



# Ethics

Alice W. Dery  
Deputy Chief  
Asset Forfeiture and Money  
Laundering Section  
Criminal Division  
U.S. Department of Justice





# Overview of Asset Forfeiture Ethics

- Concerns about Asset Forfeiture
- Ethical Guidelines
- Resources





# Objectives

- Identify three major ethical concerns about asset forfeiture
- Apply ethical guidelines to specific case scenarios



# Ethical Guidelines

National Code of Professional Conduct  
for Asset Forfeiture (National Code)

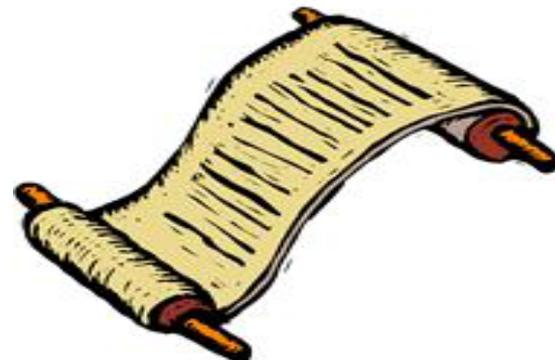
National District Attorneys' Association  
Guidelines (NDAA)

State Ethical Guidelines



# National Code of Professional Conduct for Asset Forfeiture

- U.S. Departments of Justice and Treasury
- 10 guidelines
- Compliance mandatory to participate in Federal Equitable Sharing Program





# Concerns about Asset Forfeiture

- Corruption
- Fairness
- Accountability



# Corruption

- Dishonesty
- Illegal seizures
- Revenue production



# Corruption

## THE NEWS & OBSERVER

newsobserver.com

Published: May 29, 2008 03:28 PM  
Modified: May 30, 2008 02:57 PM

### Two more sentenced in Robeson County corruption case



Roger Taylor, left, and Charles Strickland

**BY TITAN BARKSDALE, Staff Writer**  
[Comment on this story](#)

RALEIGH — A former drug-unit supervisor and a deputy from Robeson County were sentenced today as part of a corruption case involving the Robeson County Sheriff's Department.

Charles Thomas Strickland, 41, was sentenced in a Raleigh federal courtroom to seven years in prison, according to the U.S. Attorney's Office. He oversaw the infamous drug unit that federal prosecutors say was staffed with deputies who engaged in 10 years of illegal activity.

The deputies seized money from drug dealers, conspired to kidnap drug dealers, used illegal satellite cards to obtain satellite TV services, conducted illegal searches and committed arson, federal prosecutors say.



Former Robeson County sheriff Glenn Maynor  
N&O file photo



# National Code I

Law enforcement is the principal objective of forfeiture. Potential revenue must not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.





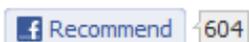
# Fairness

- Due process rights violated
- Innocent owner rights ignored
- Unfair plea bargaining



## Highway robbery? Texas police seize black motorists' cash, cars

**Suit says cops force motorists, largely black, to forfeit cash and cars—or be charged with trumped-up crimes**





# Fairness

But Whitmire says he doesn't need to await the suit's outcome to try to fix what he regards as a statewide problem. On Monday he introduced a bill in the state Legislature that would require police to go before a judge before attempting to seize property under the asset-forfeiture law—and ultimately Whitmire hopes to tighten the law further so that law-enforcement officials will be allowed to seize property only after a suspect is charged and convicted in a court.

"The law has gotten away from what was intended, which was to take the profits of a bad guy's crime spree and use it for additional crime-fighting," Whitmire said. "Now it's largely being used to pay police salaries—and it's being abused because you don't even have to be a bad guy to lose your property."



# National Code II

The Constitution and Federal Statutes prohibit the improper use of personal characteristics such as race, color, national origin, gender, or religion to target individuals for law enforcement action.



# Accountability

- Improper maintenance of seized property
- Inadequate accounting and auditing procedures
- Unauthorized expenditure of funds



# Accountability

## Despite indictment, Nicholas County sheriff says he won't step down

By Greg Kocher — [gkocher1@herald-leader.com](mailto:gkocher1@herald-leader.com)

Posted: 12:00am on Oct 20, 2010; Modified: 3:53am on Oct 20, 2010



Be the first of your friends to like this.





# Accountability

- \$43,000 Taken from the Asset Forfeiture Account
  - Payment of Home Owner's Insurance
  - Payment of Son's Hospital Bills
  - Payment of Lien on Personal Vehicle
  - Checks Written for Cash – no receipts, no records
  - Buy money and payment of informants – no records, no drug cases



# National Code VIII

Unless otherwise provided by law, forfeiture proceeds shall be maintained in a separate fund or account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures.





# National Code IX

Seizing entities shall avoid any appearance of impropriety in the sale or acquisition of forfeited property.





