



ROTTEN REPORTING IN THE PEACH STATE

Civil Forfeiture in Georgia
Leaves the Public in the Dark



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EXECUTIVE SUMMARY

Georgia has some of the nation's worst civil forfeiture laws. These laws allow police and prosecutors to take property from people without so much as charging them with a crime, and they make it extremely difficult for people to fight for the return of their property. And the proceeds of forfeited properties go to the law enforcement agencies that took them, creating a strong incentive to aggressively pursue forfeitures.

To make matters worse, Georgia's civil forfeiture system operates largely in the dark. In the past, law enforcement agencies routinely ignored state requirements to report forfeiture revenue and expenditures. But a 2011 lawsuit forced some agencies to begin filing state forfeiture reports, and a new requirement that agencies post these reports online is starting to take effect.

This interim report examines state forfeiture reports made public so far and concludes that forfeiture reporting in the Peach State is still rotten:


- Reports filed by 58 law enforcement agencies as of July 2012 for the year 2011 reveal \$2.76 million in forfeitures. Half the properties taken were worth less than \$650.

- By contrast, federal reports show 147 Georgia law enforcement agencies taking in more than \$32 million in forfeiture revenue in 2011 through federal forfeiture procedures, making Georgia one of the most aggressive states in the nation for federal forfeiture.

- Of those 147 agencies, 122 have not yet filed a state forfeiture report, even though at least 51 have published legal notices indicating they are also pursuing state forfeitures.

- Many state reports that have been filed lack even basic details necessary for proper public oversight, such as what was taken and when, how much it was worth and what was done with the proceeds.

Minimal reporting—and thus minimal oversight—combined with laws that stack the deck against property owners makes for a precarious situation for Georgia citizens. Georgia's civil forfeiture laws desperately need reform, but they also need greater transparency. If citizens and lawmakers are to know how forfeiture is being used in the state, state law must demand more, better and more consistent reporting from all agencies.



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INTRODUCTION

Civil forfeiture is one of the greatest threats to property rights in the nation today. Through civil forfeiture, law enforcement agencies can and do seize property merely with a suspicion it is connected to a crime even if the owner has not been accused, let alone formally convicted. In contrast to *criminal* forfeiture, where property is taken only after a conviction, *civil* forfeiture laws allow law enforcement to take action against the property itself.

The property can be deemed “guilty” and taken regardless of the innocence of the owner. And in most states, the proceeds of the property end up in law enforcement coffers, providing a strong incentive to pursue forfeitures.

Unfortunately, Georgia’s civil forfeiture laws are among the worst in the nation for the protection of property rights. In a 2010 Institute for Justice report, Georgia earned a D- for its civil forfeiture laws and practices; only four other states received similarly low grades.¹

The biggest problem with Georgia’s civil forfeiture laws is the profit incentive at their core: The agency that seizes the assets keeps up to 100 percent of the proceeds minus a processing fee paid to the District Attorney’s office, usually around 10 percent. This has

the potential of distorting law enforcement priorities, shifting the focus to revenue generation and away from other activities and circumventing state and municipal legislators who are responsible for determining the funds appropriated to law enforcement.

This is not the only problem with Georgia’s forfeiture laws. To win a forfeiture case, prosecutors need only show by a “preponderance of the evidence” that the

property is connected to a crime.² This is a substantially lower burden than showing someone is guilty “beyond a reasonable doubt,” and makes it easier for prosecutors and harder on owners trying to win their property back. To make matters worse, owners who claim

to be innocent of any crime—which would make their property ineligible for forfeiture—bear the burden of proving their innocence, flipping the American tradition of “innocent until proven guilty” on its head.³ These procedural challenges put owners caught up in civil forfeiture proceedings at a huge disadvantage.

The combination of a strong incentive to pursue forfeiture and weak protections for property owners has significant consequences. For example, on November

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18, 2009, Shukree Simmons was driving with his business partner from Macon to Atlanta after selling his Chevy Silverado truck. He was pulled over by a police officer, who searched both of them and the car but found no evidence of any wrongdoing. A dog was brought in to search for traces of drugs, but none was found. Nonetheless, the officer took \$3,700 from Simmons, who later mailed the police a copy of the certificate of sale and the title for the truck but still was told he would need to initiate legal action to seek the return of his property. The money was returned only after the ACLU litigated the case.⁴

Other property owners have not been so fortunate as to enjoy pro bono legal representation to reclaim their property.

