsible for assigning one or more contacts from their agency to enter seizure/forfeiture information into the system. All seizure and forfeiture information must be submitted in the online legislative reporting portal which is due to the Center no later than March 1st of the subsequent year. If necessary, the corresponding forfeiting authority (state, county, or municipal attorney) must collaborate with the seizing authority to compile the required information.

The initial seizing authority must be a Maryland law enforcement agency to be included in the report. Seizures that are authorized initially by a federal agency and transferred to a Maryland law enforcement agency are not required to be reported under this law.

The *First Report to the State of Maryland Under Chapters 619 and 658: Seizure and Forfeiture* present aggregate data on seizures/forfeitures in Maryland that were reported to the Center by law enforcement agencies between September 1, 2017 and December 31, 2017. The original data was extracted and analyzed by the Center. The Center has relied upon the seizing and forfeiting authorities to provide timely, accurate, and complete data as required by the law, and has made no independent review of the records of the seizing and forfeiting authorities to ensure they have complied with the legal requirements.

Required Data Elements

The data elements assigned to the Legislative Reporting Portal, and required of each seizing authority, are illustrated below. One of the required data elements, "the amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement" will be tracked separately through individual law enforcement reports submitted to the Department of Justice Asset Forfeiture Programs Equitable Sharing (E-Share) reports.

Data Information	**Units of Measure**	**Comments**
Agency name	Name of Agency	This is automatically populated based on the agency filling out the entry.
Police report case number	Police case number	Optional
Seizure Date	Date of Seizure	Date is selected from a calendar box menu.
Type of property seized	Currency, motor vehicle, boat/watercraft, aircraft, real property, jewelry, miscellaneous (please specify)	If motor vehicle, watercraft, or aircraft is selected, the agency must provide the corresponding year, make, and model.
Property market value	Market value in $__.__ format	The National Automobile Dealers Association market value was used for any seizures of motor vehicles.
Unit of federal government	Whether a unit of federal government took custody of the property (Yes, No)	If yes, the agency must select Department of Justice or Department of Treasury.
Disposition of property	Buy back agreement - full settlement, full return, returned to innocent owner, returned to lien holder, forfeited, pending	The pending disposition should be used whenever final disposition of the property has not yet been determined. This is the property disposition as of March 1st.
Gender	Male, female	Gender of the individual who had property seized.
Race	American Indian or Alaskan Native, Asian, Black, Hispanic/Latino, Native Hawaiian/Pacific Islander, White, Other	Race of the individual who had property seized.
Arrested	Yes or No	Was the individual who had property seized arrested for an offense
CJIS Code	CJIS code (dropdown menu) for the crime(s) individual was arrested	Check all CJIS codes that apply, full list of Controlled Dangerous Substance (CDS) CJIS codes is found in ***Appendix B***.
Adjudication	State or federal	Jurisdiction where the case was adjudicated
Outcome of criminal action	Guilty, PBJ, not guilty, dismissed, nolle pros, stet, no verdict, abated, pending, other	Only outcomes related to cases that were adjudicated at the state level and those where the property or currency was forfeited. Outcome as of March 1st.

Plea bargain	Yes or no	Did the case result in a plea bargain?

Results

Between September 1 and December 31, 2017, 1,556 cases involved the seizure of currency or property, with a total of 1,881 property items seized from 1,691 individuals.[3] A total of 46 law enforcement agencies (seizing authorities) had at least one Controlled Dangerous Substance (CDS) case in which property was seized from an individual. As of March 1, 2018, 3.0% (n = 56) of the property items were forfeited. **Table 1. Seizures and Forfeitures by Agency** shows the agency breakdown of seizure cases. There were only five cases in which the federal government took control of the seized property.

[3] Fifty-one cases were removed from the analysis because the underlying charge was not a Controlled Dangerous Substance violation.

Table 1. Seizures and Forfeitures by Agency (September 1 - December 31, 2017)				
Agency	**Cases**	**Property Items Seized**	**Persons Involved**	**Total Forfeitures**
Aberdeen Police Department	1	1	1	0
Allegany County Narcotics Task Force (C3I)	16	18	16	7
Allegany County Sheriff's Office	2	2	2	0
Annapolis Police Department	4	5	4	1
Anne Arundel County Police Department	41	51	44	1
Baltimore County Police Department	102	177	113	8
Baltimore Police Department	960	1,070	1,055	0
Berlin Police Department	2	3	2	0
Brunswick Police Department	2	7	2	5
Caroline County Drug Task Force	1	1	1	0
Caroline County Sheriff's Office	1	1	1	1
Carroll County Drug Task Force	8	8	8	0
Cecil County Drug Task Force	20	20	20	1
Cecil County Sheriff's Office	2	2	2	0
Cumberland Police Department	1	2	2	0
Dorchester County Sheriff's Office	2	2	2	0
Easton Police Department	7	7	7	0
Elkton Police Department	8	8	8	0
Frederick Police Department	7	8	8	2
Garrett County Drug Task Force	5	5	5	2
Hagerstown Police Department	2	2	2	0
Harford County Drug Task Force	22	24	26	1
Harford County Sheriff's Office	3	3	4	0
Havre De Grace Police Department	3	20	6	0
Howard County Police Department	27	40	32	0
Hyattsville City Police Department	1	1	1	0
Kent County Narcotics Task Force	2	2	2	1
Kent County Sheriff's Office	8	8	8	1
Maryland National Park Police - Montgomery County	1	1	1	0
Maryland State Police	20	21	21	6
Maryland Transportation Authority	5	6	6	1
Montgomery County Police Department	64	105	65	0
Ocean City Police Department	4	5	4	1
Oxford Police Department	16	18	16	0
Prince George's County Police Department	100	116	106	0
Queen Anne's County Drug Task Force	16	17	16	2
Queen Anne's County Sheriff's Office	3	3	3	1
Somerset County Narcotics Task Force	8	8	8	0
St. Mary's County Sheriff's Office	9	25	9	0
University of Maryland Baltimore Police	1	1	1	0
Washington County Narcotics Task Force	17	21	17	11
Washington County Sheriff's Office	2	5	2	0
Westminster Police Department	2	2	2	0
Wicomico County Drug Task Force	12	12	12	2
Wicomico County Sheriff's Office	11	12	13	0
Worcester County Sheriff's Office	5	5	5	1
Total	**1,556**	**1,881**	**1,691**	**56**

Table 2. Seizures and Forfeitures by County illustrates the seizure incidents for each county. Nearly 82% of all seizures occurred within the five largest jurisdictions in the state: Baltimore City (961), Prince George's County (101), Baltimore County (102), Montgomery County (65), and Anne Arundel County (45).

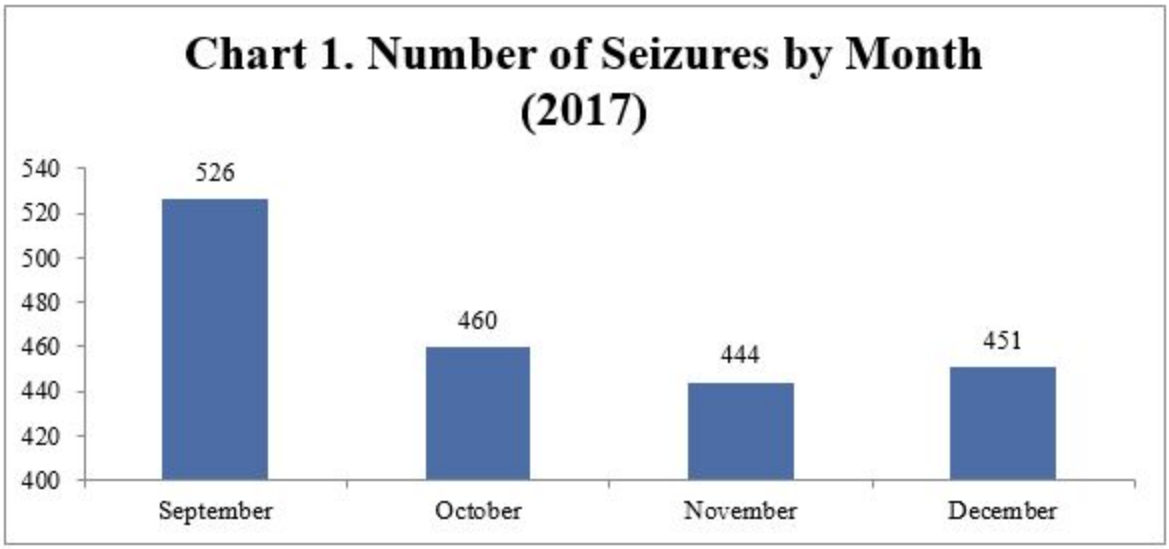
Table 2. Seizures and Forfeitures by County (September 1 - December 31, 2017)				
County	**Cases**	**Property Items Seized**	**Persons Involved**	**Total Forfeitures**
Allegany	19	22	20	7
Anne Arundel	45	56	48	2
Baltimore County	102	177	113	8
Baltimore City	961	1,071	1,056	0
Caroline	2	2	2	1
Carroll	10	10	10	0
Cecil	30	30	30	1
Dorchester	2	2	2	0
Frederick	9	15	10	7
Garrett	5	5	5	2
Harford	29	48	37	1
Howard	27	40	32	0
Kent	10	10	10	2
Montgomery	65	106	66	0
Prince George's	101	117	107	0
Queen Anne's	19	20	19	3
Somerset	8	8	8	0
St. Mary's	9	25	9	0
Talbot	25	27	27	0
Washington	23	25	23	11
Wicomico	21	28	21	2
Worcester	23	24	25	2
Statewide	11	13	11	7
Total	**1,556**	**1,881**	**1,691**	**56**

As illustrated below, **Table 3. Race/Ethnicity of Persons that had Property Seized** identifies the race/ethnicity of persons who had property seized. Based on this illustration, the majority of persons who had property seized by a seizing authority in response to a CDS violation were Black (85.1%), followed by persons who were White (11.2%) and Hispanic (2%). Persons who were American Indian or Alaska Native, Asian, or Other represented less than 1% of all seizures. Information on the race/ethnicity of persons that had property seized was either missing or unable to be correctly classified in five cases. In addition, and based on **Table 4. Gender of Persons that had Property Seized**, over 92% of persons who had property seized were male and less than 8% were female.

