

Krister Evertson – Overcriminalization Victim
(Mr. Evertson Testified Before the House Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security on July 22, 2009)

Growing up, Krister Evertson, an Eagle Scout, was a National Honor Society member who spent two years after high school serving the deaf and hearing impaired in California and Indiana. A science whiz, Krister graduated high school one year early with a 4.0 GPA and a passion for invention and helping to make the world a better place. As an adult, Krister invested both financially and personally in his love for science by turning his interest in alternative energy into a small technology business. Up until May 27, 2004, Krister’s only experience with law enforcement had been a couple of parking tickets. On that day, everything changed as he became a victim of overcriminalization and his life turned into a nightmare.

- In 2000, Krister began work to turn his dreams into reality. Borrowing some money from his family, Krister purchased equipment and materials to launch a business. Unfortunately, before he could reach success, the money ran short and he had to put the business on hold.
- He carefully stored all his research materials and equipment in 3/8-inch-thick stainless steel tanks, sealed them shut to prevent any accidents, and stored them in a company lot under the supervision of a friend until he could return to his business.
- While in Alaska caring for his 80-year-old mother, Krister generated some income by selling some of his supplies. Selling and shipping raw sodium is perfectly legal but, because it can be hazardous, it usually has to be shipped by ground, not air. Krister carefully packaged it, checked “ground transportation” on the shipping bill, and sent it to the buyer.
- On May 27, 2004, a black SUV full of armed federal agents, forced Krister’s car off the road. The agents spilled out and arrested him at gun point. They interrogated him and, after he truthfully answered all their questions, they threw him in jail.
- The government charged Krister with failure to put a federally mandated sticker on his sodium shipment. Unbeknownst to Krister, in Alaska, UPS actually ships its “ground” packages by air. Thus, despite his clear intention to ship the package by ground—as evidenced by his selections of “ground” on the shipment bill and payment for “ground” shipping—the government declared the mistakenly omitted sticker a federal criminal offense.
- While on trial in Alaska, the Environmental Protection Agency raided Krister’s storage facility in Idaho—based on the truthful information he provided when questioned—and declared his valuable materials “abandoned” toxic waste to be destroyed. In all, the EPA spent \$430,000 destroying Krister’s life work.
- When the jury in the Alaska sticker case found Krister innocent, the government turned around and charged him again, this time under the federal Resource Conservation and Recovery Act (RCRA) for his alleged abandonment of toxic materials. The provision of RCRA under which Krister was charged is so broad and requires so little evidence of criminal intent that he was found guilty and sentenced to 21 months in prison.

Krister spent nearly two years in prison and completed his sentence in August 2009. After his experience, Krister decided to speak out about his unfair and unjust treatment. Believing that this is not how criminal justice is supposed to work in the land of the free, he is using his experience to promote overcriminalization reform efforts.