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Office of Justice Programs



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ASSET
FEATURE

Tracking Drug Proceeds: Bank Secrecy Act Reports

11th in a series

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**U.S. Department of Justice
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ASSET FORFEITURE

Tracking Drug Proceeds: Bank Secrecy Act Reports

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NCJRS

FEB 28 1990

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September 1989

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U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

Dear Colleague:

Illicit drug traffic continues to flourish in every part of the country. The cash received by the traffickers is often converted to assets that can be used by drug dealers in ways that suit their individual tastes. Since 1981, federal authorities have increased their attack on these assets through both criminal and civil forfeiture proceedings with remarkable success. The recent passage and use of state asset forfeiture laws offers an excellent means for state and local jurisdictions to emulate the federal success.

The Bureau of Justice Assistance (BJA), in the Office of Justice Programs, has funded a nationally focused technical assistance and training program to help state and local jurisdictions facilitate broader use of such laws. BJA selected the Police Executive Research Forum to develop and administer this program because of its history of involvement in practical, problem-oriented research to improve police operations and the Forum's central role in developing training materials for use by police agencies and chief executives.

As part of this project, the Forum has contracted with experts in the area of asset forfeiture and financial investigations to prepare a series of short manuals dealing with different concerns in the area of asset forfeiture. We hope these manuals help meet the rapidly unfolding needs of the law enforcement community as more and more agencies apply their own forfeiture laws and strive to learn from the successes and problems of their peers.

I welcome hearing your comments about this program. We have structured this project so that most requests for information or assistance can be handled through the Forum staff in Washington, D.C., by calling 202/466-7820.

Sincerely yours,


Charles P. Smith, Director
Bureau of Justice Assistance

Acknowledgments

We want to express our special thanks to Don Semesky, Organized Crime Drug Enforcement Task Force (OCDETF) Coordinator with the Internal Revenue Service in Baltimore, for his many constructive comments on a draft of this paper. We are also grateful to the office of the IRS Title 31 Coordinator in Washington for a similar review. As always, the suggestions and encouragement offered by our BJA Program Officer, Fred Wm. Becker, were extremely helpful. Finally, Richard Stolker, an attorney in Rockville, Maryland, performed substantial research and drafting work on an earlier version of this publication.

Police Executive Research Forum

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Tracking Drug Proceeds: Obtaining Access to Bank Secrecy Act Information

Introduction

Cash is the lifeblood of narcotics and other underworld transactions. When large amounts of cash—whether legally earned or not—are taken to financial institutions, transactions over specified dollar levels must be recorded on government reporting forms. Federal reporting may also be triggered when large amounts of cash or monetary instruments are carried or sent into or out of the United States. Completed reporting forms are forwarded to a special program operated by the U.S. Department of the Treasury. Information from the forms is entered in a computerized data base, and can be retrieved by law enforcement personnel and others (e.g., regulatory officials) who are authorized to access it.

Details of cash transactions and monetary movements can provide valuable information on illegal activities. For example, (assuming the information is given truthfully), it may divulge the identity of the owner of the cash. Further, the dates of the cash transactions may be near the dates of known drug deals. In general, the information may reveal large amounts of cash, the source of which the owner may be hard pressed to explain—especially if the cash was not obtained legitimately. Such information can be used as leads by watchful state and local investigators who know what to ask for and where to direct their inquiries.

This report is a guide for obtaining information from completed federal reporting forms. It is intended to help state and local investigators meet federal requirements for accessing the information in appropriate situations.

Background: Legal Basis of Currency and Monetary Instrument Reporting

The information in the Treasury data base is collected under the federal Bank Secrecy Act (BSA), 31 U.S.C. 5311, *et. seq.*, and its regulations, 31 CFR (Code of Federal Regulations) Part 103. Most of the information is reported on two forms: Internal Revenue Service (IRS) Form 4789, *Currency Transaction Report (CTR)*, and U.S. Customs Service (Customs) Form 4790, *Report of International Transportation of Currency or Monetary Instrument (CMIR)*. An explanation of each form follows.

IRS Form 4789 (CTR)

Defined financial institutions must file IRS Form 4789 (CTR) for each deposit, withdrawal, or exchange of currency, or other payment or transfer by, through, or to the institution, when the transaction involves U.S. currency exceeding \$10,000. Multiple transactions by or for a single individual that in any one day total more than \$10,000 are treated as a single transaction (assuming the financial institution is aware of the multiple transactions). This reporting is required under the regulations in 31 CFR 103.22, 103.26, and 103.27.

The information received by IRS from CTRs is useful in generating leads and documentary ownership of questionable income in criminal, tax, and regulatory investigations. Appendix 1 contains a facsimile IRS Form 4789 (two pages), and instructions for completing it.

Customs Form 4790 (CMIR)

Individuals who physically transport, mail, or ship, or cause to be physically transported, mailed, shipped, or received, currency or other monetary instruments totaling \$10,000 or more on any one occasion *from* the United States to any place outside the United States, or *into* the United States from any place outside the United States, must file Customs Form 4790

(CMIR). This reporting is required under 31 U.S.C. 5316, 31 CFR 103.23, and 31 CFR 103.24. The disclosure of the filers' social security numbers is also mandatory now, under 31 CFR 103.25, as a means of identifying the individuals who file the completed CMIR forms.

The information received by Customs from CMIRs is useful, for example, in identifying money laundering operations and in drug-related criminal, tax, and regulatory investigations. Appendix 2 contains a facsimile Customs Form 4790 and instructions for completing it.

Availability of BSA Information to State and Local Agencies

The U.S. Department of the Treasury is responsible for administering and enforcing the Bank Secrecy Act and its regulations. Treasury has authorized dissemination of information gathered under the BSA to certain parties, including agencies of state and local government. Because most BSA report information consists of personal and/or sensitive financial data, the release, disclosure, use, and further dissemination of such information is strictly controlled. Nevertheless, under appropriate circumstances it can be obtained by state and local enforcement agencies.