Michael Annan was driving through southeast Georgia on his way home to Orlando when he was pulled over on Interstate 95. A native of Ghana, Annan didn't trust banks and instead carried his life savings—totaling \$43,000 in cash—with him. During the stop, police seized the cash, even though a drug dog detected no drugs and no charges were ever filed against him. Annan had to spend more than \$12,000 on an attorney to fight the local police force and eventually get back his money.⁵

As Simmons and Annan discovered, navigating the forfeiture process is difficult. It often requires finding an attorney. For most people, retaining a defense lawyer

skilled in forfeiture litigation is not a familiar task. Then come the expenses. Court actions themselves cost money, and attorneys' fees add up quickly after that. These represent substantial obstacles for a property owner to engage in the forfeiture process to get back his property. To the rational property owner, the value of the property seized often simply isn't worth the cost to reclaim it.

What results is a revenue generating scheme that to date in Georgia has gone largely unaccountable, despite the legislature's

intention of transparency. State statutes require local law enforcement agencies to annually report and itemize all property obtained through civil forfeiture as well as what they do with it.⁶ The trouble is, historically they haven't.

A 2002 state audit that found that 85 percent of 26 agencies surveyed failed to create annual reports as required.⁷ In 2010, the Institute for Justice went looking for required reports. We contacted a random sample of 20 law enforcement agencies—only two were found to be reporting as required by law. Next we sought out reports from 15 major law enforcement agencies in Georgia's five most populous cities and counties; only one produced the forfeiture report required by law.⁸

Given this clear reporting negligence, the Institute for Justice joined with Ryan Van Meter, Anna Cuthrell, Joseph Kidd, Josiah Neff and Tsvetelin Tsonevski—all taxpaying residents of Atlanta and Fulton

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County—to file a lawsuit to force the Atlanta Police Department, Fulton County Police Department and Fulton County Sheriff to disclose all of the property they had seized under applicable Georgia forfeiture statutes along with how they have utilized that property. Clearly caught in violation of the law, all three agencies agreed to comply with state law, both for past reports and going forward as part of a consent agreement issued by the Superior Court of Fulton County.⁹

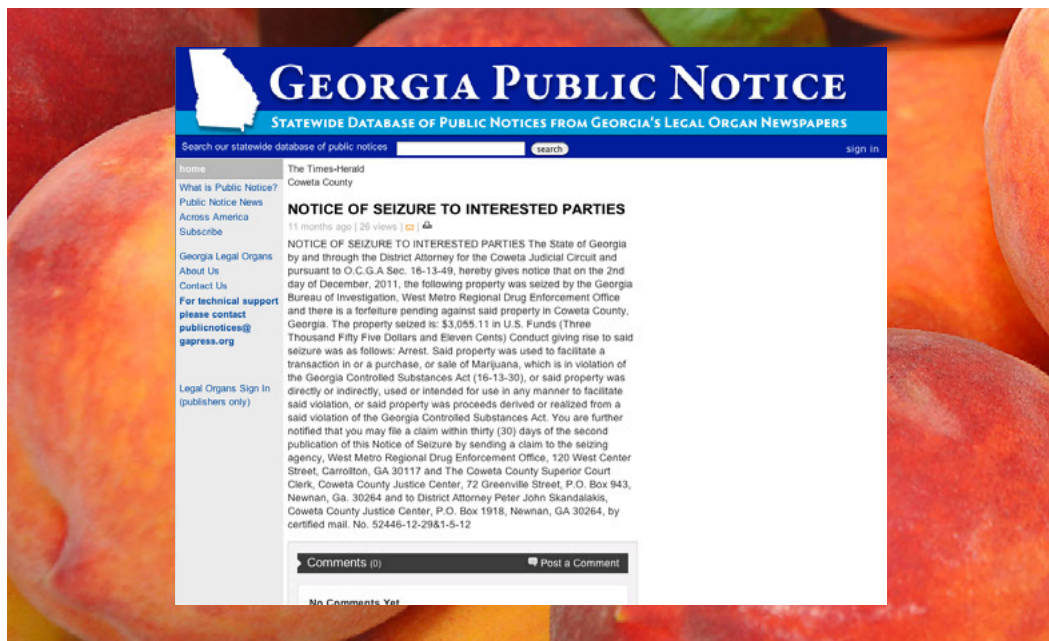
Meanwhile, in 2010, the legislature passed a law that requires all local units of government to make their financial records publicly available, beginning in the relevant 2011 fiscal year, on the website of the Carl Vinson Institute of Government at the University of Georgia.¹⁰

