

**DEPARTMENT OF THE TREASURY
EXECUTIVE OFFICE FOR ASSET FORFEITURE**

DIRECTIVE NO. 4

DATE: June 21, 2022

SUBJECT: Seized Cash Management

1. PURPOSE. This Department of the Treasury Executive Office for Asset Forfeiture (TEOAF) Directive No. 4 establishes Treasury policy on the management of seized cash. The security, budgetary, and accounting problems caused by retention of large amounts of cash historically have caused great concern within the Department and the Congress. In the past, agencies participating in the Department's asset forfeiture program have held tens of thousands of dollars in office safes and other locations throughout the country. This raises both financial management and internal control issues. The Department must report annually to the Congress on the amount of seized cash not on deposit.

The timely deposit of cash assets is important to the effective management of the Treasury Forfeiture Fund (TFF). While this Directive will address the deposits as "cash," the term "cash" shall include currency, personal and commercial checks, cashier's checks, bank checks, traveler's checks, money orders, etc.

Currency seized for forfeiture under sections 7301 and 7302 of Title 26 shall not be deposited into the Treasury Suspense Account or the TFF.

2. SCOPE. This Directive applies to all seizing agencies participating in the TFF and TEOAF.

3. POLICY. Cash seized for forfeiture, except where it is to be used as evidence, is to be deposited into the Treasury Suspense Account pending forfeiture either within 60 days after seizure or 10 days after indictment, whichever occurs first. Transfer of cash to the Treasury Suspense Account shall be accomplished in accordance with the deposit instructions described in the procedures below. Where appropriate, photographs or videotapes of the seized cash should be taken for later use in court as evidence. If seized cash is required to be held for evidentiary purposes, the procedures below shall be followed.

4. SEIZING AGENCY RESPONSIBILITIES. The seizing agency is responsible for accepting custody of cash seized for forfeiture and disposing of the cash in a timely manner in accordance with established procedures as explained in this Directive. The seizing agency will be the property custodian of the seized cash unless otherwise directed by the courts. If the cash has evidentiary value, then its disposition must be done in conjunction with the advice of the U.S. Attorney's Office (USAO) handling the legal proceeding. Requests for an exemption should be filed by the USAO or Criminal Division section responsible for prosecuting, or reviewing for prosecution, a particular case. Seizing agency management and supervisory personnel are responsible for ensuring compliance with this policy.

5. PROCEDURES.

A. Depositing Seized Cash to the Treasury Suspense Account

(1) Handling of Seized Cash for Deposit

Cash seizures shall be expeditiously counted, processed and prepared for transfer to the Treasury Suspense Account in accordance with each seizing agency's procedures and under the following two conditions:

- (a) The currency will be transported with appropriate security measures to ensure safe transportation to the physical site of the deposit. Seizing agency personnel shall remain at the site until the currency is recounted, if necessary, by the financial facility and a proper receipt is provided for the deposit.
- (b) Discrepancies shall be immediately resolved at the financial facility by the seizing agency's representatives and the financial facility's representatives. Seizing agency representatives will verify the count and retain a receipt for the deposit. All reports of shortages, overages, or counterfeit currency shall be appropriately resolved before seizing agency representatives leave the facility.

(2) Methods for Depositing Seized Cash

The Treasury Suspense Account is located at the Federal Reserve Bank of New York. There are several methods available to seizing agencies to deposit seized cash into the Treasury Suspense Account.

(a) Seizures Made by CBP and ICE

Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) personnel will follow policies and procedures developed by CBP and ICE to make deposits into the Treasury Suspense Account, transfer seized cash to the TFF, or return seized cash. The exception is Border Patrol Sector Offices within CBP, which are not co-located with CBP Fines, Penalties, and Forfeitures Offices, will make deposits using the instructions for other agencies.

(b) Seizures Made by Agencies Other Than CBP and ICE

The agencies shall use one of the two methods¹ listed below when making deposits to the Treasury Suspense Account:

- i. Fedwire Funds Transfer; and
- ii. Intra-Governmental Payment and Collection (IPAC) Transfer.

See Attachment A, Instructions for Agencies Other Than CBP and ICE for Depositing Seized Cash to the Treasury Suspense Account, for specific instructions and account information for each deposit method listed above.

¹ A third option for delivering seized cash to TEOAF is also available; however, this method is the least acceptable. Therefore, seizing agency representatives will make every attempt to comply with one of the two deposit methods provided in this Directive before using the third option. For this third option, which is to be used only as a last resort, seizing agencies may send a cashier's check or other negotiable instrument along with a completed TEOAF Form 6, Deposit Information, to its agency's headquarters office which in turn will hand deliver the package to TEOAF for deposit to the Treasury Suspense Account.

