**Civil Forfeiture Abuse in the United States**

Elsa Wilson

The purpose of this research is to determine whether or not there is a disparity in the number of civil forfeiture abuse cases in the United States between states that do and do not allow for police to self-finance using forfeiture funds.

Introduction:

Civil forfeiture is where the government seizes an individual’s property if it has probable cause to think that the property is connected to criminal activity. This process is unique because the proceedings operate against the property, not the individual who owns it (Rev, “How Crime Pays”). With civil forfeiture, no individual is charged with a crime. It is a complex process that is hard to fight against, as it is constitutional.

Background:

This main focus of asset forfeiture lies in the goal to end illegal drug trafficking. In the United States, the Comprehensive Drug Abuse and Control Act passed in 1970, making asset forfeiture legal. By 1980 less than thirty million dollars’ worth of assets had been seized. In 1985 alone, thirty million dollars were seized (Jensen and Gerber, “The Civil Forfeiture of Assets). This increase in amounts seized was due to the addition of subsection (a)(6) to section 881 of the Comprehensive Drug Abuse and Control Act. Initially section 881 limited assets liable to be forfeited to strictly: “all controlled substances, all raw materials and equipment used or intended for use in manufacturing illegal drugs, and all vehicles that are used or intended for use to distribute illicit drugs” (Jensen and Gerber). However, this new subsection increased forfeitable assets to also include money, negotiable instruments, securities, or other things of value supplied or intended to be supplied as an object of exchange for an illegal drug (Jensen and Gerber). Subsection (a)(6) vastly increased the power of government authorities to use their own judgement in declaring what might be an “object of value” able to be exchanged for controlled substances.

Since 1978, concerns of abuse and the constitutionality of civil forfeiture has increased. In many states police can keep the assets that they seize which creates an incentive for police to overreach. If the police are underfunded, they may feel pressure to use forfeiture to make up any short falls in their budget. There are some police officers who validate this concern. A Sheriff in London County Maryland says that asset forfeitures “help buy equipment that we probably wouldn’t get from the budget” (Williams). Allowing for funds seized through civil forfeiture to go directly to the police departments creates an increasing number of innocent third parties who have property seized despite their innocence (Goldsmith and Linderman, “Asset Forfeiture”). The system has become corrupt and people are suffering under this institution of forfeiture.

There are stories of third parties who have first handedly suffered the abuses of the civil forfeiture system. The New Yorker tells of a woman whose car was seized after her son was driving the car, got pulled over, and was found to have a handgun in his possession. Her son was arrested and her car was taken. The woman, Nelly Moreira, relies on that car to travel to and from jobs – located in different sections of the DC area. A month after her car was seized, she was asked to pay a fee of one thousand and twenty dollars to get it back (Stillman, “Taken”). There are numerous stories out there of people just like Nelly, who work tirelessly to make ends meet, and then get caught in the expensive battle of the civil forfeiture system with no end in sight. Some critics argue that women are targeted to have property seized. Women are seen as the perfect victims of the system (Massey, Miller, and Wilhemi, Civil Forfeiture of Property).

This research will answer the question “is there is a correlation between states that do allow for police to self-finance with forfeiture funds and the number of abuses of civil forfeiture?” The expected results will show that states that allow for forfeiture funds to go directly to police departments have a greater number of wrongfully acquitted cases of asset forfeiture.

Methods:

In order to answer the presented question, it will be crucial to find which states allow for the police to self-finance using funds received from civil forfeiture. The next step will be working to find cases with clear records of constitutional abuse of civil forfeiture. A good starting place would be local news outlets and local court records. An article from the Washington Post notes that police departments often disregards claims of abuse. Some people will choose to reach out to their local news outlet to break their story. This fear of publicity has led to local police departments being more compliant and returning the wrongfully seized property to its rightful owner (Paul, “Police Seized $10,000”). Additionally, it will be necessary to look at how many lawsuits exist with cases of forfeiture abuse in different states and police departments. Finding these numbers, in both states that do allow for police departments to directly self-finance with forfeiture funds and states that do not, will be my first and most important step in finding out whether or not a correlation exists.

Gathering these numbers and this information may take more than just online research. It was noted in the previously mentioned Washington Post article that many of these abuses fail to be reported and they often don’t make it to court, so records may be difficult to use as the sole source of information. It could require travel to access local records and to interview with different people who have experienced abuses of the system. After finding which states allow police to self-finance and states that do not, I will do the calculations to find the correlation, the r-value, and if that correlation is close to 1 or -1, within a certain margin of error, then I will assume that there is a strong correlation of abuse between states that do self-finance with forfeiture funds as compared to states that do not.

Expected Results:

I expect to write a paper will report that there is a significant difference between forfeiture cases in states that do allow for police to self-finance versus in the states that do not allow for police to use forfeiture funds to self-finance. These results will be crucial in taking steps forward to use as evidence when working to make a change so that no states are allowed to let their police departments finance with civil forfeiture funds. Additional steps will require a less binary approach, figuring out specific amounts of forfeiture funds spent at a law enforcement office and how that varies state to state. Gathering more specific numerical information and records will be essential when arguing that no states should be allowed to self-finance with forfeiture funds. All this will be necessary - if these initial results are as expected. If, on a federal level, it is illegal to self-finance with forfeiture funds, then the expected amount of abuses of civil forfeiture cases would likely decrease substantially.

Conclusion:

Through previously done research, it is clear that there are abuses of the constitutional civil forfeiture system. Through my proposed research, I will figure out specific circumstances, particularly looking at law enforcement self-financing, which promote these cases of abuse. If I am to find that there is a particularly strong correlation between self-financing police departments and civil forfeiture abuses, then these findings will be the first step and tangible proof that there should no legal basis for law enforcement departments to self-finance with forfeiture funds. If this predicted strong correlation is correct, then forfeiture funds should not be used directly to support law enforcement offices, as it strays from the original constitutional goal that was presented with the introduction of civil forfeiture in 1970.

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