

FACT SHEET

Ensuring basic fairness: Civil asset forfeiture reform in Alabama

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Protection against unreasonable searches and seizures is a basic guarantee of both the U.S. and Alabama constitutions. But Alabama's civil asset forfeiture policies allow police to seize cars, cash or other personal property without a conviction – or even a criminal charge – if they find probable cause to link the property to a crime. In most cases, owners can't get their property back unless they then prove it *wasn't* connected to a crime.

Civil asset forfeiture disproportionately harms communities of color and low-income people, who often can't afford to challenge seizures in court. The centuries-old practice surged into common use in drug trafficking cases in the 1980s, but its reach quickly grew. Many Alabamians affected today are charged with marijuana possession or other low-level crimes.

And in many cases, the property owner isn't charged with a crime at all. Alabama Appleseed and the Southern Poverty Law Center (SPLC) reviewed 1,110 civil asset forfeiture cases filed in Alabama in 2015. In one in four of those cases, property owners weren't charged with a crime. (The head of the Alabama District Attorneys Association said many of the seizures resulted from informants but didn't cite a percentage.)

In half of the cases that Appleseed and SPLC reviewed, the amount of cash involved was \$1,372 or less. That's more than a month's pay for a minimum-wage worker – but far less than it would cost to hire a lawyer to fight the seizure in court.

Solutions in other states

Every state allows asset forfeiture, but many have implemented meaningful reforms to lower the risk

of unjustifiable seizures. Florida's civil forfeiture law requires proof beyond a reasonable doubt that the property was involved in a crime. North Carolina requires a conviction with evidence of the property's probable connection to crime. Fourteen states, including Georgia, make forfeiture records available to the public online. All these protections make unjust forfeitures less likely.

What Alabama can do

Alabama's civil asset forfeiture practices need numerous changes to protect due process and ensure basic fairness. Here are a few options:

- Require a criminal conviction to transfer property ownership.
- Place all proceeds in the General Fund rather than letting agencies keep them.
- Require proof beyond a reasonable doubt of the property's connection to a crime.
- Require judges to consider the hardship that loss of a primary residence or vehicle would cause for families or others.
- Eliminate "abandonment" forms that can be used to urge drivers to give up their property rights during a traffic stop.
- Award attorney fees to anyone who prevails against the government in forfeiture cases.
- Require forfeiture records to be made publicly available online.

Alabamians deserve a fairer and more transparent civil asset forfeiture process. These reforms and others would add needed protections and help deter abuses of civil asset forfeiture in Alabama.