

JETWAY

— Robbery? —

HOMELAND SECURITY AND CASH SEIZURES AT AIRPORTS

By Jennifer McDonald
July 2020

 INSTITUTE
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EXECUTIVE SUMMARY

Across the country, law enforcement agencies routinely seize currency from individuals using civil forfeiture—a legal process that allows agencies to take and keep property without ever charging owners with a crime, let alone securing a conviction. Studies examining civil forfeiture have found it to be a multibillion-dollar industry that punishes people without proving they have done anything wrong.

This study is the first to examine how U.S. Department of Homeland Security agencies—U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, the U.S. Secret Service, and the U.S. Coast Guard—use civil forfeiture to take and keep currency from often unsuspecting travelers at airports across the country. DHS agencies are just a few of the many government agencies that conduct airport seizures, but newly available data give fresh insight into their activity. This study, covering 2000 through 2016, quantifies just how often DHS agencies have seized currency at airports—and just how much currency has flowed into the federal government’s coffers as a result.



1

Airport currency seizures by DHS agencies are a large and growing phenomenon.

- Between 2000 and 2016, CBP and other DHS agencies conducted at least 30,574 currency seizures at airports, taking over \$2 billion in total.
- Over that same period, the total value seized increased 140% and the number of seizure cases increased 178%.

2

The most common reason for these seizures is a failure to report traveling internationally with \$10,000 or more.

- Reporting violations accounted for half of all airport currency seizures and 28% of the total value seized.

Key Findings

3

Available data do not indicate a strong link between airport currency seizures and criminal activity.

- Over two-thirds of all cases involving currency seized at airports were not accompanied by an arrest.
- Arrests were even rarer for reporting violations: Just one in 10 cases involving a reporting violation was accompanied by an arrest. Many such cases were likely mere paperwork violations without any other indication of criminal activity. Indeed, when a reporting violation was alleged, a second offense—such as drug trafficking or money laundering—was alleged only 0.3% of the time.
- Of seized currency that was forfeited, 91% of cases were processed under civil, rather than criminal, forfeiture procedures.

4

Travelers whose currency is seized at an airport face a long and arduous process when trying to get their money back—and they have few legal rights when doing so.

- Nearly all civil forfeiture cases involving currency seized at airports—93%—were processed without any judicial oversight.
- It took an average of 193 days for currency to be forfeited after it was seized, leaving property owners in legal limbo for an average of more than six months—and up to 15 years.

Federal law enforcement agencies are tasked with finding and punishing criminals. But these findings suggest DHS airport currency seizure and forfeiture practices put innocent Americans at risk. To ensure another innocent American never loses property unjustly, Congress must reform civil forfeiture laws.



INTRODUCTION

On October 24, 2017, Rustem Kazazi arrived at Cleveland Hopkins International Airport with his family's life savings in his bag—a total of \$58,100 in cash. Rustem, a U.S. citizen, was traveling to Newark, New Jersey, on the first leg of his journey to his native Albania, where he planned to see relatives, fix up his family's home and potentially buy a retirement property. But before Rustem could board his flight to Newark, he was detained by a group of U.S. Customs and Border Protection agents. Finding it suspicious that he was traveling with such a large amount of cash, the agents stripped Rustem naked and searched him from head to toe. They found nothing illegal; nor did they arrest Rustem. He was preparing to board a domestic flight, and traveling domestically with any amount of cash is not a crime. Nevertheless, the agents took every penny Rustem was carrying. And then they sent him on his way.¹

Unfortunately, what happened to Rustem is not uncommon. Law enforcement agencies across the country routinely seize currency from innocent travelers using civil forfeiture—a legal process that allows agencies to take and keep property without ever charging owners with a crime, let alone convicting them of one. This is in contrast to criminal forfeiture, which requires that prosecutors secure a conviction against an owner before forfeiting their property through criminal procedures. Proceeds from both civil and criminal forfeitures are deposited into a federal forfeiture fund and later shared with seizing agencies.²

Thanks to newly available data, this study is the first to quantify just how often CBP and other U.S. Department of Homeland Security agencies have seized currency at airports over the years—and just how much currency has flowed into the government's coffers as a result.

Key findings include:

1. Airport currency seizures by DHS agencies are a large and growing phenomenon: Between 2000 and 2016, CBP and other DHS agencies conducted at least 30,574 currency seizures at airports, taking over \$2 billion in total.
2. The most common reason for these seizures is a failure to report traveling internationally with \$10,000 or more.
3. Available data do not indicate a strong link between airport currency seizures and criminal activity.
4. Travelers whose currency is seized at an airport face a long and arduous process when trying to get their money back—and they have few legal rights when doing so.

CBP and other DHS agencies seize millions of dollars per year from travelers, most of whom have not committed a crime serious enough to even warrant their arrest. And when that currency is ultimately forfeited, nine times out of 10 it is done using civil procedures, which do not afford owners the same procedural protections available in criminal proceedings. Taken together, these results suggest the federal government's airport currency seizure and forfeiture practices put innocent Americans at risk and are in urgent need of reform.

SEACATS AND THE FIGHT FOR DATA



The Institute for Justice obtained the U.S. Department of the Treasury's forfeiture database—the Seized Asset and Case Tracking System—in 2019. IJ is one of the first nongovernmental organizations to access, analyze and publicly report findings from these extensive data. SEACATS is the system of record for the Treasury Forfeiture Fund, in which both the International Revenue Service Criminal Investigation Division—a Treasury agency—and CBP, U.S. Immigration and Customs Enforcement, the U.S. Secret Service, and the U.S. Coast Guard—all DHS agencies—participate. SEACATS therefore contains details about seizures conducted by both Treasury and DHS agencies.³

IJ obtained SEACATS only after a multiyear legal battle with CBP, the custodial agency for the database. In 2015, IJ submitted a Freedom of Information Act request to CBP seeking all records contained in SEACATS. CBP denied that request, first calling it “overbroad” and later claiming the entire database was exempted from FOIA as a law enforcement “technique and procedure.” But information such as the value of seized property and the date it was seized is neither a technique nor a procedure, so the following year IJ sued CBP for violating federal open records law.⁴ A few months after IJ filed its suit, CBP offered to settle the case and release most of the data, though settlement negotiations took more than two years. Finally in 2019, four years after the FOIA request, IJ obtained most of the data requested.

This study uses data from SEACATS to examine currency seizures at airports; it does so for two reasons. First, currency—which refers to all monetary items, not just cash—is reliably valued.⁵ Currency has a clear dollar value immediately attached to it, while other types of property that might be seized at airports, like electronics or jewelry, require appraisal. And even then, the value of an item can be subjective. Currency is therefore the most reliable means of quantifying the size and scope of the Treasury's forfeiture program.

Second, stories in the media and the experiences of IJ clients suggest airport cash seizure practices are often outrageous.⁶ For example, in 2019, investigative journalists uncovered that a DHS task force was frequently seizing cash from travelers at the Fort Lauderdale-Hollywood International Airport for alleged

drug trafficking offenses. Journalists examined 16 such seizures, all with similar fact patterns. They found that, in conjunction with these seizures, only three individuals were arrested for drug possession and no one was charged with drug trafficking.⁷

While the SEACATS data are extensive, they do have a few limitations. First, the data do not contain records of any seizures that occurred after 2016. Because obtaining the data took more than four years, more recent figures are not available.

Second, the SEACATS data do not contain a standardized indicator of whether a seizure occurred at an airport or another type of location. For this reason, I had to manually examine each location (or “port of seizure”) contained in the database, unavoidably introducing the potential for error. When it was unclear whether a location was in fact an airport or there were other ambiguities, I erred on the side of excluding the location from the analysis (see Appendix A for a description of this process). The numbers reported here therefore likely underestimate the volume of airport currency seizures conducted by DHS agencies. For example, I had to exclude the San Diego International Airport (North America's 29th busiest airport in 2016⁸) because it shares a CBP Port Code with the geographically close seaport (see Appendix B for the complete list of airports examined in this study).

