



**Division of State Patrol
Policy and Procedure**

Number
16-5

Subject CURRENCY FORFEITURE	
Author/Originator Bureau of Field Operations	Approved by <i>Anthony L. Burrell</i> Superintendent
Records Management Statement Supersedes P&P 16-5 dated March 16, 2016 Posted on WisDOT Internal Website (SharePoint) at https://wigov.sharepoint.com/sites/dot-dsp/policy/sitepages/home.aspx	

I. POLICY

It is the policy of the Division of State Patrol (DSP) to utilize US Federal and State of Wisconsin forfeiture laws to initiate currency forfeiture actions in cases where probable cause exists to believe the currency is associated with criminal activity.

II. BACKGROUND

Division of State Patrol personnel are trained to detect indicators of criminal activity which may lead to the seizure of currency. Multi-agency coordination efforts are required for successful completion of forfeiture actions.

The enforcement of state law is the principle objective of currency forfeiture proceedings. Prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, and the due process rights of citizens is paramount. The potential for a currency forfeiture must not be allowed to jeopardize the investigation.

Furthermore, strict adherence to a set policy supports the building of public trust.

III. OBJECTIVE

The objective of this policy is to provide guidance for Division personnel during their involvement in federal and state currency forfeiture proceedings. DSP personnel will cooperate and assist other law enforcement agencies in forming an effective Highway Criminal Interdiction (HCI) Program.

IV. DEFINITIONS

- A. **Adoption Request Online (ARO)** – The online, DEA federal adoption request form used by DSP asset forfeiture coordinators. [CLICK HERE FOR LINK](#)
- B. **Asset Forfeiture Time Expenditure Log** – An electronic record keeping system within SharePoint for an officer to document their time expended during an investigation of a seizure. [CLICK HERE FOR LINK](#)
- C. **Asset Forfeiture Case Log** – An electronic log which tracks all Division forfeitures within SharePoint. [CLICK HERE FOR LINK](#)
- D. **Currency** – Money, tangible or electronic.
- E. **Contraband Declaration (Currency)** – Money that is “put to an illegal use or acquired illicitly” or that has “a significant connection to items which are illegal to possess.”
- F. **Deconfliction Report** – A process initiated by an officer contacting the North Central High Intensity Drug Trafficking Area (HIDTA) Watch Center in order to obtain investigative leads on a person, vehicle, or phone number.
- G. **Drug Task Force** – An organized, multi-agency group focused on investigating the sale, possession, or distribution of illicit drugs.
- H. **eShare** – The online, US Federal asset forfeiture log.
- I. **Forfeiture** – A legal action in which property and/or currency is confiscated during criminal or civil proceedings.
- J. **Property** – In general, as defined in [\(s. 70.04\(1g\)\)](#), all goods, wares, merchandise, chattels, and effects, of any nature or description, having any real or marketable value, and not included in the term “real property.”
- K. **Seizure** – Contraband, currency and/or evidence taken by an officer during the course of an investigation.
- L. **Task Force Officer (TFO)** – An officer who has been deputized as a US Federal officer.

V. GENERAL PROVISIONS

- A. Currency Seizure Options:
 - 1. **Federal Forfeiture:** In general, over \$10,000 (for adoption).

2. **State Forfeiture:** In general, less than \$10,000 – contact local district attorney.
3. **Contraband Declaration:** If money is believed to be contraband, make contact with local district attorney for a decision to start legal action and/or the disposition of the money.
4. **Evidence of Offense:** material good that comes into the custody of a law enforcement officer when such material good may tend to prove or disprove the commission of a crime or the identity of a suspect pursuant to an official criminal investigation. *Example: money obtained from another crime, such as a robbery, burglary, or theft.*

(See - Evidence Seized/Recovered Property Policy 10-5)

VI. SEIZING CURRENCY FOR FORFEITURE

- A. Sworn, Division personnel seizing currency for forfeiture under federal or state asset forfeiture programs shall adhere to the provisions of this policy. The steps taken by officers in the initial stages of a criminal investigation may often affect the final disposition of seized currency obtained during or after the arrest. Sworn Division personnel should initiate or be present during the initial interviews and/or interrogations of suspects or persons of interest.
- B. Currency subject to seizure may be forfeited one of two ways – **federal** or **state**.
 1. **Federal** - An “*adoptive forfeiture*” is one where currency is seized under state law and is subsequently referred to the US Federal government for the institution of forfeiture proceedings. The currency is therefore “adopted” by the US Federal government for purposes of forfeiture (under the provisions of Federal Statutes 21 USC sections 853 and 881).
 2. **State** - Wisconsin State currency forfeiture (defined under s. 961.555 and s. 973.075) provides a forfeiture option if the currency will not be federally adopted. This requires coordination with the local district attorney’s office where the offense took place.

