**[INSERT YOUR LETTERHEAD]**

**[DATE]**

**Re: SB 443 (Mitchell)**

**Position: Support**

The Honorable Holly Mitchell

State Capitol, Room 5080

Sacramento, California

Fax: (916) 561-4930

Dear Senator Mitchell:

**[INSERT NAME OF ORGANIZATION]** is pleased to support of SB 443, which will reform California’s civil asset forfeiture policy, promote justice, and protect our fundamental rights.

There is a growing bipartisan consensus that civil asset forfeiture has turned into government run amok and that reform is urgently needed to protect people from unconstitutional overreach. Whatever their original intent, civil asset forfeiture programs have been perverted into an ongoing attack on low-income individuals and communities of color who often cannot afford, either financially or otherwise, to fight for their property in court.[[1]](#footnote-1) Despite federal laws and guidelines that were intended to protect against it, civil asset forfeiture has become a relied-upon source of funding for law enforcement agencies all across the state.

Under federal law, the federal government may permanently forfeit a person’s property without ever charging that person with a crime, much less seeking a conviction. By using federal law to forfeit people’s property, California law enforcement agencies are able to bypass California’s more robust safeguards, including requiring a conviction and satisfying higher evidentiary standards prior to forfeiture. Over the past decade the vast majority of assets seized by California law enforcement agencies were steered into the federal system.[[2]](#footnote-2)

SB 443 will reign in abuses, and reestablish the most basic tenets of Constitutional law and values, requiring that in most cases, a defendant be convicted of an underlying crime before cash or property can be permanently forfeited.

For these reasons, among others, we support SB 443.

Respectfully,

**[INSERT YOUR NAME]**

**[INSERT THE NAME OF YOUR ORGANIZATION]**

1. http://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/; https://www.aclu.org/news/aclu-announces-settlement-highway-robbery-cases-texas?redirect=criminal-law-reform/aclu-announces-settlement-highway-robbery-cases-texas [↑](#footnote-ref-1)
2. http://www.drugpolicy.org/sites/default/files/Drug\_Policy\_Alliance\_Above\_the\_Law\_Civil\_Asset\_Forfeiture\_in\_California.pdf. [↑](#footnote-ref-2)