

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



11

Title: ***Fund Disbursement to a Non-Law Enforcement Agency***

Date Issued: **03/01/98**

Applicability: **All Forfeiture Program Participating Agencies**

Supersedes:

11-1: Policy Statement

The Attorney General recognizes that the intent of the Legislature when it crafted N.J.S.A. 2C:64-1 et seq., was to designate that all funds derived from a forfeiture program be used for a "law enforcement purpose." As defined in Forfeiture Program Administration Standard Operating Procedure 12, the term allows the funding of a broad spectrum of programs that can enhance a law enforcement agency's ability to respond to the ever changing complexities of providing competent, efficient and fair law enforcement services to the citizen's of the State. Forfeiture funds are also used from time to time to support community based programs that may not have an obvious law enforcement purpose, but often provides a clear benefit to the citizen's quality-of-life. Strong arguments can be made that these programs benefit the law enforcement agency by providing a positive community atmosphere that tends to reduce the influence of criminal elements and ultimately crime in the community.

However, the funding of these programs without a uniform evaluation of the program's merits and overall benefits to law enforcement can lead to expressions of concern by the taxpayers of the State and a questioning of the expenditure's merits. Therefore, it is the policy of the Attorney General that all planned forfeiture fund or property disbursement to a non-law enforcement agency, organization, program or group must first be reviewed and approved, in writing, by both the county prosecutor of jurisdiction and the Division of Criminal Justice. The evaluation will focus on reviewing the exact use of the funds; the law enforcement purpose that will be served in the use of these funds, and; the extent of law enforcement's involvement and participation in the project.

11-2: Determination of a Non-Law Enforcement Agency

Every year, numerous forfeiture fund expenditures are made by the State's law enforcement community. The vast majority of these expenditures are made to procure equipment, training or services for the law enforcement agency. Expenditures, such as the funding of narcotics enforcement operations provide money to purchase evidence and

information of criminal conduct. These types of expenditures have a clear and direct law enforcement purpose and are not the subject of this Standard Operating Procedure.

However, any expenditure to fund, in whole or in part, any program which is not under the direct, exclusive control and supervision of a law enforcement agency is considered a community based program, subject to all of the provisions of this Standard Operating Procedure.

11-3: Request for Forfeiture Fund Distribution to a Non-Law Enforcement Agency, (Form D)

A. Requesting Law Enforcement Agency Responsibilities

Any law enforcement agency that seeks approval to expend forfeiture funds on a community based program shall complete a Request for Forfeiture Fund Distribution to a Non-Law Enforcement Agency, (Form D). The completed form shall be reviewed, approved and certified as to accuracy by the administrator of the requesting law enforcement agency.

B. Completion of Form D

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

1. Enter the complete name of the governmental Agency that has legal authority to expend the forfeiture funds that are the subject of the proposed disbursement. (e.g., Union County Prosecutor's Office).
2. Enter the business mailing address of the Agency entered in block 1).
3. Enter the name and title of the person who is legally empowered to commit funds of the agency entered in block 1).
4. Enter the Agency telephone number of the person specified in block 3).
5. Enter the New Jersey Law Enforcement Telecommunication System, (NJLETS) Origination Number, (ORI) of the Agency identified in block 1). If the Agency has more then one ORI, enter the one which designates the Agency's headquarters location.
6. Enter the complete name of the person, group or organization that would receive the forfeiture funds which are the subject of the proposed disbursement.
7. Enter the business mailing address of the person, group or

organization entered in block 1).

8. Enter the name and title of the person who is legally empowered to receive funds on behalf of the person, group or organization entered in block 1).
9. Enter the telephone number of the person specified in block 3).
10. Enter a description of the person's group's or organization's mission, (e.g., mission statement, legal responsibilities, duties, organization structure, etc...). 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) -Organization's Mission" centered at the top.
11. Enter the proposed amount of forfeiture funds to be expended by the Agency on the program that is the subject of this request.
12. Enter a detailed description of the proposed program, including its expected duration. If separate pages are required, enter "See Attachment for Block 12)" in the space provided. Attach a separate sheet of paper with the header "Block 12) - Description of Program" centered at the top.
13. Enter a detailed listing of what the forfeiture funds would be used to purchase or otherwise compensate. If separate pages are required, enter "See Attachment for Block 13)" in the space provided. Attach a separate sheet of paper with the header "Block 13) - Specified Use of Forfeiture Funds" centered at the top.
14. Enter the law enforcement purpose that would be served by expending forfeiture funds in the proposed manner. This purpose must be consistent with the definition of "Law enforcement purpose" in Forfeiture Program Administration Standard Operating Procedure 12. If separate pages are required, enter "See Attachment for Block 14)" in the space provided. Attach a separate sheet of paper with the header "Block 14) - Law Enforcement Purpose" centered at the top.
15. Enter a description of law enforcement personnel's involvement in the proposed program. NOTE: Attorney General's Directive 1995-3(9) states that: "Forfeited property or monies shall not be used to defray the costs of a community based program unless law enforcement personnel are substantially involved in the program." If separate pages are required, enter "See Attachment for Block 15)" in the space provided. Attach a separate sheet of paper with the header "Block 15) - Law Enforcement's Involvement" centered at the top.

16. The completed Form D shall then be reviewed for accuracy, signed and dated by the person named in block 3).
17. Enter the printed or typed name of the person who signed in block 16).

C. Review by County Prosecutor

The certified Form D shall be reviewed by the county prosecutor of jurisdiction. He/she shall determine if the expenditure of forfeiture funds is appropriate and consistent with the provisions of the applicable Statutes, Attorney General's Guidelines and the Forfeiture Program Administration Standard Operating Procedures. If the request is from the county prosecutor's office, the county prosecutor shall both certify and approve the request.

D. Review by Division of Criminal Justice

If approved, the completed Form D shall be forwarded to the Division of Criminal Justice, Operations Bureau for final review and approval. Upon making a determination, the Director, Division of Criminal Justice, or designee, shall sign and date the appropriate "Approved" or "Denied" block.

The Division of Criminal Justice may impose limitations on any aspect of the request. The original Form D shall then be maintained by DCJ - Operations and the person who signed in block 16) shall receive a photocopy along with written notification from the Division of Criminal Justice to proceed.

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