

# Equitable Sharing Agreement and Certification



Police Department     Prosecu	t ○ Sheriff Itor's Office	's Office ( Other (s	Task Force (Cospecify)	omplete Table	A, page2)
Agency Name: Austin	Police Departi	ment		101	
NCIC/ORI/Tracking N	umber: T X	2 2 7	0 1 0 0		
Street Address: 721 E	. 8th Street		1 0	V 1	
City: Austin			State: TX	<b>Zip:</b> <u>7870</u> :	1 31 5
Contact: Title: Asst Di	rector Fi	rst: Alice	La	st: Suter	
Contact: Phone: 51297	45069	E-mail:	alice.suter@ci.au	stin.tx.us	
Same as Preparer: First	: Alice		Last: Suter	i <sub>a</sub>	
Contact Preparer: Pho	ne: 5129745069	E	-mail: alice.suter@	©ci.austin.tx.us	
Last Fiscal Year End:	09/30/2010	Agency Cu	ırrent Fiscal Yea	r Budget:	\$250,607,672.00
New Participant:  • Existing Participant:		nual Certificati	eement (page 5) and on Report, read the E		(page 6) Agreement (page 5),
Amended Form:		al Certification I	Report, read the Equi	table Sharing Agr	eement (page 5),

### **Annual Certification Report**

Justice Funds<sup>1</sup> Treasury Funds<sup>2</sup> **Summary of Equitable Sharing Activity** Beginning Equitable Sharing Fund Balance (must match \$630,900.32 \$2,206,749.58 Ending Equitable Sharing Fund Balance from prior FY) 2 Federal Sharing Funds Received \$756,488.86 \$888,778.31 Federal Sharing Funds Received from Other Law Enforcement 3 Agencies and Task Forces (complete Table B, page 2) Other Income \$22,126.36 Non-Interest Bearing 5 Interest Income Accrued \$12,109.44 \$31,894.23 Interest Bearing Total Equitable Sharing Funds (total of lines 1 - 5) \$1,399,498.62 \$3,149,548.48 Federal Sharing Funds Spent (total of lines a - m below) \$190,323.03 \$973,980.35 Ending Balance (difference between line 7 and line 6) \$1,209,175.59 \$2,175,568.13

Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

<sup>&</sup>lt;sup>2</sup> Treasury Agencies are: IRS, ICE, CBP, USSS, and USCG.

genc	y Name:	1 2/4 1/1/14	IIVI.				
l the	juitable Sharing Funds Received from other Agencies amount transferred to each agency on separate lines sferring Agency Name, City, and State	Ju	ıstice Fı	unds	Trea	asury	/ Fu
	enibers of Task Force	NC	IC/ORI/	Track	ng Nu	mbe	r
	out the following tables, if applicable.  embers of Task Force						
0	Did your agency receive non-cash assets?   Yes No If ye	s, complete Table H	l, page 3	J			
'n	Total	\$190,323.0			973,98	80.3	5
m,	Total spent on matching grants (complete Table G, page 3)						
١	Total Windfall Transfers to Other Government Agencies (complete Table F, page 3)	=		n(==36)			1
k	Total Expenditures in Support of Community-based Programs (complete Table E, page 3)						
j	Total spent on other law enforcement expenses (complete Table D, page 3)	\$129,010.0	07	\$	234,6	85.4	1
i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)				18		
h	Total spent on buildings and Improvements			0	\$10,7	25.9	4
g	Total spent on electronic surveillance equipment	\$46,636.4	46	\$	254,6	69.7	1
f	Total spent on weapons and protective gear	=			\$45,2	63.0	7
е	Total spent on communications and computers			- \$	415,0	68.3	8
d	Total spent on travel and training	\$14,676.	50		\$10,2	30.3	4
С	Total spent on informants, "buy money," and rewards		55		\$3,3	37.5	0
b	Total spent on overtime						
а	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the Justice Guide						

**Justice Funds** 

**Treasury Funds** 

**Summary of Shared Monies Spent** 

NCIC/ORI/Tracking Number:

NCIC/ORI/Tracking Number:

**Agency Name:** 

**Table C: Equitable Sharing Funds Transferred to Other Agencies** Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State

