

HOMELAND SECURITY TEAM

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ASSET FORFEITURE/EQUITABLE SHARING

Requested Action:

Reconsider the reinstatement of the asset forfeiture equitable sharing program, between the federal government and state/local/tribal law enforcement agencies, which was suspended in December 2015.

Background:

For over 30 years, the federal Asset Forfeiture program has allowed for “equitable sharing” of seized assets between law enforcement participants of joint task forces which include the federal government and state, local and tribal agencies. This program was created during the 1980s as part of the war on drugs. Local law enforcement agencies have normally been able to keep up to 80 percent of assets seized through joint task force efforts involving criminal enterprises investigated by partnerships between federal and local agencies. The seizure of such assets deprives criminals of both the proceeds and tools of crime.

Resources provided by the equitable sharing program have allowed agencies nationwide to deter serious criminal activity and terrorism, purchase equipment, provide training, upgrade technology, engage their communities, and better protect their officers. In the Sacramento region, federal asset seizure funds have been used for Shot Spotter technology, Bait Tags, Summer Night Lights (a successful unity program in a crime-filled neighborhood), helicopter infrared cameras, investigative software, and an IBIS Brass Trax Machine (crime scene ballistics identification) to name just a few extremely valuable expenditures.

In November 2015, the Bipartisan Budget Act of 2015 was enacted. It included a \$746 million permanent reduction of Asset Forfeiture Program Funds. The Consolidated Appropriations Act of

2016, signed by the President in December 2015, included an additional \$438 million rescission in the budget for the 2016 fiscal year. On December 21, 2015, the federal Justice Department notified local law enforcement departments nationwide that asset seizure payments were being suspended due to a \$1.2 billion cut to the program's budget over two years. Money and property could still be seized and forfeited, however local agencies would no longer get a share through participating in the action.

The suspension of equitable sharing payments will have a detrimental effect on the partnerships between federal law enforcement and local agencies across the country. Local agencies may be forced to reconsider their ability to participate in joint task forces with the federal government. In addition, local agencies will not only lose an important source of funds that enable them to purchase needed resources, valuable partnerships created by joint task forces may also be sacrificed.

References:

Joint Letter to President of the United States

https://www.iacp.org/Portals/0/documents/pdfs/JointAFESletter_Obama.pdf

Feds stop sharing asset forfeitures with local police after \$1.2 billion in spending cuts

http://www.stltoday.com/news/local/metro/feds-stop-sharing-asset-forfeitures-with-local-police-after-billion/article_6f4f320e-e395-5baf-b74d-798a2bf34429.html?print=true&cid=print

Justice ends 'asset forfeiture' program

<http://thehill.com/homenews/administration/229803-justice-ends-asset-forfeiture-program>

What's next for feds' seizure program after local payments stopped?

<http://www.cincinnati.com/story/news/2015/12/29/whats-next-feds-seizure-program-after-local-payments-stopped/78013338/>

The Justice Department just shut down a huge asset forfeiture program

<https://www.washingtonpost.com/news/wonk/wp/2015/12/23/the-feds-just-shut-down-a-huge-program-that-lets-cops-take-your-stuff-and-keep-it/>

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SACRAMENTO, CA to WASHINGTON D.C.

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