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## **55 Criminal Justice Leaders Urge Appellate Court to Strike Down Indiana Law Allowing Elected Prosecutors to Outsource Civil Forfeiture Cases to Private Attorneys**

*Allowing private individuals to take advantage of quasi-criminal legal proceedings undermines the integrity of the justice system and threatens long-term public safety*

Today, a group of 55 criminal justice leaders from around the nation filed an [amicus brief](#) calling on the U.S. Court of Appeals for the Seventh Circuit to strike down Indiana’s civil asset forfeiture system, which allows for the appointment of private attorneys to prosecute civil asset forfeiture cases for which they are paid on a contingency-fee basis. Under this structure, these attorneys make more money for themselves the more they confiscate from others – thus creating a serious conflict of interest underlying every decision they make. Notably, Indiana is the only state to adopt such a statutory scheme. The signatories to the brief – current and former elected prosecutors and law enforcement leaders; and former Attorneys General, U.S. Attorneys, and other U.S. Department of Justice officials – argue that this highly problematic delegation of authority undermines the fairness and integrity of the criminal legal system and directly threatens public safety.

“When we allow private individuals to pursue quasi-criminal forfeiture actions based on their own financial gain, we create an atmosphere that is ripe for widespread exploitation and the appearance of conflict. Indiana’s civil asset forfeiture laws – unique to that state alone – raise serious conflict of interest concerns and thereby erode trust in the legal system,” said **Miriam Krinsky, Executive Director of [Fair and Just Prosecution](#)**, the organizer of the brief, and a former federal prosecutor. “We should not outsource critical functions of our country’s justice system to unelected private individuals who are not accountable to their local community.”

The signatories to the brief explain how allowing private lawyers with personal financial motivations to participate in quasi-criminal legal proceedings with the backing of state government undermines trust in law enforcement and threatens their ability to protect public safety: *“When people observe that a private prosecutor is allowed to take away a person’s home, car, or other means of support, and that the attorney benefits monetarily from the resulting forfeitures, the community will lose faith in the legal system. And when people lack faith in the justice system, they are less likely to call the police, serve as witnesses, or cooperate in what are often intimidating and trying legal proceedings.”*

“Public trust is the essential currency that law enforcement authorities need to get buy-in and engagement from our communities. Indiana’s civil asset forfeiture structure erodes trust in the legitimacy of our state’s justice system and thereby threatens our ability to promote public safety

and well-being for everyone,” said **Marion County (Indianapolis) Prosecutor Ryan Mears**, a signatory to the brief.

The brief further warns of the long-term risks to the integrity of the legal system and trust in government as a whole: *“Allowing private individuals who have profit-seeking motives to conduct asset forfeiture investigations will undoubtedly result in reduced faith in the legal system and, thus, less cooperation and decreased public safety.... A system that allows private parties to take away property, and retain some portion of it—while also lacking the normal attendant protections associated with the criminal system, including the high burden of proof—will appear patently unfair to most and make a mockery of our system of justice.”*

“We need every individual we serve to know that their local law enforcement officers and prosecutors are motivated solely by public safety and justice – not personal profit. Allowing private lawyers into this quasi-criminal process inevitably creates the appearance of impropriety that damages bonds of community trust essential to keeping our communities safe and pursuing justice,” said **former Salt Lake City Police Chief Chris Burbank**, another signatory to the brief.

In addition to a large number of current and former local elected prosecutors, other signatories to the brief include **Sheriffs Jerry L. Clayton** (Washtenaw County, Mich.) and **Garry McFadden** (Mecklenburg County, N.C.); former **Police Chiefs RaShall Brackney, Brendan Cox, Abdul Pridgen** and **Norm Stamper**; former **Attorneys General John Farmer** (New Jersey) and **Scott Harshbarger** (Massachusetts); and former **U.S. Attorneys or Department of Justice** officials **Roy L. Austin, Jr., Shay Bilchik, Channing Phillips, Richard Pocker, Carter Stewart** and **Ronald Weich**.

*Amici* are represented by **Tyler D. Helmond**, from the law firm of **Voyles Vaiana Lukemeyer Baldwin and Webb** in Indianapolis.

