


POLICY 127.1	USE OF LAW ENFORCEMENT TRUST FUND MONIES AND FORFEITED PROPERTY	
	REVISED: 6/96, 3/99, 08/11, 12/13	RELATED POLICIES:
	CFA STANDARDS:	REVIEWED: 03/02, 10/07, 08/11, 12/13

A. PURPOSE

The Law Enforcement Trust Fund is regulated by § 932.7055 Florida Statute of the Florida Contraband Forfeiture Act. The legislative intent behind the creation and use of the trust fund is to utilize forfeited proceeds and personal or real property (seized as a result of criminal activity) for law enforcement purposes. The fund's use is limited to specific purposes as set forth in § 932.7055(5)(a) and special non-budgeted law enforcement needs which are not normal operating expenses of the Police Department.

B. POLICY AND PROCEDURE

1. All requests for funding or forfeited property must be reviewed by the Police Department Legal Advisor and the Law Enforcement Trust Fund committee (LETF). (NOTE: The LETF committee consists of the Chief of Police and the three bureau Assistant Chiefs). The legal advisor review is required to insure the appropriateness of the expenditure or use of property in accordance with current Florida law and that there is direct police involvement with the project. Such involvement by the Police Department can be accomplished by either its direct participation in suggested activities or by demonstrating a substantial law enforcement benefit for the proposed expenditure of the funds asked for in the request. The LETF committee review is required to approve the expenditure of the funds for the requested project or need. The following procedures provide the policy for the processing of the indicated type of request:

a. Proposal Format/Content: Verbal requests for trust fund monies will not be considered. Each request for the use LETF or forfeited property must be in writing and contain at a minimum, the following information:

- (1). Problem/Issue Identification for funding purposes.
- (2). Project Description to include how funds/property will be used to solve the problem and what and how the Fort Lauderdale Police Department will be directly involved. Description should also describe the target audience and the period of the funding. The request will, in detail, state the goals and objectives of the proposed use of funds and provide all applicable documentation as described below in subsection d.

(3). Program Staffing (if appropriate).
Listing of program staff by title and how said positions are to be funded (i.e. program funded, in kind support or volunteers)

- (4). Line Item Budget (funding by category - i.e. personnel, expenses, etc).
- (5). Budget narrative by category. (Detailed justification for expense).
- (6). Request letter should be sent to:

Chief of Police
Fort Lauderdale Police Department
1300 West Broward Blvd.
Fort Lauderdale, FL 33312

- b. Proposal Requests: Proposals will be forwarded to the legal advisor in the format described above. The legal advisor will review the request and give a written opinion to the LETF committee as to whether or not the proposal would be a legal expenditure or use under Florida law.
- c. The LETF committee will review the proposal and determine its appropriateness based on its fiscal impact, need for the project, Legal Advisor recommendation and the availability of LETF monies.
- d. Approved LETF Committee proposals will be forwarded by City Commission Memorandum by the Chief of Police to the City Commission for LETF appropriation, funds transfer and expenditure authorization stating that the funding request complies with requirements of § 932.7055 Florida Statute. Proposals that are denied by the trust fund committee will be returned to the requesting personnel with a written explanation for the denial.

A complete record of all proposal requests, including all supporting documentation, will be maintained by the Support Services Bureau Major.

- e. Proposal requests for trust fund monies or forfeited property may require the following supporting documentation as deemed applicable:
 - (1). the number and qualifications of instructors,
 - (2). tax returns for the previous three (3) years, to include, the most recent tax return year,
 - (3). time allotments as they relate to time, instruction and resources given to any drug and crime prevention activities,
 - (4). as applicable, incorporation documentation (current state certificate okay) including names, addresses and telephone numbers of all corporate officers, directors and the registered agent,
 - (5). audit reports for the past three years, to include current year, and a statement agreeing to an annual audit and periodic financial monitoring during the fiscal year by the City of Fort Lauderdale;

NOTE: if no audits exist, bank statements and other records indicating the requestor's past business practices,

- (6). detailed information and procedures as to whom and how disbursements and reimbursements are requested to be made,
 - (7). whether or not the funding request will be made annually or is only a one time request,
 - (8). any other information the requestor deems appropriate and necessary to support the request,
 - (9). any other information that the Police Department deems appropriate and necessary.
- f. Payment of Funds: All external requests (exclusive of police department or city requests) for trust fund monies or forfeited property that are approved shall be processed through the Support Services Bureau Assistant Chief. It is the policy of the Fort Lauderdale Police Department that:
- (1). the disbursement of such monies be accomplished by way of a City of Fort Lauderdale Law Enforcement Trust Fund check which shall be made payable whenever possible to the requesting organization; checks shall not be made payable to individuals unless deemed necessary and approved by the Support Services Bureau Assistant Chief. A cash disbursement of trust fund money is not permitted.
 - (2). payments of approved trust fund monies are done on a cost reimbursement basis. Lump sum disbursements of trust fund monies are not permitted unless the entire amount of approved funds is to be spent at once for a specific use or purchase. All requests for payments must be accompanied by appropriate documentation.
- g. Administrative Requirements:
- (1). The annual audit and periodic financial monitoring during the fiscal year of a requestor will be coordinated by the Support Services Bureau Assistant Chief or his/her designee and supervised by the City Auditors Office. Any future funding for the requestor from the Law Enforcement Trust Fund shall, in addition to any other requirements or policy considerations, be predicated upon the successful completion of the audit and certification by the city internal auditors that approved trust fund monies were properly used.

- (2). In the event of misappropriation or misuse of approved trust fund monies for external requests, the Chief of Police or his/her designee shall, upon notice of such, direct the appropriate city personnel to immediately cease all transfers of such monies to the requestor. The Chief of Police or his/her designee shall take whatever additional action is deemed necessary to resolve the matter.
- (3). All external requests for trust fund monies must be reviewed and approved annually by the LETF committee for the purpose of determining future funding of a requestor. The criteria used for such purpose includes but is not limited to police department policy considerations, availability of trust fund monies; continued need for the program; financial requirements of the requestor; accomplishments, future direction and standards of the requestor; results of the annual audit/periodic financial monitoring and any new requests for funding from other organizations, entities or individuals.
- (4). Any forfeited property must be used solely for the law enforcement purpose intended. Upon receiving the property, the requestor must agree to use it in the manner intended and, if determined by the Department to be used in an inappropriate manner, agree to immediately return it to the Department.

2. Commission Approval:

All proposals that are recommended by the trust fund committee and certified by the Chief of Police must, as required by law, have City Commission authorization prior to expenditure of funds. Requesting personnel from the FLPD/City will be responsible for preparing all necessary agendas, memorandums, and background information for internal request funding. The Chief of Police or his/her designee will be responsible for providing such information for all external requests for funding. The appropriate personnel will also be responsible for attending Commission meetings where their proposals will be discussed; additionally, such personnel will be prepared to address the City Commission on any questions that may arise concerning the proposal for expenditure of trust fund monies.