Board of Supervisors Memorandum

October 17, 2017

Pima County Attorney Application for Emergency Expenditure from the Anti-Racketeering Revolving Fund

Background

On October 11, 2017, the attached application (Attachment 1) was received from the Pima County Attorney, requesting an emergency expenditure from the Anti-Racketeering Revolving Fund. This emergency expenditure is requested to fund the deployment of Pima County Attorney Office (PCAO), Victim Services Program personnel to Las Vegas, Nevada, in response to the October 1, 2017 mass shooting that occurred at the Route 91 Harvest Country Music Festival. These services were requested from the Attorney General of the State of Nevada, who requested assistance from the Pima County Attorney, Victim Services Program. The County Attorney deployed 10 experienced victim advocates, comprised of five staff and five trained volunteers.

The Racketeer Influenced and Corrupt Organization (RICO) funds expended on an emergency basis are for business travel and related expenses. The Victim Services Program team continues to be deployed to the Family Assistance Center at the Las Vegas Convention Center in Clark County. These continuing expenses will be appropriately accounted for, in detail, when deployment has been completed.

I am providing the Board of Supervisors the information attached to the County Attorney's request. The present adopted policy of the Board regarding use of funds from the Anti-Racketeering Revolving Fund is covered in Policy Number C 6.3 (Attachment 2), Page 3 of 10, Emergencies. When all funding requirements have been received and deployment has ended, I will process this Emergency Fund Request in the same procedure used for requests related to indirect expenditures.

Recommendation

I recommend the Board authorize these indirect expenditures from the County Attorney Anti-Racketeering Revolving Fund subject to itemization of all expenses.

Sincerely,

C.H. Huckelberry
County Administrator

CHH/lab – October 13, 2017

Attachment

c: The Honorable Barbara LaWall, Pima County Attorney
Amelia Cramer, Chief Deputy County Attorney
David Smutzer, Legal Administrator, Pima County Attorney's Office

ATTACHMENT 1

Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue, #1400
Tucson, AZ 85701

Phone: 520-724-5600
www.pcao.pima.gov

MEMORANDUM

To: **C.H. Huckelberry, Pima County Administrator**

From: **Barbara LaWall, Pima County Attorney**

cc: **Chair Sharon Bronson and Members of the Pima County Board of Supervisors**

Date: **October 11, 2017**

Re: **Emergency Expenditure from Anti-Racketeering Revolving Fund**

I am submitting herewith, in compliance with Board of Supervisors Policy C 6.3, application for ratification of an emergency expenditure from my office's Anti-Racketeering Revolving Fund to provide victim services to those directly affected by the mass shooting in Las Vegas that took place on October 1, 2017 (see attached press release and news articles).

The attached application for expenses associated with our Victim Advocates and trained Victim Advocate Volunteers includes a detailed description of the emergency expenditure sufficient to show that the proposed use of monies from the Fund is authorized by Arizona state law and Board Policy. This application also includes a certification, signed by the Deputy County Attorney, who is the Forfeit Unit Supervisor, stating that the emergency expenditure is for a use authorized by law and the Board Policy.

I request that you review this application and submit it to the Clerk of the Board for placement on the Agenda for ratification at the next Board meeting to be held on October 17, 2017.

As the attached application demonstrates, this emergency expenditure of state derived forfeiture funds is authorized by Arizona state law as well as by federal guidelines incorporated into Arizona law. Under Arizona law:

> Monies in the fund may be used for the funding of gang prevention programs, substance abuse prevention programs, substance abuse education programs, *programs that provide assistance to victims of a criminal offense that is listed in section 13-2301* and witness protection pursuant to section 11-536 *or for any purpose permitted*

> *by federal law* relating to the disposition of any property that is transferred to a law enforcement agency.

A.R.S. § 13-2314.03(F) (emphasis added).

The referenced statute, A.R.S. § 13-2301, lists the following criminal offenses:

12. "*Terrorism*" means any felony, including any completed or preparatory offense, that involves the use of a deadly weapon or a weapon of mass destruction or the intentional or knowing infliction of serious physical injury with the intent to do any of the following:

. . . .

(b) Cause substantial damage to or substantial interruption of public communications, communication service providers, public transportation, common carriers, public utilities, public establishments or other public services. (Emphasis added.)

. . . .

Section 13-2301 provides that "'Public establishment' means a structure … that is owned, leased or operated by any of the following: … (c) The federal government. (d) A health care institution as defined in section 36-401. (The definition in A.R.S. § 36-401 states that a "'Health care institution' means every place, institution, building, or agency, whether organized for profit or not, that provides facilities with medical services, nursing services … other health-related services ….")

"Public services" is not specifically defined in the referenced statute and thus has its ordinary meaning. The *Merriam Webster Dictionary* defines "public service" as "a service rendered in the public interest" and "work that someone does as part of a government: the work done by public servants," which includes first responders, including police and EMTs, as well as medical providers employed by public entities.

The Cashman Center, where the mass shooting took place during the Harvest Festival concert, is owned and operated by the Las Vegas Convention and Visitors Authority, which is a public-private partnership. The University Medical Center where many of the victims were transported and treated is a public facility. The victims of the mass shooting included public servants. Substantial damage was caused to the Cashman Center, and there was substantial interruption of the University Medical Center, public roads, and public communications, as well as local sheriff and FBI operations, caused by the mass shooting.

Accordingly, the mass shooting in Las Vegas was an act of terrorism as defined in § 13-2301, and funds from the County Attorney's ARRF may be used to provide assistance to its victims as expressly authorized by the foregoing state law.

Moreover, purposes for expenditure of the ARRF permitted by federal law, which are incorporated into Arizona state law, include those authorized by the Department of Justice Equitable Sharing Program, which specifies in section V(B)(1)(*l*) that the following are "permissible uses":

> **l. Support of community-based programs** – transfers of shared funds from a state or local law enforcement agency *to a* state, *county*, or local *governmental agency* or community non-profit organization (501(c)(3) or (4)). An agency may, at its discretion, transfer … *to community-based programs whose missions are supportive of and consistent with a law enforcement effort, policy, and/or initiative*. Examples include a drug treatment facility, job skills program, or a youth program with drug and crime prevention education.

(Emphasis added).

The Victim Services Program operated by the Pima County Attorney's Office, a county governmental law enforcement agency, is a community-based program, whose mission is supportive of and consistent with a law enforcement effort and initiative - namely to serve victims of crime. Accordingly, funds from the County Attorney's ARRF may be used to provide assistance to victims of the mass shooting pursuant to the federal guidelines incorporated by express reference into the foregoing state law.

In addition, although presented as a request related to an initiative of a community-based program with a mission that supports the County Attorney's efforts, policies, and initiatives - assisting crime victims - this initiative also is directly beneficial to the County Attorney, a law enforcement agency. A crucial function of Victim Advocates and Victim Advocate Volunteers is to provide victim services in response to serious crimes that occur in Pima County, which is part of overall law enforcement operations. For example, Pima County Attorney's Office Victim Advocates and Victim Advocate Volunteers provided victim services following the January 8, 2011 mass shooting. While providing victim services in Las Vegas, the advocates, including the supervisor leading their team, are also learning from participating in the relief efforts. The invaluable new

information and experience they will gain will help them address any future similar incident in Pima County. This is consistent with enhancing the Victim Advocates' abilities to perform their law enforcement related duties, which are permissible uses of funds under section V(B)(1)(g):

> **g. Law enforcement travel and per diem**—the *costs associated with travel and transportation to perform or in support of law enforcement duties and activities.*

(Emphasis added).

Attached for your reference are copies of the Board Policy, Appendices thereto, the Arizona Revised Statutes referenced, and the Department of Justice Equitable Sharing Program interim guidance. Relevant portions of these documents are highlighted.

Because of the emergency nature of this event, per diem was provided to the Victim Advocates and trained Advocate Volunteers from our operating fund, as circumstances did not permit time to process a travel advance pursuant to Administrative Procedure 22-1 Business Travel.

Attachments

Pima County Attorney's Office

MEMORANDUM

TO: David Smutzer, Legal Administrator

FROM: Kevin Krejci, Supervising Prosecutor, Forfeitures Unit KSK

DATE: Oct 10, 2017

RE: Approval of purpose/use of distribution of Pima County Attorney anti-racketeering funds under state law

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I have reviewed the attached PCAO-Vict. Servs. Program (Oct. 10, 2017) request for approval of the purpose/use of funds held by the Pima County Attorney in its state sub-account of the Pima County Attorney's Anti-Racketeering Revolving Fund. The request is APPROVED for the reason that the description of the purpose/use appears consistent with the following purpose(s)/use(s) by state law:

___ Funding a gang prevention program. ARS § 13-2314.03(F).

___ Funding a substance abuse education program. ARS § 13-2314.03(F).

X Funding a program that provides assistance to victims of a criminal offense that is listed in A.R.S. §13-2301. ARS § 13-2314.03(F).

___ Funding for witness protection pursuant to A.R.S. § 11-536. ARS §.13-2314.03(F).

___ Funding the investigation and prosecution of any offense included in the definition of racketeering in A.R.S. §§ 13-2301(D)(4) or 13-2312, including civil enforcement. ARS § 13-2314.03(F).

X Funding for a purpose permitted by federal law relating to the disposition of any property transferred to a law enforcement agency. ARS § 13-2314.03(F). Reference: USDOJ *Guide to Equitable Sharing for State and Local Law Enforcement Agencies* (2009) (*Guide*) & Interim guidelines section V.B. (July 2014), specifically subsec(s) (1)(i) & (1)(a).

X These monies will provide support of a community-based program (*see* the *Guide*, Interim guidelines sections V.B.1.l. (July 2014)). The *Certification by Community Organization Applicant* and *Community Organization Application for Funding Assistance from Pima County Anti-Racketeering Funds* is attached.

___ Funding to compromise and pay claims against forfeited property. ARS § 13-4315(A)(5).

___ Funds to pay expenses necessary to seize, detain, appraise inventory, protect, maintain, preserve the availability of, advertise or sell property that is subject to forfeiture; or any other necessary expenses incident to the seizure, detention, preservation or forfeiture of the property. ARS § 13-4315(C)(1).

___ Funding to pay awards for information or assistance which led to a civil or criminal proceeding under the Criminal Code. ARS § 13-4315(C)(2).

