



WHO DOES CIVIL ASSET FORFEITURE TARGET MOST?

A REVIEW OF LVMPD'S
FORFEITURE ACTIVITIES FOR
FISCAL YEAR 2016

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Background:

Historically in Nevada, there has been little publicly available information concerning the scope and frequency of the law enforcement practice known as civil asset forfeiture.

Fortunately, the 2015 Nevada legislative session enacted Senate Bill 138, which compels law enforcement agencies to report, annually, on the forfeitures they initiate during the fiscal year.

The availability of this information now allows policymakers to ask and analyze the question, "Who does civil asset forfeiture target most?"

That analysis follows, as it pertains to the forfeiture activities of the Las Vegas Metropolitan Police Department (LVMPD) for fiscal year 2016.

Research Methods:

The information herein was extracted via two distinct sources:

- 1) The Nevada Attorney General Aggregate [Seizure and Forfeiture] Report for Fiscal Year 2016¹; *and*
- 2) A series of public records requests, based on the LVMPD case numbers provided by the aggregate report, to ascertain the geographical location associated with each seizure/forfeiture. In total, this analysis required geographical information from 385 individual crime reports within LVMPD's jurisdiction.

Of those 385 locations associated with a seizure/forfeiture, 39 were discarded because they were ambiguous, duplicative as to the underlying crime, or otherwise unusable for this purpose. Thus, 346 individual data points comprise this analysis.

¹ See http://ag.nv.gov/Hot_Topics/Annual_Forfeiture_Reporting/

Findings:

Forfeitures disproportionately target neighborhoods with relatively high levels of minorities and low-income residents.

- **66 percent of forfeitures occurred in just 12 (of 48 total²) zip codes:** 89101, 89102, 89103, 89104, 89106, 89108, 89109, 89110, 89115, 89119, 89121, & 89169
- Generally, these zip codes are centralized along the Resort Corridor, Downtown Las Vegas, and the area to the east/northeast of Downtown Las Vegas

Forfeitures correlate with high poverty areas³

- Among the 12 most targeted zip codes, **the average poverty rate is 27 percent**
- Comparatively, the average poverty rate in the remaining 36 zip codes is 12 percent
- The countywide poverty rate (Clark) is **16 percent**

Forfeitures correlate with areas of large minority populations⁴

- Among the 12 most targeted zip codes, **the average non-white population is 42 percent**
- Comparatively, the average non-white population in the remaining 36 zip codes is 36 percent
- The countywide non-white population is **36 percent**

Forfeiture will target any cash or other asset irrespective of its value.

- 56 percent of forfeitures concerned cash or other assets valued below \$1,000
- 28 forfeiture cases involved \$100 or less
- 13 forfeiture cases involved \$20 or less
- 2 forfeiture cases involved \$1 or less

Overall, LVMPD collected \$1.9 million via forfeited assets in FY2016.

- Mean forfeiture value = \$5,499.35; median forfeiture value = \$873.00
- Highest-valued forfeiture was \$515,228.48; lowest-valued was \$0.74

Of the 295 seizures which occurred in FY2016 — the first action towards eventual forfeiture proceedings — all but 16 (or 94 percent) targeted alleged drug offenders under the Uniform Controlled Substances Act, or NRS 453.

² Henderson P.D., North Las Vegas P.D. jurisdictions within the Las Vegas valley were excluded, except where LVMPD forfeitures reportedly occurred in FY2016. Additionally, 89161 was excluded due to lack of local population base.

³ All demographical information courtesy of <http://www.factfinder.census.gov>, 2011-2015 American Community Survey 5-Year Estimates

⁴ Ibid.

Policy Recommendations:

Because a majority of forfeitures concern less than \$1,000, there is often no practical recourse for the alleged law-breakers. This is so because the cost of hiring an attorney and pursuing formal legal action typically outweighs the value of the seized assets. There is also little chance of finding an attorney who is willing to work on a contingency-fee basis for these types of cases, as the government prevails in the vast majority of forfeiture litigation.

It is also concerning that the practice of forfeiture, generally, appears to be regressive in nature. It targets the poorest, most racially-diverse areas in Clark County, and often the individuals caught within the web of forfeiture lack the knowledge and resources to effectively combat it, even in those instances where little evidence exists against them.

The evidence therefore supports the position that the practice of civil asset forfeiture should be abolished completely. A system of criminal forfeiture, reliant upon the same due-process protections afforded to criminal defendants, should instead become the norm.

