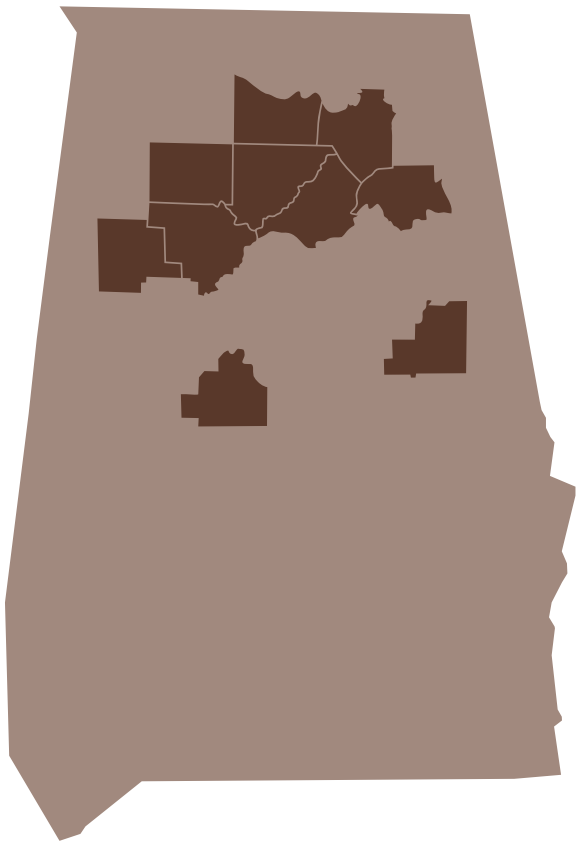

About the Southern Poverty Law Center

The Southern Poverty Law Center, based in Montgomery, Ala., is a nonprofit civil rights organization founded in 1971 and dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society.

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THE SOUTHERN POVERTY LAW CENTER

About Alabama Appleseed Center for Law & Justice

Alabama Appleseed Center for Law & Justice is a nonprofit, nonpartisan organization founded in 1999 whose mission is to achieve justice and equity for all Alabamians. Alabama Appleseed is a member of the national Appleseed Network, which includes 18 Appleseed Centers across the U.S. and in Mexico City.

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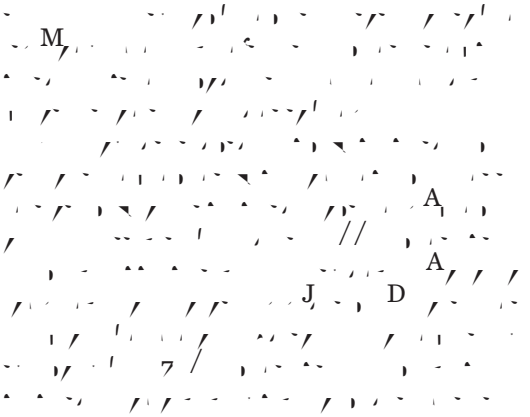
ALABAMA APPLESEED CENTER FOR LAW & JUSTICE

CONTENTS

EXECUTIVE SUMMARY 4
HOW CIVIL ASSET FORFEITURE WORKS 7
FORFEITURE PROCEEDING LEADS TO SUICIDE IN CHILTON COUNTY 10
RACIAL DISPARITIES 13
FOLLOWING THE MONEY 15
A DRUG TASK FORCE USES CIVIL ASSET FORFEITURE TO MAKE UP FOR FUNDING CUTS 16
ALABAMA OPEN RECORDS LAW INADEQUATE FOR TRACKING FLOW OF CASH 20
COUNTY-BY-COUNTY DATA 23
POLICE ABUSES 38
THE LANDSCAPE FOR REFORM 40
RECOMMENDATIONS 42
METHODOLOGY 44
ACKNOWLEDGMENTS 48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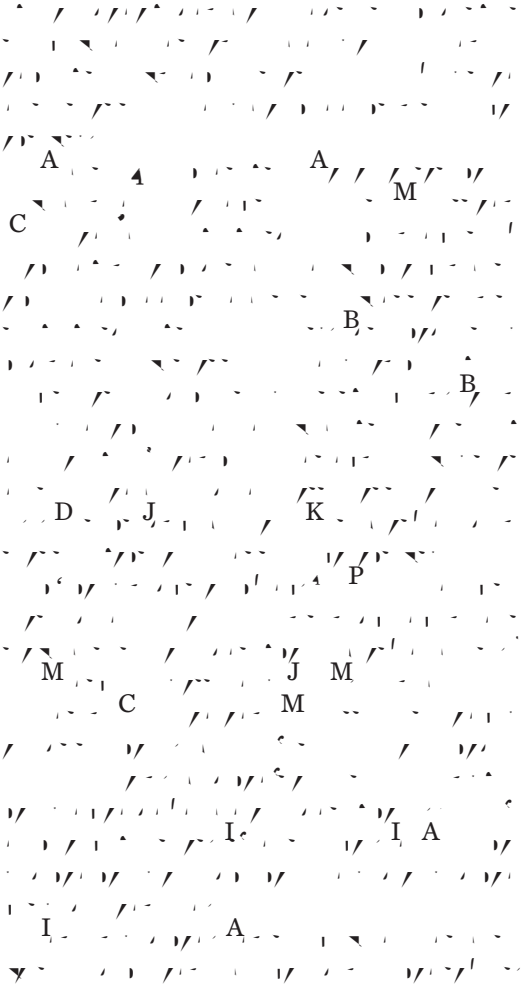
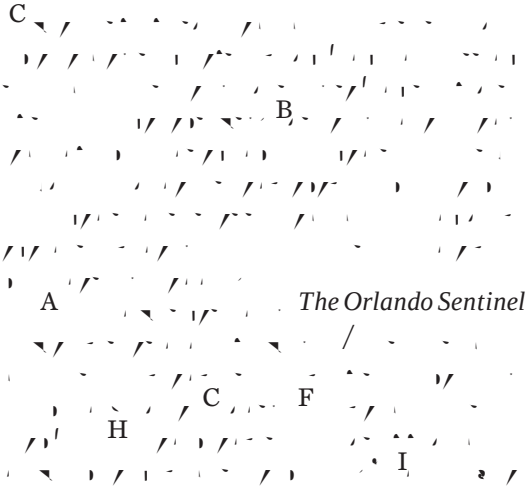


