

**STATE OF NEW JERSEY -
FORFEITURE PROGRAM ADMINISTRATION
STANDARD OPERATING PROCEDURE**



10

Title: *Reallocation to the Department of Law & Public Safety of Property Purchased with Forfeited Funds by a Governmental Agency*

Date Issued: 7/8/96

Applicability: All Forfeiture Program Participating Agencies

Supersedes:

10-1: Policy Statement

The Attorney General recognizes that the Department of Law and Public Safety, (hereafter referred to as the "Department") provides services to other law enforcement agencies and prosecutor's offices. From time-to-time, local and county law enforcement or prosecutorial agencies have offered to reallocate forfeiture funds which would be used to purchase equipment and which, when used by the Department, would serve a law enforcement need of the agency making the reallocation.

This reallocation process will improve the overall level of law enforcement services provided to the citizens of the State, The Attorney General recognizes that the procurement process is governed by State law and that all parties involved in the transaction need to be informed of the intended use, cost and source of the equipment or services. It is therefore the policy of the Attorney General that all such reallocations shall be memorialized in written form and that all parties involved agree to the terms of the reallocation as outlined in that document.

10-2: Source of Funding for Reallocations

The unit of government, (hereafter referred to as the "Agency") which desires to make a reallocation to the Department shall only use funds that are the Agency's share of funds forfeited under the authority of *N.J.S.A. 2C:64-1 et seq., (Civil Forfeiture)* and such funds shall be, at the time of the reallocation, available for use in the Agency's Law Enforcement Trust Account. Equipment or services can not be reallocated in-lieu of forfeiture funds that would be distributed to the Department as its share of a forfeiture action. All reallocations shall be for a law enforcement purpose consistent with the law and with administrative regulation.

10-3: Forms of Reallocations

Direct Purchase of Equipment by Agency - The Agency shall specify a listing of equipment to be reallocated to the Department. The Agency may then purchase the specified equipment, consistent with all applicable State laws, and provide it directly to the Department. The Department shall insure that all equipment received is marked with standard inventory markings and placed into the Department's inventory records.

10-4 Restrictions on Equipment or Services Use

The Agency donating the equipment may place restrictions on the equipment's use, (e.g., Mobile Data Terminals purchased by the Bergen County Prosecutor's Office shall only be installed and used in Division of State Police vehicles assigned to barracks that patrol Bergen County). However, the restrictions cannot be inconsistent with State law. In addition, the Department must agree that the restrictions would not be detrimental to the efficient operation of the Department. If unacceptable restrictions are imposed, the Department shall not accept the reallocation.

10-5: Acceptance of Terms

The following parties shall be informed of, and consent to, any reallocation:

- a) the Agency Chief Executive Officer;
- b) the Department Administrator or designee;
- c) the applicable Department's Division Director or in the case of the Division of State Police, the Superintendent.

10-6: Reallocation of Property or Services - (Form F)

All reallocations shall be memorialized in written form and shall be agreed to and signed by persons specified in **Standard Operating Procedure 10-5**. In order to implement a reallocation, the agency shall complete a *Reallocation of Property, (Form F)* and submit it, signed by the Agency's Chief Executive Officer, to the Department, Division of Criminal Justice, Operations Bureau, (hereafter referred to as DCJ Operations). The DCJ Operations shall assign a unique identification number to the request, (referred to as a *ROP Control Number*), maintain a record of the *Form F* and insure that the persons specified in **Standard Operating Procedure 10-5** review and agree to the conditions specified. When all signatures have been affixed, DCJ Operations shall maintain the original, provide photocopies to all parties involved and notify the agency, in writing, that it may proceed with the reallocation.

a) Record keeping Requirements for Agency Purchase

When the Agency purchases the equipment it shall maintain all relevant purchase orders, sales invoices and payment checks. All such documents shall be marked with the *Form F ROP Control Number* found in the upper right corner of the original completed document, (e.g., ROP 001-96).

b) Completion of Form F

The following are block by block instructions for the completion of *Form F*. The numbers correspond to the numbered blocks on the form.

- 1) Enter the complete name of the governmental unit that has legal authority to expend the forfeiture funds that are the subject of the reallocation, (e.g., Union County Prosecutor's Office).
- 2) Enter the business mailing address of the Agency entered in block 1).
- 3) Enter the name of the person who is legally empowered to commit funds of the agency entered in block 1).
- 4) Enter the title of the person entered in block 3), (e.g., County Prosecutor).
- 5) Enter the National Crime Information Center, (NCIC) Origination Number, (ORI) of the Agency identified in block 1). If the Agency has more than one ORI, enter the one which designates the Agency's headquarters location.
- 6) Enter the Agency telephone number for the person specified in block 3).
- 7) Enter the Agency fax number for the person specified in block 3).
- 8) Enter a detailed listing of all the equipment that is the subject of the *Form F*. If separate pages are required, enter "See Attachment for Block 8)" in the space provided. Attach a separate sheet of paper with the header "Block 8) - List of Identified Equipment" centered at the top.

- 9) Enter the total purchase price of the equipment specified in Block 8) in the space provided.
- 10) Enter the equipment's required use by the Department. This use must be consistent with the definition of "law enforcement purpose" as specified in *N.J.A.C. 13:77 et seq.* If separate pages are required, enter "See Attachment for Block 10)" in the space provided. Attach a separate sheet of paper with the header "Block 10) - Law Enforcement Purpose" centered at the top.
- 11) Enter any restrictions in the use of the equipment by the Department. If separate pages are required, enter "See Attachment for Block 11)" in the space provided. Attach a separate sheet of paper with the header "Block 11) - Restrictions Imposed by Agency" centered at the top.
- 12) Enter the Agency name from block 1) The *Form F* shall then be signed and dated by the person named in block 3).
- 13) Enter the title of the person who signed from the Agency. This should be the same as the title entered in block 4).

10-7: Removal of Reallocated Equipment From State Service

All equipment that is funded through the method described in **Standard Operating Procedure 10** shall remain in State service until it is of no useful value to the Department. The equipment shall then be removed from use and disposed in a manner that is consistent with applicable laws and administrative regulations. Any funds received from the disposal of this property shall revert to the State of New Jersey General Treasury.

AUTHORITY: _____
DEBORAH T. PORITZ, ATTORNEY GENERAL