

ACLU of Maine

MAINE LAW ENFORCEMENT FLOUTING PROPERTY SEIZURE LAWS, ACCORDING TO NEW REPORT

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Investigation Shows Agencies Are Failing to Report Seizures and
Illegally Keeping Proceeds

Augusta – Maine law enforcement officials are failing to report money seized during drug arrests and keeping money meant to be deposited into the state general fund, according to a recent investigation by the Maine Beacon into asset forfeiture in Maine.

“Asset forfeiture as a practice is concerning enough when the law is followed. But when law enforcement agencies ignore the law meant to keep them in check, it’s downright alarming,” said Zachary Heiden, legal director at the ACLU of Maine.

Asset forfeiture is a practice by which police seize property, such as cash, cars or real estate, that they allege is involved in a crime, and keep it for government purposes. In civil cases, owners need not ever be arrested or convicted of a crime for their property to be

taken permanently. Criminal forfeiture, which the Beacon reports is more common in Maine, does require a conviction for the cash or property to be taken permanently.

Maine statute requires the Maine Department of Public Safety to maintain a centralized record of property seized in this manner, and to provide an updated quarterly report to the Office of Fiscal and Program Review (OFPR) for review. According to the Beacon report, there is no record of this ever happening.

Further investigation by the Beacon revealed that Maine's law enforcement agencies are apparently keeping the property seized in asset forfeitures, rather than depositing it in the state's general fund as required by state law. In fact, the OFPR told the Beacon that, aside from a single deposit of \$4,335 made by the Department of Public Safety in 2010, no recent proceeds from asset forfeitures have gone into the general fund.

Each state sets its own provisions for what to do with property seized in asset forfeitures. Maine's statute requiring the proceeds go to the general fund has been lauded in the past by advocates who point to it as a way to reduce corruption and incentives for police to seize property to boost their own budgets. But, because law enforcement agencies are failing to report the amount of property seized, there is no way for lawmakers to monitor the amount police are bringing in or hold them accountable.

"Maine law enforcement officials are taking money and property from people who haven't been convicted of a crime. They are keeping that money and property for themselves. And they are failing to report it to the state," said Oamshri Amarasingham,

advocacy director at the ACLU of Maine. “We should all be outraged. We hope our elected officials will take immediate steps to halt this shocking abuse of power.”

The Beacon reporting on this issue can be found here:

<http://mainebeacon.com/maine-law-enforcement-is-keeping-drug-bust-money-meant-for-state-general-fund/> (<http://mainebeacon.com/maine-law-enforcement-is-keeping-drug-bust-money-meant-for-state-general-fund/>)

<http://mainebeacon.com/maine-law-enforcement-fails-to-report-money-seized-in-drug-busts/> (<http://mainebeacon.com/maine-law-enforcement-fails-to-report-money-seized-in-drug-busts/>)