Quoted below are the portions of Title 31, Section 103.43, of the Code of Federal Regulations that provide for the release of information to state and local agencies:

31 CFR 103.43 Availability of Information

(a) The [Treasury] Secretary may within his discretion disclose information reported under this part for any reason consistent with the purposes of the Bank Secrecy Act, including those set forth in paragraphs (b) through (d) of this section.

(b) The Secretary may make any information set forth in any report received pursuant to this part available to another agency of the United States, *to an agency of a state or local government* or to an agency of a foreign government, *upon the request of the head of such department or agency made in writing and stating the particular information desired, the criminal, tax or regu-*

latory purpose for which the information is sought, and the official need for the information. [emphasis added]

...

(e) Any information made available under this section to other [federal] departments or agencies of the United States, any state or local government, or any foreign government shall be received by them in confidence, and shall not be disclosed to any person except for official purposes relating to the investigation, proceeding or matter in connection with which the information is sought.

(f) The Secretary may require that a state or local government department or agency requesting information under paragraph (b) of this section pay fees to reimburse the Department of the Treasury for costs incidental to such disclosure. The amount of such fees will be set in accordance with the statute on fees for government services, 31 U.S.C. 9701.

The remainder of this report applies to state and local agencies. It has been condensed from a longer compilation of Treasury dissemination policies and guidelines that also cover disclosure to other federal agencies and to foreign governments.

Disclosures to State and Local Agencies

Authorized Customs and IRS officials, at their respective headquarters and field offices, may disclose BSA report information, without Treasury headquarters approval, to state and local law enforcement agencies. State and local agency requests from other than law enforcement agencies (e.g., tax and regulatory bodies) must be processed by Customs or IRS and then sent to the Assistant Secretary of the Treasury for Enforcement in Washington, D.C., for disclosure authorization.

Customs and IRS officials may also make unrequested disclosures of BSA report information to state and local law enforcement agencies when those federal officials believe the information may be useful in investigations within the jurisdiction of the state and local agencies. This is likely to occur

in federal task force settings, and is discussed below under *Disclosure Within Joint Federal/State Investigations*.

Disclosure Procedures and Conditions

Written Requests—Exigent Circumstances Exceptions

All requests and responses relative to BSA information must be made in writing unless there are emergency circumstances. Emergency, or exigent, circumstances include but are not limited to situations in which disclosure of the BSA report information may be vital to protect life, avoid serious bodily injury, avoid the destruction or removal of contraband or evidence, avoid flight of the suspect(s), or other circumstances when time is of the essence.

Each written request must be signed by the head of the requesting agency (e.g., chief of police) or his designee. If information is released under exigent circumstances, the requestor must send written confirmation of the oral request as soon as possible after the oral request is made.

Specificity — Citing Names of Violator and Violations

All requests for CTR or CMIR information must be related to potential or actual violations of a law enforced by the requesting state or local enforcement agency. The request must state the names or other information to be checked and the violations believed to be involved. Customs and IRS officials may also honor written requests for statistical BSA report information from state or local law enforcement agencies. Such statistical information might, for example, identify financial institutions reporting large numbers of cash transactions. No information specific to an individual is released in those cases.

Disclosure Warning Statement

All disclosures, including unsolicited disclosures, must bear a warning about the use and further dissemination of the information. The following is a sample warning statement:

The enclosed information was collected and disseminated under provisions of the Bank Secrecy Act and U.S. Department of the Treasury regulations implementing that Act. 31 U.S.C. 5311, *et. seq.*; 31 CFR Part 103. The information is sensitive and confidential in nature, and is to be treated accordingly. The information may be used only for the purpose stated to Treasury, Customs and/or the IRS when the request was made. The information cannot be further released, disseminated, disclosed, or transmitted without prior approval of the Secretary of the Treasury or his authorized delegate. Unauthorized release of such information may result in criminal or civil sanctions. If you wish to further disseminate this information, you should consult with the individual who furnished you this information as to the proper procedure.

Where to File a Disclosure Request

Generally, state and local law enforcement agencies should request BSA report information from the local Customs or IRS field office, rather than from Customs or IRS headquarters. If Customs or IRS headquarters authority, or Treasury Department approval, is deemed necessary, the local Customs or IRS field office will seek such approval. A suggested request letter is included as Appendix 3, and Customs and IRS offices and addresses are listed in Appendix 4.

Disclosure Within Joint Federal/State Investigations

Customs and IRS officials may disclose BSA report information to other investigators or prosecutors participating in joint federal or federal/state investigations (including representatives of state and local prosecutors or law enforcement agencies) for use in connection with joint investigations or prosecutions. Examples of this are OCDETF and DEA state-local task force investigations. No written request is necessary for disclosures to criminal investigators or prosecutors for use in connection with such joint federal investigations. However, affected state or local agency representatives may *not* further disclose BSA report information to personnel in their own agency who are not involved in the joint investigation, and may not use the information other than for joint task force purposes. Prior to the *initial* dissemination of any BSA report information to a joint investi-

gation participant from another agency, the recipient agency participant must acknowledge in writing that he understands the restrictions on use and further disclosure.

Other Disclosures by IRS Pursuant to Agreement With States

Authorized IRS officials may periodically disclose to a particular state agency information from CTRs filed by individuals subject to the jurisdiction of that state. This can be done via written agreement between the Assistant Secretary of the Treasury for Enforcement and the state. The agreement, as well as the state law, must set forth restrictions on the state's use and further dissemination of the information. All such information furnished to the state must bear a warning statement on use and further dissemination consistent with the terms of the agreement and the state law.

To date, this provision has applied to California and Arizona, which have state money laundering statutes and want to use CTR data, for example, to identify banks in the state with major currency and CTR traffic.

