

TAKEN: How police departments make millions

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In South Carolina, civil forfeiture targets black people's money most of all, exclusive investigative data shows

When a man barged into Isiah Kinloch's apartment and broke a bottle over his head, the North Charleston resident called 911. After cops arrived on that day in 2015, they searched the injured man's home and found an ounce of marijuana.

So they took \$1,800 in cash from his apartment and kept it.

When Eamon Cools-Lartigue was driving on Interstate 85 in Spartanburg County, deputies stopped him for speeding. The Atlanta businessman wasn't criminally charged in the April 2016 incident. Deputies discovered \$29,000 in his car, though, and decided to take it.

When Brandy Cooke dropped her friend off at a Myrtle Beach sports bar as a favor, drug enforcement agents swarmed her in the parking lot and found \$4,670 in the car.

Her friend was wanted in a drug distribution case, but Cooke wasn't involved. She had no drugs and was never charged in the 2014 bust. Agents seized her money anyway.

She worked as a waitress and carried cash because she didn't have a checking account. She spent more than a year trying to get her money back.

The Greenville News and Anderson Independent Mail examined these cases and every other court case involving civil asset forfeiture in South Carolina from 2014-2016.

Our examination was aimed at understanding this little-discussed, potentially life-changing power that state law holds over citizens — the ability of officers to seize property from people, even if they aren't charged with a crime.

The resulting investigation became TAKEN, a statewide journalism project with an exclusive database and in-depth reporting. It's the first time a comprehensive forfeiture investigation like this has been done for an entire U.S. state, according to experts.

The TAKEN team scoured more than 3,200 forfeiture cases and spoke to dozens of targeted citizens plus more than 50 experts and officials. Additionally, the team contacted every law enforcement agency in the state.

This 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. South Carolina law enforcement profits from this policing tactic: the bulk of the money ends up in its possession.

The intent is to give law enforcement a tool to use against nefarious organizations by grabbing the fruits of their illegal deeds and using the proceeds to fight more crime.

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

That money adds up. Over three years, law enforcement agencies seized more than \$17 million, our investigation shows.

"We've heard so many awful stories," said Hilary Shelton, director of the NAACP's Washington bureau. "Having cash makes you vulnerable to an illicit practice by a police organization.

"It's a dirty little secret. It's so consistent with the issue of how law enforcement functions. They say, 'Oh yeah, we want to make sure that resources used for the trafficking of drugs are stopped' ... but many of the people they are taking money from are not drug traffickers or even users."

These seizures leave thousands of citizens without their cash and belongings or reliable means to get them back. They target black men most, our investigation found — with crushing consequences when life savings or a small business payroll is taken.

Many people never get their money back. Or they have to fight to have their property returned and incur high attorney fees.

Police officials respond by saying forfeiture allows them to hamstring crime rings and take money from drug dealers, a move they say hurts trafficking more than taking their drugs.

In 2016, when a Myrtle Beach police unit broke up a sophisticated drug ring called the 24/7 Boyz that offered a dispatch system to order drugs and have them delivered on demand,

the police used seizure powers. They took cars, firearms, a four-bedroom house and \$80,000. They also arrested 12 people.

Fifteenth Circuit Solicitor Jimmy Richardson initially prosecuted the case before turning it over to the federal government. In January, 10 of the 12 defendants pleaded guilty to drug conspiracy charges.

Richardson said taking a drug ring's operating cash strikes a critical blow against traffickers in a way that criminal charges don't. "A drug enterprise is an onion, it's a multitude of layers," he said. "Some tools hurt the traffickers, some hurt the enterprise itself. I feel this hurts the enterprise."

would be imperiled without the profit from this tool. Clemson Police Chief Jimmy Dixon said losing those profits could shut down his agency's K-9 unit entirely. Undercover narcotics operations overall would suffer, Dixon said, citing limits on the department's operating budget.

The TAKEN investigation key findings:

- Black men pay the price for this program. They represent 13 percent of the state's population. Yet 65 percent of all citizens targeted for civil forfeiture in the state are black males.

"These types of civil asset forfeiture practices are going to put a heavier burden on lower-income people," said Ngozi Ndulue, recently a national NAACP senior director, now working at the Death Penalty Information Center. "And when you add in racial disparities around policing and traffic stops and arrest and prosecution, we know this is going to have a disproportionate effect on black communities."

- If you are white, you are twice as likely to get your money back than if you are black.
- Nearly one-fifth of people who had their assets seized weren't charged with a related crime. Out of more than 4,000 people hit with civil forfeiture over three years, 19 percent were never arrested. They may have left a police encounter without so much as a traffic ticket. But they also left without their cash.

Roughly the same number — nearly 800 people — were charged with a crime but not convicted.

Greenville attorney Jake Erwin said the overarching idea is that the money being seized is earnings from past drug sales, so it's fair game. "In theory, that makes a little bit of sense," he said. "The problem is that they don't really have to prove that."

In some states, the suspicions behind a civil forfeiture must be proven beyond a reasonable doubt in court, but there is no requirement of proof in South Carolina. When a forfeiture is contested, prosecutors only have to show a preponderance of evidence to keep seized goods.

Police don't just seize cash.

Practically anything can be confiscated and sold at auction: jewelry, electronics, firearms, boats, RVs. In South Carolina, 95 percent of forfeiture revenue goes back to law enforcement. The rest is deposited into the state's general fund.

- 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 entire burden of recovering property is on the citizens, who must prove the goods belong to them and were obtained legally. Since it's not a criminal case, an attorney isn't provided. Citizens are left to figure out a complex court process on their own. Once cases are filed, they have 30 days to respond. Most of the time, they give up.
- 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.

In many other places, changes are being made: 29 states have taken steps to reform their forfeiture process. Fifteen states now require a criminal conviction before property can be forfeited, according to the Institute for Justice, a non-profit libertarian law firm.

South Carolina lawmakers have crafted reform bills in recent General Assembly sessions, but none of the efforts made it out of committee.

To critics, South Carolina is the poster child for the injustice inherent in the for-profit civil forfeiture system, said Louis Rulli, a law expert at the University of Pennsylvania.

Forfeiture doesn't square with the rest of the justice system, Rulli said. "How could it be possible that my property could be taken when I am not even charged with any criminal offense? It seems un-American," he said.

Those who pay the biggest price are black men. Men like Kinloch. While he was hospitalized for a head injury from a home intruder, North Charleston police removed money from the tattoo artist's apartment.

That department earns 12 percent of their annual operating budget from cash and property seized under civil law, our investigation shows.

"The robber didn't get anything, but the police got everything," said the 28-year-old Kinloch.

Police charged him with possession with intent to distribute after finding the marijuana in his apartment, but the charge was dismissed.

Kinloch never got his cash back.

Rent was due.

Without his \$1,800, he couldn't pay the landlord and was forced out of his home.

More: [He fought off a robber, but police seized his \\$1,800](#)

Kinloch isn't alone as a black man facing forfeiture over small, or nonexistent, criminal charges in South Carolina. Our investigation found that black men make up the largest share by far of people targeted for civil forfeiture, much higher than even the drug arrest or incarceration rate for black men. Read about our exclusive findings here:

Black men pay the price for SC civil forfeiture program

Atlanta musician Johnnie Grant jerked awake in the back seat as blue lights flashed and a Greenville sheriff's deputy leaned in to question his driver.

Grant, his photographer and a videographer were on their way to a show in Charlotte in March 2017.

The deputy picked out his target among hundreds of cars that pass through the stretch of Interstate 85 near White Horse Road every hour. He said he pulled over the rented Chevrolet Malibu and its three black occupants for following too closely.

He and other deputies soon asked the men to step out of the car, searched it and found 1.5 ounces of marijuana inside a jar in the videographer's backpack.

When deputies opened Grant's bag, they found \$8,000 wrapped in rubber bands. All three were charged with marijuana possession, even though the videographer explained it was his personal stash. The deputies took Grant's cash and told him it was drug money.

"If I'd have been white, I guarantee you they wouldn't have taken my money," the 30-year-old Grant said. "They probably wouldn't have even searched my car. They probably wouldn't have even pulled me over."

It fits the pattern. Black men carry the burden of South Carolina's civil forfeiture program. Almost two-thirds of people targeted by forfeiture are black males, according to TAKEN investigation data analysis. Yet they represent just 13 percent of the general population.

Hilary Shelton, the NAACP Washington bureau director, said the organization worries the racial targeting in South Carolina is even worse than has been reported.

"Civil asset forfeiture, combined with the historic and consistent problems of racial profiling on our highways and byways, becomes very much part of a troubling equation," he said. "It's been used in a racially discriminatory manner. The law must be fully reviewed."

South Carolina's legal legacy

The state has a long history of racial discrimination related to property.

Civil forfeiture is a vestige of that history, some critics say. It links to an established trend of targeted law enforcement that puts more police in contact with non-whites, an exposure that can lead to civil forfeiture, experts say.

Some departments have built a money-making machine on the backs of this type of targeting.

It starts with where police use forfeiture. It's happening in every urban environment in South Carolina. There are only six cities in the state with a population over 50,000. All of them frequently use forfeiture.

In smaller towns, only about half the police forces use the tool at all, and most agencies don't pursue many cases.

The system is designed to be applied at scale. The more forfeiture is used, the more money police have at their disposal for equipment, training and for undercover drug purchases.

Though the racial disparities in the data exist broadly across the state, the decisions that lead to civil forfeiture are situational. It's a traffic stop, or a drug investigation that leads to a residence, or increased patrols in low-income or historically black neighborhoods.

The TAKEN team used census data to analyze the widest disparities between the number of forfeiture cases with black subjects compared with the number of black residents in an agency's jurisdiction.

The largest racial gaps? The highest disproportionate targeting of black people came from the Myrtle Beach Police Department, followed by the Lexington County Sheriff's Office and the Charleston Police Department.

During 2014-2016, there was one black person targeted for forfeiture by Myrtle Beach police for every 50 black residents who live there. If you roughly extrapolated that rate over a generation, one in five black people would have money or goods taken by police in Myrtle Beach at some point over three decades, despite the fact that the city is mostly white.

The city is 69 percent white and just 14 percent black, according to 2014 U.S. Census data.

In Greenville County, black people were targeted for forfeiture at a rate of one per every 587 black residents during our three-year study period.

In comparison, forfeiture affected one white person per every 4,139 white residents in the county. Greenville County is 69 percent white and 19 percent black, according to U.S. Census data.

"It just sort of reinforces an understanding we already knew — that black residents disproportionately come in contact with law enforcement given the way criminal justice policy is oriented in this country," said Nicole Porter, spokeswoman at The Sentencing Project, a reform advocacy group.

One reason: Traffic stops

A piece of this policing story is tied to the highway and police behavior and assumptions.

In one case, a Wellford officer pulled over a black man on Interstate 85 for what he said was failure to maintain a lane. When he discovered cash in the car that day in 2012, the officer called in the top Homeland Security agent in Greenville to help seize it. They'd found what police said were "marijuana particles."

The North Carolina driver, Lee Harris Jr., said it was tobacco. The officers took \$7,008 from the glove box.

"I call them pirates," said Lee Harris Sr., the driver's father. The elder Harris is a minister and a military veteran who said the money comes from his bank and from documented Social Security and benefits.

Harris said he had left \$7,000 in the car when his son went on a trip to Atlanta. He filed a lawsuit, and after a year-and-a-half, he settled. The government kept \$2,008 even though Harris' son was never charged with a crime.

Sometimes police seize cash when the driver is merely ticketed for a minor violation not related to drugs, according to court records.

Ramando Moore was cited for having an open container in Richland County in 2015; he lost \$604.

Plexton Denard Hunter was pulled over for a seatbelt violation in 2015 in Richland County and had \$541 seized. Tesla Carter, another seatbelt violation, this time in Anderson in 2015. She lost \$1,361.

South Carolina agencies with the highest rate of seizure of property from black people

If you're black and driving in South Carolina, you are more likely to be stopped by police. In 24 states with available race data by traffic stop, the state had the second highest rate of black motorists stopped by state troopers, according to a 2017 study by the Stanford Open Policing Project.

In Greenville County, there were 24 state patrol stops for every 100 black residents of driving age. There were only 15 stops for every 100 white residents in the nine-year study period, according to the project.

Officers have a lower threshold to search black drivers than white drivers, the Stanford research shows, evidenced by data that revealed when officers searched drivers, they found contraband more often on white drivers than black ones.

Yet the scope of action taken by law enforcement and the justice system against black Americans throughout U.S. history makes it easier for an officer to take from a black person than a white person, said Heather Ann Thompson, a criminal justice and African-American history professor at the University of Michigan and author of "Blood in the Water."

It's the same reason black people are prosecuted more harshly, are incarcerated more often and for longer sentences and face civil fines and penalties more often than whites. They're just not as likely to be able to marshal resources to fight back against the justice system, she said.

"It has everything to do with who has access to good defense lawyers and who's getting pulled over to begin with," said Thompson, who's a leading voice in criminal justice reform.

The racial disparity may begin with traffic stops, but it extends well beyond them in South Carolina.

A policing system built to target minorities

How often are black people in this state the victim of civil forfeiture when the police encounter doesn't involve being pulled over in a car?

Excluding known traffic stops, police seized money from black people in two-thirds of all cases compared with one-third for whites, our TAKEN data analysis shows. It's an even more startling fact when considering South Carolina is 69 percent white.

Ella Bromell, a 72-year-old widow from Conway, twice nearly lost her home, though she's never been convicted of a crime in her life.

Yet the city of Conway nearly succeeded in seizing her house because they said she didn't do enough to stop crime happening on the sidewalk and in her yard. Young men were using her lawn as a location to sell drugs at night, according to court records.

The fight between Conway officials and Bromell, who is black, began in 2007 and lasted a decade — culminating in court in 2017 when two judges sided with her and wrote that the city “failed to produce any evidence that the residence was an integral or otherwise fundamental part of illegal drug activity.”

Still, Bromell fears the city will try again, despite the police admission in court that they couldn't say if she was even aware of a single drug sale around her house.

Conway City Manager Adam Emrick said the city has contemplated future seizures in the case of Bromell or similar property owners.

Losing her home would be the end of her, Bromell said. “I don't want to go nowhere else.”

Thurmond Brooker, Bromell's attorney, said the law is being warped without the public even noticing. “It's being used in a way in which innocent people can have their property taken,” he said. “Little old ladies whose property is being trespassed upon can be victimized for a second time.”

Why are black citizens like Bromell facing forfeiture more often than their white neighbors?

One police official said it's because there's more drug crime in the black community.

“We go where we're called,” Greenville Police Chief Ken Miller said. “We police where people are telling us there are problems. We're not an agency — and I don't know a police agency — that tries to balance racially its interdiction of drugs off the street.”

The bulk of the drugs and weapons calls the city receives are in minority communities, Miller said. He said he won't apologize if police tactics disproportionately engage black men and lead to more seizures.

In Greenville County, the Sheriff's Office initiated 256 forfeiture cases from 2014-2016, of which 150 involved blacks and 85 involved whites.

Greenville city police had 89 cases. Of those, 53 involved blacks and 22 involved whites.

Miller said the city has spent time and money on racial bias training and is working to better track data on traffic stops.

David Smith, one of the architects of the expanded forfeiture laws enacted in the 1980s to fight the War on Drugs, said it's a great tool for going after significant criminals. Drug lords. White collar masterminds. But increasingly forfeiture has been co-opted by local police forces to take petty cash on the side of the road, he said.

Grant, the Atlanta musician, said he understands how police work and knew right away he would fight to get his money back, even if it cost him legal fees.

"They knew we were young, and we were black," Grant said. "They pulled us over, gave us a bogus reason. We didn't consent to search; they searched anyway."

Grant's drug charge was dismissed, and though he had proof that he earned his money legally — show schedules, payment receipts, contracts — it could have taken another two years before he could challenge the forfeiture in court. So Grant chose to settle rather than wait.

The state got \$500. He got \$7,500 back but had to pay his attorney \$2,500.

His case was considered a good outcome.

"We're the ones being railroaded," Grant said. "It just speaks volumes to where we are as a people."

65% of cash seized by SC police comes from black men. Experts blame racism.

Nathaniel Cary, Mike Ellis
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Black residents have their money and property taken by police in South Carolina nearly three times more often than whites, for deep and unfair systemic reasons that go beyond the design of a civil forfeiture law, experts say.

This is a state where black people have faced racist constraints on their ownership of property for most of the decades between the end of slavery and now, whether by Jim Crow laws, redlining, the War on Drugs or unequal access to bank loans.

It's not surprising, to police or lawyers or activists or even residents, that black people here are disproportionately punished by civil forfeiture, as The Greenville News TAKEN investigation uncovered.

But just how wide that disparity is can be surprising.

Seven out of 10 people who have property taken are black, and 65 percent of all money police seize is from black males.

"Shut up!" said state Rep. Todd Rutherford, a Columbia defense attorney, when told of the main findings from TAKEN.

"The fact that they are being stopped is no surprise, but now, the unmitigated fact that they are having their assets seized and taken by the government is appalling," he said.

Legacy of economic punishment

There's a clear line from slavery to the Civil War and to civil rights to civil forfeiture, said Jake Erwin, a Greenville defense attorney. Systemic racial injustices extended in new ways in the South through Jim Crow and linger in the present.

One of the first post-Civil War property crimes against black people involved land.

After Union General William Tecumseh Sherman marched through the South to Savannah, he promised freed slaves would receive 40 acres of tillable ground from 400,000 acres of confiscated Confederate land. Many also were given leftover Army mules to give them a head start in a new agrarian future.

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But after Abraham Lincoln's assassination, President Andrew Johnson returned the land to its previous owners. That left freed slaves to tend the land that had been ripped from them as sharecroppers, often working for their former owners.

They signed usurious formal contracts but had no power to contest the power imbalance, no way to question why landowners took the majority of profits or added costs on top of the agreements, said Heather Ann Thompson, a Pulitzer prize-winning author at the University of Michigan who researches race and the criminal justice system.

"There's this long relationship of exploiting black farmers in South Carolina," Thompson said.

Decades later, communities used covenants to create whites-only neighborhoods, which prevented black people from buying homes in appreciating neighborhoods. And banks used redlining of areas considered poor investments to reject loans to some black residents.

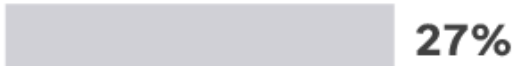
Then, black people were discriminated against through bus systems that wouldn't route through their neighborhoods to take them to better-paying jobs.

Banks wouldn't lend them money, and as a result, fewer black people have bank accounts and even fewer actively use them, Thompson said.

South Carolina's civil forfeiture program disproportionately affects black people — black men especially

(2014-2016)

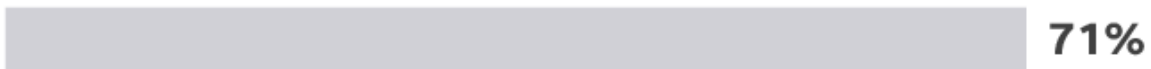
Percentage of S.C. population who are black



Percentage of S.C. population who are black *men*



Percentage of the people facing forfeiture of property who are black



Percentage of the people facing forfeiture of property who are black *men*



Black people are more likely to work jobs that pay in cash — housecleaning, yard work, food service — and white people are more likely to be the ones paying out that cash, she said.

To that end, black people carry cash more often, are more often stopped by police and lose their money to forfeiture more often than their white counterparts, our investigation found.

That makes civil forfeiture a biased way to police people, said Vernon Burton, a Clemson professor who has testified to Congress on race issues.

Regressive policies, from taxes to voting rights to civil forfeiture, hurt black people more because they broadly have less to begin with, Burton said.

