

## Jeff Sessions is bringing back civil forfeiture with a bang

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In mid-July Attorney General Jeff Sessions announced a policy rollback that's getting criticism from both sides of the aisle, and the center, too. As The Washington Post notes undoing this Obama-administration policy is a big deal — and means big money.

Known as “adoptive forfeiture,” the program — which gives police departments greater leeway to seize property of those suspected of a crime, even if they’re never charged with or convicted of one — was a significant source of revenue for local law enforcement. In the 12 months before Attorney General Eric Holder shut down the program in 2015, state and local authorities took in \$65 million that they shared with federal agencies, according to an analysis of federal data by the Institute for Justice, a public interest law firm that represents forfeiture defendants.

President Trump even mentioned the process in a now somewhat infamous exchange with Texas law enforcement officials when he vowed to “destroy” a state lawmaker that stood in the way of asset seizures.

Civil asset forfeiture has become increasingly controversial, especially because of the extremely limited chance to appeal the proceedings. And then there’s the fact that you don’t have to be convicted of a crime to be subject to civil forfeiture — it’s the property that is at issue. The Institute for Justice found in a 2015 report that between 1997 and 2013, 87 percent of the Department of Justice’s forfeitures did not require any criminal charge or conviction.

Jeff Sessions has a vehement defense of the program:

Civil asset forfeiture is a key tool that helps law enforcement defund organized crime, take back ill-gotten gains, and prevent new crimes from being committed, and it weakens the criminals and the cartels. Even more importantly, it helps return property to the victims of crime. Civil asset forfeiture takes the material support of the criminals and instead makes it the material support of law enforcement, funding priorities like new vehicles, bulletproof vests, opioid overdose reversal kits and better training. In departments across this country, funds that were once used to take lives are now being used to save lives.

BillMoyers.com wanted to find out more about the blurry world of civil forfeiture so we talked with Sarah Stillman, a *New Yorker* writer and director of the Global Migration Program at Columbia University’s Graduate School of Journalism, and the author of “Can the President ‘Destroy’ Criminal-Justice Reformers?” — the result of a yearlong investigation into the controversial process.

Stillman told us that Sessions statement is misleading:

What stood out to me when Sessions made his comments is that one of the things he underscored is that he sees it as totally reasonable in that we're going after bad guys. He went on to say you can tell that because four out of five people don't challenge the forfeiture. Of course, he doesn't mention that it costs money to do that and that is also a big causal factor as to why people don't challenge it.