For many agencies, the local fiscal year mirrors the state's—July to June. But others use the federal fiscal year and still others use the calendar year as the fiscal year. Moreover, because forfeiture reports are due with annual budgets, there may

be an additional delay in crafting reports and uploading them to the Vinson Institute site. Thus, the first required reports may not be completely available until 2013. But some have uploaded their reports—either voluntarily or because of their fiscal year—which enables us to examine forfeiture to date.

This interim study examines those reports, plus data gathered from other sources, to determine what we know about the extent of forfeiture in Georgia as of July 2012 and what we might expect to see at the fulfillment of required reporting.

Unfortunately, the results below suggest that forfeiture accountability in Georgia remains limited. Even after a lawsuit and a new law intended to bring greater transparency to forfeiture proceedings, the quality of forfeiture reporting in the Peach State remains rotten, leaving citizens and legislators largely in the dark and law enforcement free to forfeit without oversight.



WHAT WE KNOW NOW

To measure the amount of forfeiture activity in the state, we first gathered all of the forfeiture reports posted on the Vinson Institute’s website. Note that although required reports may still be uploaded for some time, all agencies were still required to submit forfeiture reports to their respective governing authorities in the years prior to 2011. Moreover,

agencies are required to file reports only when they have engaged in forfeiture. Therefore, agencies with no reports on the Vinson Institute website either (a) had no forfeitures, (b) chose not to upload a report they were legally obligated to create for their governing authority or (c) will upload a report in subsequent months.

Although we downloaded all reports on the website, we focused our attention specifically on the latest complete year—2011. With the aforementioned lawsuit and reporting law change, agencies were more likely to upload reports that year than in prior years. We compared the number of agencies with uploaded reports to the Census of State and Local Law Enforcement Agencies¹¹ to determine the percentage of agencies that filed forfeiture reports for 2011 thus far. We also examined the amount of forfeiture activity of those reporting, the results of which are included below.

As of the time of data collection, July 2012, some jurisdictions had posted multiple years of data, and many had posted none. Fifty-eight agencies filed a report of some kind for 2011. The Atlanta Police Department and the Fulton County Police Department were among them. The comparison of the agencies that filed reports in 2011 with the

Census of Law Enforcement Agencies revealed that only 9.4 percent of 628 jurisdictions had posted a report for 2011.

For the agencies reporting in 2011, forfeiture revenues were a little more than \$2.76 million. The agency

Table 1: Number and Value of Forfeited Properties by Type for 58 Reporting Agencies, 2011

Property Type	Count	Total Value
Cash	307	\$1,157,938
Other	236	\$1,058,870
Car	103	\$453,154
Electronics & Equipment	58	\$17,147
Clothes	36	\$37,750
Jewelry	8	\$9,420
Guns	2	\$1,095
Drugs	1	\$3,149

that proved most prolific in 2011 was the Atlanta Police Department, taking in \$695,984 in forfeiture proceeds. Several agencies filed reports showing no forfeiture revenue in 2011. The agency with the least non-zero total was the Cleveland Police Department at \$3.00.

In 2011, these revenue totals came as a result of 740 forfeited properties, plus interest gained on forfeiture accounts. As Table 1 indicates, the property type forfeited the most was cash, totaling more than \$1.15 million. The next category—other—includes some properties for which no description was provided in the reports, but mainly property types that did not fit in other

categories, such as handbags, thermometers, safes, lamps and light bulbs. In all, properties in the “other” category were worth more than \$1 million.