Put another way: Civil forfeiture favors people who were born ahead of the game, he said.

No money? No luck

Most forfeiture cases in South Carolina are not contested. People would have to secure a lawyer to fight for their property or else navigate the civil court system on their own.

But the amount of money at stake in civil forfeiture is often too little for most lawyers to bother with, said Elizabeth Franklin-Best, a South Carolina appellate attorney who has handed civil forfeiture cases. She said unless someone knows an attorney or has other business with the attorney, it's unlikely the attorney will risk it. That robs people of the chance for proper civil court representation.

It locks in their losses, said Ngozi Ndulue, recently a national NAACP senior director, now working at the Death Penalty Information Center.

More:[Widow fights off town's attempt to seize her home](#)

More:[Rapper's friend had drugs but cops took his money instead: TAKEN](#)

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The reasons black people, especially men, are more likely to have money seized go beyond just the matter of how often they get pulled over, said Ndulue, though the rates of traffic stops are also disproportionately weighted toward black people in South Carolina.

Crime and arrest rates alone can't explain why police are taking more money from black people, Ndulue said.

Racial differences in policing are deeply rooted in the state's history, a history that's generally considered regressive on race issues, Burton said.

South Carolina didn't fully integrate its schools until 17 years after the U.S. Supreme Court ruled against segregated schools in *Brown v. Board of Education* in 1954. Its colleges were the last in the nation to integrate when Harvey Gantt became the first African-American admitted to Clemson University in January 1963.

Atlanta rapper fought the law and won

A Greenville sheriff's deputy pulled over their rented Chevrolet Malibu on Interstate 85.

Mike Ellis

Greenville News

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ATLANTA — Johnnie Grant's daughter crawls over him as he kneels on a prayer rug, palms facing upward.

A second daughter joins the pile, and then there's a lot of giggling. They mimic him as he keeps praying. A little turn of a smile grows at the corner of his lips as he finishes and kisses his girls.

Grant, an Atlanta rapper who performs as Jean D'eau, will climb inside his sports utility vehicle soon, blasting one of his newest tracks on the stereo. The road is a second home to the devoted father, with frequent gigs in the Carolinas, Florida, Texas and throughout the South.

In March 2017, Grant, a videographer and a photographer were on their way to perform at a club in Charlotte when a Greenville sheriff's deputy pulled over their rented Chevrolet Malibu on Interstate 85. The deputy said he stopped the car with three black occupants for following too closely.

Grant was asleep in the back seat, head nestled on a bag that had a zippered pouch with \$8,000 inside.

The photographer and videographer sat in the front seats. Deputies found a small jar with 1.5 ounces of marijuana in the videographer's bag, and the man admitted it was his, not Grant's, according to court records.

The officers still seized Grant's cash, saying it was connected to the drug trade.

Grant was charged with drug possession, a charge that was later dismissed.

A few hours later, the marijuana and the cash were gone. Grant was back on the road, late for his gig.

"When you're doing shows or contracted for a booking, you have to be there by a certain time," he said. "Basically, (the police) made me breach my contract."

The money was from ticket sales, Grant said. He earns at least \$3,500 a show and gets paid in cash.

Grant said he showed the officers receipts, bank records, contracts from his performances and the flyers and posters in the trunk, along with camera gear.

He explained what he did, that he was [a musician who needed to get to a show](#).

“How I make my money, why I have this much money on me — everything is lined up,” Grant said, recalling what he told the deputies.

They still took his money.

As soon as they left, Grant searched for lawyers on his phone, hired one from Greenville and vowed to fight the seizure.

“I wasn’t going to allow them to take my money,” Grant said. “I was going to fight for what was right.”

Eventually, Grant got most of his money back, but it came at a cost.

His lawyer, Jake Erwin, said most people don’t hire an attorney for forfeiture cases. They’re generally not worth the time because the amounts of money involved are often small, and the cases can be a hassle. It takes time to haggle with prosecutors over a settlement, plus law enforcement has built-in advantages because criminal convictions aren’t necessary for authorities to keep money under South Carolina civil forfeiture rules.

Though he had proof of his income, Grant made a deal with prosecutors. He let them have \$500 of the \$8,000, and he kept the rest after paying Erwin. The case was settled in January 2018, records show.

But the whole thing ended up being a financial loss for Grant after making a half dozen trips to Greenville for court appearances. He had to miss a few potential gigs. “I’m probably in the red \$4,000 to \$5,000,” he said.

The encounter changed the way Grant does business.

In a largely cash economy, Grant said he now wants to be paid in cashier’s checks, direct deposits or money orders.

“It makes you look like a diva,” he said. He’s worried he’s getting a reputation as a difficult artist, but he wants to avoid carrying cash on the chance that it’ll get seized.

“You’re making producers run around, tap dance and jump through hoops,” he said. “I explain to them, look, I’m doing this because my money got taken from me on the road.”

For years, a SC city tried to seize a widow's home. It still might.

It started in 2007 when people in her neighborhood were selling drugs outside of her home while she was at work or asleep.

Mike Ellis

Greenville News

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CONWAY – Everybody used to come out to the aroma of barbecue hog cooked in Ella Bromell’s front yard.

The yard at her small ranch house near downtown Conway was full of life, packed with people standing around or sitting on her picnic bench and folding chairs and singing along to the radio. The picnic table is long gone. The cauldron-looking grill has rusted. Bromell, 72, leans on a post of her front porch and clutches it tightly as if it’s going to fly away.

She knows more than most people the neighborhood’s history. She points to a street corner; that’s where someone was shot. Another house down the street; it burned down years ago. Right over there is where her parents raised her.

These days, she rarely leaves her yard. She said she lives in fear of losing her 1,000-square-foot home.

She’s endured years of efforts by the city of Conway — first by forfeiture, then by foreclosure — to seize her house, an attempt to shut down drug dealers by going after Bromell. For nearly a decade, Bromell has been hiding inside, curtains and blinds drawn. Her husband died a few years ago.

The former housekeeper blares her TV, listening to talk shows in the morning when she hand-washes her dishes. By 11 a.m., she’s planning dinner and supper and sitting in her wood-paneled living room, playing her word puzzles in pen.

Bromell doesn’t venture out much; she leaves primarily to greet her mail carrier at the curb and walks with a leaning gait that comes from decades of cleaning hotels.

If she wants to cook out, she has her niece pick her up, and they go a few blocks away. Away from her neighborhood, where she was born and raised.

Losing her home would’ve been the end.

“I would have killed myself or just die out,” Bromell said. “I don’t want to go nowhere else.”
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Court fights with Conway

It started in 2007 when people in her neighborhood were selling drugs outside of her home while she was at work or asleep. They sold in her yard or on her porch.

Bromell said she tried to get the people to stop selling drugs; she helped raise a lot of the neighborhood boys. She put up "No Trespassing" signs, and she talked to the boys and young men. She put up a fence. She trimmed bushes so passing police could see her porch easier.

"Little old ladies whose property is being trespassed upon can be victimized for a second time by someone seeking to take their property."

Conway city officials told her it wasn't enough, and in 2007 they petitioned to seize her home. Bromell agreed in a 2009 civil settlement to pay them \$5,000 so she could keep her home. Part of the agreement said that if anyone sold drugs on her property again, she would no longer be an "innocent owner" and could lose her house. She would have to pay \$5,000 every time someone was caught selling drugs on her property and she could lose the house if she failed to pay.

Then, twice in 2011, neighborhood drug dealers were caught by undercover agents selling crack, small quantities of 0.3 and 0.6 grams, on her property. Bromell said it happened when she was away or asleep.

And that was enough for Conway city officials to try to seize her home.

"It's an extreme use of forfeiture," said Thurmond Brooker, Bromell's attorney. "It's being used in a way in which innocent people can have their property taken. Little old ladies whose property is being trespassed upon can be victimized for a second time by someone seeking to take their property."

Brooker said the agreement was a bad deal that wouldn't hold up to the weight of law. Drug deals have happened at other homes in the neighborhood, and he couldn't understand why the city chose to target Bromell's home.

"This agreement makes her responsible for the conduct of anyone who walks on her property," Brooker said. "She was living alone. The police alleged that people would come on her property and do drug transactions. There was never any allegation that she was ever involved or had consented to this. This was all without her consent or participation."

The city defended its decisions to try to seize her property.

City administrator Adam Emrick wrote in an email that Bromell's property was the site of (or near to) more than 100 police service calls from 2011 to 2014.

“The City's intent in all of these actions was to protect the public from an extremely hazardous situation and to stop the increased and disproportional demand for police services at the address,” he wrote. “It was unfortunate that the City was forced to seek such an extreme remedy in the Bromell matter as to sue to seize and remove the property from its owner: It would have been preferable if the owner had independently recognized the issues and voluntarily made necessary changes on her own. However, the City has an obligation to the neighbors and the general public to promote a peaceful atmosphere and to maintain community standards.”

In a written opinion in 2017, Judge William Seals Jr. was unsparing.

The evidence against Bromell, he wrote, “consisted of less than a handful of minor drug transactions, shots fired at the residence and an abundance of calls to law enforcement of suspicious activity. Law enforcement ... failed to produce any evidence that the residence was an integral or otherwise fundamental part of illegal drug activity or that the defendant had any actual knowledge of the criminal drug activity taking place at the residence.”

The city’s then-police chief Reginald Gosnell and then-city manager Bill Graham had testified. Seals said Bromell’s home may have been a nuisance and the neighborhood may be “drug-infested” but there was no reason to attempt to seize a home over minor drug charges that didn’t implicate the homeowner.

But despite the clear verdict, Bromell still doesn’t feel at ease in her own home. The city could try to seize it again someday.

Emrick, the city manager, said the city has contemplated future seizures.

“Similar court actions would be employed if any property owner was not responsive to cooperative efforts to quell extreme and persistent disturbances to peace in the community,” he said.

Bromell said she won’t leave her home. “I’m going to try to fight ‘em with every inch of my life.”

How we brought TAKEN to life

William Ramsey
The Greenville News
Published Jan. 27, 2019, Updated Jan. 17, 2020

A first-of-its-kind journalism investigation started with a barber leaving the bank.

The small business owner encountered police with money in his car. Officers seized the bills, \$25,000 in cash meant for a property purchase.

Greenville News reporter Anna Lee was looking at court records later when she saw Ortagus Bennett's file. The newsroom regularly sifts through public data, and Lee had an earlier story fall through.

So she pulled his case to read more.

Lee knew about federal law enforcement seizure of property but didn't know how the broad civil power also given to South Carolina police played out in her state. "I grabbed Ortagus' case because it was incredibly compelling, and because his email address was included in the court filings," Lee said.

When she spoke to Bennett, she learned how life changed after police took his money. His small business, First Class Barber, went into default. He couldn't make payments on his loan or pay the attorney he'd been forced to hire.

Lee's digging led Executive Editor Katrice Hardy to greenlight a statewide investigation of civil forfeiture and how it affects regular South Carolinians.

"A vital part of our role is to be watchdogs for the public officials and agencies that spend taxpayer money," Hardy said. "We take that job very seriously."

"Once we began to understand the scope of this issue in our state, we realized that we needed to broaden the scope of our data collection and on-the-ground reporting. To examine a broken statewide system, we needed to tell the story of how civil forfeiture played out across South Carolina."

Greenville News investigative reporter Nathaniel Cary and Anderson Independent Mail reporter Mike Ellis joined Lee in the fall of 2016 to form the TAKEN team, making this a joint newsroom project. Eventually, USA TODAY NETWORK journalists from Asheville, North Carolina, and Staunton, Virginia, would also get deeply involved.

The team set out to build a statewide examination of every single case of civil forfeiture from a three-year time period, matching the data with other information about race, population, income and talking to dozens of citizens targeted with this kind of seizure.

No similar news investigation has been done for an entire U.S. state, featuring comprehensive asset forfeiture case data, according to national experts.

TAKEN ended up as a unique and definitive examination of how poorly understood, barely monitored civil law powers given to criminal law enforcement agencies in South Carolina have altered lives of its often most vulnerable citizens.

The three reporters crisscrossed the state, driving from courthouse to courthouse to pull paper records not available online. As they also left behind much of their normal newsroom jobs in a new year, they slowly, manually entered the records into what would become a large database.

This two-year investigation is the kind of work our community needs. But it takes time and money. Please support such important work by subscribing:

Legal experts, social advocates and historians across the country began to weigh in on the pattern of “forfeiture” that was emerging from our investigation.

Visual journalists Josh Morgan and Lauren Petracca joined the team as the targets of civil forfeiture started to tell their stories for TAKEN. Michael McGlone, a data expert from the USA TODAY Network’s Asheville site, was brought in for months of records wrangling.

William Ramsey, an enterprise editor from Virginia, took leadership of the investigative project in winter 2017.

Cary worked on the project amid other stories, like ones about Spartanburg County's terrifying serial killer. Ellis, a religion reporter, set aside his beat and was on the other side of the state pulling court records for TAKEN when the Rev. Billy Graham died.

“This team pulled together and dedicated itself to really understanding what was happening in South Carolina and where the system was failing,” Ramsey said. “It’s this study — not just of data but of the wreckage of lives public policy can leave — that marks the vital brand of local journalism the USA TODAY NETWORK is doing.”

The team learned how deep the benefit went for law enforcement agencies living off civil forfeiture money. Many police departments in South Carolina were funding healthy chunks of their annual operating budgets with money taken from citizens in civil actions. Officials said the seized funds played a vital role in making it possible to run drug task forces and K-9 units.

People lost cash and property, with little recourse to get it back — sometimes in cases that didn’t involve a criminal arrest or even a citation, just seizure of their property on suspicion of wrongdoing by them.

Cary watched police officers on the side of the highway take and thumb through a passenger’s wallet to look for bills.

Lee found a case where town officials tried to take an elderly widow’s home through forfeiture because neighborhood criminals were selling drugs on the corner of her property, despite her attempts to stop it.

McGlone ran data queries on what had become a cumbersome set of information. The team got a surprise as results came in — almost two-thirds of people who had their property taken were black men, in heavily disproportionate amounts to S.C. demographics.

“I was getting fired up about what we found,” Lee said, “and I was proud of what we were doing. This was real, impactful journalism, which to me has always been about telling stories to right wrongs and change lives.”

More than 3,000 cases covering 2014-2016 were examined. The team spoke to hundreds of sources after setting aside most other work in late 2017 to dedicate its time to TAKEN.

Any civil forfeiture in all 46 counties of South Carolina was pulled and analyzed for this three-year period.

The Greenville County barber?

Bennett won the battle eventually but perhaps lost the war. His money was returned to him four years after he was pulled over. By then, his business was bankrupt, and he owed \$16,000 to his attorney for services rendered.

He was never convicted of a crime in the case — prosecutors dropped charges against him.

Contributors who worked on TAKEN included: Catherine Rogers, Daniel Gross, Ralph Jeffery, Jan Phillips, Karl Gelles, Ryan Hildebrandt, Kyle Omphroy, James Sergeant, Rebecca Markovitz, Bill Fox, Ron Barnett, Dave Hennigan, Steve Bruss, Shawn Sullivan, Julia Fair, Jeff Schwaner.

He fought off a robber, but police seized his \$1,800

Mike Ellis

Greenville News

Published 11:49 PM EST Jan. 27, 2019 Updated 7:34 PM EDT Apr. 22, 2020

After he was attacked by an intruder, police took cash he had in a closet. Then they came and told him in the hospital.

NORTH CHARLESTON — Isiah Kinloch fended off a robber only to have police take his money.

Kinloch had heard a woman knocking on his door, calling for help one night in October 2015. He opened the door, and a man pushed his way into the apartment, demanding Kinloch give him money and drugs.

He fought the robber off, catching a bottle to the face and throwing a dog's bowl at his assailant, who ran away.

Kinloch called 911 and was taken to the hospital, where he found out his head would be OK. His \$1,800 cash, though? Gone.

It was taken after the robber left, by North Charleston police officers who said they were doing a protective sweep of the apartment. They smelled marijuana, searched Kinloch's home and found less than two ounces of marijuana. They then seized the cash he had in a bedroom closet, chalking it up as drug proceeds.

Kinloch said an officer went to the hospital later that night, squeezed into the room where doctors and nurses were treating him and broke the news.

Kinloch was charged with possession with intent to distribute marijuana, a charge that was later dropped. But police kept the money, and his assailant was never found.

"I really lost," Kinloch said. "I lost my money, my whole sanity."

Earlier that year in February, a tractor-trailer had crashed into Kinloch's car, seriously injuring him. He cracked his head open, cut his organs and shattered his spine.

He started using the marijuana to manage the pain, he said. He was still hooked to a catheter and using a walker when someone tried to rob him.

Putting it back together

Kinloch said he turned to marijuana several months after the crash.

He was taking 27 medications a day, “and that’s not counting things like stool softener,” he said. Some of his pills were strong opioids.

That he was beat up by a stranger who wanted his drugs doesn’t surprise Kinloch. It’s what he’s learned to expect growing up poor in North Charleston. “Where I came from, I’m not supposed to have money like this,” he said. “At least legally.”

But Kinloch said he had earned the money police took from his bedroom. He makes a living as a tattoo artist and cobbler.

It wasn’t the path people expected when as a student he doodled on his school papers.

Kinloch said his family told him to get a job because no one was going to pay him to sit around and draw. “But again, here I am. I get paid to tattoo people’s skin,” he said.

Kinloch said he didn’t know about civil forfeiture when his money was seized. He didn’t know the hoops he’d have to go through to get his money back from police.

The city of North Charleston had attempted to serve him a summons three times at the apartment where he was beaten, but Kinloch had already left, court records show.

He said he never got the notices and didn’t see the \$341 worth of legal ads that ran in the Post and Courier newspaper when prosecutors couldn’t locate him.

Because he never answered the summons, Kinloch’s \$1,847 was forfeited to the police.

How Civil Forfeiture errors, delays enrich SC police, hurt people

Anna Lee, Nathaniel Cary, Mike Ellis
Greenville News
January 29, 2019

South Carolina police don't need proof to seize and keep cash, cars or other valuables.

Errors by police and prosecutors are costing people their possessions or denying them a chance to even fight for money, vehicles or property seized under civil law.

The TAKEN investigation by The Greenville News and Anderson Independent Mail uncovered a litany of problems with a forfeiture system that puts power over personal property in the hands of cops and the state. And it plays out in civil proceedings where citizens aren't provided an attorney or given the right to a speedy trial.

It's something Tonja Flythe-Harkless now knows well.

When Greenville sheriff's deputies arrested her son David Green on drug trafficking charges in July 2017, they knew the truck he was driving belonged to his mother in Maryland. A deputy said in the incident report that her name was listed on the title as the registered owner.

That didn't stop police from seizing the vehicle.

And when it came time to notify any interested parties in the forfeiture action, it's not clear the authorities tried to contact Flythe-Harkless. That's despite her call to the Sheriff's Office the day after her son's arrest, or the two letters her son David wrote from jail telling authorities the truck belonged to his mom.

In December 2017, four months after the case was filed, prosecutors asked a judge to forfeit the 2006 Ford F-350 by default because no one had come forward to dispute the case. The judge denied the request. She had gone through the file and seen David's letters. She told prosecutors to set a hearing.

Still, no one sent Flythe-Harkless a summons until a Greenville News reporter met with 13th Circuit Solicitor Walt Wilkins on April 4 and asked about the case. The court summons was finally mailed to Flythe-Harkless the next day.

Her story is not rare.

The TAKEN investigation identified hundreds of instances where property owners never received notice of forfeiture cases — sometimes because serious errors were made by the prosecutors tracking them down.

In one Simpsonville case, the Solicitor's Office sent a woman's summons to the wrong city.

