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**June 30, 2016**

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## **This July 4<sup>th</sup> Holiday, Remember Our Founding Principles** *New report reveals continued problems with civil asset forfeiture*

**AUSTIN, TX** – Today the Texas Criminal Justice Coalition (TCJC) releases the first in a series of new studies that attempt to shed light on the use of civil asset forfeiture in Texas. Our first study, conducted in Travis County, Texas, reinforces investigations being conducted around the country, and includes the following findings:

- A majority of cases involve relatively small amounts of cash, and only a tiny fraction of cases involve the kinds of forfeitures that make headlines. The median cash forfeiture was \$4,451, and 22% of cases involved less than \$2,000.
- If you get an attorney to “represent” your cash (these cases carry titles like *State of Texas v. \$1,767 in U.S. Currency*), you are likely to get a portion of it back in a settlement agreement. Almost three quarters of closed cases where an attorney (or the property owner, pro se) represented the assets saw some money returned. Without an attorney or pro-se filing, you will lose all your assets in a default judgment.
- The average time from an incident (roadside stop, home search) to the filing of a forfeiture case was 19.9 days, or almost three weeks. During this time, there is no procedure for retrieving your vehicle or money because the civil forfeiture does not exist until the state files its civil notification.
- While cash was generally seized using civil forfeiture, other assets taken during major busts (gaming machines, for example) were taken using criminal forfeiture.

TCJC attempted to determine the relationship between the civil case against the cash or vehicle and any related criminal charge, but in too many of the forfeiture cases the criminal case was still open. The asset forfeiture cases were completely finished within 100 days (on average) of the incident, but the criminal cases were largely still open many months later.

### **Recommendations**

- **Use criminal asset forfeiture:** TCJC found routine use of *criminal* forfeiture for other items taken during a seizure. Criminal forfeiture can be used for all assets and will ensure due process.
- **Discontinue current civil forfeiture practices:** An increasing number of states have moved to end the use of civil forfeiture unless there is a criminal conviction.

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<http://publicpolicycenter.texasjc.org/download/reform-asset-forfeiture>.