

# SEIZURE AND FORFEITURE REPORTING ACT



## BY THE INSTITUTE FOR JUSTICE

Civil forfeiture represents one of the most serious assaults on private property by government today. Prosecutors in most states do not have to charge you with a crime for you to lose your property. Worse, most states allow police, sheriffs and prosecutors to keep most of the forfeited property to supplement their budgets.

Long-standing policies like civil forfeiture undermine the proper role of law enforcement and fuel the public's distrust.

To make substantive reforms, state legislators need information about how law enforcement and prosecutors engage in seizure and forfeiture. This model act fills that void and provides data to state legislators and others.

Unfortunately, law enforcement agencies frequently fail to disclose what they seize or how they and prosecutors use forfeiture proceeds. This lack of accountability to state legislators and the public only makes a bad problem worse.

The Institute for Justice (IJ) is a national public interest, civil liberties law firm. We have advocated for civil forfeiture reform in state legislatures for years and litigate the issue in courts, including the U.S. Supreme Court.

### IJ'S SEIZURE & FORFEITURE REPORTING ACT HAS BEEN TESTED:

- Since 2014, 27 states and the District of Columbia have instituted new reporting requirements for seizure and forfeiture activity; and
- Among the 27 states, Arizona, Kansas, and New Jersey now lead the nation in forfeiture transparency by enacting this act.

### IJ'S SEIZURE & FORFEITURE REPORTING ACT INCLUDES:

- A case tracking system and searchable public website: ¶¶ 4 and 5.
- Individual listing of property that police and sheriffs seize: ¶ 4 (3).
- Location of seizure that reflect law enforcement's priorities: ¶ 4 (4).
- Type of crime prosecutors pursue: ¶ 4 (8).
- Type of forfeiture prosecutors pursue: ¶ 4 (16).
- Use of forfeiture proceeds: ¶ 5.

### BENEFITS INCLUDE:

- Without data, debates at state legislatures are dominated by anecdotes. This model reduces the possibility of legislation by anecdote.
- Where data is available, it shows most forfeitures are less than \$2,000. This is contrary to claims forfeitures are an effective tool against international drug cartels.
- In future legislative sessions, state legislators can use data reported under this bill to customize reforms to substantive forfeiture laws that reflect their states' unique circumstances and needs.

## State Legislators are Subject to Anecdotes without Data.



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