

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Case No. 90943

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THE STATE OF NEVADA  
DEPARTMENT OF PUBLIC  
SAFETY, HIGHWAY PATROL  
DIVISION; COLONEL ANNE  
CARPENTER, IN HER OFFICIAL  
CAPACITY AS CHIEF OF THE  
NEVADA HIGHWAY PATROL; and  
SERGEANT GLENN RIGDON, IN  
HIS OFFICIAL CAPACITY AS AN  
OFFICER OF THE NEVADA  
HIGHWAY PATROL,

*Appellants,*

v.

STEPHEN LARA,

*Respondent,*

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Brief of Amicus Curiae ACLU of Nevada  
in Support of Respondent and in Support of Affirming the District Court's Order

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**American Civil Liberties  
Union of Nevada**

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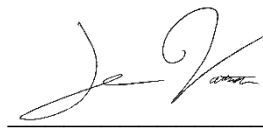
**NRAP 26.1 and NRAP 29(c)(5) Disclosures**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

American Civil Liberties Union of Nevada is a domestic nonprofit, non-stock corporation. It has no parent corporations, and no publicly held corporations have an ownership in it. This amicus curiae is represented by Jacob Smith Valentine of the ACLU of Nevada.

No other law firms have appeared for amicus in this case or are expected to appear for amicus in this Court. No party or party's counsel to this matter authored this brief in whole or in part. No party or party's counsel to this matter contributed money intended to fund preparation or submission of this brief. No person other than amicus and its counsel contributed money intended to fund preparation or submission of this brief.

Dated: April 22, 2026



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Jacob T. S. Valentine (16324)  
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## **Identity Of Amicus Curiae And Statement Of Interest**

This brief is in support of Respondent Stephen Lara and this Court affirming the district court's order.

The American Civil Liberties Union of Nevada (ACLU of Nevada) is a nonprofit, nonpartisan organization dedicated to defending the principles embodied in the United States and Nevada Constitutions and our nation's civil rights laws. The ACLU of Nevada advocates on behalf of Nevadans and their constitutional rights. That includes contributing amicus support on the topic of civil asset forfeiture when a case arises. The ACLU of Nevada, its civil rights clients seeking justice, and its members and donors have a material interest in the outcome of this appeal.

This case is a direct continuation of a civil liberties struggle the ACLU of Nevada has followed closely. The ACLU of Nevada has previously filed amicus briefs before this Court in civil asset forfeiture cases.<sup>1</sup> The question now before this Court is whether Nevada law enforcement may route seized property through federal adoption to circumvent Nevada's protective forfeiture statutes. This question is of acute concern to the ACLU of Nevada because the federal adoption practice does not merely present a statutory anomaly, it strips individuals of every procedural

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<sup>1</sup> See e.g. American Civil Liberties Union of Nevada & Nevada Attorneys for Criminal Justice, Brief of Amici Curiae in Support of Appellants' Opening Brief, *Spencer v. City of Henderson*, No. 88629 (Nev. Sept. 26, 2024)

safeguard Nevada’s Legislature erected to protect property owners from unlawful seizures. The ACLU of Nevada has compelling organizational interests in ensuring that state and local actors cannot evade legislative protections for civil liberties through federal workarounds. This brief addresses those civil liberty concerns and supplements without duplicating the arguments presented by Respondent.

### **Argument**

Nevada law enforcement agencies seize approximately three million dollars in reported civil asset forfeitures each year.<sup>2</sup> Under Nevada’s civil forfeiture statutes, those seizures are subject to procedural safeguards designed to help reduce abuse. *See* NRS 179.1171 (initiating the proceeding for forfeiture in district court); NRS 179.1173 (requiring clear and convincing evidence); NRS 179.1175 (requiring that agency hold contested currency in interest-bearing account); NRS 179.1187 (requiring 70% of all funds over \$100,000 seized through forfeiture be paid out to the State Education Fund). These procedural protections coupled with the sharing mandate disincentivize agencies from engaging in questionable seizures to line their own budgets.

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<sup>2</sup> Nevada Attorney General, “Annual Forfeiture Reporting” (available at [https://ag.nv.gov/Hot\\_Topics/Annual\\_Forfeiture\\_Reporting/](https://ag.nv.gov/Hot_Topics/Annual_Forfeiture_Reporting/)) (last visited April 16, 2026)

The Nevada Highway Patrol (NHP) now attempts to circumvent these safeguards. Rather than proceeding under Nevada law, NHP routed Lara's cash through the federal equitable sharing program which allows a state agency to transfer seized property to the federal government and receive more proceeds from the seizure than would be permitted under Nevada law. The district court correctly recognized this practice as a deliberate circumvention of state law and issued an injunction. This brief explains how the perverse incentives that already drive civil asset forfeiture abuse in Nevada are amplified when agencies can use federal adoption to capture eighty percent of seized cash with no state court oversight and no school district transfer obligation.

