



NEWS RELEASE
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Michigan Advisory Committee to the U. S. Commission on Civil Rights Releases Report: Civil Rights and Civil Asset Forfeiture in Michigan

The Michigan Advisory Committee to the U.S. Commission on Civil Rights released a report following a series of panel discussions on civil asset forfeiture in the State. Asset forfeiture is a legal tool that allows law enforcement officials to take ownership of property that they suspect is connected to criminal activity. When forfeiture is conducted under civil, rather than criminal law, charges are filed against the property itself, rather than the property owner. Because of this legal distinction, the property owner does not need to be convicted of any criminal wrongdoing in order to lose his or her property, and many constitutional rights and protections afforded to criminal defendants do not apply. The Committee's purpose was to examine due process protections and the potential for disparate impact on the basis of race, color, or other federally protected category, as a result of civil forfeiture practices in Michigan.

The Committee heard testimony from academic experts and legal professionals, as well as community advocates, elected officials, law enforcement officials, and individual community members directly impacted. Through this testimony, the Committee identified a number of concerns involving the potential for disparate impact, including restrictions on due process, limited judicial oversight, a lack of right to counsel, and financial incentive for law enforcement to utilize a wide range of discretion in targeting property forfeitures. The Committee also identified a number of recommendations for the Commission's consideration in order to address the most salient of these concerns.

Committee Chair Donna Budnick said, "I appreciate the work of the committee in bringing awareness to this important issue and I hope that the recommendations for reform will assist state and local law enforcement agencies in providing the minimum due process protection in civil forfeiture cases."

Full text of the Committee's memorandum is available at:
http://www.usccr.gov/pubs/Michigan%20Civil%20Forfeiture%20Report_2016.pdf

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Established in 1957, the U.S. Commission on Civil Rights is an independent, bipartisan agency charged with studying and advising the President and Congress on civil rights matters and issuing a federal civil rights enforcement report. For information about the reports and meetings of the Commission and its State Advisory Committees, visit <http://www.usccr.gov> and follow us on Twitter: <https://twitter.com/usccrgov>