



Virginia Department of Criminal Justice Services

Forfeited Asset Sharing Program

1100 Bank Street, 12th Floor

Richmond, Virginia 23219

804-371-0538 • FAX: 804-786-0053

Virginia Annual Certification Report and Sharing Agreement Instructions

(Please retain these instructions for your records.)

DO NOT SUBMIT WITH REPORT

Law Enforcement Agency Information

Name of Agency: Enter the complete name of your state or local law enforcement agency (ex: Anytown Police Department). Check the appropriate box to indicate type of agency. Acronyms should be spelled out.

Contact Person: Enter the name of the person in your agency who should be contacted regarding this report if there are any questions.

Email: Enter the email address of the contact person.

Mailing Address: Enter your agency's complete mailing address (number, street, city/town, state, zip code).

Phone Number: Enter the phone number of the contact person, including area code and extension.

Federal Identification No.: Enter your locality's valid Federal Identification Number.

Fax Number: Enter your agency's fax number, including area code.

Summary of Asset Forfeiture Fund Activity

- Beginning Asset Forfeiture Fund Balance:** Enter on line 1 the amount in your state asset forfeiture account at the beginning of the fiscal year. **(This is the previous year's ending balance and should be the same amount as reported on line 10 of the previous year's report.)**
- State Asset Forfeiture Funds Received from DCJS:** Enter on line 2 the total amount of cash and/or proceeds received from Virginia's Forfeited Asset Sharing Program. The fiscal year runs from July 1 to June 30 of the reporting year. This *must* be the same amount as on the Disbursal Summary Report unless there was an adjustment during the fiscal year.

DO NOT INCLUDE CHECKS OR FUNDS REFUSED BY DCJS AND RETURNED TO YOUR AGENCY IN THIS LINE OR ANYWHERE ELSE ON THE REPORT.

- State Asset Forfeiture Funds Received from DCJS as a Fiscal Agent for a Task Force:** Enter on line 3 if you are a County, City or Town Treasurer or State Agency Finance Division and received proceeds directly from DCJS while acting as a pass through for a task force. **For example, Augusta County Treasurer receives funds for Skyline Drug and Gang Task Force (separately from the Sheriff's Office). Augusta County Sheriff's Office will report the total on line 3.**
- Other Income Transfers from Other Agencies:** Enter on line 4 if you have received funds from another agency or are a Task Force who has received funds from a County, City or Town Treasurer or State Agency Finance

Division mentioned above who acted as a pass through on your behalf. (This line is NOT for funds received under \$500 or proceeds from sold assets.) Attach an itemized list of receipts. **For example, Augusta County Treasurer transfers funds to Skyline Drug and Gang Task Force. Skyline would submit a list of the transfers the task force received FROM August County, and the total would be on Line 4.**

5. **Other Income:** Enter on line 5 the proceeds from the sale of forfeited property that was sold for under \$500.00 within 1 year from the court order of forfeiture (for assets seized after 8/1/04), or was sold more than 1 year after the court order of forfeiture date. In addition, all forfeitures your agency **received** under the \$500 minimum should be reported on this line.

Example 1: Norfolk Police Department handles multiple currency forfeitures under \$500 and sells six cars more than a year after the court order of forfeiture date. Norfolk PD will enter the total of these forfeitures on line 5 and list each case and the amount received per case on an itemized list similar to the one below. Norfolk PD will also enter the total amount transferred TO other agencies on line j, and submit a similar list showing the transfers to other agencies.

Example 2: Norfolk Commonwealth’s Attorney’s Office receives transfers from Norfolk PD for the above cases under \$500 and cars sold. The Commonwealth’s Attorney’s Office will enter the total received from the PD on line 5 of their report and submit a list in the format below showing the individual transfers.

The list attached for this line should be in the following format:

Line 5—List Format

Case Number	Name on Case	Asset Description	Amount Rec'd	Source (agency from which the funds were received)

6. **Interest Income Accrued:** Enter on line 6 the interest earned on your state asset forfeiture fund account during the fiscal year. Attach documentation showing how the interest earned was determined. If funds are in a non-interest bearing account, please indicate so here.
7. **Adjustment to Income that was not reported on Prior Fiscal Year Certification Report:** Attach an explanation for the adjustments including amount(s) and explanation(s) for each instance.
8. **Total Asset Forfeiture Funds:** The total amount auto calculates by a formula on line 8 for lines 1-7.
9. **State Forfeiture Funds Spent: (total for lines a-k, which calculates on line l) DO NOT enter manually—this line will auto populate from line l.**
10. **Asset Forfeiture Fund Balance:** This fund amount at the end of FY2020 must be in agreement with the treasurer accounts of your City, County, Town or State Finance Division as recipients of the funds.

