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Presumed Innocent

Untold numbers of Philadelphians have lost their homes through the city district attorney's hyper-aggressive, overreaching civil forfeiture program, which bypasses normal judicial procedures to mete out punishment before a person has been convicted of a crime.

Consider the Orwellian nightmare of Christos and Markela Sourovelis, whose 22-year-old son was charged in March with allegedly selling \$40 worth of heroin outside their Somerton home. In May, police kicked the Sourovelises out of their house. After a week of couch surfing, they agreed to prosecutors' highly inappropriate demand that they boot their son out of the house in order for the rest of the family to move back in.

There was no proof that the Sourovelises had any knowledge of their son's alleged drug dealing, but they were punished nonetheless - forced to leave their home, and threatened with losing it, under the civil forfeiture law, which allows the government to confiscate property if prosecutors think it was "more likely than not" used in a crime.

The Sourovelises are rightly making a federal case out of this outrageous abuse. Attorneys from the Virginia-based **Institute for Justice**, who are representing the couple, have petitioned the court to make this a class action suit to help more victims.

The lawyers want the program abolished, arguing in part that if prosecutors want to separate drug dealers from the fruits of their

predatory enterprises, which is the stated purpose of the civil forfeiture program, they should follow criminal forfeiture rules, which require adjudication before punishment.

District Attorney Seth Williams' office has used the civil forfeiture program like a piggybank to fund as much as 20 percent of its budget. In the last decade, Philadelphia has reaped \$64 million in seized property - more than Brooklyn and Los Angeles combined, *The Inquirer's* Jeremy Roebuck reported. That money has helped pay the salaries of the prosecutors who run the civil forfeiture program, creating an obvious conflict of interest.

One deserving beneficiary of the program is the district attorney's Public Nuisance Task Force, which was created to shut down crack houses, brothels, and nuisance bars. That good work, which allows authorities to cite building code and other noncriminal violations to shut down troublesome enterprises, should continue.

It's up to the legislature to change the law that is trampling on defendants' constitutional right to be presumed innocent before being tried. But Williams doesn't need legislative approval to stop forfeiture abuses. Meanwhile, Mayor Nutter and City Council can help the District Attorney's Office rely less on income from forfeitures to fight crime in Philadelphia by making sure that department is adequately funded.