Conclusion

The data available from IRS and Customs are valuable aids in locating the source and movement of illegally earned money. By obtaining information about an individual's possession of cash, the person possibly can be linked to large and unexplained accumulations of wealth. That in turn can lead to development of both direct and circumstantial evidence of income that cannot be explained by legitimate sources of funds. The inference often follows, that if the money was not obtained through legitimate means, it probably originated from illegal activity—such as drug dealing. Overall, ownership of large amounts of currency can be extremely helpful in pointing to financial transactions that "just happened" to occur soon after suspected drug sales. In addition to forfeiture actions, such financial information can strengthen criminal prosecution as well.

July 20, 1989

Treasury Announces Issuance of New Currency Transaction Report Form

The Department of the Treasury today announced that the Office of Management and Budget has approved use of a revised Form 4789, the Currency Transaction Report, a copy of which is attached. The form is used by financial institutions to report deposits, withdrawals, exchanges of currency, payments or other transfers of more than \$10,000 in currency, as required by the Bank Secrecy Act.

Filers must continue to use the present Form 4789 through December 31, 1989. The new form may be used only for transactions commencing January 1, 1990. Filers should note that the revised form *cannot* be used for transactions occurring prior to January 1, 1990.

Several changes have been made to the form. Some of the more significant ones are the inclusion of the date of birth of both the individual conducting a reportable transaction and any individuals on whose behalf it was made, the social security number of the individual conducting the transaction, and the telephone number of a contact person to answer any questions about the report. The current requirement of providing detailed information on checks and wire transfers involved in the reported transaction has been eliminated. The revised form will be filed at a new post office box. The new address for the revised form will be: Internal Revenue Service Detroit Computing Center, P.O. Box 33604, Detroit, Michigan, 48232-5604. This new address is not to be used for transactions occurring prior to January 1, 1990.

The instructions to the new form refer to BSA Administrative Ruling 89-5. This ruling, which will deal with the reporting of information on the person on whose behalf a reportable transaction is conducted, will be issued before October 1, 1989.

Informational copies of the revised form are available by contacting the Repro Coordinator, Internal Revenue Service East-

ern Area Distribution Center, 4300 Carolina Avenue, Richmond, Virginia 23222. The telephone number is (804) 329-1056. Camera ready reproduction proofs will be available after October 1, 1989, at the above address.

Copies of the printed forms for use by filers will be available through the regional Internal Revenue Service distribution centers on November 15, 1989. Again, these printed forms only may be used for transactions occurring *after* December 31, 1989.

Those wishing additional information should contact the Office of Financial Enforcement, Department of the Treasury, at (202) 566-8022.

Old Form 4789

Form **4789**

(Rev. September 1988)

Department of the Treasury
Internal Revenue Service

Currency Transaction Report

▶ File a separate report for each transaction. ▶ Please type or print.

▶ For Paperwork Reduction Act Notice, see page 3.

(Complete all applicable parts—See instructions)

OMB No 1545-0183

Expires 1-31-89

If amended report, see instructions and check here. ▶

Part I Identity of individual who conducted this transaction with the financial institution

1 If multiple individuals involved, see instructions and check here. ▶

2 Last name

3 First name

4 Middle initial

5 Social security number

6 Address (number and street)

7 Occupation, profession, or business

8 City

9 State

10 ZIP code

11 Country (if not U.S.)

12 Method used to verify identity:
b Issued by ▶

a Describe ▶

c Number ▶

13 Reason items 2-12 are not completed:
b Mail deposit/shipment

a Armored car service (enter name) ▶

c Night deposit or ATM transaction

d Multiple transactions (see instructions)

Part II Individual or organization for whom this transaction was completed

14 If multiple individuals or organizations are involved, see instructions and check here. ▶

15 Individual's last name

16 First name

17 Middle initial

18 Social security number

19 a Name of organization

b Check if: (1) broker/dealer in securities, or (2) financial institution (see instructions)

20 Employer identification number

21 Address (number and street)

22 Occupation, profession, or business

23 City

24 State

25 ZIP code

26 Country (if not U.S.)

Part III Customer's account number(s) affected by transaction

27 Savings ▶

Checking ▶

Securities ▶

Loan ▶

CD/Money market ▶

Other (specify) ▶

Part IV Type of transaction. Check applicable boxes to describe transactions

28 Currency exchange (currency for currency)

29 CASH IN:
f CD/Money market purchased
d Deposit
h For wire transfer
g Security purchased
p Check purchased
a Receipt from abroad
k Other cash in (specify) ▶

30 CASH OUT:
c Check cashed
t Security redeemed
w Withdrawal
n CD/Money market redeemed
u From wire transfer
b Shipment abroad
y Other cash out (specify) ▶

31 Total amount of currency transaction (in U.S. dollars). ▶ \$

32 Amount in Item 31 in \$100 bills or higher \$

33 Date of transaction (month, day, and year)

34 If other than U.S. currency is involved, please furnish the following information:
a Exchange made for or from U.S. currency
b Currency name

c Country

d Total amount of each foreign currency (in U.S. dollars). ▶ \$

35 If a check or wire transfer was involved in this transaction, please furnish the following information (see instructions):
a If more than one check or wire transfer is involved, see instructions and check here. ▶

b Date of check or wire transfer

c Amount of check or wire transfer (in U.S. dollars) \$

d Payee

e Drawer of check

f Drawee bank and MICR number

Part V Financial institution where currency transaction took place

36 Check applicable box to indicate type of financial institution:
a Bank (enter code number from instructions here) ▶

b Savings and loan association

c Credit union

d Security broker/dealer

e Other

37 Name of financial institution

38 Employer identification number

39 Address (number and street)

40 Social security number

41 City

42 State

43 ZIP code

44 MICR number

45 Signature (preparer)

46 Title

47 Date

48 Type or print preparer's name

49 Approving official (signature)

50 Date

Old Form 4789

Form 4789 (Rev. 9 88)

