
Report to
The Vermont Legislature

**DEPARTMENT OF PUBLIC SAFETY PROPOSAL; ASSET
FORFEITURE REPORTING**

In Accordance with 2024, No. 161, § 54

Submitted to: Senate Committee on Judiciary
House Committee on Judiciary

Submitted by: Department of Public Safety

Report Date: December 15, 2024

Charge

2024, No. 161, § 54 provides:

Sec. 54. DEPARTMENT OF PUBLIC SAFETY PROPOSAL; ASSET FORFEITURE REPORTING

On or before December 15, 2024, the Department of Public Safety shall report to the Senate and House Committees on Judiciary proposed options for compiling and submitting periodic reports to the Legislature containing data about criminal and civil seizures and forfeitures made by law enforcement agencies in Vermont under federal and State law. The proposed options shall:

- (1) further the goal of increasing transparency with respect to asset seizures and forfeitures;
- (2) describe how the data could be formatted in an understandable and consumable manner; and
- (3) include options for providing data about:
 - (A) how often asset seizure and forfeitures occur in Vermont;
 - (B) the types of offenses that result in asset seizure and forfeitures;
 - (C) the disposition of cases in which an asset seizure or forfeiture occurred; and
 - (D) how the seized or forfeited property was allocated and used

Background

In 2022, the Department of Public Safety participated in the “Property Seizure and Forfeiture Working Group,” which resulted in a Working Group Report available [here](#). The Working Group found that the state asset forfeiture process is rarely used today, and only 12 state forfeiture proceedings involved drug-related assets since 2015. All other asset seizures have used federal processes to forfeit the seized assets. Those federal processes are set forth in more detail in the Working Group Report. They include the federal adoption of seizures and seizures related to joint task forces or that are the result of joint federal-state investigations.

In the report, the Department of Public Safety described the role of asset seizure and forfeiture as follows:

The seizure and forfeiture of drug proceeds through the federal asset forfeiture process is an important component of the Vermont State Police drug supply disruption efforts. The interstate illicit drug trade is an economic market fueled by profit-seeking drug trafficking organizations primarily from Massachusetts, Connecticut, and New York. Illicit drugs come into Vermont from these states, and the profits from the sale of these drugs are typically transported in vehicles back to these states in the form of U.S. currency. When the State Police seize drug-related assets, they typically process the seizures through the federal process as seizures by

state authorities who are working with federal authorities on a joint task force or seizures by state authorities that are the result of a joint federal-state investigation. The federal asset forfeiture process has standardized and well-established procedures to process seized assets. The State Police reviews each asset seizure through a chain of command and legal review before it is submitted to the federal process. The federal process is governed by the U.S. Department of Justice [Asset Forfeiture Policy Manual](#) (193 pages) and the [Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies](#) (26 pages).

Property Seizure and Forfeiture Working Group Report, 7-8.

During the compilation of the Working Group Report, Sheriff Marcoux reported that over 100 hours was spent collecting summary data from county and municipal law enforcement agencies regarding asset seizures (see [page 10](#) for the summary data). In addition, the State Police provided its own more granular data contained in the appendices to the report. For example, the State Police data from 2019 includes 19 closed currency seizure cases with complete data. The average seizure amount for these cases was \$9,000, with an average of 14 months between the date the seizure was made or recorded and the date proceeds were received. In those 19 cases, the State Police received an average of 37% of the seized currency.

Recommendations

The legislative charge in 2024, No. 161, § 54 seeks “proposed options for compiling and submitting periodic reports to the Legislature containing data about criminal and civil seizures and forfeitures made by law enforcement agencies in Vermont under federal and State law.”

Based on the Department’s experience on the Working Group, the Department does not recommend soliciting data directly from Vermont law enforcement agencies for the purpose of compiling periodic reports to the Legislature regarding asset seizures and forfeitures. The Working Group did so for purposes of its report in 2022, and this process was very time intensive, depended on the responsiveness of individual agencies, and was likely duplicative of data already submitted by local agencies to the federal government. Instead, the Department recommends obtaining data directly from the federal government regarding Vermont’s asset seizures.