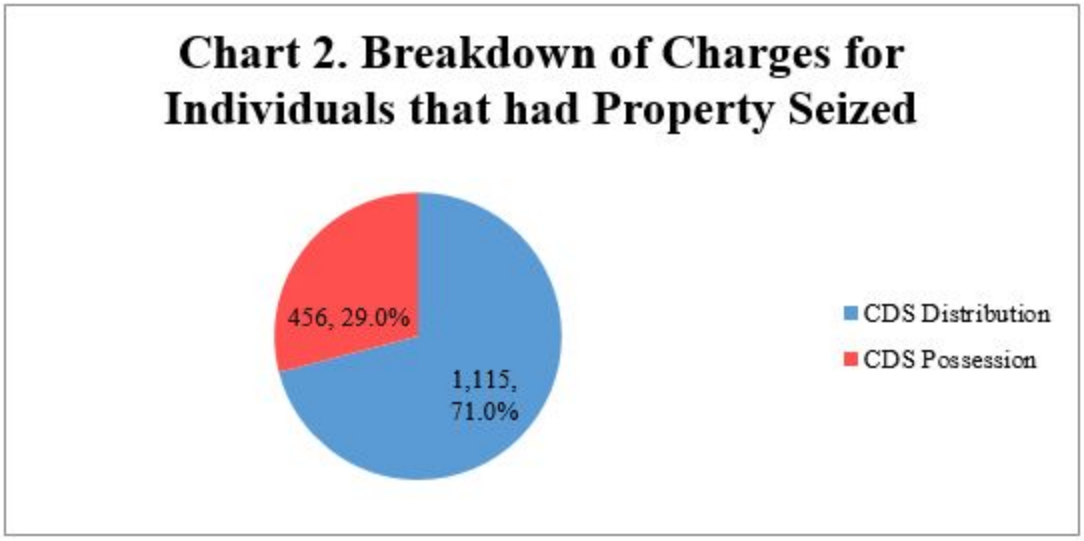
Table 3. Race/Ethnicity of Persons that had Property Seized		
Race	**Frequency**	**Percent**
American Indian or Alaska Native	7	0.4%
Asian	7	0.4%
Black	1,435	85.1%
Hispanic/Latino	34	2.0%
Other	14	0.8%
White	189	11.2%
Total	**1,686**	**100.0%**

Table 4. Gender of Persons that had Property Seized		
Race	**Frequency**	**Percent**
Female	132	7.8%
Male	1,559	92.2%
Total	**1,691**	**100.0%**

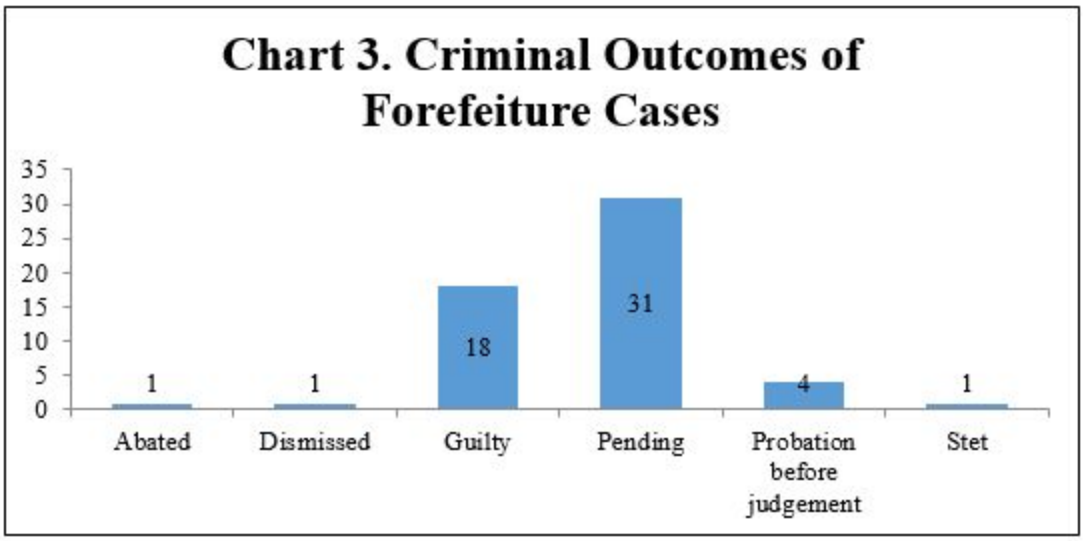
As illustrated in **Chart 1. Number of Seizures by Month**, the number of seizures made per month remained fairly consistent for October through December, while there were 526 in September.



Of the 1,691 individuals who had property seized, 1,571 (92.9%) were charged with a crime. As shown in **Chart 2. Breakdown of Charges for Individuals that had Property Seized**, over 71% of individuals who had property seized were charged with CDS Distribution and the remaining 29% were charged with CDS Possession.



In 2017, the implementation group held several discussions to ensure compliance with Chapters 619 and 658 (2016). During these discussions, the group agreed to focus on obtaining statistics as it relates to the outcomes of criminal cases where property was forfeited. Of those 56 cases, 31 (55.3%) are pending trial, and 18 (32.1%) resulted in a guilty verdict. There were also four cases in which an individual received a probation before judgment (*as illustrated below in* ***Chart 3. Criminal Outcomes of Forfeiture Cases***). Twenty-one cases resulted in a plea bargain including 15 of the 18 cases that ended with a guilty verdict.



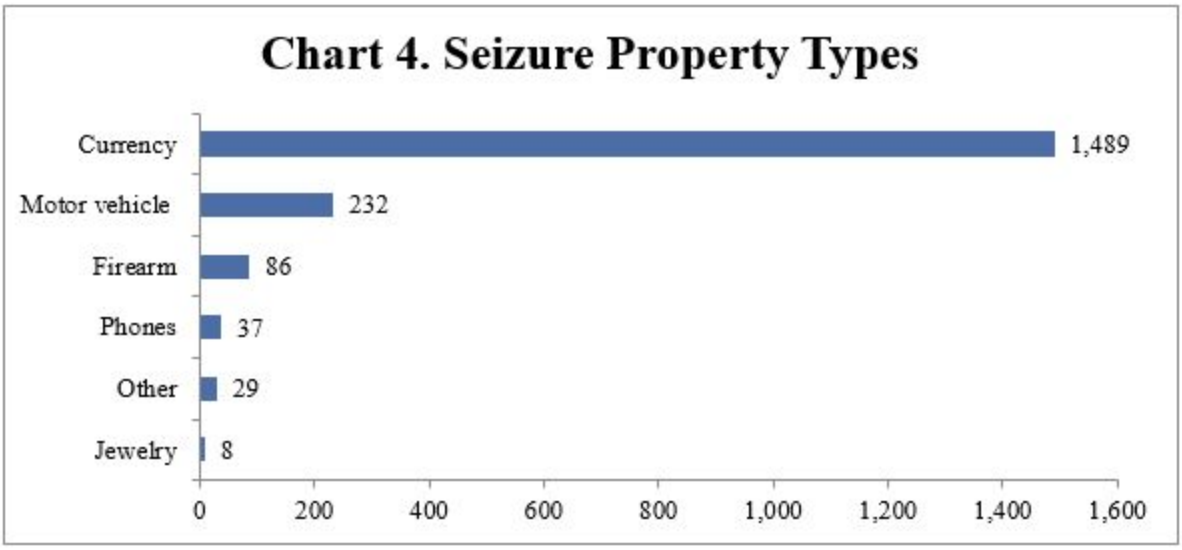
As illustrated on the following pages, a total of 1,881 items were seized by law enforcement agencies between September 1 and December 31, 2017. Various items relating to the use or distribution of CDS such as contraband bongs, bowls, digital scales, and rolling papers were not included in these figures and were excluded from the data.

As identified in **Table 5. Seizure and Forfeiture Values by Agency** and **Table 6. Seizure and Forfeiture Values by County**, nearly $3.18 million in property was seized by law enforcement agencies over the four month period and $245,138 was forfeited.