Although a common perception of forfeiture actions is one of large drug busts yielding enormous sums of cash or highly valued properties, the data for 2011 tell a different story. The average value of forfeited property is about \$3,000. But as is the case with arithmetic averages, or means, statistical outliers can skew the data. And the world of asset forfeiture can be particularly prone to generating statistical outliers. Therefore, medians—here, the midpoint of the property values—can provide a more stable estimate of the size of forfeitures. The median value of forfeited property in Georgia was \$647—less than what it costs to buy school supplies for a first-grader.¹²

The largest sum of cash seized was \$121,875 by the White County Drug Task Force; the smallest was \$3.00 in Cobb County. For non-cash properties, the lowest value property was worth \$6.00—dry erase boards taken by the Cobb County MCS Crime Unit. The highest was worth \$209,644 by the Atlanta Police Department, but the property type was not identified in the report. The next highest property value was \$21,369 for a 2003 Mercedes Benz, taken by the Gwinnett County Police Department.

In states like Georgia, where agencies keep almost 100 percent of their forfeiture proceeds—rather than depositing the take into a neutral fund, such

as the state’s general fund—it is also important to examine how the funds are spent. In 2011, agencies spent \$2,318,053 of forfeiture proceeds, or 85 percent of what they took in. Most of that, almost \$1 million, was for electronics and equipment (see Table 2). This was followed by “Other,” which included things like accounting services, advertising, credit card payments, business cards, hardware store purchases, auto parts, printing, pharmacy costs and poker chips.

Table 2: Expenditures by Type for 58 Reporting Agencies, 2011

Expenditure Category	Amount
Electronics & Equipment	\$951,064
Other	\$653,288
Car	\$285,822
Training	\$174,715
Judicial Costs	\$138,547
Cash	\$46,639
Travel	\$33,496
Bills & Services	\$19,755
Individuals	\$12,003
Guns	\$2,475
Food	\$250

Two expenditure categories may require brief explanation. The “Cash” category typically includes “buy money” for drug investigations or petty cash. For “Individuals,” the reports simply included the names of people. Some of these were services rendered, such as a veterinarian (presumably for a service animal) or a “production company.” But others provide no other information beyond a name.

The biggest spender in 2011 was Douglas County, at \$792,353 (most of which was for computer software upgrades), followed at a distant second by the Dougherty County Police Department with \$181,742 in expenditures, mostly on the design and development of a “Family Justice Center.” Fourteen of the 58 reporting jurisdictions reported no expenditures from asset forfeiture proceeds.

THE STATE OF REPORTING

These numbers provide an incomplete picture of the amount of forfeiture activity in Georgia completed under state law. Not only is required reporting on the Vinson Institute website still ongoing, but the quality of forfeiture reporting in the Peach State is rotten. Unfortunately, the state statute requiring reporting of forfeiture revenues and expenditures is vague, giving agencies great discretion in how they file reports.¹³ As a result, there is very little consistency among the reporting schemes across jurisdictions, and most reports lack the kinds of details essential to monitoring forfeiture efforts.

For starters, reports should track forfeitures on a property-by-property basis so it is easy to tell, at a minimum, what was taken, what happened to it and what was done with any proceeds. Property-by-property reporting also enables further investigation of any questionable forfeitures and reveals whether forfeiture proceeds are the result of many small-value forfeitures or a few large ones. Not all agency reports do this, and those that do use different identification systems for tracking properties—identification numbers, case numbers, check numbers or complaint numbers. This inconsistency makes it difficult to reliably sum data across agencies—to be certain apples are added to apples, not oranges.

Moreover, even reports that track forfeitures property-by-property are missing key details. Reports from police departments in Atlanta, Dunwoody, Marietta and LaGrange, for example, provide only dollar amounts but no descriptions of the properties taken. On the other hand, some agencies don't provide dollar amounts. For instance, the Glynn Brunswick Narcotics Team forfeited six guns, three televisions, a computer and seven vehicles (including a Chevy Silverado, Lexus

sedan and BMW automobile). Most of these were retained by the Glynn County Police Department, but the values of the properties were never identified.