Third, CBP refused to provide the variable that indicates which agency seized which property. At airports, air travelers are more likely to encounter CBP and ICE agents than they are Secret Service, Coast Guard or IRS agents,⁹ so these two agencies likely conducted most of the seizures studied here. Nevertheless, it is likely that a small number of seizures conducted by these other agencies participating in the Treasury's forfeiture program are included in this analysis. Throughout the study, “DHS agencies” refers to agencies whose seizures are tracked in SEACATS, with the understanding that some IRS (i.e., Treasury) seizures may also be included.

Finally, the data do not include information about airport currency seizures conducted as part of other government forfeiture programs, such as the Department of Justice's program, the federal government's largest forfeiture program.

SEACATS stands for the “Seized Asset and Case Tracking System.”



RESULTS

1. Airport currency seizures by DHS agencies are a large and growing phenomenon.

DHS agencies seize millions of dollars from thousands of individuals each year. Between 2000 and 2016, DHS agencies conducted at least 30,574 currency seizures at domestic airports, for an average of at least 1,798 seizure cases per year.¹⁰ All told, they seized at least \$2 billion in currency over this period. And more than three-quarters of those seizures were of cash—an asset that can be quickly and easily deposited into government forfeiture accounts.

Airport currency seizures have markedly increased in recent years. The value of currency seized at airports by DHS agencies more than doubled between 2000 and 2016, from at least \$74 million in 2000 to at least \$178 million in 2016 (Figure 1). The number of DHS agency currency seizure cases at airports likewise nearly tripled over this period, from 931 in 2000 to 2,592 in 2016 (Figure 2).

**Figure 1: Currency Seized at Airports
by DHS Agencies, 2000–2016
(Adjusted for inflation, presented in 2016 dollars)**

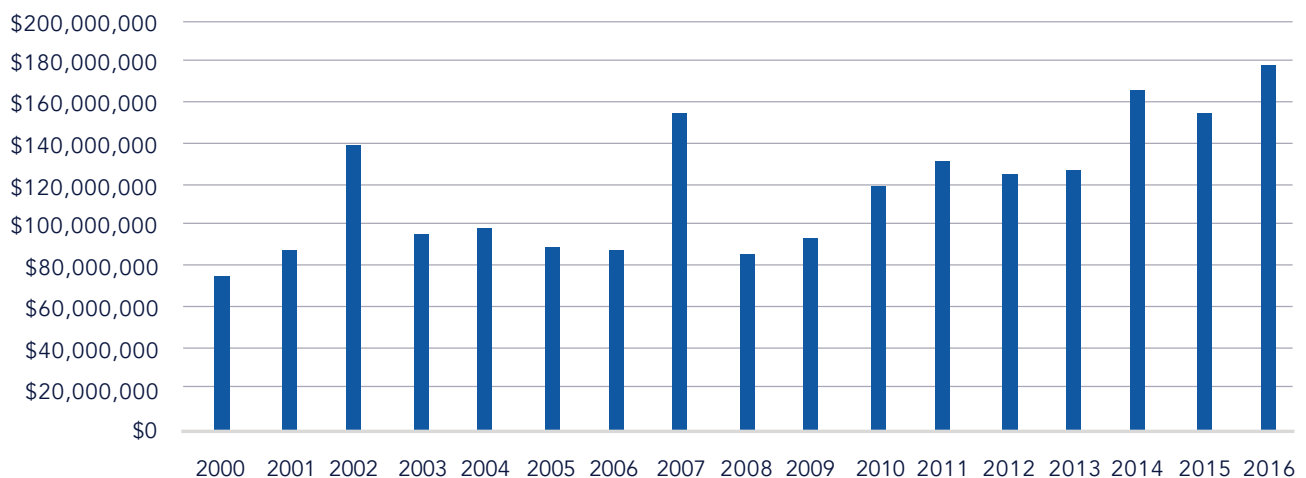
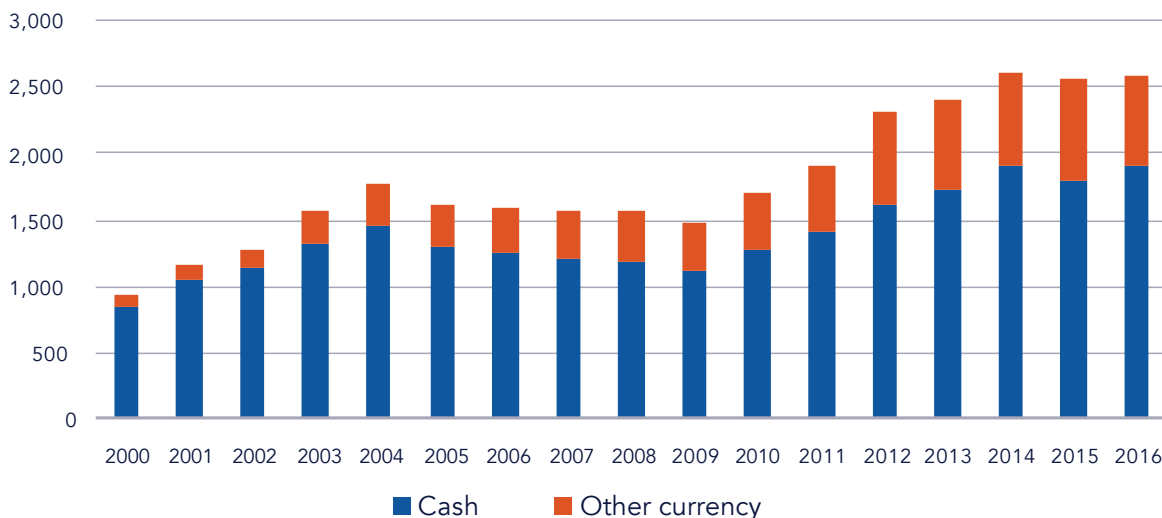


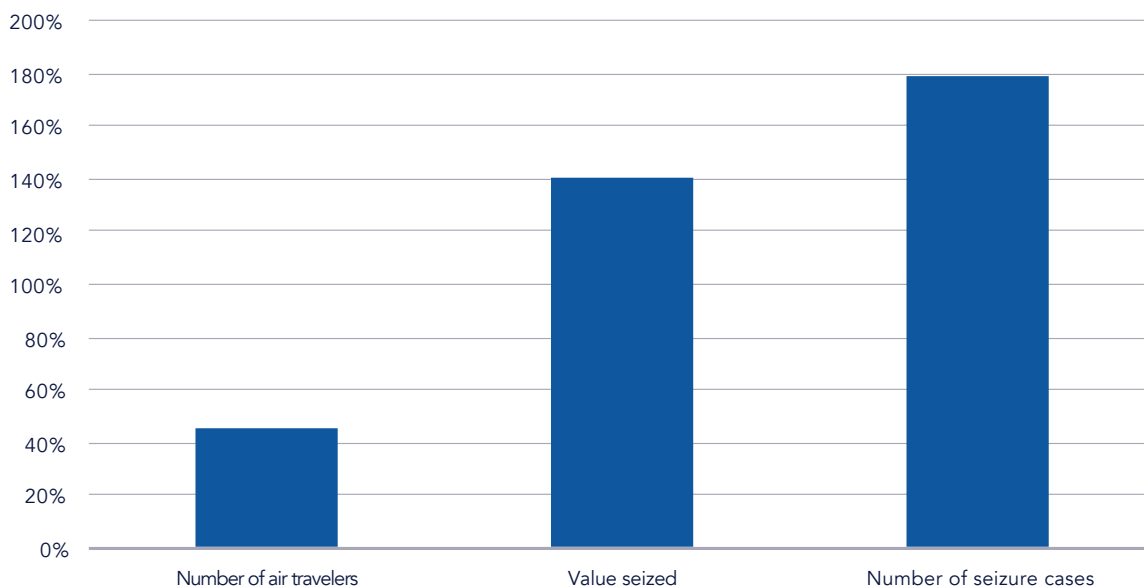
Figure 2: Number of Cases Involving Currency Seized at Airports by DHS Agencies, 2000–2016



One possible explanation for this dramatic rise in currency seizures is that air travel has become more accessible in recent years as fares have fallen and living standards have continued to improve.¹¹ Such an increase in air travel would logically lead to an increase in the amount of currency seized from travelers. But while the annual number of air travelers has increased over time, the growth in currency seizures has far outpaced that rate. Between 2000 and 2016, the number of air travelers increased 46%,¹² while the inflation-adjusted value of currency seized at airports by DHS agencies increased 140% and the number of airport currency seizure cases grew 178% (Figure 3).

