



Oklahoma Watch
impact journalism in the public interest

Miles Apart, Law Enforcement Officials and Critics Spar Over Seizure Laws

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September 1, 2015

In one corner: both conservatives and liberals at the State Capitol, warning of the need to rein in the frequent seizures of people's cash and property by law enforcement agencies.

In the other: law enforcement officials and prosecutors at the Tulsa Police Training Academy, insisting they act responsibly and in the public interest in their confiscations of private assets as part of the war on drug traffickers.

The dueling hearings occurred on the same day, Tuesday, underscoring the rift over legislation that would impose more limits on civil asset forfeiture. The practice has allowed city, county and state agencies to garner tens of millions of dollars in money and property over more than a decade.

At the Capitol, the hearing was led by state Sen. Kyle Loveless, R-Oklahoma City, who has introduced Senate Bill 838 and who brought together experts of various political stripes. The message from most of them was similar: Law enforcement authorities have become too focused on reaping revenue from seizure operations in order to shore up their budgets, as opposed to just thwarting drug dealers.

“What began as a laudable means to an end has become the end in itself,” said John G. Malcolm, a legal director of the conservative Heritage Foundation. “Police, sheriff’s departments and prosecutors often end up having a significant budgetary stake in the outcome of forfeiture cases.”

Adam Bates, an attorney for the conservative Cato Institute, expressed a similar view. “Self-financing plainly distorts the purpose of law enforcement,” he said.

Also present were attorneys who represent individuals whose property or cash was seized. The attorneys said clients were afraid to come forward out of fear of retribution from law enforcement.

University of Oklahoma Law School Professor Stephen Henderson said Oklahoma's forfeiture laws are lagging those in other states in terms of assuring transparency to prevent government abuses involving the seizure of money.

"While we hope there are no systematic civil forfeiture abuses in Oklahoma, we would not know of them if there were," Henderson said. "The system lacks the accounting and transparency mechanisms that would bring any such abuses to light."

Ninety-plus miles away, in Tulsa, the declarations were equally adamant.

The interim-study hearing was led by state Sen. Anthony Sykes, R-Moore, who chairs the Senate Judiciary Committee.

Only those opposed to Loveless' bill spoke. They included officials from police departments, sheriff's offices, district attorneys' offices, the Department of Public Safety and the Oklahoma Bureau of Narcotics and Dangerous Drugs.

Their message: The Senate bill would cripple authorities' ability to disrupt drug operations, that abuses of the system occur only rarely, and that the current system offers protection for citizens. Among other things, the bill would prohibit forfeiture without a conviction.

"Asset forfeiture is the only tool at our disposal that allows us to take drugs off the streets and profits out of the hands of those who only seek more drugs, more money and more lives to destroy," said District 4 District Attorney Mike Fields. "Senate Bill 838 cuts us off at the knees and impairs our ability to use asset forfeiture to its fullest extent."

Some of the speakers said the bill is an insult to the integrity of law enforcement officers.

"Today, I think this bill questions the very integrity of the men and women of law enforcement and prosecutors," said Darrell Weaver, director of the Oklahoma Bureau of Narcotics. "If there's some mistake that's been made in these seizures and forfeitures and how they've been used, there's not one leader among us who wouldn't change it and make it right."

Tulsa Police Maj. Eric Dagleish said the idea that law enforcement officers are "policing for profit is as accurate as insinuating legislating for profit.

"I have yet to hear one case of (seizure and forfeiture) abuse of an Oklahoma resident," Dagleish said.

The separate meetings were a source of controversy and confusion. On Aug. 26, Sykes decided to hold Loveless' interim study hearing at the Tulsa Police Training Academy. That drew the ire of some lawmakers and members of the public because it was being held away from the Capitol and at a law enforcement facility.

Last Friday, Loveless said he was requesting the interim study be cancelled and in its place he would hold his own hearing at the Capitol. Loveless attributed the decision to a lack of video conferencing capability at the Tulsa location

That evening, Sykes announced the interim study would still be held in Tulsa; those in favor of changes to the forfeiture laws were removed from the agenda.

After Tuesday's meeting, Sykes said the move was intended to encourage attendance from those who normally don't get a chance to come to interim study hearings. Also, he said, construction on the Capitol might create noise that would interfere with the hearing.

Brady Henderson, legal director for ACLU-Oklahoma and who spoke at the Oklahoma City meeting, said he had asked Sykes to also be placed on the Tulsa agenda to speak, but Sykes declined.