

**CITY OF CHEVIOT
STATE OF OHIO
RESOLUTION NO. 19 - 11**

To adopt an internal control policy for the City of Cheviot Police Department.

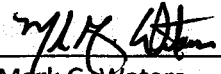
WHEREAS, changes to the Ohio Revised Code and findings by the State Auditor have made it necessary for the City of Cheviot to implement a new internal control policy in its police department with respect to forfeited assets and proceeds, mandatory drug fines, and alcohol enforcement and education funds;

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

Section 1. The Cheviot Police Department written internal control policy, a copy of which is attached hereto and made a part hereof as "Exhibit A," is hereby approved.

Section 2. Upon passage of this resolution, the clerk of council shall cause a certified copy of it to be forwarded to the office of the Hamilton County Prosecuting Attorney and shall file a copy of it with the Hamilton County Clerk of Courts, case no. M90-00449.

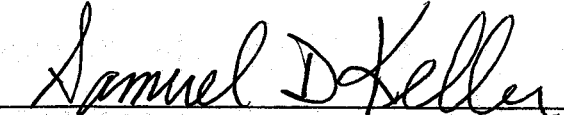
Section 3. This resolution shall take effect immediately.



Mark G. Waters
President of Council

APR 02 2019

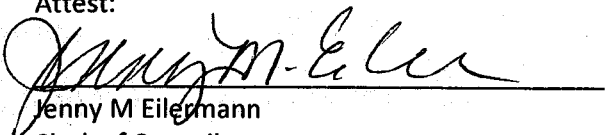
Date passed



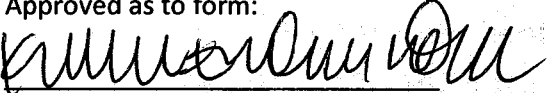
Samuel D. Keller
Mayor

APR 02 2019

Date

Attest:


Jenny M. Eilermann
Clerk of Council

Approved as to form:


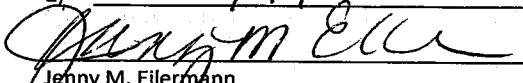
Kimberlee Erdman Rohr
Law Director

CERTIFICATION 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) 4-10, 2019, and

2) 4-17, 2019.



Jenny M. Eilermann
Clerk of Council



CHEVIOT POLICE DEPARTMENT INTERNAL CONTROL POLICY
(for forfeited assets, proceeds, mandatory drug fines,
and alcohol enforcement and education funds)

Policy Statement

This policy is established to meet the statutory requirements of Sections 2925.03(F)(2), 2925.42(B), 2981.13, 4511.19, and Chapter 737 of the Ohio Revised Code and for compliance with the requirements of the Auditor of the State of Ohio. The City of Cheviot establishes, or has established, the following funds and the procedures for the internal control of the Criminal Activities/Forfeiture Fund, the Drug Offense Fund, and the Enforcement and Education Fund.

CRIMINAL ACTIVITY/FORFEITURE FUND

1. Forfeited property, proceeds, and unclaimed property.
 - A. 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 safely kept by the police department until it is no longer needed as evidence or for another lawful purpose and then shall be disposed of pursuant to Sections 2981.12 and 2981.13 of the Ohio Revised Code.
 - B. Upon receipt of any property, the Cheviot Police Department shall fully document the following:
 1. the date the property was acquired;
 2. the description of the property;
 3. if the property was seized, the name of the person the property was seized from and the criminal charge.
2. Disposition of property.
 - A. If property is legal to possess and has not been otherwise disposed of by court order, the Cheviot Police Department shall make a reasonable effort to locate persons entitled to possession of the property to notify them 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 the 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 to invite persons to view it and establish their right to it. If the value of the property is less than \$500.00, it shall be sufficient to publish notice of the property in a prominent location on the website of the City of Cheviot for a period of at least 30 days.
3. Alternative method of disposition.

- A. At the discretion of the Police Chief, recovered property, if it so qualifies, may be disposed of in accordance with Sections 737.29, 737.31, 737.32, and 737.33 of the Ohio Revised Code.