Shy of that, the practice should be reformed so as to require a criminal conviction in all cases, thereby demanding that basic tenets of due process be adhered to. Additionally, any proceeds resulting from forfeiture should be directed towards Clark County's general fund — not law enforcement — thereby removing the “policing for profit” incentive.

As guidance, Nevada's legislators can look to New Mexico, which in 2015 passed comprehensive forfeiture reform incorporating both of the above elements. The Institute for Justice has subsequently written that “New Mexico's forfeiture laws are now the best in the country.”⁵

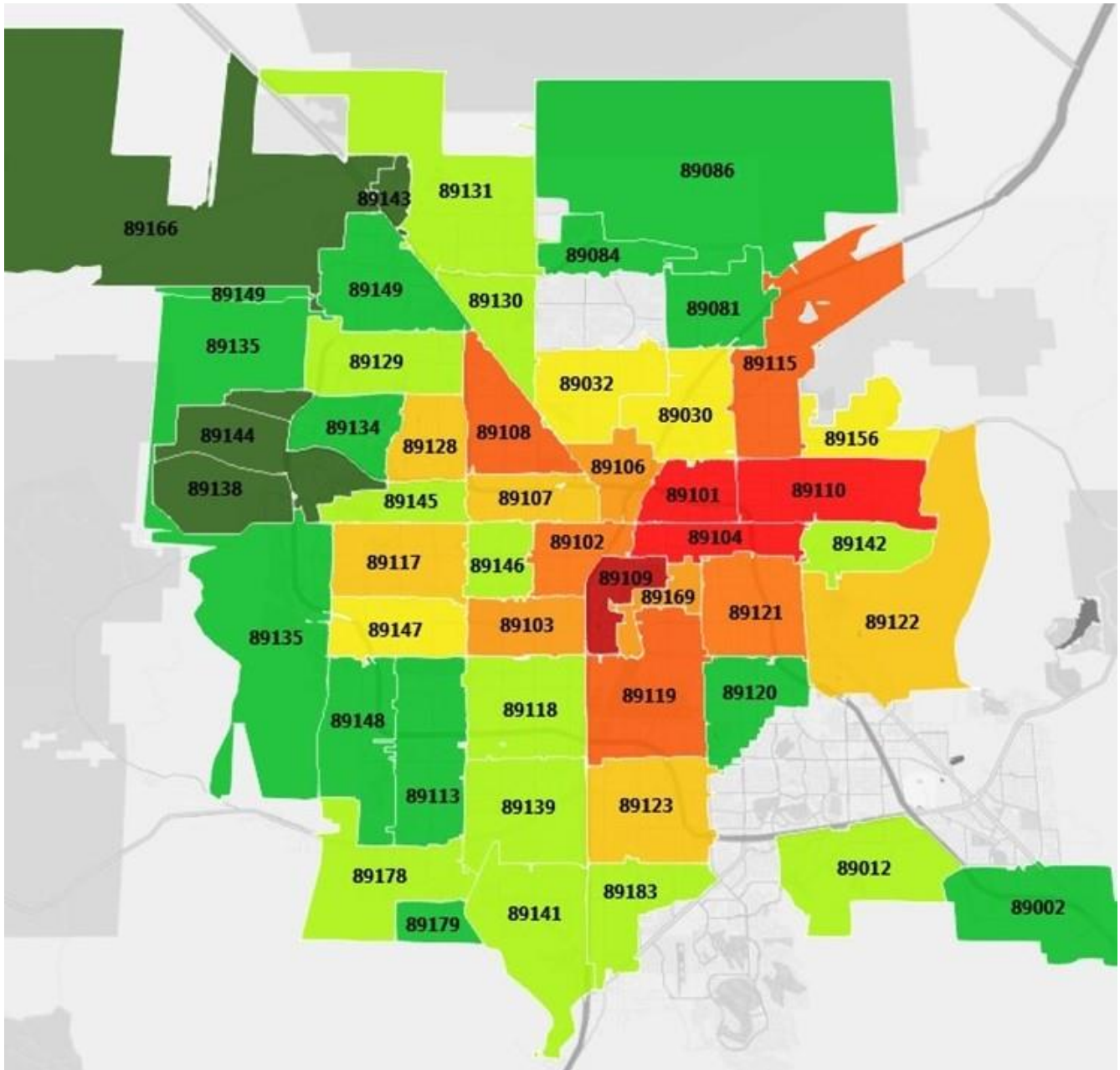
In the 2017 Nevada legislative session, Senate Bill 358 proposed similar reforms. Unfortunately, the bill died in committee before receiving a formal vote.