Unsurprisingly, some of the airports where DHS agents seize the largest amounts of currency are also some of the busiest hubs in the country.¹³ But total passenger traffic alone cannot account for the out-sized amount of currency seized at these airports. In all, five airports were responsible for nearly half the value of all airport currency seizures in 2016. These same airports accounted for just a quarter of air travelers that year (Table 1, where “National Total” refers to the sum of activity at the airports identified in the sample, not all air travelers in the United States).

Figure 3: Increase in Annual Air Travelers, Value of Currency Seized at Airports by DHS Agencies and Number of DHS Agency Airport Currency Seizure Cases, 2000–2016



**Table 1: Top Five Airports for Value
of DHS Agency Currency Seizures, 2014–2016**

2014	Airport	Amount of Currency Seized	# of Air Travelers ¹⁴	% of All Currency Seized at Airports	% of All Air Travelers
	Chicago O'Hare	\$55,839,269	33,843,426	34%	6%
	John Wayne Santa Ana	\$11,111,013	4,584,147	7%	1%
	John F. Kennedy	\$8,009,103	26,244,928	5%	4%
	Hartsfield-Jackson Atlanta	\$6,162,998	46,604,273	4%	8%
	St. Louis Lambert	\$5,130,294	6,108,758	3%	1%
	Five-Airport Total	\$86,252,676	117,385,532	53%	20%
	National Total	\$163,575,780	601,386,671		
2015	Airport	Amount of Currency Seized	# of Air Travelers	% of All Currency Seized at Airports	% of All Air Travelers
	Chicago O'Hare	\$20,136,917	36,305,668	13%	6%
	Denver	\$18,834,388	26,280,043	12%	4%
	John F. Kennedy	\$8,740,089	27,782,369	6%	4%
	Raleigh-Durham	\$7,671,284	4,954,735	5%	1%
	Dallas/Fort Worth	\$6,372,733	31,589,839	4%	5%
	Five-Airport Total	\$61,755,410	126,912,654	40%	20%
	National Total	\$153,285,016	630,488,465		
2016	Airport	Amount of Currency Seized	# of Air Travelers	% of All Currency Seized at Airports	% of All Air Travelers
	Washington Dulles	\$40,879,700	10,596,942	23%	2%
	Chicago O'Hare	\$20,450,916	37,589,899	11%	6%
	Dallas/Fort Worth	\$9,267,885	31,283,579	5%	5%
	John F. Kennedy	\$8,854,100	29,239,151	5%	4%
	Hartsfield-Jackson Atlanta	\$8,464,375	50,501,858	5%	8%
	Five-Airport Total	\$87,916,977	\$159,211,429	49%	24%
	National Total	\$178,315,152	654,943,415		

At the individual airport level, the disparities are even starker. For example, while more than one-third of the total amount of all currency seized at airports by DHS agencies was taken at Chicago's O'Hare International Airport in 2014, that airport handled only 6% of air travelers that year. More recently, in 2016, DHS agents pulled in almost one-quarter of the total value of currency seized nationwide at Washington Dulles International Airport alone, but Dulles accounted for only 2% of air travelers. These findings suggest DHS agents at certain airports may be particularly aggressive about seizing currency.

Indeed, some media reports suggest DHS agents working at Dulles specifically target currency for seizure. For example, a Washington, D.C., news station reported that, from July 2017 to March 2018, CBP agents working at Dulles conducted 10 seizures of cash going to or coming from Ghana. In response to media inquiries about this trend, a CBP official stated, "We talk about a global economy—well, guess what? The bad guys and smugglers are also involved in the global economy." But there is little evidence that agents were actually targeting "bad guys": None of the money from any of the 10 seizures was linked to criminal activity.¹⁵

Patterns like those seen with the value of currency seized at airports also emerge in the number of currency seizures at airports. Table 2 shows that the top five airports for number of DHS agency currency seizure cases generally saw a higher proportion of seizures than their share of air travelers. Of particular note is John F. Kennedy International Airport. Its share of currency seizure cases was more than twice its share of air travelers in 2016.

The fact that several airports appear in the top five for both value and number of seizures indicates a few high-dollar seizures are not skewing results. It is possible the prevalence of seizures at these airports stems from higher incidences of criminal activity among passengers. It could also, or instead, be that larger airports have more resources and therefore greater capacity to conduct thorough searches of passengers. At certain airports, DHS agencies may have policies and practices in place that direct agents to keep an eye out for, and be suspicious of, large amounts of currency.

These findings suggest DHS agents at certain airports may be particularly aggressive about seizing currency.

**Table 2: Top Five Airports for Number
of DHS Agency Currency Seizures, 2014–2016**

2014	Airport	# of Currency Seizures	# of Air Travelers ¹⁶	% of All Airport Currency Seizures	% of All Air Travelers
	John F. Kennedy	205	26,244,928	8%	4%
	Chicago O'Hare	193	33,843,426	7%	6%
	Detroit Metropolitan	145	15,775,941	6%	3%
	Fort Lauderdale-Hollywood	140	12,031,860	5%	2%
	Hartsfield-Jackson Atlanta	137	46,604,273	5%	8%
	Five-Airport Total	820	134,500,428	31%	22%
	National Total	2,064	601,386,671		
2015	Airport	# of Currency Seizures	# of Air Travelers	% of All Airport Currency Seizures	% of All Air Travelers
	Chicago O'Hare	233	36,305,668	9%	6%
	John F. Kennedy	186	27,782,369	7%	4%
	Detroit Metropolitan	140	16,255,520	5%	3%
	Charlotte Douglas	111	21,913,166	4%	3%
	Fort Lauderdale-Hollywood	106	13,061,632	4%	2%
	Five-Airport Total	776	115,318,355	30%	18%
	National Total	2,560	630,488,465		
2016	Airport	# of Currency Seizures	# of Air Travelers	% of All Airport Currency Seizures	% of All Air Travelers
	John F. Kennedy	268	29,239,151	10%	4%
	Chicago O'Hare	157	37,589,899	6%	6%
	Detroit Metropolitan	114	16,847,135	4%	3%
	Charlotte Douglas	113	21,511,880	4%	3%
	Dallas/Fort Worth	103	31,283,579	4%	5%
	Five-Airport Total	755	136,471,644	29%	21%
	National Total	2,592	654,943,415		

2. Most currency is seized for violations of federal reporting requirements.

The most common reason provided for airport currency seizures is a reporting violation. That is, the traveler allegedly failed to file required paperwork (Table 3).¹⁷ Federal law requires people to file a FinCEN Form 105 with CBP when they are traveling into or out of the country with \$10,000 or more in currency.¹⁸ The law was originally intended to fight money laundering activities, such as smuggling proceeds from criminal enterprises out of the country in order to deposit it into a foreign bank account, thereby hiding the illicit activity.¹⁹

However, innocent travelers often violate this law unintentionally when leaving the United States: While CBP makes it quite clear travelers entering the country must report carrying more than \$10,000, it does little to publicize the fact that those leaving the country must report carrying more than \$10,000 as well.²⁰ Individuals entering the country must pass through Customs, at which time they are provided with a declaration form and advised they must declare if they are traveling with more than \$10,000, among other things. But when leaving the country, individuals are not required to clear Customs and are not automatically provided with any Customs forms. They therefore do not have the same opportunity to learn of the reporting requirements. Furthermore, while it is easy to locate a CBP agent in international arrival terminals, finding one on the departure side is much more difficult.²¹



Table 3: Most Common Alleged Offenses Giving Rise to DHS Agency Airport Currency Seizures, 2000–2016

Alleged Offense	Number of Cases	Percentage of Cases
Reporting violation ²²	23,262	50%
Offenses under 18 U.S.C. § 981 ²³	7,658	17%
Controlled substances ²⁴	4,462	10%
Smuggling goods into the U.S. ²⁵	2,763	6%
Violation of state and/or local law	2,128	5%
"Other seizure" ²⁶	1,732	4%

Anthonia Nwaorie is one traveler who unknowingly violated the government's currency reporting requirements. Anthonia is a registered nurse, U.S. citizen and grandmother from Katy, Texas. She was traveling with \$41,377 on a trip to her native Nigeria to build a free medical clinic for women and children with limited access to health care. Anthonia did not know about the reporting requirements until after CBP agents confronted and questioned her. But that did not matter. CBP seized all of Anthonia's cash. Anthonia was never charged with any crime, and the U.S. Attorney's Office ultimately declined to pursue civil forfeiture of her money. Although federal law requires prompt release of seized property in such cases, CBP refused to return the cash unless Anthonia first signed a "Hold Harmless Agreement," waiving her right to sue CBP over the seizure, among other important rights.²⁷ Anthonia refused. She eventually got her money back, but only after partnering with IJ to sue CBP for its return.²⁸ Given how much currency is seized for reporting violations, most accidental violators likely are not so lucky.²⁹

Between 2000 and 2016, DHS agencies conducted over 23,000 currency seizures at

airports for reporting violations, totaling more than half a billion dollars. That represents 50% of the 46,151 airport currency seizures (compared to airport currency seizure cases)³⁰ and 28% of the \$2 billion seized over this period.