**I. There are perverse financial incentives that drive civil asset forfeiture abuse in Nevada.**

Nevada's Legislature enacted a mandatory civil forfeiture scheme that reflects the fundamental principle that due process is required before the government may deprive someone of their property. Under NRS 179.1171, a property owner is entitled to prompt notice and a hearing before the government can seize property for an extended period. Under NRS 179.1173, the government must file a forfeiture action in a Nevada district court, and the owner is entitled to a timely hearing where the government must establish through clear and convincing evidence that the property is subject to forfeiture. Under NRS 179.1175, the government must place currency seized within an interest-bearing account while the forfeiture is contested.

Each protection reflects a specific legislative determination about the risks of abuse inherent in civil forfeiture and the minimum process required before the government may permanently dispossess someone of their property.

Even with these procedural safeguards, Nevada law enforcement agencies may still be incentivized to attempt questionable civil asset forfeitures in the hope that significant sums from forfeitures will be returned to the seizing agency under NRS 179.118(2)(b). To perhaps mitigate this adverse incentive, NRS 179.1187(2) requires agencies to transfer seventy percent of money over \$100,000 remaining at the end of a fiscal year to the county school district. NRS 179.1187(2).<sup>3</sup>

As explained below, the adverse incentives for agencies to conduct civil forfeitures are only increased with federal adoption.

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<sup>3</sup> Granted, this system is far from perfect as the transfer obligation applies only to money that remains unspent at fiscal year end. This results in a race for the police agency to spend funds before the fiscal year end. *See American Civil Liberties Union of Nevada & Nevada Attorneys for Criminal Justice, Brief of Amici Curiae in Support of Appellants’ Opening Brief, Spencer v. City of Henderson*, No. 88629 (Nev. Sept. 26, 2024); *see eg* Nevada Attorney General, “2022-2023 Aggregate Forfeiture Report” (available at [https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/2022-2023\\_Aggregate\\_Forfeiture\\_Report.pdf](https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/2022-2023_Aggregate_Forfeiture_Report.pdf)) (last visited April 16, 2026) (the Henderson Police Department seized \$175,656.46 in civil asset forfeiture funds during the 2022-23 fiscal year, but the department transferred only \$1,558.19 to the school district.)

**II. Federal adoption is a particularly egregious attempt at circumventing the meager State-law conditions seeking to limit harmful forfeitures.**

The few protections in place to limit the perverse incentives for civil forfeitures under state law were entirely sidestepped in Lara’s case. NHP seized Lara’s life savings during a traffic stop, with no evidence of criminal activity, and then routed that cash through federal adoption to recover eighty cents on the dollar.

Nevada policing agencies like NHP believe they can use equitable sharing<sup>4</sup> to circumvent Nevada’s civil forfeiture process whenever profitable. Under the equitable sharing program, a federal agency “adopts” property seized by state officers and then remits a percentage of the proceeds to the referring state agency. U.S. Dep’t of Just. & U.S. Dep’t of Treasury, *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* (Mar. 2024). If Nevada law enforcement agencies are allowed to use federal adoption, these agencies will sidestep the due process protections in Nevada law. Under the Federal Civil Asset Forfeiture Reform Act of 2000, the government establishes jurisdiction with probable cause, and the property owner, not the agency, bears the burden of proving that the property is not subject to forfeiture. 18 U.S.C. § 983. Claimants in federal proceedings may also be required to post a bond to contest the forfeiture, 18 U.S.C. § 983(f)(7), a burden that does not exist under state law. Federal law’s notice

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<sup>4</sup> Which for the purposes of this brief includes both the adoption of the forfeiture by the federal government and the equitable sharing that follows.

timelines also provide less protection than Nevada's. *Compare* 18 U.S.C. § 983(a)(1)(A) (no notice required until 90 days after seizure, however this deadline is indefinitely extendable, and government only needs to file the complaint 90 days after the property owner makes a claim); *with* NRS 179.1171(2) (government must file forfeiture complaint within 120 days of seizure); *see generally* U.S. Dep't of Just., Asset Forfeiture Policy Manual (2025).

