



Michigan Civil Asset Forfeiture Testimony

Chairman Jones, Minority Committee Chair Bieda, and distinguished members of the committee:

Thank you for inviting me to testify about the urgent need to fix Michigan's asset forfeiture laws. Today, I would like to bring attention to Michigan's place in a broader national problem, and how the proposed legislation puts it closer to the vanguard of states trying to reform an unjust system; a system rife with unaccountability and potential for abuse.

My name is Jorge Marin, I am the criminal justice specialist at Americans for Tax Reform; an organization founded by Grover Norquist at the behest of President Reagan to protect taxpayers from excessive government taxation.

You may be wondering what taxes have to do with civil asset forfeiture. Simply put, tax reform is simply a means to an end: the end being the protection and expansion of individual freedom. For this reason we have flagged asset forfeiture as an egregious threat to due process and legislative accountability of the nation's crucial police force and their budgets.

Modern civil asset forfeiture started in the eighties, as America waged a protracted struggle against drugs. The thinking behind these measures was laudatory: to deny drug traffickers the funds they earned from their trade and use those funds to fuel anti-drug efforts. Unfortunately, as the laws were used, it has become clear that the intended effect of targeting the worst offenders has been lost to a murky system in which reporting is rare and often inaccurate.

Forfeiture was justified as an accepted legal tool based on archaic legal principles from the 16 hundreds which allowed property to be tried in a court of law for a crime. Applied to the 20th and 21st century, it means that the onus to prove the *innocence of property* falls to the owner. The funds are then taken and used by the same department that made the confiscation.

Sadly, since the average amount confiscated in these procedures is quite small, few people actually go through the cost and the hassle to contest the forfeiture. Worst still, under Michigan's current regime, there is no enforceable requirement to report what was confiscated, and how that money was used.

Such lax oversight has seen a rise in disturbing cases of possible abuse; such as the famous cases of Ginnifer Hency, whose house was raided because of her legal marijuana, or Annette Shattuck, who had a similar experience.

These are not isolated incidents; examples such as these are common in the states that have forfeiture laws similar to Michigan's.

Fortunately, this is a uniting issue. The Michigan Association of Police Organizations understands full well that bad laws reflect poorly on the vast majority of police officers; men and women who genuinely want to protect their communities and have done so with distinction.



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The Package of laws under consideration would strengthen the reporting requirements for forfeitures. This would be a massive step in the right direction.

If passed, Michigan legislators will be able to determine the scope of asset forfeitures and the use of the funds.

Moreover, the standard of proof to complete a forfeiture will be higher; bringing it to a “clear and convincing” standard.

On average, Michigan police forces bring in around \$18 million per year from asset forfeiture. This does not include the \$8 million received from the federal equitable sharing programs.

This is too much money to be left out of the purview of the legislature. Please join the growing din of voices demanding reform. Thank you for being generous with your time.

722 12th Street N.W.

Fourth Floor

Washington, D.C.

20005

T:(202)785-0266

F:(202)785-0261

www.atr.org