

Delaware earns a D- for its civil forfeiture laws:

- Low bar to forfeit: Once the government seizes property, the owner must prove by preponderance of the evidence that it is not connected to a crime.
- Poor protections for the innocent: Third-party owners must prove their own innocence to recover seized property.
- Large profit incentive: Up to 100% of forfeiture proceeds go to law enforcement.

Recent Reforms

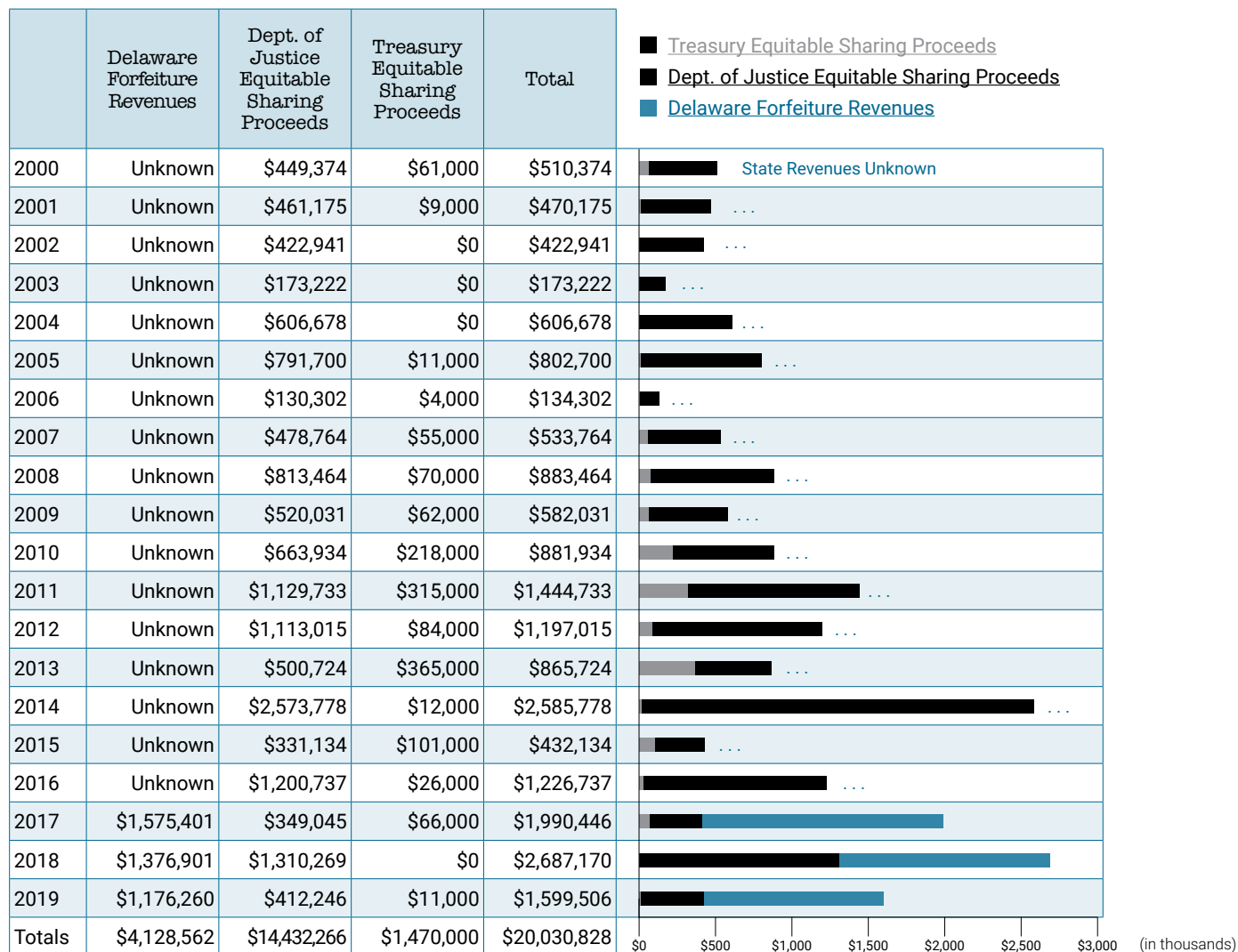
- (2016) HB 309: Made information about the Special Law Enforcement Assistance Fund eligible for release under Freedom of Information Act. Unfortunately, the SLEAF Committee decides which requests to approve. Moreover, Delaware's FOIA does not guarantee access to records for non-citizens of the state.

State and Federal Forfeiture Revenues, 2000–2019

Between 2017 and 2019, Delaware law enforcement agencies forfeited more than \$4 million under state law. Between 2000 and 2019, they generated an additional \$16 million from federal equitable sharing, for a total of at least \$20 million in forfeiture revenue. Delaware ranks 13th for its participation in the Department of Justice's equitable sharing program. The state does not prevent state and local agencies from using equitable sharing to circumvent state forfeiture law.

**At least \$20 million
in state and federal
forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation.

Delaware's Forfeiture Transparency and Accountability Report Card

Tracking Seized Property	F	Accessibility of Forfeiture Records	C
Accounting for Forfeiture Fund Spending	A	Penalties for Failure to File a Report	B
Statewide Forfeiture Reports	B	Financial Audits of Forfeiture Accounts	F

For full transparency and accountability grades, visit www.ij.org/TransparencyReportCards.

Forfeitures Under Delaware Law: Key Facts

Median Value



Delaware does not report property-level data necessary to calculate median forfeiture value.

Property Types

UNKNOWN

Delaware does not report the types of property forfeited.

Civil vs. Criminal

UNKNOWN

Delaware does not report whether forfeitures are processed under civil or criminal forfeiture law.

Expenditures

UNKNOWN

Delaware expenditure data were not used for this report.

Data Notes

Reports of fiscal-year forfeiture deposits to the Special Law Enforcement Assistance Fund were obtained via request to the Delaware Department of Justice. Deposits represent forfeited money and proceeds from sales of forfeited property and exclude interest. Equitable sharing data are from DOJ's and Treasury's annual forfeiture reports. Due to differences in reporting and accounting practices, state figures may not match aggregate numbers produced by the state or cover the same 12-month period as the federal data.