

# Wisconsin GrandSons of Liberty

## *Civil Asset Forfeiture Reform*

**Purpose:** Reform is needed to provide protections in the law which prevent abuse of the private property rights of innocent people and those who are not yet convicted of a crime. Basically, no one should have to fear losing their property unless they are convicted of a crime.

### **Facts:**

- Asset forfeiture removes the tools, equipment, cash flow, profit, and, sometimes the product itself, from the criminals and criminal organization, rendering the criminal organizations powerless to operate.
- Asset forfeiture inappropriately targets the casual user or more recently the medical marijuana user in the mistaken ideal of thwarting illegal drug distribution channels.
- Police target the least likely to have resources to fight the government and seek to keep their property
- Cash currency is improperly the prime target of police departments since estimates are that 90% of all paper currency in circulation has trace amounts of Cocaine residue
- Asset forfeiture, when used properly, can provide a valuable tool for law enforcement officials, as it helps strike at the economic foundations of criminal activity
- Civil Forfeiture can be independent of criminal proceedings and it is estimated over 60% of civil forfeitures are not accompanied by criminal charges
- Forfeiture actions are driven by shrinking local budget politics rather than standards of criminal activity and objective criteria for seizing property of convicted criminals

### **Proper Protections:**

- Require the level of proof to be “Clear and Convincing Evidence” of criminal activity not Probable Cause
- Criminal Charges must accompany the Administrative Forfeiture process; protects the “Righteous Bust”
- Hold confiscating agency responsible for returning the seized property in the same condition as when confiscated, and in the case of cash the agency must return 100% of the value of the seized cash
- Prohibit the singular basis of seizure being a drug dog keying on cash; require corroborating physical evidence to confiscate any amount of cash money
- Automatic return of seized property, without petitioning a court, if not convicted or charges dropped
- Allow for legal cost reimbursement for innocent parties that must defend, protect or recover their property in court
- Provide an exemption for property in use by another person for illicit activity without the consent or knowledge of the actual property owner (known as an “innocent third party”).
- Transparency at all levels of government with ability to see what law enforcement seizes and forfeits. With searchable database kept at the state and local level.

For more information, go to [www.wisconsingrandsonsofliberty.com](http://www.wisconsingrandsonsofliberty.com)

## Civil Asset Forfeiture in the news:

**Rep Sensenbrenner** – Jan 2015 - Congress to reform outdated and unfair civil forfeiture laws  
<http://1.usa.gov/1QgBiWa>

**Policing for Profit:** Institute for Justice “Ending Forfeiture Abuse”: <http://bit.ly/1QmctWb>

Jon Stossel: <http://bit.ly/1K6QkeD>

Washington Post: <http://bit.ly/1I8GwOZ>

TN I-40 Shakedown: <http://bit.ly/1M0rxYb>

CATO report: <http://bit.ly/1G1uBTE>

**Why It’s Nearly Impossible To Get Your Stuff Back After The Cops Seize it**

<http://read.bi/1PM7umu>

**Wisconsin:** 5/21/2012: WI Brown County specifically tells family to bring cash for bail money

<http://huff.to/1DK61V0> and here <http://bit.ly/1J45bWo> and again here <http://bit.ly/1HvIWFP>

**Fox Valley:** Metro Enforcement Group nets \$325,000 from \$394,000 in seizures during 2012

<http://bit.ly/1HKikT5>

**Kenosha:** 01/25/2015: Sheriff Dan Ruth said “the old way was to just seize it”

<http://bit.ly/1DK6pTy>

**St. Croix County:** 9/22/2014: County Steps Up Efforts to Keep Confiscated Cash

<http://bit.ly/1dwsWv0>

**Heritage Foundation:** 4/20/2015: Good intentions gone awry

<http://herit.ag/1DzIP8U>

**Forbes** - 4/16/2015: Disabled Vet loses \$60,000 after traffic stop where he did not get a ticket

<http://onforb.es/1b55JOs>

**Philadelphia:** 2002 - 2012, over 1,000 homes, 3,200 vehicles and \$44 million in cash seized

<http://bit.ly/1DzMOCl>

**New Mexico:** 4/10/2015: Gov. signs legislation requiring conviction of a crime to take property

<http://bit.ly/1NrL3C1>

**Florida:** 4/8/2015: Florida legislature to introduce Civil Asset Reform Legislation

<http://dailysign.al/1Ocaqlz>

**Iowa:** 3/28/2015: Iowa Forfeiture “A system of legal thievery” <http://dmreg.co/1Il4gco>

**Georgia:** 3/26/2015: IRS seizes \$940k from Veteran and Gun Shop Owner

<http://bit.ly/1yPIhkW>

**Forbes:** 3/25/2015: Feds want Banks to notify them if you withdraw \$5,000 or more

<http://onforb.es/1G1jad3>