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State forfeiture laws must be changed

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As expected, Jeff "No-Regard" (for your civil liberties) Sessions has brought his racist and police state policies to the so-called Justice Department in his frightening new role as U.S. attorney general. In addition to other un-American, unjust policies this dangerous man is pursuing, he now wants to expand enforcement agencies' power relative to civil forfeiture.

This abomination of a law in its present form is bad enough. According to the conservative CATO institute: "Under state and federal law, police departments can seize and keep property that is suspected of involvement in criminal activity. Unlike criminal asset forfeiture, with civil forfeiture, a property owner need not be found guilty of a crime — or even charged — to permanently lose her cash, car, home, or other property." In fact, people can lose their property when someone else — without the owner's consent or knowledge — allegedly uses it in the commission of a crime. These laws present law enforcement agencies with significant incentives to seize property for financial gain.

Massachusetts is one of two states with the worst civil forfeiture laws, actually rated "F" by The Institute of Justice.

We have the highest financial incentives for enforcement agencies to seize property. We have the lowest standard of proof for seizure. We also have the worst level of burden of proof. Unlike criminal cases, civil forfeiture assumes the owner is guilty until proven innocent, at his own legal expense.

In summary, according to The Institute of Justice, Massachusetts' "F" rating means we "have the worst of everything when it comes to civil forfeiture; laws that provide few property rights and protections and allow law enforcement agencies to police for profit with no accountability."

According to The Washington Post, "In 2014, for the first time ever, law enforcement officers took more property from American citizens than burglars did." How many innocent people are being literally robbed of their possessions by the police?

We need to fix this in our state before Sessions makes it even worse. We need to remove the financial incentives for police to seize property. We need to raise the burden of proof to "beyond reasonable doubt." And we need assume innocence over guilt, putting the burden on the government by "demanding that enforcement agencies provide clear and convincing evidence of a property's connection to criminal activity for civil forfeiture" in our state.