

**CITY OF CHEVIOT  
STATE OF OHIO**

**RESOLUTION NO. 19-05**

**TO APPROVE THE CITY OF CHEVIOT POLICE DEPARTMENT'S WRITTEN INTERNAL CONTROL POLICY FOR CRIMINAL ACTIVITY/FORFEITURE FUND.**

**WHEREAS**, it is necessary to update the City of Cheviot Police Department's policies regarding the control of property, use of money received from the sale of contraband or lawfully forfeited property, and use of money deposited in or credited to the City's 208 Criminal Activity/Forfeiture Fund; and

**WHEREAS**, the City of Cheviot Police Department has developed a policy which complies with Ohio Revised Code Sections 2981.11, 2981.12, and 2981.13, and said policy is attached as Exhibit "A" and incorporated herein.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO THAT:**

Section 1. The City of Cheviot Police Department's Written Internal Control Policy for Criminal Activity/Forfeiture Fund, a copy of which is attached as Exhibit "A" and incorporated herein, is hereby approved and ratified by this Council.

Section 2. The Clerk of Council shall deposit a copy of this resolution and the attached policy in the Hamilton County Prosecuting Attorney's document repository and file the same with the Hamilton County Clerk of Court in Case No. M9000449.

Section 3. This resolution shall take effect immediately.

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Mark G. Waters  
President of Council

\_\_\_\_\_  
Date passed

\_\_\_\_\_  
Samuel D. Keller  
Mayor

\_\_\_\_\_  
Date approved

Attest:

Approved as to form:

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Jenny M. Eilermann  
Clerk of Council

\_\_\_\_\_  
Kimberlee Erdman Rohr  
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing resolution, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) \_\_\_\_\_, 2019, and
- 2) \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny M. Eilermann  
Clerk of Council

**CITY OF CHEVIOT POLICE DEPARTMENT**  
**WRITTEN INTERNAL CONTROL POLICY**  
**FOR CRIMINAL ACTIVITY/FORFEITURE FUND**

**DATE:**           **DECEMBER 4, 2018**

**VERSION:** This Policy replaces and supersedes prior policies including Cheviot Police Department Procedure 49.01 (as last amended on or around July 3, 1990).

**POLICY:** This document sets forth the City’s policy (“the Policy”) regarding the control of property, use of money received from the sale of contraband or lawfully forfeited property, and use of money deposited in or credited to the City’s 208 Criminal Activity/Forfeiture Fund (“Forfeiture Fund”).

**PURPOSE:** From time to time, the City receives money from the sale of contraband or lawful forfeiture proceedings. This Policy is intended to govern the use of this money once it has been received by the City, and to comply with the requirements of Ohio Revised Code Sections 2981.11, 2981.12, and 2981.13.

**GENERAL PROVISIONS:**

- A. Criminal Activity/Forfeiture Fund. The City has established a separate fund known as the 208 Criminal Activity/Forfeiture Fund (“Forfeiture Fund”), pursuant to Ohio Revised Code Section 2981.13(C)(1). Any proceeds from the lawful forfeiture or sale of contraband, and any other proceeds received by the City in accordance with the provisions of Ohio Revised Code Chapter 2981, shall be deposited in or credited to the Forfeiture Fund. Pursuant to Ohio Revised Code Section 2981.13(C)(1), said amounts shall be allocated from Forfeiture Fund by City Council only to the City of Cheviot Police Department.
  
- B. Custody and Disposition of Property. In accordance with Ohio Revised Code Section 2981.11, any property that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited and that is in the custody of the Cheviot Police Department shall be kept safely by the Department, pending the time it is no longer needed as evidence or for another lawful purpose and shall be disposed of pursuant to Ohio Revised Code Sections 2981.12 and 2981.13, as well as this Policy.

Upon receipt of any property, the Cheviot Police Department shall fully document the following:

1. Date the property was acquired;

2. Description of the property; and
3. If the property was seized, the name of the person the property was seized from and the criminal charge.

The Cheviot Police Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify of when and where it may be claimed and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to possession, it is sufficient notice to advertise in a newspaper of general circulation and to briefly describe the nature of the property in custody and inviting persons to view and establish their right to it.

Upon disposition of any property, the Cheviot Police Department shall fully document the following:

1. Date the property was disposed;
2. Description of the property;
3. The manner the property was disposed;
4. Detailed financial records for any property that was sold; and
5. The name of any person who received the property.

The record shall not identify or enable identification of the individual officer who seized any item of property.

Disposal of unclaimed or forfeited property shall be in accordance with pursuant to Ohio Revised Code Sections 2981.12 and 2981.13, as well as this Policy.

C. Expenditures from Forfeiture Fund. Pursuant to Ohio Revised Code Section 2981.13(C) (2)(a), money from the Forfeiture Fund may be used for the following law enforcement purposes *only*:

1. To pay all or part of the cost of protracted or complex investigations or prosecutions;
2. To pay for reasonable technical training or expertise;
3. To provide matching funds in order to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse;

4. To pay the costs of emergency action taken under Ohio Revised Code Section 3745.13 relative to the operation of an illegal methamphetamine laboratory, if the forfeited property or money involved was that of a person responsible for the operation of the laboratory; or
5. To provide for such other law enforcement purposes as the Safety-Service Director or City Council may determine to be appropriate.

Pursuant to Cheviot Code of Ordinances Section 35.63, if an expenditure under this section exceeds \$50,000.00, said expenditure shall first be authorized and directed by ordinance or resolution of City Council.

- D. Funds Set Aside for Community Preventative Education. Pursuant to Ohio Revised Code Section 2981.13(D), of the proceeds and forfeited money deposited during each calendar year, at least ten percent (10%) of the first one hundred thousand dollars (\$100,000) and at least twenty percent (20%) of the amounts exceeding one hundred thousand dollars (\$100,000), shall be set aside within the Forfeiture Fund for use in connection with community preventive education programs. For purposes of this Policy, such programs include, but are not limited to, DARE programs and other programs designed to educate adults and children with respect to the dangers associated with the use of drugs of abuse. Amounts set aside for community preventive education programs under this provision are not required to be spent during the budget year in which they were received, so long as they remain set aside for such expenditures as they may arise.
- E. Report of Expenditures. The Police Department shall file a report to City Council no later than the thirty-first day of January of each calendar year, verifying that the proceeds and forfeited money were expended only for the purposes authorized by this policy and Ohio Revised Code 2981.13(C)(2)(a) and specifying the amounts expended for each authorized purpose. For purposes of this Policy, the report is “filed” with the Council if the report has been submitted to the Clerk of Council in electronic or hard-copy written form.

RECOMMENDED BY:

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Emmett Stone, Police Chief

CONCURRED BY:

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Kimberlee Erdman Rohr, Law Director

APPROVED BY:

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Thomas Braun, Safety-Service Director