Another time, in Georgetown, authorities said they couldn't locate a man, who turned out to be incarcerated. State law requires agencies to check the prison system when they're notifying owners of a case.

In a Greenville case, an assistant solicitor said a company named as a defendant in a case couldn't be found. A reporter reached the company after a Google search.

Notification errors we discovered pointed to a larger pattern uncovered after months of interviews and research: a lax system of oversight in South Carolina. We found fear among owners of confronting the police and numerous mistakes among law enforcement that compound the barriers to regaining property.

The result is that forfeiture overwhelmingly ends in the government's favor.

More than 70 percent of forfeiture cases filed against individual property owners from 2014-2016 were won by default, the TAKEN investigation found.

That means the police never had to persuade a judge or jury about the merits of a claim.

It's hard for SC to seize vehicles in drug cases. Mistakes still happen.

Anna Lee

Greenville News

Published Jan. 29, 2019, Updated Jan. 17, 2020

Ivan David's green Cadillac was seized after Chesterfield police found traces of cocaine in his pants pocket in December 2014.

Police in Charleston confiscated Pamela Liljeberg's truck after finding half a pound of cocaine in her son's apartment in April 2016.

Mary Baldwin's Nissan Altima was taken by Spartanburg authorities after her estranged husband sold meth to an undercover officer in December 2015.

In each case, law enforcement said the vehicle had been used to transport illegal drugs but were later forced to return them under South Carolina's civil forfeiture laws. The law allows authorities to seize money and property they suspect is tied to a crime, even if the owner is never charged.

Vehicles require a higher burden of proof than other types of property.

Travelers Rest Police Chief Benjamin Ford, previously a training supervisor for the Mauldin Police Department, said officers can't just seize any car they find drugs in. Officers have to prove the vehicle was used to transport illegal drugs, and the drugs have to meet a weight threshold. "We try to err on the side of caution," Ford said. "If you have an innocent owner who didn't realize their vehicle was being used to do that, we're not going to punish that innocent owner."

The law allows police to use the vehicles for police operations, usually for undercover work, or to auction the cars and keep the proceeds.

Statewide, law enforcement agencies confiscated more than 400 vehicles between 2014 and 2016. In a majority of cases, The Greenville News TAKEN investigation found that the seizures were justified because of the large amounts of drugs involved.

A prime example is a 2001 Volvo station wagon that was seized by the Highway Patrol following a traffic stop on Interstate 85 in Cherokee County. A search of the car revealed two pounds of cocaine hidden in a duffel bag in the trunk. The passengers had gone to Houston, Texas, to pick up the cocaine and were on their way home when a trooper pulled them over for a minor traffic offense.

In August 2014, Simpsonville police stopped Steven Weaver, the driver of a 2001 Mitsubishi, for traffic violations. An officer smelled marijuana, and police searched the car and found six baggies of meth hidden throughout the car in addition to marijuana.

Weaver was convicted of trafficking meth and unlawful possession of a gun. Police seized his car because it was used to transport drugs.

Law enforcement returned about one quarter — 101 out of 415 — of all vehicles they seized from 2014-2016. Most of those returned were returned as part of a settlement with police, either in exchange for money or by agreement to allow other seized money or items to be forfeited to police.

There were also more questionable cases.

Baldwin was in the hospital when her estranged husband contacted an undercover Spartanburg sheriff's investigator about a meth deal in December 2015. Baldwin's husband agreed to sell the officer five ounces of meth for \$5,000, and the two arranged to meet at a truck stop in Cowpens for the drop.

According to the police report, Baldwin's husband arrived at the buy location in a gray Nissan Altima and was arrested with 143 grams of meth in his possession. The vehicle was "taken for forfeiture and seizure proceedings," the report said.

Baldwin fought for her car in court. She told the judge that she bought the 2007 Nissan with her own money that she had earned. She didn't know her husband had taken the car until she discovered it at her son's house. Yes, she was aware of her husband's drug use and addiction but didn't know that he had resorted to selling drugs as well.

The judge sided with Baldwin. In August 2017, the car was ordered to be returned to Baldwin, "in such condition as it may be driven away from said storage location by her."

To get her vehicle back, Liljeberg sent a copy of the title, a picture of the truck parked in front of her home, her son's college transcript and other documents. "Neither my husband nor I consented to, was privy to, or had any knowledge of any use of the truck for purposes making it subject to forfeiture," she responded.

Liljeberg asked for a hearing, saying she'd been deprived of the use of her vehicle for months already, but it took a year before the process began to schedule a hearing.

There is no right to a speedy trial for civil cases.

Soon after, police agreed to return the truck to Liljeberg. Her son is awaiting trial.

At least a dozen times, police seized vehicles when they found amounts of drugs that weighed less than the threshold required by the state's forfeiture statute, our investigation found.

Some, like the 1994 Cadillac owned by David, were returned. Most were kept by police.

The Chesterfield Police Department seized David's vehicle after arresting him for trespassing at an apartment complex in December 2014. When deputies searched David for weapons, they found approximately 0.08 grams of cocaine instead, according to the forfeiture complaint.

The forfeiture went through the civil court process until a judge ordered the police department to submit the drugs to the State Law Enforcement Division to determine an exact weight. Lab reports showed the cocaine weighed 9.25 grains — less than the 10 grains threshold required under state law. The case was dismissed, and police returned the car in April 2016. David pleaded guilty to a possession charge and spent six months on probation.

In Beaufort County, Port Royal police were ordered to return a Ford Crown Victoria that was seized due to 46 grams of marijuana — well under the one pound, or 453 grams, threshold required for marijuana.

The Charleston County Sheriff's Office seized a 2002 Mercedes and Chevrolet Caprice over 271 grams of marijuana in one case. In another case, the same agency seized a 1996 Buick over 350 grams of marijuana. All three vehicles were ultimately returned to their owners.

In some cases, owners sign their vehicles over to law enforcement even when the threshold hasn't been met.

A Ford F-250 was consent forfeited to the Mount Pleasant Police Department after officers found 423 grams of marijuana on the driver. A Toyota Scion was similarly forfeited to the same agency over 448 grams of marijuana.

The weight threshold varies depending on the drug, said Ford, the Travelers Rest police chief.

"I created a guide, a cheat sheet, that's been passed out to all the officers for several years now. If they're not certain then they look at that sheet, they call their supervisor if they need to, and sometimes they may call me," he said.

"There's been some mistakes made, but 99 percent of the time our officers get it right."

This is all I've got: SC grandma pays a price to save home from seizure

Mike Ellis
Greenville News
Jan. 30, 2019

"What the hell is she supposed to do? Is she supposed to put on a cape and go outside and become the caped crusader out here?"

COLUMBIA — Rozina Jarvis stood on the front stoop of the modest red brick home that she's lived in since 1964 — a short walk from Williams-Brice Stadium, where the Gamecocks play football.

The grandmother, now in her 80s with wispy gray hair and penetrating brown eyes, surveyed the enclosed yard. Hummingbird feeders hung on a pole near busy Bluff Road out front. A tent provided shade to a concrete patio where a few plastic chairs sat near a grill.

"This is all I've got," Jarvis said.

Jarvis has sheltered generations of her family under her roof. Inside the front door, dozens of photos of family members hung on the living room wall.

A few years ago, she nearly lost it all. Police tried to seize her home, saying she didn't do enough to keep criminals off her lawn.

According to police documents seeking to seize her home, some of Jarvis' young relatives sold crack cocaine from her yard.

David Wilson, then the Richland County Sheriff's Department chief deputy, wrote a letter to Jarvis in March 2014, saying there had been excessive criminal activity at her address.

He cited 23 offenses over an eight-year period in the vicinity of Jarvis' house. The incidents ranged from narcotics violations to a murder in 2010 and included nine charges of assault.

"Any further incidents involving illegal drugs/weapons at this property location will result in the immediate seizure of this property under state and federal forfeiture laws," Wilson wrote. "No further notice will be given."

Jarvis called Wilson and told him she was aware of illegal activities. She said she was able to stop it during the daytime, but after she went to bed at 9 p.m., people would hang around near her home, on the wide sidewalks nearby and at stores up and down the main drag, according to the deputy chief's report.

The Sheriff's Department tried to seize the house, so Jarvis hired an attorney.

"Your home, that's the thing that you have, you have (sanctuary) there," said Jarvis' attorney, Byron Gipson.

Prosecutors never went to court, and the case was dropped in June 2016.

Gipson said prosecutors might not have wanted to go inside a courtroom to see what would have happened. There are plenty of other ways to go after crime rather than taking a person's home, he said.

"To me, that's the easy solution. That's the bully approach," he said. "You can harass or threaten — why don't you go fix the real problem? You know where this stuff is going on. You try to fix the problem. What the hell is she supposed to do? Is she supposed to put on a cape and go outside and become the caped crusader out here?"

Jarvis kept her house but ended up in bankruptcy. She said the fight to keep her house cost too much.

If SC seizes your vehicle, you're guilty until you prove yourself innocent

Nathaniel Cary
Greenville News
Jan 30 2019

In South Carolina, law enforcement can seize property from innocent people who aren't charged with a crime.

When deputies pulled David Green over for an expired tag on Interstate 85, they said he was carrying a large quantity of drugs.

And since Green was driving a truck while allegedly transporting the drugs — 132 grams of heroin, 32 grams of crack cocaine and 27 grams of marijuana, according to court records — they seized the 2006 Ford F-350. The Greenville County Sheriff's Office planned to take it using a legal process known as civil asset forfeiture.

One problem — Green told deputies the truck wasn't his. It was his mom's. She lived in Maryland and said he could borrow the truck to visit his grandparents in Stone Mountain, Georgia, for his birthday. "I didn't even know he was gone," said Green's mother, Tonja Flythe-Harkless.

In South Carolina, law enforcement can seize property from innocent people who aren't charged with a crime. The law puts the onus on owners to prove they didn't know their property was being used for illegal means.

Of 29 states that have passed civil forfeiture reforms in the past five years, 16 states and the District of Columbia now place the burden of proof on the police for innocent owner claims.

When the deputies arrested Green on July 11, 2017, they noted the truck was registered to his mother in an incident report. Flythe-Harkless said she even called the Sheriff's Office to see how she could get her truck returned.

A handwritten letter from David Green inquiring about his mother's truck and his own case. The truck was seized when he was arrested in Greenville County. ANNA LEE/STAFF

"I've never been in any trouble," she said. "I had nothing to do with my son's case."

But when it came time for prosecutors to seek forfeiture of the truck in court, Flythe-Harkless wasn't named as a defendant in the civil action, so she was never notified of a hearing. Instead, the summons was sent to her son, who was still in jail.

Twice her son wrote to the assistant solicitor assigned to the case, Jonathan Gregory, to tell him the vehicle wasn't his and to contact his mother at the address he provided.

"I would like to know what's going (sic) because he's acting like they didn't know the vehicle was hers," Green wrote in the second letter.

By then it was November. Flythe-Harkless had been without the truck for five months. She said she was forced to rent a car to get back and forth to her job at a public transit office. "I have not once yet been sent any paperwork, any court work that they want to take my truck," she said. "They're supposed to let me know, not my son, and they didn't."

A month later, Gregory filed a motion asking a judge to declare forfeiture on the truck because no one had come forward.

The judge said no.

She told the Solicitor's Office to add Flythe-Harkless as an interested party in the case. When prosecutors finally did — months later and after another letter from Green — she still hadn't been served a court summons.

Nothing happened until a Greenville News reporter met with 13th Circuit Solicitor Walt Wilkins and asked about the case on April 4.

The next day, a summons was mailed to Flythe-Harkless via certified letter.

When her day in court finally came a year after the seizure, Flythe-Harkless couldn't make the trip to Greenville, and her vehicle was forfeited. She appealed, but her appeal was denied.

Her son remains in jail, awaiting trial.

Keep your cash: If you must carry a lot, be smart and safe on the road

Mike Ellis
Greenville News
Jan. 30, 2019

If you want to keep your money, it's best to avoid carrying cash. If police do take your money, your car or your stuff, you may be able to get it back, but you need to be proactive. The best way to avoid civil forfeiture is, for most people, the easiest one: Don't carry anything worth taking. And don't carry illegal narcotics, especially if you're carrying cash.

For travel, use credit or debit cards, prepaid cards, online payment apps or anything that lets you travel with little cash, said Louis Rulli, a University of Pennsylvania law professor who works on civil forfeiture issues.

Almost all of the millions of dollars South Carolina authorities seize each year is in cash, our investigation found.

If you must carry cash, especially more than you can afford to lose, here are a few tips to avoid being pulled over. Most civil forfeiture cases involve people who are pulled over.

- Avoid traveling at more risky times or in risky places, like at night or in neighborhoods where police are more aggressive in traffic stops.
- Be a good driver. Use your signal, stay in your lane, don't speed and keep your insurance papers up to date.
- Don't give police a reason to pull you over. Maintain your vehicles (nicer cars tend to be less likely to get tickets).

There are so many justifications to pull someone over, though, that if an officer has suspicions — you will get stopped, said Ronnie Cole, an Anderson attorney who helped write the state's DUI laws. DUI charges can be thrown out if police fail to follow procedures, including keeping their dash cameras on the whole time.

Civil forfeiture doesn't provide those protections for citizens because it falls under civil law — not criminal — but it's usually based on a drug investigation or suspicion of drug dealing, so much of the general advice for DUIs applies.

If you've been pulled over:

- Be respectful.
- Don't admit fault.
- Don't consent to a search.
- You don't have to talk to the police, but if you don't, that could mean a trip to jail.

- Weigh your options and don't feel pressured into signing anything without an attorney.

There's one more big thing. Are you going to be charged with a crime?

It's possible for police to believe you committed a crime and take your money but lack enough evidence to charge you with wrongdoing.

It's still possible to get your property back — but beware that you will have to admit the money is yours, which is fine if it's legitimate money.

There's a silver lining to your criminal charge: It's about the only reliable way you're going to be able to get an attorney to represent you in the forfeiture case unless you're wealthy. Most attorneys won't consider a forfeiture case without a related charge because it's not worth the time.

Since most of these cases involve cash seizures of \$1,000 or less, the case would have to be a slam dunk to make it worthwhile for a lawyer, said Elizabeth Franklin-Best, a South Carolina appellate attorney who's handled forfeiture cases.

If you weren't criminally charged, and you believe the money is legally yours, act fast. Visit the county courthouse and ask to file a petition to get it back. If you're served a court summons, be sure to respond with an answer within 30 days.

But know going in that most people get only part of their property back.

Inside look: How SC cops swarm I-85 and I-26, looking for 'bad guys'

Nathaniel Cary
Greenville News
Feb. 3, 2019

Operation Rolling Thunder scours the interstate each year in a search for crime and drivers' cash.

SPARTANBURG — The sunlit ballroom falls silent, a line of news cameras trained on a wooden podium. A few dozen law enforcement officers lounge at round tables, sipping coffee, guns holstered.

They fix their eyes on what's behind the lectern: Stacks of cash. Kilos of meth. Bag after bag of pungent, dried marijuana, and cartons of Newports stacked as high as your back pocket.

Pairs of Jordans. Brightly colored purses emblazoned with designer names. A green bottle of Gain laundry detergent, original scent.

One week. Twenty agencies. Patrols saturating the interstates through Spartanburg and Cherokee counties.

They've taken guns from bad guys. Drugs off the streets. Counterfeit goods collected. Lots and lots of money.

These are the spoils.

Later, they'll petition a judge to keep the loot — a haul that will be split among the agencies that assembled for the state's longest consecutive and prominent highway interdiction effort, Operation Rolling Thunder.

Chuck Wright, the three-term Spartanburg County sheriff who started Rolling Thunder early in his first term, strides toward the podium. He's wearing a suit and his blue-and-red tie is festooned with the state's Palmetto flag and crescent moon.

He's here this time with his friend, Steve Mueller, Cherokee County's top cop who Wright nominated as South Carolina's Sheriff of the Year in 2016.

Wright and Mueller stand together. Everyone waits.

"Can you read all that?" Mueller says quietly as Wright glances at a log of statistics from a week of work.

“With my glasses, I can,” Wright says. He looks up at the cameras, “You guys ready?”

Fishing for forfeitures

Wright has been here before, explaining how Rolling Thunder takes "bad guys" off the streets and how drug money and contraband end up in the hands of the law.

Dozens of officers — federal, state and local — target drivers on the county’s two interstates: Interstate 85, which runs from Atlanta to Charlotte, and Interstate 26, which runs from Charleston to Asheville. Agencies send their own officers, pay their wages and use their own cars.

This is Wright's 11th year conducting the program. The 2018 iteration of the law enforcement blitz ran 24 hours a day from April 30-May 4.

One afternoon, officers lunch on Little Caesars and store-bought chocolate cake in a conference room at U-Haul’s corporate office in Spartanburg. An officer carries an AR-15 style rifle up a sidewalk and into the building.

This is Rolling Thunder headquarters, and inside, Wright shuffles through manila folders with operation details as officers prepare to head back out to the interstates.

They aren’t assigned specific locations, so they go looking for prime spots. “Kinda like fishing,” Spartanburg sheriff’s Cpl. Danny Blackwell said.

Few officers trawl for people in Cherokee County this afternoon. Closer to Greenville, they reel in vehicles. It’s hot, and the sun shines in a cloudless sky. Overhead, Wright pilots the Sheriff’s Office helicopter. He’s working on his pilot’s license, and his voice chirps over the walkie-talkie.

Four unmarked SUVs sit at one interchange. The officers inside scan northbound traffic, waiting for a prime target. The radio crackles. One officer has his eye on a silver Accord. “It might be a good one,” he says, because the car has North Carolina plates and is speeding up and slowing down. “I think I can get him,” someone pipes up.

A minute later, an officer confirms he’s made the stop.

Across the interstate, a Sumter County deputy pulls over a flatbed trailer, and the driver stands on the side of the highway. A State Transport Police officer arrives to search the cab.

The driver, a grizzled white man in jeans and a T-shirt, chats with the deputy while they wait in the tall roadside grass. Another officer pats the man down. The man lifts his shirt, empties his pockets, unbuttons his jeans, pulling them down a bit. Nothing to hide.

A search of the truck doesn't turn up anything either. They scribble him a traffic ticket and send him on his way.

There's more action in the northbound lanes. Seven patrol vehicles respond to one stop after a blue sedan is pulled over for a moving violation. The late afternoon traffic slows to a crawl across all three lanes.

Two young black men sit in the gravel, elbows on their knees, heads bowed against the glaring sun. Behind them, a third young black man stands handcuffed.

On the hunt for cash and drugs on South Carolina's interstates

Operation Rolling Thunder goes after criminals, but also people with money who never get charged or convicted.

Josh Morgan, Greenville News

Officers clad in bulletproof vests swarm the scene. The blue sedan is from Massachusetts, and two narcotics officers poke their heads under the hood and seats and through the trunk.

Another officer holds a wad of folded bills taken from one of the passengers.

Deputies charge one man with simple possession of marijuana. The cuffs come off, and the man gets his money back. He smiles and gives a handshake to an officer. They pile into the car and merge into traffic, which has slowed to a crawl near the scene.

There's no rest for the officers. Another target, this time a charter bus bearing Massachusetts plates, is stopped.

Spartanburg County's Blackwell pulls up to the back of the line of cars, dons his official Operation Rolling Thunder baseball cap and hops out to watch. A narcotics agent has crawled inside the bus' cargo hold to remove a black backpack, which he places in the grass.

Time for the K-9 to be called in.

A muscular German Shepherd bounds over and sniffs the bag. The dog is rewarded with a green tennis ball. A deputy then opens the book bag and finds a wallet, but there's no cash inside. He takes out an ID card and steps onto the bus.