4. Record of disposition.

- A. Upon disposition of any property, the Cheviot Police Department shall fully document the following:
 - 1. the date the property was disposed;
 - 2. the description of the property;
 - 3. the manner in which the property was disposed;
 - 4. detailed financial records of any property that was sold; and
 - 5. the name of any person who received the property, when possible.
- B. The records need not identify or enable identification of the individual officer who seized any item of property.

5. Expenditures.

- A. Upon the expenditure of any funds from the Criminal Activities/ Forfeiture Fund, the Cheviot Police Department shall fully document the specific amount expended on each general type of expenditure.
- B. The record shall not provide for or permit the identification of any specific expenditure that is made as part of, and during the pendency of, an ongoing investigation.
- C. In accordance with Sections 2981.13(C)(2) of the Ohio Revised Code, monies from the Criminal Activities/Forfeiture Fund may only be used for the following purposes:
 - 1. To pay the costs of protracted or complex investigations or prosecutions;
 - 2. To provide reasonable technical training or expertise;
 - 3. To provide matching funds 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 Section 3745.13 of the Ohio Revised Code 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;
 - 5. For other law enforcement purposes that the legislative authority determines to be appropriate.

6. Maintenance requirements and reporting.

- A. The Cheviot Police Department shall prepare a report for each calendar year that cumulates all of the information contained in all of the public records kept by the agency pursuant to Section 2981.13(3)(b) of the Ohio Revised Code for that calendar year and submit such report to the Cheviot City Council by January 31 of the following year.
- B. The city auditor shall be responsible for the maintenance of the financial records kept by the police department, including bank statements, appropriation requests, spending requests, disbursements, and receipts for property or services.

DRUG OFFENSE FUND

1. Receipt of funds.

- A. Upon the receipt of any funds received pursuant to Sections 2925.03(F)(1), 2925.03(F)(2), or 2925.42, the Cheviot Police Department shall fully document the following:
 - 1. the date the funds were received; and
 - 2. the amount of such funds.

2. Expenditure of funds.

- A. Upon the expenditure of any funds from the Drug Offense Fund, the Cheviot Police Department shall fully document the specific amount expended on each general type of expenditure.
- B. The record shall not provide for or permit the identification of any specific expenditure that is made as part of, and during the pendency of, an ongoing investigation.
- C. In accordance with Sections 2925.03(F) and 2925.42(B) of the Ohio Revised Code, the monies from the Drug Offense Fund may only be used for the purpose of subsidizing the Cheviot Police Department's enforcement efforts that pertain to drug offenses.

3. Account maintenance requirements.

The city auditor shall be responsible for the maintenance of the financial records kept by the police department, including bank statements, appropriation requests, spending requests, disbursements, and receipts for property or services.

ALCOHOL ENFORCEMENT AND EDUCATION TRUST FUND

1. Receipt of Funds.

- A. Upon the receipt of any funds pursuant to Section 4511.19(G)(5)(a) of the Ohio Revised Code, the Cheviot Police Department shall fully document the following:
1. the date the funds were received; and
 2. the amount of such funds.

2. Expenditures.

- A. Upon the expenditure of any funds from the Alcohol Enforcement and Education Trust Fund, the Cheviot Police Department shall fully document the specific amount expended on each general type of expenditure.
- B. The record shall not provide for or permit the identification of any specific expenditure that is made as part of, and during the pendency of, an ongoing investigation.
- C. In accordance with Section 4511.19(G)(5) of the Ohio Revised Code, the Alcohol Enforcement and Education Trust Fund may only be used for the following purposes:
1. To subsidize the Cheviot Police Department's enforcement of Section 4511.19 of the Ohio Revised Code or Section 73.01 of the Cheviot Code of Ordinances;
 2. To inform the public of the laws governing the operation of a vehicle under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

3. Account Maintenance Requirements.

The city auditor shall be responsible for the maintenance of the financial records kept by the police department, including bank statements, appropriation requests, spending requests, disbursements, and receipts for property or services.