Page 2

Multiple Transactions

(Complete applicable parts below if box 1, 14, or 35a on page 1 is checked)

Part I Continued—Complete if box 1 on page 1 is checked

2 Last name	3 First name	4 Middle initial	5 Social security number
6 Address (number and street)		7 Occupation, profession, or business	
8 City	9 State	10 ZIP code	11 Country (if not U.S.)
12 Method used to verify identity:			
b Issued by ▶		a Describe ▶	c Number ▶

2 Last name	3 First name	4 Middle initial	5 Social security number
6 Address (number and street)		7 Occupation, profession, or business	
8 City	9 State	10 ZIP code	11 Country (if not U.S.)
12 Method used to verify identity:			
b Issued by ▶		a Describe ▶	c Number ▶

Part II Continued—Complete if box 14 on page 1 is checked

15 Individual's last name	16 First name	17 Middle initial	18 Social security number
19 a Name of organization		b Check if: (1) <input type="checkbox"/> broker/dealer in securities, or (2) <input type="checkbox"/> financial institution (see instructions)	
20 Employer identification number		22 Occupation, profession, or business	
21 Address (number and street)			
23 City	24 State	25 ZIP code	26 Country (if not U.S.)

15 Individual's last name	16 First name	17 Middle initial	18 Social security number
19 a Name of organization		b Check if: (1) <input type="checkbox"/> broker/dealer in securities, or (2) <input type="checkbox"/> financial institution (see instructions)	
20 Employer identification number		22 Occupation, profession, or business	
21 Address (number and street)			
23 City	24 State	25 ZIP code	26 Country (if not U.S.)

Part IV Continued—Complete if box 35a on page 1 is checked

35 b Date of check or wire transfer	c Amount of check or wire transfer (in U.S. dollars)	d Payee
e Drawer of check	\$	f Drawee bank and MICR number

35 b Date of check or wire transfer	c Amount of check or wire transfer (in U.S. dollars)	d Payee
e Drawer of check	\$	f Drawee bank and MICR number

Form **4789**
(Rev. January 1990)
Department of the Treasury
Internal Revenue Service

Currency Transaction Report

► **File a separate report for each transaction.** ► **Please type or print.**
► **For Paperwork Reduction Act Notice, see page 3.**
(Complete all applicable parts—See instructions)

OMB No 1545-0183
Expires 12-31-91

1 Check appropriate boxes if: a <input type="checkbox"/> amends prior report, b <input type="checkbox"/> exemption limit exceeded, c <input type="checkbox"/> suspicious transaction.			
Part I Identity of individual who conducted this transaction with the financial institution			
2 If more than one individual is involved, see instructions and check here <input type="checkbox"/>			
3 Reason Items 4-15 below are not fully completed (check all applicable boxes): a <input type="checkbox"/> Armored car service (name) ► b <input type="checkbox"/> Mail deposit/shipment c <input type="checkbox"/> Night deposit or ATM transaction d <input type="checkbox"/> Multiple transactions (see instructions)			
4 Last name	5 First name	6 Middle initial	7 Social security number
8 Address (number and street)		9 Occupation, profession, or business	
10 City	11 State	12 ZIP code	13 Country (if not U.S.)
14 Date of birth (see instructions)			
15 Method used to verify identity: a Describe identification ► b Issued by ►			
Part II Person (see General Instructions) on whose behalf this transaction was conducted			
16 If this transaction was conducted on behalf of more than one person, see instructions and check here <input type="checkbox"/>			
17 This person is an: <input type="checkbox"/> individual or <input type="checkbox"/> trust, escrow, brokerage or other 3rd party account, see instructions and check here <input type="checkbox"/>			
19 Individual's last name or (partner's) name		21 Middle initial	22 Social security number
23 Alien identification: a Describe identification ► b Issued by ►		c Number ► Employer identification number	
24 Address (number and street)		25 Occupation, profession, or business	
26 City	27 State	28 ZIP code	29 Country (if not U.S.)
30 Date of birth (see instructions)			
Part III Types of accounts and numbers affected by transaction (If more than one of the same type, use additional spaces provided below)			
31 <input type="checkbox"/> Savings ► <input type="checkbox"/> Securities ► <input type="checkbox"/> CD/Money market ► <input type="checkbox"/> Checking ► <input type="checkbox"/> Loan ► <input type="checkbox"/> Other (specify) ►			
Part IV Type of transaction. Check applicable boxes to describe transaction			
32 <input type="checkbox"/> Currency exchange (currency for currency)		34 CASH OUT: <input type="checkbox"/> CD/Money market redeemed <input type="checkbox"/> Check cashed <input type="checkbox"/> From wire transfer <input type="checkbox"/> Security redeemed <input type="checkbox"/> Shipment abroad <input type="checkbox"/> Withdrawal <input type="checkbox"/> Other (specify) ►	
33 CASH IN: <input type="checkbox"/> CD/Money market purchased <input type="checkbox"/> Deposit <input type="checkbox"/> For wire transfer <input type="checkbox"/> Security purchased <input type="checkbox"/> Receipt from abroad <input type="checkbox"/> Check purchased <input type="checkbox"/> Other (specify) ►			
35 Total amount of currency transaction (in U.S. dollar equivalent) (always round up) Cash in \$00 Cash out \$00		36 Amount in Item 35 in U.S. \$100 bills or higher Cash in \$00 Cash out \$00 <input type="checkbox"/> Unknown	
37 Date of transaction (see instructions)			
38 If other than U.S. currency is involved, please furnish the following information: a Exchange made <input type="checkbox"/> for or <input type="checkbox"/> from U.S. currency b Country c Amount of currency (in U.S. dollar equivalent) \$00 c Amount of currency (in U.S. dollar equivalent) \$00			
39 If a negotiable instrument or wire transfer was involved in this transaction, please furnish the following information and check this box (see instructions) <input type="checkbox"/> a Number of negotiable instruments involved c Total amount of all negotiable instruments and all wire transfers (in U.S. dollar equivalent) \$00 b Number of wire transfers involved			
Part V Financial institution where transaction took place			
40 a <input type="checkbox"/> Bank (enter code number from instructions here) ► [] b <input type="checkbox"/> Savings and loan association c <input type="checkbox"/> Credit union d <input type="checkbox"/> Securities broker/dealer e <input type="checkbox"/> Other (specify) ►			
41 Name of financial institution		42 Address where the transaction occurred (see instructions)	
44 City	45 State	46 ZIP code	47 MICR number
		43 Employer identification number Social security number	
48 If this is a multiple transaction, please indicate: a Number of transactions ► c ZIP codes ►			
Sign Here ►	49 Signature (preparer)		50 Title
	52 Type or print preparer's name		51 Date
	53 Approving official (signature)		54 Date
			55 Telephone number ()