A few minutes later, a young black man in a black sweatshirt is led off the bus.

The search of his book bag comes up empty, but a second deputy emerges from the bus with a plastic grocery bag. He takes out a dime-bag of weed.

The deputies walk him back to a patrol car, place the wallet on the hood, untwist the bag of marijuana, and dump the drugs on the asphalt.

The man grinds the marijuana into the gravel with his heel. Then they let him go.

Nearly everyone does something illegal if you follow them long enough, a deputy explains as he points out small violations while driving his unmarked car along I-85.

Officers pull over a lot of vehicles, usually for the most minor of violations.

Failure to signal. A missing license tag light. A car drifting into another lane, even for a second. The ubiquitous "following too closely."

By the time Rolling Thunder ends, 202 people are cited for following too closely, according to statistics the Sheriff's Office releases.

The probable cause for the initial traffic stop is often questionable but can be difficult to fight, Greenville defense attorney Beattie Ashmore says.

"It's amazing to me that suddenly when (Wright) does Operation Rolling Thunder there's a tremendous increase in people following too closely," Ashmore says.

A total of 1,214 tickets are written. Besides following too closely, drivers are cited mostly for improper lane changes, speeding or driving left of center — "dumb little violations," Wright calls them.

On average, officers search every fifth stopped car — hundreds of vehicles in all. They bring in a drug-sniffing dog 128 times. They make 40 arrests, 25 of them for felony offenses.

Beattie Ashmore, Greenville defense attorney

"They're not doing it because they want to help law enforcement. It is a money grab."

Without the incentive for officers' departments to profit from cash seizures, Rolling Thunder wouldn't exist, critics say.

It might only be a few thousand dollars for each agency this year, but some years departments take home much more. Rolling Thunder made almost half a million dollars in 2007, for instance, when officers hit the jackpot on at least one stop by interdicting a massive sum of cash.

"They're not doing it because they want to help law enforcement," Ashmore says. "It is a money grab."

It's one of two major highway interdiction operations that happen in South Carolina each year. Wright modeled his blitz after Operation Strike Force in Florence and Darlington counties.

Like Rolling Thunder, Strike Force draws on multiple local, state and federal agencies for manpower, with officers making hundreds of traffic stops in a concerted weeklong effort. It concludes with a news conference in which the seized loot is displayed alongside piles of marijuana and other illegal drugs, contraband and firearms.

Participating departments share in any profits from forfeited money, according to local media reports.

How one SC county seized more than \$3.5 million in cash in 3 years

Nathaniel Cary Greenville News

Published 10:49 PM EST Feb. 3, 2019 Updated 6:32 PM EDT Apr. 22, 2020

The truck Wright was driving on the biggest call of his career? A 2012 Ford Raptor valued at \$50,000 that he seized in a case.

One case will forever define Chuck Wright's career.

A woman had been found chained inside a shipping container on a secluded property in Spartanburg County, where he is sheriff.

Wright was on the other side of the county. His GPS said it would take 24 minutes to get there.

"I said, nope it won't," Wright said.

It took him six minutes to rush to the scene, he said. The woman was freed, and the man who kidnapped and held her for three months, Todd Kohlhepp, soon confessed to murdering her boyfriend and six others.

The truck Wright was driving on the biggest call of his career? A 2012 Ford Raptor valued at \$50,000 that he seized from a citizen in a high-dollar gambling case. Deputies also confiscated seven other vehicles, a business and \$3 million.

Wright and his deputies regularly use civil forfeiture to seize money, vehicles and other property from citizens. They keep the items for the department's own use or auction them off to pay for certain expenses, he said.

Wright took a step further with the Raptor. He used some forfeiture money to pay off a \$20,000 loan on the truck, then outfitted it with a siren and blue lights and turned it into his company car.

"It runs about 185 mph," Wright said. "It will absolutely fly."

Wright has since turned the Raptor over to a top investigator to use. "This is not your grandpa's truck," Wright told him.

The agency has also seized iPads for deputies and vehicles for narcotics investigators to repurpose as undercover cars. Once deputies asked a judge for permission to send counterfeit sneakers they'd seized as contraband with a church group to Africa.

Wright said he likes to keep as much forfeiture profit in-house as possible.

"I'm a pretty self-contained fella here," Wright said.

Help: Support news reporting in your community

Getting the loot

The Spartanburg County Sheriff's Office seized nearly \$3.5 million from 2014-16 — more money than any other agency in the state. They also confiscated 21 vehicles, 19 guns and other property, including a \$50,000 Aximum watch, over the same time period.

Spartanburg's extensive use of forfeiture comes straight from the top.

Wright, a career-long lawman who speaks with an even-keeled but firm manner in a distinctly Southern drawl, is a local man through-and-through.

He was raised in the mill village of Startex in Spartanburg County, studied at Spartanburg Methodist College and became a county deputy in 1986.

He rose through the ranks and is now serving his fourth elected term as sheriff.

READ MORE: Tattoo artist and cobbler Isiah Kinloch didn't know about civil forfeiture when his money was seized. He didn't know the hoops he'd have to go through to get his money back from police. Or that it would change his life.

Wright's public image is that of a tough-on-crime, God-fearing, gun rights supporter who's unafraid to mix guns and religion into his sheriff's persona in a heavily conservative county.

He's adept in his use of the media to promote his messages to an audience that at times spans the nation:

- He was featured on Fox News in 2011 after he urged women to get concealed weapons permits and sat down with 48 Hours in the aftermath of the gruesome Kohlhepp case in 2016.
- He held a news conference last January to announce his 2018 resolution to make drug dealers' lives "a living hell."
- This January, at a similar news conference again announcing drug arrests, Wright touted President Donald Trump's plan to build a wall along the border with Mexico and said it would slow down drug traffickers, though it wouldn't stop them. "Build a wall, he said, according to WYFF-4 news station. "A lot of that stuff is coming across the border. Build the dang wall."

READ MORE: Seven out of 10 people who have property taken in South Carolina are black, and 65 percent of all money police seize is from black males. Why?

In his first term as sheriff, he started the state's largest and most visible highway interdiction effort, naming it Operation Rolling Thunder.

The operation goes to the heart of how Wright uses forfeiture. You charge somebody with a crime, and there's no reaction, Wright said. But you take their money, and you'll see a drug dealer cry, he said.

His deputies often don't charge anyone with a crime. Sometimes a criminal case can be more difficult to make, even though deputies believe the cash or property is tied to drugs, he said. But, under the state's forfeiture law, authorities aren't required to make an arrest to take items, the TAKEN investigation found.

Sometimes if deputies find a pile of cash but no drugs, they'll relieve a driver of their money and send them on down the road, Wright said.

"Some people don't like it that we can take cash," he said.

Forfeiture revenue has filled the department's coffers over the years and has become a campaign pillar for Wright. On his campaign website, he says deputies are provided with "new equipment and technology such as mobile data terminals, cell phones and Tasers."

Many of those items, Wright said, were paid for with money that law enforcement seized.

Rolling Thunder may be Wright's most well-known operation, but it's not original to him.

Before Wright was elected to office, Florence County Sheriff Kenney Boone ran Operation Strike Force to target motorists on Interstate 95.

Wright saw how it worked and liked the idea, so he started his own operation in 2006. He's done it every year since.

Recently, Wright was training to get his helicopter pilot's license.

During the most recent Rolling Thunder in May 2018, the Sheriff's Office chopper flew overhead, keeping watch on the traffic below to scope out vehicles that tried to evade police by turning off the interstate or in case a chase developed.

Wright was onboard, radioing in the helicopter's position, his familiar voice crackling over the airwaves.

That helicopter is also connected to a civil forfeiture case — the same one that gave Wright the Ford Raptor. Proceeds from that case, Wright sa

“It runs about 185 mph,” Wright said. “It will absolutely fly.”

Wright has since turned the Raptor over to a top investigator to use. "This is not your grandpa's truck," Wright told him.

The agency has also seized iPads for deputies and vehicles for narcotics investigators to repurpose as undercover cars. Once deputies asked a judge for permission to send counterfeit sneakers they'd seized as contraband with a church group to Africa.

Wright said he likes to keep as much forfeiture profit in-house as possible.

“I’m a pretty self-contained fella here,” Wright said.

Police can seize cash in the mail. An innocent man found out the hard way.

Nathaniel Cary

Greenville News

February 11 2019

The next day, his friend told him he hadn't received the delivery, which required a signature to accept.

Ryan Hamer once sat in a Greenville parking lot, broke and hungry, and a friend offered him money to buy food and pay his cell phone bill.

He'd just moved back to town and needed a hand up. His friend came through for him.

Then that same friend found himself in need. He was down on his luck, out of a job, living with his mother in Washington state and in need of money quickly to pay child support, Hamer said. Hamer agreed to loan the man \$6,000.

Hamer didn't want to send cash through the mail, so he went to the post office and asked the best way to mail money. They told him he could buy six \$1,000 money orders, so he did. It was a Friday about noon in March 2016, and the U.S. Postal Service couldn't guarantee it would arrive Saturday, so he went to the FedEx distribution center on Mauldin Road.

Once inside, Hamer dropped the money orders into a FedEx cardboard envelope, and an employee sealed it with tape. He paid a premium, \$64.25, to ship the envelope overnight, his receipt shows.

Hamer took his receipt and left.

The next day, his friend told him he hadn't received the delivery, which required a signature to accept. Hamer called FedEx.

The FedEx employee told him he needed to contact the Greenville Police Department. Officers had seized his package in a legal process known as civil asset forfeiture. The police believed Hamer's package was related to illegal drug trade, according to court records.

Flustered, Hamer called the police. They invited him to come in for questioning. He called his godfather, an attorney, instead.

Hamer, a pilot and part-owner of a flight school at the Greenville Downtown Airport, wrote a letter to the police, explaining what happened. Two weeks after his money orders were seized, he received notice that Greenville police had asked the court to forfeit the money to them.

A public record filed by Assistant Solicitor Sylvia Harrison laid out the police account. Greenville police were working parcel interdiction at the FedEx facility when they began investigating a package mailed from Hamer to a man named Gabriel Black with a Washington state address.

Files belonging to Ryan Hamer related to the money he had seized during a parcel interdiction. LAUREN PETRACCA/STAFF

Harrison's filing said the phone number on the package was "disconnected or illegitimate and the parcel had flaps that were glued and taped down."

Once unwrapped, the package contained a coffee bag and a vacuumed-sealed package with money orders totaling \$6,000, the filing said.

It said the package was over-sealed and padded with foam insulation to try to deter drug-sniffing dogs. Further, the sender paid for the delivery in cash and used money orders to avoid a paper trail, the filing said.

That's not what happened, Hamer said. And he has the receipts to prove it.

He showed The Greenville News receipts for his purchases of six money orders, a receipt showing he paid to ship the package overnight through FedEx and paid for it with a credit card on March 4, 2016. The receipt also listed his phone number, a number Hamer said he used twice to call Greenville police officers before they submitted court records saying the phone number was disconnected or illegible.

The News examined the FedEx slip, and the phone number was legible. It also showed an address in Greenville, also legible, where Hamer still resides.

There was no coffee bag. No foam insulation. No vacuum-sealed packages. No heavily taped box. Just the one envelope that weighed a tenth of a pound, a receipt shows.

When a deputy delivered the summons and complaint at his attorney's office, Hamer said, "Lady, you've lost your mind. I've got you."

Still not made whole

Hamer said he considered just letting the matter go because he was worried about future police harassment, but his attorney convinced him to fight it, and he was glad he did. "I'm sure that it was a huge embarrassment for them. And that's what I wanted," he said.

Since the police department had already filed a complaint for forfeiture, Hamer had to fight the claim in civil court. He provided an answer April 6, 2016. By then, the police had held onto his money for a month.

Ryan Hamer

“Why did they lie? From my understanding, the only reason ... is so they could take the money.”

It took another two weeks to get his money returned. The check from police came with a verbal apology but no explanation, Hamer said.

“Why did they lie?” Hamer said. “From my understanding, the only reason ... is so they could take the money.”

Worse, even with his money returned, he wasn't made whole. He had to pay about \$1,200 in attorney's fees. That still irks him, he said.

13th Circuit Solicitor Walt Wilkins said he wishes those wronged by the forfeiture process could be made whole. He said he'd be open to tweaking the state's forfeiture law to allow attorneys to collect fees in cases where money was mistakenly seized from an innocent person.

“I believe it would be fair — it would not hurt my feelings at all — that they should be made whole,” Wilkins said.

Hamer said he's lost trust in police and still gets angry talking about what happened.

“What I did was not illegal,” Hamer said.

He never did get to send the money to his friend, and he said it strained their relationship.

Presented with the case by The Greenville News, Greenville Police Chief Ken Miller pulled the reports from that incident — the search warrant for the package, the investigative report, photographs of the evidence.

Those reports support Hamer's statements — it was just an envelope reinforced with packing tape, Miller said.

“The form the solicitor submitted is incorrect, and there isn't any reference to that in any of the reports or affidavits,” Miller said. “They are all consistent with the rationale behind the search warrant, the opening of the package, the findings, the photographs are consistent with what Mr. Hamer said.”

The News then brought the case to 13th Circuit Solicitor Walt Wilkins. When told that the police reports supported Hamer's claim that the complaint was untrue, his office scrambled to figure out what happened.

"Everybody's distraught about it," Wilkins said. "In our business, untruths are a big deal so nobody wants to put an untruth in a pleading or a filing."

Harrison, the assistant solicitor who'd handled the case, dug up the Notification of Seizure, a working document police send to prosecutors every time they make a seizure. It also matched Hamer's story, though it said the sender's name didn't come back to the address listed on the FedEx package. She'd added a handwritten note saying that couldn't be true because she'd found Hamer at that address.

Wilkins said his office likely had already shredded other paperwork from the case because it was more than two years old and had been dismissed.

His best guess as to what happened?

"It's possible that there was a miscommunication between this particular case and another case, and they got conflated," he said. "If there was a mistake, it was an honest mistake."

Wilkins said he has three prosecutors assigned to forfeiture who work hundreds of cases a year, filing complaints, tracking down people and making motions. This was one mistake that they tried to make right by dropping the case, he said.

"If I made a mistake," he said. "I'm sorry."

At least 15 times since 2016, Greenville police have seized packages filled with money or money orders — nothing illegal — from the FedEx facility on Mauldin Road.

Many of those cases share similarities to Hamer's case, though none of those people have gotten their money returned.

In almost every case, police said the packages were being sent using fake names or addresses. Only once were they able to track down someone associated with a case, and that person didn't contest the seizure.

Parcel interdiction is hugely profitable for the Police Department. They have the highest monetary value among the forfeiture cases Greenville police have filed.

TAKEN from the mail: Ryan Hamer's money goes missing

He sent money to a friend in need. But it never got there.

LAUREN PETRACCA, GREENVILLE NEWS

Since 2016, Greenville police have seized at least \$236,510 from parcels flowing through the FedEx location. Hamer's \$6,000 was the only amount returned.

Parcel interdiction made up 65 percent of all forfeiture money the agency seized in 2016.

The Police Department began monitoring FedEx shipments in 2016, and it continues today, Miller said. Officers must have permission to monitor on site, though no formal agreement is required, he said.

Sometimes officers just show up to inspect packages. Other times, they'll get a call from an employee asking them to inspect a suspicious package. Sometimes packages will open by accident, and drugs will be visible inside.

FedEx declined to discuss its policy for notifying law enforcement when its employees find money or money orders – not contraband – in packages shipped through the company.

“We routinely cooperate with law enforcement in their investigations, and we do not publicly disclose information about our security processes and procedures.”

Officers will conduct criminal investigations when drugs are found, Miller said, but not once did the department investigate a criminal case attached to those 15 money seizures from FedEx packages since 2016.

Miller said that's because of the difficulty of investigating cases where items are being mailed, usually out of state. It would take coordination with other agencies and too many staff hours to investigate thoroughly, he said.

Greenville's not alone in using parcel interdiction, but it has the most robust program among law enforcement agencies in the state.

The Charleston County Sheriff's Office filed 21 cases from 2014-2016. Many of those cases involved a controlled delivery where drugs in packages are delivered to the recipient, and money is seized from the person who accepts the delivery.

A handful of other agencies also used parcel interdiction in the same time period, mostly during a criminal investigation when officers came across packages of drugs, unlike in the city of Greenville where officers targeted packages of money or money orders. The Horry County Police Department had four cases from 2014-2016, the Berkeley County Drug Enforcement Unit, Dorchester County Sheriff's Office and North Charleston Police Department each had two cases.

Sheriff's offices in Greenville and Lexington counties each had one case, as did the 15th Circuit Drug Enforcement Unit and State Law Enforcement Division. Special agents work throughout the state at various shipping facilities as part of SLED's narcotics team, said Thom Berry, SLED spokesman.

Agents don't just open packages at facilities, Berry said. There's protocol to follow if a package is suspicious, he said. Packages may be damaged or display indications that narcotics may be inside. A drug dog may alert to a package. Sometimes, employees will alert agents of a suspicious package.

Packages may conceal money inside innocuous items like a crossword puzzle or a comic book. But sometimes innocent victims are caught up in the search for drug money, and if their names are deemed fake by police or prosecutors or their address is listed as vacant, they may end up in the same position as Hamer.

When law enforcement seize money from the mail, there's often no interaction with their targets. More often though, it's the presence of cash at a traffic stop or investigation that leads to questions. And some South Carolinians are more susceptible to seizures because they carry the nation's currency.

South Carolinians avoid banks more than the average American, giving them more reasons to carry cash and inadvertently creating more opportunities for police to seize that cash.

Some of those who can least afford to lose their cash — low-income, black people living in rural areas or many workers in the hospitality industry — are most likely to not use banks and are therefore most likely to carry cash.

Police don't often seize credit cards or debit cards or checks; just cash — up to a million dollars a year in South Carolina from people who are never arrested, according to three years' worth of forfeiture data analyzed by The Greenville News TAKEN project team.

If those citizens had carried plastic instead of cash, they'd have kept their money.

"People who rely on cash are being squeezed out, and they're probably on the lower end," said Rob Baumann, chair of the economics and accounting department at the College of the Holy Cross in Massachusetts.

More than 55 percent of black people in South Carolina either don't have a bank account or rarely use it, according to the Federal Deposit Insurance Corp.'s 2015 National Survey of Unbanked and Underbanked Households. That's compared to 22 percent of white people.

Those who could most benefit from a bank account to avoid check-cashing or bill-paying fees — people earning \$15,000-\$30,000 per year — are most likely not to own or use an account, according to the FDIC report.

Andrew Ittleman, a partner at the Miami financial law firm Fuerst Ittleman David & Joseph, said a lot of low-income people avoid banks for many reasons: they could have poor credit; they could be migrants or immigrants or anyone else who prefers the privacy of cash; they could have a cultural distrust of banks.

Ittleman said he's also worked with Holocaust survivors who avoid banks.

Distrust of banks is also common in some black communities because of a variety of historical factors, including redlining, the discriminatory practice in which banks helped keep desirable areas white through unfair loan practices, said Vernon Burton, a Clemson University history professor who specializes in race relations and the South.

Decades of experience with banking have left many people preferring to hold their own money, he said.

Banking system problems

Race is a factor in the cash economy, but so too are wages and location and culture — the preference for cash passed down through generations.

The largest factor? Where you live. Those who live in rural areas are most likely not to have a bank account at all. Sixteen percent of those who live away from a metro area don't have a bank account, according to the FDIC.

In the coastal parts of South Carolina where some of the state's most aggressive civil forfeiture operations are located, restaurants are big business.