Notes/Special Instructions:

COMMUNITY ORGANIZATION APPLICATION FOR FUNDING ASSISTANCE FROM PIMA COUNTY ANTI-RACKETEERING FUNDS

Community Organization ***Pima County Attorney's Office - Victim Services Program***

Executive Director/Agency Head ***Barbara LaWall, Pima County Attorney (along with Babette McDonald, Interim Victim Services Director)***

Law Enforcement Agency ***Pima County Attorney's Office***

Date ***October 10, 2017*** Amount requested ***Not Yet Determined****

The Pima County Anti-Racketeering Revolving Fund has been created by forfeiture of property that constituted the proceeds of crime or that was used or intended to be used to commit crime. **Use of the funds is restricted to law enforcement purposes**, however transfers to community-based programs, whose missions are supportive of and consistent with **a law enforcement** effort, policy, or initiative are permitted.

> NOTE: **A program may benefit the community generally, but still not qualify for Pima County Anti-Racketeering Revolving Fund funds.** To qualify, a program must specifically involve law enforcement personnel or otherwise include specific content which extends or enhances the efforts of law enforcement in the community, such as assisting victims of crime, preventing crime including by providing programs for at-risk youth, deterring crime, rehabilitation of offenders, emergency response by law enforcement, protecting people and property from crime, reducing the effects of crime, etc.

Describe the community-based program for which funds are being sought and how the program benefits the community:

The Pima County Attorney's Office Victim Services Program assists victims at crime scenes and at court hearings, providing support for crime victims and guiding them through the criminal justice system.

The Pima County Attorney's Victim Services Division, established in 1975, was the first in the nation to provide comprehensive assistance to victims of crimes. It has served as a model for programs in other states and in several foreign countries. More than 25 staff plus 120 trained advocate volunteers are on call 24 hours a day to serve crime victims. Pima County Attorney's Office Victim Services Program is recognized as a national leader and provides training for victim advocates throughout Pima County, the State of Arizona,

and across the United States.

Our Victim Services staff and trained advocate volunteers have been called upon to work with the victims of the January 8th shooting tragedy, the September 11th terrorist attacks in New York City, the Oklahoma City bombing, the war and genocide in Bosnia, and other local and national tragedies.

The United States Attorney General presented an award to the Victim Services Program for its outstanding services to victims of the January 8th shooting tragedy in Tucson, including crisis advocacy, court advocacy (in federal court proceedings), and victim compensation.

Each year Victim Services makes more than 16,000 victim contacts and helps more than 5,000 people in crisis.

Specifically, what law enforcement effort, policy, and/or initiative of this agency does this program support in this community?

The Victim Services Program supports services directly to victims of crime and to the surviving family members of homicide victims.

On the evening of October 1, 2017, a mass shooting occurred at the Route 91 Harvest country music festival held at the Cashman Center, a venue owned and operated by the Las Vegas Convention and Visitors Authority. During the closing performance, a gunman opened fire on the outdoor festival crowd from the 32nd floor of the Mandalay Bay Resort and Casino. The gunman fired into the crowd for almost 11 minutes. Following a standoff with police, he was found dead in his hotel room with a self-inflicted gunshot wound. With 58 people killed and more than 500 injured, the massacre is the deadliest mass shooting by a lone gunman in U.S. history.

Among the victims were at least one police officer and other public employees and first responders. The shooting caused substantial damage to the public concert venue as well as substantial interruption of public transportation and other public services. Accordingly, the mass shooting was characterized as a terrorist attack. Many of the victims of this terrorist attack were transported to University Medical Center, a public hospital providing the only level one trauma center in Nevada. The Medical Center's regular emergency trauma staff were overwhelmed, so other medical services were interrupted in order that additional medical personnel could assist with trauma treatment and surgeries.

In the aftermath of this horrific mass shooting terrorist attack, with so many surviving victims and families of those who perished presenting serious medical, mental health, financial, legal, and other needs, the Attorney General of the State of Nevada reported that local resources were overwhelmed and requested urgent assistance from the Pima County Attorney's Office Victim Services Program. Among the specific services requested were: crisis intervention management for mass casualty events; information regarding management of victim compensation funds; and sending victim advocates to Las Vegas to directly assist victims and their families who were being provided services at a Family Assistance Center that was established at the Las Vegas Convention Center.

In response to this request, the Pima County Attorney's Office Victim Services Program immediately provided written information regarding management of victim services for mass casualty events and regarding management of victim compensation funds. In addition, the County Attorney's Office deployed 10 experienced victim advocates from its

Victim Services Program - five staff Advocates and five trained Advocate Volunteers - to provide crisis intervention services directly to victims and to family members of those killed at the Family Assistance Center at the Las Vegas Convention Center.

Victim Services Program staff Advocates and trained Volunteer Advocates have been stationed at the Family Assistance Center working as intake staff and as companions for victims, conducting needs assessment by listening, doing crisis intervention, and then facilitating the connection to a room full of resources. The resources have been fluid and increased over time, and included: document replacement through the Department of Motor Vehicles; legal services for probate, financial concerns, U-Visas, and other legal issues; victim compensation, including for travel expenses and other expenses eligible for such compensation; social services; lodging assistance; retrieval of belongings from the crime scene; fraud and consumer affairs issues; medical triage of injuries that were not previously treated (including sprains, scrapes, back injuries from being trampled, and severe mental distress); disaster mental health services; disaster spiritual care; disaster relief through the Red Cross for groceries, diapers, toiletries, replacement of prescription eye glasses and durable medical items; and victim statements to the FBI to facilitate the ongoing law enforcement investigation.

Victim Services Program staff Advocates and trained Volunteer Advocates have arrived each day at the Center before 8:00 a.m. and leave the Center each night around 8:30 p.m.

Describe in detail how this program is supportive of and consistent with this law enforcement agency's efforts, policies, and/or initiatives in the community. What elements of the program specifically enhance or extend the efforts of law enforcement in the community, and how does the program do this?

Providing assistance to victims of criminal offenses, including mass shootings and terrorism attacks, is directly supportive of and enhances and extends the efforts of law enforcement. Involving victim advocates, who can provide direct services to victims, such as crisis counseling and referral to ongoing services, allows law enforcement officers to focus upon their investigation and upon ongoing protection of the community from further crimes. The Victim Services Program is one operation among many within the County Attorney's Office, which is a law enforcement agency.

As specifically as possible, please indicate how the funds requested will be used by this program (that is, to purchase supplies, equipment, and/or services; covering costs of participants or attendees; etc. **Direct cash transfers or gifts are not permitted):**

The funds expended on an emergency basis for business travel related expenses such as transportation and basic necessities for the ten victim advocates who traveled to Las Vegas have included: parking at the airport, airplane travel, ground transportation, food, and hotel rooms (double occupancy), and overtime compensation for staff Advocates.

- *The specific amount requested is unknown at this time, as the situation is still active and expenses are still accruing.*

CERTIFICATION BY COMMUNITY ORGANIZATION APPLICANT

Applicants for funds must certify in writing the following aspects of its background and compliance with Arizona and federal law and Department of Justice guidelines:

I, the undersigned head of the applicant entity, certify that:

		Yes	No
A.	Applicant is a state, county, or local government department or agency; or applicant is a private, non-profit 501(c)(3) or (4) organization. Tax I.D. Number: _____	X	☐
B.	Applicant is primarily engaged in providing a program that is both community-based and supportive of and consistent with a law enforcement effort, policy, or initiative.	X	☐
C.	Applicant agrees to account separately for all anti-racketeering funds received.	X	☐
D.	Applicant agrees to utilize and apply standard accounting requirements and practices employed under state or local law for recipients of federal, state, or local funds and to provide documentation for any audit that may be performed by a governmental entity authorized to audit the use of such funds.	X	☐
E.	Applicant is in compliance with federal civil rights laws.	X	☐
F.	Applicant is in compliance with all other Arizona and federal laws that apply to applicant.	X	☐
G.	No officer, director, trustee, or fiduciary of the applicant has been convicted of a felony offense under federal or state law, or convicted of any drug offense.	X	☐
H.	Applicant agrees not to use funds for personal or political purposes.	X	☐
I.	Applicant agrees that funds will not be used for any purpose that would constitute an improper or illegal use under the laws, rules, regulations, or orders of the state or local jurisdiction in which the applicant is located.	X	☐

Barbara LaWall

Print Name of Requesting Agency Director

Barbara LaWall

Signature of Requesting Agency Director

I have reviewed the foregoing request, and based on the organization's certifications and the information provided by the organization, the recipient of the funds is a qualified entity and the program for which funds are sought is consistent with and supportive of a law enforcement effort, policy, and/or initiative of this agency. (If the funding is to be from DOJ equitable sharing sources, all additional requirements for use of such funds have also been fulfilled; Treasury funds may not be used for support of community-based programs.)

Barbara LaWall

Print Name of Chief Law Enforcement Officer

Barbara Lawall

Signature of Chief Law Enforcement Officer

Date 10/10/2017

MASS SHOOTING: A look inside the Family Assistance Center

BY: Marissa Kynaston
POSTED: 12:00 PM, Oct 6, 2017
UPDATED: 4:40 PM, Oct 6, 2017

Share Article

LAS VEGAS (KTNV) - The Family Assistance Center at the Las Vegas Convention Center is open for anybody who needs help after Sunday's shooting.

"This is structured to be a very supportive, nurturing, and I think healing place," says Dan Mosley, with the American Red Cross.

Officials are calling it a one-stop shop for anybody who needs help. The Family Assistance Center at the Las Vegas Convention Center was first set up to assist the families of those who were killed in Sunday's shooting. Now, they're opening their doors to survivors and their families.

It's filled with booths offering help, with everything from AirBNB to the FBI.

Personal items left behind at the music festival will start rolling in in the next couple days, once the police process them.

It's something the city and first responders never thought they'd have to put together. Cities who have suffered through other mass shootings, including San Bernardino and Orlando, immediately flew in to help set up the assistance center.

