

South Carolina Police Hauled in \$17 Million Through Civil Asset Forfeiture Over Three Years

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[C.J. Ciaramella](#) Jan. 29, 2019 4:30 pm

South Carolina police seized more than \$17 million over a three-year period according to a comprehensive joint [investigation](#) by the *The Greenville News* and *Anderson Independent Mail*.

The news outlets scoured roughly 3,200 civil asset forfeiture cases across South Carolina. The results, the reporters say, "yielded a clear picture of what is happening: Police are systematically seizing cash and property—many times from people who aren't guilty of a crime—netting millions of dollars each year."



Paul Hennessy/NurPhoto/Sipa USA/Newscom

Nearly a fifth of the 4,000 people who had their property seized by South Carolina police between 2014 and 2016 were never arrested nor even charged with a related crime. Under typical civil asset forfeiture laws, police can seize cash, cars, houses, and other property suspected of being connected to criminal activity even if the owner is never convicted of a crime.

That's what happened to Isiah Kinloch, a North Charleston resident. While

Kinloch was hospitalized for a head injury after fighting off a robber, police searched his apartment and found an ounce of marijuana and \$1,800 in cash. Kinloch used the marijuana to manage pain resulting from a severe car accident, and he said the cash was from his work as a tattoo artist and cobbler. He was charged with possession with intent to distribute, but the charges were eventually dropped. Kinloch's cash, however, was forfeited—gone.

"The robber didn't get anything, but the police got everything," Kinloch told *The Greenville News*.

The investigation's findings track with what other media outlets and advocacy groups have found across the country, and what has led more than half of U.S. states to pass some form of asset forfeiture reform over the past decade.

Law enforcement groups say asset forfeiture is a vital tool to disrupt drug trafficking and other organized crime by cutting off the flow of illicit proceeds. The investigation notes that Myrtle Beach police and prosecutors used civil forfeiture to hamstring a sophisticated drug ring.

However, civil liberties groups say asset forfeiture has far too few protections for property owners, who must bear the cost of going to court and, in states that have yet to reform their laws, prove that their property was not connected to illegal activity. And the perverse profit incentive leads police to go fishing for petty seizures just as often, if not more, than drug lords.

For example, there's the case of Ella Bromell, an elderly woman in Conway, South Carolina. Police and city officials [tried to seize her house](#) through civil asset forfeiture because of small drug deals taking place on her property, even though she was not connected in any way to the sales and had repeatedly tried to get rid of the dealers.

That's what civil asset forfeiture looks like on an individual level in South Carolina. Here's what it looks on a macro scale, according *The Greenville News* and *Anderson Independent Mail* investigation:

- Most of the money isn't coming from kingpins or money laundering operations. It's coming from hundreds of encounters where police take smaller amounts of cash, often when they find regular people with drugs for personal use. Customers, not dealers. More than 55 percent of the time when police seized cash, they took less than \$1,000.
- Your cash or property can disappear in minutes but take years to get back. The average time between when property is seized and when a prosecutor files for forfeiture is 304 days, with the items in custody the whole time. Often, it's far longer, well beyond the two-year period state law allows for a civil case to be filed. But only rarely are prosecutors called out for missing the filing window and forced to return property to owners.
- The bulk of forfeited money finances law enforcement, but there's little oversight of what is seized or how it's spent. Police use it to pay for new guns and gear, for training and meals, and for food for their police dogs. In one case, the Spartanburg County sheriff kept a top-of-the-line pick-up truck as his official vehicle and sold countless other items at auctions.

As I mentioned, this is roughly in line with what numerous other investigations of state and local asset forfeiture programs have revealed.

In 2017, *Reason* [reported](#) that Cook County, Illinois, had seized \$150 million over a five-year period. The median value of those more than 23,000 seizures was \$1,049. Seizures were also clustered in poor and minority

neighborhoods.

Civil asset forfeiture records obtained by *Reason* from Mississippi [revealed](#) a case in which police stripped the furniture from a woman's apartment, including lamps and a couch. All of her property was eventually returned in a court settlement, except for the couch.

Both of those states passed stronger reporting requirements for asset forfeiture and strengthened protections for property owners.

In South Carolina, however, asset forfeiture reform bills have failed to make any headway in the state legislature. South Carolina received a D+ grade for its lax civil asset forfeiture laws from the Institute for Justice, a libertarian-leaning public interest law firm that has challenged forfeiture laws in several states.

One big obstacle to reform is opposition from law enforcement agencies, which pad their budgets with forfeiture revenue.

"Officers gather in places like Spartanburg County for contests with trophies to see who can make the largest or most seizures during highway blitzes," *The Greenville News* writes. "They earn hats, mementos and free dinners, and agencies that participate take home a cut of the forfeiture proceeds."