About 17 percent of workers in the Myrtle Beach metropolitan area are in the restaurant industry, according to the Bureau of Labor Statistics — the highest concentration in the continental U.S.

Many restaurant workers keep late hours, leaving work late at night, which could also increase the risk of getting pulled over and searched. That increases their exposure even if they've done nothing wrong, said the Rev. Romando James, a Clemson University emeritus professor of family and youth development.

David Smith, a Virginia attorney who helped to author the nation's civil forfeiture rules in the 1980s, said the only surefire way for people to avoid civil forfeiture of money is to avoid carrying our national currency at all.

Bootlegging Greenville case in 1937 broke ground for forfeiture

Mike Ellis
Greenville News

An inside page of the Jan. 6, 1937, Greenville News is mostly classified ads, highlighted by a comic.

It shows a mom and a dad in front of a camper hitched to a car. Dad's reading a letter and tells Mom: "I'm afraid Junior won't stick it out at Clemson — he's homesick!"

That's the whole gag.

Further down the page, alongside ads urging people to start driving a Dodge, is a small, hardly noticeable, legal notice. It's a forfeiture summons, signed by U.S. Marshal Reuben Gosnell.

"I have seized one 1936 Ford V-8 Deluxe Coach Motor No. 18-3306511, owned by or supposed to be owned by Benjamin Guy Walker and Archie Williams."

It's followed by a court date for anyone who might have a claim to the car.

Walker and Williams had been arrested a month earlier. Their Ford was seized after federal and state officials found 10 gallons of illicit liquor in the car.

The marshal's small ad on page 11, sandwiched between apartment listings (\$40 for a 5-bedroom on Washington Street) and a couple of death notices, would become one of the building blocks of civil forfeiture in America.

One 1936 Ford V-8 Model Coach

Eighty years ago, the bootlegging case against Walker and Williams drew little scrutiny.

A few months after the legal notice ran, they pleaded guilty to removing and concealing untaxed spirits. They were sentenced to three months in the Newberry jail and ordered to pay a \$100 fine. Three others pleaded guilty in unrelated cases that day to the same post-Prohibition charge.

A judge decided to declare forfeiture on their car because it was used to transport the illicit booze.

Nothing about that was unusual until the car's real owner claimed not to have known it was used to bootleg moonshine.

The case went all the way to the U.S. Supreme Court, and in 1939, the justices made a narrow decision. Forfeiture should be avoided, whenever possible, and it should be conducted “only when within both (the) letter and spirit of the law,” the justices ruled.

Someone bringing a whisky bottle onboard a train doesn’t give the government the right to seize the whole train, the justices said.

But their decision only applied to the specific way some forfeiture cases were being handled during Prohibition — when judges, rather than prosecutors, had the authority to seek forfeiture of property.

The narrowness of their ruling left the broader scope of the fairness of civil forfeiture untouched. Did the bootleggers’ punishment fit their crime?

Today, law enforcement officials routinely seize large amounts of money and valuable cars. Sometimes only small amounts of drugs are found, or no drugs at all.

But a new Supreme Court case, also involving a vehicle seizure, may shift the scope of forfeiture in the future.

The Supreme Court justices heard arguments for *Timbs v. Indiana* on Nov. 28. The case involves a \$40,000 Land Rover those police seized after they busted the owner, Tyson Timbs, for dealing a little less than four grams of heroin.

Timbs says the punishment was excessive and argues the Eighth Amendment’s ban on excessive fines should protect his property from seizure on the state level.

If the justices agree, civil forfeiture could be reined in and change dramatically.

The decision would come nearly 80 years after the widely cited *Greenville* case allowed forfeiture to continue — and eventually expand — in scope after Prohibition.

From pirates to kingpins, the strange legal history of civil forfeiture

Mike Ellis

Greenville News

As with most good tales, this one starts with pirates. Or rather, privateers, who are basically pirates but with less killing.

From America's earliest years to the modern day, the government has taken money and property from citizens to pay its bills.

It began with pirates and privateers, morphed to go after moonshiners and later Mafia dons, and now targets the Land Rovers of small-time drug dealers.

Police agencies in South Carolina use the controversial practice to take money and property from its citizens — outside the criminal law and regardless of arrest.

Forfeiture remains an important funding source to boost police budgets, but many of the old reasons for forfeiture no longer apply, said Louis Rulli, a University of Pennsylvania professor and expert in forfeiture.

The tactics once used against organized crime leaders and drug kingpins now most often target low-level drug offenders who carry relatively small amounts of cash.

Forfeiture laws once again need reforms to go after the bad guys, not ordinary citizens, Rulli said.

How did we get here?

It begins on the high seas in a time before the Revolution.

Aye, matey

The history of forfeiture is a critical, often ignored, part of America's founding.

As with most good tales, this one starts with pirates. Or rather, privateers, who are basically pirates but with less killing. And they carried letters from the government giving them legal authority to seize cargo and ships.

The British government demanded, with the Navigation Act of 1660, that virtually

Ship it to or from France, and British Royal Navy officers or British privateers could seize the cargo and the ship. They could even seize the horse and buggy used to move it off the docks.

British authorities expected the colonists to do the same, but the colonial juries wouldn't convict people, and the crown lost money. So it moved the legal system into one supervised by British admirals.

Taxation without representation. That system, the template for today's civil forfeiture, was once a spark for revolution.

Privateers were then dispatched to find smuggling ships, and during wartime (the War of 1812, the Civil War and the Spanish American War), privateers became a critical part of America's national defense.

America's limited navy seized 250 foreign ships during the Spanish American War, privateers seized at least 1,200. Even then, forfeiture was a cash cow for the government.

When America became its own country, customs or import taxes were 80 to 90 percent of the nation's income. There were virtually no other taxes. Customs were enforced through forfeiture; a ship that didn't pay would have its cargo seized and auctioned off.

There was no easy way to go after the ship's owner, almost by definition a wealthy person in another country, so laws allowed officials to seize the goods, which, lacking any tax stamp, were considered to be guilty — the proceeds from a crime.

Civil forfeiture began to wither by the early 1900s; the last American privateer was employed at the beginning of World War I.

everything shipped from the New World had to go to Britain and anything coming to the colonies had to first go through Britain. All of it taxed for the crown.

The advent of Prohibition, and the influx of money, gave law enforcement a new way to use civil forfeiture laws.

They began to seize souped-up Buicks, fancy Fords and big guns, giving Johnny Law the same tools as the criminals.

Bootleggers and moonshiners were tough to convict — sympathetic juries were reluctant to sentence someone for something they may well have been doing themselves on the weekend. So seizing the cars and the cash and the guns was the next best option for many police chiefs.

Sure, the moonshiners would be back at it, but they'd be hurt in the pocketbook, at least for a bit.

When Prohibition crashed, the illicit liquor kept flowing. The law used civil forfeiture to recover a bit of the money that should have been paid in liquor taxes.

Soon, the cops and prosecutors turned their focus — and use of civil forfeiture — toward organized crime.

Mafia bosses were notoriously difficult to convict and even harder to keep behind bars. Even when convicted of money laundering, tax crimes, or even murder, the dons would be free in a few years to go back to their sprawling mansions.

Prosecutors began to seize their assets instead. Even then, civil forfeiture was used sparingly, targeting kingpins and using the well-tried legal theories.

The next front for civil forfeiture was around the corner.

In the late 1970s, David Smith, then a federal prosecutor with the Justice Department, began experimenting with using civil forfeiture to target drug dealers' riches.

In the early 1980s, he set up the department's first unit specializing in civil asset forfeiture as part of the War on Drugs.

The idea was to impede drug dealers by taking the luxury cars and mansions of the kingpins. They didn't worry about the cars of street dealers. Arrest a drug dealer, and another one takes his spot. Take a shipment of drugs off the street, another one is on the way.

But hit at the starting capital of a drug enterprise and you can take out the enterprise, Smith said.

It's just a business after all, he said. They're the CEOs, and going after the boss's car and house and bank accounts is the best way to hobble a criminal organization, he said.

Smith began evangelizing for civil forfeiture. He begged police organizations around the country to take up civil forfeiture. He had few converts.

Until, that is, Congress passed a law in 1984 that allowed local police to share in the money seized and allowed the seized money to be spent in more ways.

Smith's phone began ringing off the hook. Everyone wanted a part of civil forfeiture.

When it was about knocking down kingpins? No interest. But once police realized they could make millions, everyone wanted in, Smith said.

Civil forfeiture's heyday began in the 1980s and continues today.

Courts upheld key aspects of the law, including a U.S. Supreme Court decision to reject the innocent owner defense after Detroit police, using the city's nuisance abatement laws, seized a station wagon from a couple when the husband was caught parked on a city street with a prostitute. The man's wife, a joint owner of the car, argued she didn't know he was with the prostitute and so she shouldn't be financially punished by the car's forfeiture.

Civil forfeiture had changed a lot since a 1939 Greenville case, when Supreme Court justices applied standards of reasonable seizures.

Throughout the 1990s, Congress and state legislators grappled with putting limits on civil forfeiture.

The biggest effort, a 2000 law, required the federal government to get a warrant to seize property and gave timelines for when people needed to be notified that their property had been seized.

But the reform left in place the incentives for police, and the federal agencies still got to keep the seized money, said David Pimentel, a University of Idaho law professor who has written extensively about civil forfeiture.

It's not a very well-studied field for academics, he said. He has difficulty finding peers who can review his work.

After the 2000 reform for federal seizures, there is new momentum to put restrictions on civil forfeiture. It's being done statehouse by statehouse.

However, there is also a huge deference given to precedent, and years of judicial decisions supporting civil forfeiture make it unlikely forfeiture will be done away with entirely, Pimentel said.

He lost his truck to civil forfeiture. Soon he'll be in U.S. Supreme Court trying to get it back

Tyson Timbs lost his truck to civil asset forfeiture five years ago, after he pled guilty for selling drugs. Learn about the resulting U.S. Supreme Court hearing.

JENNA WATSON, INDIANAPOLIS STAR

A few possible legal challenges could undo, or greatly restrict, millions of dollars in future forfeiture cases. It's money that city managers and police chiefs throughout the state and country rely on to beef up their budgets.

Originally, the 10 amendments of the Bill of Rights only applied to the federal government, but one by one through history, the Supreme Court has said the amendments apply to states as well. The Court has yet to rule on significant parts of only two amendments: the Third

Amendment's prohibition on soldiers quartering in private homes and the Eighth Amendment's prohibition against excessive fines.

That's where Supreme Court justices could restrict civil forfeiture.

The Supreme Court heard oral arguments Nov. 28, 2018, in an Indiana case involving a small-time drug deal and a pricey Land Rover owned by Tyson Timbs.

Timbs became addicted to pain pills after an accident, switched to heroin and was caught in two undercover drug deals, one for \$225 and another for \$160.

When he was convicted, receiving house arrest, prosecutors in Indiana wanted more than the \$10,000 maximum fine. They seized his \$41,558 2012 Land Rover LR2, which he had bought with inheritance money and had used to drive to buy drugs.

Associate justice Neil Gorsuch "sided with the Court's liberals because he thinks the federal government has too much power," wrote Vox in 2018 about the civil forfeiture legal discussion. JACK GRUBER/USA TODAY NETWORK

Timbs and his attorneys called it an excessive fine. Lower courts agreed but the Indiana Supreme Court disagreed on grounds that the Bill of Rights clauses hadn't been applied to Indiana state law.

Justices seemed in agreement during oral arguments that the Eighth Amendment would apply to states, arguments that had mostly been settled long ago.

At one point, Justice Neil Gorsuch said, "here we are in 2018 still litigating incorporation of the Bill of Rights. Really? Come on."

Most of the justices questions dealt with the scope of forfeiture — at what point are fines considered excessive?

The Court hasn't yet ruled on the case. If the Court decides to put limits on forfeiture, it could change how police across the country use the civil law to reap millions in forfeiture proceeds.

Got the receipt? It could be key to recovering items seized by cops

Nathaniel Cary
Greenville News
Feb. 3, 2019

Police need only to allege the money, car, gun or television — the most common items seized — could be tied to a crime to keep it. To get your stuff back, you need to prove where it came from.

The burden of proof is on the owner when it comes to civil forfeiture in South Carolina.

But it's not enough to just say where it came from, like "this is a TV that my sister bought for me," said Jake Erwin, a Greenville defense attorney who has handled many forfeiture cases. You need documentation to back it up.

"Who has a receipt on a TV they bought five years ago?" Erwin said. "I challenge anyone to find that paperwork."

Over three years across South Carolina, law enforcement seized more than 200 televisions. It returned 26 televisions when people contested the seizure.

If you operate in a cash economy or regularly carry money for business, it can be tough to prove your money wasn't drawn from a criminal act, Erwin said.

"Let's say you're a bartender or something like that and you get tipped out at the end of the night," he said. "Part of your paycheck is a wad of cash you take home at the end of the night. You're not going to be able to prove where that came from."

Often, law enforcement officers seized electronics or furniture when they made arrests or found drugs at a residence. In many cases, officers failed to find cash to seize and decided to take electronics like speakers or game consoles.

In one 2015 North Charleston case, officers responding to a drug complaint found marijuana and a plunger stuck in a toilet, but no cash. They arrested three men on drug charges before seizing their television set, a Playstation 4 and a set of speakers.

Trail of targets shows breadth of lives changed by forfeiture

As we went around the state and examined the broken system of police seizures, we kept collecting people's stories.

Anna Lee, Nathaniel Cary, Mike Ellis
Greenville News
Jan. 27, 2019

They are all very different, this trail of people targeted by South Carolina police. An auto mechanic, the owner of a barber shop, an NBA star, a man renovating a home for a relative, a guy pulling up to a backyard cookout — carefully coming to a halt at a stop sign and confident his driver's license is valid.

What they have in common is that we found them amid the files of more than 3,200 people snagged by South Carolina's civil forfeiture laws. As we went around the state and examined the broken system of police seizures, we kept collecting people's stories.

Regular South Carolinians, in trouble with the law for minor violations — or not in trouble at all. Not charged, not arrested. But they nevertheless had their property threatened or taken. The cases were not actually about them at all. Under the law, the relationship is between the police and the property. The authorities seized it and want to keep it. They make money from it.

The court filings even read this way: "The State of South Carolina, County of Laurens ...v. \$53,788.73 in US Currency, a Quantity of Collectible Coins and Bobby L. Tucker, an Interested Party."

Doris McMullen, who, after 20 years, had her husband's seized money returned to her. The money wasn't linked to drugs, but they just took (it). The police seize money, don't anybody ever think they're gonna get it back.

When police take your money or property, you likely won't get it back. If you do, you might have to spend your own funds on legal fees, and it may take years to get it returned, our investigation found.

Doris McMullen got her husband's money back 20 years later, long after he died. "The money wasn't linked to drugs, but they just took" it, she said. "The police seize money, don't anybody ever think they're gonna get it back."

These are stories of citizens' property targeted for forfeiture, from the files of the TAKEN project, that show the different situations in which people can have their property

seized. These were compiled largely from court records. Some other sources include reporter interviews, police records or dashcam video.

Christopher Lee's SUV

Away from the salt marshes and wooden boat docks that ring James Island near Charleston but close enough to smell the ocean air, a sheriff's deputy pulled over a 2004 Chevrolet Trailblazer for a traffic violation.

The SUV stopped along Folly Road — for most people, that's the main thoroughfare to Folly Beach and a vacation — but for this driver, it was an intersection with gas stations, fast-food restaurants and a Walgreens a half-mile from his home.

The deputy smelled marijuana, and the black driver in his early 30s, Christopher Lee, copped to the drugs, according to court records. He reached inside the SUV to pull out a cigarette box from the floorboard. The box held a single homemade marijuana cigar.

That alone wouldn't be nearly enough drugs to seize Lee's vehicle according to South Carolina's civil asset forfeiture statute. State law says police can't seize a vehicle unless they find more than a pound of marijuana.

But what the Charleston County deputy found next would qualify.

When the deputy searched Lee, he discovered a bag with 21 grains of cocaine in his pants pocket, an amount that's commonly bought for personal use. In a civil filing, the deputy gave no indication Lee planned to sell the drugs, but because South Carolina law allows police to seize a vehicle when they find more than 10 grains of cocaine, the deputy seized Lee's truck and arrested him.

Lee was charged with a felony for the cocaine possession. It was his first offense.

The incident occurred in April 2014. The civil case would stretch on for more than a year and a half. Unlike many people, this forfeiture target was able to use a lawyer.

Lee's attorney, David Aylor, represented both Lee's civil and criminal cases, and Lee denied he was using the SUV to transport drugs to sell. Attempts to reach Lee were unsuccessful. Lee pleaded guilty to a lesser charge of misdemeanor simple possession of cocaine in March 2015. He paid a fine and received a year of probation, but it would still be months until his forfeiture case was handled.

Just after Christmas in December 2015, a judge signed off on a settlement between the sheriff's office and Lee. The department would return his vehicle to him. But only after Lee agreed to pay \$500 to them for storing his SUV for more than a year-and-a-half.

Rodricus Williams' money

Rodricus Williams had borrowed \$8,000 to renovate some property he owned when police stopped him near Self Regional Hospital in Greenwood.

The officer said he smelled marijuana coming from Williams' Grand Marquis and saw Williams drop what appeared to be plant material and a baggie from the car. A search revealed marijuana in plain view inside the car.

In forfeiture filings, police said 47 grams of marijuana and \$8,650 was found in Williams' possession.

But a lab report recorded a much smaller amount of marijuana — only enough for a simple possession charge.

Williams hired an attorney, and the case went before a judge. At the hearing, Williams testified he had borrowed money from his sister and girlfriend's mother a few days before he was stopped. He planned to renovate one of the units in an apartment complex that he owned and rent it out to his girlfriend's relative.

The judge heard from Williams' girlfriend and the girlfriend's mother, both of whom corroborated his story. They said Williams, who worked full time at a film plant, was improving the property as a favor to the family.

But it was dashcam footage of the traffic stop that ultimately helped Williams win his case. The video showed Williams driving with the windows up, a full city block ahead of the officer before the officer's blue lights came on.

Smelling marijuana was "improbable," the judge wrote in a court order. The order also referenced a copy of a lab report that listed only 17 grams of marijuana.

No explanation was offered as to what happened to the remaining marijuana, the judge wrote, "nor any testimony as to where, how, or by whom it was found."

Williams pleaded guilty to a lesser marijuana possession charge in November 2017. His civil case took another six months to resolve.

In May of 2018, the judge ordered the money to be returned to Williams. The state, the judge said, couldn't prove that the money came from drug dealing.

Williams had gone more than a year-and-a-half without the money earmarked for the apartment renovation.

Anthony Morrow's old car

Anthony Morrow spent a decade in the National Basketball Association as a three-point specialist for seven different teams. He now coaches youth and runs an annual tournament. He earned a reputation in the NBA as a reliable veteran presence who never garnered the wrong kind of headlines during his playing days.

He certainly never considered his name would be tied to a South Carolina case involving dealing drugs.

And yet here he was, on the phone with a reporter, learning that his name was listed as an interested person in a case where police in South Carolina found marijuana in a car he no longer owned.

His name was attached to a drug case through no fault of his own. And he had no idea.

Just like Morrow, other people's names could be attached to these types of civil cases, possibly without their knowledge. Background checks likely wouldn't have found it, since it's a civil case, not criminal. But in the wrong context, or without explanation, it could damage a reputation.

Here's what happened to Morrow's used car.

Morrow sold his North Carolina-registered 2009 Dodge Challenger, through a broker, in October 2015 to Michael Mickens, who then paid \$507 in Richland County taxes on the car. Mickens was pulled over in South Carolina that December, after the sale had gone through and after the taxes were paid but before the sale had fully processed, and authorities said they found almost four pounds of marijuana in the car.

