

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2023-66**

**IMPLEMENTING AN INTERNAL CONTROL POLICY TO ADDRESS THE RECEIPT
AND DISPOSITION OF PROPERTY AND FINES RECEIVED IN ACCORDANCE
WITH FORFEITURE STATUTES OF THE OHIO REVISED CODE, INCLUDING
SECTION 2925.03**

WHEREAS, The Village of Yellow Springs Police Department occasionally receives property or funds through Ohio's various forfeiture statutes; and,

WHEREAS, various sections of the Ohio Revised Code, including 2925.03, require the Village to implement an Internal Control Policy which addresses the agency's use and disposition of all fine moneys and property so received; and,

WHEREAS, Village Council desires to implement such an Internal Control Policy,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
DOES HEREBY RESOLVE THAT:**

Section 1. Village Council hereby implements an Internal Control Policy as addressed in Section 2925.03 (F)(2) of the Ohio Revised Code in a form substantially similar to the attached Exhibit A

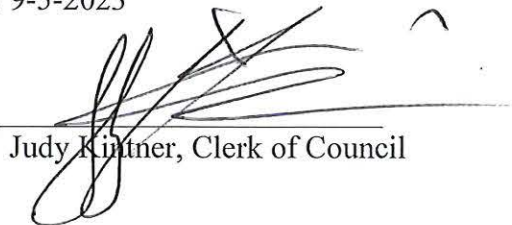
Section 2. This resolution shall take effect immediately upon approval by Council.



Brian Housh, President of Council

Passed: 9-5-2023

Attest:



Judy Kuntner, Clerk of Council

ROLL CALL:

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes __Y__

Carmen Brown __Y__ Gavin DeVore Leonard __Y__

Exhibit A to Resolution 2023-66

50.01 INTERNAL CONTROL AND FORFEITURE POLICY

The Yellow Springs Police Department, pursuant to Ohio law as required by the “Forfeiture Statutes” in the Ohio Revised Code, including but not limited to Sections 2923.32, 2923.42, 2925.03, and 2981.13, hereby adopts the following as the written internal control policy as to the receipts, use and/or disposition of lost, abandoned, found, seized or forfeited property and proceeds therefrom, as well as the receipt and expenditures of proceeds from court ordered mandatory fines.

I. Custody of Property

A. All items or property seized by the Yellow Springs Police Department that can physically be secured at the Yellow Springs Police Department (cash, weapons, etc.) shall be secured at the appropriate designated area (evidence room, locker etc.). Other items (such as vehicles) shall be secured in appropriate areas and such information shall be noted in the respective case files or supplemental reports. Items seized and subsequently to be processed for forfeiture will be listed on an appropriate Search Warrant Inventory/and/or Seizure-Inventory Form.

B. Officers shall forward said Inventory Form and/or Seizure-Forfeiture Form to the Greene County Prosecutor for purposes of meeting forfeiture deadlines and trial preparation.

C. Written receipts shall be required for all acceptance and/or return of property to the Yellow Springs Police Department. Receipts shall be kept in the respective case files.

D. Upon deposit of said forfeited proceeds, the Judgment Entry authorizing said forfeiture and all pertinent information shall be retained in the respective case file.

II. Yellow Springs Police Department Fund 212 Law Enforcement and Education

A. Upon order of the Court, monies forfeited and/or proceeds from the sale of forfeited assets (i.e. vehicles etc.) shall be deposited into the Yellow Springs Police Department Fund 212 Law Enforcement and Education Fund under the Village of Yellow Springs, presently located at Wesbanco located in Yellow Springs, Ohio.

B. Each deposit shall be recorded by the Finance Director in a yearly forfeiture deposit file, which should reflect said deposit, the Yellow Springs Police Department complaint number or the Judgment Entry case number.

C. All expenditures from the Yellow Springs Police Department Fund 212 Law Enforcement and Education Fund shall be expended in the furtherance of investigation and prosecution of criminal cases in the Village of Yellow Springs following these general guidelines:

1. Investigation and prosecution of complex cases.
2. Cost of training and providing technical expertise.
3. Any other law enforcement purpose as determined by the Chief of Police
4. As designated in the Ohio “Forfeiture Statutes”
5. Federal grant local match.

D. Expenditures shall be recorded in the Village of Yellow Springs Police Department Fund register, as well as a yearly expenditure file which shall be maintained and include a copy of the invoice, bill, receipt and the payment check. Computer records will be maintained regarding forfeiture expenditures.

E. A report of receipts and expenditures of forfeited proceeds in each shall be sent to the Ohio Attorney General's Office by March 1 of each calendar year.

F. This policy does not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

G. This policy and each report received by the Attorney General is a public record open for inspection under section 149.43 of the Revised Code.

III. The Yellow Springs Police Department Mandatory Fine Account

A. All proceeds from mandatory drug penalty fines imposed by the Court, shall be deposited into the Yellow Springs Police Department Fund 212 Law Enforcement and Education Fund established at Wesbanco.

B. Each deposit shall be recorded in the checking account registry. Computer records will also be maintained regarding each deposit.

C. Expenditures from the proceeds shall be expended in the furtherance of investigation and prosecution of crimes involving drugs in the Village of Yellow Springs following these general guidelines:

1. Investigation and prosecution of complex cases;
2. Costs of training and providing technical expertise;
3. Special equipment, and;
4. Any other law enforcement purpose as determined by the Chief of Police and approved by the Greene County Prosecutor.

IV. Community Education Purposes

A. Ten percent (10%) of the first One Hundred Thousand Dollars [\$100,000.00] and twenty percent (20%) over One Hundred Thousand Dollars [\$100,000.00] of any forfeited or mandatory fines deposited during each calendar year will be used for community education purposes.

B. Monies designated for community educational purposes will be deposited into the "Community Outreach" program account. The Community Outreach program has been designated the Yellow Springs Police Department for all outreach efforts including community preventive education program. Funds from the Community Outreach account will be used to educate adults or children with respect to the dangers associated with the use of drugs of abuse.

C. The Finance Director will keep and maintain adequate financial accounting records of all receipts and expenditures of funds used for the Community Outreach program. All expenditures must receive prior approval of the Chief of Police.

V. Federal Forfeitures

A. Any monies obtained from Federal Forfeitures will be deposited into the Fund 215 Federal Forfeited Assets and will be dispersed in accordance with all Federal guidelines and statutes.