

Asset seizures fuel police spending



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Police agencies have used hundreds of millions of dollars taken from Americans under

federal civil forfeiture law in recent years to buy guns, armored cars and electronic surveillance gear. They have also spent money on luxury vehicles, travel and a clown named Sparkles.

ABOVE: In Douglasville, Ga, population 32,000, an armored personnel carrier costing \$227,000 was bought using money taken from Americans under civil forfeiture laws.

The details are contained in thousands of annual reports submitted by local and state agencies to the Justice Department's Equitable Sharing Program, an initiative that allows local and state police to keep up to 80 percent of the assets they seize. The Washington Post obtained 43,000 of the reports dating from 2008 through a Freedom of Information Act request.

Stop and Seize: In recent years, thousands of people have had cash confiscated by police without being charged with crimes. The Post looks at the police culture behind the seizures and the people who were forced to fight the government to get their money back.

Part 1: After Sept. 11, 2001, a cottage industry of private police trainers emerged to teach aggressive techniques of highway interdiction to thousands of local and state police.

Part 2: One training firm started a private intelligence-sharing network and helped shape law enforcement nationwide.

Part 3: Motorists caught up in the seizures talk about the experience and the legal battles that could take over a year.

Part 5: Highway seizure in Iowa fuels debate about asset-forfeiture laws.

Part 6: D.C. police plan for future seizure proceeds years in advance in city budget documents.

Chat transcript: The reporters behind "Stop and Seize" answered readers' questions about the investigative series.

The documents offer a sweeping look at how police departments and drug task forces across the country are benefiting from laws that allow them to take cash and property without proving a crime has occurred. The law was meant to decimate drug organizations, but The Post found that it has been used as a routine source of funding for law enforcement at every level.

"In tight budget periods, and even in times of budget surpluses, using asset forfeiture dollars to purchase equipment and training to stay current with the ever-changing trends in crime fighting helps serve and protect the citizens," said Prince George's County, Md., police spokeswoman Julie Parker.

Brad Cates, a former director of asset forfeiture programs at the Justice Department, said the spending identified by The Post suggests police are using Equitable Sharing as "a free floating slush fund." Cates, who oversaw the program while at Justice from 1985 to 1989, said it has enabled police to sidestep the traditional budget process, in which elected leaders create law enforcement spending priorities.

“All of this is fundamentally at odds with the U.S. Constitution,” said Cates, [who recently co-wrote an article](#) calling for the program’s abolition on The Post’s editorial page. “All of this is at odds with the rights that Americans have.”

Of the nearly \$2.5 billion in spending reported in the forms, 81 percent came from cash and property seizures in which no indictment was filed, according to an analysis by The Post. Owners must prove that their money or property was acquired legally in order to get it back.

The police purchases comprise a rich mix of the practical and the high-tech, including an array of gear that has helped some departments militarize their operations: Humvees, automatic weapons, gas grenades, night-vision scopes and sniper gear. Many departments acquired electronic surveillance equipment, including automated license-plate readers and systems that track cellphones.

The spending also included a \$5 million helicopter for Los Angeles police; a mobile command bus worth more than \$1 million in Prince George’s County; an armored personnel carrier costing \$227,000 in Douglasville, Ga., population 32,000; \$5,300 worth of “challenge coin” medallions in Brunswick County, N.C.; \$4,600 for a Sheriff’s Award Banquet by the Doña Ana County (N.M.) Sheriff’s Department; and a \$637 coffee maker for the Randall County Sheriff’s Department in Amarillo, Tex.

Sparkles the Clown was hired with asset forfeiture proceeds by police in the Village of Reminderville, Ohio, where she painted children's faces at a community relations event. (Ron Fowler)

Sparkles the Clown was hired for \$225 by Chief Jeff Buck in Reminderville, Ohio, to improve community relations. But Buck said the seizure money has been crucial to sustaining long-term investigations that have put thousands of drug traffickers in prison.

