



**Testimony to the Senate Judiciary Committee
In Support of HB2459
March 14, 2018**

Chairman Wilborn and Committee Members,

On behalf of the Kansas Association of Chiefs of Police, I would like to provide testimony in support of the proposed changes to the asset forfeiture statute. This is a very important issue and we appreciate the work by our State Legislators. There are three (3) requirements that I will address briefly; affidavits, reporting, and expenditure restrictions.

Affidavit Requirement

We believe requiring an affidavit describing the "essential facts supporting forfeiture" increases accountability for law enforcement agencies and is a reasonable requirement. An officer should be able to clearly describe the essential facts supporting forfeiture in their case and under oath submit an affidavit outlining those facts. Law enforcement officers understand the gravity of filing an affidavit with the courts and the consequences of intentional inaccuracy or embellishment. Moreover, it provides an additional step to notify the person whose property is being forfeited of the existing evidence supporting the forfeiture, which reinforces the person's due process rights, without unnecessarily burdening law enforcement. I believe this demonstrates the seriousness with which both the KACP and our state legislators view the issue of seizing and forfeiting a citizen's property.

Reporting Requirements

Currently, it is proposed that the Kansas Bureau of Investigations (KBI) establish a central repository to track each seizure made within our state. The KBI is well respected throughout our state and we are confident the KBI will be able to create a reporting mechanism that will capture the data listed in the statute in a manner that it is not cumbersome or time consuming for local and state law enforcement. This will increase transparency and provide data that can be used to evaluate asset forfeitures across the State. This will aid the legislature in making informed decisions regarding future amendments to the statute if needed. We endorse the KBI's willingness to assume this added responsibility, urge you to provide needed funding to create the database, and look forward to working with them.

Expenditure Requirements

We support the State enacting restrictions on how forfeited funds are spent. We know a large portion of forfeiture funds are used to supply buy-money for criminal investigations, to buy equipment, and pay for training. Some are also used to support community engagement activities. All of these types of expenditures are allowed under the federal forfeiture guidelines and we see no reason why the same rules should not apply to how forfeited funds from State investigations are spent. The federal rules are more restrictive, but they are reasonable and we support the change to achieve consistency.

Thank you or your continued support of Kansas law enforcement.

Chief Dennis Butler
Ottawa Police Department