

**Statement of Senator Patrick Leahy (D-Vt.)
Ranking Member, Senate Judiciary Committee,
Hearing on “The Need to Reform Asset Forfeiture”
April 15, 2015**

Asset forfeiture is a powerful tool for law enforcement. It allows the government to seize the proceeds of crime, or property that was used in the commission of a crime. Every day, law enforcement officers use forfeiture to seize property associated with child pornography, cars and large quantities of cash from major drug traffickers, and the bank accounts of those who defraud and steal from innocent victims in the U.S. and around the world.

When used appropriately, this tool deprives criminals of their profits, and it deters crime. Through its civil asset forfeiture program, the Justice Department has returned billions of dollars to crime victims. It has put billions more to good use by supporting our nation’s crime fighting efforts, including many innovative public safety initiatives.

Yet the program has needed significant oversight and improvements along the way. Fifteen years ago, the asset forfeiture system was in need of repair. Innocent property owners were not being afforded adequate due process before their property was forfeited. Instead, they were forced to perfectly navigate a bureaucratic labyrinth – just to liberate property that should have been presumptively theirs in the first place. I cosponsored bipartisan Senate legislation that sought to restore real due process rights for property owners, and that helped pave the way for reform. Congress eventually came together to enact basic safeguards for property owners by passing the Civil Asset Forfeiture Reform Act.

Despite these reforms, it is clear that some abuses persist. We have all seen the troubling reports: roadside stops that resemble shakedowns; seizures of bank accounts where there is no criminal conduct other than the owner’s deposit history; allegations of “policing for profit”; and reports that forfeiture funds devolve into slush funds. I expect we will hear these concerns today. These practices may not be the norm, but they are a problem. Asset forfeiture can be a powerful crime fighting tool – but Congress never intended it to serve as a mere fundraising tool.

The Justice Department is conducting a comprehensive review of its asset forfeiture program, with an eye toward reform. Attorney General Holder has already limited the types of seizures the Federal government will adopt from local law enforcement. Attorney General Holder also limited the circumstances in which it will seize assets based on the crime of structuring. I understand that more changes are imminent, and I expect that we will give them full consideration.

Seizing and forfeiting the tools used by criminals is an effective means to combat crime. However, innocent Americans deserve protections from abusive asset forfeiture practices – and I believe more reform is needed. I look forward to working with Chairman Grassley, the Justice Department, State and local law enforcement, and others who have identified flaws with our asset forfeiture programs. I am hopeful that we can come together on a bipartisan basis to fix what is broken, and to ensure that this important law enforcement tool remains consistent with our fundamental notions of due process and fair play.

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