Reports also fail to use standard or consistent categories for both property types forfeited and expenditures. This again makes it difficult to compare data across agencies and results in large “other” categories, as in Tables 1 and 2, that obscure types of properties taken and expenditures made. Even something as simple as explicitly delineating between expenditures and revenues is missing in some reports, such as those by Douglas and Cobb counties.

Beyond the basics of what was taken, how much it was worth and how the proceeds were spent, Georgia's forfeiture reports lack other key details necessary for public oversight. For example, agencies ought to be required to delineate between civil and criminal forfeitures, so the public and lawmakers can examine how the two processes are used. Reports should also detail what alleged crime prompted the seizure of property (something already typically included in public notices of seizures), as well as the outcome of any related criminal proceeding. Given the limited legal protections for property owners in civil forfeiture and the substantial incentives law enforcement agencies face, such public accountability is vital.

None of this is to say that reporting irregularities necessarily evidence wrongdoing. But if Georgia citizens and lawmakers are to know how forfeiture is being used in the state, the vague reporting requirements of current law are not enough. State law should require more, better and more consistent reporting from all agencies.

FEDERAL FORFEITURE DATA

In addition to forfeiting property under state law, Georgia law enforcement agencies can and do partner with the federal government—through a program called equitable sharing—to bring in millions more. Through equitable sharing, state and local law enforcement agencies can transfer assets they seize to federal agencies, as long as the “conduct giving rise to the seizure is in violation of federal law and where federal law provides for forfeiture.”¹⁴ As under state law, property may be forfeited through equitable sharing regardless of whether an individual is charged, let alone convicted, of a crime. If property is successfully forfeited to the federal government, state and local agencies receive up to 80 percent of the proceeds.

As Table 3 indicates, Georgia’s take from equitable sharing is substantial, particularly in recent years. Much of the equitable sharing activity occurs through the Department of Justice’s Assets

Forfeiture Fund, but recent years have also seen large numbers in the Treasury Department’s Forfeiture Fund.¹⁵ At the opening of the 21st century, revenues through these programs were basically static, at between \$11 million and \$14 million. Beginning in 2006, however, equitable sharing proceeds grew sharply, peaking at more than \$46 million in 2010. From 2000 to 2011, Peach State agencies took in a total of \$250 million.¹⁶

Georgia law enforcement agencies aggressively pursue equitable sharing, even compared to other states.¹⁷ In 2011, for example, Georgia’s \$29.8 million take in equitable sharing funds from the Department of Justice was the fifth largest of all states, according to data collected from the 2011 DOJ Asset Forfeiture Fund Report to Congress.¹⁸ The state’s total dwarfed the average of \$8.8 million across all states.

Table 3: Georgia’s Equitable Sharing Revenue

Year	Department of Justice Assets Forfeiture Fund Total	Treasury Department Forfeiture Fund Total	Equitable Sharing Total
FY 2000	\$13,997,177	\$523,000	\$14,520,177
FY 2001	\$11,476,049	\$417,000	\$11,893,049
FY 2002	\$10,578,412	\$3,364,000	\$13,942,412
FY 2003	\$10,113,910	\$637,000	\$10,750,910
FY 2004	\$10,544,040	\$141,000	\$10,685,040
FY 2005	\$13,852,774	\$1,070,000	\$14,922,774
FY 2006	\$20,266,682	\$1,963,000	\$22,229,682
FY 2007	\$23,866,060	\$662,000	\$24,528,060
FY 2008	\$15,878,429	\$2,798,000	\$18,676,429
FY 2009	\$25,133,072	\$3,984,000	\$29,117,072
FY 2010	\$28,660,009	\$17,740,000	\$46,400,009
FY 2011	\$29,865,958	\$2,683,000	\$32,548,958
Total	\$214,232,572	\$35,982,000	\$250,214,572
Average	\$17,852,714	\$2,998,500	\$20,851,214

COMPARING GEORGIA'S STATE & FEDERAL FORFEITURE DATA

In addition to providing another indicator of the extent of forfeiture activity in Georgia, the federal forfeiture data point to a wide gap between forfeitures reported under state law and those under federal law. In 2011, for example, 147 Georgia law enforcement agencies took in \$32.5 million in equitable sharing. But recall that only 58 agencies have so far uploaded 2011 reports to the Vinson Institute website, and they reported \$2.76 million in forfeiture revenue. That represents just 8.5 percent of the total equitable sharing revenue in the same year.

