



# Civil Asset Forfeiture: Selected Statistics on Cases Filed and Disposed in the Superior Court

Massachusetts Trial Court  
Department of Research and Planning  
July 2023

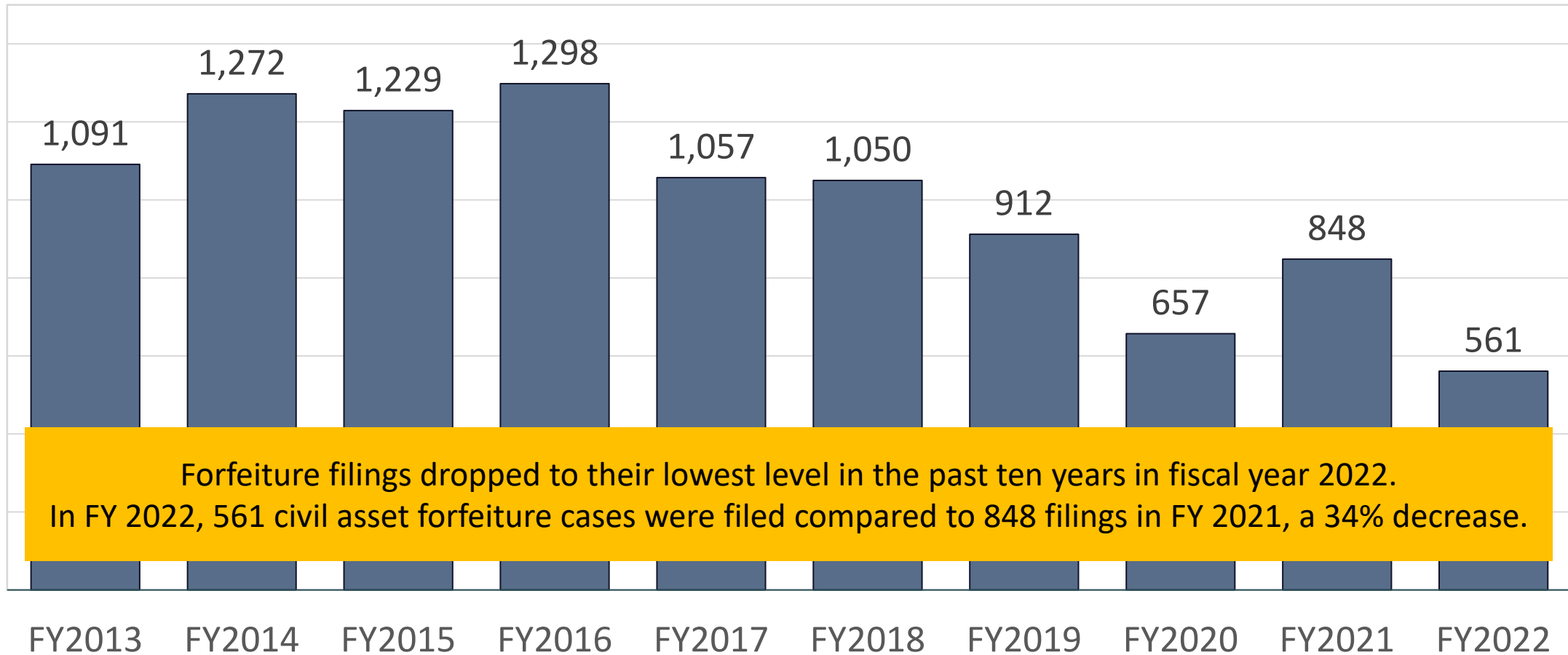


# Section I:

## Analysis of Cases Filed in the Superior Court



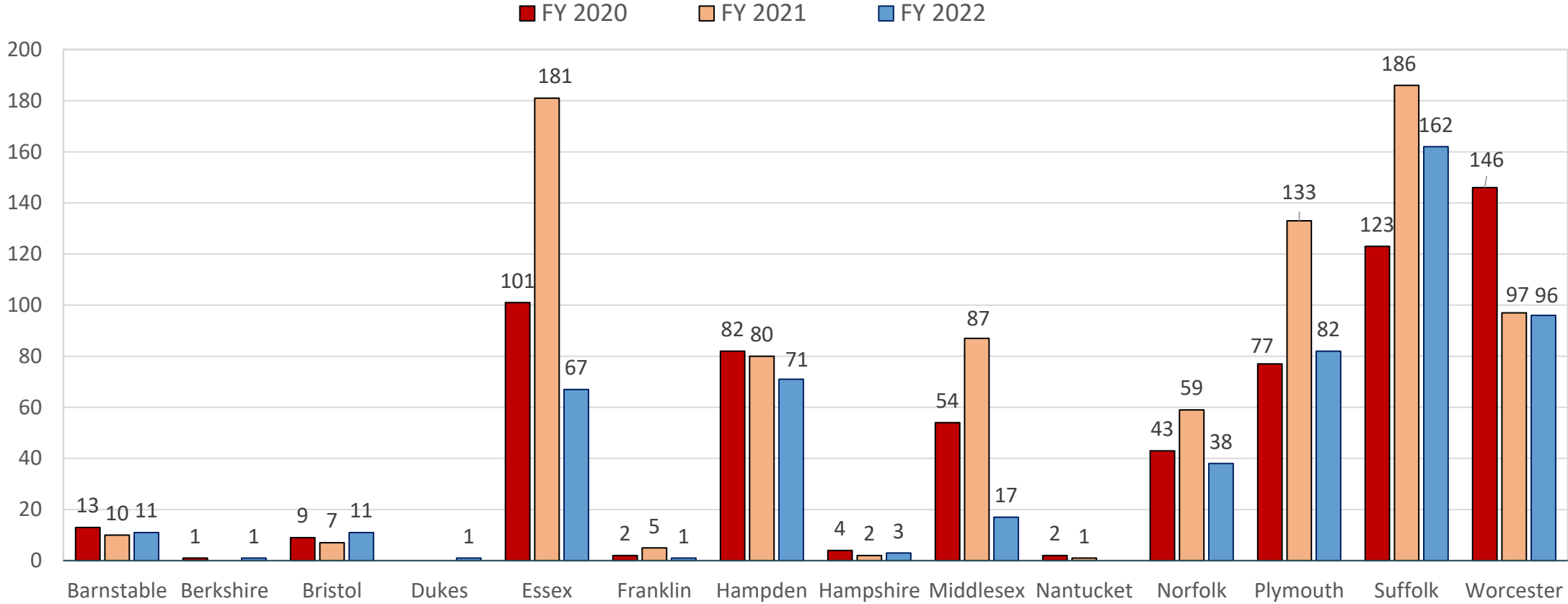
# Civil Asset Forfeiture Cases Filed in Superior Court