Who are the targets?



Racial Disparities

Anyone can have their assets seized under civil forfeiture. But as is generally true in the American criminal justice system, the law itself might be color blind, but that doesn't guarantee that enforcement is.

A 2017 study of tra□c stops from 16 states for which data was available showed that African-American and Hispanic drivers were more than twice as likely as white drivers to be searched in conjunction with tra□c stops.[1] African Americans are also more likely than whites to be arrested for using drugs, be jailed while awaiting trial, be o□ered plea deals that include prison time, be struck from jury pools, serve longer sentences for the same o□ense, be disenfranchised because of felony convictions, and have their probation revoked.[2]

In Alabama, African Americans make up 54 percent of the prison population[3] but only about 27 percent of the state's population.[4] They are over-represented in jails at roughly the same rate.[5] And, they are four times as likely as whites to be arrested for marijuana possession, despite research showing the two groups use marijuana at roughly the same rate.[6]

Based on both the limited data on race in this study and interviews with lawyers who represent clients in civil asset forfeiture cases in Alabama, there appear to be racial disparities at work in the use of civil asset forfeiture as well.

Because race is not routinely reported in civil cases, it is impossible to determine the racial breakdown of all individuals whose assets were subject to forfeiture proceedings. However, the study found that in 64 percent of the cases that involved criminal charges, the defendant was African-American, even though African Americans comprise only about 27 percent of Alabama's population.

Chase Dearman, a Mobile attorney, estimates he has represented more than 50 people in civil forfeitures cases. In one of Dearman's cases, police seized tens of thousands of dollars from a black man who had just cashed a roughly $100,000 check from a worker's compensation settlement. The money was still wrapped in bank tape and was contained in a box along