(3) Reporting Requirements for Deposits of Seized Cash

Timely reporting by agencies of deposits of seized cash will enhance the ability of TEOAF to maintain more effective and timely control of deposits to the Treasury Suspense Account.

(a) Deposits made by CBP field office cashiers must be entered into the Automated Commercial System (ACS) by the cashier and to the appropriate Class Code for the agency. (See *item 1.H(2) in Attachment A for Class Codes.*)

(b) Fedwire deposits made by agencies other than CBP must be reported to the CBP Finance and Accounting Division (FAD), formerly known as National Finance Center (f/k/a NFC), on the same day of the deposit.² A copy of the Fedwire receipt must be emailed to the FAD Forfeiture Fund Section at the following email address: [REDACTED] Please include Seizure/AFTRAK/FASTRAK Number and Class Code if not provided in the Fedwire receipt. Also, email a copy to the seizing agency's headquarters.

(c) For hand delivery to TEOAF for deposit, agencies shall express mail cashier's checks or other negotiable instruments along with a completed TEOAF Form 6, Deposit Information³, to the seizing agency's headquarters which in turn will hand deliver the package to TEOAF for deposit to the Treasury Suspense Account. The purpose of this form is to ensure that the FAD (f/k/a NFC) can deposit the monies to the Treasury Suspense Account or TFF in a timely manner. (See *Attachment B for a copy of TEOAF Form 6, Deposit Information.*)

B. Exceptions for When Seized Currency Is to Be Held for Evidentiary Purposes

Retention of currency will be permitted when it serves a significant independent, tangible, evidentiary purpose due to, for example, the presence of fingerprints, packaging in an incriminating fashion, or the existence of a traceable amount of narcotic residue on the bills. In most cases, however, photographs or videotapes of the seized currency should be taken for later use in court as evidence. Where it is required that seized currency be held for evidentiary purposes, the following must be adhered to:⁴

(1) If the amount of seized cash to be retained for evidentiary purposes is less than \$5,000, written approval to retain the cash must be granted at a supervisory level within the appropriate USAO. Such approval must be presented to the seizing agency within 60 days of seizure or 10 days of indictment, whichever comes first.

(2) If the amount of seized cash to be retained for evidentiary purposes is \$5,000 or greater, the seizing agency shall obtain a copy of the required approval document issued by the Chief, Asset Forfeiture and Money Laundering Section, Criminal Division, Department of Justice (DOJ), who has authority to approve exceptions to the DOJ Seized Cash Management Policy. This required approval document is obtained by the Assistant U.S. Attorney. Seizing agency field offices shall promptly submit a copy of the required

² IPAC deposits do not have a reporting requirement since the FAD (f/k/a NFC) can download the IPAC transfer report directly from the IPAC System.

³ TEOAF Form 6, Deposit Information, is not to be used in reporting cash and net proceeds of forfeited property received by agencies as their share from non-Treasury agencies. These funds, also known as Reverse Asset Sharing, shall continue to be forwarded to the Revenue Team at TEOAF.

⁴ See generally Department of Justice 2021 Asset Forfeiture Policy Manual (pp. 40-41) available at: <https://www.justice.gov/criminal-afmls/file/839521/download>.

approval document to the Director, TEOAF, at the address listed below under section 7, "Information Contact."

(3) If an approval document is not provided to the seizing agency within 60 days of seizure or 10 days of indictment, whichever occurs first, the seizing agency should take those steps necessary to deposit the money into the Treasury Suspense Account immediately in accordance with the deposit instructions in this Directive.

6. AUTHORITY. 31 U.S.C. § 9705; Treasury Directive 15-04, "Delegations Relating to the Treasury Forfeiture Fund," October 10, 2017; and Treasury Order 102-14, "Delegation of Authority with Respect to the Department of the Treasury Forfeiture Fund," October 18, 2021.

7. INFORMATION CONTACT. If the seizing agency cannot deposit the seized funds to the Treasury Suspense Account by one of the two primary deposit methods described in this Directive, the seized funds, in the form of a cashier's check or other negotiable instrument made payable to the Department of the Treasury or the seizing agency, can be delivered to the responsible personnel at the seizing agency's headquarters for hand delivery to TEOAF at the address below for deposit to the Treasury Suspense Account:

Revenue Desk
Treasury Executive Office for Asset Forfeiture
Suite 900
1341 G Street, NW
Washington, DC 20220

A properly completed TEOAF Form 6, Deposit Information, for the respective seizing agency must be included with the check or other negotiable instrument.