# Civil Asset Forfeiture Filings by County and Fiscal Year

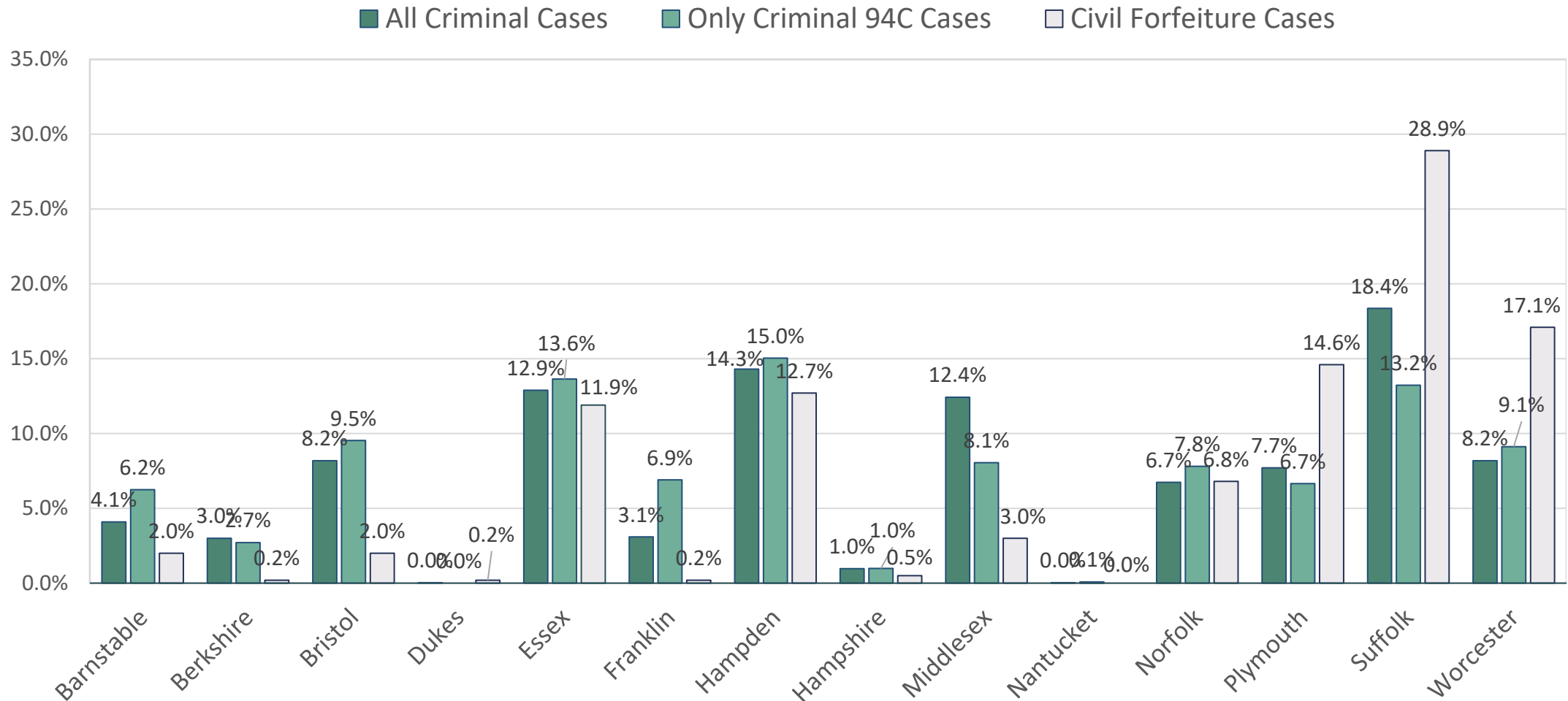
Trends in filings varied by county where some counties experienced a decrease year-over-year, while others remained about the same.



\* Figures reflect cases filed under G.L. c. 94C, §47(d), and G.L. c. 265, §56, in MassCourts.



# Forfeiture Cases Filed in relation to Criminal Cases Filed by County, FY 2022



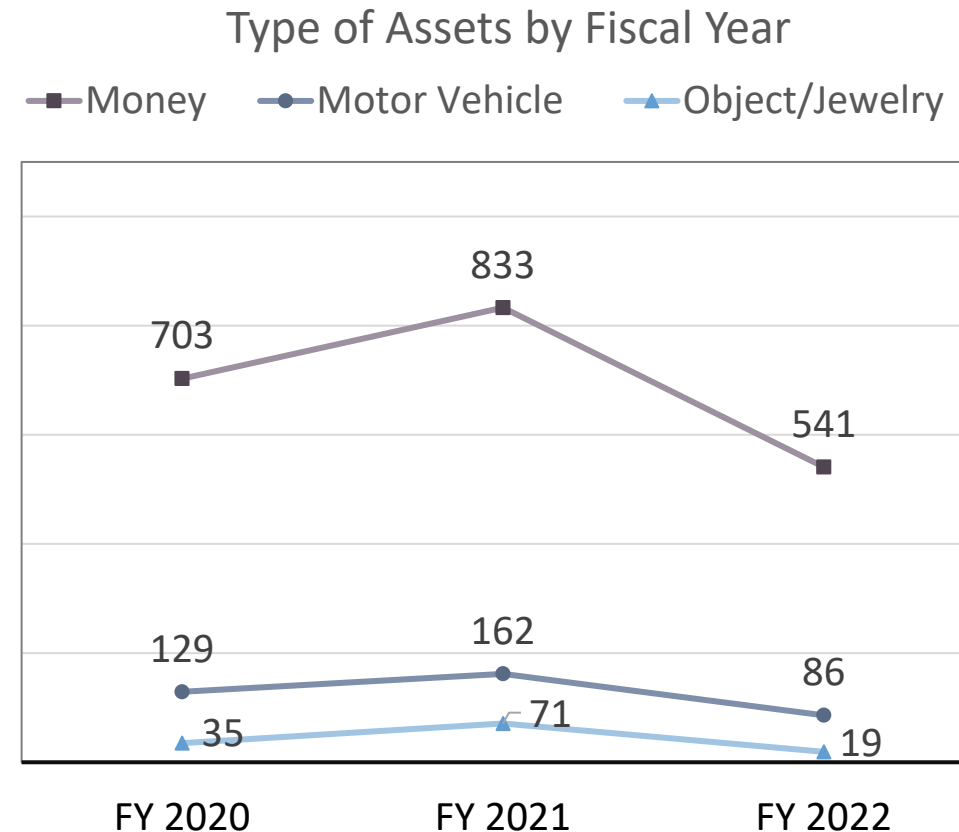
\* Figures reflect all criminal cases filed, criminal cases filed with one or more G.L. c. 94C, charge, and civil forfeiture cases filed under G.L. c. 94C, §47(d), and G.L. c. 265, §56, by county, as a percentage of such cases filed statewide in MassCourts.

\*\* Massachusetts General Laws, Chapter 94C, section 47 provides for civil forfeiture of assets involved in the violation of Mass. General Laws, Chapter 94C, Forfeiture of Motor Vehicles from Fourth or Subsequent OUI Offender, c90, §24W, Forfeiture of Property Seized for Criminal Offense, c257, §6, and Forfeiture for Human Trafficking Offenses, G.L. c. 265, §56.



## Assets Identified in Forfeiture Filings, 3-YR Trend

- The types of assets identified in filings varied from currency to objects. They ranged from: US or international currency, car vehicles, Rolex watches, iPhones, shoe collections, tablets, computers, TVs, and real estate.
- Assets are grouped into three categories for reporting purposes: Money, Motor Vehicle, or Object/Jewelry.
- In the last three years, over 2,500 assets were listed in civil asset forfeiture filings in the Superior Court.
- Money assets represented 84% of assets listed in filings.
- The overall number of assets identified in filings decreased nearly 40% fiscal year-over-year.



\* In some instances, a single asset listed on a case may represent multiple items.

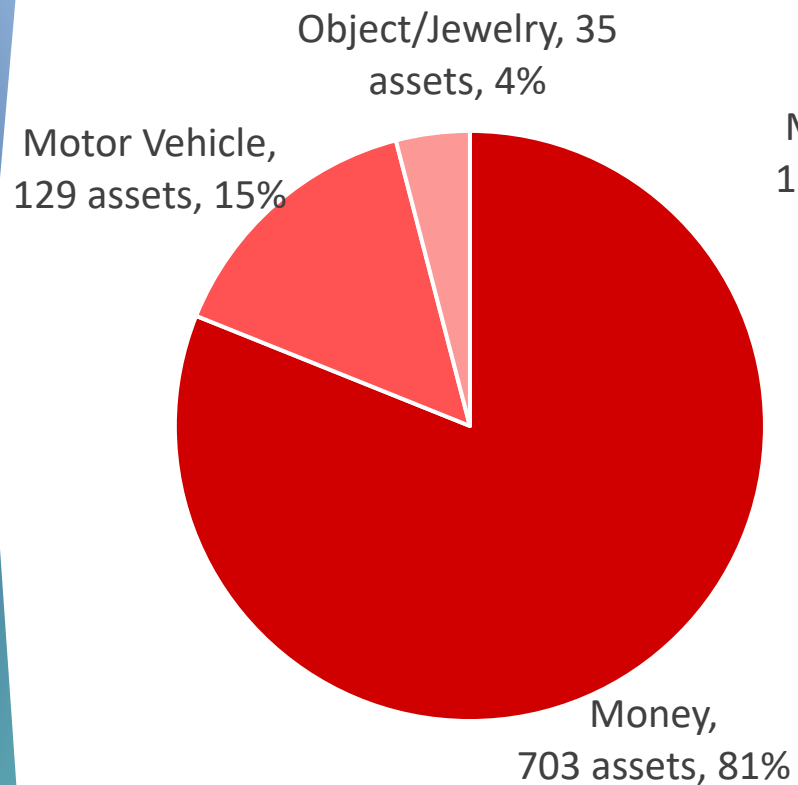
\*\* For cases where there were two or more money-based assets listed on the case, the asset with the highest dollar value was assigned as the dollar value for the case.

