

CIVIL FORFEITURE FAST FACTS

SEIZING THE “FRUITS OF THEIR LABORS”

Drug cartels and most criminal enterprises run on money. While drug dealers can manufacture more meth or crack, they typically cannot “make” more money. Civil forfeiture hits drug cartels and other criminals where it hurts most – their wallet.

Civil forfeiture is a valuable and effective tool because it shifts the costs of crime fighting from taxpayers to criminals by taking away criminals’ property and proceeds and re-dedicating them to public safety.

Prosecutors and police agencies across Arizona face declining budgets since the economic downturn more than 6 years ago. Law enforcement budgets are at crisis levels; fewer people are fighting criminals and the cartels.

The Arizona Court of Appeals Stated: “The purpose of civil forfeiture is removing the economic incentive to engage in racketeering, reducing the financial ability of racketeers to continue to engage in crime, preventing unfair business competition by persons with access to crime proceeds, compensating victims of racketeering, and reimbursing the State for the costs of prosecution.”
State v. Gravano

THE CRITICS ARE WRONG



It takes the strain off taxpayers –using criminal and cartel money to fight crime.

There are protections against abuse of the system: Critics of civil forfeiture – typically the same think tanks who advocate for drug legalization – often use circumstantial examples of a single “bad” seizure to argue that police and prosecutors are out of control. The truth? A judge must approve every civil forfeiture order; then each forfeiture order is provided to the Arizona Criminal Justice Commission. The use of all forfeiture monies is reported to the Arizona Criminal Justice Commission, the Governor, the Legislature, and the Secretary of State.

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PROTECTING THE INNOCENT

Civil forfeiture funds are used for training and equipping police and prosecutors. The monies are also used as a vital investment in body armor and special vehicles, wiretaps and crime-fighting computer software to assist in the fight against crime.

Civil forfeiture funds also support witness protection programs, and are used to protect and compensate victims of a variety of financial crimes.

THE MAIN THRUST

There is not a precise way to estimate what crime costs Arizona residents but we know that fighting crime is a huge burden.

Every dollar we take from a criminal organization and turn back into resources to fight crime is a dollar that is not subtracted from education or health care.

Who better to pay for fighting crime than criminals?

“We can’t solve problems by using the same kind of thinking we used when we created them.”

– Albert Einstein (1879-1955): Theoretical Physicist, Philosopher, Nobel Prize Winner

FUNDING THE FIGHT

Without civil forfeiture funding, some of the most valuable and aggressive crime-fighting efforts in our state would likely go away: The multi-agency High Intensity Drug Trafficking Area (HIDTA) task force relies on these funds, as do narcotics task forces in counties statewide. Last year, Arizona task forces seized more than \$160 million in illegal drugs, including more than 120,000 pounds of marijuana, more than 2,100 pounds of cocaine and more than 1,000 pounds of meth.



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FUNDING COMMUNITY SUPPORT SERVICES

In Arizona's smaller counties, civil forfeiture monies are used not just to fight crime, but also to finance the costs of drug addiction and other crime-related problems. In rural counties, civil forfeiture monies assist in funding many community programs, including social services efforts like crime-tip hotlines, drug and gang prevention and education programs for children, drug court and job training efforts for adults, and crime and drug-free mentoring organizations such as Big Brothers/Big Sisters and Boys & Girls Clubs.



THE BOTTOM LINE

At a time when police are outgunned by criminals and cartels and prosecutors have their hands tied with budget cuts, civil forfeiture is a smart and powerful tool to help us fight back. Civil forfeiture saves taxpayer money and keeps our communities safer. That makes it a win-win.

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SOURCES

Arizona's racketeering and forfeiture statutes set forth very clear practice, procedure, disposition, and reporting standards and requirements that apply to these actions:

A.R.S. 13- 2314 *et seq.* Racketeering; civil remedies by this State

A.R.S. 13-4301 *et seq.* Forfeitures

State ex rel. Goddard v. Gravano, 204 Ariz. 106, 113, 60 P.3d 246, 253 (App. 2002)