As they do in the rankings of value of currency seizures overall, larger airports tend to feature prominently in the rankings of value of currency seized under reporting requirements, and total passenger traffic alone cannot account for these outsized amounts. For example, in 2016, JFK welcomed only 4% of the nation's air travelers but was responsible for 19% of all currency seized under reporting requirements (Table 4). And between 2014 and 2016, DHS agents at John Wayne Santa Ana Airport seized between eight and 12 times more currency under reporting requirements than the airport's share of air travelers.

This pattern also holds for the number of airport currency seizures conducted under reporting laws. Table 5 shows the top five airports generally conducted a higher portion of seizures than their share of air travelers, in some cases three times as much.



CBP seized Anthonia Nwaorie's cash at the Houston International Airport. She planned to use it to fund a free medical clinic in Nigeria.

Table 4: Top Five Airports for Value of Currency Seized Under Reporting Laws by DHS Agencies, 2014–2016

2014	Airport	Amount of Currency Seized Under Reporting Laws	# of Air Travelers ³¹	% of All Currency Seized at Airports Under Reporting Laws	% of All Air Travelers
	John F. Kennedy	\$6,858,543	26,244,928	20%	4%
	John Wayne Santa Ana	\$4,122,400	4,584,147	12%	1%
	Miami	\$3,630,555	19,471,466	10%	3%
	Chicago O’Hare	\$3,419,471	33,843,426	10%	6%
	Detroit Metropolitan	\$2,890,231	15,775,941	8%	3%
	Five-Airport Total	\$20,921,200	99,919,908	60%	17%
	National Total	\$34,672,258	601,386,671		
2015	Airport	Amount of Currency Seized Under Reporting Laws	# of Air Travelers	% of All Currency Seized at Airports Under Reporting Laws	% of All Air Travelers
	John F. Kennedy	\$6,729,968	27,782,369	25%	4%
	Detroit Metropolitan	\$3,096,157	16,255,520	12%	3%
	Chicago O’Hare	\$3,015,964	36,305,668	11%	6%
	John Wayne Santa Ana	\$2,296,630	4,945,209	9%	1%
	George Bush/Houston	\$1,387,625	20,595,881	5%	3%
	Five-Airport Total	\$16,526,343	105,884,647	62%	17%
	National Total	\$26,700,607	630,488,465		
2016	Airport	Amount of Currency Seized Under Reporting Laws	# of Air Travelers	% of All Currency Seized at Airports Under Reporting Laws	% of All Air Travelers
	John F. Kennedy	\$5,203,083	29,239,151	19%	4%
	Miami	\$2,574,092	20,875,813	10%	3%
	Detroit Metropolitan	\$2,276,495	16,847,135	8%	3%
	John Wayne Santa Ana	\$2,200,040	5,217,242	8%	1%
	Chicago O’Hare	\$2,099,580	37,589,899	8%	6%
	Five-Airport Total	\$14,353,289	109,769,240	53%	17%
	National Total	\$26,965,742	654,943,415		

Table 5: Top Five Airports for Number of Currency Seizures Conducted Under Reporting Laws by DHS Agencies, 2014–2016

2014	Airport	# of Currency Seizures Under Reporting Laws	# of Air Travelers ³²	% of All Currency Seizures at Airports Under Reporting Laws	% of All Air Travelers
	John F. Kennedy	151	26,244,928	10%	4%
	Detroit Metropolitan	132	15,775,941	9%	3%
	Chicago O'Hare	90	33,843,426	6%	6%
	Miami	90	19,471,466	6%	3%
	Boston Logan	48	15,507,561	3%	3%
	Five-Airport Total	511	110,843,322	34%	18%
	National Total	1,495	601,386,671		
2015	Airport	# of Currency Seizures Under Reporting Laws	# of Air Travelers	% of All Currency Seizures at Airports Under Reporting Laws	% of All Air Travelers
	John F. Kennedy	139	27,782,369	11%	4%
	Detroit Metropolitan	114	16,255,520	9%	3%
	Chicago O'Hare	94	36,305,668	8%	6%
	George Bush/Houston	45	20,595,881	4%	3%
	Miami	38	20,986,349	3%	3%
	Five-Airport Total	430	121,925,787	35%	19%
	National Total	1,216	630,488,465		
2016	Airport	# of Currency Seizures Under Reporting Laws	# of Air Travelers	% of All Currency Seizures at Airports Under Reporting Laws	% of All Air Travelers
	John F. Kennedy	139	29,239,151	13%	4%
	Detroit Metropolitan	106	16,847,135	10%	3%
	George Bush/Houston	59	20,062,072	6%	3%
	Fort Lauderdale-Hollywood	33	14,263,270	3%	2%
	Chicago O'Hare	27	37,589,899	3%	6%
	Five-Airport Total	364	118,001,527	34%	18%
	National Total	1,061	654,943,415		

3. Available data do not indicate a strong link between airport currency seizures and criminal activity.

Government officials often tout civil forfeiture as a crucial crime-fighting tool.³³ However, the nexus between forfeiture and crime-fighting is difficult to detect. The SEACATS data do not indicate whether a person was charged with or convicted of a crime in relation to a seizure.³⁴ However, SEACATS does capture arrests that occur in conjunction with seizures. These arrest data can serve as a proxy for seized properties' links to crimes, or lack thereof.³⁵ And they indicate arrests associated with seizures are vanishingly rare. Overall, 69% of DHS agency airport currency seizure cases were not accompanied by an arrest, regardless of the alleged offense. This means less than a third of the time was an offense egregious enough, or the evidence strong enough, to warrant an arrest. This suggests many DHS airport currency seizures are not targeting serious crimes.

Not surprisingly, when currency is seized for a reporting violation—the most common reason for seizure—arrests are even rarer. In 90% of cases involving currency seized at airports under reporting requirements, no arrest accompanied the seizure. This is not to say agents ought to arrest people for paperwork violations, but it does indicate that most such violations do not appear to be linked to criminal activity beyond the failure to report. And in fact, when a reporting violation triggered a seizure, another offense was almost never alleged. Only 0.32% of these cases listed a second offense. These few cases listed failure to declare and bulk cash smuggling as secondary offenses; these violations are similar to failure to report but require evidence of criminal intent.³⁶ Federal prosecutors may choose to pursue criminal or civil action to forfeit property. But if arrest data are any indication, prosecutors rarely consider these offenses serious enough to call for criminal charges.

The 10% of cases that were tied to an arrest generally involved double the amount of currency involved in cases not tied to an arrest (Table 6). It is possible agents see larger amounts of currency

as more likely to indicate serious criminal activity than smaller amounts of currency, or perhaps agents happened to find stronger evidence for prosecution in these particular cases.