“The money I spent on Sparkles the Clown is a very, very minute portion of the forfeited money that I spend in fighting the war on drugs,” he told The Post.

About 5,400 departments and drug task forces have participated in the Equitable Sharing Program since 2008. Justice spokesman Peter Carr said the program is an effective weapon to fight crime but should not be considered “an alternative funding source for state and local law enforcement.”

“It removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crime,” he said in a statement. “Any funds received through the equitable sharing program are meant to enhance and supplement, not supplant or replace an agency’s appropriated budget and resources.”

Money for gear, training

A local or state police agency can seize cash or property under federal law through the Equitable Sharing Program when a federal agency such as the Drug Enforcement Administration or Immigration and Customs Enforcement agrees to adopt the seizure under federal law. Federal agencies generally are allowed to keep 20 percent or more of the seizure after an adoption.

‘Your property is guilty until you prove it innocent’

In the wake of Sept. 11, 2001, an aggressive brand of policing called “highway interdiction,” which involves authorities seizing money and property during traffic stops, has grown in popularity. Thousands of people not charged with crimes are left fighting legal battles to regain their money.

(Gabe Silverman/The Washington Post)

In September, [The Post reported](#) that police across the country became more aggressive in their use of federal civil asset forfeiture laws after the Sept. 11, 2001, terrorist attacks. Officials at Justice and the Department of Homeland Security encouraged a technique known as highway interdiction to help in the fight against drugs and terror.

There have been 61,998 cash seizures on highways and elsewhere since 9/11 without search warrants or indictments and processed through the Equitable Sharing Program, according to an analysis of Justice data obtained by The Post.

Equitable Sharing participants must follow rules contained in a 50-page Equitable Sharing guide that require the proceeds of seizures to be used “by law enforcement agencies for law enforcement purposes only.”

Permissible uses include overtime pay, training, building construction and improvements and equipment — everything from file cabinets and fitness gear to automatic weapons, surveillance systems and cars. They also can use proceeds to buy food and drinks at conferences or during disaster operations.

Police generally may not pay ongoing salaries or otherwise support annual budgets. One exception allows for departments to pay salaries of newly hired officers for one year or officers assigned to a drug task force as a replacement “so long as the replacement officer does not engage in the seizure of assets or narcotics law enforcement as a principal duty.”

The Justice Department has about 15 employees assigned to overseeing compliance. Five employees review thousands of annual reports for discrepancies. Justice employees also use analytical tools to search for spending patterns. Several attorneys review all sharing requests for \$1 million or more, Carr said, adding that the locals also do their own audits.

The annual reports from local and state police are required to help “promote public confidence” in the program and to protect against “waste, fraud and abuse,” the guidelines say. But the forms provide few details about what is actually purchased, according to documents and interviews.

That is in part because the department leaves it up to local officials to decide how to categorize their spending. There is little room to provide line-item detail.

Justice's inspector general's office has conducted 25 audits on spending since 2008, an average of four a year, examining more than \$18 million in Equitable Sharing spending, roughly three-quarters of 1 percent of the money spent during that time. Justice has challenged millions of dollars in spending as unsupported or unallowable.

One audit examined about \$3.4 million in Equitable Sharing funds that the Oklahoma Highway Patrol spent from July 2009 to June 2012.

The audit found \$1.9 million in unallowable and unsupported expenditures relating to salaries, overtime pay, construction, fees paid to contractors and the use of two Ford F-150 pickup trucks by non-law enforcement personnel.

Oklahoma authorities did not return calls seeking comment.

Auditors found the Mesa County, Colo., Sheriff's Office paid thousands for projectors, scanner equipment and other items that were not intended for law enforcement. They also paid for 20 lawyers in the Mesa County prosecutor's office to attend a conference at the Keystone ski resort. Auditors questioned more than \$78,000 in spending.

The Mesa Sheriff's Office also did not respond to calls from The Post.