



END POLICING FOR PROFIT: SB 443 (Mitchell)

Imagine you're on your way to buy a used car and a police officer pulls you over. After asking you a few questions, the officer asks to search your car. Knowing you've done nothing wrong, you agree. The next thing you know, the officer is telling you that he's suspicious that you have \$2,500 in cash – and he takes it. You explain that you're on your way to buy a car. He doesn't believe you and tells you that if you want your cash back, you'll have to fight for it in court.

You might be surprised to learn that the above scenario happens every day in California. What's worse: it's perfectly legal. It's called **"civil asset forfeiture."**

For years, California law enforcement has taken advantage of a loophole in outdated federal laws that lets them take—and permanently keep—a person's cash, car, or home without even arresting them. This was never meant to happen.

Senate Bill 433 (SB 443), introduced by State Senator Holly Mitchell will help end policing for profit. The legislation will close the door on this predatory practice by preventing local law enforcement agencies from permanently keeping someone's cash or property if the person hasn't been convicted of a crime. This should be common sense for legislators. In fact, a recent Tulchin Research poll found that 76% of surveyed California voters oppose letting law enforcement seize and permanently keep property from people who have not been convicted of a crime.

We've seen far too many law enforcement agencies cash in on poor people's life savings, their hard-earned wages, their wedding rings and their homes with no accountability. Our communities deserve an end to predatory policing for profit. SB 443 is long overdue.

WHAT YOU SHOULD KNOW

Senate Bill 443 will:

1. Require that a person be convicted of a crime before they're permanently deprived of their cash or property under state law.
2. Require that CA law enforcement agencies keep more asset forfeiture cases in CA courts rather than transferring cases to federal courts where property rights and evidentiary standards are much lower.
3. Prevent CA law enforcement from receiving a share of federally forfeited assets unless there has been an underlying conviction.

TAKE PART

Learn how you can get involved. Contact Jess Farris, jfarris@aclusocal.org, 213-977-5208. Further reading: *Above the Law, An Investigation of Civil Asset Forfeiture in California*, a report by Drug Policy Alliance <http://bit.ly/1RRZSg9>



WHERE'S MY MONEY?



SEIZED ASSETS IN CALIFORNIA SINCE 2008:

\$381,053,317

38%
Other*

17%
Communications, computers

15%
Salary, overtime

10%
Building improvements

5%
Information, rewards

5%
Weapons

5%
Electronic surveillance

4%
Travel, training

0%
Community programs

SOURCE: The Washington Post, <http://www.washingtonpost.com/wp-srv/special/investigative/asset-seizures/>

*Police agencies report their spending in broad categories and include few details on specific purchases, and local officials decide how to categorize their spending. They most often choose the category "Other."



FORFEITURE STORIES

BOB ALEXANDER — MENDOCINO

Alexander was stopped by a highway patrol officer after he pulled his car up to a gas pump. The officer said he'd been speeding. There was money in the car—about \$10,500—that Alexander planned to use to buy a car. The officer thought the money was suspicious and called in the Mendocino Major Crimes Task Force. Alexander, a 57-year-old, who has an implanted spinal cord stimulator to control pain was cuffed to a table as investigators asked whom he worked for. One presented an asset seizure form. "You can sign this paper and say this money isn't yours," Alexander quoted the officer as saying, "and we can just call it a day." No criminal charges were filed, but Alexander still had to wait eight months to get his money back.

SOURCE: Los Angeles Times, <http://www.latimes.com/local/la-me-mendocino-pot-20140526-story.html>

TONY JALALI — ANAHEIM

When Jalali fled Iran in 1978, he came to the U.S. seeking protection of the rule of law, due process and justice. He never would have imagined that 35 years later he would be battling in federal court to save the small office building that represented his family's life savings. Jalali had previously rented an office space to a medical marijuana dispensary. And although Jalali was never charged with any crime nor were his tenants, the Anaheim Police Department and the federal government attempted to use civil forfeiture to take his entire \$1.5 million commercial building. His modest building was also the home to an insurance company, a dentist and the business office of a car dealer. Neither he nor the dispensary were ever charged with a crime, and he would have lost his life savings, except that the Institute of Justice provided him with pro bono legal help. It took two years of heartache and intimidation. Jalali was able to survive, but only because he had significant legal support.

SOURCE: San Diego Union Tribune, <http://www.sandiegouniontribune.com/news/2013/aug/12/greenhut-forfeiture-law-abuse/>

U.S. v. \$10,000 — LOS ANGELES

L.A. Sheriff's Department seized \$10,000 from a taco truck owner in Lancaster. He answered honestly that he was carrying a large sum of money. Why wouldn't he? He wasn't breaking the law. He was traveling with his own money, from his own legal business. There were no drugs in the car, no evidence of a crime, but a K9 keyed on the money. The driver was not arrested or charged. But his property was seized and put into forfeiture proceedings. And even though he got a CA lawyer, went to a CA court and had a CA judge order the return of his money, the LASD declared that it had already been transferred to federal jurisdiction. At that point he was advised by his attorney to drop the case because fighting the government is too expensive and has been known to morph from asset forfeiture into deportation investigations of relatives and IRS involvement.

SOURCE: Retired police lieutenant Diane Goldstein

TAKE PART

Learn more about the bill and how you can get involved.
Contact: Jess Farris, jfarris@aclusocal.org, 213-977-5208.