All other inquiries should be directed to TEOAF's Revenue Team at [REDACTED]

8. CANCELLATION. TEOAF Directive No. 4, "Seized Cash Management Policy," October 1, 1993 (revised 1/22/2013), is hereby superseded.

9. EFFECTIVE DATE. June 21, 2022.

/S/
John Farley
Director
TEOAF

ATTACHMENT A – Instructions for Agencies Other Than CBP and ICE for Depositing Seized Cash to the Treasury Suspense Account

ATTACHMENT B – TEOAF Form 6, Deposit Information

ATTACHMENT A

Instructions for Agencies Other Than CBP and ICE for Depositing Seized Cash to the Treasury Suspense Account

The Internal Revenue Service (IRS), the U.S. Secret Service (USSS), and other agencies, except CBP and ICE, shall use one of the two methods¹ listed below when making deposits of seized cash to the Treasury Suspense Account:

1. Fedwire Funds Transfer; and
2. Intra-Governmental Payment and Collection (IPAC) Transfer.

Below are specific instructions and account information for each deposit method listed above.

1. Fedwire Funds Transfer

Formally known as the Federal Reserve Wire Network, Fedwire is a Real Time Gross Settlement Funds Transfer system operated by the United States Federal Reserve Banks which enables financial institutions to electronically transfer funds between its participants. A Fedwire funds transfer can be accomplished by the agency utilizing a commercial bank to forward funds to the Treasury Suspense Account at the Federal Reserve Bank of New York. The commercial bank must have the capability to use the Fedwire system.

Banks may charge a fee for the wire transfer. The agency cannot have this fee amount deducted from the monetary amount being transferred. Each agency shall implement procedures to provide for the payment of fees as incurred. Most banks require the agency to have an account with the bank from which wire transfers will be drawn. Some banks may allow the wire transfer of funds without the sender having an account with the bank.

Since there is latitude on the part of commercial banks in their handling of wire transfers, it will be necessary for agency personnel to develop a business relationship with a bank in their geographical area and process wire transfers in accordance with their protocols and requirements. Most banks have specific wire transfer forms that must be completed by the sender (seizing agency), prior to the acceptance of the wire transfer order. Some banks do not require such a form but do require information that is input into a data system that prints out a form. The following information is generally required to send wire transfers to the Treasury Suspense Account:

- A. ABA Number of Bank Receiving Funds – [REDACTED]
- B. Name of Bank – FEDERAL RESERVE BANK OF NEW YORK
- C. Bank Address – 33 Liberty Street, New York, New York 10045
- D. Amount of Transfer – \$XXX,XXX.XX
- E. Title of Account Receiving Funds – Treasury Suspense Account
- F. Treasury Account Symbol – [REDACTED]

G. Agency Location Code – [REDACTED]

H. Special Instructions/Remarks:

(1) Seizure Number (i.e., IRS AFTRAK or USSS FASTRAK number)

(2) Class Code

Agency	Seized Currency	Cost Bond
CBP	731	735
ICE	741	743
IRS	732	736
USSS	733	737

(3) If Seizure Number or Class Code is not readily available, provide other identifying information the agency determines to be pertinent.

I. Account Number for the account from which funds are being drawn (if applicable)

J. Account Name – Your Agency Account Name (if applicable)

K. Point of Contact – Name, Address, Telephone Number of Sender

A copy of the Fedwire receipt must be emailed on the same day of the wire transfer to the FAD (f/k/a NFC) Forfeiture Fund Section to the following email address: [REDACTED]

Questions regarding problems with bank wires / Fedwire should be referred to the Federal Reserve Bank (FRB), Operations Support Centers. The individual calling the FRB Support Center should be the person closest to the issue, either the bank trying to make the wire or the employee working with the bank. The FRB Support Centers would be able to look up the error codes and any other information needed and advise the bank exactly what they need to do.

The FRB Support Center to call depends on the location of the bank sending the wire and the FRB for that part of the country. Below is the contact information for FRB Support Centers:

FRB Support Center	Federal Reserve Banks Supported
Boston (800) 327-0147	Boston, New York, Philadelphia, Cleveland, St Louis, Dallas
Kansas City (800) 333-2448	Richmond, Atlanta, Chicago, Minneapolis, Kansas City, San Francisco

For any additional questions, refer to the CBP Finance and Accounting Division, Forfeiture Fund Section, at 317-614-4613.

2. Intra-Governmental Payment and Collection (IPAC) Transfer

IPAC is an electronic transfer program that utilizes the Government Online Accounting Link System (GOALS) to transfer monies among agencies. It requires that monies be placed in an agency suspense account in order to transfer the monies to the Treasury Suspense Account or TFF.

