

Kenneth J. Hopkins
Mayor



Colonel Michael J. Winquist
Chief of Police

"A Nationally Accredited Agency"

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February 5, 2026

Chair Carol McEntee and Members
House Judiciary Committee
Rhode Island General Assembly

RE: Opposition to H7289 – Civil Forfeiture Procedure (Controlled Substances Cases)

Dear Chair McEntee and Members of the Committee,

On behalf of the Cranston Police Department, I respectfully submit this letter in **opposition** to H7289, legislation which would significantly restrict the use of civil asset forfeiture in controlled substance cases unless and until a criminal conviction is obtained.

While the intent of this legislation may be to ensure due process protections, the practical impact of this bill would severely weaken an effective tool used to disrupt drug trafficking organizations, remove the financial incentives of narcotics distribution, and prevent drug dealers from retaining the proceeds of illegal activity.

Civil forfeiture plays an essential role in discouraging drug trafficking by ensuring that individuals who engage in illegal narcotics distribution do not retain the assets and profits generated through criminal activity. Drug dealers are often motivated by financial gain. When law enforcement is able to seize cash, vehicles, and other assets tied to narcotics activity, it directly disrupts their ability to continue operating and sends a strong deterrent message.

Removing civil forfeiture as an option until after conviction, as H7289 proposes, would allow drug traffickers to shield or transfer assets long before a case reaches resolution. This creates a significant enforcement gap and increases the likelihood that drug dealers will retain ill-gotten profits.

In addition to its deterrent value, forfeiture proceeds provide law enforcement agencies with a critical opportunity to reinvest in resources that directly benefit public safety. These funds are often used to purchase investigative equipment, protective gear, training, technology, and other tools necessary to combat the trafficking of fentanyl, heroin, and other dangerous drugs into our communities.

Restricting forfeiture under H7289 would reduce the ability of police departments to invest in these essential resources at a time when drug-related crime and overdose deaths continue to pose a serious threat across Rhode Island.

A major concern with H7289 is that it fails to reflect how controlled substance cases are often resolved in practice. In many drug trafficking cases, defendants frequently plead to reduced charges in exchange for cooperation or case resolution, specifically to avoid being convicted of a drug offense.

This reality means that under H7289, even when law enforcement clearly identifies assets tied to drug distribution, forfeiture could be prevented simply because the defendant ultimately avoids a qualifying conviction through a negotiated plea agreement.

In effect, H7289 could incentivize traffickers to negotiate plea deals strategically to protect their cash, vehicles, and other proceeds of narcotics distribution—allowing them to maintain the very assets used to fuel future criminal operations.

Another serious unintended consequence of H7289 is that it could place prosecutors in an impossible position. If forfeiture is conditioned entirely on a conviction, the State may feel compelled to reject otherwise reasonable plea agreements solely to preserve the ability to seize drug-related assets.

This could lead to more cases being forced to trial, creating additional burdens on courts, prosecutors, public defenders, and witnesses. It may also reduce opportunities for cooperation and prolong the resolution of cases that could otherwise be resolved efficiently and appropriately.

For the reasons stated above, I respectfully urge the House Judiciary Committee to oppose H7289. The legislation, while well-intended, would reduce the effectiveness of narcotics enforcement, undermine deterrence, and create unintended consequences that could negatively impact the criminal justice process.

Thank you for your time and consideration of this important public safety matter. I would be happy to provide additional information or testimony regarding this issue.

Respectfully,

A handwritten signature in black ink that reads "Col. Michael J. Winqist". The signature is written in a cursive, slightly slanted style.

Colonel Michael J. Winqist
Chief of Police
Cranston Police Department