"We joined a group we never wanted to join," says Chief Steinbeck with Clark County Fire Department. "There's a responsibility to make sure the next community receives the benefit of your experiences." close

After shooting, center provides counseling, travel assistance, other help

Mikayla Whitmore

A tour of the Family Assistance Center at the Las Vegas Convention Center on Oct. 6, 2017. The center offers services for the survivors and families of those killed in Sunday's mass shooting on the Las Vegas Strip.

By *Mick Akers* (contact)

Friday, Oct. 6, 2017 | 3:05 p.m.

The Family Assistance Center at the Las Vegas Convention Center is offering services to help the survivors and families of those killed in Sunday's mass shooting on the Strip.

"Our original intent for this center was for the families of the deceased," said John Steinbeck, Clark County deputy fire chief and emergency manager. "Our focus has changed to helping the survivors and their families and have services available for them."

Open from 9 a.m. to 7 p.m. daily, the center is located at Sierra Vista Drive and Swenson Street. People can reach the center by phone at 702-455-2433 or 1-833-299-2433.

The center is a safe haven and not open to the general public or the media for the privacy and comfort of those utilizing it, officials said.

The center offers lodging and travel assistance, legal services, on-site child care, help filing police reports and other assistance. The Red Cross is offering grief counseling and some financial services to families.

Victims or witnesses unable to make it to the center can call Metro at 702-828-3111 to file police reports or relay information.

FBI officials are there to release personal items left behind at the site of the shooting during the Route 91 Harvest country music festival. Items considered evidence still may not be available.

The center can also help the families of those killed make arrangements to get the bodies of their loved ones home for funerals.

The center can provide financial assistance and help put up survivors and their families in hotels and short-term rental properties through Airbnb.

"That's both for people that had to have extended stays that were here and assistance for those that are coming for their loved ones that are still here and need assistance," Steinbeck said.

Nevada Attorney General Adam Laxalt said his office is represented at the center to help those affected any way possible.

MGM Resorts has a table to aid any employees.

Those who need assistance from the Clark County Coroner's Office can call 702-455-4281.

To report a missing person, Nevada residents can call 211, while those out of state should dial 886-535-5654.

Las Vegas
Metropolitan Police Department

Our Vision: To be the safest community in America

Victim and Family Assistance Resources

If you were a victim or are a family representative of a victim involved in the October 1 shooting at the Route 91 Harvest Festival, please see the resources available below.

FOR LOCAL RESIDENTS WHO WANT TO FILE A POLICE REPORT:

- Call 3-1-1 and file a report telephonically if you are a victim of the shooting;
- File a report at an area command near you or at the Records and Fingerprint Bureau located at LVMPD Headquarters; or
- An officer can respond to your location to take a report if you are injured and unable to make a station report.

FOR OUT-OF-STATE RESIDENTS WHO WANT TO FILE A POLICE REPORT:

- Call (702) 828-3111 and file a report telephonically if you are a victim of the shooting; or
- File a report with your hometown police department and fax it to 702-828-1555.

WITNESSES OF THE SHOOTING:

- If you have video or photos of the incident - If you know something, say something. Please call 1-800-CALLFBI (225-5324)
- If you would like to file a voluntary statement, please click here to download a PDF version of the document. Once completed it can be faxed to 702-828-3246

or emailed to j4660m@lvmpd.com; or if you are local resident, you can drop it off at Records & Fingerprint Bureau or your nearest Area Command.

REPORTS OF SUSPICIOUS ACTIVITY CONNECTED TO THE SHOOTING:

- If you were in the area during the October 1 shooting and noticed any suspicious activity that should be reported, please visit www.SNCTC.org.

FOR LOCAL FAMILY REPRESENTATIVES NEEDING INFORMATION:

- Call 2-1-1 if you need information on resources.
- Visit the Family Assistance Center at the Las Vegas Convention Center at 3150 Paradise Rd, Las Vegas, NV 89109.

FOR FAMILIES OF DECEDANTS:

- Families should contact the Family Information Center located at 1704 Pinto Lane in Las Vegas if they need any assistance related to the Coroner's Office processes. If you are unable to travel to the center, a hotline has been established at (702) 455-4281. The hours of operation are 9 a.m. to 6 p.m. daily until further notice.

FOR OUT OF STATE FAMILY REPRESENTATIVES NEEDING INFORMATION:

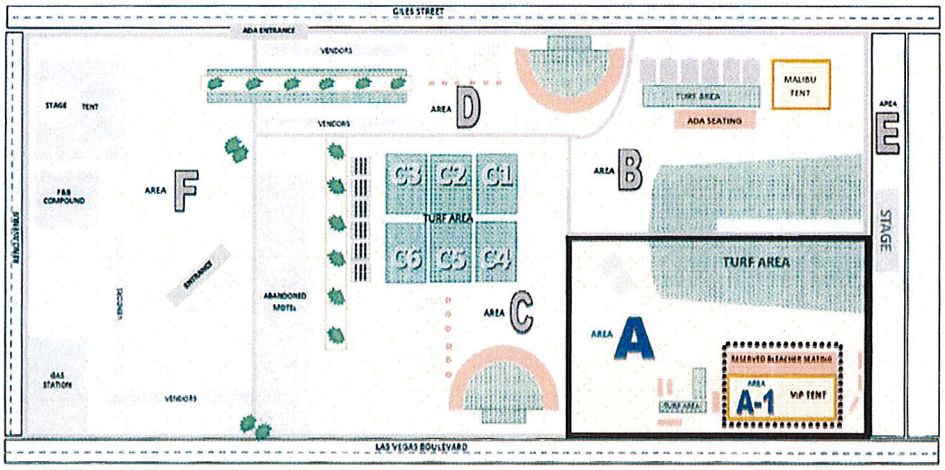
- Call 1-866-535-5654

VICTIMS WANTING TO RECOVER PROPERTY:

- The FBI is working to collect all belongings left behind at the Harvest Music Festival site. As items become available, they will be distributed at the Family Assistance Center located at 3150 Paradise Road (southeast corner). You must identify your items to retrieve them. Call (702) 455-AIDE (2433) to discuss your options. You can also email LVFestivalAssist@fbi.gov.

- Items have been cataloged by areas. Please click on the map below to expand the view:

ROUTE 91 HARVEST FESTIVAL SITE



- As of October 8, 2017, items lost in Area "A" are available for release to victims.
- For anyone not in the Las Vegas area, please visit the FBI's Victim Assistance website for retrieving property: https://www.fbi.gov/resources/victim-assistance/seeking-victim-information/assistance-for-victims-of-the-harvest-music-festival-shooting-in-las-vegas

OTHER RESOURCES:

Blood Donations:

United Blood Services will take donations by appointment only. Please visit their website to make an appointment: United Blood Services

Financial Assistance for Victims:

Go to gofundme.com and donate to the "Las Vegas Victims' Fund". Use caution in donating to other fundraisers.

You can also make checks payable to "Las Vegas Victims' Fund" and mail it to the following address:

Las Vegas Victims Fund
1000 N Green Valley Pkwy, #440-184
Henderson, NV 89074

Donations can also be made at any Nevada State Bank branch by using "Las Vegas Victims Fund" and account number 979358819.

The Clark County Coroner has released an official list of decedents from the October 1 shooting incident on the Las Vegas Strip: List of Decedents

Find Your Station
Doing Business with LVMPD
Helpful Links
LVMPD Foundation
Fallen Officers
About LVMPD
Join The Force
Our Vision
Current Traffic
Most Requested
Most Wanted

400 S. Martin L. King Blvd.
Las Vegas, NV 89106
702-828-3111
pio@lvmpd.com

ATTACHMENT 2

PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY

Subject: Procedures for Board Approval of Applications for Monies from the County Attorney's Anti-Racketeering Revolving Fund	**Policy Number**	**Page**
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Background and Purpose

Under Arizona's civil asset forfeiture statutes, law enforcement agencies have express authority to determine their priorities to spend monies in their anti-racketeering sub-accounts maintained in the County Attorney's Anti-Racketeering Revolving Fund ("the Fund") for expenditures authorized by A.R.S. § 13-2314.03, A.R.S. § 13-4315, and/or federal law. Each law enforcement agency is responsible for determining its priorities to use monies from the Fund for those authorized purposes. The County Attorney's Office itself is one of the law enforcement agencies that has a sub-account in the Fund, and the County Attorney is responsible for determining priorities for the use of monies from that sub-account in the Fund.

In 2017, the Arizona Legislature enacted Laws 2017, Chapter 149, amending Arizona statutes governing civil asset forfeiture. Section 3 of the session law amended A.R.S. § 13-2314.03(E) to implement procedures governing seizing agencies' and county attorneys' requests for monies from the county anti-racketeering revolving fund ("the Fund"). Under the amended statute, except in emergencies, county attorneys who have determined a need to use monies from the Fund "shall submit an application that includes a description of what the requested monies will be used for to the board of supervisors. The board of supervisors shall approve the county attorney's use of the monies if the purpose is authorized by [section 13-2314.03], section 13-4315 or federal law." The purpose of this Policy is to provide a procedure for County Attorney applications and Board of Supervisors approvals under § 13-2314.03.

Definitions

1. "Board" means the Pima County Board of Supervisors.
2. "County Administrator" means the County Administrator or designee.
3. "County Attorney" means the Pima County Attorney. Any action required or permitted to be taken by the County Attorney under this Policy may also be taken by a Deputy County Attorney under authority delegated by the County Attorney.
4. "Direct Expenditure" means an authorized use of monies from the Fund for expenses that directly serve the law-enforcement or prosecution purposes of the Pima County Attorney's Office, including the provision of equipment, services, personnel, training, or other costs directly to the Pima County Attorney's Office.
5. "Fund" means the county anti-racketeering fund established under A.R.S. § 13-2314.03.
6. "Indirect Expenditure" means an authorized expenditure that serves the law-enforcement or prosecution purposes of the Pima County Attorney's Office indirectly, including the provision of equipment, services, personnel, training, education, rehabilitation, or other costs of community-based programs, activities, or events that further the law-enforcement purposes of the Pima County

Attorney's Office or other law-enforcement or prosecution purposes, including but not limited to gang and crime prevention.

7. "Supplement" means enhance or add onto resources of the law enforcement or prosecution agency, as distinguished from supplant or replace.

