

<http://www.cpr.org/news/story/feds-cut-asset-forfeiture-funds-colo-drug-human-trafficking-efforts-question>

Feds Cut Asset Forfeiture Funds; Colo. Drug, Human Trafficking Efforts In Question

By [Michael de Yoanna](#) Dec 29, 2015



Attorney General Loretta Lynch at the Justice Department in Washington in December 2015.

(AP Photo/Susan Walsh)

The U.S. Justice Department [has suspended](#) a controversial program that allows property seized from crime suspects to fund anti-drug and human trafficking efforts, worth millions of dollars a year to Colorado agencies by some estimates.

The move leaves local agencies scrambling to fill potential funding voids, said [Montrose County Sheriff Rick Dunlap](#), the president of the [County Sheriffs of Colorado](#).

"I think the big impact is going to be with the drug task forces across the state," Dunlap said. "Those agencies are going to be forced to try and research other means of getting funds to keep those task forces operating or else they're just going to have to close up."

Critics have derided the program, in which the federal government shares proceeds from property forfeitures with local agencies, as "policing for profit." The critics point to instances where people who have not been convicted of crimes have been swept up in investigations and have lost cash, cars, even their homes.

The Bipartisan Budget Act of 2015 made a \$746 million permanent cut in the forfeiture program, but the agency thought it could carry on the work with reduced funds. However, the Consolidated Appropriations Act of 2016, signed into law on Dec. 18, includes an additional \$458 million cut for the coming year. The department's chief of asset forfeiture, M. Kendall Day, [responded by suspending the program](#).

"The Department does not take this step lightly," [Day wrote Dec. 21](#). "We explored every conceivable option that would have enabled us to preserve some form of meaningful equitable sharing while continuing to operate the Program and meet our other fiscal obligations."

Unfortunately, the combined effect of the two reductions totaling \$1.2 billion made that impossible."

He added: "While we had hoped to minimize any adverse impact on state, local, and tribal law enforcement partners, the Department is deferring for the time being any equitable sharing payments from the Program. Thus, effective immediately, the Department will defer all equitable sharing payments to our state, local, and tribal partners and transfers of any items for official use. Payments that have already been executed by the U.S. Marshals Service will be transmitted to recipients."

Day stated that attempts are being made to salvage and revive the program.

[State Sen. Laura Woods](#), R-Arvada, introduced a bill in the last legislative session that, in part, would have essentially achieved the same thing in Colorado. [The bill](#) was killed after testimony from law-enforcement agencies said budgets to combat crime would be hampered.

[Douglas County Sheriff Tony Spurlock](#), for instance, testified that drug and human traffickers enter Colorado from other states. Without asset forfeiture funds, small communities, particularly in the rural part of the state, "do not have the capacity -- the taxing authority capacity -- to investigate, prosecute and prevent those crimes from occurring."

A fiscal impact analysis of the bill at that time estimated agencies across Colorado [could lose up to \\$4.4 million a year](#) without the federal program.

Woods called the Justice Department's suspension of the program a "win," and said she believed local agencies in Colorado that pursue asset forfeitures would now likely use state law, instead of federal law.

Under state law, a conviction is required for property to be forfeited.

- See more at: <http://www.cpr.org/news/story/feds-cut-asset-forfeiture-funds-colo-drug-human-trafficking-efforts-question#sthash.eITuNEpw.dpuf>