**Treasury Funds** 

**Justice Funds** 

#### **Table D: Other Law Enforcement Expenses**

Description of Expense	Justice Funds	Treasury Funds
Law Enforcement Lake Patrol boats (2 with accessories)	\$99,637.94	\$121,128.78
Live fire mobile shooting trailer (portion of cost only)		\$39,239.28
Lexipol subscription		\$36,962.50
Specialized law enforcement uniforms-motors		\$37,098.04
Motor stand for law enforcement aircraft maintenance	\$6,840.00	
Local share of forfeited vehicles awarded plus storage costs	\$22,532.13	
Sales fee for forfeited vehicles sold - ref revenue on line 4		\$256.81

### Table E: Expenditures in Support of Community-based Programs

Refer to § VIII.A.1.m and Appendix C of the Justice Guide

Recipient

Justice Funds

Table F:	Windfall	Transfers t	o Other G	overnment	<b>Agencies</b>
iable t.	Atmodes	1101131613	o outer o	A 4 41 111 11 41 11 11	90

Refer to § VIII.A.1.n of the <i>Justice Guide</i> and pp. 25-26 of the <i>Treasury Guide</i> Recipient	Justice Funds	Treasury Funds

#### **Table G: Matching Grants**

Refer to § VIII.A.1.h of the Justice Guide and p. 22 of the Treasury Guide

Matching Grant Name	Justice Funds	Treasury Funds

#### **Table H: Other Non-Cash Assets Received**

Source	Description of Asset
MATERIAL ST	06-DEA-506144 Assorted Electronic Equipment VI; \$2,000.00 10/6/09 -72.93
1 CAR 12 - 10	07-FRI-004369 2003 LINCOLN NAVIGATOR 2/9/10 2.665.45
Justice	09-DEA-518439 2003 Chevrolet Avalanche Pick Up Truck 2/9/10 8,228.13
Treasury (	08-FBI-002019 2006 DODGE RAM 1500 TRUCK 5/6/10 6,921.20
	10-DEA-524137 2005 Lexus ES330 9/2/10 7,504.38
1.00	10-DEA-529066(2)Assorted Electronic Equipment, VL:\$4,494.00

#### **Table I: Civil Rights Cases**

Name of Case

**Type of Discrimination Alleged** 

Name of Case	Type of Discrimination Alleged		
	☐ Race	Color	National Gender
	☐ Disability	☐ Age	Other

### Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, Program Management and Strategic Planning Unit, 1400 New York Avenue, N.W., Second Floor, Washington, DC 20005.

## **Equitable Sharing Agreement**

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 6) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.
- 2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide), and the Department of the Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).
- 4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.
- 5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

### **Affidavit - Existing Participant**

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

If you answered yes to the above question, complete Table I

Agency See ¶ 2 on p	page //////	Govern See ¶ 2 on p Signature	1911
Name:	Art Acevedo	Name:	Michael McDonald
Title:	Chief of Police	Title:	Assistant City Manager
Date:	11/30/2010	Date:	11/30/2010
The Equitable gives you imp	e to Equitable Sharing Wire: Sharing Wire is an electronic newsletter that portant, substantive, information regarding tring policies, practices, and procedures.		

#### **Final Instructions:**

Step 1: Click to save for your records
Step 2: Click to save in XML format

State: TX Contact: Alice Suter

Step 3: E-mail the XML file to aca.submit@usdoj.gov Step 4: Fax THIS <u>SIGNED</u> PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY Entered by		
Entered on		
O FY End: 09/30/2010	Date Printed: November 30, 2010 13:17	
O NCIC: TX2270100 A	gency: Austin Police Department	Phone: (512) 974-5069

E-mail: alice.suter@ci.austin.tx.us



# Equitable Sharing Agreement and Certification



Police Department     Prosecu	t Sheriff tor's Office	's Office ( Other (s	-	omplete Table /	A, page2) 
Agency Name: Austin	Police Depart	ment			
NCIC/ORI/Tracking N	umber: T X	2 2 7 (	0 1 0 0		
Street Address: 721 E	ast 8th Street			12	4
City: Austin	See the Control of th		State: TX	<b>Zip:</b> <u>78701</u>	
Contact: Title: Asst. D	irector Fi	rst: Alice	I	ast: Suter	
Contact: Phone: 512 97	4-5069	E-mail:	alice.suter@aust	tintexas.gov	
Same as Preparer: First	: Alice		Last: Sute	er	
Contact Preparer: Pho	ne: 512 974-50	69 E	-mail: alice.suter	r@austintexas.gov	
Last Fiscal Year End:	09/30/2011	Agency Cu	ırrent Fiscal Ye	ar Budget:	\$267,248,292.00
New Participant:	Read the Equita	ble Sharing Agre	eement (page 5) an	d sign the Affidavit (	page 6)
Existing Participant:	Complete the A and sign the Aff		on Report, read the	Equitable Sharing A	agreement (page 5),
Amended Form:	Revise the Annuand sign the Aff		Report, read the Equ	uitable Sharing Agre	ement (page 5),