Information Only
DO NOT FILE

New Form 4789

Form 4789 (Rev. 1-90)

Page 2

Multiple Transactions

(Complete applicable parts below if box 2 or 16 on page 1 is checked)

Part I Continued—Complete if box 2 on page 1 is checked

4 Last name		5 First name			6 Middle initial	7 Social security number	
8 Address (number and street)				9 Occupation, profession, or business			
10 City		11 State	12 ZIP code	13 Country (if not U.S.)		14 Date of birth (see instructions)	
15 Method used to verify identity:				a Describe identification		b Issued by	
				c Number			


4 Last name		5 First name			6 Middle initial	7 Social security number	
8 Address (number and street)				9 Occupation, profession, or business			
10 City		11 State	12 ZIP code	13 Country (if not U.S.)		14 Date of birth (see instructions)	
15 Method used to verify identity:				a Describe identification		b Issued by	
				c Number			

Part II Continued—Complete if box 16 on page 1 is checked

17 This person is an: <input type="checkbox"/> Individual or <input type="checkbox"/> organization		18 If trust, escrow, brokerage or other 3rd party account, see instructions and check here <input type="checkbox"/>					
19 Individual's last name or Organization's name		20 First name			21 Middle initial	22 Social security number	
23 Alien identification: a Describe identification				b Issued by		Employer identification number	
				c Number			
24 Address (number and street)				25 Occupation, profession, or business			
26 City		27 State	28 ZIP code	29 Country (if not U.S.)		30 Date of birth (see instructions)	

17 This person is an: <input type="checkbox"/> Individual or <input type="checkbox"/> organization		18 If trust, escrow, brokerage or other 3rd party account, see instructions and check here <input type="checkbox"/>					
19 Individual's last name or Organization's name		20 First name			21 Middle initial	22 Social security number	
23 Alien identification: a Describe identification				b Issued by		Employer identification number	
				c Number			
24 Address (number and street)				25 Occupation, profession, or business			
26 City		27 State	28 ZIP code	29 Country (if not U.S.)		30 Date of birth (see instructions)	

Appendix 2

<i>Customs Use Only</i>			DEPARTMENT OF THE TREASURY UNITED STATES CUSTOMS SERVICE	Form Approved OMB No. 1515-0079 This form is to be filed with the United States Customs Service
Control No. 31 USC 5316; 31 CFR 103.23 and 103.25		REPORT OF INTERNATIONAL TRANSPORTATION OF CURRENCY OR MONETARY INSTRUMENTS		Privacy Act Notification on reverse
PART I - FOR INDIVIDUAL DEPARTING FROM OR ENTERING THE UNITED STATES				
1. NAME (Last or family, first and middle)		2. IDENTIFYING NO. (See Instructions)		3. DATE OF BIRTH (Mo./Day/Yr.)
4. PERMANENT ADDRESS IN UNITED STATES OR ABROAD				5. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT?
6. ADDRESS WHILE IN THE UNITED STATES				7. PASSPORT NO. & COUNTRY
8. U.S. VISA DATE	9. PLACE UNITED STATES VISA WAS ISSUED		10. IMMIGRATION ALIEN NO. (If any)	
11. CURRENCY OR MONETARY INSTRUMENT WAS: (Complete 11A or 11B)				
A. EXPORTED			B. IMPORTED	
Departed From: (City in U.S.)	Arrived At: (Foreign City/Country)	From: (Foreign City/Country)	At: (City in U.S.)	
PART II - FOR PERSON SHIPPING MAILING OR RECEIVING CURRENCY OR MONETARY INSTRUMENTS				
12. NAME (Last or family, first and middle)		13. IDENTIFYING NO. (See Instructions)		14. DATE OF BIRTH (Mo./Day/Yr.)
15. PERMANENT ADDRESS IN UNITED STATES OR ABROAD				16. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT?
17. ADDRESS WHILE IN THE UNITED STATES				18. PASSPORT NO. & COUNTRY
19. U.S. VISA DATE	20. PLACE UNITED STATES VISA WAS ISSUED		21. IMMIGRATION ALIEN NO. (If any)	
22. CURRENCY OR MONETARY INSTRUMENTS	23. CURRENCY OR MONETARY INSTRUMENTS	NAME AND ADDRESS	24. IF THE CURRENCY OR MONETARY INSTRUMENT WAS MAILED, SHIPPED, OR TRANSPORTED COMPLETE BLOCKS A AND B.	
DATE SHIPPED	<input type="checkbox"/> Shipped To <input type="checkbox"/> Received From		A. Method of Shipment (Auto, U.S. Mail, Public Carrier, etc.)	
DATE RECEIVED			B. Name of Transporter/Carrier	
PART III - CURRENCY AND MONETARY INSTRUMENT INFORMATION (SEE INSTRUCTIONS ON REVERSE) (To be completed by everyone)				
25. TYPE AND AMOUNT OF CURRENCY/MONETARY INSTRUMENTS			Value in U.S. Dollars	
Coins	<input type="checkbox"/> A.	▶ \$	26. IF OTHER THAN U.S. CURRENCY IS INVOLVED, PLEASE COMPLETE BLOCKS A AND B. (SEE SPECIAL INSTRUCTIONS)	
Currency	<input type="checkbox"/> B.	▶		
Other Instruments (Specify Type)	<input type="checkbox"/> C.	▶		
(Add lines A, B and C)			TOTAL AMOUNT	▶ \$
			A. Currency Name	
			B. Country	
PART IV - GENERAL - TO BE COMPLETED BY ALL TRAVELERS, SHIPPERS AND RECIPIENTS				
27. WERE YOU ACTING AS AN AGENT, ATTORNEY OR IN CAPACITY FOR ANYONE IN THIS CURRENCY OR MONETARY INSTRUMENT ACTIVITY? (If "Yes" complete A, B and C) <input type="checkbox"/> Yes <input type="checkbox"/> No				
PERSON IN WHOSE BEHALF YOU ARE ACTING	A. Name	B. Address		C. Business activity occupation or profession
Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete.				
28. NAME AND TITLE		29. SIGNATURE		30. DATE

