

The Star-Ledger

January 25, 2001

Police seizures violate innocent owners' rights

By Carol Thomas

As a drug warrior for the Cumberland County Sheriff's Office, I saw countless innocent people lose hundreds of thousands of dollars in cash and property. Until the authorities arrested my son for selling marijuana out of my car—which he did without my knowledge and certainly without my consent—and seized my car, I had no idea how vulnerable innocent property owners can be. New Jersey's forfeiture law encourages police departments to take property for their own enrichment, even when the owner has not been accused of any crime. Only when the tables were turned did I learn to appreciate what's wrong with the system.

As a member of the drug task force, I was regularly sent on raids to capture drugs, cash and other property from suspected offenders. I often wondered why we were never going after the big guys. Then it clicked: it was more profitable to go after lots of small-time dealers who didn't have the resources to fight us rather than to focus on a few bigger guys. The emphasis on civil asset forfeiture is on easy profit—not justice—and certainly not on stopping the flow of drugs into our communities.

About two years ago, undercover officers arrested my son for selling marijuana out of my car. Although I had committed no crime, the prosecutor's office filed a complaint for forfeiture of my 1990 Ford Thunderbird. The prosecutor's office, which is

in charge of the unit in which I served, knew that with a clear title, my car was an easy target under New Jersey's forfeiture laws. The prosecutor's office also knew that taking my car would not prevent or punish drug dealing because they knew that I was not a drug dealer. They were clearly targeting the property of the innocent. The oddity of the state's forfeiture law resulted in the State of New Jersey suing my car in a case called State of New Jersey v. One 1990 Ford Thunderbird. The State dropped its suit against my car, in part because I joined with the Washington, D.C.-based Institute for Justice in a counter suit to keep these unjust takings from happening to anyone else in New Jersey. The State is no longer willing to pursue my property because I fought for my rights. Now, along with the Institute for Justice, we'll continue fighting for the property rights of others.

I want everyone to know that police departments in New Jersey and across the county are taking innocent people's property for their own enrichment. The state's forfeiture system encourages law enforcement officials to seize property to fund their own department. It saddens me to think of all the young, hard-working police officers out there who want to do something good but don't realize they are just sent to do the dirty work so the counties and the state can get more money.

The forfeiture of my own car has opened my eyes to the abuse of forfeiture power by the police.