

Coalition for Forfeiture Reform

The Problem

In the last decade, Pennsylvania law enforcement has taken over \$100 million in private property using something called “civil asset forfeiture.” Originally targeted at drug kingpins and the money they made from their crimes, civil asset forfeiture is increasingly used to take homes, cars, and small amounts of cash from ordinary Pennsylvanians. **Under Pennsylvania’s civil asset forfeiture laws, the government can take property it claims is connected to illegal activity, without actually charging the property owner with a crime.** Prosecutors and police who make decisions about when to pursue civil forfeiture are then allowed to keep 100% of the forfeiture profits for their own budgets, meaning they have a direct financial incentive to forfeit as much property as possible.

Current Pennsylvania law provides very few protections for people whose property the government is trying to forfeit. Under civil asset forfeiture, property owners do not have the constitutional protections they would receive if they had been accused of a crime, including the right to appointed counsel. Many property owners are never even notified that their property is the subject of a civil forfeiture proceeding. And some innocent owners decide not to contest forfeitures because the costs of taking time off work and paying a lawyer to challenge the forfeiture often far exceed the value of the property at stake. As a result of this unfair process, most civil forfeitures in Pennsylvania end without the property owner even appearing before a judge, allowing prosecutors to take the property without ever presenting evidence.

Guiding Principles of the Coalition

We, the undersigned, believe that Pennsylvania’s civil asset forfeiture laws threaten individual rights. We need stronger protections to prevent the government from abusing the power to take and keep people’s property. We urge the legislature to pass a bill to protect Pennsylvanians against unfair civil asset forfeiture practices. We believe that any reform bill should embody two fundamental principles:

- 1) No property should be forfeited unless the property owner is first convicted of a crime.
- 2) Law enforcement agencies should not have a direct financial incentive to seek forfeiture.

Questions? Please contact Sara Mullen, associate director, ACLU of Pennsylvania at smullen@aclupa.org.

More information about civil asset forfeiture is available at: www.aclupa.org/forfeiture

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