(Replaces IRS Form 4790 which is obsolete)

Customs Form 4790 (120384)

Appendix 3: Sample Letter to Request Bank Secrecy Act Information from Customs or IRS

Mr. Fredrick D. Lawrence
District Director
U.S. Customs Service
International & Terrace Sts.
Nogales, AZ 85621

Dear Mr. Lawrence:

Please consider this letter as my official written request for Bank Secrecy Act report information under 31 U.S.C. *et. seq.*, and 31 CFR Part 103. Particularly, we seek financial information collected via Customs Form 4790, and IRS Form 4789. As required by 31 CFR 103.43, I make this request as the head of the Phoenix Police Department and agree that any information received will be in confidence and will not be disclosed to any person except for official purposes related to the investigation.

The narcotic squad of the Phoenix Police Department is currently conducting an investigation of Henry G. Hudson for felony violations involving controlled substance distribution in violation of Arizona Revised Statutes, Criminal Code, Section 13- and 13- . Criminal and civil forfeitures under Sections 13-4301 to 13-4315 for assets owned by HUDSON are also being pursued by our officers. The requested information is deemed necessary in an effort to trace the movement of currency by HUDSON, to identify his assets, and his distribution system.

The following information relates to the subject of our investigation, HENRY G. HUDSON:

- | | |
|-----------------------|--|
| 1. Name: | HENRY GEORGE HUDSON |
| 2. Address: | 1717 Santa Fe Drive
Phoenix, AZ 85610 |
| 3. Alias: | "BIG HENRY" "CRACK
HENRY" |
| 4. Date of Birth: | November 12, 1964 |
| 5. Place of Birth: | Phoenix, AZ |
| 6. Social Security #: | 578-57-0952 |

Please furnish the requested information to Assistant Chief John R. Hanson of this Department, who is my designee to receive the information. He is also hereby delegated the authority

by me to make future requests to you in similar cases under the Federal laws and regulations cited in the first paragraph of this letter.

Thank you for your cooperation.

Sincerely,

John C. Law
Chief of Police

Appendix 4: IRS District and Customs Service Regional Offices

Internal Revenue Service District Offices

<i>District</i>	<i>Address</i>	<i>Director</i>
ALABAMA.....	500 22d St. S., Birmingham, 35233	Philip J. Sullivan
ALASKA.....	310 K St., Anchorage, 99501.....	Robert W. Brock
ARIZONA.....	2120 N. Central Ave., Phoenix, 85004.....	Prescott A. Berry
ARKANSAS.....	700 W. Capitol Ave., Little Rock, 72201	William F. Barlow
CALIFORNIA:		
Laguna Niguel.....	2400 Avila Rd., 92677.....	Michael Quinn
Los Angeles.....	300 N. Los Angeles St., 90012	Frederick Nielsen
Sacramento.....	2345 Fair Oaks Blvd., 95825	Raymond Spillman
San Francisco.....	450 Golden Gate Ave., 94102	Francis Miceli
San Jose.....	Suite 300, 1 N. 1st St., 95113.....	Calvin Esselstrom
COLORADO.....	1050 17th St., Denver, 80265	Gerald L. Mihlbachler
CONNECTICUT.....	135 High St., Hartford, 06103.....	James E. Quinn
DELAWARE.....	844 King St., Wilmington, 19801	Joseph F. Kump
DISTRICT OF COLUMBIA.... (part of Baltimore District)		
FLORIDA:		
Fort Lauderdale.....	3d Fl., Bldg. B, 1 University Dr., 33324.....	Merlin W. Heye
Jacksonville.....	400 W. Bay St., 32202.....	James J. Ryan
GEORGIA.....	275 Peachtree St. NE., Atlanta, 30043.....	Paul Williams
HAWAII.....	300 Ala Moana Blvd., Honolulu, 96813	Billy J. Brown
IDAHO.....	550 W. Fort St., Boise, 83724.....	Richard R. Orosco
ILLINOIS:		
Chicago.....	230 S. Dearborn St., 60604	Richard S. Wintrode
Springfield.....	320 W. Washington St., 62701	Ira S. Loeb
INDIANA.....	575 N. Pennsylvania, Indianapolis, 46204.....	William Jacobs
IOWA.....	210 Walnut St., Des Moines, 50309	Herma J. Hightower
KANSAS.....	412 S. Main, Wichita, 67202	Clarence M. King, Jr.
KENTUCKY.....	601 W. Broadway, Louisville, 40202	William E. Palzkill
LOUISIANA.....	500 Camp St., New Orleans, 70130	John C. Wendorff
MAINE.....	68 Sewall St., Augusta, 04330.....	Richard E. Simko
MARYLAND.....	31 Hopkins Plaza, Baltimore, 21201.....	(Vacancy)
MASSACHUSETTS.....	John F. Kennedy Federal Bldg., Boston, 02203.....	Gerard Esposito
MICHIGAN.....	477 Michigan Ave., Detroit, 48226.....	John Hummel
MINNESOTA.....	316 N. Robert St., St. Paul, 55101	C. Dudley Switzer
MISSISSIPPI.....	100 W. Capitol St., Jackson, 39269	Tully Miller
MISSOURI.....	1114 Market St., St. Louis, 63101	Ralph F. Shilling
MONTANA.....	301 S. Park Ave., Helena, 59601	Arnold D. Wiley
NEBRASKA.....	106 S. 15th St., Omaha, 68102	Mitchell E. Premis
NEVADA.....	300 Las Vegas Blvd. S., Las Vegas, 89101.....	Jesse Cota
NEW HAMPSHIRE.....	80 Daniel St., Portsmouth, 03801	John J. Dunne
NEW JERSEY.....	970 Broad St., Newark, 07102.....	John J. Jennings
NEW MEXICO.....	517 Gold Ave. SW., Albuquerque, 87101.....	William M. Wauben

