

ARLINGTON CIVIC FEDERATION RESOLUTION ON CIVIL FORFEITURE

WHEREAS, Virginia law permits law enforcement to summarily seize assets from persons in Virginia without adequate due process protections;

WHEREAS, Virginia law permits civil forfeiture actions to proceed in the absence of any criminal charge or conviction;

WHEREAS, Virginia civil forfeiture law creates an improper financial dependence on the seizing of private assets to support law enforcement activities;

WHEREAS, Virginia civil forfeiture law does not provide for notice or transparency relating to the items seized or the rights of persons from whom items are seized;

WHEREAS, Virginia civil forfeiture law places the burden on citizens to prove ownership of their own wrongfully seized assets before they can recover them;

WHEREAS, bills to reform civil asset forfeiture law have been repeatedly passed by the Virginia House of Delegates only to fail repeatedly in the Virginia Senate Finance Committee;

WHEREAS, there is overwhelming bipartisan support for the reform of civil asset forfeiture;

NOW THEREFORE,

NOW THEREFORE, THE ARLINGTON CIVIC FEDERATION requests the support of all members of our state delegation for the following reforms during the 2019 General Assembly:

1. Require a conviction prior to commencing an action of civil forfeiture;
2. Require an inventory of assets seized to be provided to any person from whom items are seized;
3. Improve transparency and accountability by creating a publicly searchable database of seized items;
4. Ensure that those from whom items are seized receive actual notice of their rights, including any deadlines to claim their seized property, and are able to automatically recover any wrongfully seized property without the burden of filing a lawsuit or imposing upon them the burden of proof.
5. Ensure that third party owners have standing to challenge seizure of co-owned property subject to forfeiture.