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Forum shopping

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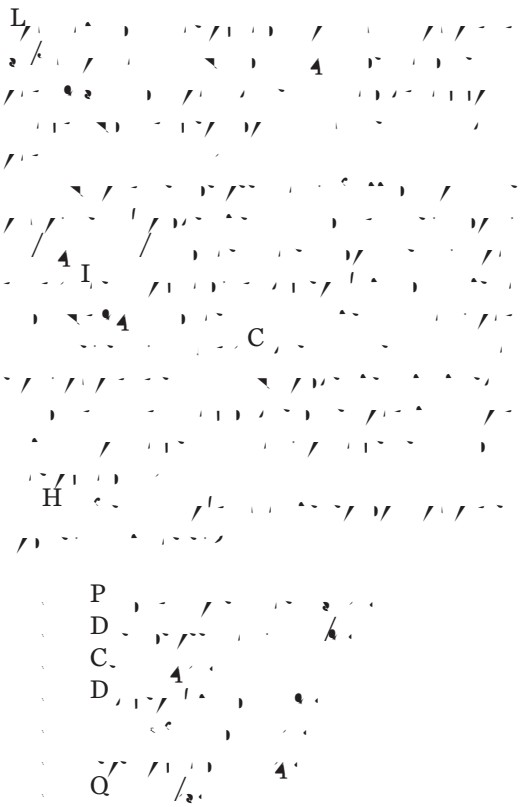
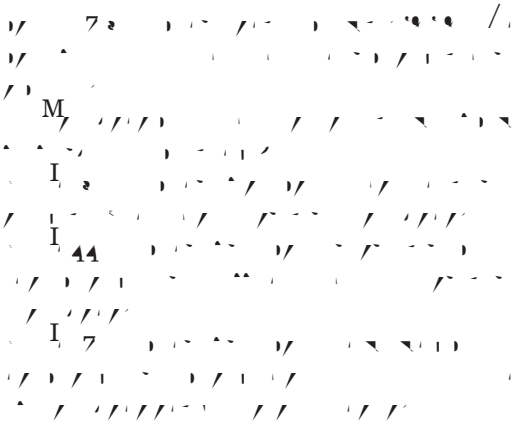
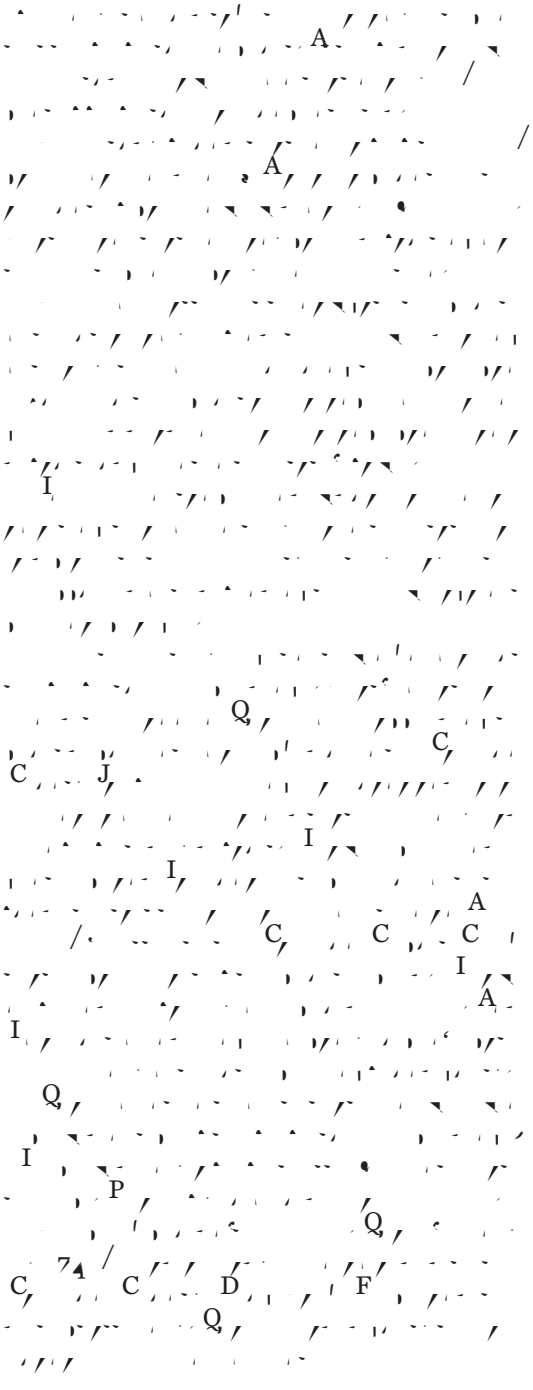
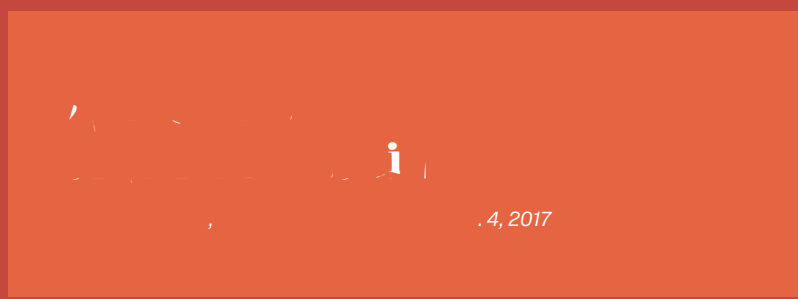
The bounty

Pleasant Grove Police Department	$318,793
Mobile Police Department Narcotics and Vice Unit	$221,737
City of Tuscaloosa	$205,586
Mobile County District Attorney	$169,226
Birmingham Police Department	$110,414









