



Utah County Law Enforcement Executives Association

Utah County Attorney
Jeff Buhman

Utah County Sheriff's Dept.
Sheriff Jim Tracy

Orem Police
Chief Gary Giles

Provo Police
Chief John King

Saratoga Springs Police
Chief Andrew Burton

Lehi Police
Chief Darren Paul

American Fork Police
Chief Lance Call

Pleasant Grove Police
Chief Mike Smith

Lindon Police
Chief Cody Cullimore

Springville Police
Chief Scott Finlayson

Mapleton Police
Chief John Jackson

Spanish Fork Police
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Santaquin Police
Chief Rodney Hurst

BYU Police
Chief Larry Stott

Utah Valley University Police
Chief John Brewer

The *Utah County Law Enforcement Executives Association* is writing this letter to express our **strong opposition to HB22** "Procedural Reforms" in regards to asset forfeiture. We feel that the proposed changes in the bill would do nothing to protect 'innocent persons', but would rather support drug dealers, criminals, and large cartels.

A few statistics to put the problem in perspective:

- In 2015 the Utah County Major Crimes Task Force seized illicit drugs with a street value of over \$12 million, 54 guns and 2 hand grenades.ⁱ
- In 2015 the Task Force disrupted (through arrests and seizures of drugs and drug proceeds) three international drug trafficking organizations operating in Utah.
- Mexican drug cartels dominate the distribution of heroin, cocaine, methamphetamine and marijuana in Utah. Drug trafficking in Mexico is a business worth well over \$50 billion per year.ⁱⁱ
- Nationwide Heroin use increased 63% and heroin deaths nearly quadrupled from 2002-13.ⁱⁱⁱ
- Utah has the eighth highest drug overdose mortality rate in the United States, with 16.9 per 100,000 people suffering drug overdose fatalities; the number of drug overdose deaths in Utah increased by 59 percent since 1999.^{iv}
- Over the past decade the number of Utah newborns (birth to 28 days) diagnosed with NAS (newborns exposed to addictive prescription or illicit drugs while in utero) increased 242.7% (from 2002-11).^v

Because drug cartels are large and sophisticated business enterprises, and because they operate covertly and completely outside of the law, law enforcement agencies tasked by the Legislature to enforce the law **MUST** have tools adequate to the task. Drug cartels are "for profit" businesses and they operate where risks-to-profits are low. Law enforcement agencies—with proper judicial oversight—**MUST** have adequate tools to disrupt the profits of drug trafficking. We cannot put them out of business by allowing to keep the proceeds of their illegal enterprise.

Utah's current forfeiture laws (Utah Code Title 24 Chapter 4), in place since 2014, have properly protected private property rights. The current laws have been looked at closely over the past decade and have been refined to the point where they are now. **The new bill's sponsors have NO documented examples of abuses by police or prosecutors and many of the proposed changes would put legislative efforts back at least a decade.**

Since 2014, there has been no possibility of "policing for profit" in Utah. ALL forfeited properties must be sent to the Utah Commission on Criminal and Juvenile Justice ("CCJJ"), which oversees spending of the forfeited property. CCJJ has used forfeited monies to do, among other worthy expenditures, the following:



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- In FY 2014, \$351,309 was awarded to drug courts to treat victims of the drug trade.
- In FY 2014, a grant of \$700,000.00 was awarded by CCJJ to the Crime Victims Fund.
- In FY 2015 \$399,412 was awarded to drug courts to treat victims of the drug trade.
- In FY 2016, \$375,000.00 was awarded to Drug Court to treat drug users.^{vi}

The proposed language of the bill works to protect drug cartels, not innocent owners. For example:

- Lines 102-105 create a loophole. Under this language, a pimp exploiting a young woman engaged in sex for money would claim the money, and be entitled to get it back.
- That loophole is repeated at lines 150-156. Under this language, a person found with \$90,000.00 in cash and 30 pounds of heroin during execution of a search warrant (this is from an actual case in Salt Lake) would be entitled to a return of all the cash, unless surveillance had observed the actual transaction producing the \$90,000.00 cash (which, of course, is almost impossible to achieve).
- Alternatively, the \$90,000.00 would be used to pay for an attorney (line 401) rather than be forfeited to CCJJ to remedy the harmful effects of heroin on our communities.

We urge you to vote NO on HB 22. HB 22 is a solution in search of a problem. HB 22 will decrease the risk to drug cartels without increasing protections to innocent owners. An informal poll of Utah prosecutors indicates that the bill, if passed, will simply lead to the complete removal of that tool (Title 24, Chapter 4) from the police and prosecutors—drug dealers and cartels will be able to keep the profits of their drug sales.


Chief Gary Giles
Association Representative

ⁱ Task Force Statistics 2016 provided to Task Force Board members

ⁱⁱ <http://www.drugabuse.net/drug-policy/drug-trafficking-statistics/>

ⁱⁱⁱ <http://time.com/3946904/heroin-epidemic/>

^{iv} <http://healthyamericans.org/reports/drugabuse2013/release.php?stateid=UT>

^v https://ibis.health.utah.gov/pdf/opha/publication/hsu/2013/1307_NAS.pdf

^{vi} All CCJJ stats were obtained through CCJJ staff