GOALS is typically utilized by the financial management office within the agency. The financial management office requires specific information to complete the GOALS form and transfer the monies. Agency representatives will need to furnish the following information to affect a transfer:

- A. Agency Location Code – [REDACTED]
- B. Class Code – (see item 1.H(2) above)
- C. Remarks Section – Provide a statement regarding the transaction (e.g., “This transfer to the Treasury Suspense Account is for monies seized under seizure number 1234567 by IRS, ACC 732, Washington, DC Field Office.”)

3. Hand Delivery to TEOAF

This third option for delivering checks to TEOAF is also available; however, this method is the least acceptable. Therefore, seizing agency representatives will make every attempt to comply with one of the two deposit methods described above before using this third option.

If the deposit methods described in items 1 and 2 above cannot be accomplished by the agency, the agency may deliver the seized cash, in the form of a cashier’s check or other negotiable instrument made payable to the Department of the Treasury or the seizing agency, to the responsible personnel at the agency’s headquarters for hand delivery to TEOAF at the address below for deposit into the Treasury Suspense Account or TFF:

Revenue Team
Treasury Executive Office for Asset Forfeiture
Suite 900
1341 G Street, NW
Washington, DC 20220

A properly completed TEOAF Form 6, Deposit Information, for the respective seizing agency must be included with the cashier’s check or other negotiable instrument. (See Attachment B for a copy of TEOAF Form 6, Deposit Information.)

ATTACHMENT B

TEOAF Form 6, Deposit Information

Internal Revenue Service

DEPOSIT INFORMATION

INSTRUCTIONS:

- Complete this form if you have cashier's check(s) or other negotiable instrument(s) for hand delivery to TEOAF for deposit to the Treasury Suspense Account or Treasury Forfeiture Fund.
- Express mail the check(s) or other negotiable instrument(s) along with this completed form to IRS/HQ which in turn will hand deliver the package to TEOAF for deposit.

On _____, the following funds were submitted for deposit.

See attached worksheet. (Provide if number of items for deposit exceed available space on form.)

IRS AFTRAK Number	Dollar Amount	R = Rev Asst Share S = Seized Funds F = Forfeited														
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Total Amount of Deposit	\$ _____															

This deposit was directed to: ABA Number: [REDACTED]
 Treasury Account Symbol: [REDACTED]
 Agency Location Code: [REDACTED]

The Class Code is **732** for Seized Funds and **967** for Forfeited Funds.

The following method was used to make this deposit: Deposit Ticket #: _____

- Teller Deposit at Any Federal Reserve Bank (include copy of teller deposit ticket with email)
- Fedwire Funds Transfer (include copy of Fedwire receipt with email)
- IPAC Funds Transfer (include copy of IPAC receipt with email)
- Check(s) express mailed to IRS/HQ for hand delivery to TEOAF for deposit

NOTE: All Reverse Asset Sharing deposits MUST be sent to TEOAF with ALL documentation.

This transmission was initiated by:

Name:		Title:	
IRS-CI Field Office:		Phone:	

United States Secret Service

DEPOSIT INFORMATION

INSTRUCTIONS:

- Complete this form if you have cashier's check(s) or other negotiable instrument(s) for hand delivery to TEOAF for deposit to the Treasury Suspense Account or Treasury Forfeiture Fund.
- Express mail the check(s) or other negotiable instrument(s) along with this completed form to USSS/HQ which in turn will hand deliver the package to TEOAF for deposit.

On _____, the following funds were submitted for deposit.

See attached worksheet. (Provide if number of items for deposit exceed available space on form.)

USSS CD _____

R = Rev Asst Share
S = Seized Funds
F = Forfeited

USSS Seizure Number	Dollar Amount											
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				-			-					
Total Amount of Deposit	\$ 											

This deposit was directed to: ABA Number: [REDACTED]
 Treasury Account Symbol: [REDACTED]
 Agency Location Code: [REDACTED]

The Class Code is **733** for Seized Funds and **971** for Forfeited Funds.

The following method was used to make this deposit: Deposit Ticket #: _____

- Teller Deposit at Any Federal Reserve Bank (include copy of teller deposit ticket with email)
- Fedwire Funds Transfer (include copy of Fedwire receipt with email)
- IPAC Funds Transfer (include copy of IPAC receipt with email)
- Check(s) express mailed to USSS/HQ for hand delivery to TEOAF for deposit

NOTE: All Reverse Asset Sharing deposits MUST be sent to TEOAF with ALL documentation.

This transmission was initiated by:

Name:		Title:	
Location:		Phone:	