

RESOLUTION 2020-15

APPROVING THE VILLAGE OF SWANTON LAW ENFORCEMENT TRUST FUND
POLICY

WHEREAS, Ohio Revised Code Section 2981.13 permits the creation of a law enforcement trust fund by the legislative authority of a municipal corporation, and;

WHEREAS, Ohio Revised Code Section 2981.13 (C)(2)(a) requires a written internal control policy, and;

WHEREAS, it is in the best interest of the Village of Swanton to maintain these funds in accordance with the most current applicable laws.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Swanton, two-thirds (2/3) of the members elected thereto concurring and as follows:

Section One. The Law Enforcement Trust Fund written internal control policy, a copy of which is hereto attached as Exhibit A, is hereby approved

Section Two. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section Three. That this resolution shall be effective at the earliest time allowed by law.

First Reading: May 26, 2020

Second Reading: June 8, 2020

Third Reading: June 22, 2020

Vote on Passage

Moved: Rochelle

Second: Westhoven

YEAS: 6

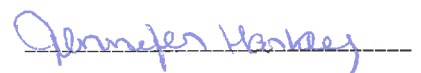
NAYS: 0

Date of Passage: June 22, 2020


Neil Toeppe, Mayor

Attest:

I, Jennifer Harkey, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Resolution 2020-15, passed on June 22, 2020.


Jennifer Harkey, Fiscal Officer

Village of Swanton, Ohio

Law Enforcement Trust Fund (2091)

This policy is established to meet the statutory requirements of Section 2981.13 (C)(2)(a) of the Ohio Revised Code which requires the formal adoption of a written internal control policy that addresses the use of money received and expended in the Law Enforcement Trust Fund and for compliance with the requirements of the Ohio Auditor of the State. The Village of Swanton establishes the following procedures for the internal control policy:

1. Custody of Property

- a. In accordance with ORC 2981.11, any property that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited and that is in the custody of the Village of Swanton Police Department shall be kept safely by the department, pending the time it is no longer needed as evidence or for another lawful purpose and shall be disposed of pursuant to section 2981.12 and 2981.13 of the ORC.
- b. Upon receipt of any property, the Swanton Police Department shall fully document the following:
 - i. Date the property was acquired
 - ii. Description of the property, and
 - iii. If the property was seized, the name of the person the property was seized from and the criminal charge and applicable ORC section.

2. Disposition of Property

- a. The Swanton Police Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify of when and where it may be claimed and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to possession, it is sufficient notice to advertise in the newspaper of general circulation and to briefly describe the nature of the property in custody and inviting persons to view and establish their right to it.
- b. Upon disposition of any property, the Swanton Police Department shall fully document the following:
 - i. Date the property was disposed
 - ii. Description of the property
 - iii. The manner the property was disposed
 - iv. Detailed financial records for any property that was sold; and
 - v. The name of any person who received the property when possible
- c. The record shall not identify or enable identification of the individual officer who seized any item of property
- d. Disposal of unclaimed or forfeited property shall be in accordance with Sections 2981.12 and 2981.13 of the ORC.

3. Expenditures

- a. Upon the expenditure of any funds in the Law Enforcement Trust Fund, the Swanton Police Department shall fully document the specific amount and reason expended.
- b. The record shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.
- c. In accordance with the ORC 2981.13(C)(2), a Law Enforcement Trust Fund monies may only be used for the following purposes:
 - i. To pay the costs of protracted or complex investigations or prosecutions;
 - ii. To provide reasonable technical training or expertise;
 - iii. To provide matching funds to obtain federal grants to aid law enforcement, in support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse;
 - iv. To pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory; or
 - v. For other law enforcement purposes that Council determines to be appropriate.

4. Reporting

- a. Swanton Police Department shall file a report with Council, no later than January 31 of the next calendar year, verifying that the moneys were expended only for the purposes authorized by this policy and specifying the amounts expended for each authorized purpose.
- b. The Fiscal Officer shall be responsible for maintaining the financial records of the fund including bank statements, appropriation requests, disbursements and receipts for property or services.