

State Refuses To Return Man's Truck, Even After Admitting It Was Seized Due To Clerical Error

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A Rhode Island man says he can't get his truck back from the state, even though the clerical error that led the state to impound the vehicle was corrected months ago.

Bart Johnson has been without his 2006 Ford Ranger for more than five months, ever since he was pulled over on Sept. 12 for allegedly driving without a license, Rhode Island's Dispatch-Argus reported.

Originally, Johnson's license had been suspended while he was accused of driving while under the influence of alcohol. But Johnson's license was restored to good standing when that case was resolved on July 20, 2015, according to the Dispatch-Argus.

While the police officer who pulled Johnson over consulted a database that said the 21-year-old was driving without a license, it turns out the Rock Island County circuit clerk's office never sent paperwork to the state making it clear Johnson's license was restored.

Johnson said he understands the police officer was not at fault.

"I tried telling him what happened. I told him the whole story," Johnson said. "It didn't really matter. He was doing his job — when he pulls up my record, it says [the license] was suspended."

But what the Rhode Island man said he doesn't understand is why the state continues to hold on to his 2006 Ranger, months after the clerical mix-up was noted and rectified.

The state is holding the truck under civil asset forfeiture law, according to the Dispatch-Argus. Civil asset forfeiture laws allow authorities to seize cars, cash and valuables from drivers who are suspected of criminal activity. As with Johnson's case, police do not have to arrest a person -- or get a conviction -- to seize valuables from people they pull over.

Civil asset forfeiture is a controversial police practice, and is the subject of innumerable lawsuits across the country. Noting that civil asset forfeiture "... was originally presented as a way to cripple large-scale criminal enterprises by diverting their resources," the American Civil

Liberties Union says the practice has been abused in recent years by police agencies that use the money to pad their budgets.

Police seize billions of dollars in cars and property from American drivers every year, according to a 2014 Washington Post investigation into the asset forfeiture practice. In 2013, that number topped \$2 billion. The controversy has sparked investigations and criticisms from think tanks like the conservative CATO Institute, which calls the practice "policing for profit."

Johnson, who told the Dispatch-Argus he couldn't afford an attorney, eventually received help from Larry Vandernick, a Rhode Island lawyer with experience fighting civil asset forfeiture cases.

Rock Island County State's Attorney John McGehee didn't say why the state would pursue months-long litigation against a 21-year-old over a truck worth \$4,000, even after learning the truck was seized because of a clerical error. McGehee told the Dispatch-Argus he was trying to "serve and protect" local drivers and the community.

"It's not that I'm randomly picking on this guy," McGehee told the newspaper. "I am monitoring this case. I believe we have an ethical obligation to see if we can try to resolve this case."