

CIVIL FORFEITURE REFORM

Currently, police can seize, keep, and sell private property alleged to have been part of a crime. Police can legally take money, cars, and other items – even if the owner isn’t charged or convicted. This gives law enforcement the appearance of policing for profit. It’s up to state legislators to raise and appropriate all funds, not law enforcement. That’s why the ACLU-MN is working to reform civil forfeiture in Minnesota.

THE PROBLEM

Today, seizures by police are often motivated by profit rather than crime prevention. In Minnesota, law enforcement can keep profits from selling vehicles and other seized property. In 2022 alone, state law enforcement reported more than \$6.6 million in proceeds from forfeiture. Minnesota received another \$1.9 million from forfeitures by the federal government.

While legislators have made important reforms to our forfeiture system, those changes don’t go far enough. The system is overly complicated and costly.

Because the forfeiture is handled in civil court rather than criminal court, people have to hire a separate attorney to try to get their property back. That costs \$3,000 on average. About 80% of people don’t even try to get their property back because they simply can’t afford it. Forfeiture disproportionately harms low-income people who may lose their rent payment or the only car their family owns.

THE SOLUTION

The solution is to pass this bill to simplify forfeiture at the state level into one criminal process. This law would:

- End civil forfeiture and replace it with criminal forfeiture
- Exempt cash under \$500 and vehicles worth less than \$5,000 from seizure and forfeitures.
- Create a prompt post-seizure hearing
- Pay attorney’s fees if the property owner prevails

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The American Civil Liberties Union of Minnesota is a nonprofit, nonpartisan organization dedicated to defending and expanding the civil rights and civil liberties of all Minnesotans through litigation, legislation, and community engagement.