



FIX FORFEITURE

**Testimony of Holly Harris, Executive Director of Fix Forfeiture, before the Pennsylvania
Senate Judiciary Committee in support of Senate Bill 869
October 20, 2015**

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Thank you Mr. Chairman and Members of the Committee.

My name is Holly Harris and I am the Executive Director of Fix Forfeiture, a bipartisan organization committed to reforming civil asset forfeiture at the state and federal level. Fix Forfeiture is very unique, because we are actually comprised of eight of the country's most well-respected progressive and conservative organizations, many of which agree on very little, but all of which agree that Pennsylvania's flawed forfeiture laws are in desperate need of reform. These organizations include: the ACLU, Americans for Tax Reform, the Center for American Progress, FreedomWorks, the Faith & Freedom Coalition, the Leadership Conference on Civil and Human Rights, NAACP, and Right on Crime.

I want to start by acknowledging that, in certain circumstances, asset forfeiture *can* be a valuable tool for law enforcement to disarm the bad actors in our society. Centuries ago, it was actually used as a means to seize assets from pirates. In the 1980s, asset forfeiture was expanded to seize assets from international drug kingpins. But now, law enforcement is using civil asset forfeiture to seize cash, cell phones, TVs and in some cases, even cars and homes, from average citizens who are never even charged with crimes. Sadly...we are a long way from pirates and kingpins.

Once their property is taken, these innocent owners are then placed in the difficult position of having to go to court and prove their property innocent...which really is an affront to everything our criminal justice system stands for.

And it must be said, when you take a person's car or home away, you make it harder for that person to get to a job, care for their children, and then it is more likely that person becomes the taxpayers' problem. And then we all suffer collateral consequences that are often far greater than the underlying act.

The process through which forfeitures are conducted in Pennsylvania is flawed, and the way the proceeds are spent has come under scrutiny, as well. It must be said that our organization, and indeed the citizens of Pennsylvania, were very disturbed to see a news article reporting that the Chief of Staff to your own Attorney General was found to be driving around in a seized Mercedes. According to that same article, Pennsylvania taxpayers spent around \$6,000 making repairs to that seized Mercedes so it would be suitable for the Chief of Staff to drive. The conflict of interest presented when law enforcement directly profits



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from the assets it seizes inevitably leads to stories of bad judgment that are not indicative of the brave and courageous work that law enforcement does everyday.

Law enforcement should be adequately supported by monies directed by elected legislative bodies, and should not have to balance its budgets on the backs of innocent Pennsylvanians.

Other states such as New Mexico, Montana and Nevada have moved forward on reforms similar to those before you today, and by voting in favor of this important legislation, you place Pennsylvania in the gold standard category of states that protect property rights and reign in government overreach.

And you will be answering the call from your constituents: a recent poll of registered voters here in the Commonwealth released by Fix Forfeiture and the Commonwealth Foundation showed that roughly 80% of those surveyed, with support spread evenly among Republicans, Democrats, and independents, favor reforming Pennsylvania's civil asset forfeiture laws. In a time when you can hardly get opposite sides of the aisle to agree on what color the sky is, that sort of overwhelming mandate that crosses party lines speaks volumes about the need for reform.

I would like to close by commending you Mr. Chairman and members of the committee, for holding this hearing quickly, and allowing testimony on this important topic. I would also like to specifically thank Senators Folmer and Williams for their outstanding leadership in reaching across the aisle and working together to shine a bright light on these issues. We have enjoyed getting to know Senator Folmer, who travels with his Constitution in his pocket, and Senator Williams, who has done extraordinary work with Pennsylvania's faith-based community. And most especially, I want to thank law enforcement for their great professionalism and willingness to come to the table to discuss ways we can better protect Pennsylvanians. On behalf of our large and diverse coalition in favor of reform, and 80% of your constituents, we urge you to move Senate Bill 869 to the floor.

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About Fix Forfeiture

Fix Forfeiture is the first action organization in the country to bring together progressive and conservative partners, collaborate with law enforcement, and employ state-specific lobbying, public advocacy, and public education efforts to pass sweeping civil asset forfeiture reforms. Fix Forfeiture's partner organizations include Americans for Tax Reform, American Civil Liberties Union (ACLU), the Center for American Progress, the Faith & Freedom Coalition, FreedomWorks, the Leadership Conference on Civil and Human Rights, the NAACP, and Right on Crime.