Table 5. Seizure and Forfeiture Values by Agency (September 1 - December 31, 2017)				
Agency	**Property Items Seized**	**Total Forfeitures**	**Property Seized Value**	**Forfeiture Value**
Aberdeen Police Department	1	0	$741	$0
Allegany County Narcotics Task Force (C3I)	18	7	$47,163	$22,120
Allegany County Sheriff's Office	2	0	$920	$0
Annapolis Police Department	5	1	$6,583	$583
Anne Arundel County Police Department	51	1	$152,081	$23,512
Baltimore County Police Department	177	8	$284,376	$17,632
Baltimore Police Department	1,070	0	$1,186,772	$0
Berlin Police Department	3	0	$11,192	$0
Brunswick Police Department	7	5	$7,090	$2,450
Caroline County Drug Task Force	1	0	$1,019	$0
Caroline County Sheriff's Office	1	1	$3,239	$3,239
Carroll County Drug Task Force	8	0	$10,651	$0
Cecil County Drug Task Force	20	1	$63,037	$860
Cecil County Sheriff's Office	2	0	$2,647	$0
Cumberland Police Department	2	0	$200	$0
Dorchester County Sheriff's Office	2	0	$2,074	$0
Easton Police Department	7	0	$8,012	$0
Elkton Police Department	8	0	$13,278	$0
Frederick Police Department	8	2	$43,188	$3,601
Garrett County Drug Task Force	5	2	$1,525	$655
Hagerstown Police Department	2	0	$2,068	$0
Harford County Drug Task Force	24	1	$49,162	$470
Harford County Sheriff's Office	3	0	$7,887	$0
Havre De Grace Police Department	20	0	$3,668	$0
Howard County Police Department	40	0	$82,968	$0
Hyattsville City Police Department	1	0	$2,500	$0
Kent County Narcotics Task Force	2	1	$1,854	$1,689
Kent County Sheriff's Office	8	1	$5,285	$601
Maryland National Park Police - Montgomery County	1	0	$451	$0
Maryland State Police	21	6	$193,227	$103,810
Maryland Transportation Authority	6	1	$22,784	$2,243
Montgomery County Police Department	105	0	$154,343	$0
Ocean City Police Department	5	1	$5,283	$286
Oxford Police Department	18	0	$29,331	$0
Prince George's County Police Department	116	0	$478,691	$0
Queen Anne's County Drug Task Force	17	2	$47,873	$13,554
Queen Anne's County Sheriff's Office	3	1	$596	$108
Somerset County Narcotics Task Force	8	0	$14,349	$0
St. Mary's County Sheriff's Office	25	0	$25,407	$0
University of Maryland Baltimore Police	1	0	$152	$0
Washington County Narcotics Task Force	21	11	$31,890	$18,993
Washington County Sheriff's Office	5	0	$5,451	$0
Westminster Police Department	2	0	$11,403	$0
Wicomico County Drug Task Force	12	2	$133,886	$28,000
Wicomico County Sheriff's Office	12	0	$17,311	$0
Worcester County Sheriff's Office	5	1	$3,704	$732
Total	**1,881**	**56**	**$3,177,312**	**$245,138**

Table 6. Seizure and Forfeiture Values by County (September 1 - December 31, 2017)				
County	**Property Items Seized**	**Total Forfeitures**	**Property Seized Value**	**Forfeiture Value**
Allegany	22	7	$48,283	$22,120
Anne Arundel	56	2	$158,664	$24,095
Baltimore County	177	8	$284,376	$17,632
Baltimore City	1,071	0	$1,186,924	$0
Caroline	2	1	$4,258	$3,239
Carroll	10	0	$22,054	$0
Cecil	30	1	$78,963	$860
Dorchester	2	0	$2,074	$0
Frederick	15	7	$50,278	$6,051
Garrett	5	2	$1,525	$655
Harford	48	1	$61,458	$470
Howard	40	0	$82,968	$0
Kent	10	2	$7,139	$2,290
Montgomery	106	0	$154,794	$0
Prince George's	117	0	$481,191	$0
Queen Anne's	20	3	$48,469	$13,662
Somerset	8	0	$14,349	$0
St. Mary's	25	0	$25,407	$0
Talbot	27	0	$216,011	$0
Washington	25	11	$37,343	$18,993
Wicomico	28	2	$39,409	$28,000
Worcester	24	2	$151,197	$1,018
Statewide	13	7	$20,179	$106,053
Total	**1,881**	**56**	**$3,177,312**	**$245,138**

As depicted in **Chart 4. Seizure Property Types**, the property type in nearly 80% of all seizures consisted of currency that was used in CDS violations (n=1,489), followed by motor vehicles (12.3%, n = 232), firearms (4.6%, n = 86), cell phones (2.0%, n = 37), other property (1.5%, n = 29), and jewelry (0.4%, n = 8).

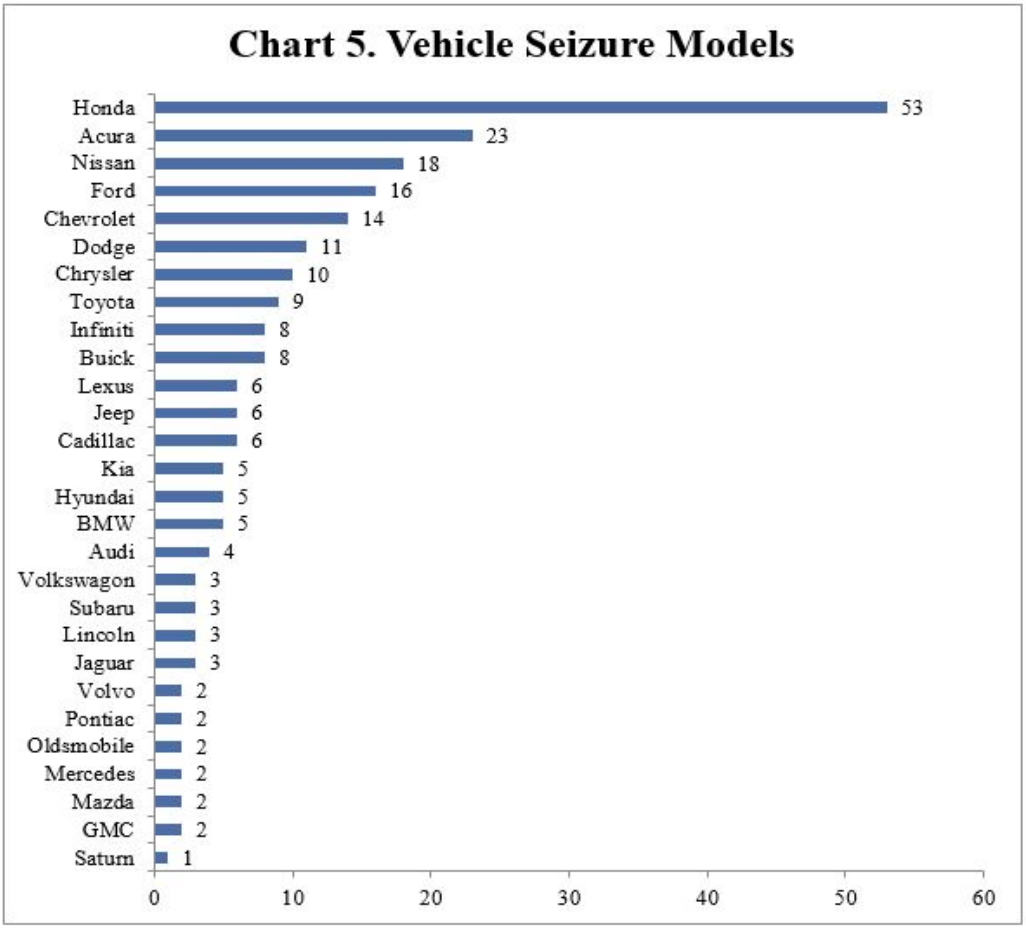


Based on the illustration below, **Table 7. Seizure Values by Property Type** identifies the mean and median seizure amounts in relation to the different property types. The highest median value seized occurred for motor vehicles ($3,025), followed by firearms ($355), phones ($300), currency ($287), jewelry ($100), and other property ($50).

Table 7. Seizure Values by Property Type (September 1 - December 31, 2017)

Agency	Property Items Seized	Property Seized Value	Mean Value Amount	Median Value Amount
Currency	1,489	$1,860,732	$1,250	$287
Motor Vehicles	232	$1,257,043	$5,418	$3,025
Firearms	86	$32,500	$378	$355
Phones	37	$15,650	$423	$300
Other Property	29	$10,387	$358	$50
Jewelry	8	$1,000	$125	$100
Total	**1,881**	**3,177,312**	**$1,689**	**$360**

As illustrated below, **Chart 5. Vehicle Seizure Models** provides a breakdown of the make for all 232 motor vehicles seized by law enforcement agencies, and **Chart 6. Vehicle Seizure Models by Year** captures the frequency of vehicles by their model year.



