

The Bronx Defenders

Redefining public defense.

Forfeiture on the Front Lines

Guilty Until Proven Innocent

Every person arrested by the NYPD – even if the arrest leads to **complete dismissal** – must deal with the difficult, bureaucratic process of retrieving property seized at the time of arrest. The NYPD made over **350,000** arrests in 2012 – over 260,000 of them for misdemeanors. Some property or cash was seized in nearly every one of those arrests. Getting the property back – even when the criminal case is completely over – is a sentence in itself.

In the world of civil forfeiture, people are treated as guilty until proven innocent – or until they've jumped through enough hoops. **The burden is always on the owner. And if an owner cannot figure out the process of locating and retrieving property, or misses a deadline, the government will keep his or her property every time.**

What is “Civil Forfeiture”?

Civil forfeiture is a way for the government to claim and keep property that it considers “guilty” by association with a criminal proceeding. Whether the property *owner* is guilty is often irrelevant in civil forfeiture. This means that civil forfeiture actions can and do proceed without a criminal conviction. **In 85% of New York City forfeiture cases pursued by the NYPD, the property owner is never even charged with a crime.**

How does it impact New Yorkers?

Cash and vehicles are the most common forms of property seized and marked for forfeiture, but law enforcement may seize anything, including:

- Sensitive documents like social security cards, green cards, and driver's licenses
- House keys and cell phones
- Prescription medication

Without keys it can be impossible for a person to get into their apartment, their vehicle, or to get to work. Confiscated cash means unpaid bills, missed rent payments, and hungry families. In an ultimate Catch 22, the Property Clerk requires that people present ID to retrieve ID.

Retrieving property can require travel to multiple precincts, courts, and storage facilities. Information from the NYPD can be conflicting, inaccurate, or unavailable. Even if a case is dropped, the NYPD will not automatically return property. And there is no right to counsel, so people must navigate the tangle of New York and federal laws alone. Many people give up and never retrieve their belongings. As in every part of the criminal justice system, arrest and forfeiture disproportionately impact low income people of color.

Support Transparency and Meaningful Reform!

Working with community partners and elected allies we aim to:

1. Ensure access to complete, usable, regularly reported data about property seized by the NYPD
2. Cut the red tape out of the property retrieval process and make it less burdensome
3. Ensure due process in civil forfeiture proceedings, especially for people who are unrepresented

JOIN US! For more information and to get involved, please contact:

Walter Rodriguez, Bronx Defenders Director of Policy & Community Organizing at

WalterR@bronxdefenders.org or (718) 508-3440

www.bronxdefenders.org