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Legal Plunder: How Civil Asset Forfeiture Enriches the Police

CHICAGO – Illinois is in the midst of its fifth month without a state budget and the financial situation is becoming increasingly dire by the day, so taxpayers are rightly outraged by the state government’s mismanagement of their hard-earned tax dollars. But if the ongoing budget issues haven’t infuriated the taxpayers of Illinois, then a new report by the Institute for Justice, [*Policing for Profit: The Abuse of Civil Asset Forfeiture*](#), should certainly grab their attention.

“Civil asset forfeiture is the practice whereby the government can confiscate your home, business, finances, vehicle, or other property just on the mere suspicion that it is connected in some way to criminal activity,” said Jared Labell, director of operations for Taxpayers United of America (TUA) and research analyst for Taxpayer Education Foundation (TEF).

“Taxpayers must know that this governmental power is authoritarian, even reminiscent of the stories out of the old Soviet Union. The government can threaten an individual’s property and livelihood with little to no oversight, as a victim of this scheme does not need to be convicted or even charged with a crime to have the State’s boot placed firmly on their throat,” said Labell. “And to make matters worse, state and federal law enforcement are in many ways incentivized to participate in this activity, as they get to keep nearly all of the stolen assets in the process. It’s legal plunder, simply highway robbery with a badge and gun.”

The Institute for Justice’s study surveys civil asset forfeiture in all fifty states, D.C., and the federal government, ranking each based on the standard of proof and the burden of proof for seizing property, as well as the incentives created to entice law enforcement to increase such seizures. Illinois, unfortunately, joins thirty other states and the federal government with a D grade, meaning that only a preponderance of the evidence is necessary. As the report states, “Under such standards, the government need only show that it is more likely than not that the property was related to criminal conduct.” This is a very low threshold, especially when considering that this occurs without criminal charge nor conviction.

The Institute for Justice’s study outlines the deficiencies in Illinois’ civil asset forfeiture process, detailing how the status quo is both predatory and untenable:



TEF COMMENT



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“[Illinois](#)’ civil forfeiture laws offer property owners very little protection, earning a D-. In general, the standard of proof required to forfeit property in Illinois is preponderance of the evidence, and Illinois has been graded on that basis. However, the Prairie State also has terrible forfeiture procedures unlike those of any other state. Unless the property seized is real property—a house or a piece of land, for example—worth more than \$150,000, property owners must pay a bond worth \$100 or 10 percent of the value of the property, whichever is greater, just for the opportunity to challenge a seizure in court. If they lose their case, owners must give up their entire bond and pay the full cost of the forfeiture proceedings; but even if they win, they must relinquish 10 percent of the bond. To make matters worse, innocent owners bear the burden of proving that they were in no way involved with the criminal activity associated with their property, and law enforcement retains 90 percent of all forfeiture revenue—a strong incentive to seize.”

“Illinois earned this shockingly low grade due to the extreme and subpar standards set for forfeiture, and it must be reiterated that no conviction is required prior to seizure of property. Poor protections for innocent third-party property owners is also a major factor in Illinois’ low-rating, as is the fact that 90% of forfeiture proceeds go right back into the coffers of law enforcement authorities,” said Labell. “Between 2009 and 2013, Illinois’ reported forfeiture proceeds exceed \$113 million.”

“Illinois also has the shameful distinction of ranking 40th for federal forfeiture, retaining more than \$186 million in Department of Justice equitable sharing proceeds since fiscal year 2000. That means that law enforcement in Illinois, partnered with agents of the federal government, steal taxpayers’ property much more often than not, also netting an additional \$36.7 million in Treasury Department forfeiture funds between fiscal years 2000 to 2013.”

“It is impossible to introduce into society a greater change and a greater evil than this: the conversion of the law into an instrument of plunder,” wrote the prescient and astute nineteenth century free market economist Frédéric Bastiat in [The Law](#). It would serve taxpayers well to revisit Bastiat’s work, or read it for their first time, as they sort through this recent civil asset forfeiture report by the Institute for Justice,” said Labell.

“The economy and our liberty suffer under the policies of rampant government intervention and [law enforcement militarization](#). Now is the perfect time to educate the public about policies that encompass both issues, which have a deleterious impact on taxpayers. In particular, programs like civil asset forfeiture unreasonably allow the government to put targets on the backs of all individuals – and it must stop.”

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