



A UTAH PUBLIC POLICY RESEARCH ORGANIZATION • SHAPING THE FUTURE OF UTAH

January 23, 2003

The Honorable Auston Johnson
State Auditor
State Auditor's Office
211 State Capitol
Salt Lake City, Utah 84114

Dear Auston,

I received your follow-up letter dated January 22, 2003 regarding your office's continued investigation into state compliance issues regarding the Utah Uniform Forfeiture Procedures Act (UUFPA). Based upon your findings, I have additional questions.

Your letter concluded that various county governments have violated the specific and clear provisions of the UUFPA. As various county governments have violated the UUFPA, then, as your letter implied, it is impossible for the State of Utah to be in compliance with the UUFPA. **What specific legislative and/or other actions are required to allow your office to verify the State of Utah's compliance with the UUFPA?**

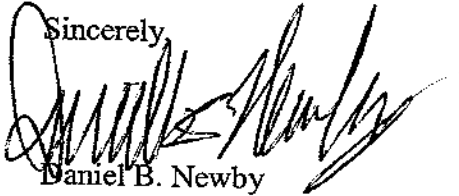
According to your letter, the Administrative Office of the Courts reported that 155 forfeiture cases were active during fiscal year 2002 (July 1, 2001 to June 30, 2002). Of those 155 cases, 94 cases were filed prior to the effective date of the UUFPA, and in 19 additional cases the forfeited property was seized prior to the effective date of the UUFPA.

It is likely, however, that the assets of some of those cases were both adjudicated and surrendered to these agencies during the timeframe in question. Despite *State v. One Lot of Personal Property, West Valley Police Department* (No. 010902769) that you cited, this circumvention is disturbing.



I request a breakdown of the 155 reported cases, to include the name and file number of each case, the county in which each case was tried, the name of the judge in each case, and the date of the adjudication. In addition, I request the names and positions of the officials who are responsible to provide you with the information you need to complete your investigation—specifically, those responsible to account for this missing and/or misappropriated property.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel B. Newby". The signature is stylized and cursive, written over the printed name.

Daniel B. Newby
Director of Operations & Development