



AMERICANS FOR  
**PROSPERITY**  
WEST VIRGINIA

(304) 859-3404  
205 Capitol Street  
Suite 400  
Charleston, WV  
25301

**ACLU**  
West Virginia  
(304) 345-9246  
P O Box 3952  
Charleston WV  
25339-3952

FOR IMMEDIATE RELEASE

## AMERICANS FOR PROSPERITY AND AMERICAN CIVIL LIBERTIES UNION UNITE TO PROTECT INDIVIDUAL PROPERTY RIGHTS

In a cosponsored letter to lawmakers, West Virginia State Director of Americans for Prosperity Jason Huffman and Policy Director of the American Civil Liberties Union of West Virginia Eli Baumwell, announced a joint initiative urging legislative leaders to adopt much needed reforms to civil asset forfeiture.

*“Under current law, police can seize and take ownership of individual West Virginians’ property without ever charging or convicting them of a crime,”* the letter states. *“This unfair taking of personal property by government officials can include cash, vehicles, families’ homes, or any property police initially think may be related to a crime. And once an individual’s property is taken through civil asset forfeiture, law enforcement officials can assume complete ownership of the property, regardless of whether the individual who rightly owns the property was ever charged or convicted of the alleged crime.”*

*“In order for an individual to get their property back from the government, they have to hire a lawyer and respond to a legal petition filed by the police, all while never facing official criminal charges or being found innocent of any wrongdoing,”* says the letter. *“Often, the costs of going to civil court exceed the value of property that was seized—so, many West Virginians must simply walk away from their property. Worse, once innocent Mountaineers forfeit their seized property, police departments have the ability to pocket the proceeds. Sadly, this broken status quo creates a perverse incentive for law enforcement officials, already facing tight budgets due to the raging drug epidemic, to engage in civil asset forfeiture for monetary gain.”*

The proposal put forward by AFP-WV and the ACLU-WV would address this critical property rights issue. The legislation would require a criminal conviction before assets valued at less than \$100,000 could be forfeited. The proposal would also limit civil asset forfeiture by combining forfeiture procedures with criminal proceedings, creating a fairer, more efficient process.

ACLU and AFP have been leading advocates for civil asset forfeiture reform across the United States. “This proposal restores the due process protections promised by the Constitution,” says Baumwell. “It is imperative the legislature successfully take up this issue and end an unfair policy put in place by the failed War on Drugs.”

“Ensuring that West Virginians’ constitutional rights to due process and property are upheld is not a partisan issue. It is shocking for many to learn that the state can keep the property of an individual who has done nothing wrong,” Huffman added. “We are urging lawmakers to pass this common-sense legislation in order to safeguard our citizens and the rule of law in the Mountain State.”

**You can read the entire letter as prepared for lawmakers below:**

*Dear Lawmakers,*

*Under current law, police can seize and take ownership of individual West Virginians’ property without ever charging or convicting them of a crime. This unfair taking of personal property by government officials can include cash, vehicles, families’ homes, or any property police initially think may be related to a crime. And once an individual’s property is taken through civil asset forfeiture, law enforcement officials can assume complete ownership of the property, regardless of whether the individual who rightly owns the property was ever charged or convicted of the alleged crime.*

*In order for an individual to get their property back from the government, they have to hire a lawyer and respond to a legal petition filed by the police, all while never facing official criminal charges or being found innocent of any wrongdoing. Often, the costs of going to civil court exceed the value of the property that was seized—so, many West Virginians must simply walk away from their property. Worse, once innocent Mountaineers forfeit their seized property, police departments have the ability to pocket the proceeds. Sadly, this broken status quo creates a perverse incentive for law enforcement officials, already facing tight budgets due to the raging drug epidemic, to engage in civil asset forfeiture for monetary gain. Furthermore, West Virginia was given an “F” rating on the Institute for Justice’s Forfeiture Accountability and Transparency report card.*

*It goes without saying that we respect the diligent work of West Virginia’s law enforcement community and we all share their mutual goal of creating a more prosperous and safe Mountain State. As such, it is important to note that this legislation in no way inhibits the ability of law enforcement officers to seize property that their expert training indicates may have been used in a crime. This bill simply ensures that innocent West Virginians are not subject to unreasonable burdens in order to get back property that rightfully belongs to them.*

*Removing the process of forfeiture from the civil judicial context and placing it in the criminal context represents a fair and efficient means of providing justice through the rule of law while upholding West Virginian’s fundamental constitutional rights to due process and property.*

*We look forward to working with principled lawmakers on reforming our antiquated civil asset forfeiture laws.*

*Sincerely,*

*Eli Baumwell*

*Policy Director  
American Civil Liberties Union of West  
Virginia*

*Jason Huffman*

*West Virginia State Director  
Americans for Prosperity*