## Equitable Sharing

[www.justice.gov/jmd/afp/02fundreport/2010affr/report2b.htm](http://www.justice.gov/jmd/afp/02fundreport/2010affr/report2b.htm)

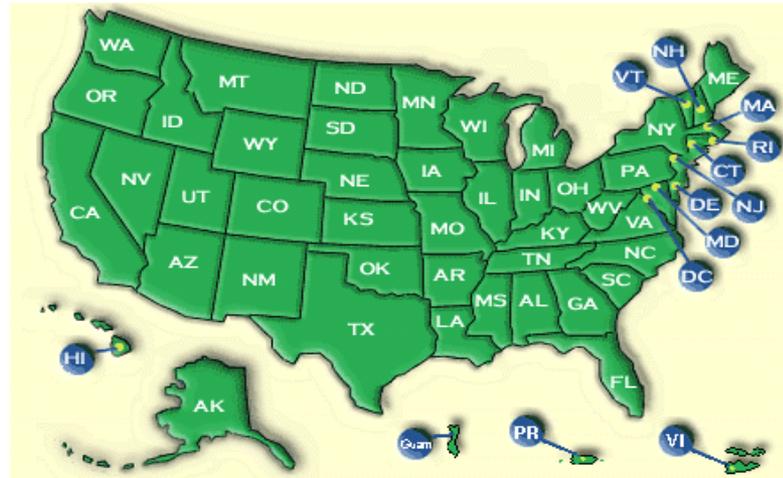
- FOIA Requests for Agreement and Certification Reports
  - California
  - Texas



# Public Records

[Text Only Version](#)

## Equitable Sharing Payments of Cash and Sale Proceeds Executed During Fiscal Year 2010, by Recipient Agency



There was **No** Foreign Sharing during Fiscal Year 2010.

	Cash Value	Sale Proceeds	Total
<b>States Grand Totals</b>	\$344,598,802	\$45,302,751	\$389,901,553
<b>Foreign Sharing Grand Totals</b>	\$0	\$0	\$0
<b>Grand Total All</b>	\$344,598,802	\$45,302,751	\$389,901,553

These dollar figures are based on data contained in the property system, not the financial system of record. Therefore, discrepancies may exist with previously published financial data.

[Return to FY2010 Asset Forfeiture Funds Reports](#)



# Public Records

## Missouri

Agency Name	Agency Type	Cash Value	Sales Proceeds	Total
Advance Police Department	Local	\$ 493	\$ 0	\$ 493
Arnold Police Department	Local	\$ 43643	\$ 178	\$ 43821
Belton Police Department	Local	\$ 27832	\$ 117088	\$ 144920
Berkeley Police Department	Local	\$ 12152	\$ 982	\$ 13134
Boone County Sheriff's Department	Local	\$ 3382	\$ 0	\$ 3382
Brentwood Police Department	Local	\$ 1880	\$ 0	\$ 1880
Bridgeton Police Department	Local	\$ 105772	\$ 21321	\$ 127093
Buchanan County Drug Strike Force	Task Force	\$ 10966	\$ 20438	\$ 31404
Cameron Police Department	Local	\$ 213620	\$ 6753	\$ 220373
Cape Girardeau Police Department	Local	\$ 32179	\$ 0	\$ 32179
Carl Junction Police Department	Local	\$ 268	\$ 0	\$ 268
Cass County Sheriff's Office	Local	\$ 31531	\$ 0	\$ 31531