Evidence suggests that were information about criminal charges and convictions available, it might indicate forfeiture's effectiveness is overrated.³⁷ In 2017, the DOJ's Office of the Inspector General conducted an in-depth study of a sample of 100 Drug Enforcement Administration forfeiture cases. The study found that only 44 of those cases advanced or were even related to a criminal investigation.³⁸ That same year, the Treasury Inspector General for Tax Administration reviewed a sample of 278 cases in which currency was seized under "structuring" laws, which prohibit conducting bank transactions below \$10,000 to evade federal reporting requirements. The law is in place to prevent crimes like money laundering, but the study found

that in 91% of cases, the seized funds were from a legal source, such as a family-owned business.³⁹ The study also found that IRS agents were encouraged to conduct "quick

hits," where property was easier to seize, "rather than pursue cases with other criminal activity (such as drug trafficking or money laundering), which are more time-consuming."⁴⁰

Not only do the SEACATS data make it impossible to determine whether DHS airport currency seizures are associated with serious criminal activity, but they also make it impossible to determine how many seizures even result in forfeiture. While the data indicate 34% of airport currency seizure cases resulted in forfeiture and 23% resulted in currency's return to an owner, the remaining 43% are essentially unaccounted for in the data: The currency was transferred to another agency, was lost or is simply listed as being held for evidence. It is possible some of these cases are accounted for in the receiving agencies' forfeiture data, but SEACATS does not indicate which agencies received the property, making it impossible to track the assets to their final disposition—at least with the SEACATS data now available.

Government officials often tout civil forfeiture as a crucial crime-fighting tool. However, the nexus between forfeiture and crime-fighting is difficult to detect.

Table 6: Currency Seized at Airports by DHS Agencies Under Reporting Laws, With and Without Arrests, 2000–2016

Currency Seized at Airports Over Reporting Violations	Percentage of Cases	Median Value of Seized Currency
Without an Arrest	90%	\$20,480
With an Arrest	10%	\$42,735

4. Travelers whose currency is seized at an airport face a long and arduous process when trying to get their money back—and they have few legal rights when doing so.

Rustem Kazazi eventually got most of his money back after joining with IJ to sue CBP for its return—but it was not an easy process. CBP held onto Rustem’s cash for more than seven months—even after a statutory deadline for the government to begin forfeiture proceedings had passed. CBP also claimed its agents had seized \$770 less from Rustem than they actually did. Rustem spent an additional five months fighting CBP for the return of this missing money. He ended up receiving \$385, just half the missing money, in addition to the \$57,330 that CBP originally agreed to return.⁴¹ And Rustem may be one of the lucky ones.

The forfeiture process stacks the deck against property owners. The vast majority

—91%—of DHS airport currency seizure cases that result in forfeiture are conducted under civil, rather than criminal, procedures (Figure 4). This means owners are not entitled to many of the protections available in criminal proceedings. Indeed, to have any chance of getting their property back, property owners must affirmatively challenge the seizure. If they do not file a claim for their property’s return, or if they file their claim incorrectly, their case never goes to court. Instead, government lawyers, rather than a neutral judge, decide whether the government has sufficient proof of property’s connection to criminal activity.⁴² This is administrative forfeiture, and it accounts for 93% of civil forfeiture cases (Figure 5).

Figure 4: DHS Agency Airport Currency Seizure Cases Resolved by Forfeiture, 2000–2016

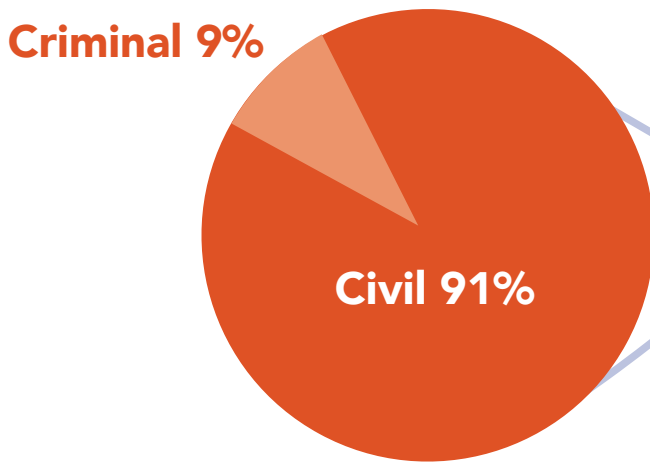
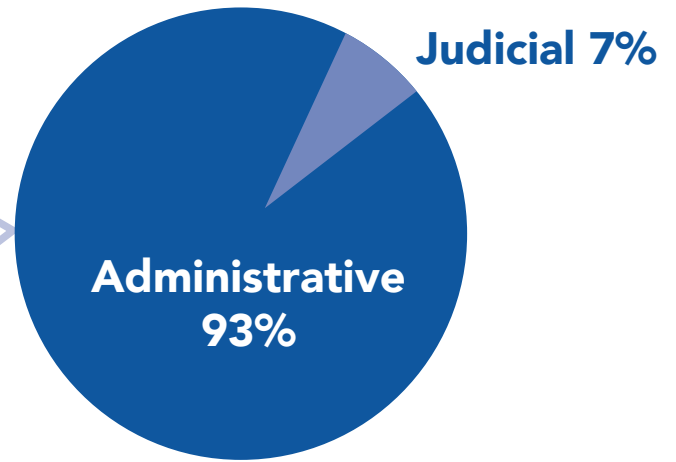


Figure 5: DHS Agency Airport Currency Seizure Cases Resolved by Civil Forfeiture, 2000–2016



CBP seized Rustem Kazazi's life savings at the Cleveland Hopkins International Airport, dashing the U.S. citizen's hopes of buying a retirement home in his native Albania.

Even when property owners do make it to court—which happens in just 7% of the civil forfeiture cases examined (Figure 5)—they are at a significant disadvantage. People facing civil forfeiture of their property are not entitled to legal representation. If they cannot afford an attorney, one will not be provided to them.⁴³ Moreover, the government must only demonstrate that property is more likely than not tied to criminal activity. This standard, known as a preponderance of the evidence, is a far cry from the beyond a reasonable doubt standard required in criminal cases.⁴⁴ Thus, property owners are left to choose between paying thousands of dollars they may not have to hire an attorney or navigating the daunting federal court system without one. There is also a third choice: walking away. Unsurprisingly, many owners choose to simply cut their losses,⁴⁵ generally leading to the administrative forfeiture of their property.

Not only is the forfeiture process arduous, but it frequently leaves people whose property is seized in limbo for months or even years. The SEACATS data show it takes around 193 days—or more than six months—on average from when currency is seized at an airport to when it is finally forfeited. And some cases in the database suggest it can take as long as 15 years between an initial seizure and the final forfeiture action. Unfortunately, where currency is eventually returned to the owner, there is no way of knowing how long the process takes. SEACATS does not contain a variable indicating a disposition date for property that was not ultimately forfeited.

Such delays can have serious negative impacts on forfeiture victims, their loved ones and even their wider communities. For example, although

Anthonia eventually got her money back, the government's unjust seizure of her cash delayed construction of her clinic by over a year, denying impoverished women and children much needed health care.

Terry Rolin is another victim of federal forfeiture, this time at the hands of the Transportation Security Administration and the DEA.⁴⁶ The 79-year-old had his life savings of more than \$82,000 seized at the Pittsburgh International Airport when his daughter was traveling home to Boston to deposit his cash into a new shared bank account so she could help him manage his affairs. Among other things, Terry had planned to use the money to pay for crucial dental care—care he had to put on hold without a way to pay for it.⁴⁷ Authorities held on to Terry's savings for over six months before returning it, again only after IJ filed a federal lawsuit on Terry's behalf.⁴⁸ This example not only points to the damage done to innocent travelers while their money is held by the federal government—it also illustrates how this study captures only a portion of airport currency seizures. Other federal agencies, as well as state and local law enforcement, also seize currency at airports. The national total of all currency seized at airports is therefore likely significantly higher than the total reported here.

And even when people like Anthonia and Terry do get all their money back, the experiences of many people suggest forfeiture victims are rarely made whole. The government almost never pays them interest or reimburses their attorney fees.⁴⁹ And it may even try to force victims to sign away their right to sue the government over the wrongful seizure of their cash before it will return their property, like it did to Anthonia.



TSA and DEA seized Terry Rolin's life savings at the Pittsburgh International Airport, forcing him to delay important dental work.

CONCLUSION AND RECOMMENDATIONS FOR REFORM



Federal law enforcement agencies are tasked with finding and punishing criminals. But the volume of airport cash seizures and the public stories of innocent victims suggest the federal government's forfeiture programs are not just punishing the guilty.