Policy

Except in an emergency, the County Attorney may not use monies from the Fund unless and until the Board has approved that use of monies in accordance with this Policy. The County Attorney may use monies only to Supplement existing resources, and may not apply to use monies from the Fund for any purpose not authorized by A.R.S. § 13-2314.03, A.R.S. § 13-4315, and/or federal law, or to replace or supplant general fund resources. All County Attorney expenditures of monies from the Fund must also be in accordance with all applicable Pima County Policies and Procedures.

Application Procedures

Direct Expenditures

The County Attorney will apply to use monies from the Fund for Direct Expenditures as part of the County Attorney's annual budget submission. The County Attorney's annual budget submission will include those expenditure accounts provided in the county budget system reflecting the County Attorney's priorities among the authorized categories of uses for which monies from the Fund will be used, along with the budgeted amounts of expenditures for the fiscal year for which the proposed budget is submitted. The expenditure accounts provided in the county budget system will include descriptions with sufficient detail to reflect how the proposed use of monies from the Fund is authorized by law and this Policy. The County Attorney's budget submission must contain a certification, signed by the County Attorney, stating that each proposed category of expenditure is for a use authorized by law and this Policy. The County Administrator will review the budget submission and, unless the County Administrator reasonably believes review by outside counsel is necessary as to any category or categories of expenditure, will recommend Board approval of the fund budget as part of the Tentative and Final Budget adoption. Unless a majority of a quorum of the Board votes to engage and pay for outside counsel to review a request, it shall approve the request without further review.

When the County Attorney requests payment from the Finance Department or uses a PCard for a specific Direct Expenditure within an already approved category of Direct Expenditures, the County Attorney must submit to the Finance Department or Procurement Department, as applicable, a detailed description of the specific expenditure, not merely the category of expenditure. For example:

- If the County Attorney requests payment to purchase goods, the request must detail the specific nature and quantity of the goods to be purchased.
- If the County Attorney requests payment for services, the request must detail the specific nature of the services provided, the operational division(s) or program(s) within the Pima County Attorney's Office where such services will be provided, and the name of the person or entity providing the services.

If the Finance Department or Procurement Department questions whether a specific Direct Expenditure is authorized by law and this Policy, the Finance Department Director or designee of the Procurement Director or designee may request additional information from the County Attorney or designee. If the Finance Department or Procurement Department reasonably believes review by outside counsel is necessary, it will submit a request for review by outside counsel to the County Administrator and the request will proceed under the Outside Counsel provisions of this Policy.

Indirect Expenditures

For any requested Indirect Expenditure of monies from the Fund, the County Attorney will submit an application to the County Administrator consisting of copies of the Pima County Attorney's Office Memorandum in the form attached as Attachment A and the Community Organization Application in the form attached as Attachment B. The application must include a description of the proposed Indirect Expenditure that is sufficiently detailed to show that the proposed use of monies from the Fund is authorized by law and this Policy. The application must also include a certification, signed by the County Attorney, stating that the proposed Indirect Expenditure is for a use authorized by law and this Policy. The County Administrator will review the request and submit it to the Clerk of the Board for placement on the Agenda for the next Board meeting. Unless the County Administrator reasonably believes review by outside counsel is necessary, the County Administrator will recommend approval of the request. Unless a majority of a quorum of the Board votes to engage and pay for outside counsel to review a request, it shall approve the request.

Emergencies

If the County Attorney uses monies from the Fund without first applying to the Board because of an emergency, the County Attorney must submit an application within a reasonable amount of time after the monies are used in accordance with the procedure for Indirect Expenditures under this Policy. That application must include an explanation of the emergency that led to the use of the monies without first applying for approval, but must not include any information that is confidential by law. The County Administrator will process the request using the same procedure as used for requests for approval of Indirect Expenditures.

Outside Counsel

If the County Administrator, on reviewing any request from the County Attorney under this Policy or any request by the Finance Department for review by outside counsel, reasonably believes that the proposed or emergency use of monies from the Fund is or was not authorized by law and this Policy, the County Administrator may recommend to the Board that the Board retain outside counsel to review the County Attorney's proposed or emergency use of the monies. A majority of a quorum of the Board may vote to engage and pay for outside counsel to review any request, with or without the recommendation of the County Administrator. In the event a majority of a quorum of the Board votes to engage outside counsel, it will identify the specific request or requests that outside counsel is to review. Outside counsel must be engaged to report back as expeditiously as possible to the Board as to whether the requested expenditure is legally authorized. If outside counsel concludes the expenditure is legally authorized, the Board must approve the request. In the event outside counsel is engaged to review a request and finds the request

to be for an authorized purpose, but the time required for outside-counsel review results in the imposition of a late payment penalty, the Board will authorize payment from another County fund to pay the penalty.

Applicability

This Policy applies only to the review by the Board of proposed expenditures of monies from the Fund to be made by the County Attorney from the County Attorney's sub-account. It does not apply to sub-accounts of other law enforcement agencies that are held within the Fund administered by the County Attorney.

Adopted Date: September 19, 2017
Effective Date: September 19, 2017

ATTACHMENT A

Pima County Attorney's Office

MEMORANDUM

TO: David Smutzer, Legal Administrator

FROM: Kevin Krejci, Supervising Prosecutor, Forfeitures Unit

DATE: _____

RE: Approval of purpose/use of distribution of Pima County Attorney anti-racketeering funds under state law

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I have reviewed the attached _____ request for approval of the purpose/use of funds held by the Pima County Attorney in its state sub-account of the Pima County Attorney's Anti-Racketeering Revolving Fund. The request is APPROVED for the reason that the description of the purpose/use appears consistent with the following purpose(s)/use(s) by state law:

___ Funding a gang prevention program. ARS § 13-2314.03(F).

___ Funding a substance abuse education program. ARS § 13-2314.03(F).

___ Funding a program that provides assistance to victims of a criminal offense that is listed in A.R.S. §13-2301. ARS § 13-2314.03(F).

___ Funding for witness protection pursuant to A.R.S. § 11-536. ARS § 13-2314.03(F).

___ Funding the investigation and prosecution of any offense included in the definition of racketeering in A.R.S. §§ 13-2301(D)(4) or 13-2312, including civil enforcement. ARS § 13-2314.03(F).

___ Funding for a purpose permitted by federal law relating to the disposition of any property transferred to a law enforcement agency. ARS § 13-2314.03(F). Reference: USDOJ *Guide to Equitable Sharing for State and Local Law Enforcement Agencies* (2009) (*Guide*) & Interim guidelines section V.B. (July 2014), specifically subsec(s) _____.

___ These monies will provide support of a community-based program (*see* the *Guide*, Interim guidelines sections V.B.1.l. (July 2014)). The *Certification by Community Organization Applicant* and *Community Organization Application for Funding Assistance from Pima County Anti-Racketeering Funds* is attached.

___ Funding to compromise and pay claims against forfeited property. ARS § 13-4315(A)(5).

___ Funds to pay expenses necessary to seize, detain, appraise inventory, protect, maintain, preserve the availability of, advertise or sell property that is subject to forfeiture; or any other necessary expenses incident to the seizure, detention, preservation or forfeiture of the property. ARS § 13-4315(C)(1).

___ Funding to pay awards for information or assistance which led to a civil or criminal proceeding under the Criminal Code. ARS § 13-4315(C)(2).

Notes/Special Instructions:

ATTACHMENT B

COMMUNITY ORGANIZATION APPLICATION
FOR FUNDING ASSISTANCE FROM PIMA COUNTY ANTI-RACKETEERING FUNDS

Community Organization _____

Executive Director/Agency Head _____

Law Enforcement Agency _____

Date _____ Amount requested _____

The Pima County Anti-Racketeering Revolving Fund has been created by forfeiture of property that constituted the proceeds of crime or that was used or intended to be used to commit crime. **Use of the funds is restricted to law enforcement purposes**, however transfers to community-based programs, whose missions are supportive of and consistent with **a law enforcement** effort, policy, or initiative are permitted.

> NOTE: **A program may benefit the community generally, but still not qualify for Pima County Anti-Racketeering Revolving Fund funds.** To qualify, a program must specifically involve law enforcement personnel or otherwise include specific content which extends or enhances the efforts of law enforcement in the community, such as assisting victims of crime, preventing crime including by providing programs for at-risk youth, deterring crime, rehabilitation of offenders, emergency response by law enforcement, protecting people and property from crime, reducing the effects of crime, etc.

Describe the community-based program for which funds are being sought and how the program benefits the community:

_____
_____
_____
_____
_____
_____
_____
_____

Specifically, what law enforcement effort, policy, and/or initiative of this agency does this program support in this community?

_____
_____
_____
_____
_____
_____

Describe in detail how this program is supportive of and consistent with this law enforcement agency's efforts, policies, and/or initiatives in the community. What elements of the program specifically enhance or extend the efforts of law enforcement in the community, and how does the program do this?

As specifically as possible, please indicate how the funds requested will be used by this program (that is, to purchase supplies, equipment, and/or services; covering costs of participants or attendees; etc. **Direct cash transfers or gifts are not permitted**):

ATTACHMENT B

CERTIFICATION BY COMMUNITY ORGANIZATION APPLICANT

Applicants for funds must certify in writing the following aspects of its background and compliance with Arizona and federal law and Department of Justice guidelines:

I, the undersigned head of the applicant entity, certify that:

		Yes	No
A.	Applicant is a state, county, or local government department or agency; or applicant is a private, non-profit 501(c)(3) or (4) organization. Tax I.D. Number: _____	☐	☐
B.	Applicant is primarily engaged in providing a program that is both community-based and supportive of and consistent with a law enforcement effort, policy, or initiative.	☐	☐
C.	Applicant agrees to account separately for all anti-racketeering funds received.	☐	☐
D.	Applicant agrees to utilize and apply standard accounting requirements and practices employed under state or local law for recipients of federal, state, or local funds and to provide documentation for any audit that may be performed by a governmental entity authorized to audit the use of such funds.	☐	☐
E.	Applicant is in compliance with federal civil rights laws.	☐	☐
F.	Applicant is in compliance with all other Arizona and federal laws that apply to applicant.	☐	☐
G.	No officer, director, trustee, or fiduciary of the applicant has been convicted of a felony offense under federal or state law, or convicted of any drug offense.	☐	☐
H.	Applicant agrees not to use funds for personal or political purposes.	☐	☐
I.	Applicant agrees that funds will not be used for any purpose that would constitute an improper or illegal use under the laws, rules, regulations, or orders of the state or local jurisdiction in which the applicant is located.	☐	☐

_____ Print Name of Requesting Agency Director

_____ Signature of Requesting Agency Director

I have reviewed the foregoing request, and based on the organization's certifications and the information provided by the organization, the recipient of the funds is a qualified entity and the program for which funds are sought is consistent with and supportive of a

law enforcement effort, policy, and/or initiative of this agency. (If the funding is to be from DOJ equitable sharing sources, all additional requirements for use of such funds have also been fulfilled; Treasury funds may not be used for support of community-based programs.)