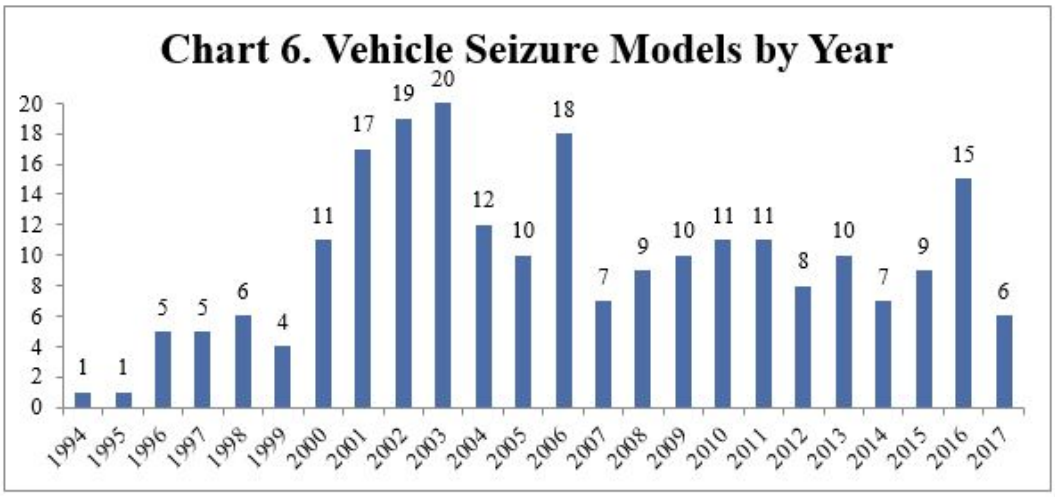


Table 7. Seizure Values by Property Outcome provides the status of all property seizures that occurred over the four month period. As of March 1, 2018, nearly 85% of all property seizures remained in a pending status. Approximately 12% of all property seizures were returned to the individual (n = 221, 11.7%), based on the following outcomes:

- Full return: 146 (7.8%)
- Returned to innocent owner: 66 (3.5%)
- Returned to lienholder: 9 (0.5%)

As previously mentioned, 56 property items were forfeited and not returned to the owner. In addition, a settlement (either full or partial) occurred with eight property items. **Table 7. Seizure Values by Property Outcome** also captures the mean and median seizure amounts by the different property outcome types.

Table 7. Seizure Values by Property Outcome (September 1 - December 31, 2017)

Agency	Property Items Seized	Property Seized Value	Mean Value Amount	Median Value Amount
Pending	1,596	$1,983,776	$1,243	$287
Full return	146	$380,195	$2,604	$1,000
Returned to innocent owner	66	$462,416	$7,006	$3,225
Forfeited	56	$245,138	$4,377	$1,175
Returned to lien holder	9	$96,900	$10,767	$7,000
Buyback agreement - full settlement	5	$7,675	$1,535	$1,475
Partial settlement	3	$1,212	$404	$440
Total	**1,881**	**$3,177,312**	**$1,689**	**$360**

Chart 7. Forfeiture Property Types identifies the property types specifically for property items that were forfeited. Nearly 70% of forfeited property was currency (n = 39). In addition, 10 motor vehicles were forfeited, as well as four firearms and three jewelry items.

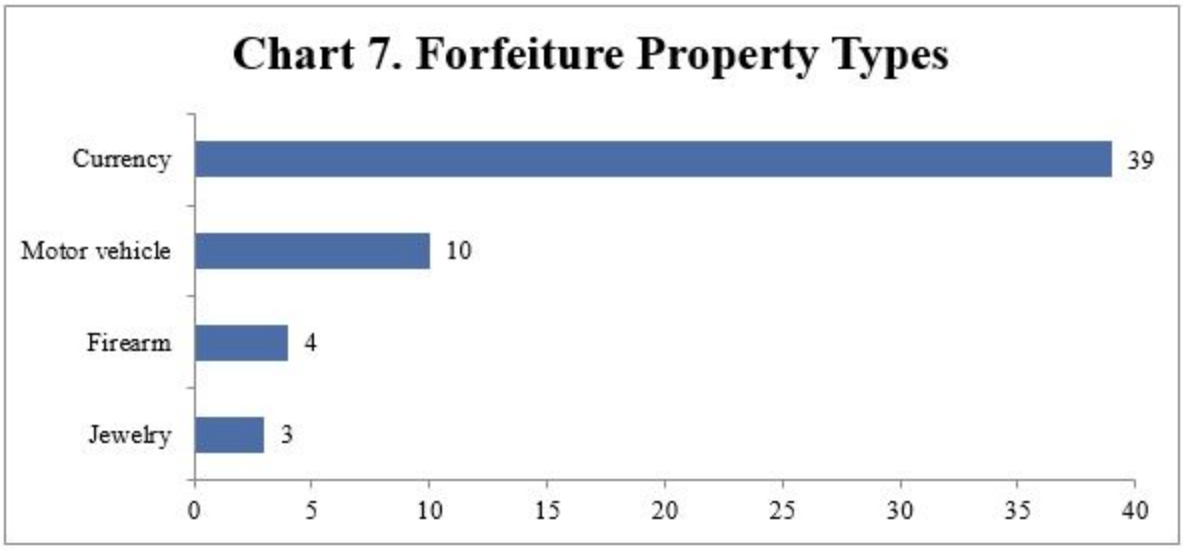


Table 8. Forfeiture Values by Property Type illustrates the mean and median forfeited amounts by the different property types. The highest median value seized occurred for motor vehicles ($4,675), followed by currency ($1,000), firearms ($350), and jewelry ($100).

Table 8. Forfeiture Values by Property Type (September 1 - December 31, 2017)				
Agency	**Property Items Seized**	**Property Seized Value**	**Mean Value Amount**	**Median Value Amount**
Currency	39	$177,838	$4,560	$1,000
Motor Vehicles	10	$65,350	$6,535	$4,675
Firearms	4	$1,450	$363	$350
Jewelry	3	$500	$167	$100
Total	**56**	**$245,138**	**$4,377**	**$1,175**

Recommendations

In preparing this report, our first under Chapters 619 and 658, it became clear that the law could be changed in order to make these reporting requirements more useful to entities involved with forfeitures and policy makers.

The first issue deals with data falling outside the statutorily required date of March 1 that our office uses to prepare the aggregate report. This was exacerbated by the fact that this initial aggregate report is based on individual reports only from the latter four months of 2017, where most cases have not been fully resolved. While next year's report will contain a full year's worth of data, with the expectation that more of the cases from early in the year will be resolved, most of the cases filed later in the year will still be pending. Even though not statutorily required our office is currently considering ways to provide updated information on these cases on our website. The law could be clarified so that seizing authorities and forfeiting authorities are required to update the status of cases that they have reported.

Second, the Center further recommends that the March 1 date by which it is required to post the individual reports and the aggregate report on its web site be changed to September 1 for the following reasons. First, the individual reports are due by March 1. This does not provide time to review the reports, request additional information if needed, and correct obvious errors. For instance, in the current reporting there were 51 reports of forfeitures that were not related to controlled dangerous substances that needed to be removed from the analysis. Posting the individual reports on March 1, which does not provide time to review the reports, is not productive and will be a source of confusion. Secondly, for purposes of consistency, both the individual and aggregate reports should be posted at the same time.

Appendix A

Seizure and Forfeiture Data Definitions and Format Guide – Updated September 2017

A. OBLIGATIONS

This legislation requires each seizing authority in consultation with the corresponding forfeiting authority to report how any funds appropriated to the authority as a result of forfeiture were spent in the preceding fiscal year and additional information regarding each seizure and forfeiture.

Specifically, all seizing authorities must report annually to the Maryland Statistical Analysis Center the following information about each individual seizure and forfeiture:

1. The date that currency, vehicle, house, or other types of property were seized;
2. The type of property seized including the year, make, and model as applicable;
3. The outcome of related criminal action including whether charges were brought, a plea bargain was reached, a conviction was obtained, or an acquittal was issued;
4. Whether a unit of federal government took custody of the seized property and the name of the unit;
5. For property other than money, the market value of the property seized;
6. If money was seized, the amount of money;
7. The amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement;
8. The race and gender of the person or persons from whom the property was seized, if known;
9. Whether the property was returned to the owner.

B. DEFINITIONS

The following *DEFINITIONS* shall be used when recording seizure and forfeiture data;

Seizing authority means a law enforcement unit in the State that is authorized to investigate violations of the Controlled Dangerous Substances law and that has seized property under Criminal Procedure Article 12-101.

Forfeiting Authority means the unit or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body having jurisdiction over assets subject to forfeiture to act on behalf of the governing body regarding those assets OR,

If the seizing authority is a unit of the State, a unit or person that the Attorney General or the Attorney General's designee designates by agreement with a State's Attorney, county attorney, or municipal attorney to act on behalf of the State regarding assets subject to forfeiture by the State.

C. REPORTING REQUIREMENTS

1. All seizing authorities must compile and submit data each time a law enforcement agency authorizes the seizure of money or property from a criminal investigation. All seizure and forfeiture information in the described format (see page 3) is due to the Maryland Statistical Analysis Center no later than March 1 of the subsequent year. This requirement shall take effect September 1, 2017 with the first set of data due by March 1, 2018.

   The corresponding forfeiting authority (State, county, or municipal attorney) **must** collaborate with the seizing authority to compile the required information.

