

States seize cash, property from motorists

Story highlights

- Local authorities have seized property from motorists not charged with anything
- Two poker players sued after they had \$100,000 in winnings seized
- Department of Justice recently said it was backing away from civil asset forfeiture actions

Des Moines, Iowa (CNN) On a bright, clear morning in April 2013, two professional poker players from California were heading west on Interstate 80 in rural Iowa when they were stopped by two Iowa State Troopers.

Before that stop was over, the officers had seized \$100,000, which the men said was money to play poker. The troopers also called ahead to California authorities, who raided the men's homes and ultimately indicted one of them, John Newmerzhysky, on a charge of illegal possession of drug paraphernalia. If this sounds unusual and way out of the ordinary, it isn't. The seizure is just one of thousands of highway stops that state and local authorities call "interdictions:" Roadside stops aimed at catching drug dealers or even terrorists, but which can also result in cash seizures alone with no criminal charges attached. It's called Civil Asset Forfeiture, and it was started in the early 1980s by the Justice Department. It has since migrated to thousands of state and local jurisdictions nationwide. The program, when it originated, was meant to target and take money authorities believed was connected to crimes.

A legal advocacy group based in Washington called the Institute for Justice has been battling Civil Asset Forfeiture for years.

"It violates due process for Americans," said Larry Salzman, an attorney for the group. "It's wrong. It's a simple premise that the government should not be taking money from people who have done nothing wrong. It shouldn't be taking money from people who have not been charged, let alone convicted, of any crime."

In the case of the two poker players in Iowa, months after their money was taken, they reached a settlement in which most of the money — \$90,000 — was returned. They told CNN they believed it was the best deal they could have made at the time. Now, however, they are suing to get the rest of the money back and have asked for unspecified damages. The state of Iowa isn't giving it back and is not backing down.

"It has had widespread and deep impacts on my life," said William "Bart" Davis, one of the two poker players. "It's my primary focus right now. It's made me aware of the things I was unaware of. And made me angry."

Other examples are rife.

In a small Nevada county two hours driving time east of Reno, a single deputy sheriff was been responsible for more than a dozen cash seizures in 2014 alone, according to a lawsuit filed on behalf of motorists whose money was taken.

That deputy, Lee Dove, asks one motorist in a dash-cam video how much money he has on hand. When the driver answers, Dove said, quote, "It's not counted is it? Well, I'm seizing it." Dove was so proud of his cash seizures that he autographed photos of himself with a bundle of money at his feet, accompanied by his K-9 dog.

CNN wanted to ask him about the seizures but he didn't answer when our team approached his security gate just after nightfall. As we were driving away a few minutes later, two Humboldt County Sheriff's deputies pulled us over even though we hadn't done anything wrong. One of them said their colleague, Dove, "had been going through a tough time" and had called them to complain about our presence. The newly elected

sheriff in Humboldt County, Mike Allen, said Dove is still with the department but has been placed on administrative leave pending the outcome of a state investigation.

Allen said the entire program is suspended pending that investigation and that any future stops must have a clear connection to criminal activity.

"I want to know what crime they're investigating, and what evidence do they have to substantiate that crime before any property is seized," Allen said.

The Justice Department recently said it was backing away from the civil asset forfeiture actions it had been taking for nearly three decades. Its records show it seized more than \$6 million in the most recent fiscal year. Now, the department says it won't benefit from most seizures any longer.

"With this new policy, effective immediately, the Justice Department is taking an important step to prohibit federal agency adoptions of state and local seizures, except for public safety reasons," said Attorney General Eric Holder.

Critics like the Institute for Justice, however, say that doesn't mean the elimination of the practice. The institute's president, Scott Bullock predicted it will continue in most states around the country.

By **David Fitzpatrick**