



Hearing before the House Committee on Oversight and Reform
Subcommittee on Civil Rights and Civil Liberties

“Forfeiting Our Rights: The Urgent Need for Civil Asset Forfeiture Reform”

Malinda Harris
Springfield, Massachusetts
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Chairman Jamie Raskin, Ranking Member Nancy Mace, and members of the Subcommittee:

Thank you for inviting me to testify about my experience with civil asset forfeiture. I live in Springfield, Massachusetts. I am a mother and a grandmother. I have never been accused of a crime, but six years ago, the police took my car anyway. I cannot speak to the legal issues. But I can speak to what it was like to have my property taken away from me.

In my case, the government kept my car for more than five years before it started the process to keep it permanently. As a citizen, I know the government should not act in that way. We should be able to trust the police and count on them to keep us safe. From my fight to get my car back, I learned about concepts such as due process and excessive punishment, but I’ll let people who are experts in law to talk about that aspect of civil asset forfeiture abuse.

What I can tell you about is how it feels to stand on a dark street, surrounded by police officers demanding the keys to your car, or how it feels to watch them drive away without providing any notice or receipt or any explanation on how to fight it. I can tell you about what this does not only to your confidence and faith in this great county’s institutions, but the lessons this teaches to the innocent people negatively impacted by civil asset forfeiture. I have two beautiful, accomplished, wonderful granddaughters. How do you teach your children to respect the law, when the people who are sworn to uphold it can take your property on nothing more than naked suspicion? For example, I learned from a Washington Post article that in 2014, the federal government took more property from Americans than burglars did—\$5 billion dollars taken by the government versus \$3.5 billion in burglary losses. And that does not include property taken by state and local police.

My story is unique only in that I was extremely fortunate. I got my car back. I know that most people lose their property because they do not understand the legal process and they cannot afford a lawyer. That was almost me. The civil asset forfeiture system is broken and unfair. Justice should not come only to people lucky enough to find a public interest lawyer to take their case.

In 2014, I lived in Greenville, South Carolina. I was going through some difficult times and decided to move back to Massachusetts, where two of my sons lived. I sold all of my belongings and purchased a beautiful 2011 Infiniti G37. After I moved, I had some setbacks, and I was living in a shelter when the police took my car on March 4, 2015.

Earlier that day, my son Trevice asked me to pick him up at the airport as he returned home from a vacation. He asked if he could borrow the car, and he then dropped me off at the shelter. Later that evening, Trevice called me. I could tell something was wrong, but I did not know what. He told me where he parked my car and told me to pick it up.

I got to my car around 10:30 p.m. Around five uniformed police officers immediately surrounded me. One had his hand on his holstered gun. I was terrified. One of the officers demanded the keys to the car. He told me that they were taking the car whether I gave them the keys or not, but if I did not surrender my keys, they may end up damaging the car when moving it. Nobody showed me a warrant. Nobody gave me any sort of written receipt. One police officer told me not to get involved, or I may face criminal charges myself.

As I stood on the street, I watched the police take my car away. The truth is, this is even worse than being victimized by a criminal. The forceable deprivation of property feels the same, but at least when someone steals from you, you can call the police. When it is the police taking your property, who can you call?

After the shock of that night wore off, I called the police a few times. When I could finally get someone on the phone who would talk to me, they told me the car was part of a criminal investigation. I never received any kind of receipt, or any information telling me how I might get my car back.

It's not just the shock of someone taking your most prized possession from you. I now did not have any transportation. This only made things worse for me. Instead of having a car to find work, I had to spend hours on public transportation while I saved up enough to buy another, far inferior car.

On December 30, 2018, my son Trevice was killed in Youngstown, Ohio, leaving two beautiful and accomplished daughters without their father. I had almost nothing with which to remember my son. By now, I assumed I would never see my car again.

In late October 2020, at the height of the COVID epidemic, I received the very first written notification from the government regarding my car. I received legal papers in the mail. In January 2020, the district attorney finally filed a complaint seeking to forfeit the car. They initially mailed it to the wrong address. Like most people, I did not know what the legal jargon meant. I only knew that I needed help, but I had a lot of difficulty finding that help. The lawyers I talked to needed a retainer—thousands of dollars I do not have. The pandemic made it even more difficult to contact people.

I tried calling the prosecutor. They told me it would be a conflict of interest to provide me with any information on how I might fight for my car. The legal papers only gave me a couple of weeks to respond. The prosecutor did not tell me that the deadline to respond to the complaint could be extended, even though they waited more than five years to serve me with the complaint. It turns out Massachusetts does not set any time limit on how soon the government must start the forfeiture process. As I got closer to the deadline, I became more desperate and frantic. If it wasn't for a sympathetic court clerk who explained to me how I could file a request for more time as I cried on the phone, I would not be sitting here today.

I cannot tell you how much this means to me, that you invited me to tell my story. At the same time, I was fighting the forfeiture of my car, my son's murderers were getting closer to trial. Even with a lawyer, I knew the law was stacked against me and that it would still be an uphill battle. I committed myself to the fight, because I wanted to leave something of my son to his children, and I wanted to prove that my son mattered, that his life mattered.

When I watched the police drive my car away on March 4, 2015, I could never imagine my fight to get it back would lead me here. My grandkids did not think we would prevail. But at least they got to see an example of the system working to correct an injustice. My oldest granddaughter now has the car, and I am grateful that she has a positive legacy from her father, my son.

I cannot tell you how to reform the system, but I can emphatically tell you the system needs to be fixed. The police should not be able to take, and keep for themselves, the property of people never convicted of a crime. The police should have to prove, beyond a reasonable doubt, that someone committed a crime before they can be punished. The rules should be clear and fair, so people who cannot afford a lawyer can still defend their property.

Thank you for your time.