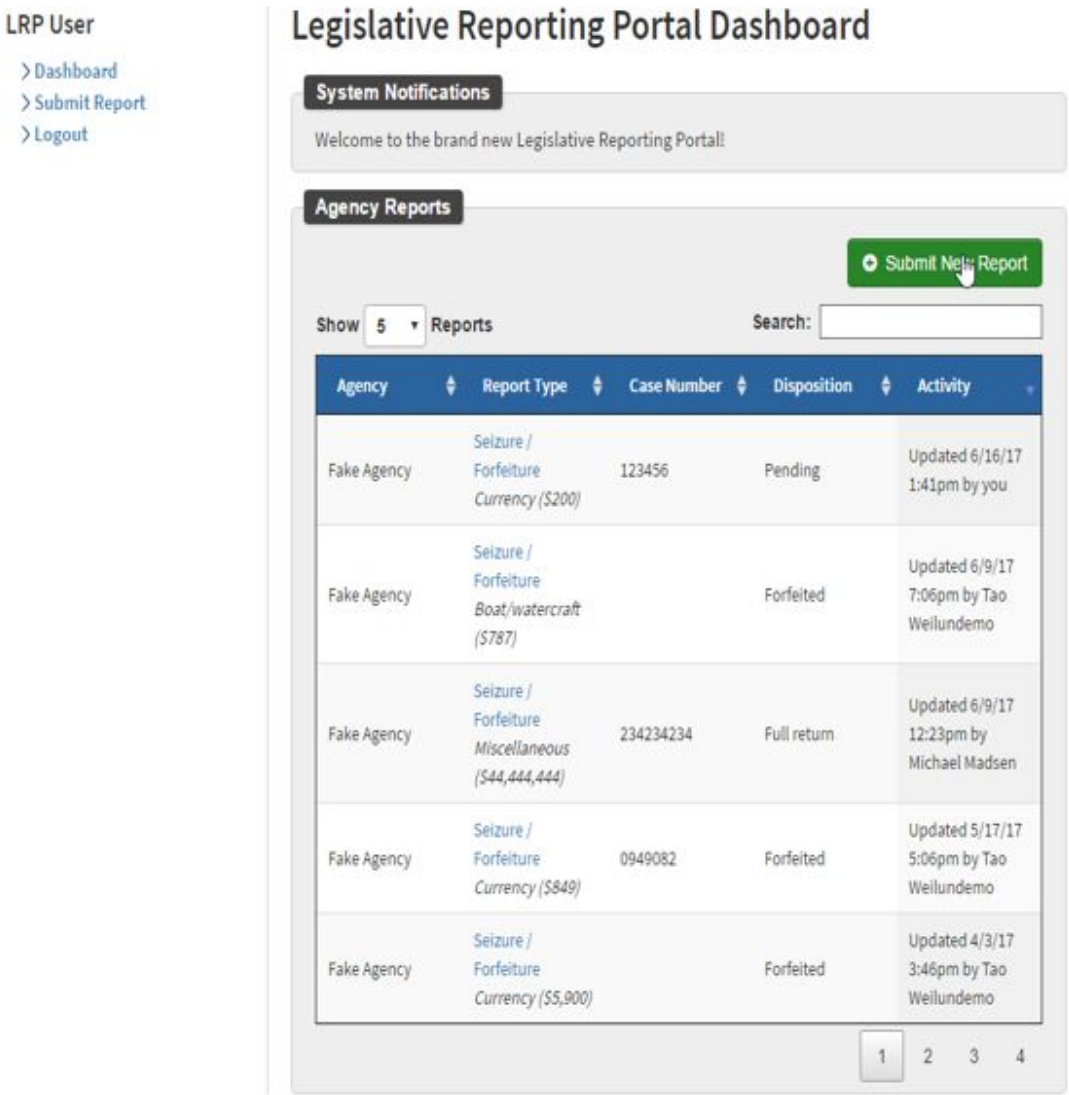
   If any seizing authority or corresponding forfeiting authority fails to report to the Maryland Statistical Analysis Center as required, the Governor's Office of Crime Control & Prevention shall report the noncompliance to the Maryland Police Training Commission for follow-up with the agency. Upon contact, the law enforcement agency must comply within 30 days or the Governor's Office of Crime Control & Prevention and the Maryland Police Training Commission shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

2. The initial seizing authority must be a Maryland law enforcement agency to be included in the report. Seizures that are authorized initially by a federal agency and transferred to a Maryland law enforcement agency are not required to be reported under this law.

SEIZURE/FORFEITURE REPORTING FORMAT GUIDE:

Submitting reports or case entries

All seizures/forfeitures can be entered under the "Submit Report" menu item or by clicking on the green "Submit New Report" button on the dashboard home page. All first time users will be prompted to create a password for this database. All users of the system will be assigned to their respective law enforcement agencies in the system.



Seizure / Forefeiture Reporting

Reporting Agency

Fake Agency
Baltimore County

Police report case number *(optional)*

Property Seized

Property #1

Seizure Date | **Type of Property** | **Property value**

Choose one | $0.00

Did a unit of federal government take custody of the property? ◯ Yes ◯ No

Disposition of property

Choose one

Add another property

Person(s) seized from

Person #1

Gender | **Race and Ethnicity**

Choose one | Select race/ethnicities

Was the person charged?

◯ Yes ◯ No

Add another person

Submit | Submit & Add Another | Reset | Cancel

Description of Fields to be Included:

Reporting Agency

1. Agency Name – you will only be able to add cases corresponding to the agency(s) assigned to you. The agency name will appear at the top of every entry. If you are assigned to multiple agencies, you will be able to select the agency from a dropdown list and then click "continue to report form" to begin entering the information.

2. Police report case number (optional) – Adding a case number may make it easier to track the cases you have completed and also to update those that may still be pending.

Property Seized

3. Seizure Date
   - Date that each item was seized.
   - Select the date from the calendar box.

4. Type of property seized
   - The type of property that was seized in each individual seizure (dropdown menu):
     - Currency
     - Motor vehicle (including ATVs)
       - Year
       - Make
       - Model
     - Boat/Watercraft
       - Year
       - Make
       - Model
     - Aircraft
       - Year

        - Make
        - Model
    - Real property
    - Jewelry
    - Miscellaneous (type in text box)

5. Property market value
    - Includes the market value of the currency or property seized.
    - For motor vehicles, use the National Automobile Dealers Association
    - Enter the dollar amount in the corresponding text box

Property Seized

Property #1

Seizure Date	Type of Property	Property value
06/01/2017	Currency	$100.00

Property Seized

Property #1

Seizure Date	Type of Property	Property value
06/01/2017	Boat/watercraft	$4,000.00

Year	Make	Model

Property Seized

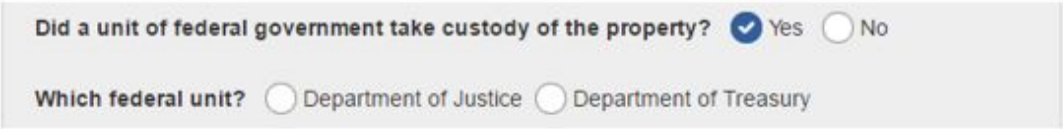
Property #1

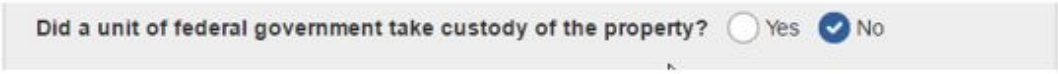
Seizure Date	Type of Property	Property value
06/01/2017	Miscellaneous	$250.00

Property type details

6. Unit of federal government
    - Whether a unit of federal government took custody of the seized property:
        - Yes

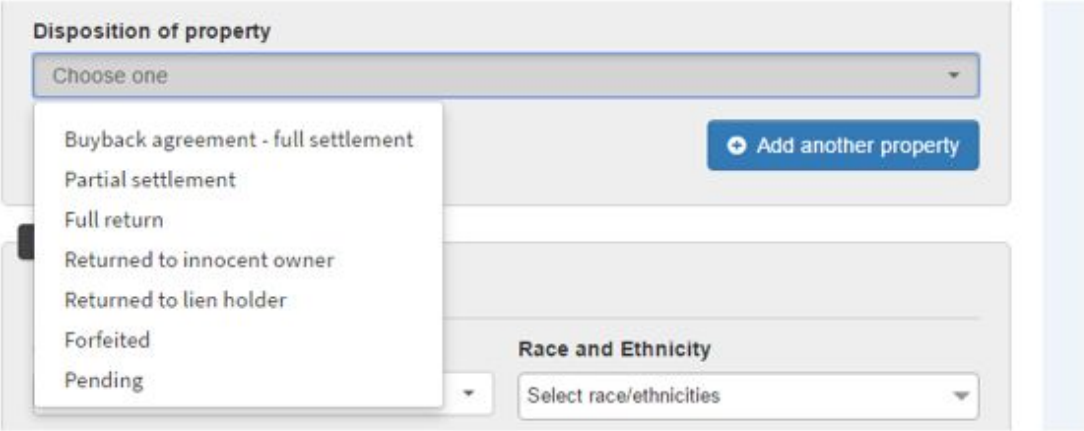
        - Department of Justice
        - Department of Treasury
    - No





7. Disposition of property:
    - Includes whether property was returned to the owner (dropdown menu): "Return" means an agreement to return the property has been finalized or the agency has sent notification in any form (phone, email, letter) to the lienholder or owner that the property is available for return. It does not require that the owner has taken physical possession of the property.
    - This includes the disposition of property as of March 1st of the subsequent year.
        - Buy back agreement – full settlement
        - Partial settlement
        - Full return
        - Returned to innocent owner
        - Returned to lien holder
        - Forfeited
        - Pending

The pending disposition should be used whenever final disposition of the property has not yet been determined, i.e. the property has not been finally forfeited or returned to the owner.