In a span of 17 years, DHS agencies seized over \$2 billion in currency at airports. The annual value and number of these seizures rose steadily over this period, even after accounting for inflation and increases in air passenger traffic. Half of the time, currency was seized for nothing more than failure to file reporting paperwork with little demonstrable link to criminal activity. Only 10% of these reporting violation seizures were accompanied by an arrest. In fact, less than one-third of airport currency seizures were tied to an arrest, regardless of the alleged offense.

And when currency seized at an airport is ultimately forfeited, the vast majority goes through the administrative forfeiture process, which involves no judicial scrutiny and gives property owners almost no due process rights.

No one should lose their property without being convicted of a crime. Congress should abolish civil forfeiture and replace it with criminal forfeiture. Short of eliminating civil forfeiture entirely, Congress could protect countless innocent property owners by abolishing administrative forfeiture. Everyone deserves their day in court and is entitled to the due process protections

ensured by the Constitution. Eliminating the automatic administrative forfeitures that make up the lion's share of cases would go a long way toward ensuring agencies are targeting criminals rather than innocents and those who unwittingly fall afoul of reporting requirements.

But the stories of innocent victims told in this study illustrate that even when property is ultimately returned, property owners are rarely—if ever—made whole. Congress should amend the Civil Asset Forfeiture Reform Act of 2000 to clarify that the government is required to pay attorney fees, costs and interest when it unsuccessfully attempts to forfeit someone's property.

And, of course, the government cannot fully right past wrongs. That is why it must do better in the future. If law enforcement agents are going to seize people's currency or other property, they should do so only when they have substantial evidence that a person is intentionally committing a crime and the property is linked to that crime. Considering the shockingly low arrest rates associated with airport currency seizures, it is unlikely DHS agencies are applying such scrutiny to their seizure and forfeiture activity.

As this study demonstrates, civil forfeiture puts innocent travelers at risk of losing their cash, to the tune of hundreds of millions of dollars per year. Congress must adopt reforms to ensure innocent Americans do not lose their property unjustly.



APPENDIX A: METHODS

Methods used to identify airports

The SEACATS data IJ obtained contain a numeric variable that indicates the CBP Port Code of the location where property was seized. Using a combination of port names provided by CBP and others available online, I manually identified each airport.

First, I searched the list of port names for text indicators such as “airport” or “field.” I examined the port names containing these key words and confirmed that the ports were in fact airports. I then created a binary variable, AIRPORT, which = 1 if the port was confirmed as an airport and = 0 otherwise.

Next, a colleague scraped CBP’s “Locate a Port of Entry” website⁵⁰ to obtain the names and addresses of ambiguous ports. The website indicated some of these ports were airports in its description of port details. For the remaining ambiguous ports, I mapped each port’s address using BatchGeo, which allows users to import lists of addresses to be mapped together.⁵¹

I then looked at the resulting map to determine whether each port was an airport. When ports were located on a coast or another body of water, I coded them as non-airports because they could be maritime ports. I also coded as non-airports any airports that share a CBP Port Code with a maritime port (e.g., the San Diego International Airport).

When a port appeared to be landlocked, I closely examined the map to look for evidence of an airport at the address. Most of the time, this resulted in my coding a port as an airport, but if it was not perfectly clear that a port was an airport, I coded it as a non-airport.

Methods used to standardize seizures based on airport traffic

Airports across the United States vary widely in terms of size and population served. Some of the nation’s busiest airports are regional or national hubs for major airlines, and these airports tend to have the highest volume of seizure activity. I standardized the value and number of seizures at an airport in a given year by the airport’s annual air traffic to rule out whether high rates of seizures were simply due to higher traffic. This study’s results demonstrate that specific airports see an outsized proportion of seizure activity even after accounting for their relatively high passenger traffic.

I obtained annual enplanement data from the Federal Aviation Administration for 2000 and 2014 through 2016. “Annual enplanements” refer to the number of passenger boardings that occurred at a specific airport in a given year. I matched airports in the SEACATS data to their FAA data based on the airports’ names because the FAA did not provide CBP Port Codes. Some airports’ names changed over time or otherwise were not identical over time, so manual matching was required. For this reason, rather than create a full panel of traffic for all the years for which IJ received SEACATS data (2000–2016), I used data for only the earliest year and the three most recent years to compare airports and calculate change over time.

Once the SEACATS and FAA data were matched, I calculated per-enplanement rates for each airport’s annual value and number of currency seizures. This resulted in the smallest airports in the country having some of the largest per-enplanement rates. Those airports do not actually represent the worst offenders in terms of seizure activity, so I also calculated seizures and enplanements as a percentage of the whole sample. This total came from the sum of seizure cases, value seized and annual enplanements from the airports I was able to identify for analysis, rather than from the entire universe of seizures in SEACATS or enplanements nationwide. These percentages better represent the relationship between volume of seizures and air traffic and are what is presented in this study.

APPENDIX B: TOTAL CURRENCY SEIZED AT AIRPORTS, 2000–2016



Airport	State	IATA Code	Total Value Seized	Number of Seizures
Birmingham-Shuttlesworth International Airport	Alabama	BHM	\$16,278,554	115
Huntsville International Airport	Alabama	HSV	\$492,785	6
Flagstaff Pulliam Airport	Arizona	FLG	\$3,927,855	38
Phoenix Sky Harbor International Airport	Arizona	PHX	\$98,986,483	1,161
Tucson International Airport	Arizona	TUS	\$18,934,757	589
Yuma International Airport	Arizona	YUM	\$2,442,242	60
Bill and Hillary Clinton National Airport	Arkansas	LIT	\$5,157,205	84
Fort Smith Regional Airport	Arkansas	FSM	\$1,170,690	14
Fresno Yosemite International Airport	California	FAT	\$3,799,789	115
John Wayne Santa Ana Airport	California	SNA	\$56,744,951	476
Los Angeles International Airport	California	LAX	\$43,626,661	735
Meadows Field Airport	California	BFL	\$8,278,763	53
Mineta San Jose International Airport	California	SJC	\$3,092,541	61
Ontario International Airport	California	ONT	\$6,156,116	32
Palm Springs International Airport	California	PSP	\$958	1
Redding Municipal Airport	California	RDD	\$1,944,001	32
Sacramento International Airport	California	SMF	\$522	1
San Francisco International Airport	California	SFO	\$6,388,138	170
Stockton Metropolitan Airport	California	SCK	\$2,590,566	98
Denver International Airport	Colorado	DEN	\$38,728,808	522
Durango-La Plata County Airport	Colorado	DRO	\$438,981	36
Glenwood Springs Airport	Colorado	GWS	\$11,328	12
Grand Junction Regional Airport	Colorado	GJT	\$1,750,560	41
Greeley-Weld County Airport	Colorado	GXY	\$1,726,666	44
Pueblo Memorial Airport	Colorado	PUB	\$304,505	2
San Luis Valley Regional Airport	Colorado	ALS	\$24,728	3
Bradley International Airport	Connecticut	BDL	\$10,803,046	124
New Castle Airport	Delaware	ILG	\$3,796,210	61
Daytona Beach International Airport	Florida	UFA	\$100,500	2
Fort Lauderdale-Hollywood International Airport	Florida	FLL	\$27,555,477	883