_____
Print Name of Chief Law Enforcement Officer

_____
Signature of Chief Law Enforcement Officer

Date _____

ATTACHMENT 3

13-2314.03. County anti-racketeering revolving fund; use of fund; reports

A. The board of supervisors of a county shall establish a county anti-racketeering revolving fund administered by the county attorney under the conditions and for the purposes provided by this section.

B. Any prosecution and investigation costs, including attorney fees, recovered for the county as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by the board of supervisors.

C. Any monies received by any department or agency of this state or any political subdivision of this state from any department or agency of the United States or another state as a result of participation in any investigation or prosecution, whether by final judgment, settlement or otherwise, shall be deposited in the fund established pursuant to this section or in the fund established by section 13-2314.01.

D. Any monies obtained as a result of a forfeiture by the county attorney under this title or under federal law shall be deposited in the fund established pursuant to this section. Any monies or other property obtained as a result of a forfeiture by any political subdivision of this state or the federal government may be deposited in the fund established pursuant to this section or in the fund established by section 13-2314.01. Monies deposited in the fund pursuant to this section or section 13-4315 shall accrue interest and shall be held for the benefit of the agency or agencies responsible for the seizure or forfeiture to the extent of their contribution.

E. Except as provided in subsections G and H of this section, the monies and interest shall be distributed to the agency or agencies responsible for the seizure or forfeiture within thirty days of application. The agency or agencies applying for monies must submit an application in writing to the county attorney that includes a description of what the requested monies will be used for. The county attorney may deny an application that requests monies for a purpose that is not authorized by this section, section 13-4315 or federal law. Except in an emergency, before the county attorney's office may use any monies from the fund, the county attorney shall submit an application that includes a description of what the requested monies will be used for to the board of supervisors. The board of supervisors shall approve the county attorney's use of the monies if the purpose is authorized by this section, section 13-4315 or federal law. If an application is not submitted to the board of supervisors before the county attorney's office uses monies from the fund because of an emergency, the application must be submitted to the board of supervisors within a reasonable amount of time after the monies are used. The board of supervisors, at its next meeting, shall review and ratify, if appropriate, the county attorney's use of the monies. The board of supervisors may retain outside counsel, if necessary, to approve, review or ratify the county attorney's use of the monies.

F. Monies in the fund may be used for the funding of gang prevention programs, substance abuse prevention programs, substance abuse education programs, programs that provide assistance to victims of a criminal offense that is listed in section 13-2301 and witness protection pursuant to section 11-536 or for any purpose permitted by federal law relating to the disposition of any property that is transferred to a law enforcement agency. Monies in the fund may be used for the investigation and prosecution of any offense included in the definition of racketeering in section 13-2301,

subsection D, paragraph 4 or section 13-2312, including civil enforcement, and for the costs of the reports and application and expenditure reviews and approvals that are required by this section.

G. On or before February 21, May 21, August 21 and November 21 of each year, the county attorney shall file with the Arizona criminal justice commission a report for the previous calendar quarter. The report shall be in an electronic form that is prescribed by the Arizona criminal justice commission and approved by the director of the joint legislative budget committee. The report shall set forth the sources of all monies and all expenditures as required by subsections J and K of this section. The report shall not include any identifying information about specific investigations. If the county attorney fails to file a report within sixty days after it is due and there is no good cause as determined by the Arizona criminal justice commission, the county attorney shall make no expenditures from the fund for the benefit of the county attorney until the report is filed.

H. On or before January 28, April 28, July 28 and October 28 of each year, each political subdivision of this state receiving monies pursuant to this section or section 13-2314.01 or 13-4315 or from any department or agency of the United States or another state as a result of participating in any investigation or prosecution shall file with the board of supervisors of the county in which the political subdivision is located, each city or town council in which the political subdivision is located and the county attorney of the county in which the political subdivision is located a report for the previous calendar quarter. The report shall be in an electronic form that is prescribed by the Arizona criminal justice commission and approved by the director of the joint legislative budget committee. The report shall set forth the sources of all monies and all expenditures as required by subsection K of this section. The report shall not include any identifying information about specific investigations. If a political subdivision of this state fails to file a report within forty-five days after the report is due and there is no good cause as determined by the Arizona criminal justice commission, the county attorney shall make no expenditures from the fund for the benefit of the political subdivision until the report is filed. The county attorney shall be responsible for collecting all reports from political subdivisions within that county and transmitting the reports to the Arizona criminal justice commission at the time that the county report required pursuant to subsection G of this section is submitted.

I. On or before the last day of February, May, August and November of each year, the Arizona criminal justice commission shall compile all county attorney reports into a single comprehensive report for the previous calendar quarter and all political subdivision reports into a single comprehensive report for the previous calendar quarter and submit an electronic copy of each comprehensive report to the governor, the president of the senate, the speaker of the house of representatives, the director of the joint legislative budget committee and the secretary of state.

J. The report that is required by subsection G of this section must include all of the following information if monies were obtained as a result of a forfeiture:

1. The name of the law enforcement agency that seized the property.

2. The date of the seizure for forfeiture.

3. The type of property seized and a description of the property seized, including, if applicable, the make, the model and the serial number of the property.

4. The location of the original seizure by law enforcement.

5. The estimated value of the property seized for forfeiture, not excluding encumbrances.

6. The criminal statute that allowed the seizure for forfeiture.

7. The criminal statute charged in any criminal case that is related to the forfeiture case, if known at the time of the report.

8. The court case number of any criminal case that is related to the forfeiture case, if known at the time of the report.

9. The outcome of any criminal case that is related to the forfeiture case, if known at the time of the report.

10. If the property was seized by a state agency and submitted for state forfeiture proceedings but was transferred to federal authorities for forfeiture proceedings, the reason for the federal transfer.

11. The forfeiture case number.

12. The method of forfeiture proceeding, including whether it was criminal or civil, and if civil, whether the civil forfeiture was judicial or uncontested pursuant to section 13-4309.

13. The venue of the forfeiture action.

14. Whether a person or entity filed a claim or counterclaim or submitted a petition asserting an interest in the property as an owner, interest holder or injured person.

15. Whether the owner, interest holder or injured person was assisted by an attorney in the forfeiture case.

16. The date of the forfeiture decision.

17. Whether there was a forfeiture settlement agreement.

18. Whether the property was awarded or partially awarded to the owner, partial owner or injured person or if the property was forfeited to the state.

19. Whether the property was sold, destroyed or retained by law enforcement.

20. The earliest date that the property was disposed of or sent for disposition.

21. The net amount of monies received from the forfeiture.

22. The estimated administrative and storage costs and any other costs, including any costs of litigation.

23. The amount of attorney fees, costs, expenses and damages awarded and to whom the fees, costs, expenses or damages were awarded.

K. The reports that are required by subsections G and H of this section must include the following information with regard to all expenditures made from the fund for:

1. Crime, gang and substance abuse prevention programs.

2. Any injured person as defined in section 13-4301.

3. Witness protection.

4. Investigation costs, including informant fees and buy money.

5. Regular-time salaries, overtime pay and employee benefits of prosecutors.

6. Regular-time salaries, overtime pay and employee benefits of sworn law enforcement agency personnel other than prosecutors.

7. Regular-time salaries, overtime pay and employee benefits of unsworn law enforcement agency personnel other than prosecutors.

8. Professional or outside services, including services related to auditing, outside attorney fees, court reporting, expert witnesses and other court costs.

9. Travel and meals.

10. Training.

11. Conferences.

12. Vehicles purchased or leased.

13. Vehicle maintenance.

14. Canines, firearms and related equipment, including tactical gear.

15. Other capital expenditures, including furniture, computers and office equipment.

16. External publications and communications.

17. Other operating expenses, including office supplies, postage and printing. Expenses listed under this paragraph must be separately categorized.

18. Any emergency use when monies were used from the fund before an application to use the monies was approved.

13-2301. Definitions

A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

1. "Collect an extension of credit" means to induce in any way any person to make repayment of that extension.

2. "Creditor" means any person making an extension of credit or any person claiming by, under or through any person making an extension of credit.

3. "Debtor" means any person to whom an extension of credit is made or any person who guarantees the repayment of an extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom an extension is made to repay the extension.

4. "Extend credit" means to make or renew any loan or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

5. "Extortionate extension of credit" means any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person or the reputation or property of any person.

6. "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person or the reputation or property of any person.

7. "Repayment of any extension of credit" means the repayment, satisfaction or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

B. For the purposes of section 13-2305, 13-2306 or 13-2307:

1. "Dealer in property" means a person who buys and sells property as a business.

2. "Stolen property" means property of another as defined in section 13-1801 that has been the subject of any unlawful taking.

3. "Traffic" means to sell, transfer, distribute, dispense or otherwise dispose of stolen property to another person, or to buy, receive, possess or obtain control of stolen property, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the property to another person.

C. For the purposes of this chapter:

1. "Animal activity" means a commercial enterprise that uses animals for food, clothing or fiber production, agriculture or biotechnology.

2. "Animal facility" means a building or premises where a commercial activity in which the use of animals is essential takes place, including a zoo, rodeo, circus, amusement park, hunting preserve and horse and dog event.

3. "Animal or ecological terrorism" means any felony in violation of section 13-2312, subsection B that involves at least three persons acting in concert, that involves the intentional or knowing infliction of property damage in an amount of more than ten thousand dollars to the property that is used by a person for the operation of a lawfully conducted animal activity or to a commercial enterprise that is engaged in a lawfully operated animal facility or research facility and that involves either:

(a) The use of a deadly weapon or dangerous instrument.

