

Eric Holder: Feds won't be able to use money, property seized by police

By [Phillip Swarts](#)

Friday, January 16, 2015

Attempting to change an increasingly controversial program, Attorney General Eric Holder announced Friday that federal law enforcement will no longer be able to use money or property seized by state and local police officers.

Under the existing laws, local police were able to confiscate broad swaths of items considered related to an investigation. Although the policy was put in place mainly to help drug investigations, recently civil rights advocates have said that, instead, police have used it to seize personal property from people without any evidence of a crime, sometimes during something as routine as a traffic stop.

"This is the first step in a comprehensive review that we have launched of the federal asset forfeiture program," Mr. Holder said. "Asset forfeiture remains a critical law enforcement tool when used appropriately...this new policy will ensure that these authorities can continue to be used to take the profit out of crime and return assets to victims, while safeguarding civil liberties."

The policy leaves an opening for forfeitures in the case of public safety, or during joint operations between state and federal law enforcement.

Brian Fallon, the DOJ's chief spokesman, said the agency began discussion with local law enforcement about the seizures at the end of 2014 .

Civil rights advocates complained that the federal government's acceptance of the seized cash and property — so called "adoptions" — was essentially allowing police to steal from citizens. Many cheered the attorney general's decision.

"This is a significant advancement to reform a practice that is a clear violation of due process that is often used to disproportionately target communities of color," said Laura Murphy, the Washington Legislative Office Director for the American Civil Liberties Union.

"Now Congress and state governments should pass legislation to end the practice of seizing innocent Americans' property and protect their due process," she said.

Indeed, the process has caught the attention of Congress. On Jan. 9, a bipartisan group of Senators and Representatives sent Mr. Holder a letter urging an end to the practice.

"We are concerned that these seizures might circumvent state forfeiture law restrictions, create improper incentives on the part of state and local law enforcement, and unnecessarily burden our federal authorities," the letter read.

Now Sen. Chuck Grassley, Iowa Republican, Chairman of the Senate Judiciary Committee, and one of the congressmen who signed the letter, said he was "thankful" the DOJ had chosen to limit the practice.

"The rule of law ought to be about protecting innocent people," Sen. Grassley said. "Too often we've seen just the opposite with civil asset forfeiture laws. The practice up to this point had perverse incentives and violated some state laws."

He added that the announcement "likely means a fairer justice system."

But Roger Pilon, a constitution studies expert at The Cato Institute, said there are still "deeper problems" with the asset forfeiture laws.

"A crime does not have to be proven because it is the property that is said to be 'guilty' under this bizarre area of our law," he said. "Thus, Volusia County, Fla., police stop motorists going south on I-95 and seize any cash they're carrying in excess of \$100 on suspicion that it's money to buy drugs. New York City police make DUI arrests and then seize drivers' cars."