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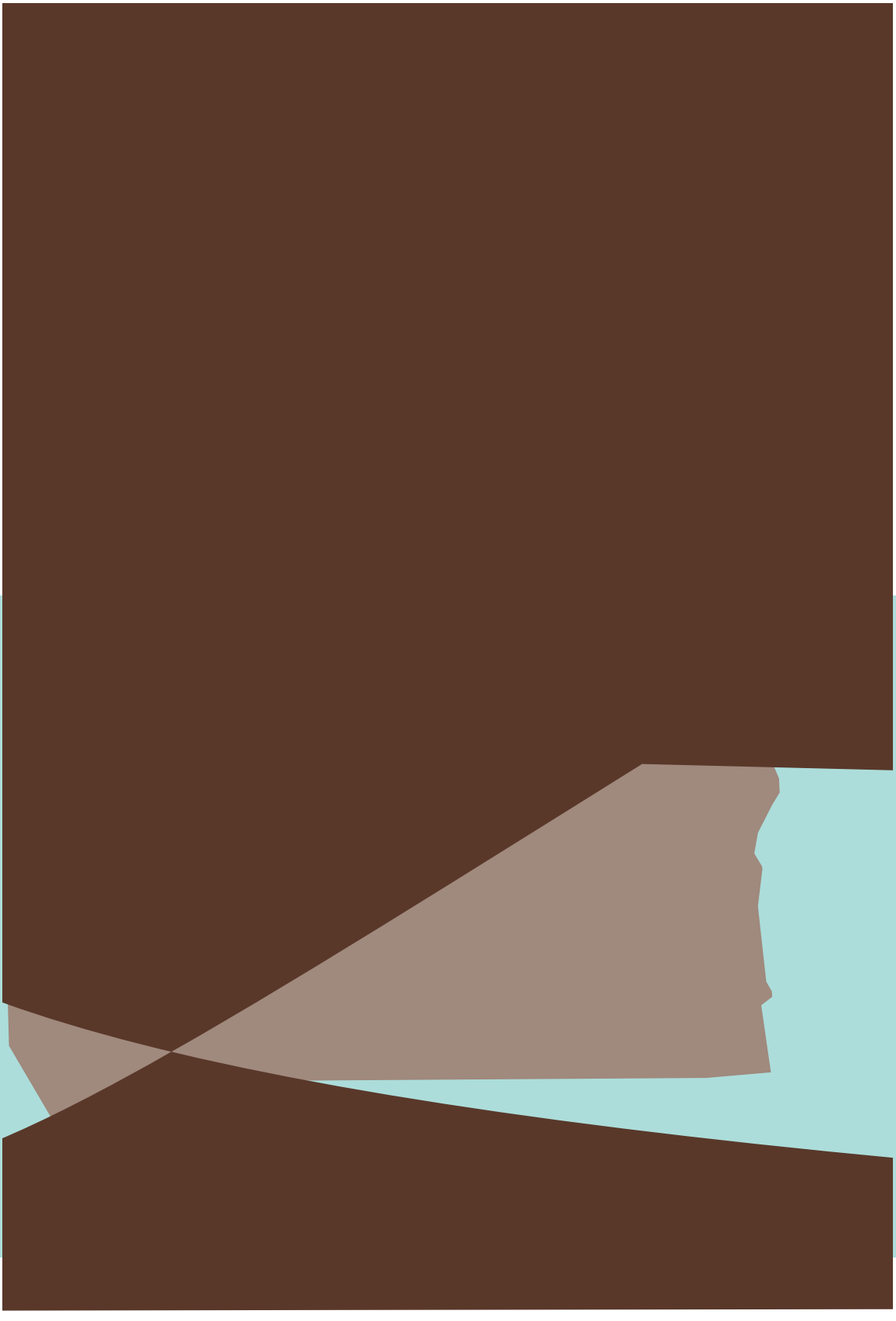

