

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



01

Title: ***Management of Funds and Property Received
from State and Federal Forfeitures***

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

Applicability: **All Forfeiture Program Administrators**

Supersedes:

1:1 Policy Statement

It is the policy of the Attorney General that all State, county and municipal law enforcement agencies shall administer State and Federally forfeited funds and property in a uniform manner, consistent with established State and Federal law, regulations, directives, guidelines and standard operating procedures.

1:2 Administration of Funds and Property Resulting from State Forfeiture Actions

Any law enforcement agency that receives funds and property resulting from forfeitures brought under the authority of N.J.S.A. 2C:64-1, et seq., (civil forfeiture), N.J.S.A. 2C:41-1, et seq. (racketeering) or from actions brought under N.J.S.A. 2C:21-25 et seq. (financial facilitation of crime), or under any other statute as directed by the Attorney General, shall administer the expenditure of the funds or use of the property in accordance with the following laws, directives, guidelines and standard operating procedures:

- A. N.J.S.A. 2C:64-1, et seq., Civil Forfeiture;
- B. Attorney General's Forfeiture Guidelines - October 1992 and as amended;
- C. Attorney General's Executive Directive 1995-3;
- D. All State of New Jersey Forfeiture Program Administration Standard Operating Procedures;
- E. All other applicable federal and State laws and regulations.

1:3 Administration of Funds and Property Resulting from Federal Forfeiture Actions

Any law enforcement agency that receives funds and property resulting from forfeitures brought under the authority of the United States government shall administer the expenditure of the funds or use of the property in accordance with the following guidelines:

- A. A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (March 1994 or current edition); U.S. Department of Justice;
- B. Guide to Equitable Sharing for Foreign countries and Federal, State Local Law Enforcement Agencies - (October 1996 or current edition); U.S. Department of the Treasury;
- C. All other applicable State and federal laws, regulations, directives, guidelines and standard operating procedures.

1:4 Separate Accounting for State and Federal Forfeitures

Any agency that receives both State and Federal distributions of forfeited funds or property shall establish accounts and records for any funds or property received under the authority of N.J.S.A. 2C:64-1, et seq., (civil forfeiture), N.J.S.A. 2C:41-1, et seq. (racketeering) or from actions brought under N.J.S.A. 2C:21-25 et seq. (financial facilitation of crime), or under any other statute as directed by the Attorney General, as outlined further in these Standard Operating Procedures. A separate account and records shall be maintained for any funds or property received from the United States Department of Justice as a result of forfeiture actions brought by a Justice Department law enforcement agency. A separate account and records shall also be maintained for any funds or property received from the United States Department of the Treasury as a result of forfeiture actions brought by a Treasury Department law enforcement agency. At no time shall the funds from the three sources commingle since the standards on their acquisition and use are unique for each.

1:5 Designated Chief Executive of the Law Enforcement Agency

The Chief Executive of a participating law enforcement agency shall be responsible for administering funds and property received from either a State or federal forfeiture program, including: entering into equitable sharing agreements; filing and signing equitable sharing requests and annual certification reports; and, ensuring compliance with all applicable federal and state laws, regulations, directives, guidelines or standard operating procedures. The following persons shall be designated as the Chief Executive of a participating law enforcement agency:

- A. The Attorney General for any Division of the Department of Law and Public

Safety and all State law enforcement agencies unless otherwise designated in writing by the Attorney General;

- B. The county prosecutor for the State's twenty-one county prosecutor's offices;
- C. The public safety director, or if none exists, the chief of police for all other agencies.

1:6 Noncompliance

The Attorney General shall enforce compliance with all applicable laws, regulations, directives, guidelines and standard operating procedures. The Director, Division of Criminal Justice shall employ personnel to undertake all forfeiture related oversight activities and shall act as the enforcement mechanism for the Attorney General. Noncompliance by any law enforcement agency may subject that agency to one, or more, of the following sanctions:

- A. Being barred, temporarily or permanently, from further participation in the sharing program;
- B. Offsets from future sharing in an amount equal to impermissible uses;
- C. Civil enforcement actions;
- D. Where warranted, criminal prosecution for violations of applicable criminal laws; or
- E. Any other action deemed appropriate by the Attorney General.

AUTHORITY:  _____
PETER VERNIERO, ATTORNEY GENERAL