United States Department of Justice and Treasury – Guidelines for using Equitable Sharing Funds

Information links: http://www.justice.gov/criminal/afmls/pubs/pdf/04-2009guide-equit.pdf and

http://www.treasury.gov/resource-center/terrorist-illicit-finance/Asset-Forfeiture/Documents/greenbook.pdf

GENERAL GUIDANCE CONCERNING USE:

a) **Use of interest income** – interest earned on forfeited cash/proceeds **must be** deposited into equitable sharing revenue account and is subject to same restrictions as the shared cash/proceeds.
b) **Anticipated sharing funds should NOT be budgeted** - agencies should not "spend it before you get it" or budget anticipated receipts.
c) **Shared monies should not be retained unnecessarily** - normally should be expended when received for designated purposes, may be retained up to three years to satisfy future needs or for major long-term capital improvements

INCREASE AND NOT REPLACE (SUPPLEMENT VS SUPPLANT):

Sharing funds must be used to increase or supplement agencies resources of the receiving agency and ***shall not be used*** to replace or supplant the appropriated resources of the recipient. *Example of Improper Supplantation:* Agency received $100,000 in federal sharing money only to have its budget cut $100,000. In this instance, the police department has received no direct benefit from equitable sharing whatsoever. Rather, the city as a whole has received the benefit of the sharing.

PERMISSABLE USES INCLUDE:

- Law Enforcement Investigations
- Law Enforcement Training
- Law Enforcement and Detention Facilities
- Law Enforcement Equipment
- Law Enforcement Travel and Transportation
- Law Enforcement Awards and Memorials
- Drug and Gang Education and Awareness Programs
- Matching Funds – for state/federal grants
- Transfers to Other Law Enforcement Agencies

IMPERMISSABLE USES INCLUDE:

- Salaries for positions exceeding one year
- Use by non-law enforcement personnel
- Payment of education-related costs
- Non-official government use
- Purchase of food or beverages
- Extravagant expenditures