# **Annual Certification Report**

Summary of Equitable Sharing Activity	Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	\$1,209,175.59	\$2,175,568.13
Federal Sharing Funds Received	\$1,290,588.60	\$495,317.26
Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)		
Other Income	\$9,557.00	\$2,715.00
Interest Income Accrued  Non-Interest Bearing  Interest Bearing	\$9,012.10	\$10,003.18
Total Equitable Sharing Funds (total of lines 1 - 5)	\$2,518,333.29	\$2,683,603.57
Federal Sharing Funds Spent (total of lines a - m below)	\$195,434.27	\$776,240.24
Ending Balance (difference between line 7 and line 6)	\$2,322,899.02	\$1,907,363.33
	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)  Federal Sharing Funds Received  Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)  Other Income  Interest Income Accrued  Total Equitable Sharing Funds (total of lines 1 - 5)  Federal Sharing Funds Spent (total of lines a - m below)	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)  Federal Sharing Funds Received  Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)  Other Income  Sy,557.00  Interest Income Accrued  Non-Interest Bearing Interest Bearing  \$9,012.10  Total Equitable Sharing Funds (total of lines 1 - 5)  \$2,518,333.29  Federal Sharing Funds Spent (total of lines a - m below)  \$195,434.27

<sup>1</sup> Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

<sup>&</sup>lt;sup>2</sup> Treasury Agencies are: IRS, ICE, CBP, USSS, and USCG.

Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the Justice Guide Total spent on overtime b Total spent on informants, "buy money," and rewards d Total spent on travel and training \$25,260.67 \$10,559.82 Total spent on communications and computers e \$331,849.48 f Total spent on weapons and protective gear \$66,849.07 \$55,263.60 Total spent on electronic surveillance equipment \$36,848.65 g Total spent on buildings and improvements h Total transfers to other state and local law enforcement agencies (complete Table C, page 2) Total spent on other law enforcement expenses (complete \$103,324.53 \$341,718.69 Table D, page 3) Total Expenditures in Support of Community-based Programs (complete Table E, page 3) **Total Windfall Transfers to Other Government Agencies** (complete Table F, page 3) m Total spent on matching grants (complete Table G, page 3) n \$195,434.27 \$776,240.24 Did your agency receive non-cash assets? (a) Yes (b) No If yes, complete Table H, page 3. Please fill out the following tables, if applicable. **Table A: Members of Task Force Agency Name** NCIC/ORI/Tracking Number Table B: Equitable Sharing Funds Received from other Agencies Total the amount transferred to each agency on separate lines **Justice Funds Treasury Funds** Transferring Agency Name, City, and State Agency Name: NCIC/ORI/Tracking Number: Table C: Equitable Sharing Funds Transferred to Other Agencies Total the amount transferred to each agency on separate lines **Justice Funds Treasury Funds** Receiving Agency Name, City, and State Agency Name: NCIC/ORI/Tracking Number:

**Justice Funds** 

**Treasury Funds** 

**Summary of Shared Monies Spent** 

**Table D: Other Law Enforcement Expenses** 

Description of Expense	Justice Funds	Treasury Fund
Laser Radars (7)		\$15,925.00
Lexipol Policy Subscription		\$24,000.00
Duty and Practice Ammo for new pistols and rifles		\$258,074.78
Light packages for unmarked police units		\$41,871.70
Substation show up room viewing screen and mount		\$1,356.41
Law Enforcement Lake Patrol Boat Accessories		\$490.80
Local Share of Forfeited Vehicles and Storage Costs	\$21,100.99	
Fee for sale of retired forfeited vehicle	\$587.03	
Mounted patrol horses (2)	\$8,000.00	
Treadmills for law enforcement fitness centers (5)	\$14,109.65	3454
Equipment for Police Evidence Warehouse (forklift, conveyor, cargo trailer, safes)	\$38,906.77	
Camera for Multi Media lab at Police Forensics lab	\$4,998.60	
Card readers (3) to secure entrances at Police Property Control & key machine	\$15,621.49	

#### Tab

**Justice Funds** Recipient Table F: Windfall Transfers to Other Government Agencies Refer to § VIII.A.1.n of the Justice Guide and pp. 25-26 of the Treasury Guide Recipient **Justice Funds Treasury Funds Table G: Matching Grants** Refer to § VIII.A.1.h of the Justice Guide and p. 22 of the Treasury Guide **Justice Funds Treasury Funds Matching Grant Name** 

