



Legislation aimed at controversial police practice of seizing assets

Bill would require conviction before police can confiscate

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A bipartisan coalition of lawmakers and conservative and liberal organizations are getting behind legislation aimed at the controversial police practice of seizing assets.

The bill requires a conviction before police can keep what they confiscate. The measure also requires authorities to report what they've taken.

"I'm telling you, I was scared to death that day," dairy farmer Randy Sowers said.

Sowers, who is no cash cow, recalled the day agents came to his home accusing him of evading a federal law, one that requires banks to report deposits of \$10,000 or more. Sowers said he and his wife simply wanted to deposit cash generated from their farmer's market table. He said the bank teller asked his wife to use a smaller amount so she didn't have to fill out paperwork.

"A judge signed paperwork. They seized my bank account of \$65,000," Sowers said.

The feds released his bank account, but Sowers claims because he was upset he spoke publicly about the incident, and they kept \$28,500 of his money. Sowers is not alone.

"The situation with me happened in 2012. It is now 2016. My family is still not recovered," Naem Harrison said.

Harrison said what police did during a traffic stop devastated his life. Using the lingering aroma of marijuana in his car as probable cause, police confiscated Harrison's vehicle and \$3,000 cash - a combination of a tax return and college refund.

"It was just about the money," Harrison said.

Police did not find any drugs. Harrison filed a lawsuit and won. It took 65 days to get his car back and 10 months before police returned his money.

For years, law enforcement has seized assets and money they suspect is linked to drug activity. They use the material and cash to supplement budgets and, according to the Cato Institute, in some cases, their lifestyle.

"Margarita machines, yes, frozen margarita machines, sports cars driven by sheriffs, vacations in tropical locales," said Walter Olson with the Cato Institute.

The bipartisan coalition's legislation is aimed at making the law enforcement practice more accountable and transparent.

"The state cannot take ownership of your car, your house, your business, any of that, if you have not been convicted of a crime," Sen. Michael Hough, R-Frederick and Carroll counties, said.

The legislation would also require police agencies to report what they've seized.

"It is joining a chorus of states around the country that are moving towards requiring a criminal conviction prior to forfeiture," said Sara Love with the American Civil Liberties Union.

The legislation would strengthen a law passed last year restricting the practice, a bill Gov. Larry Hogan vetoed. The General Assembly is expected to override that veto this week.

"I don't shock very easily, but the hearing on this particular bill last year was pretty shocking in the way that individuals can have their property taken really without due process in the law," said Sen. Bobby Zirkin, a Democrat and chairman of the Judicial Proceedings Committee.