



**PRESS RELEASE**  
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## **South Carolina Advisory Committee to the U.S. Commission on Civil Rights Calls on the General Assembly to Reform Civil Asset Forfeiture Practices**

WASHINGTON, D.C. - The South Carolina Advisory Committee to the U.S. Commission on Civil Rights issued a [report](#) on Civil Asset Forfeiture in South Carolina.

In the report, the South Carolina Advisory Committee concluded that civil asset forfeiture does not accomplish its intended purposes of defunding organized crime or reducing illicit drug use. Instead, half of the forfeitures are for less than \$1,000, and these seized funds and property are funneled into accounts accessible to the police department that seized it, allowing these agencies to use the property for their own benefit above and beyond the funding appropriated to them.

The Committee advised the Commission to call on the South Carolina General Assembly to pass legislation to protect the federal and constitutional rights of South Carolinians. This legislation should include:

- Moving seizure proceedings from civil to criminal courts in the state;
- Requiring a criminal conviction prior to the seizure of property;
- Providing for the reimbursement of attorney's fees for prevailing property owners in seizure proceedings in which their assets are returned by the courts;
- Requiring the amount of property seized be proportional to the underlying crime in accordance with federal and state constitutional prohibitions on excessive fines and fees;
- Limiting seizures to admissible evidence;
- Requiring a statewide annual reporting process be developed that includes a searchable public database that details which entity/agency seized the property, the circumstances that led to these assets being seized, information about the people (age, race, gender), and a report of the expenditures of such funds.

“The Committee learned that civil asset forfeitures are seemingly not driven by public safety needs but rather by funding needs for law enforcement agencies,” said Chair Ted Mauro. “In South Carolina, civil asset forfeiture has few procedural safeguards and no formal reporting requirements of what is seized from whom and why. The due process and property rights of the state’s residents deserve protection, particularly when this policy seems to disproportionately impact communities of color. We call on South Carolina’s leadership to address this damaging policy.”

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*The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 56 state and territory Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 65th year, a continuing legacy of influence in civil rights. For information about the Commission, please visit [www.usccr.gov](http://www.usccr.gov) and follow us on [Twitter](#) and [Facebook](#).*

## Background Information

South Carolina Advisory Committee Chairman Theodore D. Mauro, Ph.D.

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**Report cited in Press Release:** <https://www.usccr.gov/files/2022-11/sc-sac-asset-forfeiture-report.pdf>

**US Commission on Civil Rights Statement:** [https://www.usccr.gov/files/press/2017/Statement\\_08-18-2017\\_Forfeiture.pdf](https://www.usccr.gov/files/press/2017/Statement_08-18-2017_Forfeiture.pdf)

In August 2017, the U.S. Commission on Civil Rights issued a statement, “The U.S. Commission on Civil Rights Disapproves of the Department of Justice’s Civil Asset Forfeiture Policy.” The Commission, by unanimous vote, “strongly disagrees with the Department of Justice’s recent decision to expand federal participation in the practice of civil asset forfeiture. Civil asset forfeiture, defined as the taking of property by law enforcement without a criminal conviction, was sharply curtailed by the Department in 2015. Efforts to limit the practice have bipartisan support. As Justice Clarence Thomas recently noted, “This system — where police can seize property with limited judicial oversight and retain it for their own use — has led to egregious and well-chronicled abuses.”

The Commission noted that civil asset forfeiture has repeatedly been shown to have racially disproportionate outcomes, with a greater effect on people of color.

### **Present members of the South Carolina Advisory Committee to USCCR**

Sue Berkowitz  
Walter F. Caudle  
Miles E. Coleman  
Daniella Ann Cook  
Mathieu Deflem  
John Glover  
Ebony Green  
Theodore D. Mauro  
Mark Smith  
Dori Tempio

### **Recent News related to South Carolina and the USCCR**

[Stephen Gilcrest](#) *On May 7, 2020, President Trump appointed South Carolinian Stephen Gilchrist as a Commissioner of the U.S. Commission on Civil Rights.*

### **What are State Advisory Committees**

The USCCR maintains 51 State Advisory Committees (SACs), one for each state and the District of Columbia. Each is composed of citizen volunteers familiar with local and state civil rights issues. The members assist the Commission with its fact-finding, investigative, and information dissemination functions.

The Commission seeks to ensure that advisory committees are broadly diverse and represent a variety of backgrounds, skills, experiences, and perspectives. This diversity promotes vigorous debate and full exploration of the issues. All appointments are made in a non-discriminatory manner.

Commissioners are responsible for appointments to the advisory committees. Commissioners vote on individual appointments upon submission of recommendations by the staff director. The term of service for a committee member is four years with a total duration of not more than eight years (or two four-year terms) unless there is a sufficient basis for extending the appointment to 12 years.