Table H: Other Non-Cash Assets Received

	Source	Description of Asset			
Т	Justice  reasury	Vehicles (5) 2004 Land Rover Range Rove	r, 2005 SAAB, 2006 Chry	sler 300, 2002	2 Ford F150, 2005 Chevy Taho
able I:	Civil Right	s Cases			
N	ame of Cas	0	T	ype of Discr	imination Alleged
			☐ Race	Color	National Gender
			☐ Disability	Age	Other
	***************************************				
		Paperwork Re	eduction Act Notice	<u>ce</u>	
un	dess it disp	aperwork Reduction Act, a person is lays a valid OMB control number. V the least possible burden on you to c	We try to create accur	rate and eas	sily understood forms

form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for

making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, Program Operations Unit, 1400 New York Avenue, N.W., Tenth Floor, Washington, DC 20005.

# **Equitable Sharing Agreement**

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 6) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.
- 2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide), and the Department of the Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).
- 4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.
- 5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

forted 12/2/11

# **Affidavit - Existing Participant**

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

Yes

No

If you answered yes to the above question, complete Table I

Agency Head See ¶ 2 on page Signature:	Governia See 1 2 on pag Signature:	ng Body Head
Name: Art Acevedo	Name:	Michael McDonald
Title: Chief of Police	Title:	Deputy City Manager
Date: 11/30/2011	Date:	11/30/2011
Subscribe to Equitable Sharing Wire: The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.		

#### Final Instructions:

Step 1: Click to save for your records Step 2: Click to save in XML format

Step 3: E-mail the XML file to aca.submit@usdoj.gov Step 4: Fax THIS <u>SIGNED</u> PAGE ONLY to (202) 616-1344

	OR AGENCY USE ONLY ntered by		
Er	ntered on		
0	FY End: 09/30/2011	Date Printed: November 30, 2011 01:00	
⊚	NCIC: TX2270100	Agency: Austin Police Department	Phone: 512 974-5069

State: TX Contact: Alice Suter

E-mail: alice.suter@austintexas.gov



# Equitable Sharing Agreement and Certification



OMB Number 1123-0011 Expires 9-30-2014

(e) Police	Department O Sue	rm's Omice Olask Porce (Con	ipiete i abie A)
○ Prosec	•	ional Guard Counterdrug Unit . Hover mouse over any fillable field for pop-up instruc	Other
Agency Name: A	ustin Police Departmen	ıt	
NCIC/ORI/Tracki	ng Number: T X 2	2 7 0 1 0 0	
<b>Mailing Address</b>	721 East 8th Street		
City: Austin	171070	State: TX	<b>Zip:</b> 78701
Finance Contact: First: Alice		Last: Suter	
	Phone: 512 974-5069	E-mail: alice.suter@austintexas.g	ov
Preparer:	First: Alice	Last: Suter	
Same as Finance Contact	Phone: 512 974-5069	E-mail: alice.suter@austintexas.ge	ov
Independent Pul	olic Accountant:	E-mail: tguidry@deloitte.com	
Last FY End Date	: 09/30/2012	Agency Current FY Budget:	\$283,874,598.00
New Participant:	Read the Equitable S	haring Agreement and sign the Affidavit.	
<ul><li>Existing Particip</li></ul>	ant: Complete the Annua the Affidavit.	l Certification Report, read the Equitable	Sharing Agreement, and sign
Amended Form:	Revise the Annual Ce the Affidavit.	rtification Report, read the Equitable Sha	ring Agreement, and sign

# **Annual Certification Report**

	Summary of Equitable Sharing Activity	Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	\$2,322,899.02	\$1,907,363.33
2	Federal Sharing Funds Received	\$416,585.31	\$368,319.34
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)		The Control of the Co
4	Other Income	\$9,735.00	\$2,245.00
5	Interest Income Accrued  Non-Interest Bearing  Interest Bearing	\$6,003.26	\$2,948.76
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$2,755,222.59	\$2,280,876.43
7	Federal Sharing Funds Spent (total of lines a - m below)	\$499,852.91	\$923,062.24
8	Ending Balance (difference between line 7 and line 6)	\$2,255,369.68	\$1,357,814.19

Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

<sup>&</sup>lt;sup>2</sup> Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

	Summary of Shared Funds Spent	Justice Funds	Treasury Funds
a	Total spent on salaries under permitted salary exceptions		
b	Total spent on overtime		
С	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training	\$62,566.42	\$8,883.22
e	Total spent on communications and computers	\$54,941.82	\$82,381.85
f	Total spent on weapons and protective gear	\$15,081.04	\$827,972.04
g	Total spent on electronic surveillance equipment	\$41,386.00	***************************************
h	Total spent on buildings and improvements		\$3,689.00
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)	\$325,877.63	\$136.13
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)		
ı	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
	Total	\$499,852.91	\$923,062.24

Please fill out the following tables, if applicable.

