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Wyoming's Asset Forfeiture Grade - D minus**

https://www.thecheyennepost.com/opinion/wyomings-asset-forfeiture-grade---d-minus/article_41928774-61db-11ec-9b55-cf7d7239477c.html

On the basis that stronger legal protection results in fewer asset forfeitures, the Institute for Justice issues “report cards” of State Law Grades for every state that reports its asset forfeiture activities. Wyoming’s grade? Same as many other states’ plus the federal government’s: “D-.” The report notes that forfeiture transparency and accountability remain limited in all cited venues.

New Mexico, which is the only state that has abolished civil asset forfeiture (in 2015), keeping only criminal forfeiture on the books, earned an “A.” The difference between civil and criminal asset forfeitures, the authors point out: in criminal cases, the evidence against a suspect must be “beyond the shadow of a doubt”—but this does not apply to civil asset forfeiture, which targets property, not people. This is why the latter has become such a financial incentive: The assets and cash seized often flow directly back into policing coffers, which “promotes negative interactions between police and the public, a particular risk to communities of color.” Indeed, the authors provide documented evidence that forfeiture disproportionately affects Black men; additionally, “Recent research finds increases in arrest rates for Blacks and Hispanics during times of fiscal stress and when law enforcement can benefit financially from forfeiture under state law.” These findings question proponents’ claims that forfeiture is a crucial crime-fighting tool (“Evidence Suggests Forfeiture Doesn’t Work,” p. 51).

Wyoming’s report card specifies that the state collected over \$11 million from state and federal forfeitures, that up to 100% of forfeiture proceeds go to law enforcement, and that it provides scant protection for the innocent—third-party owners must prove their own innocence to recover seized property. It does acknowledge recent reforms: In 2016, SF 46 raised the standard of proof, imposed new notice requirements, and established probable-cause hearings following seizure; in 2018, HB 61 banned the use of roadside waivers that pressured motorists into abandoning seized property—but HB 61 came online only after a defendant, Phil Parhamovich, successfully sued

Wyoming after he was stopped near Cheyenne for not wearing a seatbelt. The cops called in their drug-sniffing dogs (which, the Supreme Court has ruled, is acceptable as “probable cause” for a search), then took his van apart looking for dope or weapon to confiscate. They found neither but discovered a large amount of cash the musician from Wisconsin had with him, which he intended to invest in a studio. When the cops found the stash, they high-fived each other, then coerced their victim into signing over his property by implying it was against the law to carry around such a large sum. Parhamovich spent months trying to get his life savings back. “Thanks in part to Phil Parhamovich’s case, Wyoming prohibited the use of roadside waivers to bully drivers into abandoning property during traffic stops,” writes [IJ.org](#) (page 57). Also see its website on the case, dated January 31, 2018, “VICTORY: IJ Helps Musician Stop a Highway Robbery.”

Wyoming earned a “C” at tracking details about seized property and allowing officials to responsibly manage the property and evaluate forfeiture programs. It earned an “A” for its accounting of forfeiture fund spending. Theoretically, such accounting promotes legislative oversight.

I asked questions of a fellow musician at the Cheyenne Guitar Society, Steve Gilmore. Now retired, for twelve years Gilmore served as Chief of Police to the city of Wheatland. Tall and slender, with a shock of white hair, Gilmore is an expert guitarist who vocalizes with an energetic voice. He has appeared in venues as far away as Ireland and as nearby as the Wheatland Harvest Festival. After retiring, he and his family moved to Cheyenne; coincidentally, about the time I left the city in favor of rural Platte County near Wheatland.

Gilmore explained that Wyoming maintains federal, state, and local SWAT teams. “And we’re glad to have them,” he said. When I showed him Balko’s book, he nodded at its dustcover. The militarization of police was just gaining traction when he retired, he said, but a “warrior mentality” existed all along.

“People who have committed felonies in other states like to hide out in Wyoming,” he said, and proceeded to regale me with tales of chasing down bank robbers and other unsavory characters from Idaho and elsewhere.

A while later I became aware that the Casper police department, with the endorsement of the town's city council, applied and obtained \$35,000 from the U.S. Drug Enforcement Agency (DEA) in the form of a "Cannabis Eradication/Suppression Program" grant. The Casper PD has been using the funds to stage traffic stops during which its officers use drug-sniffing dogs as "probable cause" to take apart drivers' vehicles. Under civil asset forfeiture, they may confiscate weapons and cash without having to obtain a warrant, without having to indict a suspect even.

Now the city council is having second thoughts, and it expressed them in a meeting with the town's Chief of Police, Keith McPheeters, on June 22, 2021, reports the town's *Oil City News*. McPheeters did his best to justify his agents' use of the cannabis grant, saying that Casper has seen increased drug trafficking activity and that the K-9 units assisting during the operations are highly skilled.

Council Member Shawn asked how law enforcement actually executed the "drug interdiction operation" and questioned that 381 stops in a two-day operation could all have been based on valid traffic violations.

Council Member Amber Pollock asked McPheeters how the department and the community can judge whether traffic operations using the DEA grant are effective in improving community safety. "When will we know that this is the right approach for us to be taking?" Pollock asked. "When will we know that in fact this has reduced crime and traffic crashes in our community?"

Council Member Kyle Gamroth said he wishes Wyoming—and the culture generally—would move toward "a more public-health approach to treating personal use and possession of drugs." He pointed out that over half of the people incarcerated in Wyoming are in prison because of a revocation of probation or parole, the vast majority of which simply failed a urine analysis. (In other words, two weeks or so before the test they'd smoked a joint.) He said that incarceration rates in Wyoming—and all over the country—have seen dramatic increases in recent decades, which means law enforcement's approach to crime prevention doesn't indicate success. He added that his previous experience working at the Central Wyoming Counseling Center helped him learn that most people with a substance abuse disorder have an underlying mental health illness, or suffered Adverse Childhood Experience. He expressed dismay over the state's cutting

its funding to the Wyoming Department of Health for mental health services, and wished the community could be more proactive—and preventative—in how crime-related issues are addressed.

Council Member Johnson said that while law enforcement officers surely are familiar with the Fourth Amendment, which protects against unreasonable searches and seizures, it is nevertheless the most violated amendment across the country.

McPheeters said events like the high-visibility traffic operations this spring sent “a clear message to drug traffickers that they may face traffic stops if they come through Casper.”