\*\*\* There were twelve (12) cases where the type of asset listed on the case could not be extracted from MassCourts. Figures reflect cases filed under G.L. c. 94C, §47(d), and G.L. c. 265, §56, in MassCourts.

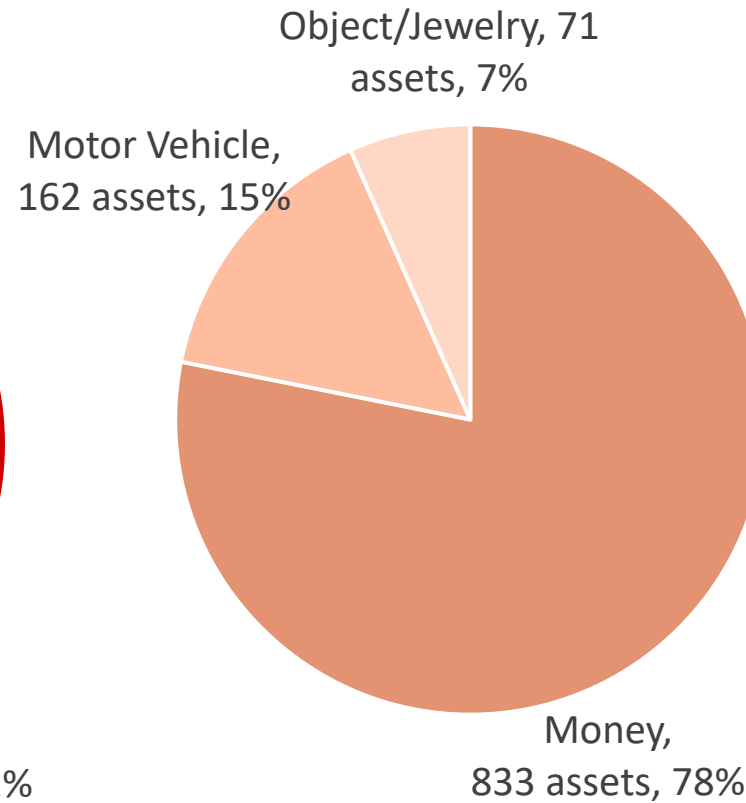


# Proportion of Assets as Identified in Civil Filings by Fiscal Year

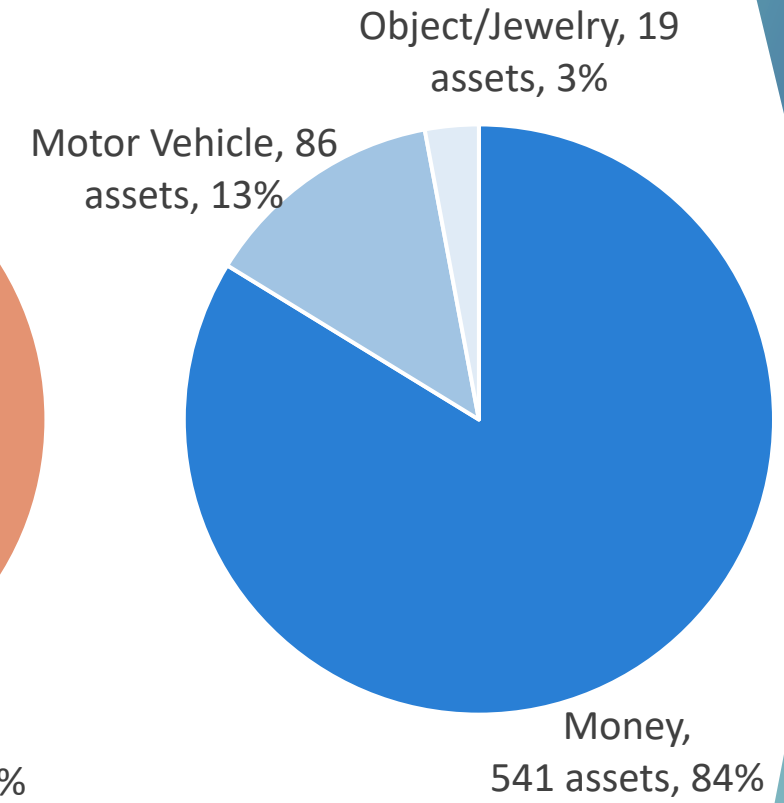
FY 2020



FY 2021



FY 2022



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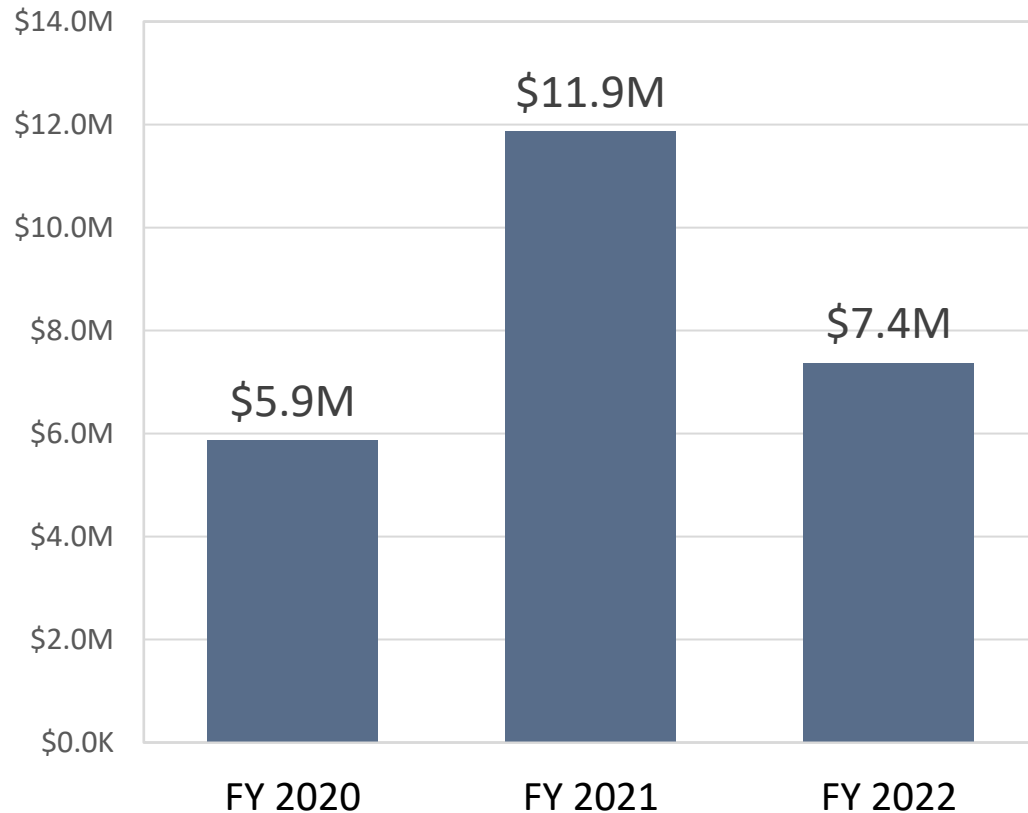
\*\* There was one case filed in FY2021 where one of the assets listed included real estate.

