

Wisconsin earns a **A-** for its civil forfeiture laws:

- Higher bar to forfeit in limited cases: Weak conviction provision falls short of criminal forfeiture (see page 41). It does not require conviction of the owner, only of “a person,” and the court can waive it if the owner does not contest the forfeiture or in other situations, including when the defendant has agreed to help investigators in exchange for immunity. Once the conviction provision is satisfied, property must be linked to the crime by clear and convincing evidence.
- Stronger protections for the innocent: The government must prove third-party owners knew about criminal activity connected to their property.
- No profit incentive: All forfeiture proceeds go to fund schools, though agencies can retain up to 50% to pay for forfeiture expenses.

Recent Reforms

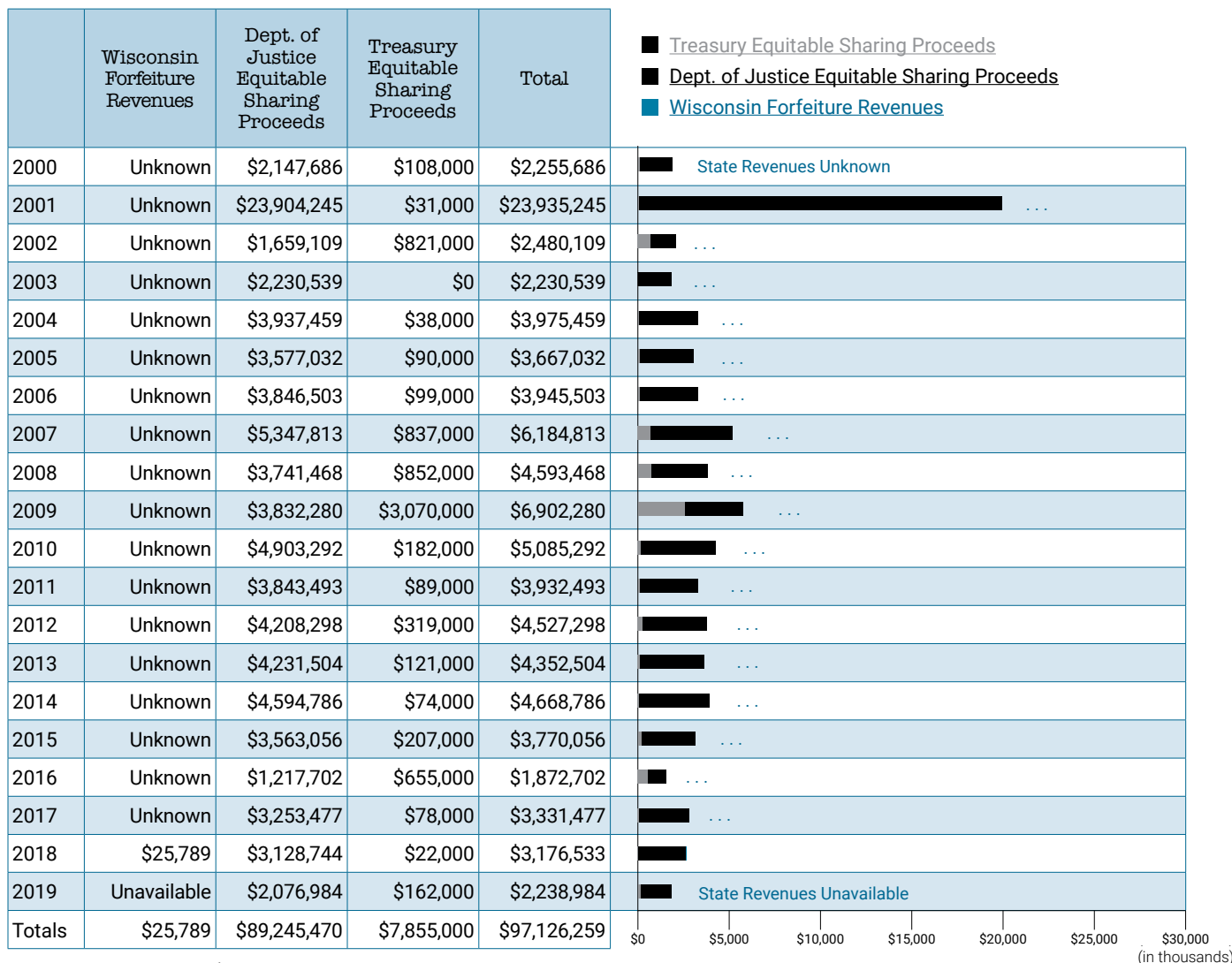
- (2018) AB 122/SB 61: Raised standard of proof; created weak conviction provision; shifted burden of proof from innocent owners to government; imposed modest limits on participation in federal equitable sharing; adopted new transparency requirements; required agencies to document expenses paid with forfeiture funds; required prosecutors to file criminal charges within six months or return seized property; established pretrial hearing for owners; created limited right to attorney fees for owners.

State and Federal Forfeiture Revenues, 2000–2019

Most forfeitures under Wisconsin law have gone unreported; in 2018, Wisconsin law enforcement agencies forfeited at least \$25,000 under state law. Between 2000 and 2019, they generated an additional \$97 million from federal equitable sharing, for a total of at least \$97 million in forfeiture revenue. Wisconsin ranks 25th for its participation in the Department of Justice’s equitable sharing program. However, in 2018, the state prohibited agencies from receiving federal proceeds unless someone is convicted of the crime that gave rise to the seizure. Unfortunately, several exceptions undermine this reform.

**At least \$97 million
in state and federal
forfeiture revenue**

2000–2019



All revenue figures include both civil and criminal forfeitures. Revenues are not adjusted for inflation.

Wisconsin's Forfeiture Transparency and Accountability Report Card

Tracking Seized Property	D-	Accessibility of Forfeiture Records	B
Accounting for Forfeiture Fund Spending	A+	Penalties for Failure to File a Report	F
Statewide Forfeiture Reports	F	Financial Audits of Forfeiture Accounts	F+

[†] Wisconsin law allows agencies to retain up to 50% of forfeiture proceeds to pay for forfeiture expenses. Agencies are required to report on this spending, but the state does not require audits of agency forfeiture funds.

For full transparency and accountability grades, visit www.ij.org/TransparencyReportCards.

Forfeitures Under Wisconsin Law: Key Facts

Median Value



Wisconsin does not report property-level data necessary to calculate median forfeiture value.

Property Types

UNKNOWN

Reported forfeitures were too few for further analysis.

Civil vs. Criminal

UNKNOWN

Wisconsin does not report whether forfeitures are processed under civil or criminal forfeiture law.

Expenditures

N/A

Wisconsin expenditure data were not used for this report.

Data Notes

Property-level forfeiture reports are from the Wisconsin Department of Administration website. Figures represent forfeited currency and proceeds from sales of forfeited property. Only a few agencies filed reports for calendar year 2018, the first reporting period under the new reporting law, and reported forfeitures were too few for further analysis. Equitable sharing data are from DOJ's and Treasury's annual forfeiture reports. Due to differences in reporting and accounting practices, state figures may not match aggregate numbers produced by the state or cover the same 12-month period as the federal data.