Are some agencies only pursuing forfeitures under federal law, but not state law? Or are there still substantial, as-yet-unreported state forfeitures? We won't know for sure until all state reports are filed, but in the meantime, we compared the list of agencies reporting federal forfeitures in 2011 to those reporting state forfeitures. Of the 147 agencies reporting federal forfeitures, 122 have not uploaded a report to the Vinson Institute website. Of course, this may be because the reports are not yet complete or because there were no state forfeitures to report.

To check the latter, we looked for legal notices that might have been posted by any of the 122 agencies for 2011.¹⁹ State law requires that agencies file a public notice for any forfeiture

pursued under state law. At least 51 of the 122 agencies filed a public notice in 2011, but have not yet reported state forfeitures.²⁰

This again shows how much remains unknown about the use of forfeiture in Georgia. The total value of properties seized and listed in the legal notices we identified was \$815,637. Adding this to the \$2.76 million reported to the Vinson Institute yields a total of \$3.57 million in

forfeiture revenue for 2011.²¹ Yet we know this is an undercount. Many of the legal notices listed only properties, without identifying values. Properties for which no value was identified included vehicles, firearms, jewelry and collectible coins, and various other items such

as baseball cards, pens, light fixtures, fans, TVs, air filter systems, a "seal-a-meal" food storage system and even Morgan County High School bumper stickers. Moreover, the 58 reporting agencies plus the 51 agencies for which we found legal notices still only account for a mere 17 percent of the state's 628 law enforcement agencies.

This further illustrates the need for quality reporting. Although it is tempting to infer to the rest of the state based on what we know now, reporting requirements are so minimal in Georgia that doing so has the potential of yielding less than reliable conclusions.

Of the 147 agencies reporting federal forfeitures, 122 have not uploaded a report to the Vinson Institute website.

CONCLUSION & RECOMMENDATIONS

Minimal reporting—and thus minimal oversight—combined with laws that stack the deck against property owners makes for a precarious situation for innocent property owners.

Alda Gentile was one of those. On September 19, 2012, Ms. Gentile, her teenage son Cody and her infant grandson Daniel were driving home to New York from Florida after inspecting a potential condo to purchase. Fourteen miles inside Georgia on I-95, they were pulled over for speeding by Georgia State Troopers. During the stop, officers asked the Gentile family if they had any bombs, drugs, guns or money in the car. Ms. Gentile mentioned a container of money in the trunk—\$11,530 left over from a down payment on the prospective condo.

The troopers immediately fixated on the cash. They brought in a drug-dog to search the vehicle but found nothing. Nevertheless, after holding the Gentiles on the side of the road for six hours and charging them with no crime (other than a speeding citation), the police seized the cash and sent the Gentiles on their way. After consulting with her attorney-brother, Ms. Gentile engaged a Georgia lawyer and served notice on the state, an action that eventually led to the return of her money almost a month later.²²

Incidents like these illustrate why Georgia desperately needs reforms to its forfeiture laws. Those reforms should include:

1. Require a conviction in criminal court before the state can take ultimate title to the instruments and proceeds of crime.
2. Impose a high standard of proof on law

enforcement in civil forfeiture proceedings, requiring that it prove the property is connected to crime by at least clear and convincing evidence.