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# Money Assets Identified in Civil Filings by Fiscal Year

Money Assets (in dollars), 3-YR Trend



- Civil assets forfeiture filings contained various types of money-based assets such as US currency, foreign/international currency, bank accounts, and pre-paid gift cards.
- In some instances, cases listed more than one dollar value asset.
- Over \$24M was identified in over 2,000 filings in the last three years.
- One case filed in FY2021 identified over \$4M in money-based assets.

\* In some instances, a single asset listed on a case may represent multiple items.

\*\* For cases where there were two or more money-based assets listed on the case, the asset with the highest dollar value was assigned as the dollar value for the case. In FY2021, Hampden had one case with over \$4M in money-based assets listed.

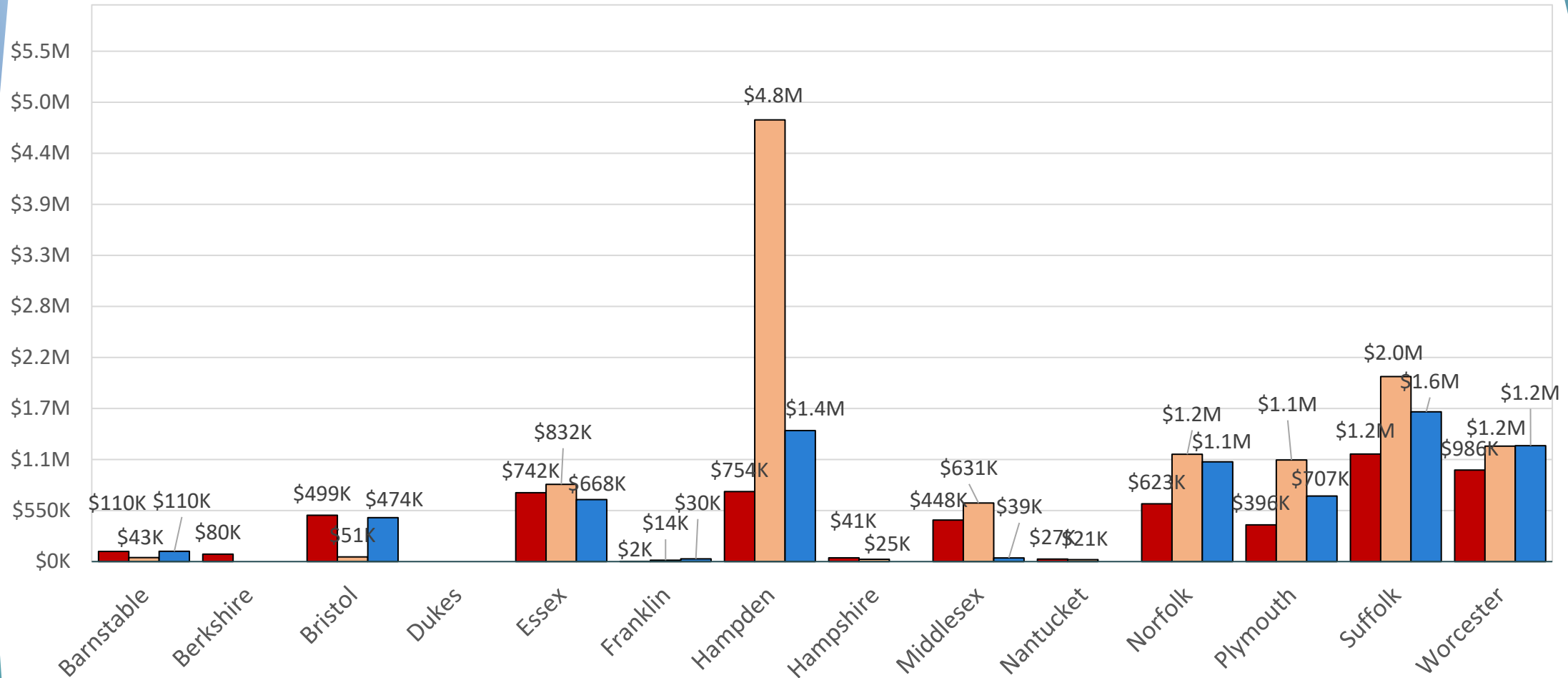
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# Money Assets (in dollars) by County, 3-YR Trend

FY2020 FY 2021 FY 2022



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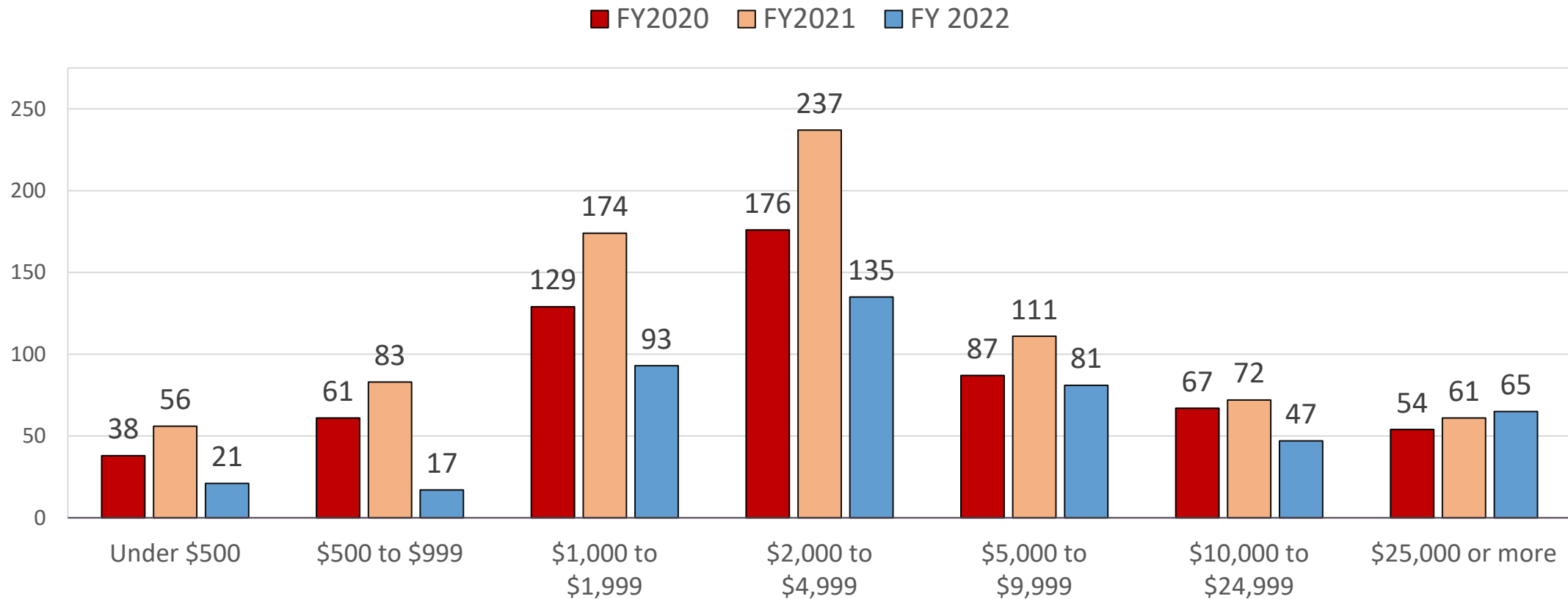
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# Distribution of Dollar Amounts by Fiscal Year

Dollar amounts ranged from a low of \$0 to a high of \$436,552. In FY 2022, amounts in the range of \$1,000-\$1,999 (20%) and \$2,000-\$4,999 (39%) accounted for the highest number of cases.