Table A:	Members	of Task	Force
----------	---------	---------	-------

Agency Name	NCIC/ORI/Tracking Number			
le B: Equitable Sharing Funds Received from other Agencies				
Transferring Agency Name, City, and State	Justice Funds	Treasury Funds		
Agency Name:				
NCIC/ORI/Tracking Number:				
le C: Equitable Sharing Funds Transferred to Other Agencies				
Receiving Agency Name, City, and State	Justice Funds	Treasury Fund		
Agency Name:				
NCIC/ORI/Tracking Number:				

Table D:	Other	Law	Enforce	ment	<b>Expenses</b>
----------	-------	-----	---------	------	-----------------

Description o	f Expense		Justice F	unds	Treasury Fund
Fee to sale retire	ed forfeited vehicle		\$1	29.75	\$136.13
Five ATV vehic	les		\$54,9	08.02	
Two Horses for	Mounted Patrol		\$4,4	50.00	
Key machine ac	cessories/supplies		\$1,0	07.74	
Law Enforceme	nt vehicles for undercover use (2 payoff's on forfeitu	res, 11 purchases	\$265,3	82.12	
	Second Droggeners				
Recipient	res in Support of Community-Based Programs		Justice F	unds	TOPIC TO SANTA
e G: Matching	Grants				
e G: Matching Matching Gra			Justice I	Funds	Treasury Fund
_			Justice I	Funds	Treasury Fund
Matching Gra e H: Other No Source			Justice I	Funds	Treasury Fund
Matching Gra	n-Cash Assets Received		Justice I	Funds	Treasury Fund
Matching Gra  e H: Other No.  Source  Justice	n-Cash Assets Received  Description of Asset		Justice l	Funds	Treasury Fund
e H: Other No. Source Justice (a) Treasury () Justice (a)	n-Cash Assets Received Description of Asset  2006 Hummer H3  2008 Nissan Altima SL				
e H: Other No. Source Justice ① Treasury ① Justice ① Treasury ①	n-Cash Assets Received Description of Asset  2006 Hummer H3  2008 Nissan Altima SL	7	pe of Discrim	ination Al	الم
Matching Gra  e H: Other No. Source  Justice ① Treasury ① Treasury ①  Itel: Civil Right	n-Cash Assets Received Description of Asset  2006 Hummer H3  2008 Nissan Altima SL	T <sub>1</sub>			leged ial Gender

# Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

# **Equitable Sharing Agreement**

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.
- 2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide), and the Department of the Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).
- 4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.
- 5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

## **Affidavit - Existing Participant**

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above? Yes 

No

If you answered yes to the above question, complete Table I

Agency Head	Governing Body Head		
Signature:	Signature: Marc A Ott		
Name: Art Acevedo Title: Chief of Police	Title: City Manager		
Date: 12/3/2/2	Date: 13/10/12		
E-mail: art.acevedo@austintexas.gov	E-mail: marc.ott@austintexas.gov		
Subscribe to Equitable Sharing Wire: The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.			

#### Final Instructions:

Step 1: Click to save for your records Step 2: Click to save in XML format

Step 3: E-mail the XML file to aca.submit@usdoj.gov Step 4: Fax THIS <u>SIGNED</u> PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY Entered by  Entered on  O FY End: 09/30/2012 Date Printed: November 30, 2012 15:41	
NCIC: TX2270100 Agency: Austin Police Department	Phone: 512 974-5069
O State: TX Finance Contact: Alice Suter	E-mail: alice.suter@austintexas.gov