3. Protect innocent owners by removing the burden on property owners to prove their innocence and instead placing the burden of proof on the government.
4. End the ability of law enforcement agencies to self-fund by depositing forfeiture proceeds into a neutral fund—such as a general fund or school fund—rather than department or prosecutor accounts.
5. Standardize and improve the state's forfeiture reporting requirements. Currently, agencies can and do submit practically anything they want by way of format, level of detail, revenues or expenditures and the like. At a minimum, the state's requirements should be standardized and require agencies to report forfeiture data property-by-property, including for seizure and forfeitures:
 - Date the property was seized
 - Type of property seized, including make, model and serial number, where relevant
 - Type of alleged crime that prompted the seizure of the property
 - Disposition of property, such as whether the property was returned to the owner, destroyed, sold or retained

- Date of the aforementioned disposition
- Type of forfeiture: civil or criminal
- Outcome of related criminal actions, such as whether charges were brought, a plea bargain reached, a conviction obtained or an acquittal issued
- Estimated value of the property
- Gross amount received from the forfeiture
- Total expenses deducted as part of the forfeiture
- Net amount received from the forfeiture
- Operating expenses, such as office supplies, communications, postage, advertising, etc.
- Equipment, such as furniture, transportation, tactical gear, etc.
- Capital expenditures

Finally, *all* agencies should be required to file reports, even if the report lists no forfeitures or expenditures for a given year. This way, it will be clear whether an agency failed to report or simply had no forfeitures.

Respect for private property is one of the nation's most fundamental principles, one that is threatened by forfeiture law and practice in Georgia. As a Georgia appellate court wrote, "It is a ruling principle of our government that the sacred constitutional rights of citizens to be secure in their property rights are to be respected by officials of a State equally so much as by a fellow citizen or subject. The underlying principle from the day of the Magna Charta, now embodied in the Bill of Rights in all of our constitutions is that the sovereign State must do no wrong."²³

Reforms such as those listed above would protect citizens not only from the loss of their life savings or mode of transportation; they would limit the ability of the government to encroach upon an essential freedom of the individual enshrined in American constitutional law. Elected representatives who take an oath to support the constitutions of the United States and of Georgia could do no better.

And expenditures of forfeiture funds should be accounted for using standard categories, including:

- Gang and substance abuse prevention and education
- Witness protection
- Court costs and attorney fees
- Salaries
- Benefits
- Professional or outside services, such as auditing, court reporting, expert witness, etc.
- Travel

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Endnotes

- 1 Williams, M. R., Holcomb, J. E., Kovandzic, T. V., & Bullock, S. (2010). Policing for profit: The abuse of civil asset forfeiture. Arlington, VA: Institute for Justice.
- 2 Sanders v. State, 259 Ga. App. 422, 577 S.E.2d 94 (2003).
- 3 GA. Code Ann., §§ 16-13-49(e), (s).
- 4 <http://www.aclu.org/blog/criminal-law-reform/easy-money-civil-asset-forfeiture-abuse-police>
- 5 Burnett, J. (2008, June 16). Cash seizures by police prompt court fights. *National Public Radio*. Retrieved October 5, 2012, from <http://www.npr.org/templates/story/story.php?storyId=91555835>.
- 6 The law is clear: “Any local law enforcement agency receiving property under [the forfeiture statute] shall submit an annual report to the local governing authority. The report shall be submitted with the agency’s budget request and shall itemize the property received during the fiscal year and the utilization made thereof” (GA. Code Ann., § 16-13-49(u)(4)(D)(iii)). This specific statute concerns forfeitures related to drug crimes (which constitute most civil forfeiture actions), but statutes of many other criminal offenses incorporate the statute by reference (*See, e.g.*, § 16-5-44.1(e) (motor vehicle hijacking); §16-6-13.3(b) (underage prostitution)).
- 7 Hinton, R. (2002). Property forfeitures under state and federal drug laws. Atlanta, GA: Department of Audits and Accounts.
- 8 Norman, E., & Sanders, A. (2011). Forfeiting accountability: Georgia law enforcement’s hidden civil forfeiture funds. Arlington, VA: Institute for Justice.
- 9 *Van Meter v. Turner*, No. 2011CV198536 (Fulton Cty. Sup. Ct. 2011).
- 10 GA. Code Ann., § 36-80-21
- 11 <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2216>
- 12 <http://www.csmonitor.com/The-Culture/Family/Modern-Parenthood/2012/0801/Back-to-school-shopping-shocker-700-for-first-grade-supplies>
- 13 GA. Code Ann., § 16-13-49(u)(4)(D)(iii).
- 14 United States Department of Justice. (2009). Guide to equitable sharing for state and local law enforcement agencies. Washington, D.C., p. 6.
- 15 The Department of Justice Assets Forfeiture Fund accepts funds from the majority of federal law enforcement agencies, including the FBI, DEA and ATF. The Treasury Forfeiture Fund accepts deposits from Treasury agencies, such as the Secret Service, and financial and consumer agencies within the federal government.
- 16 TFF equitable sharing totals come from Treasury Department annual reports available at: <http://www.treasury.gov/resource-center/terrorist-illicit-finance/Asset-Forfeiture/Pages/annual-reports.aspx>. AFF totals come from the Department of Justice and are available at: <http://www.justice.gov/jmd/afp/o2fundreport/index.htm>.
- 17 Williams, Holcomb, Kovandzic, and Bullock, 2010; Norman and Sanders, 2011.
- 18 <http://www.justice.gov/jmd/afp/o2fundreport/2011affr/index.html>
- 19 Legal notices were culled from: <http://legalnoticesgeorgia.org/>.
- 20 We say “at least” because some of the public notices identify only a county by name but not the agency or agencies within the county that participated in the seizure.
- 21 This assumes that none of the cash was returned to owners, and 100 percent went to the agencies.
- 22 New York Woman with Down Payment on Condo Stopped. (2012, October 5). *Camden County Press*, pp. 1, 6.
- 23 *Fla. State Hosp. v. Durham Iron Co.*, 66 Ga. App. 350, 356 (Ga. Ct. App. 1941).