(b) The intentional or knowing infliction of serious physical injury on a person engaged in a lawfully conducted animal activity or participating in a lawfully conducted animal facility or research facility.

4. "Biological agent" means any microorganism, virus, infectious substance or biological product that may be engineered through biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance or biological product and that is capable of causing any of the following:

(a) Death, disease or physical injury in a human, animal, plant or other living organism.

(b) The deterioration or contamination of air, food, water, equipment, supplies or material of any kind.

5. "Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though such persons may not know each other's identity, membership in the combination changes from time to time or one or more members may stand in a wholesaler-retailer or other arm's length relationship with others as to activities or dealings between or among themselves in an illicit operation.

6. "Communication service provider" has the same meaning prescribed in section 13-3001.

7. "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, on a continuing basis in conduct that violates any one or more provisions of any felony statute of this state.

8. "Explosive agent" means an explosive as defined in section 13-3101 and flammable fuels or fire accelerants in amounts over fifty gallons but excludes:

(a) Fireworks as defined in section 36-1601.

(b) Firearms.

(c) A propellant actuated device or propellant actuated industrial tool.

(d) A device that is commercially manufactured primarily for the purpose of illumination.

(e) A rocket having a propellant charge of less than four ounces.

9. "Material support or resources" includes money or other financial securities, financial services, lodging, sustenance, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, disguises and other physical assets but does not include medical assistance, legal assistance or religious materials.

10. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by any of the following:

(a) This state or a political subdivision as defined in section 38-502.

(b) A public agency as defined in section 38-502.

(c) The federal government.

(d) A health care institution as defined in section 36-401.

11. "Research facility" means a laboratory, institution, medical care facility, government facility, public or private educational institution or nature preserve at which a scientific test, experiment or investigation involving the use of animals is lawfully carried out, conducted or attempted.

12. "Terrorism" means any felony, including any completed or preparatory offense, that involves the use of a deadly weapon or a weapon of mass destruction or the intentional or knowing infliction of serious physical injury with the intent to do any of the following:

(a) Influence the policy or affect the conduct of this state or any of the political subdivisions, agencies or instrumentalities of this state.

(b) Cause substantial damage to or substantial interruption of public communications, communication service providers, public transportation, common carriers, public utilities, public establishments or other public services.

(c) Intimidate or coerce a civilian population and further the goals, desires, aims, public pronouncements, manifestos or political objectives of any terrorist organization.

13. "Terrorist organization" means any organization that is designated by the United States department of state as a foreign terrorist organization under section 219 of the immigration and nationality act (8 United States Code section 1189).

14. "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances or a recombinant molecule, whatever its origin or method of reproduction, including:

(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism.

(b) Any poisonous isomer or biological product, homolog or derivative of such a substance.

15. "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, that is capable of carrying a biological agent or toxin to a host.

16. "Weapon of mass destruction" means:

(a) Any device or object that is designed or that the person intends to use to cause multiple deaths or serious physical injuries through the use of an explosive agent or the release, dissemination or impact of a toxin, biological agent or poisonous chemical, or its precursor, or any vector.

(b) Except as authorized and used in accordance with a license, registration or exemption by the department of health services pursuant to section 30-672, any device or object that is designed or that the person intends to use to release radiation or radioactivity at a level that is dangerous to human life.

D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315, unless the context otherwise requires:

1. "Control", in relation to an enterprise, means the possession of sufficient means to permit substantial direction over the affairs of an enterprise and, in relation to property, means to acquire or possess.

2. "Enterprise" means any corporation, partnership, association, labor union or other legal entity or any group of persons associated in fact although not a legal entity.

3. "Financial institution" means any business under the jurisdiction of the department of financial institutions or a banking or securities regulatory agency of the United States, a business coming within the definition of a bank, financial agency or financial institution as prescribed by 31 United States Code section 5312 or 31 Code of Federal Regulations section 1010.100 or a business under the jurisdiction of the securities division of the corporation commission, the state real estate department or the department of insurance.

4. "Racketeering" means any act, including any preparatory or completed offense, that is chargeable or indictable under the laws of the state or country in which the act occurred and, if the act occurred in a state or country other than this state, that would be chargeable or indictable under the laws of this state if the act had occurred in this state, and that would be punishable by imprisonment for more than one year under the laws of this state and, if the act occurred in a state or country other than this state, under the laws of the state or country in which the act occurred, regardless of whether the act is charged or indicted, and the act involves either:

(a) Terrorism, animal terrorism or ecological terrorism that results or is intended to result in a risk of serious physical injury or death.

(b) Any of the following acts if committed for financial gain:

(i) Homicide.

(ii) Robbery.

(iii) Kidnapping.

(iv) Forgery.

(v) Theft.

(vi) Bribery.

(vii) Gambling.

(viii) Usury.

(ix) Extortion.

(x) Extortionate extensions of credit.

(xi) Prohibited drugs, marijuana or other prohibited chemicals or substances.

(xii) Trafficking in explosives, weapons or stolen property.

(xiii) Participating in a criminal syndicate.

(xiv) Obstructing or hindering criminal investigations or prosecutions.

(xv) Asserting false claims, including false claims asserted through fraud or arson.

(xvi) Intentional or reckless false statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands.

(xvii) Resale of realty with intent to defraud.

(xviii) Intentional or reckless fraud in the purchase or sale of securities.

(xix) Intentional or reckless sale of unregistered securities or real property securities.

(xx) A scheme or artifice to defraud.

(xxi) Obscenity.

(xxii) Sexual exploitation of a minor.

(xxiii) Prostitution.

(xxiv) Restraint of trade or commerce in violation of section 34-252.

(xxv) Terrorism.

(xxvi) Money laundering.

(xxvii) Obscene or indecent telephone communications to minors for commercial purposes.

(xxviii) Counterfeiting marks as proscribed in section 44-1453.

(xxix) Animal terrorism or ecological terrorism.

(xxx) Smuggling of human beings.

(xxxi) Child sex trafficking.

(xxxii) Sex trafficking.

(xxxiii) Trafficking of persons for forced labor or services.

(xxxiv) Manufacturing, selling or distributing misbranded drugs in violation of section 13-3406, subsection A, paragraph 9.

5. "Records" means any book, paper, writing, computer program, data, image or information that is collected, recorded, preserved or maintained in any form of storage medium.

6. "Remedy racketeering" means to enter a civil judgment pursuant to this chapter or chapter 39 of this title against property or a person who is subject to liability, including liability for injury to the state that is caused by racketeering or by actions in concert with racketeering.

E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

1. "Access" means to instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or network.

2. "Access device" means any card, token, code, account number, electronic serial number, mobile or personal identification number, password, encryption key, biometric identifier or other means of account access, including a canceled or revoked access device, that can be used alone or in conjunction with another access device to obtain money, goods, services, computer or network access or any other thing of value or that can be used to initiate a transfer of any thing of value.

3. "Computer" means an electronic device that performs logic, arithmetic or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, software or communication facilities that are connected or related to such a device in a system or network.

4. "Computer contaminant" means any set of computer instructions that is designed to modify, damage, destroy, record or transmit information within a computer, computer system or network without the intent or permission of the owner of the information, computer system or network. Computer contaminant includes a group of computer instructions, such as viruses or worms, that is self-replicating or self-propagating and that is designed to contaminate other computer programs or computer data, to consume computer resources, to modify, destroy, record or transmit data or in some other fashion to usurp the normal operation of the computer, computer system or network.

5. "Computer program" means a series of instructions or statements, in a form acceptable to a computer, that permits the functioning of a computer system in a manner designed to provide appropriate products from the computer system.

6. "Computer software" means a set of computer programs, procedures and associated documentation concerned with the operation of a computer system.

7. "Computer system" means a set of related, connected or unconnected computer equipment, devices and software, including storage, media and peripheral devices.

8. "Critical infrastructure resource" means any computer or communications system or network that is involved in providing services necessary to ensure or protect the public health, safety or welfare, including services that are provided by any of the following:

(a) Medical personnel and institutions.

(b) Emergency services agencies.

(c) Public and private utilities, including water, power, communications and transportation services.

(d) Fire departments, districts or volunteer organizations.

(e) Law enforcement agencies.

(f) Financial institutions.

(g) Public educational institutions.

(h) Government agencies.

9. "False or fraudulent pretense" means the unauthorized use of an access device or the use of an access device to exceed authorized access.

10. "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card or marketable security or any other written instrument as defined in section 13-2001 that is transferable for value.

11. "Network" includes a complex of interconnected computer or communication systems of any type.

12. "Property" means financial instruments, information, including electronically produced data, computer software and programs in either machine or human readable form, and anything of value, tangible or intangible.

13. "Proprietary or confidential computer security information" means information about a particular computer, computer system or network that relates to its access devices, security practices, methods and systems, architecture, communications facilities, encryption methods and system vulnerabilities and that is not made available to the public by its owner or operator.

14. "Services" includes computer time, data processing, storage functions and all types of communication functions.

36-401. Definitions; adult foster care

A. In this chapter, unless the context otherwise requires:

1. "Accredited health care institution" means a health care institution, other than a hospital, that is currently accredited by a nationally recognized accreditation organization.

2. "Accredited hospital" means a hospital that is currently accredited by a nationally recognized organization on hospital accreditation.

3. "Adult day health care facility" means a facility that provides adult day health services during a portion of a continuous twenty-four-hour period for compensation on a regular basis for five or more adults who are not related to the proprietor.

4. "Adult day health services" means a program that provides planned care supervision and activities, personal care, personal living skills training, meals and health monitoring in a group setting during a portion of a continuous twenty-four-hour period. Adult day health services may also include preventive, therapeutic and restorative health-related services that do not include behavioral health services.

5. "Adult foster care home" means a residential setting that provides room and board and adult foster care services for at least one and no more than four adults who are participants in the Arizona long-term care system pursuant to chapter 29, article 2 of this title or contracts for services with the United States department of veterans affairs and in which the sponsor or the manager resides with the residents and integrates the residents who are receiving adult foster care into that person's family.

6. "Adult foster care services" means supervision, assistance with eating, bathing, toileting, dressing, self-medication and other routines of daily living or services authorized by rules adopted pursuant to section 36-405 and section 36-2939, subsection C.

7. "Assisted living center" means an assisted living facility that provides resident rooms or residential units to eleven or more residents.