If the case involved more than one type of seizure, click "add another property" and reenter items 3-7 for all additional properties seized for this case. You can also click "remove property" if you entered too many for a particular case.

Property Seized

Property #1

Seizure Date: 06/01/2017

Type of Property: Currency

Property value: $250.00

Did a unit of federal government take custody of the property? Yes No

Which federal unit? Department of Justice Department of Treasury

Disposition of property: Forfeited

Add another property

Property Seized

Property #1

Seizure Date: 06/01/2017

Type of Property: Currency

Property value: $250.00

Did a unit of federal government take custody of the property? Yes No

Which federal unit? Department of Justice Department of Treasury

Disposition of property: Forfeited

Property #2

Seizure Date:

Type of Property: Choose one

Property value: $0.00

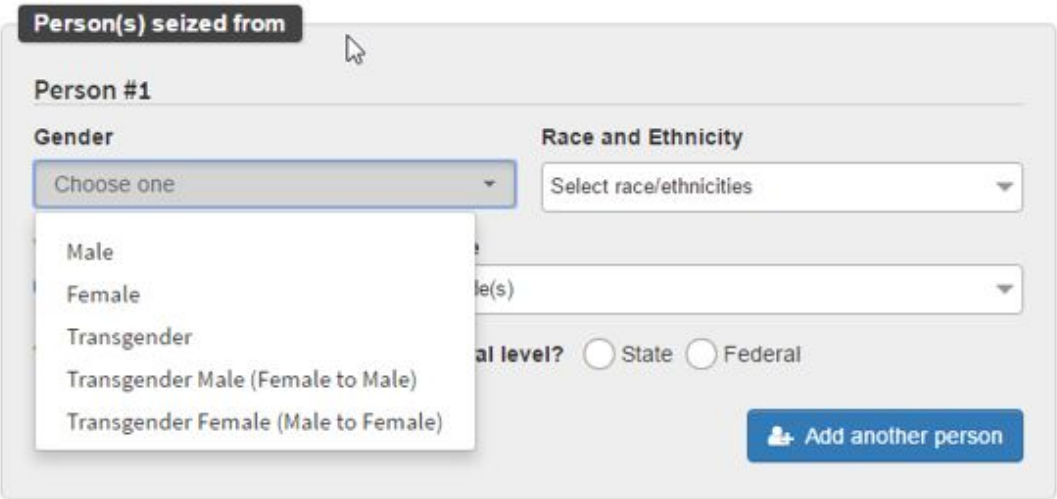
Did a unit of federal government take custody of the property? Yes No

Disposition of property: Choose one

Add another property Remove property

Persons(s) seized from

8. Gender
   - The gender of the person(s) from whom the property was seized (dropdown menu):
     - Male
     - Female
     - Transgender
     - Transgender male (female to male)
     - Transgender female (male to female)



9. Race
   - The race of the person(s) from whom the property was seized (dropdown menu): Click all that apply
     - American Indian or Alaskan Native
     - Asian
     - Black
     - Hispanic/Latino
     - Native Hawaiian/Pacific Islander
     - White
     - Other

Person(s) seized from

Person #1

Gender

Choose one

Race and Ethnicity

Select race/ethnicities

- American Indian or Alaska Native
- Asian
- Black
- Hispanic/Latino
- Native Hawaiian or Pacific Islander
- White
- Other

Was the person charged?

Yes No

CJIS code

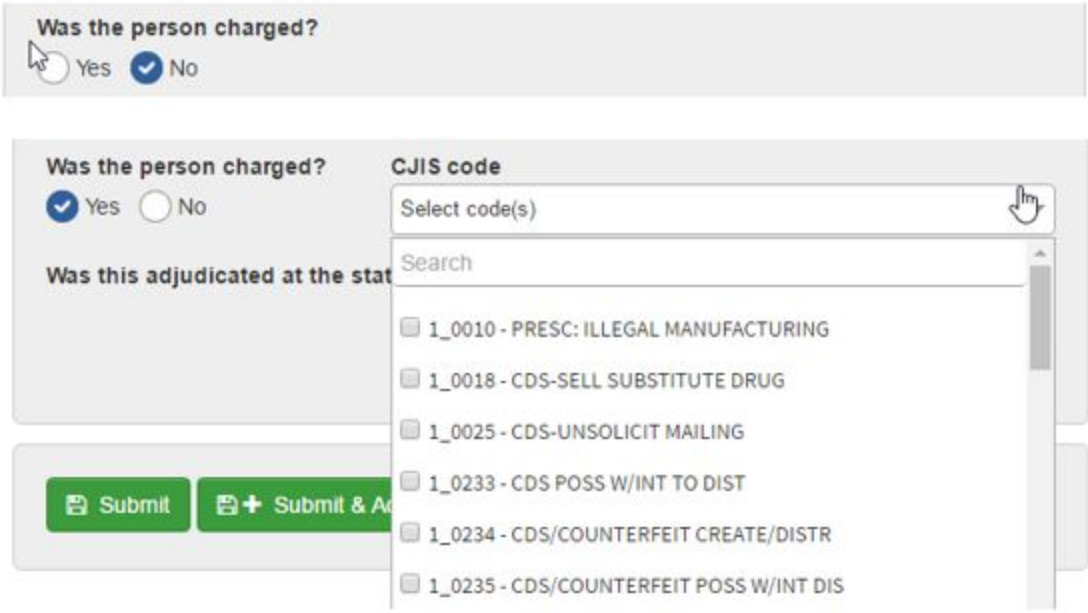
Select code(s)

Was this adjudicated at the state or federal leve

Submit | Submit & Add Another | Reset | Cancel

10. Was the person charged
    - Whether or not the person who had their property seized was arrested for an offense.
        - Yes
        - No

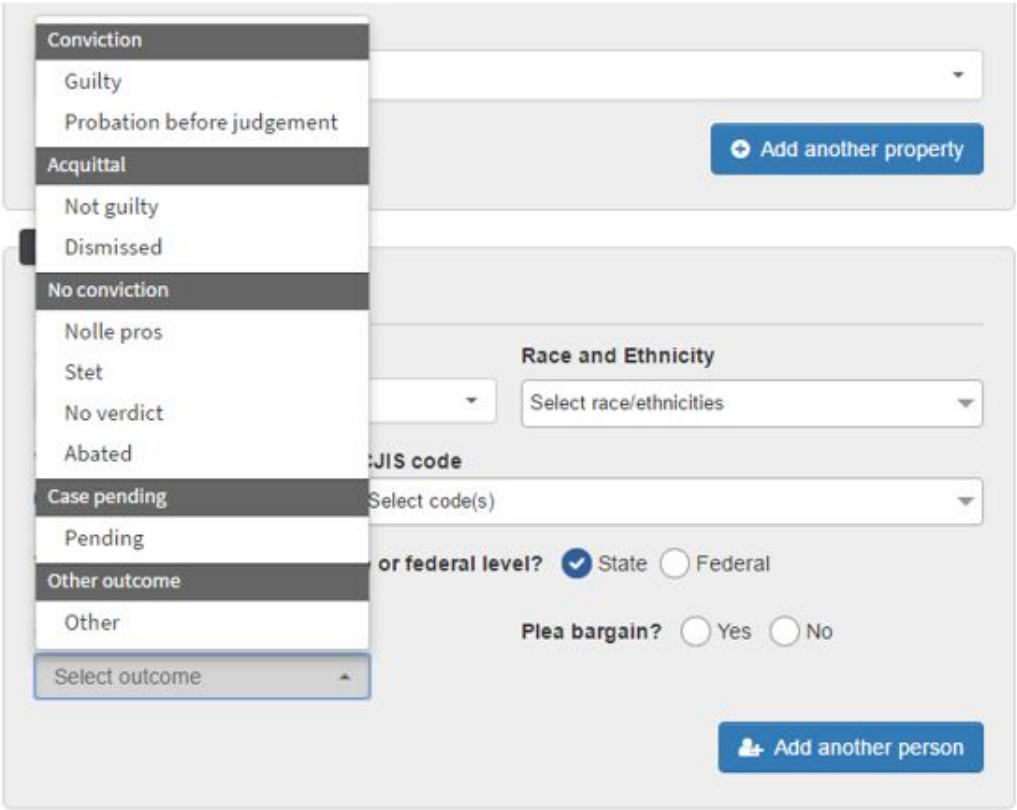
11. What is the CJIS code for the crime
    - This field only displays if you click "yes" under "was the person charged"
    - A dropdown of CJIS codes corresponding to violations of the Controlled Dangerous Substances law are included
    - Check all charges that apply which are sorted by CJIS code
    - There is a search button at the top for you to type in the CJIS code or charge literal
    - If you select "other" you will have to type in the CJIS code and charge literal
    - A full list of violations of the Controlled Dangerous Substances law can be found in Appendix A.



