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Utah police can take cash and property from suspects, even if charges are never filed. Last year, officers seized items worth \$2.5 million.



(Courtesy of FOX 13 photojournalist Doug Eldredge) The Utah Attorney General and several police agencies executed seven search warrants on pawnshops owned by the polygamous Kingston Clan on Tuesday, June 19, 2018. No one was arrested, but the items seized filled four storage units.

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Police in Utah last year took more than \$2.1 million in cash

under a state law that allows officers to seize someone's property — even if they have never been charged or convicted of a crime.

It's called civil asset forfeiture, and it is a process that allows law enforcement to take personal property if police believe the items


are connected to criminal activity. Under state law, cash and

belongings not returned to individuals can be kept by the

government and are often handed out to law enforcement groups

to support confidential informants or purchase new police

equipment.

 The state's annual report, released last week by the Commission of Criminal and Juvenile Justice, shows nearly all seizures in 2017 — 96 percent — were related to drug investigations.

And nearly all of the property that was seized was cash, though police agencies also reported that they took cars, gambling machines and other items. The value of those items were estimated at just over \$400,000.

The amount of cash taken by Utah police agencies is on the rise. In 2016, police seized more than \$1.4 million.

Police agencies say civil asset forfeiture laws help to keep criminals from profiting from their illegal activities. But critics have expressed concern that the practices may be sweeping up innocent people who don't have the money to fight the government in civil court to get their property back.

Of the 334 cases reported last year, more than 60 percent ended in default rulings — meaning the owner never made an attempt in court to get their property back.

Libertas Institute, a libertarian-leaning Utah think tank, has pushed for changes in Utah’s civil asset forfeiture laws in recent years. President Connor Boyack said Monday that they are concerned about those low-dollar cases, where a property owner may not want to contest the case because it’s not worth the money to hire an attorney.

“In the past few years, the public has become increasingly aware of these laws that allow their government to permanently take ownership of a person’s property without even charging that person with a crime, let alone convicting them,” he said. “I think it really rubs people the wrong way to find out the government can take things from innocent people.”

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Boyack said his organization takes no issue with police seizing property from actual criminals — but says the process should be changed so that only those who have been convicted in court lose their property.

The 2017 report from the commission says only 58 percent of those cases where property was seized ended in a conviction. The majority of the remaining cases were still pending when the report was compiled.

The report lists general statistics about seized assets, but does not include details on an individual case level.

Brent Jex, the president of the Utah Fraternal Order of Police, said his organization also believes it would be best for these sorts of cases to be connected to criminal charges, not filed separately in civil court. While he doesn't believe innocent people are having their property taken from them, he said police want to provide safeguards.

“There's always a concern of that,” he said. “Honestly, you have to be concerned about that to make sure you're doing it right.”


Police agencies that seize property are required to deposit cash or profits into a state account that doles out grants to law enforcement agencies.

Last year, the Weber-Morgan Narcotic Strike Force received the biggest grant — more than \$227,000 to be used for confidential informant funds, overtime wages and surveillance. The Davis Metro Drug and Major Crimes task force received more than

\$122,000 for similar items. Other agencies in Utah got money for everything from weapons to white boards to body cameras. Salt Lake City police used the \$39,000 they were awarded to buy Naloxone rescue kits, used to treat people as they overdose on opioids, and further training for their officers.



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