About the Author:

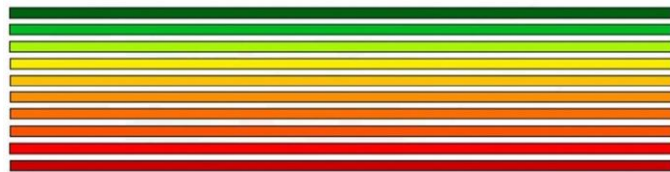
Daniel Honchariw is a policy analyst at the Nevada Policy Research Institute. His work has appeared in various publications across the state, including the *Las Vegas Review-Journal* and *Reno Gazette-Journal*.

⁵ See <http://www.ij.org/pfp-state-pages/pfp-New-Mexico/>

Forfeiture "Heat" Mapping:



Fewer Forfeitures



More Forfeitures

Data Distribution:

Zip	Count	% in Poverty	% Non-White	Total \$\$\$	Mean \$\$\$	Median \$\$\$
89109	43	17.2	29.2	99,035.28	2,303.15	629.00
89101	22	36.2	51.8	178,645.44	8,120.25	869.50
89104	22	28.0	36.4	36,947.99	1,679.45	602.50
89110	21	24.2	41.1	80,784.00	3,846.86	968.00
89108	18	21.1	38.7	36,621.46	2,034.53	1,349.00
89119	18	25.6	36.3	604,610.48	33,589.47	535.00
89115	17	32.3	44.1	143,292.30	8,428.96	1,515.00
89102	16	29.0	46.9	26,215.02	1,638.44	520.50
89121	15	20.2	38.0	16,014.35	1,067.62	1,086.00
89103	13	19.4	42.3	43,565.07	3,351.16	869.00
89169	12	32.8	38.7	9,998.98	833.25	766.99
89106	11	36.4	62.4	49,639.08	4,512.64	805.00
89122	9	15.9	43.6	20,736.00	2,304.00	279.00
89107	7	21.3	35.5	11,452.00	1,636.00	756.00
89117	7	11.6	32.6	13,446.16	1,920.88	1,256.00
89123	7	9.4	27.9	22,711.00	3,244.43	1,044.00
89128	7	16.2	37.2	16,164.00	2,309.14	877.00
89030	6	38.0	52.8	51,896.00	8,649.33	1,616.00
89147	6	12.7	42.9	4,550.00	758.33	876.50
89156	6	25.3	42.0	6,323.59	1,053.93	925.50
89032	5	13.2	60.0	59,154.00	11,830.80	3,580.00
89118	4	11.9	44.5	11,877.31	2,969.33	2,710.00
89129	4	8.9	29.9	5,867.00	1,466.75	1,280.00
89131	4	5.9	23.4	11,299.00	2,824.75	1,908.00
89142	4	18.1	53.5	27,766.00	6,941.50	3,018.00
89145	4	13.0	23.3	8,351.00	2,087.75	1,640.50
89183	4	8.4	38.7	7,201.00	1,800.25	1,249.50
89012	3	7.7	18.7	112,901.00	37,633.67	39,147.00
89130	3	10.5	31.0	1,808.00	602.67	753.00
89139	3	6.2	53.6	1,704.00	568.00	650.00
89141	3	5.7	34.3	12,235.00	4,078.33	3,353.00
89146	3	19.9	40.4	5,402.29	1,800.76	1,263.00
89178	3	7.4	43.5	51,624.00	17,208.00	2,691.00
89113	2	13.3	40.6	960.74	480.37	480.37
89120	2	12.7	31.3	4,267.00	2,133.50	2,133.50
89135	2	6.8	23.5	9,026.00	4,513.00	4,513.00
89148	2	9.1	46.4	2,960.00	1,480.00	1,480.00

Cont'd...

Zip	Count	% in Poverty	% Non-White	Total \$\$\$	Mean \$\$\$	Median \$\$\$
89149	2	8.2	30.2	4,576.00	2,288.00	2,288.00
89002	1	7.6	16.1	65,060.00	65,060.00	65,060.00
89081	1	14.1	47.5	12,972.00	12,972.00	12,972.00
89084	1	6.5	38.5	684.00	684.00	684.00
89086	1	12.3	43.2	3,575.00	3,575.00	3,575.00
89134	1	4.8	16.3	8,808.00	8,808.00	8,808.00
89179	1	10.9	36.3	47.60	47.60	47.60
89138	0	4.3	27.7	-	-	-
89143	0	8.0	24.4	-	-	-
89144	0	9.1	31.1	-	-	-
89166	0	11.4	34.7	-	-	-

TOTAL	346
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1,902,774.14