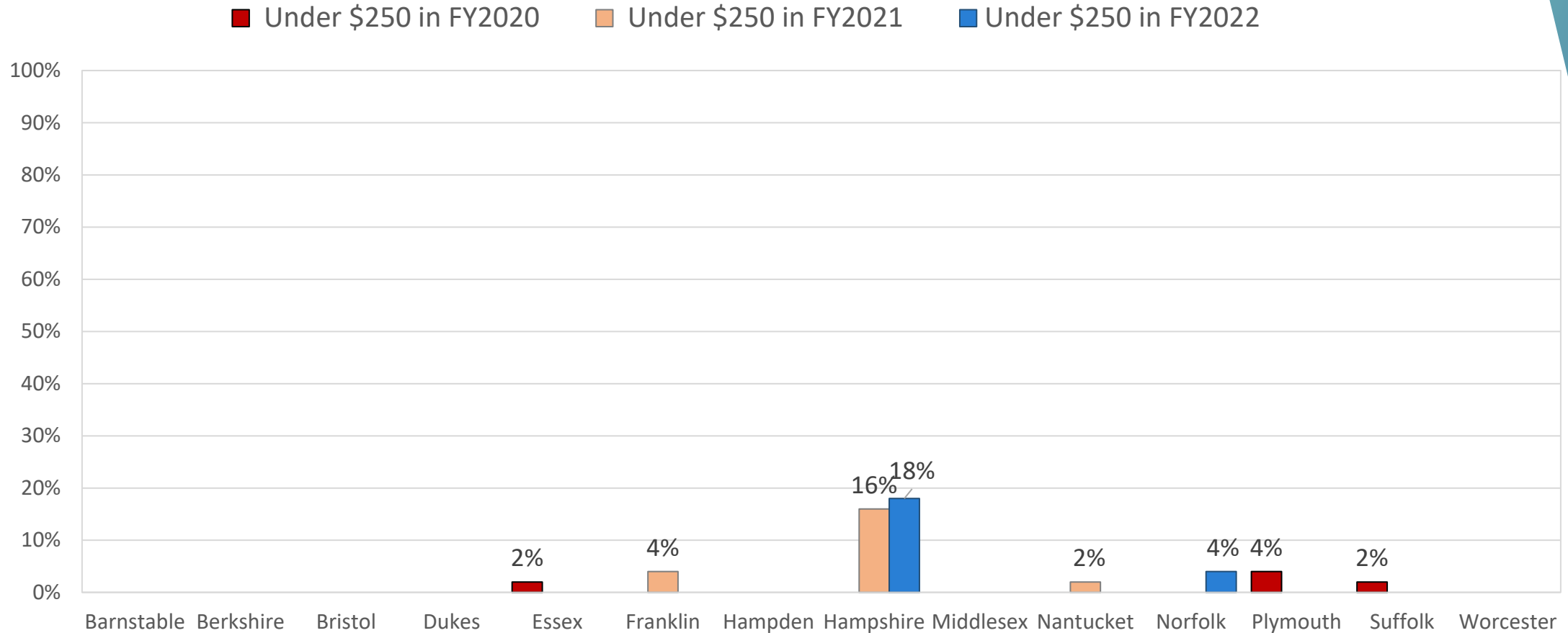
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# Proportion of Money Assets Under \$250 by County



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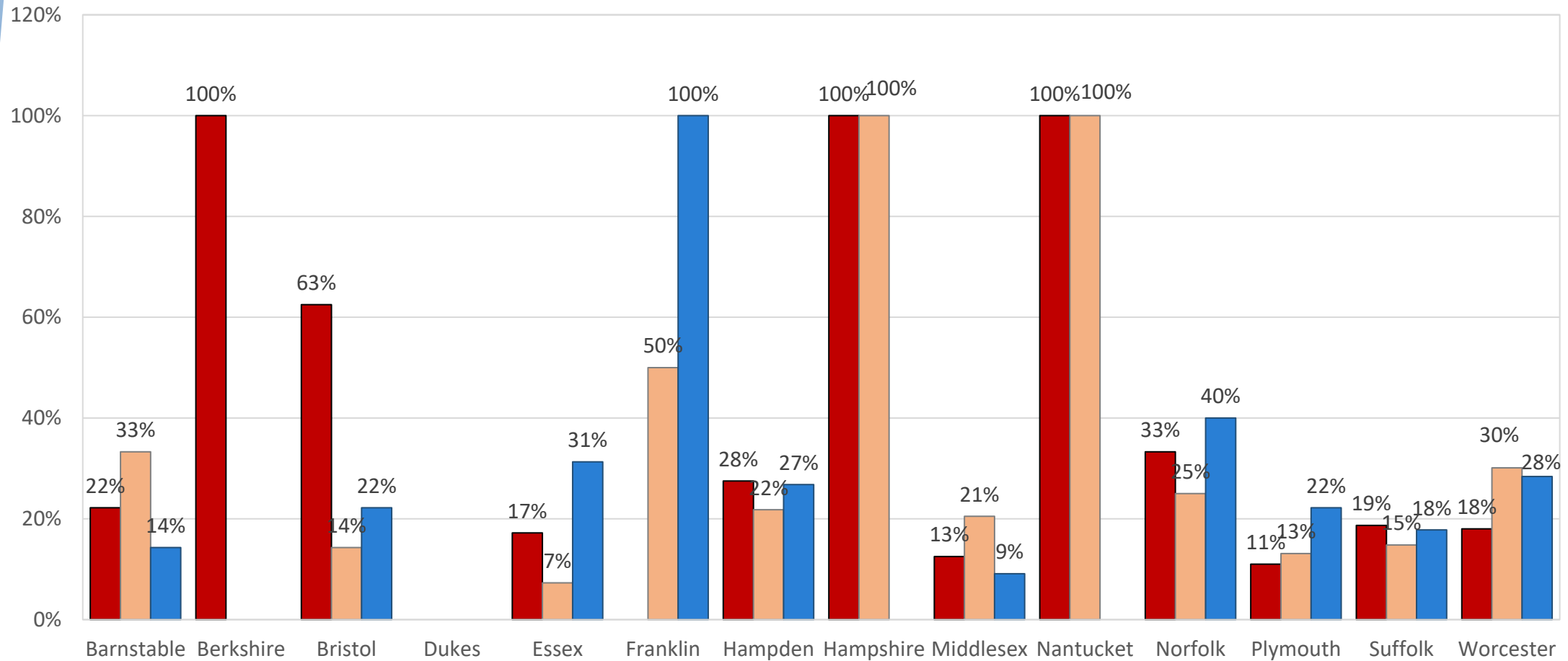
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# Proportion of Money Assets Over \$10,000 by County

Over \$10,000 in FY 2020    Over \$10,000 in FY 2021    Over \$10,000 in FY 2022



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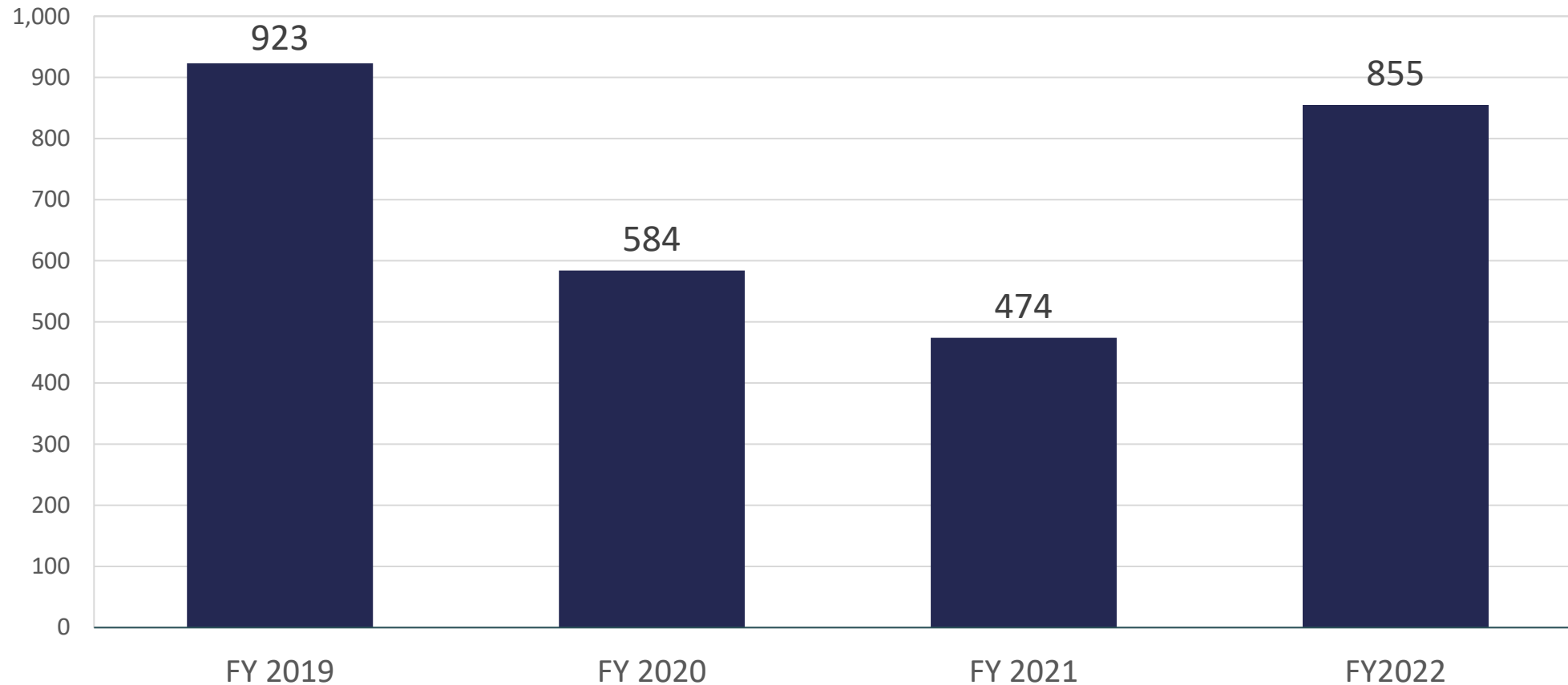
# Section II:

## Analysis of Cases Disposed in the Superior Court



# Civil Asset Forfeiture Cases Disposed, Last Four Fiscal Years

In FY 2022, the number of cases disposed increased by 80% from last fiscal year, but are still below pre-pandemic levels.



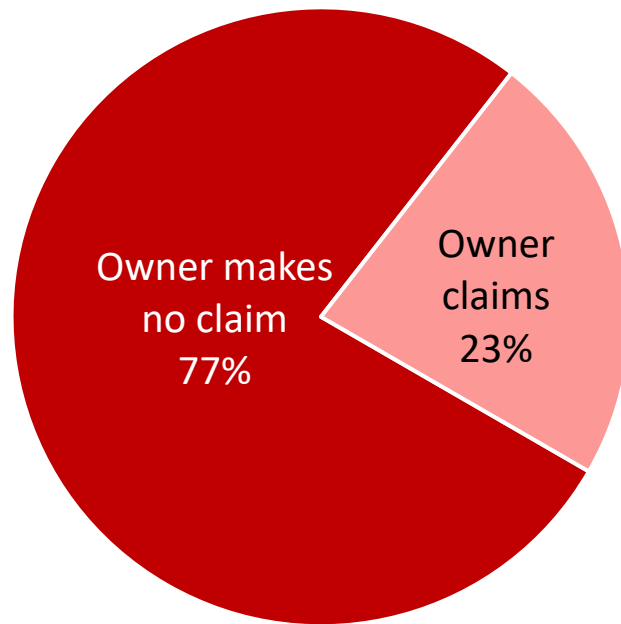
\* A disposed case is best defined as a case with an initial or final resolution or adjudication such as an agreement for judgment, or dismissal.

\*\* Figures reflect cases filed under G.L. c. 94C, §47(d), and G.L. c. 265, §56, in MassCourts.

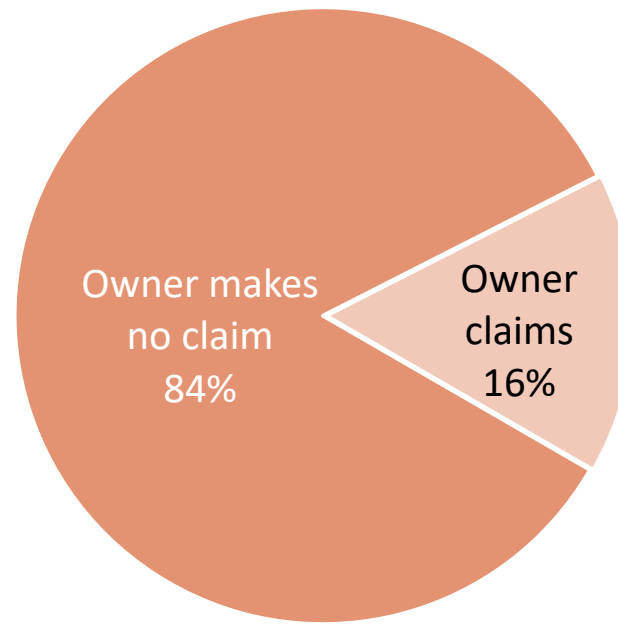
# Disposed Forfeiture Cases by Claim of Property, Year-over-Year

The proportion of cases where the property owner made a claim of property differed during and after the pandemic.