Court records show Mickens was charged and convicted of possession with intent to distribute.

Morrow, who had nothing to do with the car any more, was named in the civil forfeiture action.

Even though authorities acknowledged that Morrow had legally sold his car, he was still listed as a defendant in a case involving drugs. That's a professional liability, for Morrow as well as anyone else.

Morrow said he appeared to have done everything right. "It's just wild," he said.

Brandy Cooke's tips

Brandy Cooke thought she was doing her friend a favor when she gave him a ride to a Myrtle Beach sports bar in January 2014.

She was still in the parking lot when agents with the 15th Circuit Drug Enforcement Unit approached her car with their guns drawn. Her friend, it turned out, was wanted on a drug distribution charge, and police had arrested him as soon as he arrived at the bar.

Cooke was patted down for weapons, and her car was searched. Officers found \$4,670 between the driver's seat and center console. No drugs were found in the car or on Cooke.

Both parties disputed what happened next.

The DEU claimed Cooke's friend had given her the money to pay her back and said she agreed to sign the cash over to law enforcement after acknowledging it was "drug money."

Cooke denied doing that and claimed she was tricked into signing a consent form. "The agent covered a portion of the signature page with his hand and assured her it was nothing more than a receipt," Cooke's attorney said.

Cooke had made repeated attempts to get her money back before hiring the attorney. At the time of the seizure, Cooke worked as a waitress and didn't have a checking account. She had planned to pay off her bills with the money, her attorney said.

"The consequences to my client have been devastating."

The assistant solicitor over the case argued Cooke had signed over any rights she had to the money. The case went back and forth for another year and a half.

Cooke's attorney said his client wasn't charged or arrested and had "no drugs nor indicia of drug dealing on her person or in her vehicle."

If the premise of the forfeiture was based on an arrest in a building some distance away on year-old warrants, he said, then "please be advised that we are willing to take that case to the Supreme Court, if necessary."

The parties eventually reached a settlement in June 2015. Cooke got \$3,670 back; police kept \$1,000. She likely had to pay her lawyer and had gone without her money for more than a year. Multiple attempts to reach Cooke were unsuccessful.

Mikee Albin's RV

Heads, the state wins. Tails, you lose. That's how civil forfeiture works in South Carolina, said David Canty, a Myrtle Beach attorney who won this case but said he ultimately lost.

In this story, everyone lost money, including the Horry County Police Department, which had to pay out tens of thousands of dollars for improperly seizing a man's motor home, according to court records.

Canty represented Michael "Mikee" Albin, a 65-year-old prostate cancer patient, Vietnam War veteran and restaurant owner whose RV was seized in a 2009 forfeiture case. In January 2009, state agents began an investigation into Albin's North Myrtle Beach bar and restaurant, Putters, for illegal gambling. A cook at the restaurant befriended two undercover agents and sold them an ounce of marijuana from the kitchen for \$100, according to records.

That, and nine video poker machines, gave authorities cause to search Albin's 1994 Monaco RV. The restaurant had been burglarized six times in recent years, and Albin had moved into an RV in the parking lot. Authorities found a total of four ounces of marijuana in the RV, records show. Albin maintained he didn't sell the drugs but said he did smoke weed with others in the RV, including restaurant customers.

David Canty, attorney who represented Michael "Mikee" Albin, whose RV was seized in a 2009 forfeiture case. "There's no incentive for prosecutors to not run you through the wringer. So they ran us through the wringer."

However, South Carolina's forfeiture statute requires at least a pound of marijuana to be present before a vehicle can be seized.

To bypass that law, the Horry County police Department argued the RV wasn't a vehicle but a container that held marijuana and therefore, not subject to the one-pound threshold for vehicles.

The state appeals courts rejected the argument.

"If that's a container, then the whole law is meaningless," Canty said.

Authorities had sold the RV by the time they were ordered to return it two years later. Albin died in June 2012, shortly after learning he had won the case. Albin's estate was awarded \$57,000 — less than the \$70,000 Albin thought the RV was worth — but more than the \$17,000 authorities got for selling it.

The Police Department and the 15th Circuit Solicitor's Office were ordered to make up the difference by withdrawing \$40,000 from their stockpile of other forfeiture profits.

The fight to get his property back cost Albin. He paid \$30,000 in attorney fees – money he never got back. "There's no incentive for prosecutors to not run you through the wringer," Canty said. "So they ran us through the wringer."

Albin had sought to get authorities to foot his legal bill, which Canty said would have forced them to be more careful about what they seize. The request was denied. The state's forfeiture law doesn't require judges to award attorney fees in cases where police improperly seized property.

Without repercussions for illegitimate seizures, Canty said, police have only incentives to seize property.

Justin Long's lottery winnings

Justin Deon Long's pocket was full of cash as he drove along U.S. 701 by the town of Loris near the North Carolina border.

Two weeks earlier, he'd cashed in on a winning lottery ticket in North Carolina. Now richer by \$4,710, He was driving along the highway minutes away from home when he saw the trooper's blue lights.

The trooper said Long didn't have a properly displayed vehicle tag, but when he approached the vehicle, he could also smell "the odor of marijuana emitting from the vehicle." The trooper also saw a handgun in the passenger side door, so he asked Long and two women passengers to get out of the vehicle.

When he patted them down, he found what was described in court records as "a large sum of cash."

In the car, the trooper found a small bag with three grams of marijuana, roughly \$35 worth, in a clear plastic bag tucked into the pocket behind the front passenger seat.

Police also found a second empty plastic bag that police said was "consistent with the sale of marijuana."

Long faced no criminal arrest. He was given a \$25 fine for a seatbelt violation. No one claimed ownership of the marijuana.

But police seized the cash in Long's pocket anyway.

The reason stated in court records? Long didn't have a job but had paid for a new vehicle in cash. Officers also found numerous scratch-off tickets and receipts totaling \$9,000 for repairs done on another car.

When asked about the cash he carried, Long told police he'd just won \$5,000 in the North Carolina lottery, and then he showed documents that confirmed he'd received the check for \$4,710 two weeks earlier.

Still, the police took the money. Two months later, an attorney for the police department filed a summons to complete the forfeiture of the cash.

Another three weeks passed until the summons was delivered to Long on Nov. 17. He hired an attorney to fight it and denied the police department's claim that the money was related to drug trafficking. In his answer, Long said the department's case as laid out in the forfeiture filing "seems to be a narrative" and demanded proof of their allegations. He asked for a jury trial.

The case sat for a year, until November 2015, before the process began to assemble a jury.

By the end of the month, the two sides had reached an agreement outside of court and agreed to settle the case. Long, who was never charged with a crime, received \$4,000 back. The police kept \$505.

Attempts to reach Long were unsuccessful.

Bradley Atwater's bills

When Bradley Atwater checked himself into Palmetto Baptist Hospital in Columbia with cuts on his arm, hospital staff found a small knife in his pocket and took his clothing and possessions.

Then they found a small pink bag with about \$20 worth of meth inside, so staffers decided to call the police, according to court records and an incident report.

When Columbia police officers arrived, they processed the meth, but they also found something else — money.

Atwater had carried \$1,748 in cash and another \$5,000 in money orders into the hospital when he arrived that day in January 2014. Police seized the money and charged Atwater with possession of less than one gram of meth, his first offense. He sat in the county jail for 16 days before he was released on a \$4,500 bond.

Palmetto Health's safety policies require employees to notify hospital security whenever they become aware of illegal activity during patient care, said Tammie Epps, a hospital spokeswoman. The security team then reports it to local law enforcement, she said.

From there, the forfeiture process played out like so many others in South Carolina.

The Columbia Police Department filed paperwork with 5th Circuit Solicitor Dan Johnson seeking forfeiture of the cash and money orders on March 6. By the end of the month, the county attempted to serve the summons and complaint on Atwater at his home.

When a deputy showed up at 6:30 a.m. at Atwater's modest three-bedroom home in Blythewood, he found the house vacant.

Atwater had moved out of the home, which was in the process of foreclosure, according to court records.

Atwater had a pending foreclosure case, had a pending criminal charge and had received a surety bond through a bond agency, but authorities couldn't locate him.

Instead, they took the one action currently required by most judges in cases where a subject couldn't be located. They placed an advertisement in the legal notices of the newspaper, the Free Times in Columbia.

For three weeks in September, a legal notice ran deep inside the classified ad section of the plucky local alternative newspaper.

If Atwater had happened upon one of the dozens of locations to pick up a copy of the free weekly paper, he could have flipped deep into the paper, past the cover stories about the Columbia police chief closing its drug lab or an expose on the meaty secrets of Arby's or a new gelato shop in town to find the lengthy paragraph that listed details of the case including Atwater's name.

But Atwater didn't respond to that notice, and the judge issued an order, declaring the money had been forfeited to Columbia police by default.

By March 2015, Atwater had pleaded guilty to misdemeanor drug possession and spent two weeks in jail as part of his sentence.

Three years later in a brief conversation through social media, Atwater gave his thought on the incident. "Yeah, they stole like 8 thousand dollars from me all together," he said.

Andracus Craig's cash stash

Every now and then, police will seize alleged drug money when no drugs were found.

Andracus Craig was one of these cases.

In March 2009, a Greenville K-9 officer stopped Craig for driving too fast for conditions.

The officer — claiming his dog made a “hit” on the vehicle — searched Craig’s car and seized \$4,994 from the bottom of the console. The forfeiture complaint made note of Craig’s “history of drug distribution” and said the money was drug-related proceeds, though no drugs were found.

That was nine years ago, but Craig’s attorney, Ernie Hamilton, said he remembers the stop because it was one of the rare forfeiture cases that he fought in court and won.

Hamilton said Craig was in his teens when he got in trouble with the law. He served four years on a trafficking charge and thought he had put it all behind him. He moved in with his grandmother and washed cars and sold shoes on the side for a living. What he earned he kept in his car.

Craig was adamant about his innocence. He said the police had “stopped him for nothing,” Hamilton said. So he put his client on the stand. A jury found Craig not guilty on the traffic offense — the only charge that was made in the case.

At the trial, the officer said he was patrolling the neighborhood when he saw Craig drive up to a backyard cookout to meet up with some friends. Craig testified that he saw the patrol car when he pulled up and knew the officer was following him as he drove off with some buddies to shoot some pool.

“I was stopped for nothing by the City Police,” Craig said in a court affidavit.

“I saw him in his K-9 Patrol Car when I arrived to meet a friend. ... Chancy and I both saw the Police pull up behind me as we left the cook out and stopped at the stop sign. I told Chancy that I was not worried about that cop, I had (a) driver’s license and was not doing nothing wrong. He followed me to Laurens Road and Antrim Drive when he pulled me over. He never asked to search my truck and called for three loads of Police.”

Craig at one point even asked the jurors why he would speed knowing a policeman was behind him the whole time. “He was very convincing,” Hamilton said.

Hamilton believes the officer stopped Craig hoping to find drugs. In court, he said the officer probably ran Craig’s license plate while it was parked at the curb and found out Craig had a prior arrest for drugs.

The officer tailed Craig, became impatient and acted on a whim, Hamilton said. There was no probable cause for the stop, he said.

Craig got his money back, and the case was dismissed in February 2011.

Marchant Johnson's dog profits

Marchant Johnson sold some dogs and, before he could bank the thousands of dollars from that, went to go help a friend who was stranded and out of gas.

On his way to the gas station, Johnson was pulled over. He was driving someone else's car. A Charleston County sheriff's deputy searched the trunk, with Johnson's consent, and found 9.3 grams of marijuana, about a third of an ounce.

Johnson was cited for possession of marijuana, given a written warning for his license plate light failing and was sent on his way, after the deputy also took \$7,867 in cash.

Charleston County stop leads to civil forfeiture

Marchant Johnson sold some dogs and, before he could bank the thousands of dollars from that, went to help a friend who was stranded and out of gas.

Josh Morgan, Greenville News

Johnson, in a court filing seeking to get his money back, said he offered to show the deputy his receipts, a deposit bag and the contracts from his businesses.

He operates Camera Junkies Media Group and had recently sold two of his personal dogs, each for \$3,500, and a promotional contract with his media business. Johnson said he still had the cash because he hadn't been to a bank.

He said he asked the deputy for a receipt of the money seizure but wasn't given one.

When it came time for a judge to hear the case, Johnson's attorney didn't show up. His money had already been returned, a Charleston sheriff's spokesman said.

The judge awarded the money to Johnson and said the decision came partly because the state failed to justify the seizure and because Johnson had asked for his money back.

Civil cases like this one don't require the government to provide an attorney, and most won't take forfeiture cases unless they involve significant amounts of money.

Johnson summed up his argument in his response to the police.

"The property that was seized was being used to pay bills, medical bills and fund contracted jobs," he wrote. "The property belongs to me because it was legally earned."

Estate of Eugene Delong's money

Call it a quirk of the system or an unusual use of it, but sometimes when police file a request for civil asset forfeiture, the only defendant listed is dead.

That's exactly what happened when police tried to collect money seized from the apartment of Eugene Marshall Delong III in Horry County.

DeLong, 28, was shot and killed by an unknown intruder during a robbery in the living room of his home in Loris in the early morning hours of May 9, 2015, according to court records and media reports.

His fiancée said she was in bed when she heard a scuffle in the living room and then three gunshots. She told police Delong told her, "babe, babe they shot me."

By the time responding officers arrived, they found Delong lying face down on the floor in a pool of blood.

When police investigators executed a search warrant on the house, they found a Nike shoebox in a bedroom closet with 32 grams of marijuana and 0.8 grams of cocaine.

They also found \$43 on the kitchen counter and \$1,749 in a bag in the washing machine and seized it all.

But when they filed a petition to seize the money a month later, they listed Delong, a man who was unable to defend himself, as the defendant.

The department's attorney had tried to file to forfeit the money before an estate could be set up to handle Delong's finances.

Another eight months would pass before a Circuit Court judge, Steven John, suggested Horry dismiss the case until it could properly list a defendant who was an executor of Delong's estate.

The attorney pulled the case and filed a new complaint more than a year after Delong's death seeking the money. This time, it listed Ebony Delong, the personal representative for Delong's estate, as the defendant.

A few months later, the two sides reached a settlement.

They would split the money — a resolution that wouldn't have happened if a judge hadn't suggested that a living defendant be named in the case.

Terrence Sanders' stacks

GREENWOOD – Police kept \$8,000 of Terrence Sanders' money, never charging him with a crime. Yet you can consider his case a success story.

It's a success because while he lost some of his money, he negotiated with authorities and got his remaining \$12,000 returned.

Greenwood police seized his cash because they suspected Sanders was a gang member when they arrested his friend on marijuana charges. The friend was in a different car nearby.

In a forfeiture filing, police cited their hairstyles, their rap videos, prior drug arrests and a small amount of marijuana found on one man to explain why the money was taken, but a lawyer for the men successfully argued there was no evidence the money was illegally obtained.

WATCH: *Here's a video from the rap group police mention in public records for the Sanders case, although police don't claim all the members of the group were at the scene in Greenwood.*

The incident report details what happened early that morning on a small road on the edge of city limits, just steps from the “Welcome to Greenwood” sign.

On Jan. 3, 2016, a half dozen people were in a Ford Fusion and Cadillac Escalade parked at the tiny cul-de-sac of Grand Prix Court, which prosecutors described in a forfeiture filing as a thoroughfare known for drugs and gang activity.

Officers on early morning patrol decided to check on the occupants. Travis Dwone Bryant was driving the Ford. Officers ran his name through a criminal database. He had no outstanding warrants.

Then one of the officers said he smelled raw marijuana and began interrogating Bryant. Bryant asked why he was being questioned and eventually got out of his car and pushed past the officer, according to Officer E. Tinsley's report.

That got Bryant arrested and charged with disorderly conduct. Officers searched the car and found 21 grams of marijuana, a handgun and \$623.

They moved on to Sanders' Cadillac, where they found a lot more money: \$20,129 in the glovebox. Police seized it all, saying there was evidence the cash was related to gang activity.

Sanders and his friends had appeared in rap videos, often wore orange and black and had committed “numerous criminal offenses” including drug and firearm violations, according to the police report.

Sanders, who claimed ownership of the \$20,000, was identified by police in court records as the leader of the Southside Gang, also known as 3rd Ward.

His criminal record at the time showed a few traffic offenses.

Tommy Stanford, who represented Sanders and his friends in the forfeiture case, said many of the details that police said were signs of gang activity, such as hairstyles and finger gestures, had nothing to do with gangs at all.

“What’s a Boosie Fade?” Stanford asked police in one of his filings. The hairstyle, bald at the back and longer in front, was popularized by rapper Lil Boosie.

As is often the case when a forfeiture is contested, according to our investigation, the two sides reached a settlement, in April 2016. Sanders agreed that police could keep \$8,000 of his money if they would return the rest.

Police also kept the \$623 from Bryant’s car.

In the settlement order, authorities admitted that none of the men were involved in gang activity or other crimes.

Enterprising town turns SC highways into rivers of cash.

Anna Lee

Greenville News

Published Feb. 5, 2019, Updated Apr. 22, 2020

NICHOLS — They came into Nichols from all over.

Two roommates made the drive from Kings Mountain, North Carolina. One man drove from Michigan; another was passing through from New York to perhaps somewhere more exciting.

It was late spring in 2014, and the two highways that bisect this tiny rural village thronged with beach traffic. Most of the motorists were from out of state, bound for nearby Myrtle Beach until they were pulled over.

In case after case, their money was confiscated because an officer said the cash was found near drugs. Yet few motorists ever were arrested.

They were caught in one of the most aggressive civil forfeiture operations in the state. Their stories were among the dozens of similar tales from this sleepy stretch of South Carolina with a police force that seized and kept nearly \$50,000 from unsuspecting motorists over a two-year period — the equivalent of \$135 for every person living in Nichols.

That's six times more per resident than any other police department in the state. The next highest, the Yemassee Police Department, serves a jurisdiction about three times the size of Nichols, and seized \$21 per capita.

We found the story of Nichols by analyzing data gathered in a two-year examination of forfeiture cases made by every law enforcement agency in the state from 2014-2016.

Of the 10 police departments that seized the most money per capita, six served jurisdictions of 4,000 people or less. With a population of 358, Nichols stood out for the profit its police department made.

Police officials from that era have said their highway effort in Nichols was meant to reduce crime. Other than that, they have declined to explain the program.

The record of active civil forfeiture there is evidence trapped in amber because Hurricane Matthew damaged and deeply changed Nichols toward the end of our study period data. This place is no longer the same as it was in 2014 and 2015 — and its policing, like everything else in Nichols, has been affected.

But the model from which it reaped rewards could be replicated today legally by any small town in South Carolina.

Put differently, any tiny place with highway traffic like Nichols could mine for gold.

TAKEN: After cops seized \$4,700, mechanic nearly worked himself to death

Mike Ellis

Greenville News

Published February 5, 2019, Updated April 22, 2020

NICHOLS — Popping out like honeybees, police swarmed Bobby Gore.

A drug dog would soon be sniffing around his pickup at what Gore said was either the chicken bog spilled in the back ... or the marijuana in his truck.

It was about an ounce altogether. And the authorities didn't do a good job of searching, Gore said. They missed the small joint he'd been smoking. It was still in the ashtray of his truck when he was arrested.

But they did find his money. Or rather, money he said was tied up in his auto business. He had about \$4,700 in cash.

It was enough for the Horry County Police Department to suspect Gore was a drug dealer. They seized the cash using civil forfeiture, which allows police to confiscate money or other property they believe is tied to illegal activity.