8. "Assisted living facility" means a residential care institution, including an adult foster care home, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuous basis.

9. "Assisted living home" means an assisted living facility that provides resident rooms to ten or fewer residents.

10. "Behavioral health services" means services that pertain to mental health and substance use disorders and that are either:

(a) Performed by or under the supervision of a professional who is licensed pursuant to title 32 and whose scope of practice allows for the provision of these services.

(b) Performed on behalf of patients by behavioral health staff as prescribed by rule.

11. "Construction" means the building, erection, fabrication or installation of a health care institution.

12. "Continuous" means available at all times without cessation, break or interruption.

13. "Controlling person" means a person who:

(a) Through ownership, has the power to vote at least ten percent of the outstanding voting securities.

(b) If the applicant or licensee is a partnership, is the general partner or a limited partner who holds at least ten percent of the voting rights of the partnership.

(c) If the applicant or licensee is a corporation, an association or a limited liability company, is the president, the chief executive officer, the incorporator or any person who owns or controls at least ten percent of the voting securities. For the purposes of this subdivision, corporation does not include nonprofit corporations.

(d) Holds a beneficial interest in ten percent or more of the liabilities of the applicant or the licensee.

14. "Department" means the department of health services.

15. "Directed care services" means programs and services, including supervisory and personal care services, that are provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

16. "Direction" means authoritative policy or procedural guidance for the accomplishment of a function or activity.

17. "Director" means the director of the department of health services.

18. "Facilities" means buildings that are used by a health care institution for providing any of the types of services as defined in this chapter.

19. "Freestanding urgent care center":

(a) Means an outpatient treatment center that, regardless of its posted or advertised name, meets any of the following requirements:

(i) Is open twenty-four hours a day, excluding at its option weekends or certain holidays, but is not licensed as a hospital.

(ii) Claims to provide unscheduled medical services not otherwise routinely available in primary care physician offices.

(iii) By its posted or advertised name, gives the impression to the public that it provides medical care for urgent, immediate or emergency conditions.

(iv) Routinely provides ongoing unscheduled medical services for more than eight consecutive hours for an individual patient.

(b) Does not include the following:

(i) A medical facility that is licensed under a hospital's license and that uses the hospital's medical provider number.

(ii) A qualifying community health center pursuant to section 36-2907.06.

(iii) Any other health care institution licensed pursuant to this chapter.

(iv) A physician's office that offers extended hours or same-day appointments to existing and new patients and that does not meet the requirements of subdivision (a), item (i), (iii) or (iv) of this paragraph.

20. "Governing authority" means the individual, agency, partners, group or corporation, appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the health care institution are vested.

21. "Health care institution" means every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in section 36-151, outdoor behavioral health care programs and hospice service agencies. Health care institution does not include a community residential setting as defined in section 36-551.

22. "Health-related services" means services, other than medical, that pertain to general supervision, protective, preventive and personal care services, supervisory care services or directed care services.

23. "Health screening services" means the acquisition, analysis and delivery of health-related data of individuals to aid in the determination of the need for medical services.

24. "Hospice" means a hospice service agency or the provision of hospice services in an inpatient facility.

25. "Hospice service" means a program of palliative and supportive care for terminally ill persons and their families or caregivers.

26. "Hospice service agency" means an agency or organization, or a subdivision of that agency or organization, that is engaged in providing hospice services at the place of residence of its clients.

27. "Inpatient beds" or "resident beds" means accommodations with supporting services, such as food, laundry and housekeeping, for patients or residents who generally stay in excess of twenty-four hours.

28. "Licensed capacity" means the total number of persons for whom the health care institution is authorized by the department to provide services as required pursuant to this chapter if the person is expected to stay in the health care institution for more than twenty-four hours. For a hospital, licensed capacity means only those beds specified on the hospital license.

29. "Medical services" means the services that pertain to medical care and that are performed at the direction of a physician on behalf of patients by physicians, dentists, nurses and other professional and technical personnel.

30. "Modification" means the substantial improvement, enlargement, reduction or alteration of or other change in a health care institution.

31. "Nonproprietary institution" means any health care institution that is organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or that is operated by the state or any political subdivision of the state.

32. "Nursing care institution" means a health care institution that provides inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician.

33. "Nursing services" means those services that pertain to the curative, restorative and preventive aspects of nursing care and that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state.

34. "Organized medical staff" means a formal organization of physicians, and dentists where appropriate, with the delegated authority and responsibility to maintain proper standards of medical care and to plan for continued betterment of that care.

35. "Outdoor behavioral health care program" means an agency that provides behavioral health services in an outdoor environment as an alternative to behavioral health services that are provided in a health care institution with facilities. Outdoor behavioral health care programs do not include:

(a) Programs, facilities or activities that are operated by a government entity or that are licensed by the department as a child care program pursuant to chapter 7.1 of this title.

(b) Outdoor activities for youth that are designated to be primarily recreational and that are organized by church groups, scouting organizations or similar groups.

(c) Outdoor youth programs licensed by the department of economic security.

36. "Personal care services" means assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments by a nurse who is licensed pursuant to title 32, chapter 15 or as otherwise provided by law.

37. "Physician" means any person who is licensed pursuant to title 32, chapter 13 or 17.

38. "Recidivism reduction services" means services that are delivered by an adult residential care institution to its residents to encourage lawful behavior and to discourage or prevent residents who are suspected of, charged with or convicted of one or more criminal offenses, or whose mental health and substance use can be reasonably expected to place them at risk for the future threat of prosecution, diversion or incarceration, from engaging in future unlawful behavior.

39. "Recidivism reduction staff" means a person who provides recidivism reduction services.

40. "Residential care institution" means a health care institution other than a hospital or a nursing care institution that provides resident beds or residential units, supervisory care services, personal care services, behavioral health services, directed care services or health-related services for persons who do not need continuous nursing services.

41. "Residential unit" means a private apartment, unless otherwise requested by a resident, that includes a living and sleeping space, kitchen area, private bathroom and storage area.

42. "Respite care services" means services that are provided by a licensed health care institution to persons otherwise cared for in foster homes and in private homes to provide an interval of rest or relief of not more than thirty days to operators of foster homes or to family members.

43. "Substantial compliance" means that the nature or number of violations revealed by any type of inspection or investigation of a health care institution does not pose a direct risk to the life, health or safety of patients or residents.

44. "Supervision" means direct overseeing and inspection of the act of accomplishing a function or activity.

45. "Supervisory care services" means general supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis and assistance in the self-administration of prescribed medications.

46. "Temporary license" means a license that is issued by the department to operate a class or subclass of a health care institution at a specific location and that is valid until an initial licensing inspection.

47. "Unscheduled medical services" means medically necessary periodic health care services that are unanticipated or cannot reasonably be anticipated and that require medical evaluation or treatment before the next business day.

B. If there are fewer than four Arizona long-term care system participants receiving adult foster care in an adult foster care home, nonparticipating adults may receive other types of services that are authorized by law to be provided in the adult foster care home as long as the number of adults served, including the Arizona long-term care system participants, does not exceed four.

C. Nursing care services may be provided by the adult foster care licensee if the licensee is a nurse who is licensed pursuant to title 32, chapter 15 and the services are limited to those allowed pursuant to law. The licensee shall keep a record of nursing services rendered.

ATTACHMENT 4

Department of Justice Equitable Sharing Program

Interim policy guidance regarding the use of equitable sharing funds

Effective immediately, the policies outlined below replace the existing policies included in the Department of Justice *Guide to Equitable Sharing for State and Local Law Enforcement Agencies* (2009) (*Guide*) Section VIII.A.1 and 2. These policies will be incorporated into the next edition of the *Guide*.

V. What Are the Uses of Equitably Shared Property?

Asset forfeiture is a powerful tool that provides valuable resources to state and local law enforcement that may not have otherwise been available. Equitably shared funds must be used in accordance with this *Guide* for law enforcement purposes that directly supplement the appropriated resources of the recipient law enforcement agency. Sharing will be withheld from any state or local law enforcement agency where the governing body, state or local law, regulation, or policy requires or directs 1) specific expenditures of shared funds, 2) the transfer of federal equitable sharing funds to non-law enforcement agencies, or 3) expenditures for non-law enforcement purposes.

To avoid a conflict of interest or the appearance of a conflict of interest, any person or members of his or her immediate family who was involved in an investigation which led to the forfeiture of property to be sold is prohibited from purchasing, either directly or indirectly, that forfeited property.

A. General guidance on Supplantation and Budgeting

1. **Supplantation**—Shared funds must be used to increase or supplement the resources of the receiving state or local law enforcement agency or any other ultimate recipient agency. Shared funds **shall not be used** to replace or supplant the appropriated resources of the recipient. The recipient agency must benefit directly from the sharing. In determining whether supplantation has occurred, the Department of Justice will examine the law enforcement agency's budget as a whole and allow agencies to use equitable sharing funds for any permissible purpose as long as shared funds **increase** the **entire law enforcement budget**. The Department of Justice may terminate sharing with law enforcement agencies that are not permitted by their governing body to benefit directly from equitable sharing.

   Example of Improper Supplantation: A police department receives $100,000 in federal sharing money only to have its budget cut $100,000 by the city council. 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.

2. **Anticipated shared property should not be budgeted**—Agencies should not "spend it before you get it" or budget anticipated receipts. Receiving agencies may not commit to the spending of sharing funds for a certain purpose in advance. For example, if a local law enforcement agency files a Form DAG-71 and anticipates a 50 percent share of $100,000, the anticipated $50,000 should not be obligated or budgeted for two reasons: (1) the completion of the forfeiture is uncertain; and (2) the amount of the sharing that will ultimately be approved is also uncertain. However, agencies may earmark or budget sharing funds already received.

B. Use of shared funds

Except as noted in this *Guide*, equitably shared funds shall be used by law enforcement agencies for law enforcement purposes only. The uses outlined below are examples of permissible and impermissible expenditures. If an agency is unsure whether a proposed expenditure is permissible, it should email afmls.aca@usdoj.gov.