12. Was this adjudicated at the state or federal level
    - State
    - Federal

13. Outcome of criminal action
    - The outcome of the related criminal action against the person from whom the property or currency was seized.
    - Only outcomes of cases that were adjudicated at the state level will be reported. This excludes cases that were adjudicated at the federal level. If you select "federal" under item 12, this box will not appear.
    - Only include this information for cases where the property or currency was forfeited or partially returned. If any other property dispositions are selected, this field will not populate.
    - This includes the outcome of each case as of March 1st of the subsequent year which can be selected on a dropdown menu below:
        - Conviction
            - Guilty
            - Probation before judgment
        - Acquittal
            - Not guilty
            - Dismissed

- No conviction
  - Nolle pros
  - Stet
  - No verdict
  - Abated
- Case pending
  - Pending
- Other outcome
  - Other (type in text box)

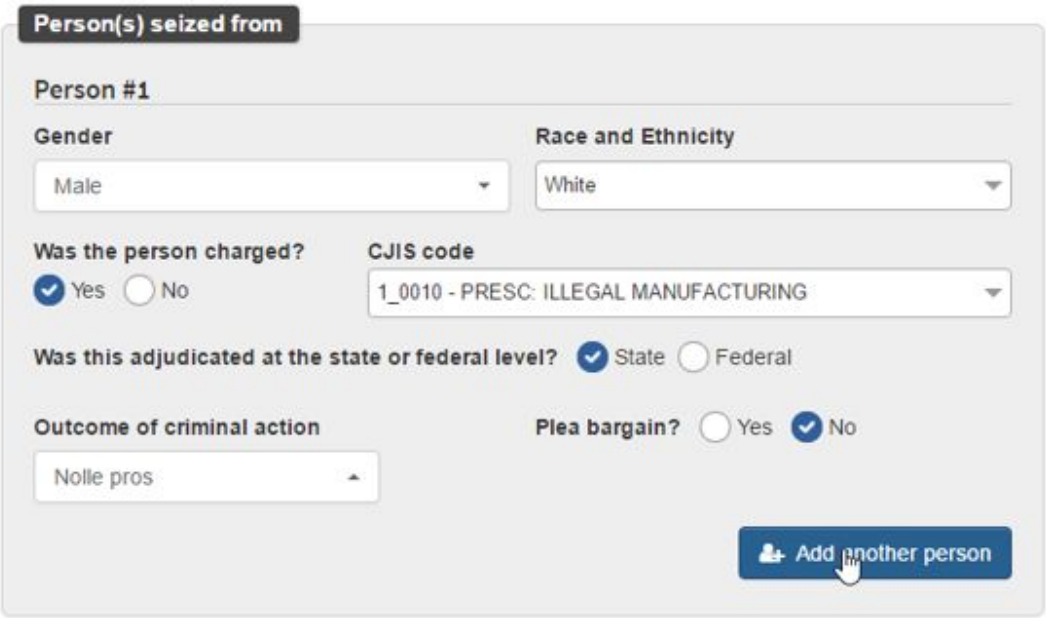


If any charge results in a disposition of guilty or probation before judgment outcome, check guilty or probation before judgment as your outcome.

14. Plea Bargain
    - This will only populate for cases adjudicated at the state level and for cases when property or currency was forfeited or partially returned.

- Agencies may rely on Judiciary Case Search to determine when a plea bargain was or was not reached. When a guilty or PBJ disposition is entered but no trial has taken place, agencies may report "Yes" for this category. When a trial takes place, agencies may report "No" for this category. As an alternative, agencies can reach out to the County State's Attorney's Office or other forfeiting authority to determine whether or not a plea bargain was reached for these cases.
    - Yes
    - No

If the case involved more than one person having some type of property seized, click "add another person" reenter items 8-14 for all additional persons who had property seized in this case. You can also click "remove person" if you entered too many for a particular case.



Person(s) seized from

Person #1

Gender: Male

Race and Ethnicity: White

Was the person charged? Yes No

CJIS code: 1_0010 - PRESC: ILLEGAL MANUFACTURING

Was this adjudicated at the state or federal level? State Federal

Outcome of criminal action: Nolle pros

Plea bargain? Yes No

Person #2

Gender: Female

Race and Ethnicity: Black

Was the person charged? Yes No

What is the CJIS code for the crime? 1_0010 - PRESC: ILLEGAL MANUFACTURING

Was this adjudicated at the state or federal level? State Federal

Add another person | Remove person

Click "Submit" or "Submit & Add Another" to submit your entry after you have entered all of the required information. You can also reset the entry or cancel to default back to the Legislative Reporting Portal Dashboard.

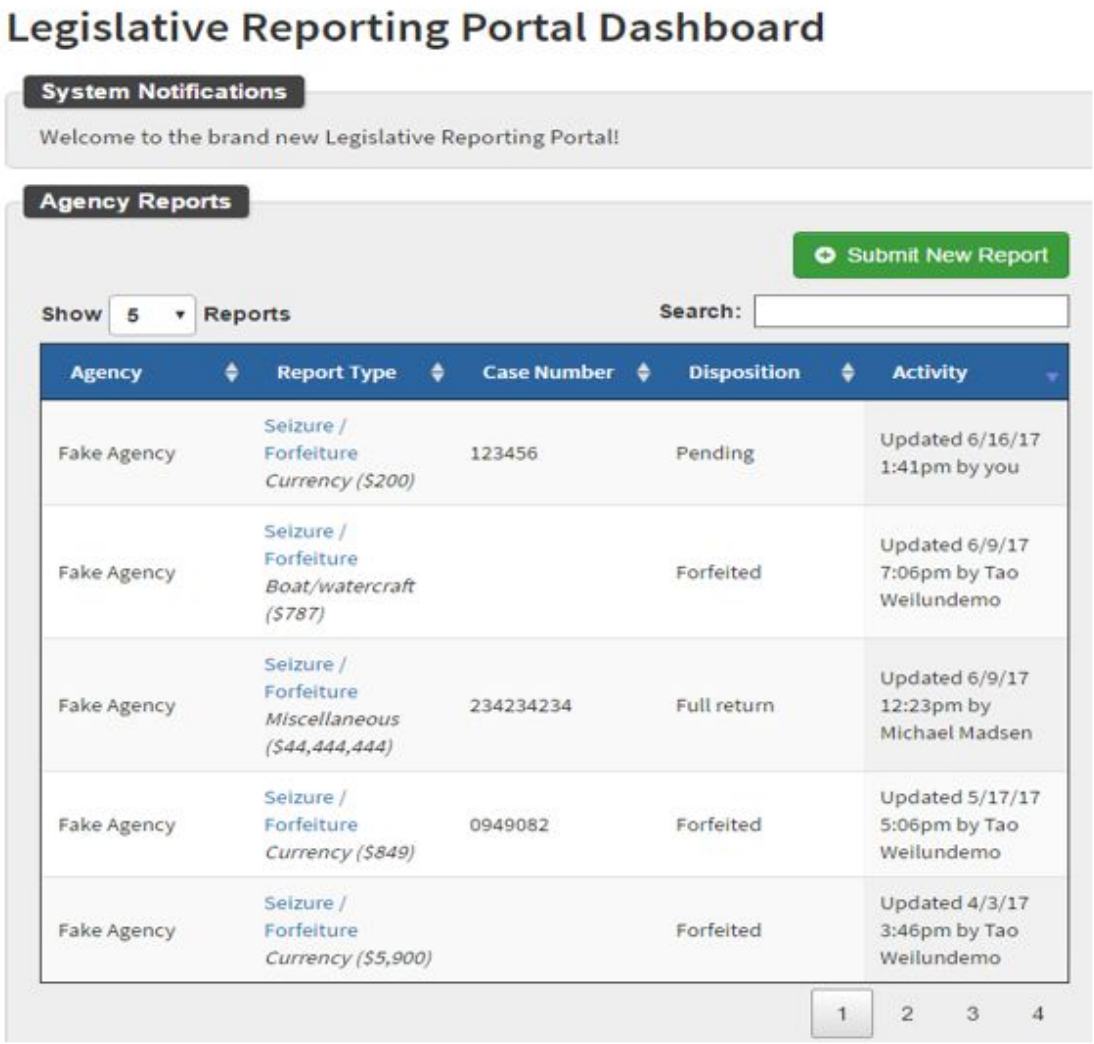
Submit | Submit & Add Another | Reset | Cancel