Summary of Monies Spent

In this section, agencies will report on expenditures of state asset forfeiture funds. Expenditures must comply with the *Virginia State Code* and the *Forfeited Asset Sharing Program Manual (including Criminal Justice Services Board Rules and Regulations)* located at <https://www.dcjs.virginia.gov/forfeited-asset-sharing-program>. All expenditures are subject to laws, rules, regulations, and orders of the state or local jurisdiction governing the use of public funds available for law enforcement purposes.

§ 19.2-386.14. Sharing of forfeited assets.

- D. All forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds. The Board shall promulgate regulations establishing an audit procedure to ensure compliance with this section.**

This Annual Certification Report and Sharing Agreement is the first step of the audit procedure. All agencies must comply with the reporting requirement to remain certified in the Forfeited Asset Sharing Program. Agencies who do not submit their Annual Certification Report and Sharing Agreement by October 31st will have their disbursements withheld until they comply with all requirements.

Categories

- a. **Total spent on salaries:** Asset Forfeiture funds may be used for salaries of employees in certain situations. These include overtime payments, first year salaries only for new law enforcement officers that supplement the workforce, contractual appointments that do not exceed one year, salaries of officers in non-traditional positions in approved specialized programs, COPS program local match, and salaries of sworn law enforcement officers hired to replace officers assigned to a federal task force. **Attach an itemized list showing the individual(s) who received payment, what the payment was for, the amount of the payment(s), and the date of the payment(s).**

b-i. For each item below, attach a list of expenditures with the categories used as headings. This list should be itemized by identifying details of the expenditure, the amount, and the recipient of the funds (vendor). DO NOT INCLUDE COPIES OF INVOICES, BUT KEEP FOR YOUR RECORDS.

- b. **Total spent on informants and “buy money”:** if possible, buy money should be deposited back into the asset forfeiture fund account if asset forfeiture funds were used
- c. **Total spent on travel and training:** the training of investigators, prosecutors, and law enforcement support personnel in any area that is necessary to perform official law enforcement duties. Some examples of such training are the following: (1) asset forfeiture in general; (2) the Fourth Amendment (search and seizure, probable cause, drafting affidavits, confidential informant reliability); (3) ethics and the National Code of Professional Conduct for Asset Forfeiture; (4) due process rights; and (5) protecting the rights of innocent third-parties. **The payment of college tuition, hospitality suites at conferences and other indirect training expenses are not allowed.**
- d. **Total spent on communications and computers:** the purchase of radios, cell phones, computer equipment, and software used in support of law enforcement purposes
- e. **Total spent on firearms and weapons**
- f. **Total spent on body armor and protective gear**
- g. **Total spent on electronic surveillance equipment:** includes body cams and software

- h. **Total spent on buildings and improvements:** the costs associated with basic and necessary facilities, their construction, updating, remodeling, furniture, safes, file cabinets, telecommunications equipment, etc., that are necessary to perform official law enforcement duties; detention facilities cost associated with construction, expansion, improvement or operation if managed by the agency; and pro rata funding of buildings and improvements. Capital improvement expenses are only approved for buildings owned by the agency or locality.
- i. **Total spent on other law enforcement expenses:** may include drug education and awareness programs conducted by the law enforcement agency; asset accounting and tracking costs; uniforms; supplies; leasing of office and other space for task force and undercover operations; and other leases or purchases that support law enforcement activities.
- j. **Total transfers to other law enforcement agencies:** list transfers of percentages of proceeds received under \$500, proceeds for property sold more than one year after court order of forfeiture, or any other transfer.

Example: Norfolk PD in line 5 received forfeiture proceeds from cases under \$500 and auctioned vehicles. Their sharing agreement requires them to share 25% of asset forfeiture funds with the Commonwealth’s Attorney’s Office. The PD will enter the total transferred to the Commonwealth’s Attorney’s Office on line j, and submit a list of the individual transfers in the format below. The Commonwealth’s Attorney’s Office will list the transfers *received* on line 5 as indicated above.

DO NOT INCLUDE FORFEITED FUNDS SENT TO DCJS FOR DISBURSEMENT IN THIS LINE OR ANYWHERE ELSE ON THE REPORT.

Line J—List Format

Case Number	Case Name	Asset Description	Amount Transferred	Received By (law enforcement agency to which the funds were transferred)

- k. **Adjustment to Monies Spent that was NOT reported on the prior fiscal year Annual Certification Report:** Enter on line k any purchases that should have been on the prior year report and were not. Attach an explanation of the reason for the adjustment.
- l. **Total of Monies Spent (totals equal line a-k) Do not enter manually.** This field will auto-calculate after the amounts on the lines above are entered.

