

F. JAMES SENSENBRENNER, JR.

FIFTH DISTRICT, WISCONSIN

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October 16, 2014

The Honorable Michele M. Leonhart
Administrator
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152

Dear Administrator Leonhart:

The Drug Enforcement Administration (DEA) is an active participant in the Department of Justice's asset forfeiture program—a program that captured \$4.2 billion in 2012 alone. After seizing property, the DEA gives property owners the option of challenging the seizure either judicially, with the federal court system, or administratively, with the DEA itself in a process called remission or mitigation—often referred to as the administrative pardon of property. Seizures that are not challenged within 30 days of receiving notice are forfeited.

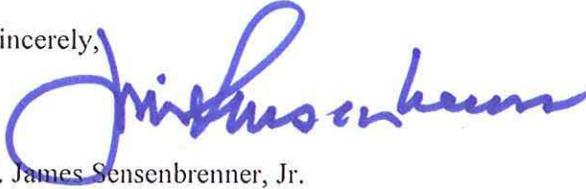
Because of the expense and complexity of the federal court system, many property owners pursue the administrative remedy. The DEA's determinations are final and not subject to subsequent challenge. This administrative remedy thus becomes the sole avenue for constitutionally-required due process.

Given the importance of this administrative process, it is important that Congress and the public fully understand it. Please respond to the following questions by October 31, 2014:

- How many petitions does the DEA receive for the administrative pardon of property?
- How many petitions for the administrative pardon of property are granted?
- How many petitions does the DEA receive from individuals (as opposed to business or financial institutions) for the administrative pardon of property?
- How many of the petitions from individuals are granted?
- Please describe the methodology and procedures used by the DEA to adjudicate petitions for remission or mitigation of the forfeiture.
- Allowing attorneys for the DEA to adjudicate the conduct of its own agents to determine whether money should flow to the coffers of the Department of Justice's Asset Forfeiture Fund presents inherent conflicts of interests. DEA leadership will have an interest in seeing the petitions denied because it increases the amount of money available for law enforcement agencies. Meanwhile, agents may see grants of administrative relief as a condemnation of their conduct in the field. Given these conflicts, what procedures and protections exist to ensure fair adjudications of the claims?

Thank you for your prompt attention to this matter. If you have any questions, please contact Amy Bos in my office at (202) 225 5101.

Sincerely,

A handwritten signature in blue ink, reading "F. James Sensenbrenner, Jr.", written in a cursive style.

F. James Sensenbrenner, Jr.
Member of Congress