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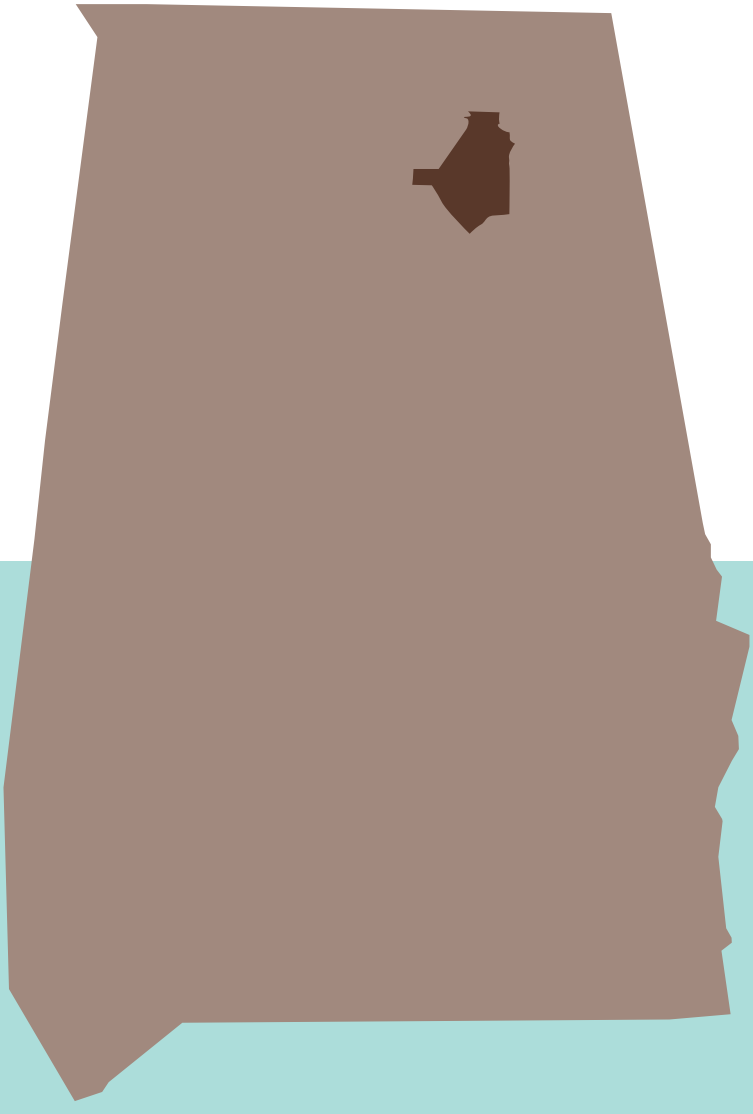
1. JEFFERSON	4. TUSCALOOSA	7. COVINGTON	10. ST. CLAIR	13. CHEROKEE
$692,471 CASH FORFEITED	**$274,115** CASH FORFEITED	**$22,042** CASH FORFEITED	**$14,110** CASH FORFEITED	**$9,074** CASH FORFEITED
52% DEFAULTS	**55%** DEFAULTS	**N/A** DEFAULTS	**N/A** DEFAULTS	**48%** DEFAULTS
31% NO CRIMINAL CHARGES	**27%** NO CRIMINAL CHARGES	**0%** NO CRIMINAL CHARGES	**22%** NO CRIMINAL CHARGES	**10%** NO CRIMINAL CHARGES
2. MOBILE	**5. HOUSTON**	**8. CALHOUN**	**11. PIKE**	**14. MARION**
$565,391 CASH FORFEITED	**$86,066** CASH FORFEITED	**$20,164** CASH FORFEITED	**$13,598** CASH FORFEITED	**$7,730** CASH FORFEITED
56% DEFAULTS	**66%** DEFAULTS	**26%** DEFAULTS	**40%** DEFAULTS	**38%** DEFAULTS
29% NO CRIMINAL CHARGES	**14%** NO CRIMINAL CHARGES	**17%** NO CRIMINAL CHARGES	**27%** NO CRIMINAL CHARGES	**13%** NO CRIMINAL CHARGES
3. MADISON	**6. SHELBY**	**9. MONTGOMERY**	**12. DEKALB**	
$412,739 CASH FORFEITED	**$41,695** CASH FORFEITED	**$19,247** CASH FORFEITED	**$12,224** CASH FORFEITED	
53% DEFAULTS	**65%** DEFAULTS	**60%** DEFAULTS	**77%** DEFAULTS	
14% NO CRIMINAL CHARGES	**21%** NO CRIMINAL CHARGES	**21%** NO CRIMINAL CHARGES	**21%** NO CRIMINAL CHARGES	

1,110

MOBILE COUNTY

The largest drivers of civil forfeiture in the county were the drug units at the county's two major law enforcement agencies. In 72% of the cases where criminal charges were filed against the property owner, the charges were related to marijuana. In 72% of all cases linked to criminal charges, the person charged was black (county is 36% black).

