



U.S. Department of Justice

Equitable Sharing Wire

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The Asset Forfeiture and Money Laundering Section (AFMLS) is pleased to provide you important, substantive information regarding our policies, practices, and procedures through our new **Equitable Sharing Wire**. These Equitable Sharing Wires will bring you information that has a direct impact on your agency and the asset forfeiture community as a whole. AFMLS understands that keeping our state and local law enforcement partners informed through timely communication is paramount to preserving the integrity of the Program.

We want to provide you with the information that you want to read. We welcome your comments, suggestions for improvements, and ideas on topics that you want addressed. You can email us using the comments link on the left to send us your feedback. Our commitment to keeping you informed and to strengthening the law enforcement mission remains our number one priority.

Salaries in Budget Tough Times

The Asset Forfeiture and Money Laundering Section (AFMLS) is all too aware that agencies are facing budget cuts in these tough economic times. In fact, this is our most frequently asked question from program participants. As a recipient agency of equitably shared funds, you may have been asked by your city, county or state to use your Equitable Sharing Funds (funds) to help pay for salaries. No one wants to see positions cut from the workforce, but unfortunately your equitably shared funds are not the solution.

The Department of Justice publishes the *Guide to Equitable Sharing for State and Local Law Enforcement* (April 2009) (*Guide*) to advise agencies on the proper use of funds. The *Guide* allows for a variety of purchases and uses that serve law enforcement needs.

In order to prevent the appearance that one's salary is contingent upon and potentially motivated by money that is seized, AFMLS does not permit funds to be used to pay salaries of existing positions. There are only a few limited exceptions. AFMLS would like to review the salary policy with you.

Funds may be used to pay the first year salary of a new, not previously budgeted position for a sworn officer. After one year, an alternate source of funding must be used. This policy works very well when an agency would like to hire a new officer mid-fiscal year. They may use their funds for the salary until appropriated funds can be included in the next fiscal year's budget. If a position is vacated and then re-filled at a later date, this position is not considered a new position. Positions paid with funds must be new positions that increase an agency's number of positions and not replace any previously budgeted positions.

Example: An agency with 100 officers must cut five positions. The agency operates with 95 officers for two years. The agency now hires five officers to fill these vacant positions. These positions existed previously and therefore cannot be paid with equitably shared funds. Only if the agency surpasses 100 positions can they be paid with their funds.

Funds may also be used to pay overtime for officers and investigators involved in law

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Signed Affidavit to complete
compliance

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enforcement operations. This policy applies to all officers and is not limited to narcotics investigations as long as the officers are performing official law enforcement duties, such as increased patrol or special operations.

Funds may be used to meet the local match requirement to pay salaries and benefits through authorized federal grant programs, such as the COPS program.

Lastly, funds may be used to pay the salary of an officer hired specifically to replace an officer assigned to a task force. This policy applies when the task force officer will be assigned for a period of at least one year. The funding of this replacement position may continue 1) for as long as the task force officer remains on the task force and 2) as long as the replacement officer does not engage in the seizure of assets or narcotics law enforcement as a principal duty.

Additional information regarding the salary policy can be found in the *Guide* on pages 19-20. Questions regarding this policy may be emailed to Molly Brugge by using the email link provided in the contact information.

Announcing the New...

Guide to Equitable Sharing for State and Local Law Enforcement Agencies (April 2009)

We are pleased to announce that we have updated the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies* (April 2009) (*Guide*). Each agency was mailed a copy of the new *Guide* in June of 2009. Agencies who would like to request additional copies of the *Guide* can email afmlspublications@usdoj.gov.