**Supplemental Information:
Totals of other funds required for DCJS Annual Report**

1. **Total forfeited amounts sent to the State Literary Fund:** Enter the total your agency sent to the Literary Fund for non-drug related cases or those which did not meet the requirements by code to send to DCJS. Do not include funds sent to Abandoned or Unclaimed Property. Itemized lists are not required for certification reporting.
2. **Total forfeited amounts received from the Federal Equitable Sharing Program:** Enter the total your agency received from federal agency sharing of forfeited asset proceeds. **Do not include funds from federal sources that are deemed as support for special programs.**

Per 19.2-386.14 (F), effective in FY2019: Any state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department or from a federal asset forfeiture proceeding shall inform the Department, in a manner prescribed by the Department, of (i) the offense on which the forfeiture is based listed in the information filed pursuant to § 19.2-386.1, (ii) any criminal charge brought against the owner of the forfeited asset, and (iii) if a criminal charge was brought against the owner of the forfeited asset, the status of the charge, including whether the charge is pending or resulted in a conviction.

Per the above code section, if your agency received federal asset forfeiture funds, you must submit the following information on a spreadsheet for each case. **This information will be included on the Annual Report to the Governor and General Assembly:**

- a. Law Enforcement Agency case number: either locality or federal case number
- b. What was the basis for the seizure? List a code section or description (ex: distribution of illegal narcotics)
- c. Defendant’s name: list all defendants related to this forfeiture
- d. All criminal charges for each defendant that are related to this forfeiture: use code section or description of charge
- e. Status of each criminal charge: conviction, pending, fugitive, etc.
- f. Notes: may include any relevant information, particularly attempts to determine information about the forfeiture if unsuccessful

#2—Spreadsheet Format Example

Case Number	Basis for Seizure	Defendant’s Name (1 per line)	Criminal Charges (1 per line)	Status of Charges	Notes

Certification

Original signatures are required!

Law Enforcement Agency Head:

- The head of your law enforcement agency (or an authorized representative) must sign and date the form. (Examples of law enforcement agency head or authorized representative include the following: police chief, sheriff, Commonwealth’s Attorney, etc.). Name and title of the signatory must be printed or typed.
- **By signing the Annual Certification Report and Sharing Agreement, the head of the law enforcement agency (or the authorized representative) certifies that this report is an accurate account of funds received and spent by the law enforcement agency during this reporting period. In addition, he/she certifies that all monies received have been deposited and accounted for consistent with applicable state laws, FASP**

regulations, and court orders, and that all property transferred and all proceeds have been used to promote law enforcement and have not supplanted existing funds.

Governing Body Head:

- The head of your governing body (or an authorized representative) must sign and date the form. (Examples of governing body head or authorized representative include the following: city manager, county administrator, mayor, etc.). Name and title of the signatory must be printed or typed.
- **By signing the Annual Certification Report and Sharing Agreement, the head of the governing body (or the authorized representative) certifies that this report is an accurate account of funds received and spent by the law enforcement agency during this reporting period. In addition, he/she certifies that all monies received have been deposited and accounted for consistent with applicable state laws, FASP regulations, and court orders, and that all property transferred and all proceeds have been used to promote law enforcement and have not supplanted existing funds.**
- For purposes of this form, a governing body is an institution or organization that has appropriations authority (the agency that gives your agency its budget) over the state or local law enforcement agency. A law enforcement official should not sign for the governing body unless he/she has appropriations authority.

County or Town Treasurer:

- The Treasurer of your locality (or an authorized representative) must sign and date the form. Name and title of the signatory must be printed or typed.
- **By signing the Annual Certification Report and Sharing Agreement, the Treasurer (or the authorized representative) certifies that this report is an accurate account of funds received and spent by the law enforcement agency during this reporting period. In addition, he/she certifies that all monies received have been deposited and accounted for consistent with applicable state laws, FASP regulations, and court orders, and that all property transferred and all proceeds have been used to promote law enforcement and have not supplanted existing funds.**

Additional Officer (optional):

- This signature space is included if your organization requires or desires an additional signatory. For example, if the Finance Director is preparing the report with input from the Treasurer and Law Enforcement Agency Head, the Finance Director should sign here. Name and title of the signatory must be printed or typed.
- **By signing the Annual Certification Report and Sharing Agreement, the Additional Officer certifies that this report is an accurate account of funds received and spent by the law enforcement agency during this reporting period. In addition, he/she certifies that all monies received have been deposited and accounted for consistent with applicable state laws, FASP regulations, and court orders, and that all property transferred and all proceeds have been used to promote law enforcement and have not supplanted existing funds.**

DUE DATE: OCTOBER 31st

**Please MAIL the Annual Certification Report
(Fax Copies or Electronic Copies Are NOT ACCEPTABLE.
Original signatures of all parties are required. No signature stamps will be accepted.)**

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For questions, please contact the DCJS staff at
(804) 371-0538 or (804) 786-4249

FASP regulations require program participants to keep records for three years plus the current fiscal year.