



January 8, 2016

Honorable Legislator:

The Oklahoma Association of Chiefs of Police represents over 450 law enforcement administrators and professionals across this Great State of Oklahoma. It is with great concern that we contact you in reference to **Senate Bill 838 addressing Civil Asset Forfeitures.**

We've seen no evidence to support allegations of widespread abuse of citizens' rights. Only anecdotal evidence and isolated instances have been offered as "proof" and we strongly contest those claims.

We urge you to OPPOSE Senate Bill 838 and any other amendments which will allow drug dealers to retain the proceeds of their illegal trade and emphasize the following points:

- The proposed legislation does not consider the economics and the realities of the drug trade. Seizing money has a much greater impact on the cartels and street gangs than seizing the drugs because the drugs they sell are made so cheaply. Cartels and gangs go to great lengths to protect their money and to prevent further investigation into their criminal enterprises.
- It's very common for couriers carrying large quantities of money to disavow any ownership interest—they want to simply walk away from the money and avoid prying eyes. This legislation would not allow the government to retain the money seized from a courier under this scenario.
- Proceeds from drug sales in the U.S. become the investment necessary for the production and importation of huge quantities of drugs that flood our streets. A kilo of meth sells for about \$100,000. A kilo of meth costs the cartels and street gangs about \$400 to make. So theoretically, a \$100,000 seizure prevents the cartels from making and selling over 500 pounds of meth. Proceeds from drug sales in the US go back to Mexico to reinforce the influence and power of the cartels and to underwrite their expenses.



- The proposed legislation will hinder law enforcement efforts aimed at the drug trade. Conservatively, approximately \$5-10 million a year of our drug enforcement efforts are funded by drug dealers, traffickers, street gangs, and the cartels. This legislation will force taxpayers to pick up the tab. If not, then these enforcement efforts will cease or resources will be shifted away from other areas to fund them.
- The proposed legislation will encourage cartels and street gangs to increase operations in Oklahoma. It will result in even more drugs in our communities and even more lives and families being destroyed by them. Drug trafficking and distribution are non-violent crimes unless it's your son or daughter who becomes addicted. It will result in increased violence. The inherent violence closely associated with drug trafficking and distribution is well documented.

The current law has several layers of safeguards to protect citizens' rights.

- Law enforcement can only seize money in close proximity to drugs, drug proceeds, and vehicles used to transport/conceal drugs.
- All seizures are reviewed by prosecutors before they are filed. Prosecutors are directly accountable to the public through the ballot box.
- Notice must be given to potential owners of the property.
- Innocent owners have an absolute defense.
- Property owners have a right to a jury trial.
- The State must prove the property's connection to the drug trade. Owners are never required to prove their "innocence" as proponents of the legislation claim.
- Forfeitures can only occur if/when a judge determines the money/property has a connection to the drug trade.
- A judge reviews each and every seizure before it can be forfeited—even if no one claims the property.

Oklahoma Association



of Chiefs of Police

Again, we urge you to OPPOSE Senate Bill 838 and any other amendments which will allow drug dealers to retain the proceeds of their illegal trade in Oklahoma.

Sincerely:

A handwritten signature in black ink that reads "Ken Murphy". The signature is fluid and cursive.

Kendal A. Murphy
Chief of Police, Wyandotte, OK
President, Oklahoma Association of Chiefs of Police



The City of
OKLAHOMA CITY
POLICE DEPARTMENT
William Citty
Chief of Police

August 21, 2015

Oklahoma Legislature
2300 N Lincoln Blvd.
State Capitol Building
Oklahoma City, OK 73105

Re: Opposition to Senate Bill 838

Dear Sir/Madam:

Under current State law there are numerous layers of safeguards to protect the rights of persons from whom property or money is seized. Police officers only have authority to seize property and money they believe is connected to the drug trade. Each case is reviewed by the appropriate District Attorney's Office. If the District Attorney determines there is sufficient evidence to proceed with a forfeiture action notice is given to any potential owners and the State has the burden of proof. The money or property is never forfeited unless a judge determines the money or property was actually connected to the drug trade.

In Oklahoma City all of the forfeiture proceeds are used for law enforcement purposes such as training and equipment. Without forfeiture funds the Department's ability to deter drug related crime would be significantly impacted and criminals would be allowed to use the illegally gained funds to continue their criminal activities.

