Civil asset forfeiture is a tool used by police to seize property and assume permanent possession of it without convicting, or even charging, the owner with a crime.

**What can West Virginia do about it?**

**Raise Standards**
Under the Constitution, no one should be deprived of life, liberty, or property without due process of law. Police should be required to obtain a criminal conviction in order to forfeit property, proving either by clear and convincing evidence or beyond a reasonable doubt that the owner is guilty of a crime.

**End Bad Incentives**
Even good cops can be affected by bad incentives. When the owner is innocent, their property should be returned, not pocketed by law enforcement officials.

**Obey West Virginia Laws**
When lawmakers pass the above reforms, West Virginia police should be required to follow them. Police should not be able to skirt restrictions passed by the state legislature by participating in the federal equitable sharing program.

**Require Better Reporting**
West Virginia currently has an “F” rating when it comes to forfeiture transparency and accountability. New law should require agencies and district attorneys at the state, county, and municipal level to report the number and dollar value of forfeitures to the state government, and make them available to the public. Reports should also indicate whether a given forfeiture was accompanied by a criminal charge or conviction.

Americans for Prosperity and the American Civil Liberties Union agree – West Virginia law enforcement work diligently to keep us safe, and seizing suspicious property is often essential to police investigations. But if the owner is never charged or convicted, the property should be returned.