

# Richmond Times-Dispatch

## Sessions' move on asset forfeiture takes a giant step backward on property rights

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“This is not about taking assets from innocent people,” claims Deputy Attorney General Rod Rosenstein about the Justice Department’s new (or rather, old) policy on asset forfeiture. But that is what it will amount to.

Under Attorney General Jeff Sessions, the department has revived so-called adoptive forfeitures, which allow local law-enforcement agencies to skirt state laws and seize people’s property and auction it off, then pocket 80 percent of the proceeds (with the other 20 percent going to federal authorities that “adopt” the forfeiture).

Some states have tried to rein in asset forfeiture because of long trains of outrageous abuses, which have been exhaustively documented over the years. Allowing police officers to confiscate property without a criminal conviction — and in many cases without even bringing any criminal charges — is a recipe for predatory behavior, especially when the property can then be sold off for the police’s benefit.

Thousands of innocent Americans have been legally robbed as a result, provoking a backlash that spans the political spectrum. Asset forfeiture is opposed by the liberal ACLU, the libertarian Cato Institute, and even conservative law-and-order organs such as the Heritage Foundation and National Review.

Congress, too, tried to restrict the abuses with a Civil Asset Forfeiture Reform Act in 2000. And again in 2014. And to no avail. Even two former Justice Department officials who helped create asset forfeiture programs eventually urged that the practice be ended because “government self-interest corrupted a crime-fighting tool into an evil.” Indeed, some police departments have been known to write anticipated forfeiture proceeds into their budgets, effectively creating a quota for seized property.

Last year Virginia legislators nudged up the standard of proof for asset forfeiture, but that is useful to citizens only if they hire a lawyer to challenge the seizure. For many — especially the poor and minorities — the costs of doing so are prohibitive.

Law-enforcement agencies defend asset forfeiture by arguing that criminals should not profit from their misdeeds, and that is certainly true. But it evades the key point: asset forfeiture targets too many people who are not criminals to begin with. The police shouldn’t profit from that, either.