

# The Task Force Should Recommend an Anti-Circumvention Law

## SITUATION

Under N.C. law:

- forfeiture can occur only upon conviction, and
- forfeited assets must go to the school system.

## COMPLICATION

Through “Equitable Sharing” a small portion of N.C. LE agencies circumvent N.C. forfeiture law to increase their agency’s budget slightly.

This circumvention creates bad incentives (profit-motivated policing) that have been shown to lead to discriminatory enforcement, which decreases public trust in police—for only a small increase in the budgets of a few N.C. LE agencies.

## SOLUTION

Rather than allow a few agencies to augment their budgets by circumventing N.C. law,

the Task Force should support an “Anti-Circumvention” law (which have been adopted by 7 states)

in exchange for the General Assembly increasing budgets equitably for all of N.C.’s law enforcement agencies.

## BACKGROUND

From 2016-2018, an average of \$11.6 million per year was forfeited through “Equitable Sharing,” where assets are civilly forfeited from North Carolinians using the Federal civil or administrative asset forfeiture process to circumvent North Carolina’s prohibition on civil forfeiture.

Most of these forfeitures occur through the federal administrative process, meaning that no judicial official ever reviews the seizure or the forfeiture.

Those forfeited funds are used to augment budgets of the seizing LE agency, rather than being provided to the school system, as would be required under North Carolina law.

Fewer than a quarter of North Carolina law enforcement agencies participate at all.

Only the following agencies received more than 3% of the total funds that were “equitably” shared:

- *North Carolina State Bureau Of Investigation*
- *Charlotte Mecklenburg Police Department*
- *North Carolina State Highway Patrol*
- *City Of Durham Police Department*
- *Raleigh Police Department*
- *Cary Police Department*
- *Harnett County Sheriff's Office*
- *Wake County Sheriff's Office*
- *North Carolina Alcohol Law Enforcement*