

Michigan earns a D- for its civil forfeiture laws:

- Higher bar to forfeit in limited cases: Weak conviction provision falls short of criminal forfeiture (see page 41). It applies only if an owner contests forfeiture, putting the burden on owners to engage in a costly legal battle and making it easy for the government to forfeit without a conviction. It does not require conviction of the owner, only of a “defendant,” and does not apply to cash over \$50,000. Once the conviction provision is satisfied, property must be linked to a drug crime by clear and convincing evidence or to another crime by preponderance of the evidence.
- Limited protections for the innocent: Generally, the government must prove third-party owners knew about criminal activity connected to their property, but the owner bears the burden in drug cases involving property valued above \$50,000.
- Large profit incentive: In drug cases, 100% of forfeiture proceeds go to law enforcement; 75% in all other cases.

Recent Reforms

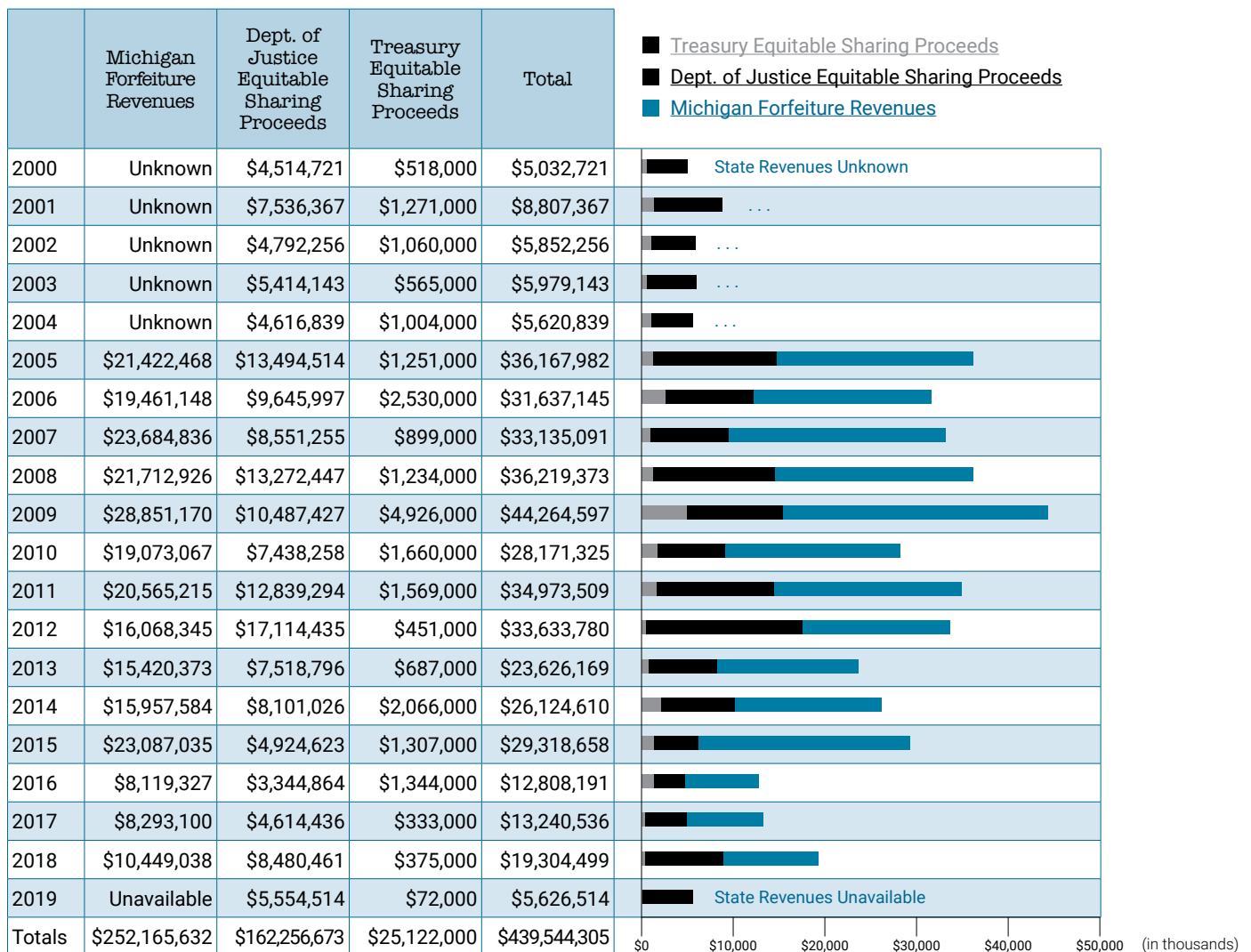
- (2019) HB 4002: Minor reform. Imposed new notice requirement, but also imposed new burdens on owners claiming seized property.
- (2019) HB 4001/SB 2: Created weak conviction provision.
- (2017) HB 4629: Eliminated bond requirement for owners challenging forfeiture.

State and Federal Forfeiture Revenues, 2000–2019

Between 2005 and 2018, Michigan law enforcement agencies forfeited more than \$252 million under state law. Between 2000 and 2019, they generated an additional \$187 million from federal equitable sharing, for a total of at least \$439 million in forfeiture revenue. Michigan ranks 40th 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 \$439 million
in state and federal
forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation. State reporting requirements changed in 2015.

Michigan's Forfeiture Transparency and Accountability Report Card

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

* Agencies must file even when they have nothing to report.

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

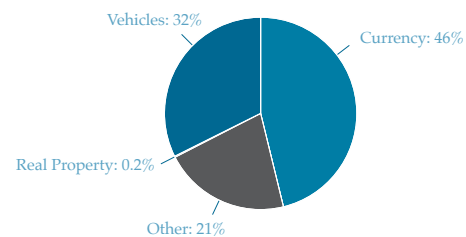
Forfeitures Under Michigan Law: Key Facts

Median Value



From 2016 to 2018, half of Michigan's currency forfeitures were worth less than \$423.

Property Types



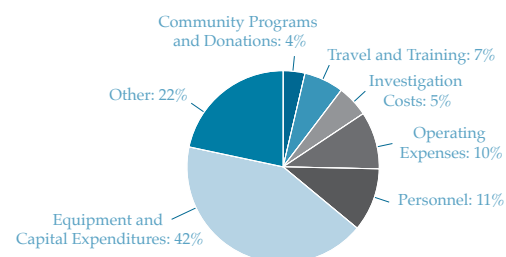
From 2016 to 2018, nearly half of Michigan's forfeitures were of currency.

Civil vs. Criminal

UNKNOWN

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

Expenditures



From 2016 to 2018, 42% of Michigan law enforcement's forfeiture spending was on equipment and capital expenditures; another 22% was undefined.

Data Notes

Forfeiture data were obtained via public records requests to the Michigan State Police. Figures for 2005 through 2015 represent agency-level proceeds. Figures for 2015 through 2018 represent value of forfeited property. Expenditure figures are from the annual reports on MSP's website and exclude mandatory victim compensation paid from 25% of forfeiture proceeds related to non-drug crimes. Figures for 2005 through 2014 are in fiscal years, while those for 2016 through 2018 are in calendar years. 2015 figures represent a mix of calendar- and fiscal-year reporting by agencies. 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.