As noted above, almost all asset seizures in Vermont use the federal processes to forfeit the seized assets. These seizures are processed through the Department of Justice’s Asset Forfeiture Program. The Department of Justice publishes the equitable sharing payments by the federal government to recipient agency on its [asset forfeiture program website](#). For fiscal year 2023 (October 1, 2022 to September 30, 2023), the “[Summary of Equitable Sharing Payments by State](#)” for Vermont provides the following data:

**Equitable Sharing Payments of Cash and Sale Proceeds by Recipient Agency for Vermont
Fiscal Year 2023**

Agency Name	Agency Type	Cash Value	Sales Proceeds	Totals
Barre City Police Department	Local	\$1,584	\$0	\$1,584
Bellows Falls Police Department	Local	\$19,074	\$0	\$19,074
Bennington County Sheriff's Department	Local	\$2,467	\$11,903	\$14,370
Brattleboro Police Department	Local	\$8,022	\$0	\$8,022
City Of Burlington Police Department	Local	\$152,738	\$2,251	\$154,989
Colchester Police Department	Local	\$510	\$0	\$510
Essex Police Department	Local	\$60,789	\$837	\$61,626
Lamoille County Sheriff's Department	Local	\$62,670	\$837	\$63,507
Ludlow Police Department	Local	\$7,608	\$0	\$7,608
Milton Police Department	Local	\$43,215	\$1,308	\$44,523
Montpelier Police Department	Local	\$4,995	\$0	\$4,995
Morristown Police Department	Local	\$5,627	\$1,245	\$6,872
Newport City Police Department	Local	\$36,975	\$0	\$36,975
Orleans County Sheriff's Department	Local	\$29,250	\$0	\$29,250
Rutland Police Department	Local	\$6,257	\$0	\$6,257
Saint Johnsbury Police Department	Local	\$1,834	\$0	\$1,834
South Burlington Police	Local	\$5,693	\$0	\$5,693
State Police - Department Of Public Safety	State	\$66,869	\$0	\$66,869
Stowe Police Department	Local	\$2,474	\$511	\$2,985
Williston Police Department	Local	\$1,136	\$0	\$1,136
Winooski Police Department	Local	\$60,827	\$837	\$61,664
Vermont Totals		\$580,614	\$19,729	\$600,343

Additionally, the “Total Net Deposits to the Fund by State of Deposit” for Vermont in fiscal year 2023 totaled \$802,338.

The table provided above is easy to understand and provides helpful summary information about asset seizures in Vermont. It adds greater transparency to Vermont asset seizure practices by identifying individual agencies and the amount of equitable sharing payments received by agencies related to their participation in asset seizures. It is also formatted in an understandable and consumable manner. While this information is already publicly available on the Department of Justice’s website, this information could be reproduced for greater availability to the Legislature and the public.

This table does not contain more granular detail about the remaining questions in the legislative charge:

- “(A) how often asset seizure and forfeitures occur in Vermont;
- (B) the types of offenses that result in asset seizure and forfeitures;
- (C) the disposition of cases in which an asset seizure or forfeiture occurred; and
- (D) how the seized or forfeited property was allocated and used”

The Department does not have access to statewide data regarding these specific topics. It only has access to State Police data regarding individual asset seizures each year, the amount, and, on its equitable sharing certificates, the summary distribution of how forfeited property is allocated and used. The State Police data does not include the offenses resulting in asset seizures or the

disposition of cases in which an asset seizure occurred. The Department does not have any of this information regarding other law enforcement agencies in the state.

The Department attempted to obtain this type of granular detail from the federal “[Consolidated Asset Tracking System](#)” (CATS). The Department needed the assistance of the Agency for Digital Services to access the data in this system; it was not readily available in a readable format. Unfortunately, the data tables in this system are not easy to understand, and it is not clear whether the data in this system contains all the individual assets related to equitable sharing payments to individual agencies. Accordingly, the Department does not recommend using this data as a source for more granular detail.

For these reasons, the Department does not recommend legislative reporting requirements that contain this granular level of detail at this time. Rather, the Department recommends the following:

- (1) Consider republishing the table provided above regarding the equitable sharing payments by recipient agencies. Doing so provides helpful summary information about asset seizures in Vermont. It adds greater transparency to Vermont asset seizure practices by identifying individual agencies and the amount of equitable sharing payments received by agencies related to their participation in asset seizures and forfeitures.
- (2) Provide a public-facing overview of the scope and purpose of asset seizure and forfeiture in Vermont to better inform the public about its use.
- (3) Increase awareness within the Vermont law enforcement community about the availability and use of federal asset seizures as a tool to disrupt the interstate illicit drug trade.
- (4) Increase collaboration with legislators and stakeholder to identify other tools and increase the use of existing tools that are used to disrupt the interstate illicit drug trade.