

When police play bounty hunter: Our view

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Civil asset forfeiture is government at its absolute worst.



(Photo: Kim Brent, AP)

Ming Ton Liu, a Chinese-born American, was driving to Louisiana last year to buy a restaurant when he was stopped for speeding in Alabama.

A sheriff's deputy questioned Liu, searched his car and found \$75,195 in cash (<http://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/>), which was for a down payment. Liu was ticketed for speeding and held for a few hours. A drug-sniffing dog was brought in. Police said the dog "alerted" after sniffing the money and Liu gave conflicting accounts. But no drugs were found. No charges were filed.

Authorities seized the cash anyway.

It took Liu 10 months, two lawyers and two claims to get back the money he and his relatives had saved. By then, the restaurant deal fell through.

Liu, who has no criminal record, was luckier than most people cheated by an increasingly common — and utterly outrageous — practice that can amount to legalized theft by police. According to *The Washington Post* (<http://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/>), authorities have used "civil asset forfeiture" programs more than 61,000 times since 9/11 to seize cash and valuables worth \$2.5 billion, all without search warrants or indictments.

OPPOSING VIEW: [Asset forfeiture deters criminals \(/story/opinion/2014/11/19/asset-forfeiture-national-sheriffs-association-editorials-debates/19299825/\)](/story/opinion/2014/11/19/asset-forfeiture-national-sheriffs-association-editorials-debates/19299825/)

The programs, born in the 1970s to seize ill-gotten gains from drug trafficking, have become unmoored from their original intent of taking the profit out of crime. Police can seize a person's assets without charging them with a crime and — incredibly — wind up keeping the loot for the department's financial benefit, an arrangement one might expect in a banana republic, not the United States.

Many victims have done nothing more than carry an amount of cash police find "suspicious." They included drivers with cash to renovate a house, purchase a used car or buy shrubbery for a landscape business. A traffic violation, or a perceived one, is often used as a pretext for a stop and seizure.

Once money, a car or other valuables are seized, it's up to individuals to prove that the property was not derived from a crime — a complex task that can mean paying a lawyer to battle local prosecutors or a federal agency. Many people can't afford to do it. Even when people fight, this guilty-until-proven-innocent system is stacked in the government's favor.

All this was enabled by a [1984 federal law \(http://www.pbs.org/wgbh/pages/frontline/shows/drugs/special/forfeiture.html\)](http://www.pbs.org/wgbh/pages/frontline/shows/drugs/special/forfeiture.html) that let authorities keep a chunk of the money they seize. Today, [more than 40 states \(http://www.ij.org/part-i-policing-for-profit-2\)](http://www.ij.org/part-i-policing-for-profit-2) have similar laws.

In the past few years, private consultants — often former law enforcement officers — have gotten in on the act, teaching aggressive tactics in "[highway interdiction \(http://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/\)](http://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/)," the system that trapped Liu.

A few states have tried to rein in abuse, passing stronger protections for individuals. A new law in Minnesota requires a [conviction or guilty plea \(http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/05/10/minnesota-adopts-law-curbing-asset-forfeiture-abuse/\)](http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/05/10/minnesota-adopts-law-curbing-asset-forfeiture-abuse/) before assets can be seized. Measures introduced in Congress could help rein in this travesty.

For starters, assets seized should no longer go to the agencies that seized them, removing any profit motive. More broadly, no one should be "fined" by a seizure when he has not even been charged with a crime.

Civil asset forfeiture is government at its absolute worst — intimidating helpless citizens for its own benefit. It needs to go away.

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