



## Legislation Text

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**File #:** 141610, **Version:** 1

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141610  
Substitute 1

Ald. Witkowski

Substitute resolution authorizing the Milwaukee Police Department to accept and expend monies received through the State Asset Forfeiture Program for the Milwaukee Metropolitan Drug Enforcement Group.

The Milwaukee Police Department, as the fiduciary agent for the Milwaukee Metropolitan Drug Enforcement Group, participates in a federal asset forfeiture sharing program in which assets raised through illegal controlled substance activities can be seized and used by law enforcement. However, this federal program has certain seizure parameters in that they can no longer be utilized to adopt seizure cases, which are solely based upon state criminal charges. Additionally, funds which are seized through state asset forfeiture proceedings cannot be co-mingled with funds seized federally; they must be deposited in a separate account.

Chapter 961 of the Wisconsin statutes establishes that money used or intended to be used, or derived from or realized, either directly or indirectly, from the sale or use of controlled substances can be seized by law enforcement personnel. The arresting agency may retain 70 percent of money seizures that do not exceed \$2,000 and 50 percent of money seizures in excess of \$2,000, with the remainder deposited in the state general school fund. These "state money forfeitures" retained may be then used by the arresting agency for the payment of forfeiture expenses, including expenses of seizure, maintenance of custody, advertising, court costs, and the costs of investigation and prosecution reasonably incurred.

Whereas, Common Council file number 930380 establishes the City's procedural guidelines regarding the receipt, appropriation and expenditure of contributions; and

Whereas, The Milwaukee Police Department on behalf of the Milwaukee Metropolitan Drug Enforcement Group participates in the State Asset Forfeiture Program and are awarded monies as a part of this program; and

Whereas, These amounts to be received cannot be predicted because they are dependent on future drug seizures; and

Whereas, These funds may be used by the Milwaukee Metropolitan Drug Enforcement Group for the payment of forfeiture expenses in addition to a percentage being paid to the general school fund; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Milwaukee Police Department, on behalf of the Milwaukee Metropolitan Drug Enforcement Group, is authorized to accept and

expend funds received from the State Asset Forfeiture program for the payment of state asset forfeiture expenses, in accordance with established City Policies and Procedures for acceptance and expenditure of contributions; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer appropriations and estimated revenue from the Contribution Fund-General, account number 0001-2110-D001-006300, and the estimated revenue account for contributions, account number 0001-2110--0001-009850 to the Police Department's special account 0001-3310-0001-Dxxx-006300, and the Police Department's estimated revenue account 0001-3310-0001-009850 for purposes set forth in this resolution; and, be it

Further Resolved, That the Police Department is directed to annually, by April 1, submit a report to the Common Council detailing the monies it receives and expends on behalf of the Milwaukee Metropolitan Drug Enforcement Group for the previous year.

Milwaukee Police Department  
Vicki Johnson  
02/05/15

Amended  
Chris Lee  
02/25/15