The agencies can also dodge their obligation to Nevada's schools through federal adoption. Under the federal adoption program, a state agency that transfers seized property to the federal government receives up to eighty percent of the proceeds back with no obligation to comply with NRS 179.1187(2). Not only does the adoption program avoid state court oversight, it allows an agency to indulge in excess.

Civil asset forfeiture programs are about maximizing profit for the agency, not public safety, and the federal adoption program is ultimately designed to feed that incentive. Forfeitures increase during periods of fiscal distress for law enforcement agencies.<sup>5</sup> This is not a coincidence. It reflects an institutional response to an incentive structure that makes seizure profitable. This same response to maximize the financial benefits of civil forfeitures may be why the NHP officers chose to route

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<sup>5</sup> Michael D. Makowsky et al., *To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement*, 48 *J. Legal Stud.* 189, 211 (2019).

Lara’s money through the federal program: it maximizes NHP’s profit. Notably, NHP’s practice of federal adoption was not a one-time deviation. The record reflects a systematic policy of routing cash seizures through federal adoption when profitable for agencies. *See* Answering Br. at 63–66.

There is also an inherent flaw in all civil forfeiture proceedings in that fighting a proceeding often costs more than that the amount seized. For example, the Institute for Justice has found that the minimum cost to challenge a civil forfeiture in state court is approximately \$3,000.<sup>6</sup> The median forfeiture value in Nevada from 2016 through 2018 was \$908.<sup>7</sup> In that same period, roughly half of all Nevada forfeitures involved amounts below \$908.<sup>8</sup>

The problem is not limited to NHP, as Nevada law enforcement agencies are frequently engaging in equitable sharing and circumventing the legislature. The Answering Brief documents reveal Nevada law enforcement agencies collectively transfer tens of millions of dollars in seized property to the federal government

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<sup>6</sup> Institute for Justice, “Policing for Profit, The Abuse of Civil Asset Forfeiture,” at 117 (3d ed. Summer 2020) (available at <https://ij.org/report/policing-for-profit-3/>) (last visited April 16, 2026)

<sup>7</sup> Institute for Justice, “Policing for Profit, The Abuse of Civil Asset Forfeiture,” at 117 (3d ed. Summer 2020) (available at <https://ij.org/report/policing-for-profit-3/>) (last visited April 16, 2026)

<sup>8</sup> *Id.*

annually, affecting an unknown but substantial number of individuals who receive none of the procedural protections Nevada law requires. *See* Answering Br. at 68.

Finally, the federal adoption program perversely incentivizes local law enforcement to prioritize federal desires over its obligations to Nevadans, who should be the agencies' first priority. This incentive is clear from LVMPD's Amicus Brief wherein LVMPD claims that without access to money from the federal government the organization would have a "diminished incentive" to address federal-state public safety issues. LVMPD's Amicus Brief at 14. It is the money, not a sense of public duty, that drives the agency's decision-making. LVMPD then claims that being ineligible for the federal equitable sharing program undermines the organization's ability to work collaboratively with the federal government on programs such as the Southern Nevada Human Trafficking Task Force. *Id.* at 11-12. If the work is worth doing and actually makes Nevadans safer, whether Nevada's agencies can participate in the federal adoption should be a non-factor.

### **Conclusion**

The Nevada Legislature enacted the civil forfeiture statutes in NRS 179.1156 et seq. to protect Nevadans from exactly the conduct NHP engaged in here. NHP sought to participate in the federal adoption program to avoid the procedural safeguards and profit sharing imposed by Nevada law. Amici respectfully urge this Court to affirm the district court's order banning NHP from doing so.

Dated: April 22, 2026

Respectfully submitted,



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### **Certificate of Compliance**

I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) as this brief is in proportionally spaced Times New Roman 14 point font and is double spaced. This brief complies with page or type-volume limitations of NRAP 32(a)(7) because other than those parts exempted by NRAP 32(a)(7)(c) because it is proportionally space, has a typeface of 14 point, and contains less than 3,000 words. I have read this brief and to the best of my knowledge, information, and belief it is not frivolous or interposed for any improper purpose. Lastly, I certify that this brief complies with all other applicable rules of the Nevada Rules of Appellate Procedure including NRAP 28(e) and I understand that I may be subject to sanctions if this brief fails to comply with the requirements outlines within the Nevada Rules of Appellate Procedure.

Dated: April 22, 2026



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**Certificate of Service**

I hereby certify that on April 22, 2026, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system and I served a true and correct copy of the same via the Court's e-service system.

Dated: April 22, 2026



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