



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

**TESTIMONY IN SUPPORT OF 19-H 5357 AND H-5721,  
RELATING TO CIVIL ASSET FORFEITURE  
March 20, 2019**

The ACLU of Rhode Island strongly supports the goal of both of these bills, which aim to address the problems with the concept of civil forfeiture and its blatant unfairness to property owners who are often themselves victims as a result of this process.

Under current law, Rhode Island's law enforcement agencies can confiscate the property of any person suspected of having committed certain offenses, whether or not that person is ever convicted or even charged with a crime. This property can range from cash and cell phones, to cars and even homes. Getting that property back is exceedingly difficult, even when the person under suspicion is not ultimately the owner of the property. Owners of the property must prove that their assets were not obtained as the result of criminal activity – a threshold that is virtually impossible for many to meet.

As a result of the current law, if law enforcement pulls over a teenager driving down the street and arrests them for a marijuana offense, the officers can immediately seize and eventually sell the vehicle that the teenager is driving. That the car is registered to the teenager's parent is of no consequence; unless the parent can somehow prove that the car was not purchased with money obtained illegally, that car is gone forever. Whether the teenager is ultimately charged with a crime is also of no consequence.

According to a study from the Institute for Justice, Rhode Island is one of only 10 states where probable cause is all that is necessary for assets to be confiscated. A 2014 WPRI report found that over \$1.2 million in assets were seized in 306 cases in 2013, but fewer than half of those cases resulted in convictions, and in more than a few dozen cases the charges were dismissed or dropped.

By focusing on criminal forfeiture, this legislation would ensure that there is judicial oversight and that law enforcement agencies cannot confiscate a person's belongings even when they know they cannot make a criminal case against them. The bills would thus help curtail what has become known as "policing for profit," a concept that has no place in the exercise of law enforcement powers.

By restoring some semblance of due process and allowing innocent Rhode Islanders to retain their belongings without the unfair burdens that a civil forfeiture process imposes on them, legislation like this will go a long way in addressing this important issue