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Dick M. Carpenter II, Ph.D., serves as a director of strategic research for the Institute for Justice. He works with IJ staff and attorneys to define, implement and manage social science research. Results of his work have appeared in academic journals such as *Economic Development Quarterly*, *Urban Studies*, *Regulation and Governance*, *Independent Review*, *Journal of Advanced Academics*, *Journal of Special Education*, *The Forum*, *Education and Urban Society*, *Journal of School Choice* and *Leadership*, as well as magazines including *Regulation*, *Phi Delta Kappan* and the *American School Board Journal*.



The results of his research are used by state education officials in accountability reporting, have been influential in crafting policy in state legislatures, and have been cited in briefs to state and federal courts, including the U.S. Supreme Court. Dr. Carpenter has served as an expert witness in several federal lawsuits and has been quoted in newspapers such as *The Wall Street Journal*, *New York Sun*, *Denver Post*, *Atlanta Journal-Constitution*, *Chronicle of Higher Education*, *Dallas Morning News*, *Education Week* and *The Washington Times*.

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Lee McGrath

Lee McGrath is the Executive Director of the Institute for Justice Minnesota Chapter and serves as IJ's Legislative Counsel. He joined the Institute in December 2004 and litigates cutting-edge constitutional cases protecting economic liberty, school choice, private property, freedom of speech and other individual liberties in both federal and state courts in Minnesota and nationally. *Minnesota Lawyer* recognized McGrath as one of 2006's Up and Coming Attorneys.



Under his leadership, the Institute for Justice Minnesota Chapter has launched a successful campaign to restore economic liberty as a basic civil right under both the Minnesota and U.S. Constitutions. IJ-MN freed African hairbraiders from Minnesota's onerous cosmetology licensing regime, stopped the government from enforcing a blanket ban on advertising, soliciting or using the Internet to conduct lawful, direct sales of wine, and forced the city of Red Wing to end its ban on interstate shipping of trash.

McGrath was also instrumental in lobbying the Minnesota legislature to reform its eminent domain laws in 2006 and to deregulate intrastate household goods movers in 2008.

McGrath received his law degree from William Mitchell College of Law in Saint Paul where he was the president of the local Federalist Society chapter. Before that, he worked for more than 20 years in corporate finance at General Motors and other corporations. His last position was as Vice President and Treasurer of Jostens, the yearbook and ring company headquartered in Bloomington, Minn.

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The authors thank Edward Presley for invaluable help compiling and organizing the state forfeiture data from Georgia agencies, collecting legal notices and comparing those notices to federal equitable sharing reports.



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