Melbourne International Airport	Florida	MLB	\$8,356	1
Miami International Airport	Florida	MIA	\$91,492,765	2,348
Orlando Executive Airport	Florida	ORL	\$12,220	1
Orlando International Airport	Florida	MCO	\$65,683,374	580
Pensacola International Airport	Florida	PNS	\$3,199	4
Sanford International Airport	Florida	SFB	\$66,809	4
Sarasota-Bradenton International Airport	Florida	SRQ	\$1,815,771	54
Southwest Florida International Airport	Florida	RSW	\$11,375,710	134
Tallahassee International Airport	Florida	TLH	\$1,102,500	31
Treasure Coast International Airport	Florida	FPR	\$1,745,573	57
Hartsfield-Jackson Atlanta International Airport	Georgia	ATL	\$108,800,000	1,287
Antonio B. Won Pat Guam International Airport	Guam	GUM	\$411,649	7
Daniel K. Inouye International Airport	Hawaii	HNL	\$5,898,388	202
Hilo International Airport	Hawaii	ITO	\$762,373	29
Kahului Airport	Hawaii	OGG	\$575,788	24
Kona International Airport	Hawaii	KOA	\$30,147	10
Port Allen Airport	Hawaii	PAK	\$415,120	3
Boise Airport	Idaho	BOI	\$874,721	36
Idaho Falls Regional Airport	Idaho	IDA	\$174,070	11
Magic Valley Regional Airport	Idaho	TWF	\$173,489	10
Chicago Midway International Airport	Illinois	MDW	\$271,950	12
Chicago Rockford International Airport	Illinois	RFD	\$4,353	1
General Wayne A. Downing Peoria International Airport	Illinois	PIA	\$50,020	1
O'Hare International Airport (Chicago)	Illinois	ORD	\$203,009,690	2,183
Indianapolis International Airport	Indiana	IND	\$22,756,456	348
Des Moines International Airport	Iowa	DSM	\$601,196	31
Eastern Iowa Airport	Iowa	CID	\$2,856,633	75
Wichita Dwight D. Eisenhower National Airport	Kansas	ICT	\$1,953,165	48
Cincinnati/Northern Kentucky International Airport	Kentucky	CVG	\$21,410,091	201
Louisville International Airport	Kentucky	SDF	\$14,512,839	272
Lafayette Regional Airport	Louisiana	LFT	\$771,022	30
Shreveport Regional Airport	Louisiana	SHV	\$1,209,105	29
Bangor International Airport	Maine	BGR	\$1,176,977	29
Hancock County-Bar Harbor Airport	Maine	BHB	\$23,754	1
Portland International Jetport	Maine	PWM	\$3,589,485	37
Rota International Airport	Mariana Islands	ROP	\$3,022	5
Saipan International Airport	Mariana Islands	SPN	\$688,029	9
Baltimore/Washington International Thurgood Marshall Airport	Maryland	BWI	\$4,518,398	205
General Edward Lawrence Logan International Airport (Boston)	Massachusetts	BOS	\$11,250,308	464

Detroit Metropolitan Wayne County Airport	Michigan	DTW	\$54,986,174	1,991
Gerald R. Ford International Airport	Michigan	GRR	\$9,407,173	128
MBS International Airport	Michigan	MBS	\$1,500	1
W. K. Kellogg International Airport	Michigan	BTL	\$1,794	1
Baudette International Airport and Seaplane Base	Minnesota	BDE	\$62,841	4
Gulfport-Biloxi International Airport	Mississippi	GPT	\$12,413,056	115
Vicksburg Municipal Airport	Mississippi	VKS	\$22,302,317	137
Springfield-Branson National Airport	Missouri	SGF	\$1,458,344	51
St. Louis Lambert International Airport	Missouri	STL	\$28,537,696	255
Billings Logan International Airport	Montana	BIL	\$380,720	24
Bozeman Yellowstone International Airport	Montana	BZN	\$720	1
Glacier Park International Airport	Montana	FCA	\$534,098	47
Great Falls International Airport	Montana	GTF	\$237,044	24
Helena Regional Airport	Montana	HLN	\$2,054,062	52
Grand Island Central Regional Airport	Nebraska	GRI	\$991,029	30
U.S. Eppley Airfield	Nebraska	OMA	\$19,763,503	241
McCarran International Airport	Nevada	LAS	\$19,845,309	392
Reno-Tahoe International Airport	Nevada	RNO	\$1,658,140	23
Manchester-Boston Regional Airport	New Hampshire	MHT	\$1,668,299	55
Portsmouth International Airport at Pease	New Hampshire	PSM	\$123,950	2
Albuquerque International Sunport	New Mexico	ABQ	\$9,850,428	365
Las Cruces International Airport	New Mexico	LRU	\$1,876,672	78
Albany International Airport	New York	ALB	\$162,859	7
Greater Binghamton Airport	New York	BGM	\$3,978	1
Greater Rochester International Airport	New York	ROC	\$1,457,658	46
John F. Kennedy International Airport	New York	JFK	\$118,500,000	2,814
Long Island MacArthur Airport	New York	ISP	\$5,422,326	83
Syracuse Hancock International Airport	New York	SYR	\$1,124,039	37
Charlotte Douglas International Airport	North Carolina	CLT	\$55,419,230	1,028
Piedmont Triad International Airport	North Carolina	GSO	\$11,800,321	288
Raleigh-Durham International Airport	North Carolina	RDU	\$20,124,309	278
Minot International Airport	North Dakota	MOT	\$1,199,474	45
Dayton International Airport	Ohio	DAY	\$4,575,615	16
Hopkins International Airport	Ohio	CLE	\$16,014,848	214
John Glenn Columbus International Airport	Ohio	CMH	\$18,946,089	272
Tulsa International Airport	Oklahoma	TUL	\$3,508,940	128
Portland International Airport	Oregon	PDX	\$21,439,024	490
Rogue Valley International-Medford Airport	Oregon	MFR	\$2,837,032	121
Erie International Airport Tom Ridge Field	Pennsylvania	ERI	\$86,654	7

Lehigh Valley International Airport	Pennsylvania	ABE	\$93,665	1
Philadelphia International Airport	Pennsylvania	PHL	\$7,632,646	165
Pittsburgh International Airport	Pennsylvania	PIT	\$14,113,352	281
Luis Munoz Marin International Airport	Puerto Rico	SJU	\$25,411,554	928
Rafael Hernández International Airport	Puerto Rico	BQN	\$409,786	18
Theodore Francis Green Memorial State Airport	Rhode Island	PVD	\$2,749,268	75
Columbia Metropolitan Airport	South Carolina	CAE	\$4,573,827	51
GSP International Airport (Roger Miliken Field)	South Carolina	GSP	\$13,590,681	128
Sioux Falls Regional Airport	South Dakota	FSD	\$705,918	84
Chattanooga Metropolitan Airport	Tennessee	CHA	\$3,955,379	30
Memphis International Airport	Tennessee	MEM	\$3,236,017	109
Nashville International Airport	Tennessee	BNA	\$12,799,934	162
Tri-Cities Airport	Tennessee	TRI	\$206,434	14
Austin-Bergstrom International Airport	Texas	AUS	\$3,630,935	107
Dallas/Fort Worth International Airport	Texas	DFW	\$58,572,927	974
George Bush Intercontinental Airport/Houston Airport	Texas	IAH	\$21,921,714	884
Lubbock Preston Smith International Airport	Texas	LBB	\$723,501	24
Midland International Air and Space Port	Texas	MAF	\$682,412	50
Rick Husband Amarillo International Airport	Texas	AMA	\$19,736,500	157
San Angelo Regional Airport	Texas	SJT	\$6,256,774	79
San Antonio International Airport	Texas	SAT	\$12,799,068	328
William P. Hobby Airport	Texas	HOU	\$20,641	1
Salt Lake City International	Utah	SLC	\$3,435,696	108
St. George Regional Airport	Utah	SGU	\$7,227,277	10
Burlington International Airport	Vermont	BTV	\$849,023	30
Henry E. Rohlsen Airport	Virgin Islands	STX	\$280,086	27
New River Valley Airport	Virginia	PSK	\$28,000,000	1
Richmond International Airport	Virginia	RIC	\$6,570,958	109
Washington Dulles International Airport	Virginia	IAD	\$72,762,316	753
Dorothy Scott Airport	Washington	OS7	\$272,575	10
Kenmore Air Harbor	Washington	KEH	\$272	1
Seattle-Tacoma International Airport	Washington	SEA	\$22,294,282	429
Tri-Cities Airport	Washington	PSC	\$52,835	7
Yakima Air Terminal	Washington	YKM	\$1,480	2
Yeager Airport	West Virginia	CRW	\$952,632	42
General Mitchell International Airport	Wisconsin	MKE	\$2,691,208	80
Casper-Natrona County International Airport	Wyoming	CPR	\$875,144	24
Cheyenne Regional Airport	Wyoming	CYS	\$186,269	14
Total			\$1,778,375,462	30,574

