

# LEIBOWITZ SOLO

## **“CIVIL FORFEITURE PROJECT” MEDIA PROPOSAL**

**CLIENT: NAVAJO COUNTY ATTORNEY BRAD CARLYON**

**DATE: DECEMBER 17, 2012**

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### **SITUATIONAL ANALYSIS**

Arizona’s 15 county attorneys and the state’s law enforcement agencies rely on the civil forfeiture process to pay for a good many vital initiatives – including efforts to crush drug and human smuggling cartels, investigate major crimes in resource-strapped rural counties, fund crime-reporting tip hotlines and enhance community outreach programs aimed at young children and teenagers. Cuts to this RICO funding stream would have devastating results for communities and for the public safety community in Arizona.

Yet the concept of civil forfeiture continues to come under attack from both the progressive left and the more libertarian right. The latest assaults? A session on “reforming civil forfeiture” during the American Legislative Exchange Council’s annual meeting, which ended with ALEC proposing model legislation that would eliminate civil fund seizures. Add to that a December 2012 Institute For Justice report entitled “Arizona’s Profit Incentive in Civil Forfeiture: Dangerous For Law Enforcement; Dangerous For Arizonans” and you have the pre-conditions necessary for a full-on legislative attack – if not in the January 2013 session, then in sessions to come.

With more than \$50 million at stake for Arizona law enforcement, prosecutors and public safety proponents have a choice to make: Do they sit back and wait for the opposition to have a bill dropped and for the media to begin to pay attention – mostly by covering stories of questionable civil forfeitures – or do we play offense here, by framing the story of civil forfeiture not as a process gone awry, but as a reasonable tactic in the law enforcement arsenal, one that uses the proceeds and resources of criminals to fund fighting crime?

If waiting is the choice – good luck. But if playing offense is the goal, there is much that we can do, beginning immediately.

### **A PROACTIVE STRATEGY**

Framing a story in the media isn’t a science. It can be described in a four-step process: Fact-gathering, authoring, distributing, shaping. Let’s take these steps one at a time.

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Fact-gathering: This is exactly as it sounds – a discovery phase meant to ensure that we’ve assembled not just the elements that work in our favor, but those that work against. We’ll need to know where opposition will come from and what negative stories are out there. Here, we’ll gather the names of people on our side – prosecutors, cops and community advocates who can speak out on our behalf.

Authoring: Stories have a tendency to sprawl. That can’t happen in a media world where things get reduced to 15-second sound bites and 500 word opinion columns. Whether it’s talking points for our advocates or a 75-second video meant to educate legislators about how RICO monies are essential to fighting crime, we’ll distill each story to its essence. Then we’ll write them, shoot them, record them and get them ready to push into the real world.

Distributing: Every story needs an audience. Or, in this case, multiple audiences, from the Arizona Legislature to statewide newspaper reporters, editorial page readers to social media users to the Ninth Floor. We need to reach these audiences where they live, whether that means online or in print, via video or by targeted email blasts.

Shaping: Stories don’t end simply because they’ve been published or aired. We’ll need to continue to push our side of the RICO fund fight, because we know that our opposition absolutely will do so. That means following up with the media, continuing to send letters to the editor and continuing to produce social media content.

So how do we implement such a proactive push to the media and the public?

## **LEIBOWITZ SOLO WILL**

- Work with the Navajo County Attorney, the Arizona Prosecuting Attorneys Advisory Council and others in a discovery process meant to develop a to-the-point narrative that details why ending RICO forfeitures will harm communities and cause crime to rise.
- Create a web site meant to function as “home base” for this effort. This site will tell the story of civil forfeitures from the law enforcement perspective, using words, images and videos. The site will include interviews with proponents familiar with the Arizona HIDTA effort and the MCAT task force. It will also tell stories of “good” civil forfeitures meant to emphasize how this process works well – and counteract anecdotal horror tales.
- Create social media content for YouTube, Twitter and Facebook. This will be used to pitch stories to reporters, educate the public and the Legislature and drive traffic to the “home base” web site.

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- Author and pitch opinion columns written by our side's leadership to the statewide editorial pages and political press. Here, we'll work to get in front of ALEC, the Institute For Justice and the Goldwater Institute in framing the narrative.
- Create and distribute targeted email blasts, meant to enhance our lobbying efforts by generating buzz within key legislators' offices.
- Function as a temporary media liaison, helping to frame the story, secure media opportunities and answer questions.
- Work with the various county and law enforcement lobbyists to push back in the political realm. By creating a "back beat" of pro-civil forfeiture stories and chatter, we can increase the pressure on legislators not to enact crippling legislation.

## KEY DATES

With the legislative session beginning on **Monday, January 7<sup>th</sup>**, we will need to act quickly to get in front of the other side. I'd propose having the fact-gathering and authoring largely complete – and the web site in place – in time for the first days of the session.

By **mid-January**, opinion columns should be written and we should have a robust presence in the social media realm, including a cost-effective Facebook and Google Adwords campaign to drive traffic. Media interviews and media pitching should be in full force as well.

By **early February**, we should have a good sense of whether legislation may in fact move forward. That will reveal pressure points that could be worked through email blasts and social media targeting.

From there **through session's end**, we'll likely be fighting a guerilla war: Creating a front that works to our advantage while responding to attacks from the other side. The object? Not necessarily to win every battle, but to prevent the other side from making incursions into the ground we hold. Preventing the end of RICO forfeitures isn't the goal. Protecting every single RICO dollar is.

## PRICING STRUCTURE

As we discussed at lunch, I'm looking at this as a project meant to last as long as the legislative session lasts – and possibly beyond. You've identified a starting budget of \$20,000, to be treated as all-inclusive – covering everything including Leibowitz Solo's time (to be billed for this project at a proposed rate of \$100 an

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hour) and the cost of video production, web site development and hosting, social media and Google advertising and email blasts.

I hope this makes sense. And I hope you know how much I value our working relationship on past projects and on this effort. It goes without saying that I believe in this cause and in the need to win this fight.

Let's get started.

Best,

David