<i>District</i>	<i>Address</i>	<i>Director</i>
NEW YORK:		
Albany.....	Clinton Ave. and N. Pearl St., 12207.....	Edwin A. Kelleher
Brooklyn.....	35 Tillary St., 11201.....	Eugene Alexander
Buffalo.....	111 W. Huron St., 14202.....	Donald Mitgang
Manhattan.....	120 Church St., New York, 10007.....	Robert Mirsberger
NORTH CAROLINA.....	320 Federal Pl., Greensboro, 27401.....	John Burke
NORTH DAKOTA.....	653 2d Ave. N., Fargo, 58102.....	Brian T. Wellesley
OHIO:		
Cincinnati.....	550 Main St., 45202.....	Harold M. Browning
Cleveland.....	1240 E. 9th St., 44199.....	Jack Chivatero
OKLAHOMA.....	200 NW. 4th St., Oklahoma City, 73102.....	Kenneth J. Sawyer
OREGON.....	1220 SW. 3d Ave., Portland, 97204.....	Carolyn Leonard
PENNSYLVANIA:		
Philadelphia.....	600 Arch St., 19106.....	Gary H. Matthews
Pittsburgh.....	1000 Liberty Ave., 15222.....	George A. O'Hanlon
PUERTO RICO (Foreign Operations District)		
.....	Carlos E. Chardon St., Hato Rey.....	José Torres ¹
RHODE ISLAND.....		
.....	380 Westminster Mall, Providence, 02903.....	Malcolm A. Liebermann
SOUTH CAROLINA.....		
.....	1835 Assembly St., Columbia, 29201.....	Donald L. Brehnan
SOUTH DAKOTA.....		
.....	115 4th Ave. SE., Aberdeen, 57401.....	David Reizes
TENNESSEE.....		
.....	801 Broadway, Nashville, 37203.....	Glenn Cagle
TEXAS:		
Austin.....	300 E. 8th St., 78701.....	Gary Booth
Dallas.....	1100 Commerce St., 75242.....	(Vacancy)
Houston.....	3223 Briorpark, 77042.....	Arturo A. Jacobs
UTAH.....	465 S. 4th East, Salt Lake City, 84111.....	Carol M. Fay
VERMONT.....	11 Elmwood Ave., Burlington, 05401.....	(Vacancy)
VIRGIN ISLANDS		
(see Puerto Rico: Foreign Operations District)	22 Crystal Glade, Charlotte Amalie, St. Thomas	
VIRGINIA.....		
.....	400 N. 8th St., Richmond, 23240.....	Jack G. Petrie
WASHINGTON.....		
.....	915 2d Ave., Seattle, 98174.....	Woodrow D. Malone
WEST VIRGINIA.....		
.....	425 Juliana St., Parkersburg, 26101.....	Ronald Kirby
WISCONSIN.....		
.....	517 E. Wisconsin Ave., Milwaukee, 53202....	Lawrence M. Phillips
WYOMING.....		
.....	308 W. 21st St., Cheyenne, 82001.....	Conrad L. Clapper

¹Director's Representative

U.S. Customs Service Regional Offices

(C: Commissioner; DC: Deputy Commissioner; RC: Regional Commissioner; DD: District Director; AD: Area Director)

