

# MILWAUKEE POLICE DEPARTMENT MEMORANDUM



**Date:** July 25, 2011

**TO:** Public Safety Committee Members

**FR:** John Ledvina, Police Finance and Planning Manager

**VIA:** Joel Plant, Police Chief of Staff

**RE:** ASSET FORFEITURE FUND SUPPORT OF COMMUNITY PROGRAMS

**REF:** File 10333, 2011 Asset Forfeiture Authority to Spend

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At the July 14<sup>th</sup> Public Safety Committee meeting, Alderman Davis asked about supporting community-based programs using Asset Forfeiture funds. Funding for community based programs is allowable under certain parameters.

In general, equitably shared funds shall be used by law enforcement agencies for law enforcement purposes only. Certain other defined uses are permissible with priority given to supporting community policing activities, training, and law enforcement operations.

A local law enforcement agency may use up to 15 percent of the total of shared monies received by that agency in the last two fiscal years for "Support of community-based programs," according to the April 2009 Guide to Equitable Sharing for State and Local Law Enforcement Agencies (US DOJ Criminal Division – Asset Forfeiture and Money Laundering Section), section VIII.A.1.m "Permissible uses."

Approved community-based program costs include expenditures associated with drug abuse treatment, drug and crime prevention education, housing and job skills programs, or other nonprofit community-based programs that are formally approved by the chief law enforcement officer. All expenditures must be supportive of and consistent with a law enforcement effort, policy, and/or initiative.

Cash transfers or donations to support community-based programs are prohibited. Instead, agencies may directly purchase supplies, equipment, and/or services for eligible community-based programs, or reimburse such programs for eligible expenditures with a valid, itemized receipt.

The Asset Forfeiture Sharing implementation law and regulations require the chief law enforcement officer to determine that an applicant fulfills several eligibility requirements including:

Type of Entity – either (1) a state, county, or local governmental department or agency or (2) a private, nonprofit organization in accordance with 29 USC 501(c)(3) or (4).

Type of Activity - the entity must be primarily engaged in providing a program that is both (1) community-based AND (2) supportive of and consistent with a law enforcement effort, policy, or initiative.

The Department of Justice bases its approval on the activity's close connection to a law enforcement interest, whether:

- (1) Direct (e.g., paying rewards for key information);
- (2) Preventative, (e.g., funding a methadone clinic, drug awareness program, or anti-gang initiative; or
- (3) Developmental in promoting community policing (e.g. incorporation law enforcement awareness in a Boy Scout program).

DOJ requires extensive certification of the community-based program by the funding local law enforcement agency to verify that the program meets the rigorous eligibility criteria detailed above, its leaders have no felonies, and they agree to set up extensive accounting records among other requirements.

In 2010, MPD spent \$26,000 for a Police Athletic League Youth Program to deter gang and drug activity and support positive activities and decision-making by Milwaukee's youth. MPD directly paid for t-shirt uniforms, facility rental, awards and other miscellaneous expenses. While US DOJ approved this via an e-mail to MPD, the expenditure was contested by US DOJ until the authorizing e-mail was produced.