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Oklahoma Is the Latest State to Consider Curbing Police Power

A rare coalition of liberal and conservative groups is supporting bills against civil asset forfeiture around the country.

Josh Eidelson

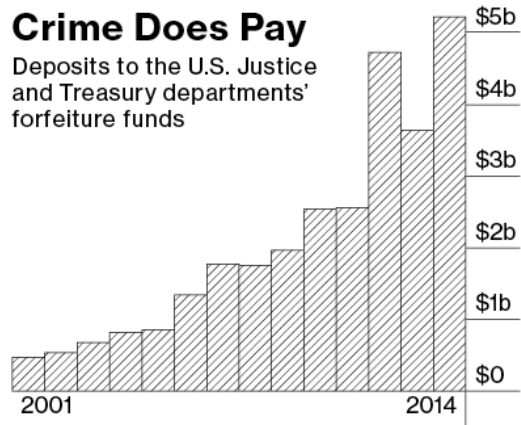
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A growing number of horror stories have helped spark scrutiny. In 2014 police at Cincinnati/Northern Kentucky International Airport seized a college student's \$11,000 life savings because his luggage allegedly smelled of pot. Last year, an aspiring music video producer taking an Amtrak train from Michigan to California lost \$16,000 in savings when a Drug Enforcement Administration agent who was questioning passengers confiscated his cash. "We don't have to prove that the person is guilty," the DEA agent in charge for Albuquerque, where the money was taken, later told the Albuquerque Journal. In 2008 officers in commando gear who showed up at a reception at the Contemporary Art Institute of Detroit, which didn't have a liquor license, confiscated 44 cars from guests. A federal judge ruled in 2012 that the raid violated the Fourth Amendment and reflected a "widespread practice" by the department.

Law enforcement groups say such examples give an important tool a bad rap. "There does not exist a widespread problem of us taking assets from innocent citizens and them having to fight long battles to get their assets back," says Eric Dalglish, a Tulsa deputy police chief battling Loveless's bill. Ceasing confiscations would make Oklahoma a magnet for crime, argues Tulsa County District Attorney Steve Kunzweiler. Drug traffickers often rely on "mules" who are rarely if ever charged or convicted of crimes, he says; preventing police from seizing the cash they carry would only enable their bosses to do business from afar. "Just Google 'decapitated bodies hanging from bridge,'" Kunzweiler says. "That's a reality for the citizens of Mexico, and I do not want that to be a reality for any citizen in the United States of America."

Crime Does Pay

Deposits to the U.S. Justice and Treasury departments' forfeiture funds



FISCAL YEARS. DATA: INSTITUTE FOR JUSTICE

Libertarians scoff at that line of argument. “The thumbscrew and the rack may also be useful tools for fighting crime, but we don’t use them,” says Roger Pilon, who directs the Cato Institute’s Center for Constitutional Studies and has been fighting what he calls “modern piracy” since the 1990s. It used to be a lonelier cause. A federal bill championed by Illinois Republican Henry Hyde, passed in 2000, imposed modest limits and notification requirements on federal forfeiture cases. The handful of groups fighting forfeiture back then had trouble getting more done. “It very much fell on deaf ears,” says Gary Daniels, the Ohio ACLU’s chief lobbyist. “People have been talking about asset forfeiture more in the last six months than I’ve seen in the 19 years before that combined.”

The cooperation across ideological lines marshals the strengths of each group involved. The libertarian law firm Institute for Justice, which compares and grades each state’s current laws, takes advice from the ACLU on where reforms are most likely to pass. The liberal State Innovation Exchange directs legislators looking for sample anti-forfeiture bills to model legislation developed by the Institute for Justice, which is similar to that offered by the conservative American Legislative Exchange Council. Experts from ideologically dissimilar organizations team up for awareness-raising panels: One held on Jan. 12 in New Hampshire was sponsored by the Charles Koch Institute, was moderated by Fox Business host John Stossel, and featured an ACLU attorney.

Last spring the liberal Center for American Progress and the conservative FreedomWorks co-hosted a lunch meeting on criminal justice reform for bloggers. It was “a trust-building exercise,” says Rebecca Vallas, managing director of CAP’s Poverty to Prosperity Program. Later, participants got together to socialize over drinks. Vallas told FreedomWorks’ Pye about her work defending Social Security and income assistance programs. “We were both able to laugh,” Vallas says, “and say, ‘You know what? We should probably only talk about criminal justice and whiskey.’”

The oddly paired activists aren’t winning everywhere. In California, which already restricts forfeiture more than most states, law enforcement lobbying quashed a bill that would have curbed collaboration with federal authorities on forfeitures. Sean Hoffman, the legislation director for the California District Attorneys Association, says his side prevailed by providing politicians with personalized estimates of the amount in forfeiture funds their local cops could

lose. Still, he acknowledges that persuading legislators to side with law enforcement is harder than it used to be. “We had members who had never previously worked together or voted on each other’s bills teaming up” against forfeiture, Hoffman says. “I don’t want to say they’re wary of law enforcement, but we certainly have to answer for a lot of things that had not previously been issues.”