Regional Headquarters/

District Offices	Address	Officer
MAIN HEADQUARTERS:		
Washington, DC.....	1301 Constitution Ave., NW., 20229.....	Michael H. Lane*
NEW YORK:		
New York, NY.....	6 World Trade Center, 10048.....	Edward K. Kwas (RC) Peter J. Baish (AD)
	Kennedy Airport, 11430.....	John J. Martuge (AD)
Newark, NJ.....	Airport International Plaza, 07114.....	Max Willis (AD)
NORTH CENTRAL:		
Chicago, IL.....	55 E. Monroe St., 60603.....	Richard McMullen (RC)
	610 S. Canal St., 60607.....	Richard Roster (DD)
Cleveland, OH.....	55 Erie View Plaza, 44114.....	John F. Nelson (DD)
Detroit, MI.....	477 Michigan Ave., 48226.....	William L. Morandini (DD)
Duluth, MN.....	209 Federal Bldg., 55802.....	Robert W. Nordness, <i>Acting</i> (DD)
Great Falls, MT.....	600 Central Plaza, 59401.....	Donald Myhra (DD)
Milwaukee, WI.....	517 E. Wisconsin Ave., 53202.....	Richard L. Rudin (DD)
Minneapolis, MN.....	110 S. 4th St., 55401.....	Robert W. Nordness (DD)
Pembina, ND.....	Post Office Bldg., 58271.....	Raymond Hagerty, Jr. (DD)
St. Louis, MO.....	120 S. Central Ave., 63105.....	Theodore Galantowicz (DD)
NORTHEAST:		
Baltimore, MD.....	40 S. Gay St., 21202.....	A. Robert Beikirch (DD)
Boston, MA.....	10 Causeway St., 02222.....	Phillip Spayd, <i>Acting</i> (RC)
	2 India St., 02109.....	John Linde (DD)
Buffalo, NY.....	111 W. Huron St., 14202.....	Carlton L. Brainard (DD)
Ogdensburg, NY.....	127 N. Water St., 13669.....	William Dietzel (DD)
Philadelphia, PA.....	2d & Chestnut Sts., 19106.....	Anthony Piazza (DD)
Portland, ME.....	312 Fore St., 04112.....	Emery W. Ingalls (DD)
Providence, RI.....	24 Weybosset St., 02903.....	Phillip A. Bernard (DD)
St. Albans, VT.....	Main & Stebbins Sts., 05478.....	Frank Spendley (DD)
SOUTH CENTRAL:		
Mobile, AL.....	250 N. Water St., 36652.....	David L. Willette (DD)
New Orleans, LA.....	423 Canal St., 70130.....	J. Robert Grimes (RC) Joel Mish (DD)
SOUTHEAST:		
Charleston, SC.....	200 E. Bay St., 29401.....	William Byrd (DD)
Miami, FL.....	909 SE. First Ave., 33131.....	George D. Heavey (RC)
	77 SE. 5th St., 33131.....	Harry W. Carnes (DD)
Norfolk, VA.....	101 E. Main St., 23510.....	Phillip Spayd (DD)
San Juan, PR.....	U.S. Customhouse (P.O. Box 2112), 00903.....	Mamie Pollack (DD)

*Acting Commissioner

<i>District</i>	<i>Address</i>	<i>Director</i>
Savannah, GA.....	1 E. Bay St., 31401.....	Robert Richter (DD)
Tampa, FL.....	301 S. Ashley Dr., 33602.....	Diane Zwicker (DD)
Washington, DC.....	P.O. Box 17423, 20041.....	Sidney Reyes (DD)
Wilmington, NC.....	1 Virginia Ave., 28401.....	(Vacancy) (DD)
SOUTHWEST:		
Dallas/Fort Worth, TX.....	700 Parkway Plaza, Dallas/Ft. Worth Airport, 75261.....	David Greenleaf (DD)
El Paso, TX.....	Bridge of the Americas (P.O. Box 9516), 79985.....	Mike Mack (DD)
Houston, TX.....	5850 San Felipe St., 77057.....	William Logan, <i>Acting</i> (RC)
Houston/Galveston, TX.....	701 San Jacinto St., 77052.....	Patricia McCauley (DD)
Laredo, TX.....	Mann Rd. & Santa Maria, 78041.....	Joseph Castellano (DD)
Nogales, AZ.....	International & Terrace Sts., 85621.....	Frederick D. Lawrence (DD)
Port Arthur, TX.....	4550 75th Ave., 77642.....	Richard Garcia (DD)
PACIFIC:		
Anchorage, AK.....	620 E. 10th Ave., 99501.....	Duane Oveson (DD)
Honolulu, HI.....	353 Merchant St., 96806.....	George Roberts (DD)
Los Angeles, CA.....	300 N. Los Angeles St., 90053.....	Quintin L. Villanueva, Jr. (RC)
Los Angeles, CA.....	300 S. Ferry St., San Pedro, CA 90731.....	John Heinrich (DD)
Portland, OR.....	NW. Broadway & Glisan Sts., 97209.....	Clyde Kellay, Jr. (DD)
San Diego, CA.....	880 Front St., 92188.....	Allan J. Rappoport (DD)
San Francisco, CA.....	555 Battery St., 94126.....	Paul Andrews (DD)
Seattle, WA.....	909 1st Ave., 98174.....	Daniel C. Holland (DD)

These names and addresses are provided for your convenience by the Bureau of Justice Assistance and PERF. The information was obtained from the IRS and Customs Service and was accurate at the time of publication of this booklet.

About the Author

William Lenck is an attorney and former Chief Counsel to the Drug Enforcement Administration in Washington. He also served as DEA Forfeiture Counsel and contributed substantially to the handbook, *The Drug Agent's Guide to Asset Forfeiture* (1981). More recently, Mr. Lenck has helped revise that publication and has been a consultant on forfeiture issues to the Executive Office of U.S. Attorneys, U.S. Department of Justice.

Police Executive Research Forum

The Police Executive Research Forum is the national professional association of chief executives of large city, county, and state police departments. The Forum's purpose is to improve the delivery of police services and the effectiveness of crime control through several means:

- the exercise of strong national leadership;
- public debate of police and criminal justice issues;
- research and policy development; and
- the provision of vital management and leadership services to police agencies.

Forum members are selected on the basis of their commitment to the Forum's purpose and principles. The principles which guide the Police Executive Research Forum are that:

- Research, experimentation, and exchange of ideas through public discussion and debate are paths for development of a professional body of knowledge about policing;
- Substantial and purposeful academic study is a prerequisite for acquiring, understanding, and adding to the body of knowledge of professional police management;
- Maintenance of the highest standards of ethics and integrity is imperative in the improvement of policing;
- The police must, within the limits of the law, be responsible and accountable to citizens as the ultimate source of police authority; and
- The principles embodied in the Constitution are the foundation of policing.

Police Executive Research Forum

Darrel W. Stephens, *Executive Director*

Clifford L. Karchmer, *Project Manager*

John Stedman, *Project Director*

William Lenck, *Legal Consultant*

BJA Asset Forfeiture Project

Police Executive Research Forum

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Washington, D.C. 20037