ENDNOTES



- 1 See Complaint, *Kazazi v. U.S. Customs and Border Prot.*, No. 18-51 (N.D. Ohio May 31, 2018), <https://ij.org/wp-content/uploads/2018/05/Cleveland-Forfeiture-Motion-for-Return-of-Property-Filed.pdf>
- 2 Carpenter, D. M., Knepper, L., Erickson, A. C., & McDonald, J. (2015). *Policing for profit: The abuse of civil asset forfeiture* (2nd ed.). Arlington, VA: Institute for Justice. <https://ij.org/report/policing-for-profit/>; Kelly, B. D. (2019). *Fighting crime or raising revenue? Testing opposing views of forfeiture*. Arlington, VA: Institute for Justice. <https://ij.org/report/fighting-crime-or-raising-revenue/>
- 3 U.S. Department of the Treasury. (2018, Aug. 6). *Terrorism and Financial Intelligence: Treasury Executive Office for Asset Forfeiture*. <https://www.treasury.gov/about/organizational-structure/offices/Pages/The-Executive-Office-for-Asset-Forfeiture.aspx>
- 4 See Complaint, *Inst. for Justice v. U.S. Customs and Border Prot.*, No. 16-2408 (D.D.C. Dec. 8, 2016), <https://ij.org/wp-content/uploads/2016/12/complaint.pdf>
- 5 Currency includes U.S. and foreign cash, checks, traveler's checks, wire transfers, bank bonds, gift cards, and other monetary items. Cash, on the other hand, refers only to physical U.S. paper money and coins. This study references both.
- 6 Farivar, M. (2019, July 3). Customs agency cash seizures at airports cost travelers millions. *Voice of America*. <https://www.voanews.com/usa/customs-agency-cash-seizures-airports-cost-travelers-millions>
- 7 Alvarado, F. (2019, Sept. 9). These cops are seizing cash from people who smell like weed before they fly to California. *Vice*. https://www.vice.com/en_us/article/qvgvwm/cops-seizing-weed-cash-flying-fort-lauderdale-to-california-lax
- 8 Airports Council International. (2018). *2016 North American airport traffic summary (passenger)* [Data download]. https://airportscouncil.org/wp-content/uploads/2018/08/nam2016_top_50.xlsx
- 9 American Civil Liberties Union. (n.d.). *Know your rights: Enforcement at the airport*. <https://www.aclu.org/know-your-rights/what-do-when-encountering-law-enforcement-airports-and-other-ports-entry-us/#what-types-of-law-enforcement-officers-could-i-encounter-when-entering-or-leaving-the-united-states>
- 10 These figures represent the number of seizure cases involving currency seized at airports. One case can involve more than one seizure.
- 11 Trefis Team. (2016, Aug. 30). What are the factors behind soaring air travel growth? *Forbes*. <https://www.forbes.com/sites/greatspeculations/2016/08/30/what-are-the-factors-behind-soaring-air-travel-growth/#7ecf86c2258d>
- 12 Federal Aviation Administration. (2019, July 18). *Passenger boarding (enplanement) and all-cargo data for U.S. airports – previous years*. https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/previous_years/. Throughout this study, the annual number of air travelers is equivalent to the sum of annual passenger boardings at the airports in our sample—not the national total.
- 13 Airports Council International, 2018.
- 14 Federal Aviation Administration, 2019.
- 15 Aaron, J. (2018, Mar. 23). Behind the invisible wall: On the trail of cash coming through Dulles. *WTOP News*. <https://wtop.com/local/2018/03/behind-invisible-wall-trail-cash-coming-dulles/>
- 16 Federal Aviation Administration, 2019.
- 17 Reporting violations were the most common offense between 2000 and 2014. In 2015 and 2016, reporting violations came in a very close second to offenses under 18 U.S.C. § 981—a catchall statute that authorizes forfeiture for a wide variety of crimes, including but not limited to money laundering, weapons trafficking, bribery, various financial crimes, theft, fraud, mail fraud, possession of stolen vehicles and terrorism. The data do not indicate which alleged crime led to seizures under that statute, meaning there is no way of knowing which, if any, public interest is advanced by those seizures.
- 18 See 31 U.S.C. § 5316; 31 C.F.R. §§ 1010.340 and 1010.306.
- 19 U.S. Treasury Financial Crimes Enforcement Network. (n.d.). *FinCEN's mandate from Congress*. <https://www.fincen.gov/resources/statutes-regulations/fincens-mandate-congress>
- 20 The SEACATS data do not differentiate between reporting violations on entering the country and those on exiting the country.
- 21 Grunblatt, D. (2017, Mar. 3). Immigration fact and fiction for the U.S. employer: Customs and Border Protection (CBP) when you depart the United States – cash in hand. *The National Law Review*. <https://www.natlawreview.com/article/immigration-fact-and-fiction-us-employer-customs-and-border-protection-cbp-when-you>
- 22 See 31 U.S.C. §§ 5316–5317.
- 23 See 18 U.S.C. § 981. As described in endnote 17, this catchall statute authorizes forfeiture for a number of different crimes.
- 24 See 21 U.S.C. § 881.

- 25 See 18 U.S.C. § 545.
- 26 “Other seizure” is the entry in SEACATS indicating the statute authorizing the seizure. The data provide no indication of the alleged criminal activities that led to these seizures.
- 27 See Complaint, *Nwaorie v. U.S. Customs and Border Prot.*, No. 18-1406 (S.D. Tex. May 3, 2018), <https://ij.org/wp-content/uploads/2018/05/FILED-Complaint-Houston-CBP-Forfeiture-5-3-18.pdf>
- 28 Institute for Justice. (2019, May 29). Customs finally returns money to Texas nurse, class action over civil forfeiture practices continues [Press release]. Arlington, VA. <https://ij.org/press-release/customs-finally-returns-money-to-texas-nurse-class-action-over-civil-forfeiture-practices-continues/>
- 29 U.S. Customs and Border Protection. (2019a, Mar. 7). *On a typical day in fiscal year 2018, CBP ...* . <https://www.cbp.gov/newsroom/stats/typical-day-fy2018>; Rahal, S. (2019, Apr. 23). Feds seize nearly \$4m in unreported cash from travelers. *The Detroit News*. <https://www.detroitnews.com/story/news/local/wayne-county/2019/04/23/feds-seize-nearly-4-m-unreported-cash-travelers/3552504002/>
- 30 This figure is higher than the 30,574 figure mentioned earlier in the report because the smaller number represents cases and a single case can involve multiple seizures. The 46,151 figure counts the number of *currency seizures* rather than the number of *seizure cases* because some currency seizures within a given case were for different alleged offenses.
- 31 Federal Aviation Administration, 2019.
- 32 Federal Aviation Administration, 2019.
- 33 See, e.g., U.S. Department of the Treasury Executive Office for Asset Forfeiture. (2007). *Department of the Treasury Forfeiture Fund Strategic Plan FY 2007–2012*. <https://home.treasury.gov/system/files/246/FY%202007-2012%20Strategic%20Plan%20-%20Treasury%20Forfeiture%20Fund.pdf>; U.S. Department of Justice Office of Public Affairs. (2018, Feb. 12). Attorney General Sessions delivers remarks to the National Sheriffs’ Association [Remarks as prepared for delivery]. <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-national-sheriffs-association>; U.S. Department of Justice Office of Public Affairs. (2015, Mar. 31). Attorney general restricts use of asset forfeiture in structuring offenses [Press release]. <https://www.justice.gov/opa/pr/attorney-general-restricts-use-asset-forfeiture-structuring-offenses>.
- 34 Without this information, neither the public, nor Congress nor the Treasury can evaluate whether the Treasury’s forfeiture program is an effective crime-fighting tool.
- 35 Arrest data are not a perfect proxy for criminality associated with seizures and forfeitures.
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- 44 See 18 U.S.C. § 983(c).
- 45 McDonald, 2018.
- 46 The DEA participates in the DOJ’s, and not the Treasury’s, forfeiture program. However, the fact pattern of Terry’s case mirrors the other airport currency seizures examined in this study.
- 47 See Complaint, *Brown v. Transp. Sec. Admin.*, No. 05-2025 (W.D. Pa. Jan. 15, 2020), <https://ij.org/wp-content/uploads/2020/01/Pittsburgh-Airport-Forfeiture-Complaint.pdf>
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- 49 See Petition for Writ of Certiorari, *Salgado v. United States*, 2019 WL 6245392 (Nov. 19, 2019) (No. 19-659), <https://ij.org/wp-content/uploads/2019/11/Salgado-v.-United-States-of-America-Petition-for-a-Writ-of-Certiorari.pdf>
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