

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 95.2

Federal Equitable Asset Sharing Under the Comprehensive Crime Control Act of 1984

ACCREDITATION STANDARDS: CFA 30.03

EFFECTIVE DATE: December 8, 2000

RESCINDS: G.O. 95.2, February 12, 2013 and all applicable Amended/Temporary Orders prior to January 5, 2018

LAST REVISED DATE: January 5, 2018

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- I. Application for and Tracking of Federal Assets
 - II. Internal Accounting of Federal Forfeiture Funds
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POLICY

It shall be the policy of the Winter Haven Police Department to comply with the National Code of Professional Conduct for Asset Forfeiture and the procedures delineated in A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies.

PURPOSE

The purpose of this General Order is to provide uniform procedures and internal controls for the receiving, tracking, and reporting equitable shared federal assets under the Comprehensive Crime Control Act of 1984.

SCOPE

This General Order shall apply to all sworn members.

DISCUSSION

The Comprehensive Crime Control Act of 1984 provides the statutory mechanism for a national asset forfeiture program and the authority to share federal forfeiture proceeds with cooperating state and local law enforcement agencies. The exercise of this authority is discretionary.

The Department's eligibility to receive federal forfeiture proceeds flows from the direct participation in the law enforcement mission that resulted in the forfeiture. The value of proceeds received by the Department is proportionate to the degree of participation.

Equitable sharing occurs in two ways. First, joint investigations result in joint asset sharing. Second, state and local law enforcement agencies may request that an authorized federal entity adopt a seizure to proceed with a federal forfeiture action.

PROCEDURE:

I. Application for and Tracking of Federal Assets: (CFA 30.03)

- A.** Application for equitable asset sharing is accomplished by the Department's designated forfeiture officer through Application for Transfer of Federally Forfeited Property (Form DAG-71).
- B.** Tracking of federal assets:
 - 1.** A separate DAG-71 shall be completed for each asset to be shared.
 - 2.** The DAG-71 shall be submitted within sixty (60) days of seizure.
 - 3.** Each DAG-71 shall state on its fact the specific asset requested and the purpose for which the asset will be used. If "other" is checked, an explanation of the purpose will follow.
 - 4.** Each DAG-71 shall be signed by the Chief of Police and approved by the office of the City Attorney. The office of the City Attorney shall forward copies of approved DAG-71s to the forfeiture officer for processing to the appropriate authority.
 - 5.** The forfeiture officer shall maintain a log and copies of all DAG-71s sent to the Department of Justice. This officer shall maintain copies of corresponding checks, which are received. Any checks received by the Department shall be forwarded to the Support Services Clerk for depositing.

II. Internal Accounting of Federal Forfeiture Funds: (CFA 30.03)

- A.** Standard accounting procedures and internal controls used to manage federal forfeiture proceeds shall comply with A Guide to Equitable Sharing of Federal Forfeited Property for State and Local Law Enforcement Agencies and its addendums.
- B.** Separate revenue and expenditure accounts shall be established for federal funds by the Finance Department. The revenue account shall receive any interest generated by these funds. These accounts shall be for the solely use of federal sharing proceeds. No other funds may be included in these accounts.
- C.** The Support Services Clerk is responsible for receiving all checks from the Department of Justice and depositing these checks in the appropriate account by the next business day. Whenever necessary but at least semi-annually, the Support Services Clerk and the Finance Department shall reconcile accounts.
- D.** Requests to use shared forfeiture proceeds shall be forwarded through the chain of command to the Chief of Police. The Chief of Police is the approval authority for shared proceeds and how shared proceeds will be utilized.
- E.** The Chief of Police shall determine whether or not the purpose for using shared

proceeds is in compliance with the guide as enumerated in A Guide to Equitable Sharing of Federal Forfeited Property for State and Local Law Enforcement Agencies.

- F. All goods and/or services procured with shared federal forfeiture proceeds shall be purchased in accordance with all federal, state and local laws.
- G. Any purchase of goods and/or services that departs from the purpose stated on the DAG-71 shall be approved in writing by the appropriate federal decision making authority unless the use is permissible under Section X.A.1., Uses of Equitable Shared Property, Law Enforcement Uses and Permissible Uses of the above mentioned guidelines.
- H. Any pass through to any other agency shall be expressly provided on the DAG-71 with the general purpose clearly indicated.

III. Federal Reporting of Federal Forfeiture Proceeds

- A. Each year within sixty (60) days of the fiscal year closing, the Investigative Services Bureau Commander or the Forfeiture Officer shall submit an Equitable Sharing Agreement and Certification Report. This report shall be signed by the Chief of Police and City Manager. The report shall be submitted to the Department of Justice.
- B. The Investigative Services Bureau Commander or the Forfeiture Officer shall maintain copies of all submitted Equitable Sharing Agreement and Certification Reports.

IV. DEFINITIONS – NONE

APPROVED 

Charles E. Bird
CHIEF OF POLICE