



Tennessee Lawmakers Hold Hearings on Asset Forfeiture Reform

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Tennessee lawmakers are holding legislative hearings about civil asset forfeiture reform, learning more about how the law enforcement practice may infringe on citizens' due process and private property rights.

In October, the State Senate Judiciary Committee heard testimony from experts both favoring and disapproving of reforming civil asset forfeiture laws. One witness, West Tennessee Drug and Violent Crime Task Force prosecutor Steve Jones, claimed, "If you do away with asset forfeiture, the criminals will thank you."

Principles of Reform

Justin Owen, chief executive officer at the Beacon Center of Tennessee, says the state's asset forfeiture laws are at odds with good-government goals, such as accountability and transparency.

"It is impossible to know how much property is being seized under the state's civil forfeiture laws, because law enforcement is not obligated to track and report that information," Owen said. "A key component of any reform should be to shine light on this practice, so that we can truly know how much property is being seized and from whom.

"It's an affront to a free society to say that police should have *carte blanche* to steal citizens' property," Owen said. "If it is true that civil forfeiture is used only to thwart criminals, then why wouldn't police agree to a change requiring at least an arrest before property can be seized?" Owens says he disagrees with Jones' suggestion that protecting citizens' property rights benefits criminals.

“Ultimately, by saying that reforming the law is akin to siding with the criminals, law enforcement is admitting that it would rather seize cash and property than arrest criminals for their actions,” Owens said. “Therein lies the perversion of policing for profit.”

‘Serious Questions’

Adam Bates, a policy analyst at the Cato Institute’s Project on Criminal Justice, says people should be concerned about Tennessee’s opaque civil asset forfeiture program.

“When you have the government taking property from people without charging them with or convicting them of a crime and not even aggregating and revealing the extent of this practice, it raises serious questions about the appropriateness of the practice,” Bates said. “It’s laughable to suggest that protecting due process and private property rights is some kind of surreptitious attempt to benefit criminals.”

‘Run Roughshod Over’ Rights

Bates says reforming civil asset forfeiture is a moral imperative for lawmakers.

“If a person is engaged in criminal behavior, then let the state prove it to a jury beyond a reasonable doubt, in accordance with the values of a free society,” Bates said. “To simply skip all of that, take their stuff, and refuse to ever present the case to a jury may make it easier for law enforcement to hurt criminals, but it also makes it unacceptably easy for the government to run roughshod over the rights of innocent people.”