Read the brief [here](#); see below for a list of *amici*.

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*Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our [website](#) and follow us on [Facebook](#), [Twitter](#), [LinkedIn](#), and [Threads](#).*

**List of Amici**

**Roy L. Austin, Jr.**

Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice  
Former Deputy Assistant to President Obama for the Office of Urban Affairs, Justice and Opportunity (White House Domestic Policy Council)

**Diana Becton**

District Attorney, Contra Costa County, California

**Buta Biberaj**

Former Commonwealth's Attorney, Loudoun County, Virginia

**Shay Bilchik**

Former Associate Deputy Attorney General, U.S. Department of Justice  
Former Administrator of the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

**Chesa Boudin**

Former District Attorney, City and County of San Francisco, California

**RaShall Brackney, Ph.D.**

Former Chief, Charlottesville Police Department, Virginia

**Chris Burbank**

Former Chief, Salt Lake City Police Department, Utah

**John Choi**

County Attorney, Ramsey County (St. Paul), Minnesota

**Jerry L. Clayton**

Sheriff, Washtenaw County (Ann Arbor), Michigan

**Dave Clegg**

Former District Attorney, Ulster County, New York

**Laura Conover**

County Attorney, Pima County (Tucson), Arizona

**Brendan Cox**

Former Chief, Albany Police Department, New York

**John Creuzot**

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**Steve Descano**

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District Attorney, Twentieth Judicial District (Boulder), Colorado

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District Attorney, Wyandotte County (Kansas City), Kansas

**Matt Ellis**

District Attorney, Wasco County, Oregon

**John Farmer**

Former Attorney General, New Jersey

**Ramin Fatehi**

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**Neill Franklin**

Former Executive Director, Law Enforcement Action Partnership (LEAP)  
Former Lieutenant Colonel, Commander of Education and Training, Baltimore Police  
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Retired Major, Maryland State Police

**Gil Garcetti**

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**Stan Garnett**

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Former District Attorney, City and County of San Francisco, California  
Former Chief, San Francisco Police Department, California  
Former Chief, Mesa Police Department, Arizona

**Sarah F. George**

State's Attorney, Chittenden County (Burlington), Vermont

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County Attorney, Polk County, Iowa

**Scott Harshbarger**

Former Attorney General, Massachusetts

Former District Attorney, Middlesex County, Massachusetts

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**Miriam Aroni Krinsky**

Former Assistant United States Attorney, Criminal Appellate Chief, and General Crimes Chief,  
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Former Chair, Solicitor General's Advisory Group on Appellate Issues

**Leesa Manion**

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District Attorney, Seventeenth Judicial District, Colorado

**Beth McCann**

District Attorney, Second Judicial District (Denver), Colorado

**Garry L. McFadden**

Sheriff, Mecklenburg County (Charlotte), North Carolina

**Ryan Mears**

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**Mary Moriarty**

County Attorney, Hennepin County (Minneapolis), Minnesota

**Steve Mulroy**

District Attorney, Shelby County (Memphis), Tennessee

**Channing Phillips**

Former United States Attorney, District of Columbia  
Former Senior Counselor to the Attorney General, U.S. Department of Justice

**Joseph Platania**

Commonwealth's Attorney, City of Charlottesville, Virginia

**Richard Pocker**

Former United States Attorney, District of Nevada

**Josh Pond**

District Attorney, Columbia County, Oregon

**Abdul D. Pridgen**

Former Chief, San Leandro Police Department, California  
Former Chief, Seaside Police Department, California

**Jacqueline Sartoris**

District Attorney, Cumberland County (Portland), Maine

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District Attorney, Multnomah County (Portland), Oregon

**Carol Siemon**

Former Prosecuting Attorney, Ingham County (Lansing), Michigan

**Eric Sparr**

District Attorney, Winnebago County, Wisconsin

**Norm Stamper**

Former Chief, Seattle Police Department, Washington

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**Ronald Weich**

Former Assistant District Attorney, New York County, New York  
Former Special Counsel, U.S. Sentencing Commission  
Former Assistant Attorney General, U.S. Department of Justice

**Law Enforcement Action Partnership (LEAP)**