Gore, who has owned a body shop in Nichols for 26 years, said the cash came from customers who paid him to fix their cars. Gore would charge them for parts when they dropped off the car, labor when they picked it up.

His garage, Bobby's Automotive, was one of the town's few remaining businesses. When Gore was arrested in January 2016, few people had heard of Nichols. And it wasn't as small.

The tiny town later made the news when it was devastated by flooding from Hurricane Matthew in October 2016. News outlets reported 91 percent of the 260 homes in Nichols being destroyed or close to it. For weeks, the town had no fire, water or police services.

Flooding returned two years later with Tropical Storm Florence. A third of the town had already chosen not to rebuild after Matthew. Now Nichols was submerged in floodwaters again.

Bobby's Automotive is at the very edge of town limits and butts up to the Lumber River. Twice now, the river has crested as high as 20 feet and swept away buildings and landmarks.

But Gore's story isn't about flooding or recovery. It's about what happened to him when police seized his money over an ounce of marijuana and how hard he had to fight to get it back.

The effect it had on Gore was life-altering. He said he suffered a heart attack and wound up in the hospital a few months later.

TAKEN: When cops ask, 'How much cash in the car?,' seized assets often follow

Anna Lee, Nathaniel Cary, and Mike Ellis

Greenville News

Published Feb. 5, 2019, Updated Apr. 22, 2020

In one case, the officer said a man “had a look of nervousness.” Another could see the subject’s “heart beating through his shirt.”

A Charleston County deputy tailed Marchant Johnson as he pulled into a space in front of a bright Circle K gas station on a humid night in June of 2017.

An in-car camera recorded their encounter.

The deputy, identified in an incident report as Deputy S. Venning, told Johnson that the light above his license plate was out. He needed to ask Johnson a few questions because, according to Venning, “we do have a lot of trafficking of illegal substances up and down our roadways.”

Casually, he asked if Johnson had “anything illegal” in his car.

The North Charleston man was soon asked to exit his car and consent to a search as Venning questioned him further. Then came the literal money question.

“How much money do you have in your pockets right now?”

That’s the question critics say is posed for one reason only — to find out if the driver has cash that police can seize. Johnson did. He had \$7,867, which Venning counted while wearing black latex gloves. He stacked the bills carefully in front of the windshield of his patrol car. If any evidence of drugs was found, he told Johnson, the cash would be seized.

A variation of that question is frequently asked by police across the state, according to attorneys, law enforcement, court and police records and dashcam footage from traffic stops. It usually comes on the heels of queries about whether any drugs or weapons are in the car.

As a defense attorney who worked for years as a Greenville County public defender, Jake Erwin has reviewed a lot of traffic stop videos. “One of the questions that they ask over and over again is, ‘Any large sums of money in this car?’” Erwin said. “Why are they interested in that? Because they get to keep it.”

As a defense attorney who worked for years as a public defender in Greenville, Jake Erwin has reviewed a lot of traffic stop videos. He says police will often ask if there are large sums of

money in the vehicle. “Why are they interested in that? Because they get to keep it.” JOSH MORGAN/STAFF

If police are trying to establish a criminal case, suspects have protections offered under the Constitution, Erwin said, including a right to an attorney and a right not to self-incriminate. But if police simply want to seize your assets?

“Cross your fingers and hope that the cop is reasonable,” he said.

It's the presence of paper legal tender — U.S. currency — that underlies nearly all of the thousands of police interactions we reviewed through subsequent court records for The Greenville News TAKEN investigation.

And that means how much cash people carry puts them at varying levels of risk for civil forfeiture.

HELP: [Support more reporting like this](#)

More: [TAKEN: We asked police for video of traffic stops. We didn't get much.](#)

Trained to seize money

How police frame the decision to search suggests they've perfected a formula to persuade a judge of their case against seized property, according to reform advocates and defense attorneys experienced with these cases.

In case after case, police will reference a subject's past criminal history. In court records, they say subjects were seen leaving a “known drug area” or they appeared overly nervous when approached, with “hands shaking.”

In one case, the officer said a man “had a look of nervousness.” Another could see the subject's “heart beating through his shirt.”

Sometimes the descriptions are incredibly specific.

In a 2016 Greenwood case in which police seized a woman's Jeep after finding her with meth, an officer described the woman's “uncontrollable head jerking.” Her pupils, the officer wrote in a report, were dilated “approximately 1/16 of an inch in diameter.”

In another case, an officer who pulled over a Chevy Avalanche for illegal window tint said the driver's “heart rate was visibly rapid as seen by his shirt bouncing with the palpitations.”

That observed nervousness, or criminal history, or lack of eye contact, or inability to describe their destination or itinerary are the building blocks that officers use to convince a judge that the property they seize is connected to the drug trade.

Over and over, officers make the case “based on my training and expertise.” That phraseology is often learned at weeklong training camps hosted by former law enforcement — and sometimes federal agents — on what questions to ask and what to look for to successfully seize money and property, said Spartanburg County Sheriff Chuck Wright.

Officers are trained in these national programs “to spot and do interview techniques, basically,” Wright said.

More: [How we brought TAKEN to life](#)

Officers who participate in Operation Rolling Thunder, Spartanburg County's annual interstate enforcement blitz, have all gone through that training, Wright said.

It's training the state doesn't require in order to become a sworn officer and is not offered at the South Carolina Criminal Justice Academy, according to an academy spokeswoman.

Rather, it's a specialization that some departments choose so officers get more skilled at questioning subjects and seizing assets — including how best to write a convincing narrative in court filings.

Wright said officers are looking for minor traffic infractions when they stop vehicles during Rolling Thunder. “They stop dumb little violations — signal violations, following too close — those type of things,” he said. “They get out and interview people, and they'll usually tell you what you need to know,” he said.

Chuck Wright, Spartanburg County Sheriff

“They stop dumb little violations — signal violations, following too close — those type of things. They get out and interview people, and they'll usually tell you what you need to know.”

Going through interdiction training isn't a requirement for officers to seize assets at some departments. And some officers don't fully understand what they're allowed to do under the state's civil forfeiture law.

For instance, police can't seize a vehicle every time they find narcotics. According to the state's forfeiture law, the drugs have to meet a certain weight threshold, though the amount varies by drug. Officers don't always know what those limits are.

In one 2016 case, two Goose Creek officers tried to figure out what they're allowed to seize after finding marijuana and pills on a man suspected of driving under suspension. A female

passenger was also in the car at the time. This is a transcript of their conversation from dash cam video obtained by The Greenville News:

Officer A: She owns the car?

Officer B: He owns the car, but he said that she can take it.

A: Why don't we seize it?

B: I don't have enough to seize the car.

A: I just figured (since) you had a ton of money and all that stuff...

B: I can seize the money; I can't seize the car, not on marijuana. I need like 2 pounds to seize the car. (This is incorrect. They need to find more than 1 pound.) ... And the pills, I don't even know how pills work with seizing cars.

B: I was going to ask him about the money and see what he says about it, but I'm taking it anyway.

In some agencies, only officers trained in forfeiture, usually narcotics investigators, process the cases on scene.

More: TAKEN: Risk a trial to get your money back, or settle for less?

In the city of Mauldin, however, every officer is allowed to handle forfeiture, and a supervisor is on call if needed, said former Sgt. Benjamin Ford, who until recently oversaw officer training and was the top forfeiture expert on the force before becoming chief of Travelers Rest police.

Ford created a guide, a sort of "cheat sheet" for officers, that lists the minimum amount of drugs needed to seize a vehicle. There's no weight requirement to seize cash, though the drugs should be in close proximity to drugs and tied to the drug trade.

He said officers can get it wrong. There were times when the department seized a car, only to learn it belonged to a relative who didn't know it was being used to move drugs.

"Sometimes a mama might not know her son is trafficking drugs," Ford said. "We do understand that."

Charleston County stop leads to civil forfeiture

Marchant Johnson sold some dogs and, before he could bank the thousands of dollars from that, went to help a friend who was stranded and out of gas.

JOSH MORGAN, GREENVILLE NEWS

At the Circle K outside Charleston, Johnson was patted down for weapons and contraband. Sheriff's deputies searched his car, dug through the overnight bag he was taking to his girlfriend, who was in the hospital.

They wound up seizing \$7,867 from Johnson after finding 19 grams of marijuana in the trunk of the car. Johnson said the car belonged to his girlfriend and denied using or knowing anything about the drugs.

Multiple attempts to reach Johnson for comment were unsuccessful.

He was cited for simple possession, a charge that doesn't indicate an attempt at drug enterprise.

Though Johnson explained the money came from his videography business and a side job breeding pit bulls, the Charleston County Sheriff's Office kept the cash.

Johnson later sued to get his money back. He provided the court with notarized copies of receipts from the dog sales and proof of payment for a music video he shot. He also had a copy of his business license — documents he said he had offered to show the deputy.

Johnson's money was returned five months later.

More: [How one SC county seized more than \\$3.5 million in cash in 3 years](#)

Court records only provided us with the basic details of a police encounter. As part of this story, we obtained videos of traffic stops and watched hours of dashcam footage to understand how police interrogate people and process seizures.

What we heard on dashcam footage

The following are excerpts from some of the videos we watched, lightly edited for length and clarity.

Spun out, then busted, SC man loses cash to cops: TAKEN

Joseph Clark was found with about three grams of marijuana, and his \$11,760 was seized.
JOSH MORGAN, GREENVILLE NEWS

SOUTH CAROLINA HIGHWAY PATROL
Abbeville County, Jan. 13, 2016

Trooper: What's that right here? It looks like a little bag of marijuana. Is that what that is? You got anything else on you? Anything else in the vehicle?

Trooper: It's odd because it's 28 degrees out here, and you're sweating. Either you're sweating because you're nervous, or you've got something else in your system. Is there anything else in the vehicle that I'm going to find?

Driver: Not that I know of.

Trooper: (Searching vehicle) Now we know what you're so nervous about, don't we? Where did you get all that money from?

Driver: I was planning on buying a house with it yesterday.

Trooper: Where'd it come from?

Driver: That's my lifetime savings.

Trooper: When I asked if you had anything in the car, you didn't think you might want to tell me about the big bundle of money?

Driver: I told you I was going to buy a house with it.

Trooper: That's what you just said. Right now, you're being detained until I figure out what else you've got in this car.

Trooper: People don't ride around with their life savings. It looks like you're taking bets is what it looks like. How much money is that?

Driver: A little over \$10,000.

Trooper: Everything you tell me is not adding up. You've got drugs on you. You've got a lot of rubber bands, a lot of paper bags. Are you going to be honest yet about what you're really doing?

Driver: That took me about 15 years to save all that.

Trooper: And you figured you'd carry it around with you?

Driver: Yeah, because I'm going to take my car to get fixed tomorrow, and I'm going to buy a house.

Trooper: (Arresting driver) Once I get you to jail, I'm going to start up the paperwork on the asset forfeiture to seize the money. You're going to end up having to prove where the money came from, because it's my thought that the money isn't clean, it's from drugs or other illegal ways.

Driver: So over 15 years I'm going to have to tell you everything I done, every yard I cut, every little job?

Driver: I guess there goes my house I was going to buy.

Joseph Clark was pulled over after he spun out his car in front of a Highway Patrol trooper. Clark was found with about three grams of marijuana, and his \$11,760 was seized. A third party later said they gave the money to Clark to pay for business supplies. Clark lost the case, and the Highway Patrol kept his money.

GOOSE CREEK POLICE DEPARTMENT
Dec. 11, 2016

Officer: At this point you're under arrest because your driver's license is suspended. And (because of) the pills. They're prescription pills. You're not supposed to have them in a little bag. They've got to be in a prescription bottle.

Driver: My mama's prescription bottle had cracked, and this was sitting in the middle when I borrowed the car tonight.

Officer: It's just kind of suspicious that the pills were found the same place as the marijuana. What about that money in the glove box? What's up with that?

Driver: The money in the glove box?

Officer: There was a roll of bills in the glove box.

Driver: That's my money. I worked for it.

Officer: Where do you work at?

Driver: (Names a construction company.)

Officer: I'm going to be straight with you. I think you're selling marijuana. I think you're dealing because the marijuana was found with a ton of plastic baggies. You've got scales. You've got sandwich baggies. You've got money; it looks like you're dealing drugs.

Driver: No.

Officer: You have the pills, it looks like you're dealing pills too.

Driver: No. I don't even know what you're talking about.

Officer: I'm just telling you what I think. I'm going to seize the money because I think you're selling drugs.

Driver: But I work.

Officer: I believe you have a job. I'm just letting you know that I'm taking the money.

Police stopped Leonard Chaplin for allegedly making an improper right turn into the middle lane. The officer searched Chaplin's black Dodge Magnum and found about 15 grams of marijuana, an amphetamine pill, baggies, a scale and \$1,400. Chaplin told police the pill was his mother's and that he earned his money working a construction job. During the stop, two officers discussed taking Chaplin's car but decided they didn't find enough marijuana to do so. State law requires one pound or more of marijuana to seize a vehicle.

Losing lottery winnings to the police: TAKEN

Before searching the car, the deputy patted Travious Smith down for weapons and found lottery stubs in Smith's pants pocket.

JOSH MORGAN, GREENVILLE NEWS

CHEROKEE COUNTY SHERIFF'S OFFICE

Feb. 14, 2017

Deputy: You said there wasn't any money in the car when I asked you earlier, right?

Driver: You said large amounts.

Deputy: \$6,000 isn't a large amount?

Driver: Not if I've got proof of where I got it from. I have proof (that I won the lottery).

Deputy: I'm just saying, \$6,000 isn't a large amount to you?

Driver: I thought anything over \$10,000 was a large amount of currency. I have proof of where I won my money, sir, right there on the floor.

Deputy: You also have proof of your drug ledgers in the center console.

Driver: I don't have any drug ledgers.

Deputy: Yes, you do. I'm trying to work with you as best as I can, but you're telling me lies.

Driver: I'm not telling you lies. You can pick up the paper. There's two pieces of paper right there on the floor.

Deputy: What's four ounces of mid? What's two ounces of this, what's 70 grams of that? What's that? You explain that.

Driver: That's nothing. That's nothing but some writing.

Deputy: Let me tell you something. I work in narcotics. It's easy for me to articulate those drug ledgers. I see them all the time. And you've got a marijuana blunt in the car. It was in a cigarette pack. You forgot it was in there?

Driver: Sir, you say what you want, but I have no drugs on me, no drug ledgers or whatever. My paper is right there where I got it from. I earned that money ... you can read the papers.

Deputy: I'm going to explain to you what's going to happen today. I'm going to write you a ticket for the marijuana — I'm not going to take you to jail for that. I'm going to seize the drug ledgers; I'm going to seize the money. And you can come back and get an attorney if you want an attorney to try to get your money back.

Driver: How are you going to seize my money when I've got proof right there?

Travious Smith was traveling in a rental car with North Carolina plates when a deputy stopped him for allegedly following too closely. Before searching the car, the deputy patted Smith down for weapons and found lottery stubs in Smith's pants pocket. Smith told the deputy he had just won the lottery two weeks earlier. A marijuana blunt, \$6,260 and two notebooks the deputy said were drug ledgers were seized. The case is pending.

What to do if you're pulled over and the cops want to take your cash

Mike Ellis

Greenville News

Published Feb. 5, 2019, Updated Jan. 17, 2020

Remember, if your property is seized, you can try to get it returned.

Be calm and collected during the traffic stop or while being interrogated by police. Kindly assert yourself, ask officers to explain why they decided to search. Understand police are allowed to seize property if they believe it could be connected to a crime.

Ask for a receipt or documentation for any seized property, said Ronnie Cole, an Anderson attorney who specializes in interactions with police during traffic stops.

Police often will present a form at the scene of the stop (or later at a police department) and ask you to consent to forfeit your property to them. You do not have to sign this consent form, and doing so will not help your legal case if you've also been charged with a crime connected to the forfeiture, said Jake Erwin, a Greenville defense attorney.

After the stop or interaction with police, you're either going to jail or going on your way. This is the time to contact a lawyer. Write down what happened and email it to yourself so there is a timestamp to show it was a contemporaneous account of what happened, Cole said.

If you're facing criminal charges, those should be your priority, Cole said. Forfeiture proceedings are conducted in civil court, and solicitors say they don't base criminal cases on the outcome of corresponding civil cases. But getting back your money or property could require you to admit to crimes that could jeopardize your freedom.

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If you decide to reclaim your property and can prove it was legally obtained, go to the county courthouse clerk and ask to file a claim to get your seized assets back. A lawyer can help file motions and the claim, but it's not necessary, and it may be hard to find a lawyer willing to help if less than \$2,000 was seized, according to several attorneys who were interviewed for this series.

If you don't file to reclaim your property, a prosecutor still must file a civil case to seek forfeiture of it. They are required to locate and serve a summons to anyone who has claimed interest in the property. Once you have been served, you have 30 days to respond if you want to contest the forfeiture.

Often, if you contest the seizure, a solicitor will negotiate to settle the case and return a portion of the seized cash or property to you. An attorney could assist in negotiating this settlement if you are able to pay an attorney or if you could offer a portion of any returned money as payment.

If you don't want to contest the forfeiture, you don't have to respond to the court summons. A judge may rule to forfeit the property by default to the police agency that made the seizure.

TAKEN: We asked police for video of traffic stops. We didn't get much.

Anna Lee

Greenville News

Published Feb. 5, 2019, Updated Jan. 17, 2020

The Greenville News started requesting dashcam videos of traffic stops early in our investigation into civil forfeiture. For research purposes, it was a logical next step: many forfeiture cases stem from traffic stops, and dash camera video is a public record in South Carolina.

Court filings provided little information about the stops beyond the date they occurred and, occasionally, the intersection where the subject was pulled over. Dashcam video, on the other hand, would show us the entire encounter because the cameras automatically start recording once the blue lights on a patrol vehicle are activated.

Over a span of two months, The News submitted Freedom of Information requests to 15 law enforcement agencies, including sheriff's offices in Greenville, Spartanburg, Greenwood, Sumter, Florence, Berkeley and Charleston counties as well as the South Carolina Highway Patrol. We requested videos from 49 traffic stops — the earliest was from Sept. 18, 2015, and the most recent was from Dec. 24, 2017.

In the end, The News was able to obtain 12 videos. The cost was about \$133.

Most of the agencies responded that no dashcam video existed for these traffic stops. The Greenwood County Sheriff's Office elaborated a little: the traffic stop referenced in our FOI request was made by an agent with the Greenwood Drug Enforcement Unit, and DEU agents drive unmarked patrol vehicles with no dash cams.

"They double-checked the computer system to make sure no marked units responded with their cameras activated, but could not locate anything," Greenwood County attorney Elizabeth Taylor said in an email.

Other agencies, such as the Mauldin Police Department and Greenville County Sheriff's Office, did have what we wanted but wouldn't release the in-car footage, saying they involved cases that were awaiting trial.

"Although this footage is available to both parties of the court, releasing this footage could prevent the attorneys from successful defense/prosecution of their respective case," said Mauldin Police Chief Bryan Turner.

Under the state's FOI law, such records can be withheld from the public if the act of producing them deprives a person of a right to a fair trial.

Dashcam video was hard to locate even after cases were litigated, though.

A South Carolina Department of Public Safety spokeswoman said the agency's retention policy for dashcam videos is "usually 5 days after the last court case if the incident goes to court."

The troop supervisor can then hold the video for an additional 90 days, but that's entirely optional, the spokeswoman said.

Mass forfeiture, incomplete records delivered \$1.1M to SC police

Nathaniel Cary

Greenville News

Published 9:04 PM EST Feb. 12, 2019

South Carolina agencies used a tactic of mass forfeiture cases to take \$1.1 million from more than 1,400 people during our TAKEN study period.

