Stop Evictions and Civil Asset Seizure

In addition to their criminal enforcement duties, sheriffs also play a major role in enforcing civil judgments. They have the authority to seize assets — a process known as civil asset forfeiture — and the power to enforce evictions. Civil asset forfeiture has led to considerable abuse by law enforcement and has deprived people of their homes, cars, and savings, even without criminal charges or convictions. Sheriffs also conduct evictions, after a court sides with a landlord. The involvement of sheriffs in eviction increases the risk of violence, results in lost property, and places vulnerable people out on the streets without recourse. Sheriffs must use their discretion to get out of civil enforcement all together, including to stop evictions and end civil asset seizure.

The involvement of Sheriffs’ offices in enforcing evictions increases the risk of violence, results in lost property, and places vulnerable people out on the streets.

- Sheriffs claim they must be present during evictions, and serve warrants for them, to prevent physical confrontations and keep the peace between landlords and tenants.\(^1\) Too often, that is not what occurs. In Oakland, CA, sheriffs showed up in SWAT gear and with tanks to evict a group of homeless mothers, and there are numerous other examples of Sheriffs showing up assuming violence will occur.\(^2\)
- Enforcing evictions disproportionately harms people of color. According to one analysis, Black people make up 19.9% of adult renters in the studied markets but 32.7% of all eviction filings. By contrast, White people made up 51.5% of all adult renters studied but just 42.7% of eviction filings.\(^3\) Nearly one in four Black renters lives in a place where the Black eviction rate is more than double the white eviction rate.\(^4\)
- Participating in or jumpstarting evictions right now is especially problematic given the state of housing during the COVID-19 pandemic. As moratoriums on evictions end, experts expect eviction filings to skyrocket, displacing record numbers of families and leaving them houseless.\(^5\)

Civil asset forfeiture likewise causes devastating harm — in this case, financial — and the practice has led to abuse by sheriffs’ offices.

- Sheriffs’ offices regularly rely on asset forfeiture to fund their budgets — incentivizing them to “police for profit” and seize property and money even in the absence of criminal

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\(^{1}\) Jessica Pishko, *Sheriff Discretion and Evictions*, Data for Progress (July 2020), [https://www.filesforprogress.org/memos/sheriff-discretion-evictions.pdf](https://www.filesforprogress.org/memos/sheriff-discretion-evictions.pdf).


\(^{3}\) Peter Hepburn, Renee Louis, & Matthew Desmond, *Racial and Gender Disparities among Evicted Americans*, Eviction Lab (Dec. 16, 2020), [https://evictionlab.org/demographics-of-eviction/](https://evictionlab.org/demographics-of-eviction/).

\(^{4}\) Id.

behavior. According to one investigative report, some Texas sheriffs rely on asset forfeiture for \(\frac{1}{3}\) of their budget.\(^6\) One Georgia sheriff used 3 million dollars of forfeited money to build a new sheriff’s substation.\(^7\)

- Sheriffs do not just seize assets that they know (and can prove) derive from criminal behavior. They often use a mere “suspicion” to justify seizing assets. In Webb County, TX, for example, a sheriff pulled over a vehicle he suspected had hidden compartments. It did not, but they seized the car anyway, never charging the driver with a crime.\(^8\)
- Sheriffs also regularly misuse asset forfeiture money. In Gwinnett County, GA, the Sheriff used $70,000 of seized money to buy himself a muscle car and spent another $175,000 on a bus.\(^9\)
- Although sheriffs and other law enforcement often claim asset forfeiture is necessary to deter major drug kingpins, there is no evidence that their actions are tied to serious drug investigations or have any impact on drug use or sales. In most states, seized assets are valued at under $1,000 — hardly kingpin money.\(^10\)

Sheriffs must dramatically change how they engage in civil enforcement actions to protect the public and prevent long-standing abusive practices.

- Sheriffs should issue a moratorium on evictions. Several did so during COVID-19, like the Sheriff in Cook County, Illinois. They should continue those policies going forward.
- If a sheriff must enforce an eviction order by law, they should arrive unarmed, and refuse to use force.
- If a sheriff must enforce an eviction order, they should also ensure that there is a secure place for the person’s property to be housed, and should partner with a social service provider to help connect the family with financial and housing resources.
- Sheriffs should stop the use of civil asset forfeiture altogether. It is a practice primed for abuse, and decades have shown that the practice cannot be reformed.

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\(^7\) *Id.*

\(^8\) Jolie Mccullough, Acacia Coronado And Chris Essig, *Texas police can seize money and property with little transparency. So we got the data ourselves.*, The Texas Tribune (June 7, 2019), [https://bit.ly/2UHPzZR](https://bit.ly/2UHPzZR).