Per s. 961.55(5)(e), a portion of the forfeited currency can be retained, but not to exceed 50%, of the amount received (awarded) to pay for forfeiture expenses (incurred expenses), as defined in 961.55(5)(b), if the agency produces an itemized report of actual forfeiture expenses and submits the report to the Department of Administration to make it available on the (DOA) department's website. The money that is not retained for incurred expenses will be deposited into the State School Fund.

Seized currency eligible for forfeiture pertaining to the Wisconsin Uniform Controlled Substances Act as defined in s. 961 Currency may be seized without a warrant if, among other things, an officer has probable cause to believe the property was used or intended to be used in violation of the narcotics laws of the state, the property was derived from or realized through a crime under the narcotics laws of the state.

Currency eligible for seizure involving crimes not listed under s. 961.55 shall be coordinated through the local district attorney’s office with the approval of the duty sergeant.

VII. TROOPER/INSPECTOR

When, during an arrest or investigation, a trooper or inspector becomes aware of criminal indicators (such as large quantities of controlled substances and/or large sums of currency which are believed to be associated with criminal activity), he/she shall:

- A. Advise the applicable DSP Region/Post Communication Center of a possible currency seizure situation and notify the duty sergeant by phone or radio – providing the facts surrounding the case.
- B. Request a criminal history check for involved person(s).
- C. Conduct a deconfliction report (investigative leads on a person, vehicle, and phone number) through North Central High Intensity Drug Trafficking Area (HIDTA) by phone or email.

414-220-4773 watchcenter@northcentralhidta.org

- D. If seizure is going to be forfeited through the State of Wisconsin, contact the local District Attorney. Based on the situation, use discretion as to if it should be a call to the on-duty DA or wait for business hours.
- E. Incident/Offense Manager:
 - 1. Provide a property receipt to individual(s) from whom currency is seized from.
 - 2. Include current phone number(s) and address(es)
- F. When possible, a currency sniff should be conducted by a DSP K9 team if the officer believes the currency is proceeds from the sale or distribution of a restricted controlled substance.
- G. Currency should be stored separate from drug evidence to avoid cross contamination.

- H. Process currency through a Division money counter whenever possible. Currency should be counted by two parties to ensure an accurate total is recorded.
- I. Package, label, and secure all evidence in accordance utilizing DSP Policy & Procedure 10-5, Evidence Processing/Seized or Recovered Property.
- J. If requesting a federal or state forfeiture, employees shall record their associated hours relevant to the case utilizing the Division's Asset Forfeiture Time Expenditure Log. [CLICK HERE FOR LINK](#)
- K. The arresting trooper/inspector will submit all reports to the local district attorney's office and follow-up for any further actions needed.

VIII. REGION/POST COMMUNICATIONS CENTER

- A. Conduct criminal history checks upon the request of the investigating officer.
- B. Ensure the duty supervisor is continuously updated of the incident including the potential for currency seizure.
- C. Coordinate with the duty sergeant for Regional Incident Notification(s) (RIN's) regarding the incident.

IX. SWORN DUTY SUPERVISOR

After being advised of a potential currency seizure, the duty supervisor shall:

- A. Establish communication with the trooper/inspector to coordinate and assist with the investigation.
- B. The supervisor will make a decision to either go to the scene of the seizure (which is encouraged) or coordinate the situation from his/her present location.
- C. Utilize the Federal and State currency flowcharts (SEE APPENDIX) to assist in determining if a currency forfeiture is possible.
- D. If available, contact a DSP Task Force Officer (TFO).
- E. Ensure a criminal history check has been made and the trooper/inspector has conducted a deconfliction report through North Central High Intensity Drug Trafficking Area (HIDTA) by phone or email:

414-220-4773 watchcenter@northcentralhidta.org

- F. Notify the Regional Asset Forfeiture coordinator of the potential forfeiture.
- G. If requesting a federal or state forfeiture, all involved employees shall record their associated hours relevant to the case utilizing the Division's Asset Forfeiture Time Expenditure Log. [CLICK HERE FOR LINK](#)
- H. Notify the Executive Officer of the Region/Post where the seizure occurred.
- I. Provide the Region Asset Forfeiture Coordinator with copies of all involved reports.
- J. Ensure and/or send Regional Incident Notification(s) (RIN's) regarding the incident.