Shared funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, except as noted in salaries. The fact that shared property was forfeited by a particular unit or as a result of a particular federal violation does not limit its use to purchases only for that unit or to further investigations only for that particular federal violation. If an agency wishes to support a multi-agency expenditure, such as a new payroll system or city municipal building, with a non-law enforcement agency, the law enforcement agency's costs based on its use may be calculated on a pro-rata basis.

1. Permissible uses

a. **Law enforcement operations and investigations**—the support of investigations and operations that further the law enforcement goals or missions. For example, payments to informants, purchase of evidence, buy-back programs, "buy" money, reward money (annual dues paid to a crime tip organization or payment for a specific reward for information in a specific case), recruitment and advertisement costs, and translation and interpretation services.

b. **Law enforcement training and education**—the training of investigators, prosecutors, and sworn and non-sworn law enforcement personnel in any area that is necessary to perform official law enforcement duties. For example, training and conference registration fees, speaker fees, or costs to produce training curriculum. This provision does not permit donations or the transfer of funds to associations or organizations providing training.

   Tuition for law enforcement classes necessary to the performance of sworn or non-sworn personnel's official duties is also permitted. For example, criminal justice,

language, constitutional law, accounting/finance, or forensics classes could be permissible provided that the employee's regular duties require knowledge of such topics.

c. **Law enforcement, public safety, and detention facilities**—the costs associated with the purchase, lease, construction, expansion, improvement, or operation of law enforcement or detention facilities used or managed by the recipient agency. For example, the costs of leasing, operating, and furnishing an off-site undercover narcotics facility. Capital improvements should not be made on leased property or space since the law enforcement agency will not benefit from the improvements upon termination of the lease.

   Approval from AFMLS is required prior to building new facilities or making structural changes to existing facilities. Approval is not required for cosmetic or non-structural improvements such as cabling, electrical, interior walls, carpeting, or furniture costs.

d. **Law enforcement equipment**—the costs associated with the purchase, lease, maintenance, or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities. For example, furniture, file cabinets, office supplies, telecommunications equipment, copiers, safes, fitness equipment, computers, computer accessories and software, body armor, uniforms, firearms, radios, cellular telephones, electronic surveillance equipment, vehicles (e.g., patrol and unmarked vehicles), animals and animal-related expenses.

e. **Joint law enforcement/public safety operations** – the costs associated with the purchase of multi-use equipment and operations used by both law enforcement and non-law enforcement personnel. For example, 911 call center equipment, defibrillators, search and rescue boats, aircraft, and diving equipment. These expenditures are exempt from the pro-rata calculation. This provision does not include equipment to be used solely by non-law enforcement personnel, such as fire and EMS vehicles.

f. **Contracting for services** – the costs associated with a contract for a specific service that supports or enhances law enforcement is permitted. For example, helicopter services, feasibility studies, forensic accountant for a specific case, auditor to perform an audit of equitable sharing funds, subject matter expert, grant writer, software developer. Contracts for long-term and/or full-time employment services or services that should be provided by an agency employee are not permitted.

g. **Law enforcement travel and per diem**—the costs associated with travel and transportation to perform or in support of law enforcement duties and activities.

All related costs must be in accordance with the agency's per diem policy and must not create the appearance of extravagance or impropriety.

h. **Law enforcement awards and memorials**—the costs associated with the purchase of plaques and certificates for law enforcement personnel in recognition of a law enforcement achievement, activity, or training. Shared funds may not be used to pay awards in the form of cash or cash equivalents such as stored value cards.

   Shared funds may be used to pay the costs for commemorative plaques, displays, or memorials on law enforcement property that serve to recognize or memorialize a law enforcement officer's contributions, such as a memorial plaque or stone in honor of an agency's officers killed in the line of duty. The plaque, display, or memorial must not create the appearance of extravagance.

i. **Drug and gang education and other awareness programs**—the costs associated with conducting awareness programs by law enforcement agencies. For example, meeting costs, motivational speakers, child identification kits, and anti-crime literature or software.

j. **Matching funds**—the costs associated with paying a state or local law enforcement agency's matching contribution or share in a state or federal grant program for items other than salaries, provided that the grant funds are used for a permissible law enforcement purpose in accordance with this *Guide*. For information regarding the use of equitable sharing funds to match federal salary grants, *see* Section V.B.3.

k. **Transfers to other law enforcement agencies**—cash transfers of shared funds from one state or local law enforcement agency to another. In order to receive a cash transfer of shared funds, the law enforcement agency must be compliant with the Agreement, Certification, and Audit provisions of this *Guide* (*see* Section X). All cash transfers must be used in accordance with the permissible use provisions of this *Guide*. The agency transferring funds is responsible for verifying that the recipient agency is eligible to receive sharing. The transfer must be reported on the Equitable Sharing Agreement and Certification form filed by both the transferring and recipient agencies. Transferring agencies must verify the recipient agency's compliance at the time of transfer on the agency compliance list found on AFMLS' public website.

l. **Support of community-based programs**—transfers of shared funds from a state or local law enforcement agency to a state, county, or local governmental agency or community non-profit organization (501(c)(3) or (4)). An agency may, at its discretion, transfer up to a total of $25,000 of its shared funds annually to community-based programs whose missions are supportive of and consistent with a law enforcement effort, policy, and/or initiative. Examples include a drug

treatment facility, job skills program, or a youth program with drug and crime prevention education. The chief law enforcement officer must approve the transfer and must ensure the recipient is a qualified entity.

2. **Impermissible uses**

   a. **Use of forfeited property by non-law enforcement personnel**—Personnel from non-law enforcement agencies are not permitted to use shared vehicles, forfeited property, or items taken for official use or purchased with shared funds.

   b. **Creation of endowments or scholarships**—Shared funds may not be used to create or establish endowments or scholarships.

   c. **Uses contrary to the laws of the state or local jurisdiction**—Shared funds and property may not be used for any purpose that would constitute an illegal or improper use of state or local law enforcement funds or property under the laws, rules, regulations, and orders of the state or local jurisdiction of which the agency is a part.

   d. **Personal or political use of shared assets**—Shared funds may not be used for any use that creates the appearance that shared funds are being used for political gain or personal benefit. For example, campaign paraphernalia, gym memberships, bar, union, or other individual dues.

   e. **Purchase of food and beverages**—Shared funds may not be used to pay for food and beverages (alcoholic and non-alcoholic) except for meals during local operations. Shared funds may be used to purchase food and beverages if state or local law or rules governing reimbursement of expenses permit officers to be reimbursed for such expenses. For example, meals purchased for officers engaged in a disaster operation, such as earthquake or hurricane relief, or per diem for meals while an officer is on official travel.

   f. **Extravagant expenditures**—Recipient agencies should use federal sharing funds prudently and in such a manner as to avoid any appearance of extravagance, waste, or impropriety. For example, tickets to social events, hospitality suites at conferences, or meals or travel in excess of the per diem.

   g. **Petty cash accounts and stored value cards** – Shared funds may not be used to establish petty cash accounts, purchase prepaid credit cards (except for use as a form of payment for buy-back programs), or any other type of transaction where expenditures are not monitored and tracked to ensure permissibility in accordance with this *Guide*.

h. **Purchase of items for other law enforcement agencies** – Shared funds may not be used to purchase equipment or other permissible items for other law enforcement agencies. To ensure proper tracking and accounting of funds, agencies wishing to support other participating law enforcement agencies must transfer the cash required for such purchases to the recipient law enforcement agency. The recipient law enforcement agency must report the receipt of funds and the expenditure on its annual Equitable Sharing Agreement and Certification form. *See* Section V.B.1.k for inter-agency transfer of funds.

i. **Costs related to lawsuits** – Shared funds may not be used to pay attorney fees, settlement payments, or any other related costs of lawsuits involving the agency or its employees.

j. **Loans** – Shared funds may not be used as advance payment for expenditures being reimbursed or paid by other funds. For example, OCDETF overtime reimbursements and appropriated funds.

k. **Money laundering operations** – Shared funds may not be used to support state and local undercover money laundering operations.

3. Salaries

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. The purpose of this rule is to protect the integrity of the Asset Forfeiture and Equitable Sharing Programs so that the prospect of receiving equitable sharing funds does not influence, or appear to influence, law enforcement decisions.

Exceptions: Equitable sharing funds may be used to pay the salaries and benefits of current law enforcement officers and personnel in the limited situations listed below.[1]

Task force agencies may only pay salaries as a match to a federal grant or officer overtime. To avoid a conflict of interest, at no time can a task force member's full salary be paid with equitable sharing funds.

(1) **Matching federal grants**—Shared funds may be used to pay the match requirement for the salaries and benefits of current sworn and non-sworn law enforcement personnel funded by federal grant programs.

[1] For the purposes of this provision, prosecutors and members of the National Guard are considered sworn law enforcement personnel.

(2) **Overtime of officers and investigators**—Shared funds may be used to pay the overtime and benefits of current sworn and non-sworn law enforcement personnel involved in law enforcement operations.

(3) **Salary of an officer hired to replace an officer assigned to a task force**—Shared funds may be used to pay the salary and benefits of current, sworn law enforcement officers hired to fill vacancies created when a law enforcement agency assigns officers to a task force. The replacement officer cannot engage in the seizure of assets or narcotics law enforcement as a principal duty. A principal duty is a duty that the officer is expected to perform regularly.

In order to pay the replacement officer's salary with equitably shared funds, the task force to which the agency assigned an officer must be a law enforcement entity constituted under federal, state, or local law that is primarily engaged in specific and targeted law enforcement activities involving more than one law enforcement agency. In addition, the chief law enforcement officer of the agency assigning an officer must not maintain direct day-to-day operational control of the task force although he or she may participate in the policy-level control of such task force.

When a law enforcement agency has assigned an officer and paid for the replacement as specified above, and it becomes necessary to return the officer from the task force, the law enforcement agency may continue to use forfeited funds to pay for the salary and benefits of the replacement officer for a period not to exceed six months.

(4) **Specialized programs**—Shared funds may be used pay the salary and benefits of current, sworn law enforcement officers assigned to specialized programs which do not generally involve traditional law enforcement functions. For example, School Resource Officers (SRO) or officers assigned to programs such as DARE. SROs and other officers assigned to specialized programs must be employed by the law enforcement agency. If the officer does not serve in this position on a full time basis, only the pro rata portion of the salary and benefits covering the time worked in the specialized position may be paid with shared funds.