



Alaska Association of Chiefs of Police

April 1, 2016

The Honorable Gabrielle LeDoux
State Capitol Room 118
Juneau AK, 99801

Representative.Gabrielle.LeDoux@akleg.gov

Dear Representative LeDoux,

In my capacity as President of the Alaska Association of Chiefs of Police, I am writing to express our strong opposition of House Bill 317, "An Act relating to forfeiture to the state; relating to criminal law; amending Rules 3, 4, 11, 12, 16, 32, 32.2, 32.3, 39, 39.1 and 42, Alaska Rules of Criminal Procedure, Rules 501, 801, and 803, Alaska rules of Evidence, and Rules 202, 209, and 217, Alaska Rules of Appellate Procedure; and providing for an effective date." Our Association is comprised of more than 100 law enforcement executives from all across Alaska, who strongly believe that this bill attempts to address issues that are not present and abuses that have not occurred in Alaska, and would result in significant degradation to law enforcement resources and criminal prosecutions across the state.

Requiring a criminal prosecution for all forfeitures will significantly inhibit the state's ability to manage civil asset forfeiture when appropriate, such as when prosecution is waived for an informant who has property which constitutes proceeds from criminal activity or is deceased. This would allow the person or their estate to retain potentially significant amounts of property that were used in or are proceeds from criminal activity. Under current law, seized property can be returned through processes already in place. While the vast majority of civil asset forfeitures are affected through criminal prosecution already, requiring that an individual be convicted of a crime before forfeiture proceedings can take place may allow criminals to dispose of valuable and criminal proceeds before a conviction can be made. Additionally, all civil asset forfeitures must already be submitted to and approved by the court, following due process procedures, ensuring that individual rights and legal process is followed.

Secondly, United States Codeⁱ mandates that all funds obtained through federal civil asset forfeiture and equitable sharing be used by law enforcement agencies for law enforcement purposes only. Federal law mandates that state and local law enforcement agencies must implement standard accounting procedures and internal controls (e.g., tracking share requests and receipts, electronically depositing shares into a separate revenue account or accounting code) to track equitably shared monies and tangible property. Requiring that these funds be deposited to the state's general fund would violate federal law, or in effect prohibit law enforcement agencies in the state from participating in the federal equitable sharing program.

We want to thank you and your committee for your dedication to the people of Alaska and your continued interest in public safety issues. We encourage you to reach out to us should you wish to further discuss this or any other matter.

Sincerely,



Brad Johnson, President

ⁱ 21 U.S.C. § 881(e)(1)(A) and (e)(3), and 18 U.S.C. § 981(e)(2)