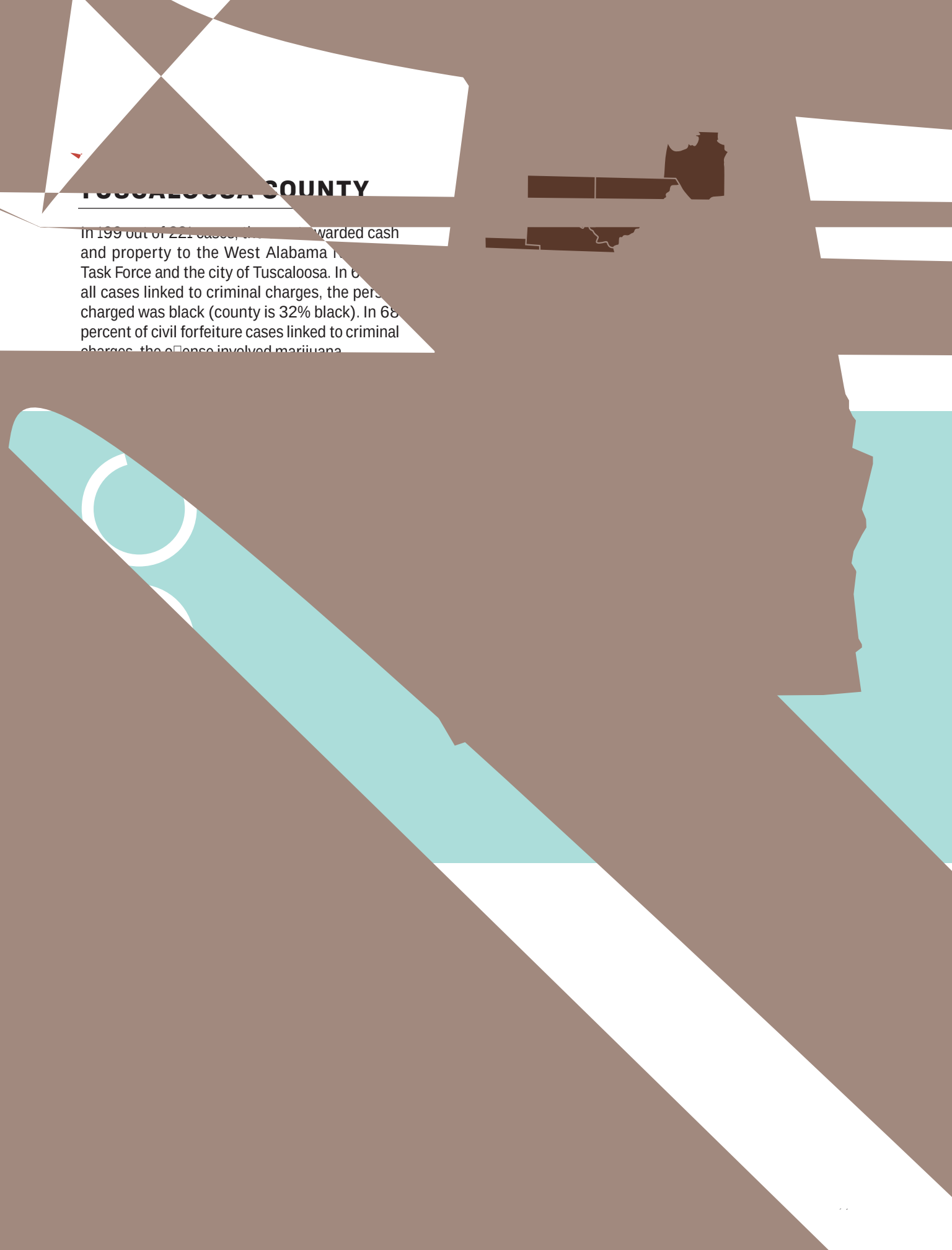


87% STATE'S WINNING PERCENTAGE

31%

65% DISPOSED CASES RESULTING IN DEFAULT JUDGMENT

66% BIRMINGHAM DIVISION
40% BESSEMER DIVISION


COUNTY
warded cash
and property to the West Alabama
Task Force and the city of Tuscaloosa. In
all cases linked to criminal charges, the per
charged was black (county is 32% black). In 68
percent of civil forfeiture cases linked to criminal

HOUSTON COUNTY

SHELBY COUNTY

The Shelby County Drug Enforcement Task Force is the clearly major driver of asset forfeiture in Shelby County. In 38% of all cases linked to crimi-

