

# PERFORMANCE AUDIT

Work in progress: Audit description

## Civil Asset Forfeiture: Examining its characteristics and due process

Civil asset forfeiture laws allow law enforcement agencies to seize—and then keep or sell—any property that they allege is involved in a crime. The intention of civil asset forfeiture is to deter criminal activity and disrupt criminal organizations, primarily those focused on drug trafficking. Under Washington state law, these agencies do not need to make an arrest, charge someone or secure a conviction in order to seize a person's property. More than 200 law enforcement agencies statewide, including police departments, sheriff's offices and drug task forces, can conduct civil asset forfeitures.

The law requires agencies that conduct civil asset forfeitures to report information about these activities to the State Treasurer's Office. However, the reports include only basic information about the type of property and its value. As a result, there is little data available about how civil asset forfeitures are conducted statewide, who is affected by them, and how agencies use the proceeds from disposing of forfeited assets.

National reporting on civil asset forfeiture cases indicates that the practice may disproportionately affect people who do not have the financial means to pursue reclaiming their seized cash or property. Because civil asset forfeitures are not criminal matters, the law does not provide for those people involved to receive legal representation to reclaim their property. The low standard for evidence used to justify the forfeiture, the lack of representation and limited time to file a claim for those affected, and other challenges all raise serious concerns around due process.

### Preliminary scope and objectives

This audit will examine civil asset forfeitures at a selection of law enforcement agencies to answer the following questions:

- What are the characteristics of civil asset forfeitures conducted by law enforcement agencies?
- What opportunities exist to address due process concerns in the state's civil asset forfeiture program?



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