

## **Confiscated Cash Bankrolls Fight Against Drugs**

### **Critics Say The Seizure Law Encourages Police Agencies To Spend Time Looking For Drug Money Instead Of Fighting Crime.**

June 16, 1992 | By Craig Quintana of The Sentinel Staff

DELAND — Sheriff Bob Vogel spends hundreds of thousands more than his predecessor did to fight drugs, bankrolling his campaign with the confiscated cash of Interstate 95 motorists, most of whom were never charged with a crime.

State law allows the Volusia County Sheriff's Office to keep what it seizes from suspected drug dealers. Records show that Volusia's five-man drug squad has netted millions for the agency through selective traffic stops and car searches.

Yet, a review by The Orlando Sentinel shows that the sheriff has begun to use confiscated money to pay for routine operations. That appears to violate the law that allows cash seizures.

Where the sheriff gets his money - and how he spends it - is important because of what critics term "the profit motive" arising from the state seizure law.

Critics contend that the law encourages police agencies to spend their time looking for drug money instead of doing police work.

Vogel's drug team has been seizing cash from motorists for three years. Only one of every four from whom money was taken was charged with a crime.

A review of agency spending during Vogel's three years in office shows an increasing reliance on confiscated money. The largest share has been used to pay for the fight against drugs, the issue on which Vogel rode into office.

This year, the agency's entire \$125,000 operating budget for drug investigations comes from confiscations. And it is 10 times what former Sheriff Ed Duff spent on average.

Last year, when seizures were higher, the drug investigations budget was 25 times what Duff spent.

Nevertheless, the agency made at least one-third fewer drug arrests last year than in 1989 when Vogel took office.

The sheriff says it is an indication of the effectiveness of his drug-busting programs.

However, the falling arrest rate is mirrored across the state and, locally, at the Daytona Beach Police Department. But experts say that can be misleading.

Numerous studies during recent years show less "recreational" drug use today. But "hard-core" users remain.

Focusing on arrests may, in fact, ignore the actual drug problem, said Ronald Akers, a University of Florida sociologist.

If overall drug use was already on the decline nationally, stepped-up efforts of local agencies may have had little real effect, said Akers, author of *Drugs, Alcohol and Society*.

"You have to judge it against what's going on elsewhere," he said. "Are there other agencies that are having similar decreases, which are not pouring in money?"

Locally, arrests for burglary and property theft, crimes closely linked with narcotics, remained steady since 1988, figures from the Volusia County Jail show.

"The (drug) arrests are down, but all the other crimes you'd associate with drugs are up," said John DuPree, Volusia County judicial services director.

When Vogel took over the Sheriff's Office, it was far behind the times, he said. It has taken millions to catch up. And the good news for Volusia County taxpayers, he said, is that drug dealers paid the tab.

That philosophy has its detractors, however.

"It's bad policy to give a police department a financial stake in law enforcement," said Paul Joseph, a law professor at Nova University and president of the American Civil Liberties Union's Florida chapter.

"Police should be out finding criminals, not out raising money for their department," he said.

The drug squad has confiscated almost \$8 million since confiscations began three years ago. After arranging out-of-court settlements with motorists, the Sheriff's Office kept roughly half.

Not only has the windfall meant a beefed-up drug-investigations fund, it has paid for a new airplane, new Stetson-style hats and a laundry list of high-tech crime-fighting gear, such as motion detectors for agents and a system to detect hidden electronic bugs.

Total spending for the investigative fund: \$400,000. It climbs to \$723,637 if high-technology equipment for narcotics deputies - such as location monitors for undercover agents - is included.

Critics question the need for such spending.

"Bob is definitely the most expensive sheriff we've ever had," said Big John, a Volusia County Council member and Vogel's chief critic. "For what? My squabble is with the way we spend unprecedented sums of money."

Vogel dismisses the criticism as politically motivated.

"Big John doesn't know that it's a good sign to see a decrease in arrests," Vogel said. "It shows that the individuals are not out there committing the crimes."

Some council members have criticized his refusal to provide details of how the drug fund is spent. But state law lets Vogel keep that information secret. Vogel says disclosure would endanger deputies.

Vogel's use of confiscated funds has ballooned since he took office.

In 1989, Vogel operated with a \$17,000 investigative budget furnished by Duff. No confiscated funds were used.

In 1990, Vogel budgeted \$27,500 for investigations and beefed up the fund by adding another \$50,000 in confiscated funds. Last year Vogel again began with \$27,500 in tax dollars but added \$225,000 in confiscated funds.

This fiscal year Vogel removed taxpayer support, except to pay for deputies' salaries and some basic expenses.

Vogel says that is smart management and saves tax money.

But it appears to run against the letter of the forfeiture law. It specifically allows police to pay for school-resource officers, equipment and various crime-and drug-prevention programs. It also lets agencies finance "protracted or complex investigations."

But the statute says confiscated funds "shall not be a source of revenue to meet normal operating needs" or other activities normally funded with tax money.

Under Vogel, nearly \$9 of every \$10 spent on undercover rentals, purchase of evidence and informants' tips comes from seizures, records show.

Without seized money, Vogel says, his narcotics program would be crippled.

Legislative staffers involved in recent revisions of the seizure law, who would speak only if not identified, confirmed that it was the intent of the law to ban such reliance. But there is no penalty for misappropriation of the funds, they said.

Although narcotics enforcement traditionally has been a normal operating expense, sheriff's officials say that their use is legal because they have expanded the drug squad's duties.

"The other point, too, is there is no penalty in the statute for - I won't say misuse - say, for the use of confiscated funds for something that maybe it shouldn't have been used for," sheriff's attorney Nancye Jones said.

"There's no criminal penalty, and I don't think the taxpayers are going to complain about us using that money for narcotics investigations rather than money out of their pocket."