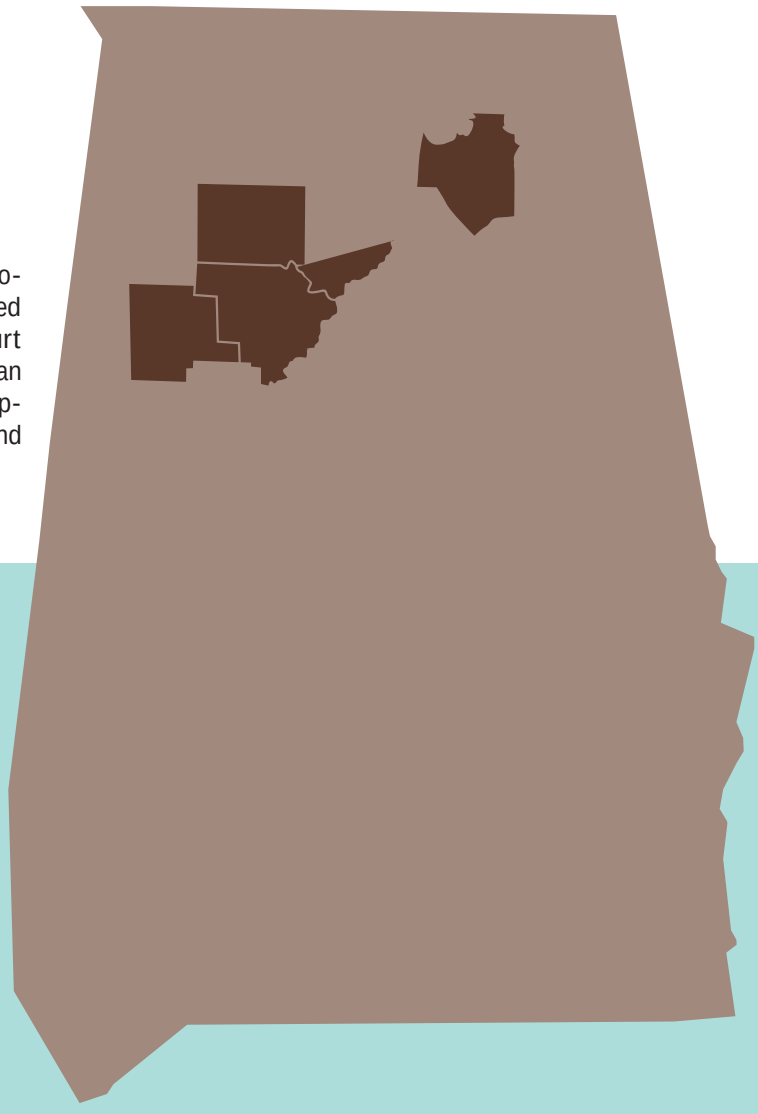
CALHOUN COUNTY

COVINGTON COUNTY

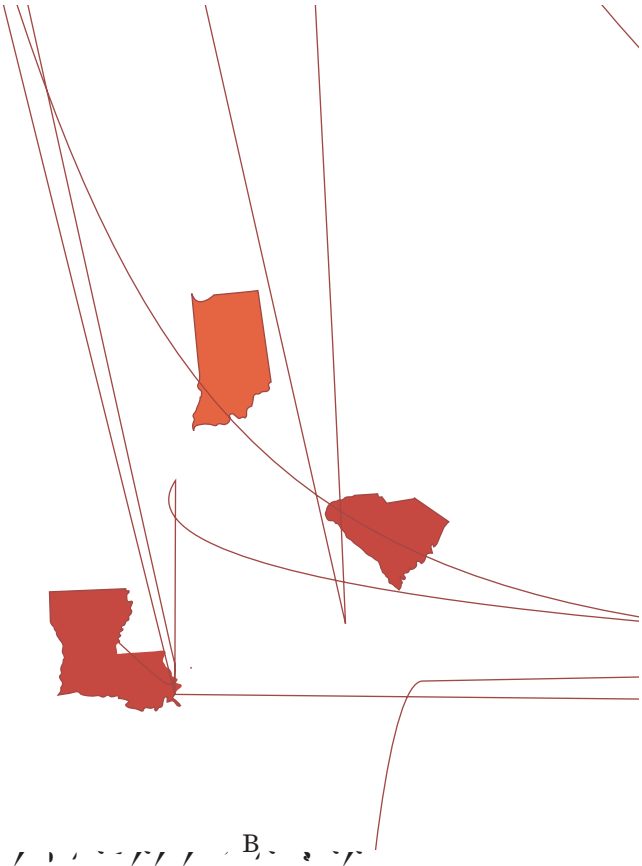
The 22nd Circuit Judicial Drug Task Force seized two pieces of real estate. Seizing real property is lucrative but uncommon in the other counties reviewed. One of the properties, seized from a black man who died during criminal proceedings, was sold in 2017 for $76,000. In the county's two other forfeiture cases, the individuals charged with crimes related DH1's 6391TJETEcs rt

DEKALB COUNTY

The court took a considerable cut of forfeiture proceeds. Final orders in eight of 14 total cases included court costs paid directly from the proceeds. Court records were unclear about the final disposition of an additional $8,077 in seized cash. Nine of the 11 property owners charged with crimes here were white and one was Hispanic (county is 2% black).



CHEROKEE COUNTY



I A D C B G

- **Reducing financial incentives:** I M M M N M N C D C A D C
- **Improving transparency,** A A PLC A

Rec e da s

A I A I A L

PROTECT DUE PROCESS
AND PROPERTY RIGHTS

End civil asset forfeiture and replace it with criminal asset forfeiture.

R

CREATE TRANSPARENCY AND ACCOUNTABILITY

Mandate reporting.

