



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). Acronyms should be spelled out.

Contact Person: Enter the name of the person in your agency DCJS may contact regarding this report if there are any questions. **They must have knowledge of the report content.**

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. This number must be a direct line to the contact person.

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

- 1. 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.**
- 2. State Asset Forfeiture Funds Received from DCJS:** Enter on line 2 the total amount of 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 emailed to you by DCJS.

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

- 3. State Asset Forfeiture Funds Received from DCJS as a Fiscal Agent for a Task Force:** Enter on line 3 if you are an agency that 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.**
- 4. 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 who acted as a fiscal agent 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 Sheriff's Office 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.**

This line may also be used to report amounts received from another law enforcement agency. For example, a task force sends funds directly to your agency for the sale of a vehicle more than one year after the court order of forfeiture date.

- 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 or was sold more than 1 year after the court order of forfeiture date. In addition, all forfeitures under the \$500 minimum **your agency disbursed** 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 like 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

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

- 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. Documentation may include bank statements, a report from an accounting system, or one of the prior documents and the formula used to assign interest to the agency's account.
- Adjustment to Income that was not reported on a prior fiscal year Certification Report:** Attach an explanation for the adjustments on agency letterhead and signed by the agency head including amount(s) and explanation(s) for each instance. Examples: audit findings or a mistake made in a prior fiscal year.
- Total Asset Forfeiture Funds:** The total amount auto-calculates by a formula on line 8 for lines 1-7.
- 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.**
- Asset Forfeiture Fund Balance:** This fund amount at the end of FY2023 must agree with the treasurer accounts of your County, City or Town Treasurer or state agency finance division at the end of the fiscal year 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, including procurement policies.

§ 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, which may include expenditures to strengthen relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with 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 September 30th will have their disbursements withheld until the agency is in compliance.

Categories

- a. **Total spent on salaries and contracted services:** 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, 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.

Proceeds may also be spent on contracted services that support law enforcement. Examples include expert witnesses, translation and language assistance services, auditor of state asset forfeiture funds, grant writer, etc. Contracts for law-enforcement functions are *not* allowed.

Attach an itemized list showing the individual(s) or company who received payment, what the payment was for, the amount of the payment(s), and the date of the payment(s).

- 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. Provide a list of cases, dates, and amounts where buy money was used.

Sample:

DATE	CASE NUMBER	PURCHASE PRICE	INVESTIGATOR

c-i. For each item below, attach a list of expenditures with the categories used as headings. This list should be itemized by the date, identifying details of the expenditure, the amount, the recipient of the funds (vendor), and why it is a law enforcement expense if it is not obvious.

DO NOT SEND COPIES OF INVOICES TO DCJS; KEEP FOR YOUR RECORDS. DCJS will contact you if copies of invoices are needed. Please keep all records pertaining to the FASP Annual Report for three prior years plus the current year.

- 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. This includes training and conference fees, speaker fees, or other costs to produce curricula for training. **The payment of college tuition, hospitality suites at conferences and other indirect training expenses are not allowed.**

Costs associated with travel and transportation to perform or in support of law-enforcement duties and activities are also allowed and must be in accordance with the jurisdiction's per diem policy.

- d. **Total spent on communications, computers, and electronic surveillance equipment:** the purchase of radios, cell phones, computer equipment, body cams, software, and electronic surveillance equipment used in support of law enforcement purposes. This may include monthly payments for cell phones.
- e. **Total spent on firearms, weapons, body armor and protective equipment.**
- f. **Total spent on matching grants:** the costs for an agency's matching contribution or share in a state or federal grant program for items other than salaries.
- g. **Total spent on contributions to community-based organizations or expenditures to strengthen relationships:** transfers of funds to community-based non-profit organizations whose stated missions are supportive of and consistent with a law-enforcement effort, policy and/or initiative up to \$25,000 annually. Examples include a drug treatment facility, job skills program, or a youth program featuring drug and crime prevention education.

Expenditures to strengthen relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with law enforcement may be in any amount, but agencies must submit a memorandum of explanation detailing how the expenditure complies with this section. Examples include sponsorships of charitable events which benefit the community or charitable organization, donations, and purchase of fixed assets for use in the community such as streetlights or speed bumps.

- 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. **Costs related to construction and remodeling are only permissible 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; other leases or purchases that support law enforcement activities; joint law-enforcement and public safety operations, law-enforcement awards and memorials and other expenses.
- j. **Total transfers to other law enforcement agencies:** list transfers 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

Agency Case Number	DCJS 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 a prior fiscal year Annual Certification Report:** Enter on line k any purchases that should have been on a prior year report and were not. Attach an explanation of the reason for the adjustment on agency letterhead signed by the agency head.
- 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 during the fiscal year 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 the code section below, **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 (the report to the Governor will not include names).
- d. All criminal charges for each defendant that are related to this forfeiture: use code sections or a description of charges.
- 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

Per § 19.2-386.14 (F): 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.

Certification

Law Enforcement Agency Head:

- The head of your law enforcement agency must sign and date the form. (Examples of law enforcement agency head 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 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 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 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 must sign and date the form. Name of the signatory must be printed or typed.

- **By signing the Annual Certification Report and Sharing Agreement, the Treasurer 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: SEPTEMBER 30TH

You may MAIL or email the Annual Certification Report

(Signatures of all parties are required. Electronic signatures are accepted. No signature stamps will be accepted.)

Email to: fasp@dcjs.virginia.gov

Mail to: Virginia Department of Criminal Justice Services
Forfeited Asset Sharing Program
1100 Bank Street, 12th Floor, Richmond, Virginia 23219

For questions, please contact the DCJS staff at
(804) 371-0538 or (804) 786-4249 or fasp@dcjs.virginia.gov

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