In our society, illegal drugs are the root cause of much of our property and violent crime. Seizing money and property from drug dealers is one of the most important resources available to law enforcement in addressing all crimes in our communities. It has a significant impact on the drug dealers and traffickers who use their illegal funds to lease drug houses in our neighborhoods, purchase illegal firearms and attract our youth into a life of crime. In Oklahoma City, most of the money and property seized is obtained from drug dealers who operate on our street corners or from houses in our neighborhoods and not from high profile highway interdictions.

The current process for distribution of asset forfeiture funds is fair and equitable. It provides due process for individuals who have lawful claims to the funds and provides a manageable distribution of forfeitures for use by the agencies who encumber the costs of the investigation and prosecution. A change to the current process would create a more cumbersome bureaucratic and governmental process and risk the equitable distribution to the agency that has already encumbered the cost of the investigation.

Senate Bill 838 is not only unnecessary, it will negatively impact law enforcement and benefit the criminals who are directly or indirectly responsible for most of the crime in our State.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Citty", is written over a circular blue ink stamp. The stamp contains the text "William Citty" and "Chief of Police".

William Citty
Chief of Police



OKLAHOMA SHERIFFS' ASSOCIATION

1615 S. State Street, Edmond, Oklahoma 73013 | Phone (405) 471-6049 | Fax (405) 471-6097

E-mail: info@oklahomasheriffs.org

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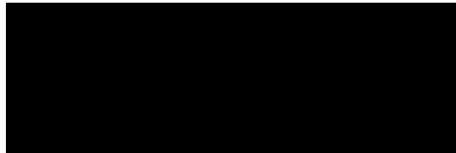
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Southwest Board Member/
Regional Chairman

Sheriff Roger LeVick
Jackson County
Southwest Board Member

January 20, 2016



Dear [REDACTED]

The Oklahoma Sheriffs' Association has been instructed, by the Board of Directors representing the Sheriffs of Oklahoma, to write a letter expressing opposition to Senate Bill 838, the civil asset forfeiture bill. Proposed legislation by Senator Kyle Loveless, if enacted, will virtually eliminate Sheriff's assets and ability to combat drug dealers and cartels at the county level. Without existing Oklahoma forfeiture laws Sheriffs do not have sufficient funds to continue active enforcement at the current level.

Recent suspension of the Department of Justice Asset Forfeiture Program, due to federal budget cuts, further exacerbated an already tenuous funding situation. Local law enforcement has been encouraged to continue furnishing personnel, but equitable sharing payments on seized property will be deferred until a better budget picture is available at the federal level. This program has not been eliminated, but suspended, until more funds are available. In the absence of some sort of funding, personnel and equipment from the county level will not be available to participate in the federal task forces.

In Oklahoma, Senate Bill 838 would have a negative financial impact on Sheriffs, causing them to re-prioritize their efforts and resulting in cuts to important programs. Funding to Sheriffs from Senate Bill 838 would rely on the state to furnish equitable sharing, much as the federal program, and with the same potential problems. If asset forfeiture funds go away, our Sheriffs will have to make difficult choices on how to make up the difference in their budget. Obviously some programs would have to be put on hold until a funding source was identified.

The bill authored by Senator Kyle Loveless seems to be a solution looking for a problem in Oklahoma where there is none. Our current law has layers of safeguards to protect citizens' rights.

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- All seizures are reviewed by prosecutors before they are filed. Prosecutors are directly accountable to the public through the ballot box.
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Visit us at www.oklahomasheriffs.org



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- A judge reviews each seizure before it can be forfeited, even if no one claims the property.

The Sheriffs of Oklahoma would urge you to oppose Senate Bill 838 by Senator Kyle Loveless. Oklahoma laws are not the same as other states or the federal government. They have been carefully crafted to ensure constitutional protections for the citizens we are sworn to protect. Sheriffs, as well as other law enforcement professionals, as always, stand ready for honest and factual discussion of the law to help policy makers determine the best path for our state.

Respectfully,

A handwritten signature in black ink that reads "Michael D. Booth". The signature is written in a cursive, flowing style.

Sheriff Michael D. Booth
OSA President