Require companies to report on [illegible]

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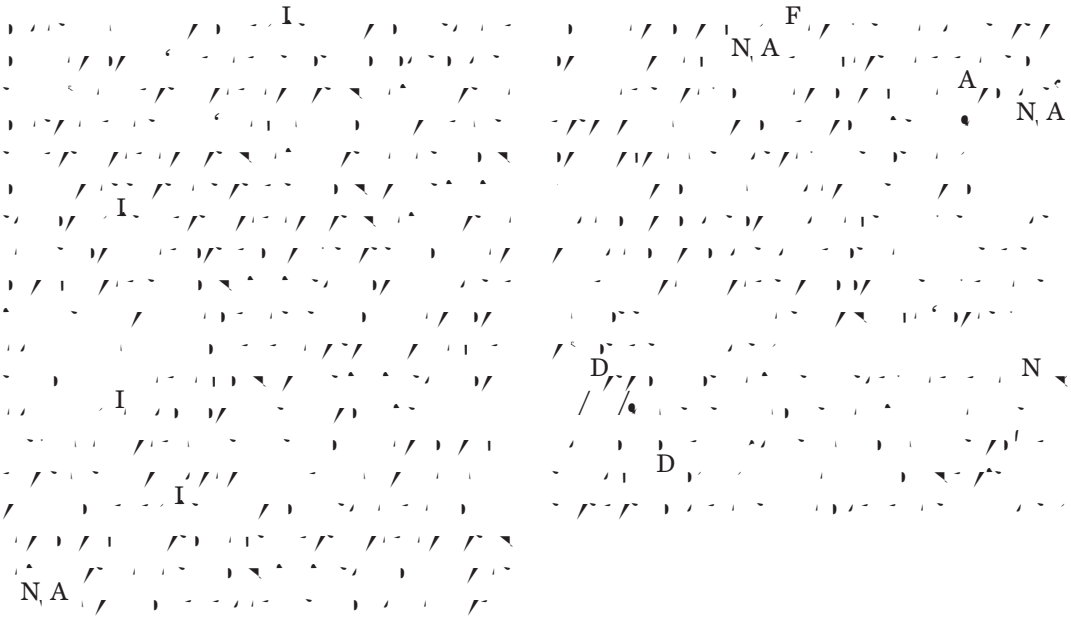


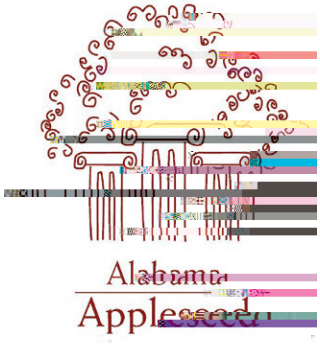
End Notes

1 The Palmyra, 25 U.S. (12 Wheat) 1, 8 (1827).
2 Id. at 16.
3 Id. at 15.
4 Letter from Don Joaquin de Anduaga to the Secretary of State, Oct. 11, 1822, American State Papers: Foreign Relations 5: 381-382.
5 The Palmyra, 25 U.S. at 14-15.
6 United States Census Bureau, "QuickFacts selected: Alabama," Population estimates, July 1, 2016. (V2016). https://www.census.gov/quickfacts/fact/table/AL/PST045216
7 Of the 1,591 civil asset forfeiture cases filed in 2015, 1,196 had been resolved at press time and 395 remained active or were listed as "ready for trial."
8 John L. Worrall, "Addicted to the Drug War: The Role of Civil Asset Forfeiture as a Budgetary Necessity in Contemporary Law Enforcement," Journal of Criminal Justice 29, no. 3 (2001): 171, cited in Worrall and Tomislav V. Kovandzic, "Is Policing For Profit? Answers From Asset Forfeiture," Criminology and Public Policy 7, no. 2 (2008): 222.
9 In federal cases, if the seizure is not challenged, forfeiture is processed "administratively" without any court involvement at all. Eighty-eight percent of federal cases from 1997 to 2013 were processed this way. Dick M. Carpenter II, Lisa Knepper, Angela C. Erickson, and Jennifer McDonald, "Policing for Profit: The Abuse of Civil Asset Forfeiture," Institute for Justice, 2nd Edition, Mm(9)Tj/1 (ut)6 (e f) 9 (arpe2ETEMC /S21>)65 (t)6le NC /S21> -Dec.JaT3 tend-lo 5.9 .3-l (-

51 Institute for Justice, "House Defunds Attorney General's Expansion of Civil Forfeiture," Sept. 12, 2017. http://ij.org/press-release/house-defunds-attorney-generals-expansion-civil-forfeiture/

52 C.J. Ciaramella, "Senators Push To Defund Je Sessions' Civil Asset Forfeiture Expansion," Reason.com, Nov. 8, 2017. http://reason.com/

ACKNOWLEDGMENTS


Alabama
Appleseed

SPLC
Southern Poverty Law Center