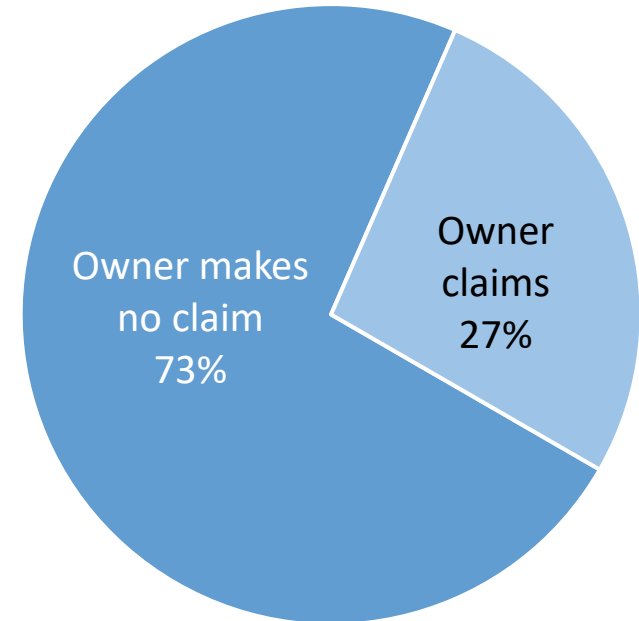
FY 2020



FY 2021

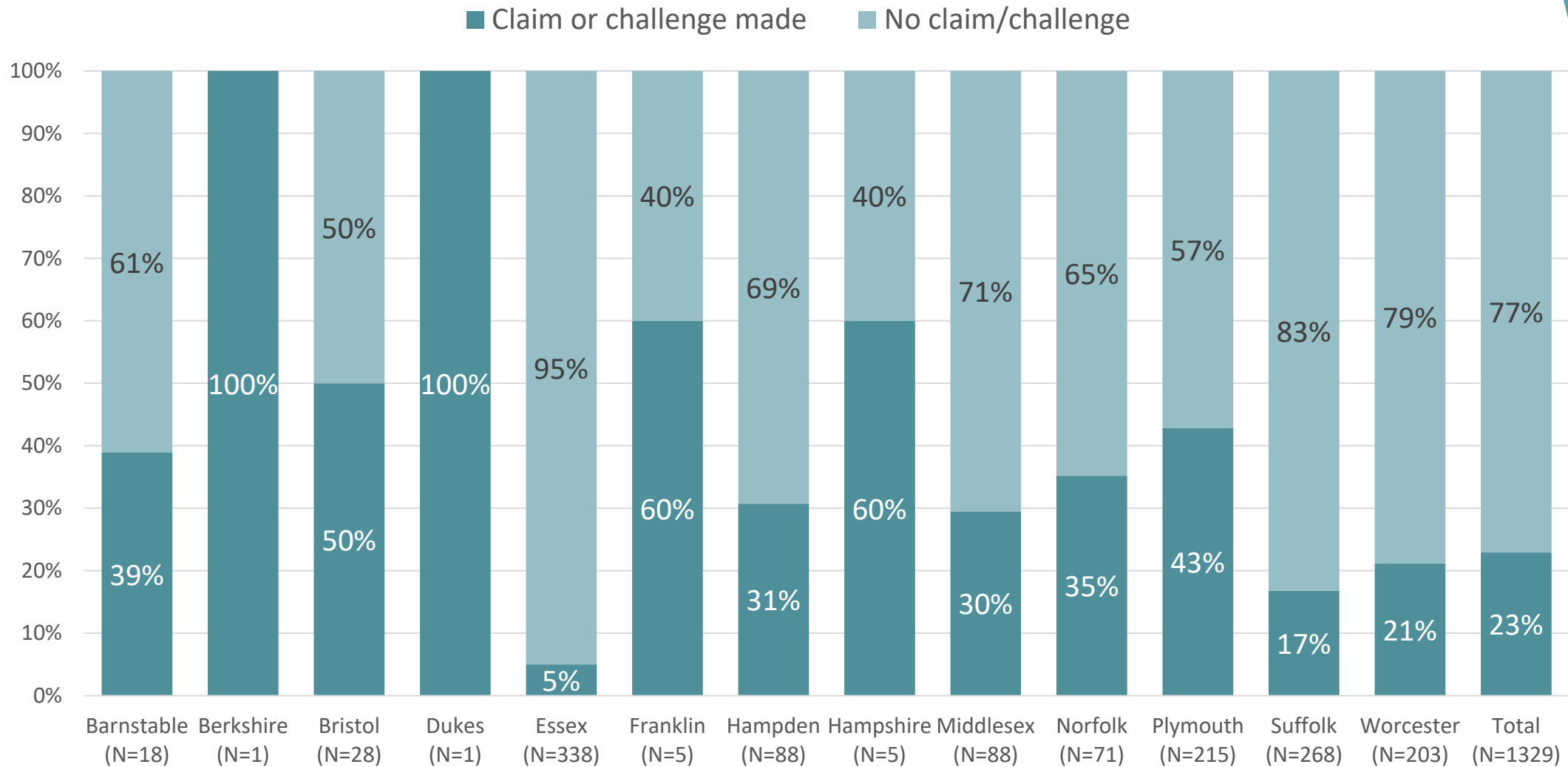


FY 2022





## Disposed Forfeiture Cases by Claim of Property, 2-Year Total, FY 2021-22

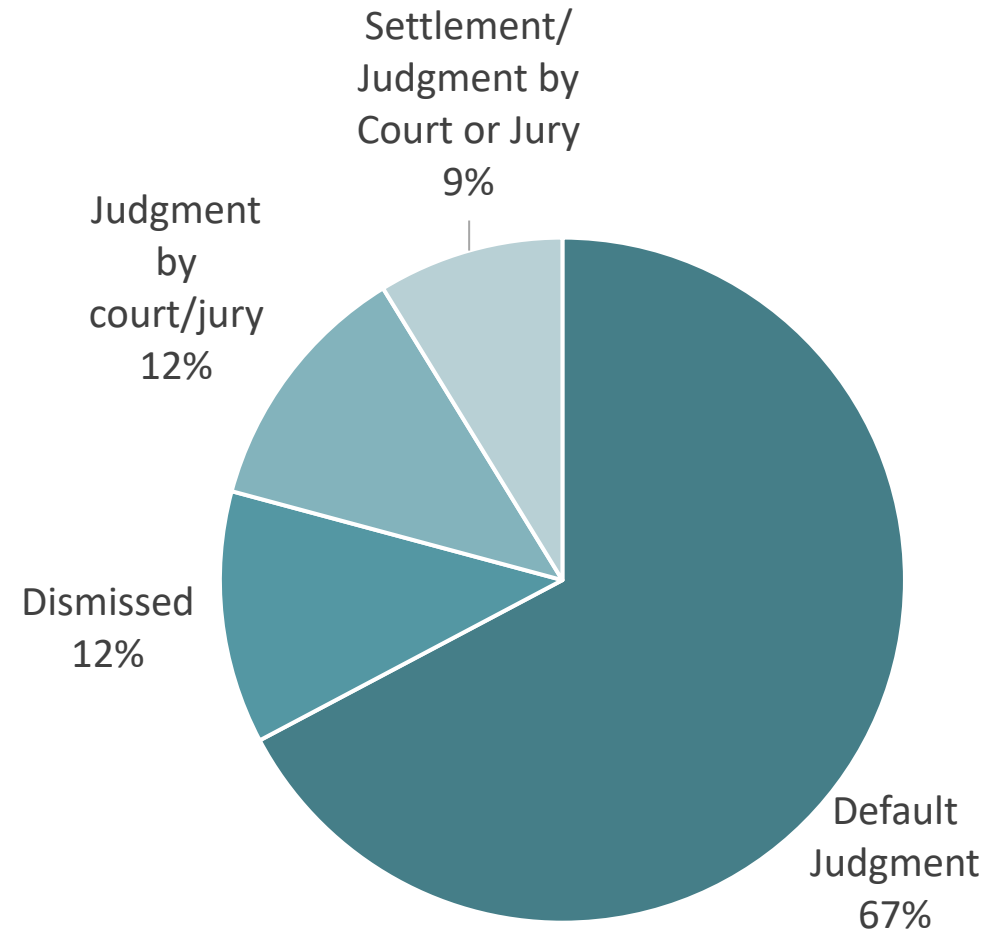






## Disposed Forfeiture Cases by Type of Disposition, FY 2022

- There were 855 cases with a disposition of default judgment, dismissed, or settlement/judgment.
- Default judgments accounted for 67% of disposed forfeiture cases;
- Settlement or judgment by court or jury accounted for 8% of dispositions; and
- Dismissals accounted for 11% of dispositions; and
- Judgment by court or jury accounted for 12% of dispositions.



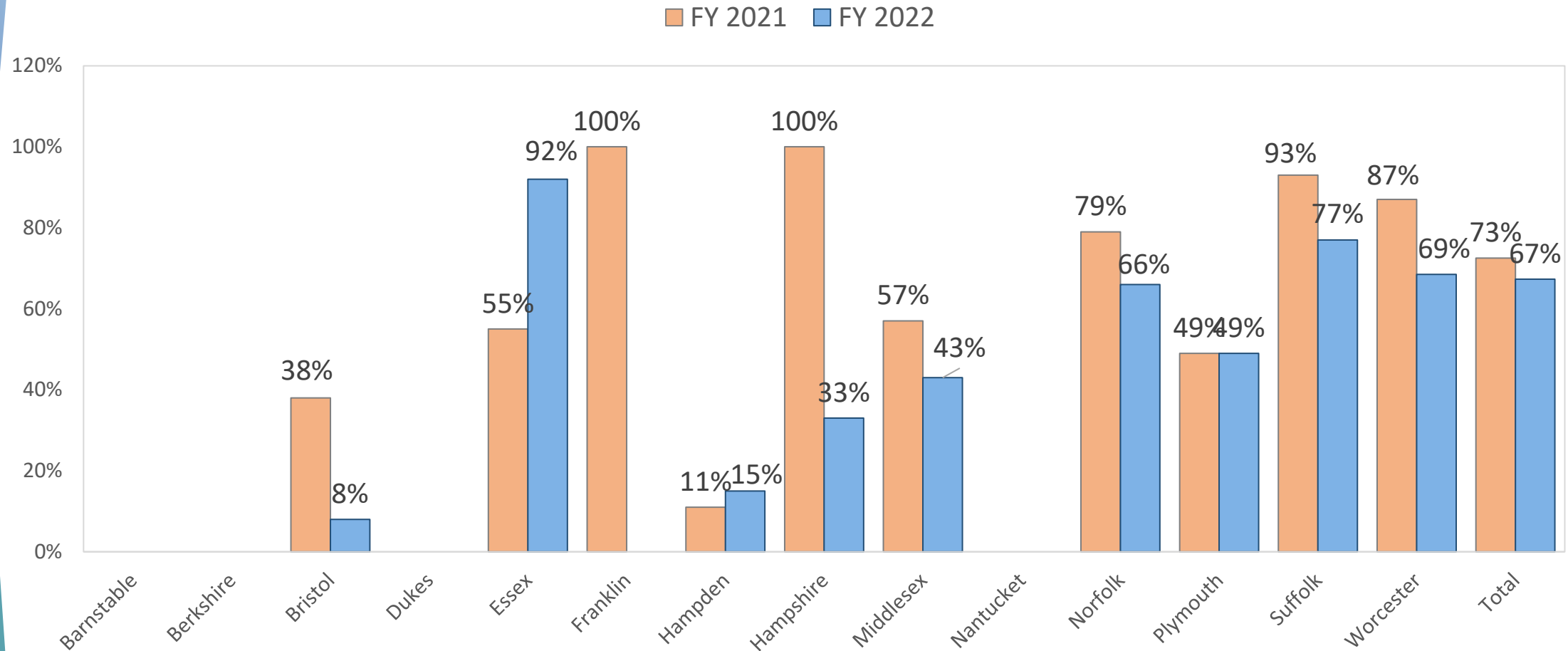
\* Type of disposition was computed from the case disposition and docket entries.