X. REGION ASSET FORFEITURE COORDINATOR

Region Asset Forfeiture Coordinators will be assigned by each Region's Commander. The regional coordinator will assist with the submission of paperwork in order to begin the currency forfeiture proceedings. The regional coordinator shall:

- A. Review the officer's reports and coordinate forfeiture actions with involved federal, state, and local law enforcement agencies as well as with the county district attorney.
- B. Complete and submit the required federal or state currency forfeiture forms to the necessary agencies.
- C. Follow-up on the status of all pending forfeiture actions.
- D. Work with the Division Asset Forfeiture Coordinator on forfeiture proceedings.
- E. Keep the Region Commander and Executive Officer updated on the status of each case.
- F. Oversee the Asset Forfeiture Program training for region supervisors, troopers, inspectors and law enforcement dispatchers (LEDs).
- G. Ensure all Division SharePoint **Time Expenditure Logs** are continuously updated. [CLICK HERE FOR LINK](#)

- H. Ensure all Division SharePoint [Asset Forfeiture Case Logs](#) are kept up to date.
[CLICK HERE FOR LINK](#)

Federal Seizure:

- 1. Complete the “Adoption Request Online” (ARO), including all required documentation within 15 calendar days of the seizure.
[CLICK HERE FOR LINK](#)

State Seizure:

- 1. If requesting a state forfeiture, ensure the local district attorney has been notified and all paperwork has been submitted within 30 calendar days of seizure.
- 2. When currency has been forfeited via a state seizure, submit an itemized report of actual forfeiture expenditures utilizing the DOA 7200 and submit the report to the Department of Administration website. [CLICK HERE FOR LINK](#)

XI. DIVISION ASSET FORFEITURE COORDINATOR

The Division Asset Forfeiture Coordinator will be appointed by the Division Superintendent. The Division Coordinator will file all currency forfeiture cases received from the field and is responsible for:

- A. Tracking the status of all pending currency forfeitures and maintaining copies of all pertinent documents.
- B. Keeping an accounting of all funds received.
- C. Reporting the status of the currency forfeiture program to the BS Director and the BFO Director.
- D. Facilitate forwarding all received property to the appropriate DSP Bureau or Region for final use or disposition as appropriate.
- C. Facilitate forwarding all money received under the currency forfeiture program to the DSP Office of Budget and Operations Support as applicable.

XII. DSP OFFICE OF BUDGET AND OPERATIONS SUPPORT

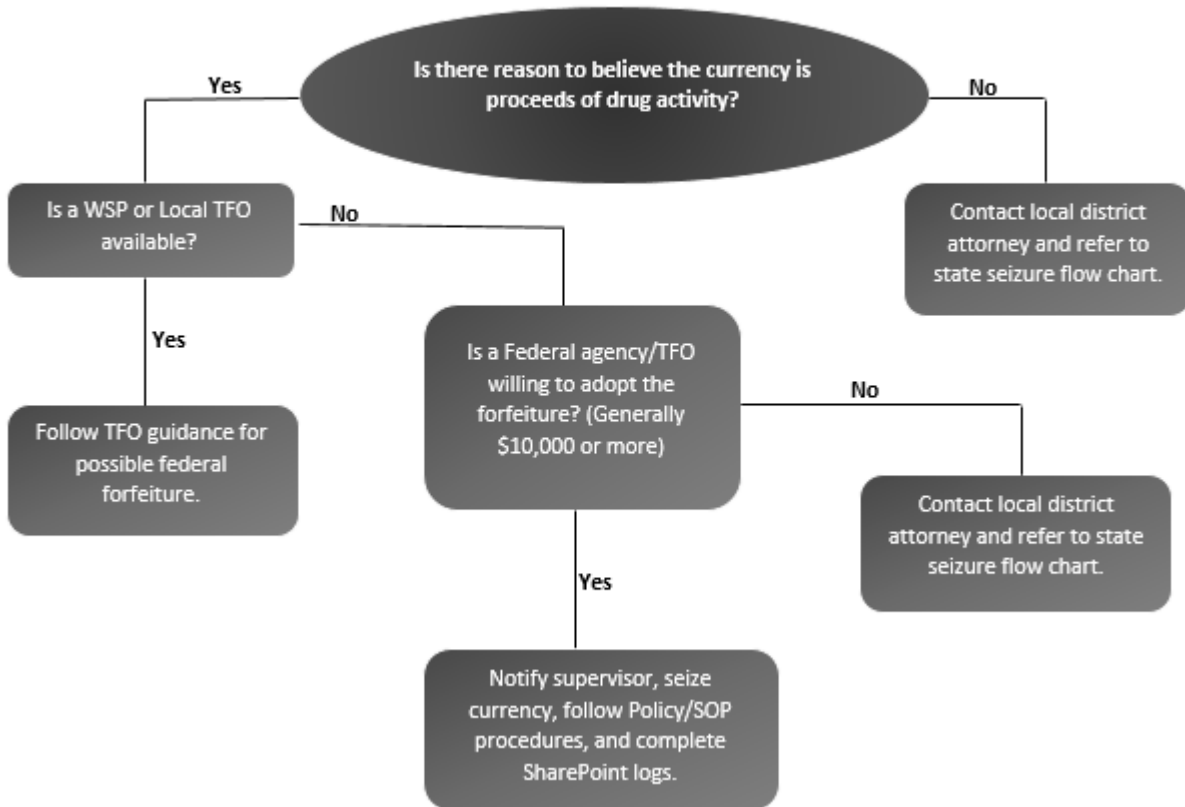
Ensure all currency forfeiture funds will be used exclusively by the Division of State Patrol for law enforcement purposes. The Office of Budget and Operations Support will request sufficient budget authority for anticipated expenditures within the Division. The Office of Budget and Operations Support will:

- A. Forward the proceeds to the Wisconsin Department of Transportation (WisDOT), Division of Business Management, Bureau of Business Services, along with appropriate documentation for deposit in the WisDOT banking accounts, in accordance with the standard accounting procedures and internal controls to track shared monies and property as applicable.
- B. Apply the asset forfeiture funds to the purchase of appropriate law enforcement programs, services or equipment, as directed by the Division Superintendent.
- C. Monitor currency forfeiture fund balances and related documentation.

XIII. REFERENCES

DSP Policy and Procedure 10-5, Evidence Processing/Seized or Recovered Property
Request for Adoption of State or Local Seizure
USDOJ Application for Transfer of Federally Forfeited Property
2017 Wisconsin Act 211
Wisconsin Stats s. 961.55 and s.961.571
United States Code (U.S.C.) 21

Federal Asset Forfeiture



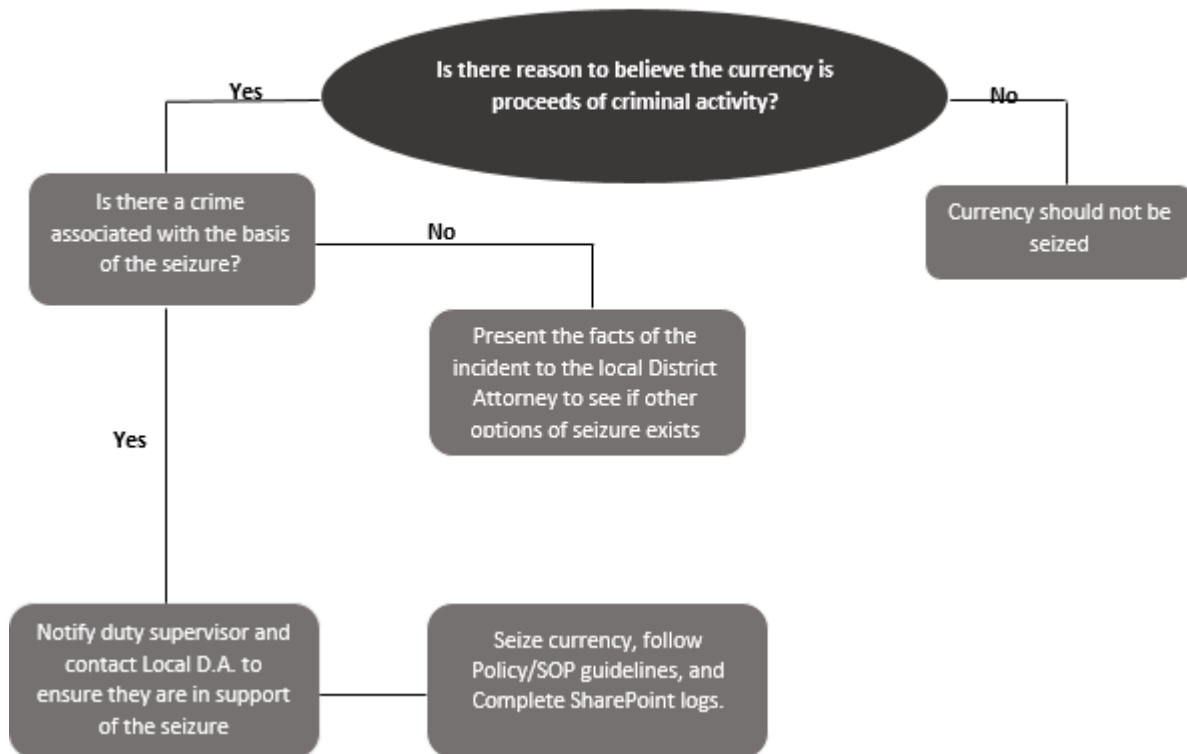
Federal phone numbers to call during investigation:

Federal Adoption of Forfeiture (Drug Enforcement Administration -DEA)

- Madison/Eau Claire 608-216-1087
- Milwaukee 414-234-9794
- Green Bay 920-492-4907 (dial “2” for on duty agent)

Contact Regional Coordinator and/or Regional K9 Handler if no answer at DEA.

State Asset Forfeiture



State Forfeitures:

- Contact local district attorney's office
- Contraband Declaration
- Contact local district attorney's office