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Police Can Seize And Sell Assets Even When The Owner Broke No Law

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You don't have to be convicted of a crime — or even accused of one — for police to seize your car or other property. It's legal. Several videos online are shedding some light on the controversial practice.

The practice is called civil asset forfeiture, and every year it brings cities millions of dollars in revenue, which often goes directly to the police budget. Police confiscate cars, jewelry, cash and homes they think are connected to crime. But the people these things belong to may have done nothing wrong.

In one video posted by *The New York Times*, Harry S. Connelly, the city attorney of Las Cruces, N.M., gleefully describes how the city collects these "little goodies," calling it a "gold mine."



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He describes to a roomful of local officials from across the state how Las Cruces police officers waited outside a bar for a man they hoped would walk out drunk because they "could hardly wait" to get their hands on his 2008 Mercedes, which they then hoped to put up for auction.

"We could be czars," he tells the room. "We could own the city. We could be in the real estate business."

It is legal for law enforcement agencies to take property from people who haven't been convicted of a crime.

Ezekiel Edwards, director of the criminal law reform project at the ACLU, tells NPR you don't even have to be charged with a crime.

"That's one of the surprising things to people," Edwards says. "It's also what makes it so rife for abuse."

The concept is that police are, in theory, bringing charges against the property. They are saying this property is being used in the furtherance of a crime. That's why, Edwards says, the cases are titled *U.S. v. \$4,000*. Or *U.S. v. White Cadillac*.

Prosecutors say the seizures are helpful tools to combat drug dealers and drunken drivers. But for people who haven't committed a crime, the cases are expensive to contest and often disproportionately affect people without means or access to a lawyer.

Some states in recent years have told local police departments they can no longer keep the proceeds of the seizures for the general fund for the department. The money, for example, may have to be earmarked for a fund for drunk driving prevention. But some local municipalities have gotten around that rule by partnering in seizure cases with the federal government, which shares the money collected and has no such restrictions.

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