Police across South Carolina are losing track of who they take money from — hundreds of thousands of dollars — and sometimes they're keeping the money for years or even decades before asking a court if they can keep it, The Greenville News investigation TAKEN has found.

When agencies finally file paperwork to retain the money, often they've lost track of the owner. So they list John Doe or just a first name as the person who owns the money and may want to argue for its return.

Not once in recent years were authorities able to track down a John Doe once they had mishandled a seizure and lost the attached property owner's name, our investigation found. In each instance, the state awarded the money to the police.

Other times, cops kept the money locked in evidence rooms as the people who could make claim to it grew older and died.

In some cases, by the time police eventually filed paperwork and a prosecutor began to try to track down owners to serve court summonses, relatives sent a death certificate as proof to claim money a loved one never had the opportunity to receive.

Sometimes, people responded in time to claim money, either because authorities tracked them down at a known address or because they happened to see the case listed on the court docket.

But in most instances, no one ever responded.

Perhaps the person had moved. Or lost interest in a few hundred bucks police took from them years earlier. Or maybe they just figured the authorities had a right to their money. Or, most likely, they never knew they could get it back.

Bundling the money

What sets these specific cases apart are the sheer numbers. Rather than prosecuting each case separately like most other cases in the state's civil court system, some agencies are lumping dozens, even hundreds, of subjects into a single case. A mass forfeiture filing.

Agencies within South Carolina used this tactic of mass forfeiture cases to seize nearly \$1.1 million from more than 1,400 people in at least 14 cases from 2014-2016 that our investigation found.

Although the deadline to seek forfeiture is two years and most cases stretched well beyond that benchmark, less than 1 percent of that money ever made it back to its owners.

Christopher Lewis

“I was unaware that it was possible to have the money returned to me.”

Prosecutors call the cases “cleanups” and say the money was abandoned. People contacted about it later say they never abandoned their money and they didn’t consent for it to be taken.

Greenville police seized \$427 from Christopher Lewis in 2010, and he pleaded guilty to marijuana possession but said his money was from a paycheck he’d cashed and tips from pizza deliveries, not from dealing drugs.

When he found out the police was finally seeking forfeiture of his cash, he wrote a letter saying he hadn’t abandoned it. “I was unaware that it was possible to have the money returned to me,” he wrote. Six years later, his money was returned. “I thought it was gone,” Lewis said.

Law enforcement officials offered various explanations about why these cases exist. Sometimes, an officer seized property, but the case was never filed. Other times, money was seized as evidence and then forgotten in an evidence room for years until the room was cleaned out. Or, a person’s pockets were emptied of cash when they were booked into jail, and when they checked out, their money wasn’t returned.

How does a single seizure get bundled with many others? Prosecutors work with law enforcement to process cases, bunching them together into lump cases with dozens or hundreds of “interested parties.” Unlike traditional forfeiture cases, they provide few details of why the money was seized and no narrative for a judge to adequately determine whether the police should be awarded the money, the statewide TAKEN investigation found.

State law says police must file a report with the prosecutor within 10 days or a “reasonable time” after they seize property. The prosecutor then has two years to file for forfeiture. In most of these bundled cases, they’ve delayed well beyond that legal deadline. But they file them anyway. Although the property was in police custody the entire time, the prosecutor says it was a failure by individuals to claim the money or to file to get it back and asks that the cash be forfeited to police.

Reaching way back

Some of the forfeiture cases with recent activity on them date to incidents that actually occurred as far back as the 1990s.

Take a single Florence County case, for instance. Filed in 2015, Florence police sought to keep money from 495 people for encounters that had occurred between 1990 and 2010 — well beyond the state’s two-year window to file. Police went ahead with the case anyway.

For many of the interested parties, the department only listed single names — Moses, Pugh, Smiley, Hilton, Boston, Mack, Twiggs, Mumford. For others, they listed “unknown” or a location where they’d seized the money: McDonalds, Coca Cola Co., 126 Toledo.

Here, \$30 from Graham. There, \$40 from someone named Muldrow.

They’d taken \$1 from Sanders in 1992. Another \$1 from Graham in 1998. They took \$1,509 and \$3,275 from two people listed as "??????????????????"

The largest amount was more than \$7,000 seized from a man named Robert Rushing on Nov. 10, 1999.

Although the department couldn’t determine last names for hundreds of people it had taken money from through the years, police said the money was seized lawfully.

The court filing says authorities believe “each individual defendant was informed as to the forfeitability of the seized monies,” despite the fact that no proof is offered in the case file.

Not surprisingly, the Solicitor’s Office in Florence County couldn’t track down the identity of a single person associated with the money.

All of it, \$182,511, was awarded to law enforcement.

Moving for forfeiture 18 years later

These delay tactics are not an accident, say numerous critics of the process and attorneys who handle forfeiture cases. The wait benefits law enforcement officers, who know that if they neglect to file for forfeiture, most people will lose interest or won’t be located and will never fight to get their money returned, they say.

“It’s a money-making operation,” said attorney Lawrence Crane, who has extensive experience defending clients in forfeiture cases. Departments do it because it works, he said.

Walt Wilkins, incumbent 13th circuit solicitor, speaks with supporters in 2018. He said his office makes every effort to track down people who may claim seized money but often can’t locate them. JOSH MORGAN/Staff

Walt Wilkins, the solicitor over Greenville and Pickens counties, didn’t dispute that the process ends up putting extra money into the hands of the police department, which gets 75 percent of

any forfeiture profits, and into his office, which gets 20 percent. The other five percent goes to the state's general fund.

Wilkins said he's made it a priority to help law enforcement agencies process outdated cases to clean out evidence rooms as well as return money to those who claim it.

He said his office makes every effort to track down people who may claim money but often can't locate them, so it places legal advertisements in The Greenville News before the money is forfeited. "We spend thousands of dollars advertising in your newspaper," Wilkins said.

But, Crane said, if the property owners don't read the tiny legal notices in the newspaper, they aren't going to see their name. They'll never know the case was filed.

Those who answer the summons in time — even a scrawled handwritten note or a simple emailed response — got their money returned 100 percent of the time in mass forfeiture cases The News analyzed.

Harold Keith Robinson was one of the lucky few who found his name attached to a case.

A hard-living truck driver with gray in his beard and mud on his baseball cap, Robinson, 55, said his girlfriend just happened to check his court records and saw his name on a forfeiture case.

The Pickens County Sheriff's Office sat on \$1,400 they'd seized from Harold Robinson after a traffic stop — for almost two decades. ANNA LEE/Staff

For 18 years, the Pickens County Sheriff's Office sat on \$1,400 it had seized from Robinson after a traffic stop for driving under suspension and a drug offense.

Robinson went to prison, but the forfeiture case was never filed. Not until 2017, anyway, when his money was wrapped into a larger case seeking possession of money from 56 people.

He contacted Crane, his attorney.

To Crane, the case was simple. The state hadn't sought Robinson's money in time. They didn't have a leg to stand on. So they returned his \$1,400, plus another \$300 for 18 years' worth of interest.

Lloyd Walker of Easley had \$654 seized when he was caught gambling in 1991, according to court records. Walker never got his money back — dying in 2011 in a nursing home for veterans in Anderson at age 85. To claim his money 26 years after his arrest, his daughter submitted his death certificate.

Most people without an attorney wouldn't know what to do, even if they were served a court summons, Robinson said. "They just think the police are right," he said. "And they're not a lot of the time."

Another case involved Lloyd Walker, an Easley resident whose \$654 was seized when he was caught gambling in 1991, according to court records.

Walker never got a chance to fight to get his money back. He died from Alzheimer's in 2011 in a nursing home for veterans in Anderson at age 85.

To claim his money 26 years after his arrest, his daughter submitted his death certificate.

Seizing small-time cash

In some locales, law enforcement officials plan to bundle small cases.

Time and again, Richland County sheriff's deputies would encounter people with personal-use amounts of marijuana and take the cash they carried. In some instances, the marijuana weighed 0.02 or 0.03 grams, the weight of a few grains of sand.

This is not the kind of case lawmakers intended the forfeiture statute to address.

Sometimes, the seizure was as small as \$13. It never was more than \$500.

Then, rather than filing cases as they came through the department, the agency held onto small amounts of cash for more than a year and sometimes nearly two years before prosecutors filed a forfeiture case.

Almost no one contested the seizures.

Of 271 people listed in those cases, three people got their money returned.

The lack of response isn't surprising.

Defense attorneys said they rarely take cases with such a small amount of money involved, which leaves people to try to navigate a complex civil process on their own.

Many were never made aware of the forfeiture because deputies trying to deliver the court summons couldn't locate them. Others got the summons but never responded. Often, citizens who had money seized didn't know they could try to get it returned, or they didn't want to challenge the authorities, citizens and defense attorneys said.

The Richland County Sheriff's Department didn't comment despite multiple emails to the department and a phone conversation with public information officer Capt. Maria Yturria.

The small amounts of money add up.

In just those mass forfeiture cases involving amounts less than \$500, the Richland County Sheriff's Department won judgments for more than \$69,000 to add to its resources over several years. It would be a money-losing operation if the department filed the cases individually. But by bundling them, it paid a single \$150 court filing fee for as many as 127 people in one case.

Sheriff's deputies spent hundreds of employee hours traipsing across the state to locate people to serve notices, according to court filings. Deputies still couldn't track down more than 65 percent of the people in that single 127-person case.

Unless those people happened upon a legal notice that ran for three consecutive weeks in The Free-Times, an alternative weekly in Columbia, they'd never know they could've gotten their money back.

Cleaning out evidence, confronting the dead

Greenville Police Chief Ken Miller said his agency has worked to reduce the amount of cash stored in its evidence room. As part of that process, the police found numerous cases where cash should have been deposited in an account instead of kept in the evidence room, he said.

As a result, he said, the department had allowed some forfeiture cases to slip by. "There are those cases that get out there, and they just sit there," he said.

Greenville filed five separate mass forfeiture cases between 2014 and 2016. The amounts added up to about \$79,000. Defendants claimed \$6,500 of it. The rest was split between the police, the solicitor and state coffers.

The same process has been underway at numerous departments across the state, including Florence, Kershaw and Pickens counties. Cases that should have been handled years ago are surfacing, and departments lump them together into giant forfeiture filings.

When the Pickens County Sheriff's Office cleaned out its evidence room in 2017 and prosecutors filed to forfeit money seized from 56 defendants between 1995 and 2012, 15 people responded.

Doris McMullen

"The police seize money, don't anybody ever think they're gonna get it back."

One of those was Doris McMullen.

She'd come home one day in November 1996 to find officers searching her house. They told her they suspected her husband, Kelvin, was dealing marijuana, but they didn't find any drugs, she said. They did find a Crown Royal bag with \$4,365 inside. McMullen said she told the deputies

then that Kelvin kept money from his disability checks saved in the bag. They told her it was gambling proceeds, she said.

“They just took the money and said that’s where it came from,” McMullen said.

Her husband was taken to jail and charged with gambling. Soon after, four drug charges were tacked on. Each charge was dismissed. But the Sheriff’s Office kept the money.

Her husband died the next year, and McMullen forgot about the cash.

“The police seize money,” she said, “don’t anybody ever think they’re gonna get it back.”

Twenty years later, she got a knock at the door. A deputy served her with papers. If she called the solicitor, she may be able to get her husband's money returned. She did, and soon a check arrived in the mail.

Her letter to the court carries the echoes of so many others who didn’t have a chance to contest what police took.

“I was never given a forfeiture hearing,” she wrote. “And I didn’t sign it away.”

Weirdest things SC officers have seized under civil forfeiture

Anna Lee

Greenville News

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A tattoo gun. Night vision goggles. An electric fireplace. A fog machine and \$400 crossbow. Three dog-tracking collars with built-in GPS. A matching Samsung washer and dryer.

These are just some of the things that police have seized in the more than 3,200 seizure cases reviewed by the TAKEN project team.

While money or vehicles were most commonly seized, law enforcement officers have no qualms about logging more unusual assets if they believe the property is related to illegal drugs or other criminal enterprise.

After uncovering 29 marijuana plants growing in southern Aiken County in July 2012, sheriff's deputies seized the landowner's tractor. The 2001 New Holland front-end loader, valued at \$24,000, had been used to water the marijuana plants, authorities said in court filings.

The owner of the tractor, Dennis Ruff, spent three years fighting to get his property back in court. He was unsuccessful, though he was never charged in the case.

In April 2013, after discovering several gallon-sized bags of marijuana inside a residence, the North Charleston Police Department confiscated a Panasonic plasma HDTV, a Napali digital projector and an 80-inch retractable screen, records show. The items were seized "due to the large amount of green plant material found," according to a court filing.

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The same agency seized four Goodyear tires and 33 bottles of liquor in another incident in February 2015 after responding to a drug complaint.

Officers could smell marijuana from the front door and later found marijuana filling the toilet with a plunger sticking out of the toilet bowl. Police seized the tires and liquor as well as cash, a television and two video game consoles because they were bought with drug proceeds, the department said in court records.

One forfeiture case named two dishwashers, a Frigidaire range, four interior doors and a pair of boat shoes as defendants. Another North Charleston seizure involved 11 leather office chairs and a picture of dogs around a poker table.

Dorchester County authorities confiscated \$7,960, electronics and a remote-controlled helicopter from Antuan Prioleau in July 2015. Prioleau was arrested with an unspecified amount of heroin, crack and cocaine, records show.

The Sheriff's Office eventually returned \$2,960 to Prioleau but kept the helicopter.

What happens to seized goods?

"Drug dealers don't always operate on a cash basis," said Chad Brooks, a captain in drug investigations at the Pickens County Sheriff's Office. "Somebody may bring them a TV for a quarter ounce of meth, and a lot of times, they'll admit to it."

The departments don't get to keep the assets they seize. All real property must be sold at public auction by law, Brooks said. After paying the auction fee, the proceeds are split between the agency, prosecutor and the state.

In one incident in March 2014, a three-wheel moped and Zhejiang Kandi go-kart were seized from owner John Russell. The Charleston County Sheriff's Office made the seizure after finding a little over three grams of meth and two grams of ephedrine, a decongestant used to treat asthma, on Russell, according to court documents.

The moped was eventually returned, but the Sheriff's Office kept the go-kart. A consent order allowed the property to either remain with the agency "to be used exclusively in the ongoing investigation and control of drug-related offenses" or be sold at public auction.

No charges against Russell were found in a criminal records search.

In Russell's case, the Sheriff's Office kept 75 percent of the proceeds from the go-kart sale under South Carolina's forfeiture statute. The remaining 25 percent was split between the Charleston County Attorney's Office and the state's general fund, according to the consent order.

5 states that reformed civil forfeiture laws – and one that didn't

Nathaniel Cary, Mike Ellis

Greenville News

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We looked at some of the states that have restricted civil forfeiture in recent years and some that haven't.

We looked at some of the states that have restricted civil forfeiture in recent years and some that haven't. At least 29 states have reformed forfeiture laws in the past decade.

The issues include:

Standard of proof: The hurdle the government must clear to forfeit property under civil forfeiture ranges from:

Probable cause: A reason to believe something is probably true. This is the lowest standard and is currently used in two U.S. states – Massachusetts and North Dakota.

A preponderance of the evidence: 51 percent or more of the evidence must be in the government's favor. This is the standard of proof for civil forfeiture in South Carolina.

Beyond a reasonable doubt: The standard required for criminal conviction. The government must have clear and convincing evidence that something is true.

Who gets to keep the money?

In the federal system and in many other states, including South Carolina, law enforcement agencies get to keep all or most of the money or property once it is forfeited.

In some states, the money goes to the state's general fund, to education or is used for drug addiction prevention.

Protection for innocent owners

Some states offer protection for innocent owners whose property is used illegally by someone else without their permission. In 10 states and the District of Columbia, the government must prove that the owner did something wrong before forfeiting property.

In South Carolina, the burden of proof rests on innocent owners, who must show they weren't complicit in the illegal enterprise.

Transparency

There are very few states with good data on civil forfeiture, making it tough for researchers to make conclusions, identify problems or come up with best practices for law enforcement.

Some states require law enforcement to file annual forfeiture reports with a state agency. South Carolina doesn't have any statewide reporting system.

Three states — New Mexico, Nebraska and North Carolina — have abolished civil forfeiture entirely, according to the Institute for Justice, a law firm that advocates for forfeiture reform and files lawsuits on behalf of property owners in forfeiture cases. Any seizures made in those states are handled as a criminal forfeiture. In criminal forfeiture, a suspect must first be convicted in criminal court. The same judge and jury then determine if the seized property is connected to the crime.

Listed below are states that have made recent changes, as well as the status of federal forfeiture laws.

New Mexico (2015)

The first state that did away with civil forfeiture entirely, New Mexico uses criminal forfeiture, which takes property away from convicted criminals. Any money taken through the new forfeiture process is placed into the state's general fund, not in the budgets of the law enforcement agencies that made the seizure. New Mexico is seen as the state with the strongest restriction on civil forfeiture, according to the Institute for Justice.

North Carolina

The state requires a criminal conviction for all forfeiture under state law but left open a loophole that allows local police to partner with federal agencies to process civil forfeiture cases under the much looser federal law. The federal government then gives a portion of the revenue to local agencies. Under North Carolina state law, forfeiture money goes toward public education, rather than the police agencies. Many state and local agencies have been using the federal program rather than the more restrictive state one, said Jeffrey Welty, director of the N.C. Judicial College at the University of North Carolina.

Nebraska (2016)

Nebraska is the third state to largely do away with civil forfeiture entirely. The state now requires a criminal conviction for any forfeiture and recently passed reporting requirements for law enforcement.

Other states have limited civil forfeiture while not completely abolishing the system. Fifteen states require a criminal conviction in order to forfeit property, though in some states the case is still handled in civil court.

Wisconsin (2018)

Already rated by the Institute for Justice as a state with strong forfeiture laws, Wisconsin is the most recent state to act on the issue. Wisconsin now requires a criminal conviction for forfeiture, and proceeds go to schools instead of law enforcement. State Sen. David Craig, one of the sponsors of the newest legislation, said forfeiture without convictions could violate the Constitution because it allows the government to take private property without going through a process to prove guilt.

Massachusetts (2018)

One of two states given the worst grade by the Institute for Justice for its civil forfeiture laws, Massachusetts approved some reform measures as part of a massive criminal justice reform bill in 2018.

North Dakota (rejected reform in 2017)

State senators in 2017 unanimously rejected a bill that would have required a criminal conviction before forfeiting property. The bill was, however, approved in the House of Representatives. There's still public support for the reform, but the next actions may be in neighboring South Dakota, said Heather Smith, executive director for the state ACLU branches in both Dakotas and in Wyoming.

Smith said all that's required for property to be forfeited is probable cause, the lowest standard. Innocent property owners whose property is used in a crime must also prove their innocence, and the state has little transparency, Smith said.

Some lawmakers have pushed to reform federal forfeiture laws, and former Attorney General Eric Holder restricted the equitable sharing program that allowed state and federal agencies to split forfeiture proceeds. But under President Donald Trump's administration, former Attorney General Jeff Sessions rolled back those limitations, signaling an expanded use of federal forfeiture.

Federal government

With minimal standards for what can justify a forfeiture (preponderance of evidence), the federal government sets the tone for forfeiture and provides an option for states with more restrictive laws. It's a method that allows local agencies to continue to use forfeiture even if state legislators pass reform bills. The federal government offers no protection for innocent owners if their property is seized, and all forfeiture revenue goes to law enforcement. The

federal forfeiture program is enormous and rapidly growing, with nearly \$10 billion in assets, up from \$4.5 billion less than five years ago.