



Legislation Text

File #: 141611, **Version:** 1

141611
Substitute 1

Ald. Witkowski

Substitute resolution authorizing the Milwaukee Police Department to accept and expend monies received through the State Asset Forfeiture Program.

The Milwaukee Police Department 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 paid to 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 participates in the State Asset Forfeiture Program and are awarded monies as a part of this program; and

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

Whereas, These funds may be used by the MPD 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 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 through the State Asset Forfeiture Program for the previous year.

Milwaukee Police Department
Vicki Johnson
02/05/15

Amended
Chris Lee
02/25/15