



**Testimony of Kimberly McCullough, Policy Director
Regarding HB 4056
House Judiciary Committee
02/05/2018**

Chair Barker and Members of the Committee:

The American Civil Liberties Union of Oregon¹ appreciates the opportunity to share some context and comments that we hope will be helpful in regard to HB 4056. This bill allocates 10% of the proceeds of asset forfeiture to a scholarship fund for families of fallen and disabled public safety officers.

First off, **the intent of this bill is very positive**. Families of deceased and disabled public safety officers are most certainly very impacted by harm to their loved ones, and this is a way for the state to honor their service and provide a tangible means of support to the families.

We do want to share some concern, however, about the source of funds for the scholarship fund (asset forfeiture) and the optics around giving funds that have been seized by officers to the families of officers.

Asset forfeiture is a hot topic right now around the nation, with conservatives, libertarians, progressives and nonpartisan civil rights activists pushing to reform, reduce or eliminate the practice. As just a few examples of the diversity of voices raising serious concerns about asset forfeiture see:

- The conservative criminal justice organization Right on Crime: <http://rightoncrime.com/category/priority-issues/civil-asset-forfeiture/>
- The libertarian research group Cato Institute: <https://www.cato.org/policing-in-america/chapter-4/civil-asset-forfeiture>
- The left-leaning policy institute Brennan Center: <https://www.brennancenter.org/analysis/anyone-not-cop-favor-%E2%80%9Ccivil-forfeiture%E2%80%9D-laws>
- National ACLU: <https://www.aclu.org/issues/criminal-law-reform/reforming-police-practices/asset-forfeiture-abuse>

Within these conversations, **one of the major areas of concern is where money from asset forfeiture is allocated**. More specifically, many of the people seeking to reform asset forfeiture raise the concern that the **money is frequently allocated to law enforcement agencies, giving them an apparent incentive to engage in the practice more vigorously**.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization with more than 42,000 members in the State of Oregon.

Regardless of whether that incentive is occurring in fact, even the appearance of incentive is damaging to public trust in law enforcement. **In our justice system, it is very important that we always ensure that things operate in a fair and just way and also that they appear to operate with fairness and justice.**

It is in that context that we are very concerned about how allocation of asset forfeiture proceeds directly to the families of law enforcement is going to be perceived by the people of Oregon. **When officers and their families gain a direct pecuniary interest in property that officers exercise authority to seize, the optics of the practice are very problematic.**

As a final note, because asset forfeiture proceeds ebb and flow depending on a variety of factors, and because the practice in Oregon may at some point be reformed further than it currently is, it is possible that this is **not actually a reliable source of funds** for the scholarship program.

Our suggestion at this point is not to pull this bill from consideration. To the contrary, we believe the overall goal is commendable. Instead, our suggestion would be that the proponents **consider a different source of funds.**

Thank you for the opportunity to provide comments regarding HB 4056. Please feel free to contact me if you have any questions, comments, or concerns.