State Auditor Report Reveals Unparalleled Lack of Oversight of Law Enforcement Funding Program

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HONOLULU, HI – Yesterday, the Hawai‘i State Auditor released a long-awaited audit that took the Asset Forfeiture program run by the Department of the Attorney-General to the woodshed. It turns out that the program, which is fundamentally flawed at the outset, was also not subject to proper oversight. Civil asset forfeiture is when law enforcement seizes assets of an individual when there is a mere suspicion of a connection to crime, particularly drug offenses. However, the seizure, and subsequent sale of the assets that directly benefit law enforcement, do not depend on an individual being convicted, or even charged with a crime. As the State Auditor, Les Kondo, said in a statement. “With the bar to seize and forfeit private property in Hawai‘i so low, the department must manage the program with a heightened degree of transparency and accountability. We found that not to be the case.”

The following is a statement from Carl Bergquist, DPFHI Executive Director: “This report unfortunately confirms what we suspected all along. A program that allows police to seize and sell assets without any established link to crime is not just borderline unconstitutional, but beyond the reach of proper oversight.” He continued, “we had all the warning signals that Hawaii’s state law is among the worst in the country, and impacts the most vulnerable among us. As the federal government regresses with its own forfeiture program, it is incumbent on Hawai‘i to lead by example. It is simply unacceptable that so many local residents have their property seized for profit in this manner.”

Added DPFHI Board President Nikos Leverenz, “the State Auditor has done a fine job of assessing the grave deficiencies of current forfeiture practices. Asset forfeiture reform is supported by national civil rights and liberties groups, including the Leadership Conference and the ACLU. Hawai‘i Democrats and Republicans alike at the state and federal level should publicly affirm the bold declarations of their national party platforms: Democrats vow ‘to protect people and remove perverse incentives for law enforcement to police for a profit,’ while the GOP states ‘When the rights of the innocent can be so easily violated, no one’s rights are safe. We call on Congress and state legislatures to enact reforms to protect law-abiding citizens against abusive asset forfeiture tactics.’ ” Leverenz continued, “government officials should operate with fairness and transparency, and people should not have their personal property seized and forfeited without due process of law.”

During the 2019 legislative session, DPFHI looks forward to working with allies and state legislators to reforming civil asset forfeiture as so many other states, both those with Republican and Democratic-led legislatures, have done. This is well past being long overdue.