



Here in Alabama, the government can legally take your stuff (AND NOT GIVE IT BACK)

Parker Snider

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Along Highway 31 in Conecuh County, Alabama, lies a small town called Castleberry. Although the city boasts a population of less than 600 and a single caution light, it has its own police department. To fund itself, the Castleberry Police Department takes advantage of speeding passers-by and writes them tickets.

Nothing to see here.

In the words of President Trump, “Wrong.”

According to reports, after pulling a driver over, law enforcement takes whatever money and other possessions they want, justifying their seizure by claiming suspicion that the money and possessions are the profits of a drug crime. They also often tow the car, only to make drivers pay a \$500 impound fee to get it back. Passers-by can then continue along their way – feeling robbed, confused, and reasonably angry.

This is illegal, right? Wrong again.

Although some of the specifics are being tried in court, the Castleberry Police Department is taking advantage of a fully legal practice known as civil asset forfeiture, a maneuver that allows law enforcement officers to legally seize your assets based on suspicion alone.

Originally intended to cut off the cash flow of drug cartels, civil asset forfeiture is a practice that is independent of personal guilt or innocence. Instead, the police charge or suspect your assets – money, cars, homes, and any other possessions – of being involved in a crime, and seize them.

This is clearly problematic. Along with the strange notion that inanimate objects can be charged for violating the law, this practice flies in the face of the fifth amendment due process clause of the United States Constitution that prevents the government from taking “life, liberty, or property, without due process of law”.

Civil asset forfeiture also hinges on flipping the innocent until proven guilty mantra of the American judicial system, as defendants must prove their innocence to get assets back, a reversal that we must reject. In the case that defendants are defiant and decide to hire an attorney to regain their belongings, the legal costs can rival the worth of the seized assets, making such attempts both expensive and, at times, pointless.

There’s more. According to current Alabama law and the Institute for Justice, police departments get to keep 100 percent of the proceeds from seized assets. The more seized, the more money the departments make.

With this allowance, law enforcement holds both sword and purse. Such a financial incentive makes abuse and targeting of innocent hard-working people, instead of real criminals, more likely.

More than 80 percent of Americans do not approve of civil asset forfeiture, according to a Cato Institute poll. Due to widespread support for change, the Alabama legislature is considering reform. Current proposed legislation protects innocent property owners and ensures that there is no opportunity to impute illegitimacy on our police.

We must call on the Alabama legislature to vote for reforms that eliminate from Alabama law this unconstitutional potential for abuse that, too often, becomes realized.