\*\* Figures reflect cases filed and disposed under G.L. c. 94C, §47(d), and G.L. c. 265, §56.



# Proportion of Default Judgment Dispositions by County

The proportion of cases with a default judgment in FY 2022 decreased from FY 2021.

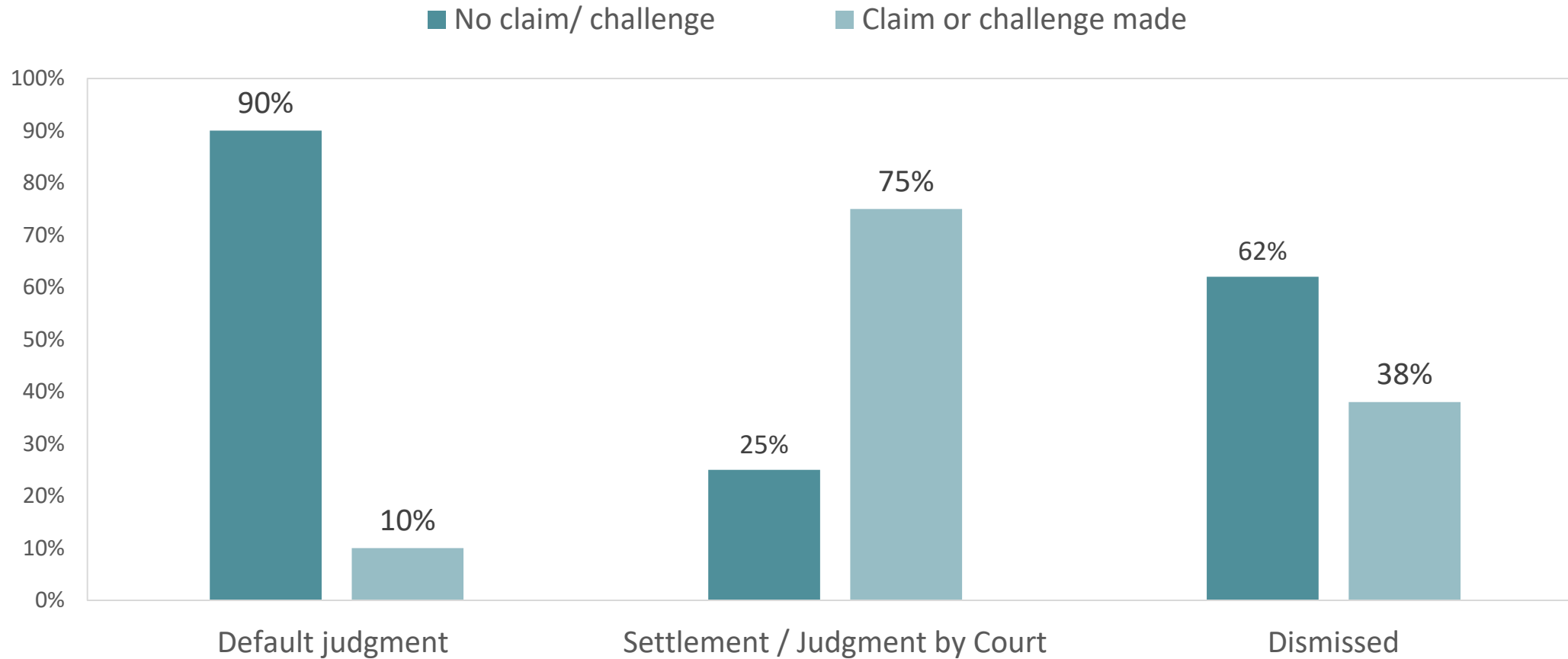


\* Type of disposition was computed from the case disposition and docket entries. There were four (4) cases where the disposition could not be determined from MassCourts in FY2021.

\*\* Figures reflect cases filed and disposed under G.L. c. 94C, §47(d), and G.L. c. 265, §56.



## Disposed Forfeiture Cases by Claim of Property and Disposition, FY 2022



\* Type of disposition was computed from the case disposition and docket entries.

\*\* Figures reflect cases filed and disposed under G.L. c. 94C, §47(d), and G.L. c. 265, §56.



# Appendix:

## Selected Massachusetts Statutes Authorizing Civil Forfeiture



## **Selected Massachusetts Statutes Authorizing Civil Forfeiture**

- G.L. c. 94C, §47, Forfeiture under the Controlled Substances Act (1971)
- G.L. c. 90, §24W, Forfeiture of Motor Vehicles Owned by repeat Drunk Driving Offenders (2005)
- G.L. c. 257, §§1-15, Seizure, Libeling, and Sale of Forfeited Property (1793)
- G.L. c. 265, §56, Forfeiture for Human Trafficking Offenses (2011)



## G.L. c. 94C, §47, Forfeitures under the Controlled Substances Act (1971)

- **§47(a) authorizes forfeiture of:**
  - controlled substances
  - materials, conveyances, equipment, etc., “used or intended for use” in manufacturing, delivering, distributing, transporting, concealing, etc.
  - “moneys . . . or other things of value furnished or intended to be furnished . . . in exchange for a controlled substance . . . , all proceeds traceable to such an exchange”
  - “real property . . . used in any manner . . . to commit or to facilitate the commission of a violation”
- **Exception:** Conveyances and real property only if owner “knew or should have known” of use. Real property also subject to homestead exemption.
- **§47(b) Property subject to forfeiture “shall, upon motion of” AG or DA “be declared forfeit by any court . . . having final jurisdiction over any related criminal proceeding.” So Commonwealth may move for forfeiture upon conviction, by plea or trial, in District Court/BMC or Superior Court.**
- **§47(d) Commonwealth may file separate civil action seeking order of forfeiture.**



## **G.L. c. 94C, §47, Forfeitures under the Controlled Substances Act (cont.)**

- DA or AG may file proceeding in rem in Superior Court for order of forfeiture.
- Court “shall order” notice by certified or registered mail to owner “and such other persons as appear to have an interest.”
- Court may issue ex parte order to seize or secure, or for custody of, property pending proceeding.
- Court must hold hearing within two weeks of notice; may continue hearing, on request of owner, pending outcome of criminal prosecution.
- At hearing: Commonwealth has burden to show probable cause; then claimant (owner) has burden to prove not subject to forfeiture.



### **G.L. c. 90, §24W, Forfeiture of Motor Vehicles Owned by repeat Drunk Driving Offenders (2005)**

- Can be filed in either District Court/BMC or Superior Court, but are almost exclusively brought in the District Court/BMC.

### **G.L. c. 257, §§1-15, Seizure, Libeling, and Sale of Forfeited Property (1793)**

- Can be filed in either the District Court/BMC or Superior Court, but are almost exclusively brought in the District Court.
- Statute pre-dates more specific forfeiture statutes.

### **G.L. c. 265, §56, Forfeiture for Human Trafficking Offenses (2011)**

- Can only be filed in the Superior Court.