# Equitable Sharing Agreement and Certification



OMB Number 1123-0011 Expires 9-30-2014

<ul><li>Police Depart</li></ul>	artment () She	eriff's Office (	) Task Force (Co	mplete l'able A)
	's Office Nat		ounterdrug Unit fillable field for pop-up instr	Other
Agency Name: Austin	Police Departmen	nt		**************************************
NCIC/ORI/Tracking N	umber: T X 2	2 7 0 1	0 0	
Mailing Address: 721	East 8th Street		ages.	0
City: Austin			State: TX	<b>Zip:</b> 78701
Finance Contact: Fir	st: Alice		Last: Suter	
Phon	e: 512 974-5069	E-mail: alice.	suter@austintexas.	gov
Preparer: Fir	st: Alice		Last: Suter	
Same as Phon	e: 512 974-5069	E-mail: alice.	suter@austintexas.	gov
Independent Public A	ccountant:	E-mail: tguid	ry@deloitte.com	
Last FY End Date: 09/	30/2013	Agency Cu	rrent FY Budget:	\$295,356,461.00
New Participant:	Read the Equitable S	Sharing Agreement	and sign the Affidavi	t.
Existing Participant:	Complete the Annua the Affidavit.	al Certification Rep	ort, read the Equitable	e Sharing Agreement, and sign
Amended Form:	Revise the Annual Ce the Affidavit.	ertification Report,	read the Equitable Sh	aring Agreement, and sign
	Annal	Cautificat	ion Donost	

### **Annual Certification Report**

	Summary of Equitable Sharing Activity	Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>	
1.	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	\$2,255,369.68	\$1,357,814.19	
2,	Federal Sharing Funds Received	\$200,708.86	\$143,651.88	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)	· ·		
4	Other Income	\$200.00		
5	Interest Income Accrued  Non-Interest Bearing  Interest Bearing	\$4,271.66	\$2,231.62	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$2,460,550.20	\$1,503,697.69	
7	Federal Sharing Funds Spent (total of lines a - m below)	\$184,457.81	\$439,620.60	
8	Ending Balance (difference between line 7 and line 6)	\$2,276,092.39	\$1,064,077.09	

<sup>&</sup>lt;sup>1</sup> Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

<sup>&</sup>lt;sup>2</sup> Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

Agency Name:

Table

NCIC/ORI/Tracking Number:

a	Total spent on salaries under permitted salary exceptions		
p.	Total spent on overtime		
c	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training	\$63,502.85	\$502.80
e	Total spent on communications and computers	\$55,000.00	\$74,788.23
f	Total spent on weapons and protective gear	\$29,272.25	
g	Total spent on electronic surveillance equipment	- 1771 - 1771	
h	Total spent on buildings and improvements		\$153,784.32
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)	\$36,682.71	\$210,545.25
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)		
1	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		II .
n	Total	\$184,457.81	\$439,620.60
0	Did your agency receive non-cash assets?   Yes   No If yes	, complete Table H.	
n o	Total spent on matching grants (To populate, complete Table G)  Total		
	rs of Task Force		
	ncy Name	NCIC/	ORI/Tracking Numbe

**Summary of Shared Funds Spent** 

**Justice Funds** 

**Treasury Funds** 

C: Equitable Sharing Funds Transferred to Other Agencies	. — 0-	
Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
gency Name:		
CIC/ORI/Tracking Number:		

### **Table D: Other Law Enforcement Expenses**

Description of Expense		Justice Funds	Treasury Fu
Simunition for training	21		\$15,850
Law Enforcement Vehicles for Undercove	r work (10 + 1 payout less PY Refund)	\$5,045.80	\$194,695.
Motorcycles for Park and Greenbelt Patro	l use (4)	\$23,927.12	2
Kawasaki Mule 610 for DTAC		\$7,709.79	
e E: Expenditures in Support of Comm	unity-Based Programs	Justice Funds	- 14
e F: Windfall Transfers  Recipient		Justice Funds	Treasury Fur
e G: Matching Grants Matching Grant Name		Justice Funds	Treasury Fur
Matching Grant Name		Justice Funds	Treasury Fur
Matching Grant Name  H: Other Non-Cash Assets Received		Justice Funds	Treasury Fur
Matching Grant Name	et	Justice Funds	Treasury Fur
Matching Grant Name  H: Other Non-Cash Assets Received  Source Description of Ass  Justice   2009 Dodge Ram Truck		Justice Funds	Treasury Fur
Matching Grant Name  H: Other Non-Cash Assets Received  Source Description of Ass  Justice © Treasury 2009 Dodge Ram Truck	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Justice Funds  ype of Discrimination	
Matching Grant Name  H: Other Non-Cash Assets Received  Source Description of Ass  Justice (a)  Treasury (b)  2009 Dodge Ram Truck  El: Civil Rights Cases  Name of Case	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	ype of Discrimination	Alleged
Matching Grant Name  H: Other Non-Cash Assets Received  Source Description of Ass  Justice 2009 Dodge Ram Truck  Treasury 2009 Dodge Ram Truck	T.	ype of Discrimination Color Nat Orig	Alleged ional Gende
Matching Grant Name  H: Other Non-Cash Assets Received  Source Description of Ass  Justice (a)  Treasury (b)  2009 Dodge Ram Truck  El: Civil Rights Cases  Name of Case	T Race	ype of Discrimination Color Nat Orig	Alleged  ional Gende

### Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

# **Equitable Sharing Agreement**

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.
- 2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide), and the Department of the Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).
- 4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.
- 5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

## **Affidavit - Existing Participant**

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the Information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

(a) Yes

If you answered yes to the above question, complete Table I

Agency	Head	Governing Body Head					
Signature	* AND C	Signature	the first the second				
Name:	Art Acevedo	Name:	Marc A. Ott				
Title:	Chief of Police	Title:	City Manager				
Date:	11-27-13	Date:	12.4.13				
E-mail:	art.acevedo@austintexas.gov	E-mail:	marc.ott@austintexas.gov				
The Equitable gives you imp	e to Equitable Sharing Wire:  Sharing Wire is an electronic newsletter that ortant, substantive, information regarding ring policies, practices, and procedures.						
tructions:							

#### Final Instructions:

Step 1: Click to save for your records Step 2: Click to save in XML format

Step 3: Email the XML file to aca.submit@usdoj.gov Step 4: Scan & email this Affidavit to aca.affidavit@usdoj.gov

(Email subject line must include Agency NCIC/ORI Code)

FOR AGENCY USE ONL		
Entered by		
Entered on		
O FY End: 09/30/20	13 Date Printed: November 27, 2013 15:18	
NCIC: TX2270100	Agency: Austin Police Department	Phone: 512 974-5069

State: TX Preparer: Alice Suter E-mail: alice.suter@austintexas.gov



# Equitable Sharing Agreement and Certification



OMB Number 1123-0011 Expires 9-30-2014

<ul><li>Police Dep</li></ul>	partment () She	eriff's Office	Task Force (Com	piete l'able A)
			Counterdrug Unit  by fillable field for pop-up instruct	Other
Agency Name: Austin	n Police Departmer	nt		
NCIC/ORI/Tracking N	lumber: T X 2	2 7 0 1	0 0	
Mailing Address: 721	East 8th Street			The state of the s
City: Austin			State: TX	<b>Zip:</b> 78701
Finance Contact: Fi	rst: Alice		Last: Thomas	
Pho	ne: 512 974-5069	E-mail: alice	.thomas@austintexas	.gov
Preparer: Fi	rst: Alice		Last: Thomas	
Same as Phon	ne: 512 974-5069	E-mail: alice	.thomas@austintexas.	gov
Independent Public	Accountant:	E-mail: tgui	dry@deloitte.com	
Last FY End Date: 09	/30/2014	Agency Co	urrent FY Budget:	\$354,943,368.00
New Participant:	Read the Equitable S	Sharing Agreemer	nt and sign the Affidavit.	
Existing Participant:	Complete the Annua the Affidavit.	al Certification Re	port, read the Equitable S	haring Agreement, and sign
Amended Form:	Revise the Annual Co the Affidavit.	ertification Report	t, read the Equitable Shar	ing Agreement, and sign

### **Annual Certification Report**

	Summary of Equitable Sharing Activity	Justice Funds	Treasury Funds <sup>2</sup>	
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	\$2,276,092.39	\$1,064,077.09	
2	Federal Sharing Funds Received	\$320,376.73	\$455,694.51	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)			
4	Other Income	3 1	\$17,021.63	
5	Interest Income Accrued  Non-Interest Bearing  Interest Bearing	\$2,461.64	\$1,166.04	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$2,598,930.76	\$1,537,959.27	
7	Federal Sharing Funds Spent (total of lines a - m below)	\$133,586.43	\$341,275.41	
8	Ending Balance (difference between line 7 and line 6)	\$2,465,344.33	\$1,196,683.86	

Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

<sup>&</sup>lt;sup>2</sup> Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

80	Summary of Shared Funds Spent	Justice Funds	Treasury Funds
a	Total spent on salaries under permitted salary exceptions	and the second s	1
ь	Total spent on overtime		ar-mad Ed
c	Total spent on informants, "buy money", and rewards		11   11
d	Total spent on travel and training	\$81,543.57	III b
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear		\$30,605.05
g	Total spent on electronic surveillance equipment		2000
h	Total spent on buildings and improvements		
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)	\$52,042.86	\$310,670.36
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)		
ľ	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
n	Total	\$133,586.43	\$341,275.41
0	Did your agency receive non-cash assets?  Yes No If yes	, complete Table H.	