NOT IN THE DATABASE

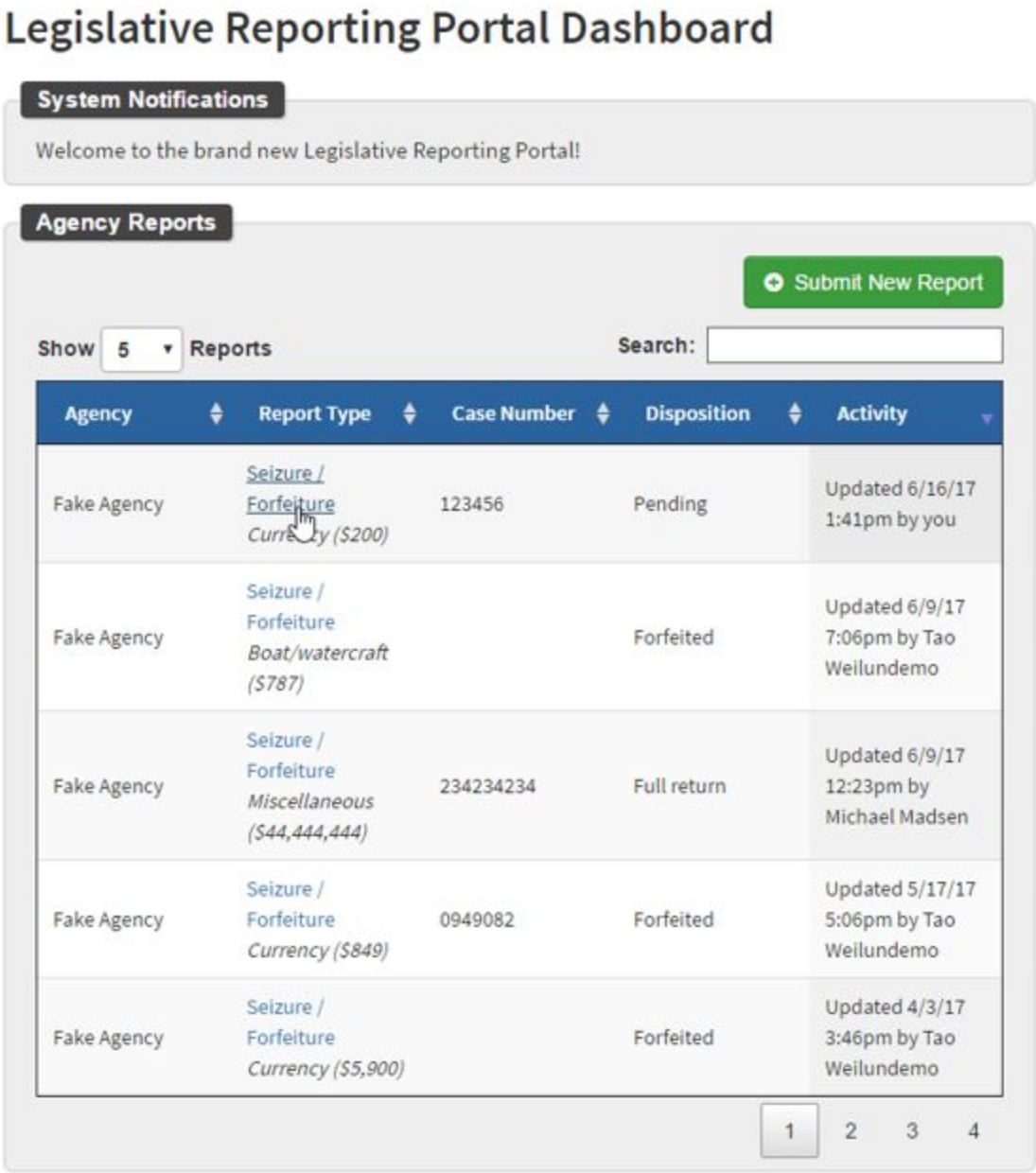
15. Equitable sharing agreement
    - Includes the amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement.
    - This will be received through federal E-share reports.

Viewing or editing existing entries

When you log into the database, it initially takes you to the Legislative Reporting Portal Dashboard. You can use this dashboard to view cases that you have already submitted or cases that you need to update that are pending. You can locate a case by the agency name, report type, case number, or property disposition. The activity column shows the last time you updated each case. A search bar above allows you to type in a case number or other relevant language to help you locate the case(s) you are looking for. You can also adjust the settings for 5, 25, 50 or all reports showing on a page.



To update a case, click the "seizure/forfeiture" blue font corresponding to the case you would like updated. This will then take you back to the "submit reports" page where you can update the information. Once you are finished select "update report" and the revised case information will be submitted.



Update Seizure / Forefeiture Reporting

Reporting Agency

Fake Agency
Baltimore County

Police report case number *(optional)*

123456

Property Seized

Property #1

Seizure Date: 06/01/2017

Type of Property: Currency

Property value: $200.00

Did a unit of federal government take custody of the property? (•) Yes ( ) No

Which federal unit? (•) Department of Justice ( ) Department of Treasury

Disposition of property

Pending

Add another property

Person(s) seized from

Person #1

Gender: Male

Race and Ethnicity: Black

Was the person charged? (•) Yes ( ) No

CJIS code: 1_0010 - PRESC: ILLEGAL MANUFACTURING

Was this adjudicated at the state or federal level? (•) State ( ) Federal

Add another person

Update Report

Reset

Cancel

Appendix B

Criminal Code	CJIS Code	Charge Literal
CR 5-701(d)(1)	1_0010	PRESC: ILLEGAL MANUFACTURING
CR 5-702(2)	1_0018	CDS-SELL SUBSTITUTE DRUG
CR 5-703(b)	1_0025	CDS-UNSOLICIT MAILING
CR 5-602	1_0233	CDS POSS W/INT TO DIST
CR 5-604	1_0234	CDS/COUNTERFEIT CREATE/DISTR
CR 5-604	1_0235	CDS/COUNTERFEIT POSS W/INT DIS
CR 5-604	1_0236	CDS/COUNTERFEIT: EQUIPMENT
CR 5-603	1_0237	CDS: PRODUCTION EQUIPMENT
CR 5-605	1_0238	COMM NUIS/ADMINISTER CDS
CR 5-605	1_0239	COMM NUIS/DISTRIB CDS
CR 5-620(a)(2)	1_0255	CDS ADMIN EQUIP POSS/DIST
CR 5-620(a)(2)	1_0256	CDS PACK MATERIAL POSS/DISTR
CR 5-620	1_0257	CDS MFG MAT POSS/DIST-NOT MARIJUANA
CR 5-701(d)(1)	1_0264	PRES ILL POSS W/I DIST
CR 5-701(d)(2)	1_0270	PRESC: ILLEGAL MANUFACTURING
CR 5-709(b)(1)(2)	1_0272	CDS POSS FOR DISTRIBUTION
CR 5-627(a)	1_0482	CDS DIST: SCHOOL PROP/BUS
CR 5-627(a)	1_0484	CDS: P W/I DIST: SCHOOL BUS/PROP
CR 5-621(b)(2)	1_0487	CDS: DISTR ETC. W/FIREARM
CR 5-613	1_0488	CDS DRUG KINGPIN
CR 5-628(a)(2)	1_0489	IMPORT MINOR: DRUG FELONY
CR 5-621(b)(1)	1_0493	FIREARM/DRUG TRAF CRIME
CR 5-620(a)(2)	1_0566	MARIJUANA PACKING POSS/DIS
CR 5-603	1_0660	MANUFACTURE CDS
CR 5-603	1_0661	MANUFACTURE CDS – NARCOTIC
CR 5-603	1_0662	MANUFACTURE CDS – PCP/LSD
CR 5-623(b)	1_0673	CDS-PROCEEDS FROM OFFENSE
CR 5-623(b)(3)(4)(5)	1_0675	CDS-PROCEEDS FROM OFFENSE
CR 5-602	1_0696	CDS: DIST-PCP/LSD
CR 5-614(b)	1_0730	CDS: IMPORT 5-45 KILO MARIJUANA
CR 5-612	1_0879	CDS MANUF – LG AMT
CR 5-612	1_0880	CDS DIST/DISPENSE – LG AMT
CR-5-612	1_0881	CDS POSSESS – LG AMT
CR 5-604(b)(1)	1_0933	CDS: DIST COUNTERFEIT LSD/PCP
CR 5-604(b)(2)	1_0934	PCP/LSD/COUNTERFEIT POS W/I DIS
CR 5-604 (c)	1_0936	PCP/LSD/COUNTERFEIT EQUIPMENT
CR 5-620	1_1287	CDS MFG MAT POSS/DIST-MARIJUANA
CR 5-709(b)(1)(2)	1_3500	CDS DIST TO INHALE
CR 5-902(b)	1_3550	UNAUTH CDS-DIST/MAN/DIS REG
CR 5-628(a)(1)	1_5409	HIRE ETC MINOR: DIST CDS

CR 5-602	2_0233	CDS: POSS W/I DIST: PCP/LSD
CR 5-603	2_0237	CDS: PROD EQUIP: PCP/LSD
CR 5-605	2_0300	CDS: COM NUIS: ADMIN PCP/LSD
CR 5-605	2_0301	CDS: COM NUIS: DIST PCP/LSD
CR 5-605(a)(1)	2_0325	CDS: COM NUIS: ADMIN NARC
CR 5-605(a)(2)	2_0330	CDS: COM NUIS: DIST. NARC
CR 5-602(1)	2_0696	CDS DIST-NARC
CR 5-624(b)(1)	2_0710	CDS ADM W/VIOLENT CRIME
CR 5-624(b)(2)	2_0715	CDS ADM W/SEX OFFENSE
CR 5-602	2_3550	CDS DIST – OTHER
CR 5-602(2)	3_0233	CDS: POSS W/I DIST: NARC
CR 5-604(b)(1)	3_0234	CDS: DIST COUNTERFEIT NARC
CR 5-604(b)(2)	3_0235	NARC/COUNTERFEIT POS W/I DIS
CR 5-604 (c)	3_0236	NARC/COUNTERFEIT EQUIPMENT
CR 5-603	3_0237	NARC: PRODUCTION EQUIP
CR 5-614	3_3550	CDS: IMPORT INTO STATE
CR 5-619(c) (2)	5_3550	CDS: POSS PARAPHERNALIA
CR 5-619(d)(1)	6_3550	CDS: DIST PARAPHERNALIA
CR 5-619(d)(4)	7_3550	CDS PARA-DELIVERY TO MINOR
CR 5-619(e)	9_0082	CDS PARA-ADVERTISE
CR 5-904(a)(2)	9_3550	CDS REGISTRANT DIST NO FORM