

ASSET SEIZURES IN THE SUNFLOWER STATE: How Civil Asset Forfeiture Imperils People’s Rights In Kansas



The State is on the Take and The Gettin’ is Good

Americans for Prosperity Foundation (“AFP”) [analyzed reported data](#) on the use of civil asset forfeiture in Kansas from July 1, 2019, to December 31, 2022. Some key facts from our findings include:

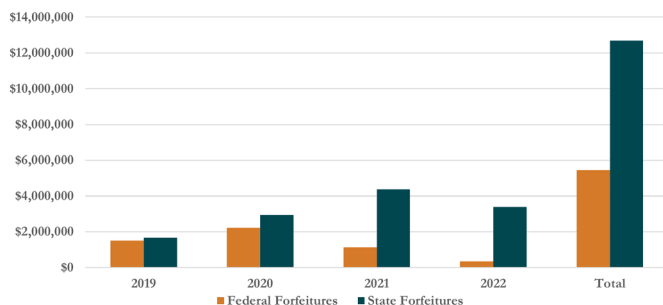
- Kansas law enforcement seized over \$25.3 million in money and property—about \$17,000 per day on average.
- Most Kansans who have property seized or forfeited have not been, and may never be, convicted of a crime.
- Most seizures in Kansas do not involve values that inhibit organized crime operations, but amount to a significant loss for the average person—and many more are just petty takings: 62% of the seizures have a total value of \$5,000 or less.

Federal Forfeitures Flout Transparency

The KBI’s [annual reports](#) on civil asset forfeiture grossly underrepresent the total amounts of cash and property forfeited by the state. The Bureau’s figures do not include assets Kansas law enforcement seizes and then hands over to federal agencies for federal forfeiture, frustrating state transparency laws. Through a program known as equitable sharing, federal agencies then return a percentage of the proceeds from federal forfeitures to Kansas law enforcement.

The KBI data show the state has forfeited \$12.7 million through state proceedings. However, AFP finds Kansas law enforcement has transferred at least \$5.4 million more in seized assets to federal agencies for forfeiture, meaning the KBI reports omit about one-third of the total value of money and property forfeited in the state.

Value of State and Federal Forfeitures Reported in KASFR

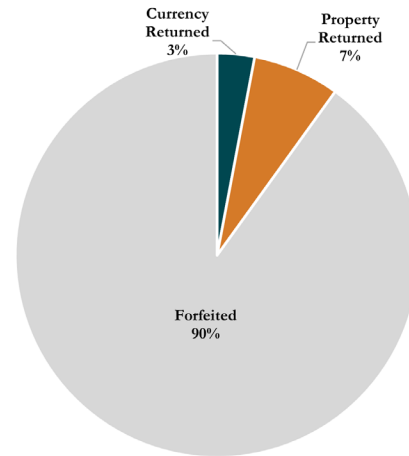


Recovering Seized Property is Rare

Virtually all the assets seized by Kansas law enforcement are forfeited, meaning extraordinarily little of the seized property is ever returned to the owner. While 79%

of owners in the database are still legally innocent, the state has forfeited approximately 90% of the seized property.

Percentage of Value of Seized Assets Returned to Owner July 1, 2019 - Dec. 31, 2022



Kansas’ forfeiture laws make it easy for the state to seize people’s property and exceedingly difficult for owners to recover it. Recovering seized property is difficult for several reasons. First, the owner must prove their property’s innocence. Additionally, the state faces a lower standard of proof. In forfeiture proceedings the state must show the seized property is connected to criminal activity only by a preponderance of the evidence.

The time and costs of forfeiture proceedings also present significant barriers to recovering seized property. The few owners who had their property returned fought for an average of 413 days in the legal system to recover it.

In many cases, the cost of recovering the property is greater than the value of the property seized. The Institute for Justice estimates the average cost to hire an attorney to fight a simple state forfeiture case is \$3,000. Half of all seizures in the KASFR database have a value of \$3,000 or less. **Most people whose property has been seized by Kansas law enforcement are better off forfeiting what was taken.**