Please fill out the following tables, if applicable.

<b>T</b> -	bla	A.	Ma	<b></b> b	-	<b>~6</b> 1	Tack	Force
18	Me	<b>A</b> :	me	mo	ers.	OT	Iask	POICE

Agency Name	NCIC/ORI/Tracking Number		
ole B: Equitable Sharing Funds Received from other Agencies			
Transferring Agency Name, City, and State	Justice Funds	Treasury Fund	
Agency Name:			
NCIC/ORI/Tracking Number:			
le C: Equitable Sharing Funds Transferred to Other Agencies			
Receiving Agency Name, City, and State	Justice Funds	Treasury Fund	
Agency Name:	Special Control of the Control of th		
NCIC/ORI/Tracking Number:			

Table D: Other Law Enforces	ment Expens	es
-----------------------------	-------------	----

Description	of Expense		Justice	Funds	Treasury Fun
Law enforceme	ent vehicles for undercover work (3J; 11T)		\$9,	212.30	\$216,988.4
Equipment for	Emergency Response Command Post Vehic	le le	\$3,	493.30	
All terrain veh	icles (2) for South Bureau Patrol use		\$14,	956.26	
Walk in evider	ce refrigerator/freezer for Forensic evidence		\$24,	381.00	
Barricades				\$3,249.7	
Interview Roos sites )	n equipment (includes cameras and compute	er controls for multiple			\$90,432.1
E: Expendito	ares in Support of Community-Based Pro	grams	Justice F	unds	
					A Part of the State of the Stat
Recipient			Justice	Funds	Treasury Fund
Recipient  G: Matching	Grants		Justice	Funds	Treasury Fund
1			Justice		
e G: Matching					
e G: Matching Matching Gra H: Other No Source					
e G: Matching Matching Gra e H: Other No	n-Cash Assets Received				Treasury Fund
e G: Matching Matching Gra e H: Other No. Source Justice (	n-Cash Assets Received  Description of Asset				
e G: Matching Matching Gra  H: Other No.  Source  Justice  Treasury  Justice  Treasury	n-Cash Assets Received  Description of Asset  2007 Dodge Magnum Wagon 5dr SE  2013 Dodge Challeger Coupe 2dr R/T		Justice	Funds	Treasury Fund
H: Other No. Source Justice  Treasury  Justice  Treasury  Treasury	n-Cash Assets Received  Description of Asset  2007 Dodge Magnum Wagon 5dr SE  2013 Dodge Challeger Coupe 2dr R/T		Justice	Funds	Treasury Fund
e G: Matching Matching Gra  H: Other No.  Source  Justice  Treasury  Justice  Treasury	n-Cash Assets Received  Description of Asset  2007 Dodge Magnum Wagon 5dr SE  2013 Dodge Challeger Coupe 2dr R/T  s Cases	T <sub>1</sub>	Justice  pe of Discrimi  Color	Funds  Ination Al  Nation  Origin	leged

### Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

## **Equitable Sharing Agreement**

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.
- 2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide), and the Department of the Treasury's Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).
- 4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.
- 5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

### **Affidavit - Existing Participant**

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above? 

(a) Yes

If you answered yes to the above question, complete Table I

Agency Head	Governing Body Head
Signature:	Signature:
Name: Art Acevedo	Name: Marc A. Ott
Title: Chief of Police	Title: City Manager
Date: 11 /20 /2019	Date: 12.8.14
E-mail: art.acevedo@austintexas.gov	E-mail: marc.ott@austintexas.gov
Subscribe to Equitable Sharing Wire:  The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.	
Final Instructions:	The state of the s

FOR AGENCY USE ONLY	
Entered by	
Entered on	
o FY End: 09/30/2014	Date Printed: November 19, 2014 18:20

FY End: 09/30/2014
 NCIC: TX2270100

**Agency: Austin Police Department** 

E-mail: alice.thomas@austintexas.gov

Phone: 512 974-5069

Step 3: Email the XML file to aca.submit@usdoj.gov

Step 4: Scan & email this Affidavit to aca.affidavit@usdoj.gov

(Email subject line must include Agency NCIC/ORI Code)

State: TX

Preparer:

Step 1: Click to save for your records

Step 2: Click to save in XML format

**Alice Thomas**