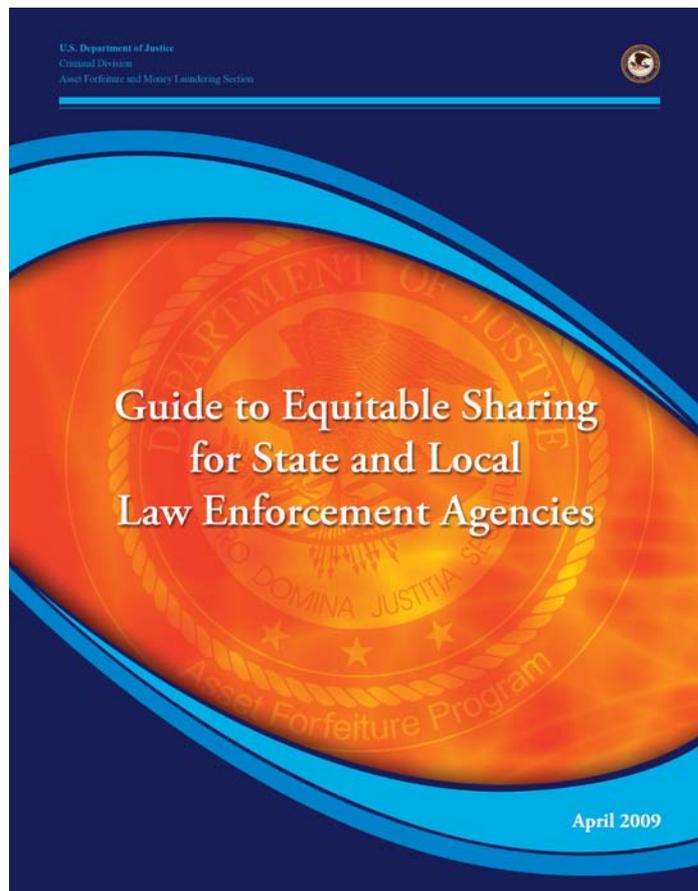


# Public Records

JMD: AFP: 2010 AFP: Missouri - Microsoft Internet Explorer provided by Criminal Division

Sikeston Department Of Public Safety	State	\$ 12352	\$ 0	\$ 12352
South Central Drug Task Force	Task Force	\$ 138699	\$ 4227	\$ 142926
Southeast Missouri Drug Task Force	Task Force	\$ 305597	\$ 0	\$ 305597
Southwest Missouri Drug Task Force	Task Force	\$ 0	\$ 6864	\$ 6864
Springfield Missouri Police Department	Local	\$ 113968	\$ 6512	\$ 120480
St Louis County Police Department	Local	\$ 3307370	\$ 986510	\$ 4293880
St. Ann Police Department	Local	\$ 34460	\$ 0	\$ 34460
St. Charles County Regional Drug Task Force	Task Force	\$ 31687	\$ 14401	\$ 46089
St. Charles Police Department	Local	\$ 33667	\$ 0	\$ 33667
St. Louis Metropolitan Police Department	Local	\$ 1291484	\$ 765951	\$ 2057434
Stoddard County Sheriff's Department	Local	\$ 493	\$ 0	\$ 493
Taney County Sheriff's Office	Local	\$ 9016	\$ 0	\$ 9016
Waynesville Police Department	Local	\$ 8579	\$ 0	\$ 8579
West Plains Police Department	Local	\$ 1729	\$ 0	\$ 1729
<b>Totals</b>		<b>\$11330483</b>	<b>\$2274170</b>	<b>\$13604657</b>

# Resources



## Guide to Equitable Sharing for State and Local Law Enforcement Agencies

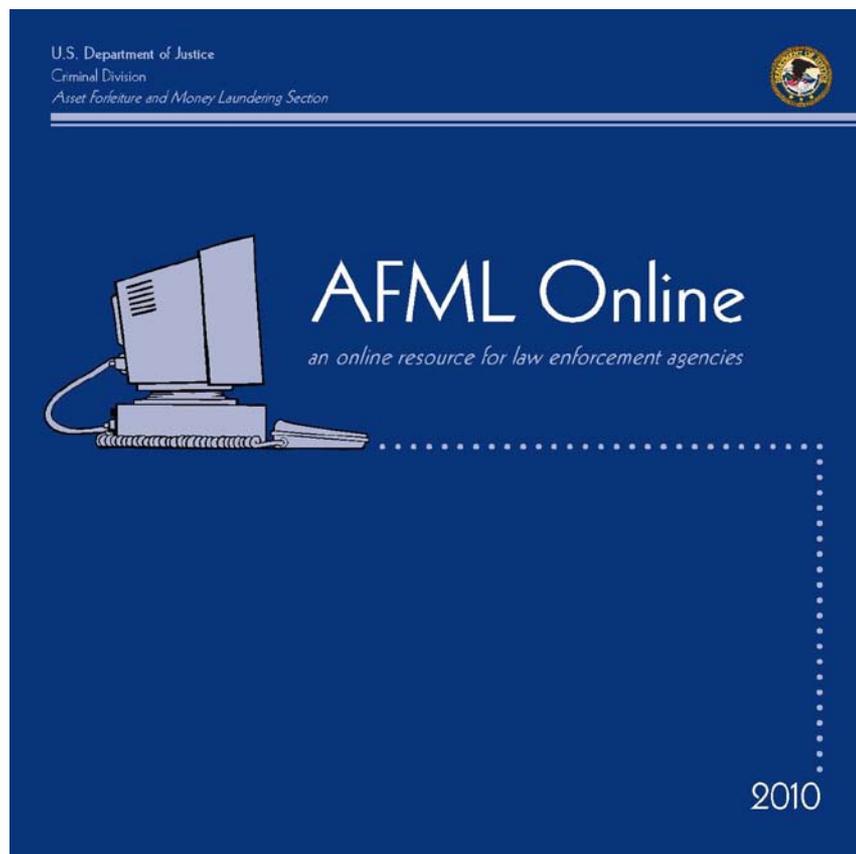
April 2009

Download the *Guide* at:

[www.justice.gov/criminal/afmls/pubs/pdf/04-2009guide-equit.pdf](http://www.justice.gov/criminal/afmls/pubs/pdf/04-2009guide-equit.pdf)



# Resources



<http://dojnet.doj.gov/criminal/afoml/default.htm>



# Communication Tools



## U.S. Department of Justice Equitable Sharing Wire

June 3, 2011

Asset Forfeiture and Money  
Laundering Section  
1400 New York Ave, NW  
Suite 10100  
Washington, DC 20005  
(202) 514-1263

**Website for forms and  
publications**  
[www.justice.gov/criminal/afmls](http://www.justice.gov/criminal/afmls)

### Permissible use of funds

Kim Gonzalez  
(202) 307-2096  
[kimlin.gonzalez@usdoj.gov](mailto:kimlin.gonzalez@usdoj.gov)  
Anne Insley  
(202) 353-8880  
[anne.insley@usdoj.gov](mailto:anne.insley@usdoj.gov)

### Compliance Issues and Equitable Sharing Agreement and Certification Form

Razia Ahmad  
(202) 305-4572  
[Razia.ahmad@usdoj.gov](mailto:Razia.ahmad@usdoj.gov)  
AK, AL, AR, AZ, CA, CO, CT, DC, DE,  
FL, GA

Rosa Ashford  
(202) 305-3048  
[Rosa.ashford@usdoj.gov](mailto:Rosa.ashford@usdoj.gov)  
GU, HI, IA, ID, IN, KS, KY, LA, MA,  
MD, MP, NH, OK, OR

Tanya Penny  
(202) 514-4244

### Equitable Sharing for Financial Support Staff Training in two Midwest Locations

AFMLS has two upcoming *Equitable Sharing for Financial Support Staff* trainings in St. Louis and Chicago this summer. This training is geared to individuals who are responsible for tracking and maintaining equitably shared funds and making expenditures from the agency's equitable sharing account. This training will review the permissible uses of shared funds, how to complete the Equitable Sharing Agreement and Certification form, and how to account for and maintain your shared funds.

The upcoming dates and locations are as follows:

#### St. Louis, MO

June 22, 2011 10:00 am – 1:00 pm  
United States Attorney's Office  
Thomas F. Eagleton Courthouse  
111 S. 10<sup>th</sup> Street, 21<sup>st</sup> Floor  
St. Louis, MO 63102

Please email [kimlin.gonzalez@usdoj.gov](mailto:kimlin.gonzalez@usdoj.gov) to register

#### Chicago, IL

July 20, 2011 10:00 am – 1:00 pm  
Location information coming soon!

Please email [anne.insley@usdoj.gov](mailto:anne.insley@usdoj.gov) to register

Meet Me in St. Louis





# Agency Compliance

USDO: CRM: AFMLS: Agency Compliance List - Microsoft Internet Explorer provided by Criminal Division

http://www.justice.gov/criminal/afmls/agency-list/

USDO: CRM: AFMLS: Agency Compliance List

THE COMMON LAW IS THE WILL OF *Mankind* ISSUING FROM THE *Life* OF THE *People*

SEARCH THE SITE

THE UNITED STATES  
DEPARTMENT OF JUSTICE

HOME ABOUT BUSINESS & GRANTS RESOURCES BRIEFING ROOM CAREERS CONTACT

Home » About DOJ » Agencies » Criminal Division » Organizations » Asset Forfeiture and Money Laundering Section

Printer Friendly

Asset Forfeiture and Money Laundering Section Home

Equitable Sharing Program

Agency Compliance List

Publications

Victims

Criminal Division Home

**AGENCY COMPLIANCE LIST**

Alabama	Louisiana	Oklahoma
Alaska	Maine	Oregon
Arizona	Maryland	Pennsylvania
Arkansas	Massachusetts	Puerto Rico
California	Michigan	Rhode Island
Colorado	Minnesota	South Carolina
Connecticut	Mississippi	South Dakota
Delaware	Missouri	Tennessee
District Of Columbia	Montana	Texas
Florida	Nebraska	Utah
Georgia	Nevada	Vermont
Guam	New Hampshire	Virgin Islands
Hawaii	New Jersey	Virginia
Idaho	New Mexico	Washington
Illinois	New York	West Virginia
Indiana	North Carolina	Wisconsin
Iowa	North Dakota	Wyoming
Kansas	Northern Mariana Islands	
Kentucky	Ohio	

**GENERAL INFORMATION**  
ASSET FORFEITURE AND  
MONEY LAUNDERING SECTION

**LEADERSHIP**

**Jennifer Shasky**  
Chief, Asset Forfeiture and Money  
Laundering Section

**CONTACT**

**AFMLS Direct Line**  
(202) 514-1263

**Department of Justice Main  
switchboard**  
(202) 514-2000

**STAY CONNECTED**

Sign up for E-Mail Updates

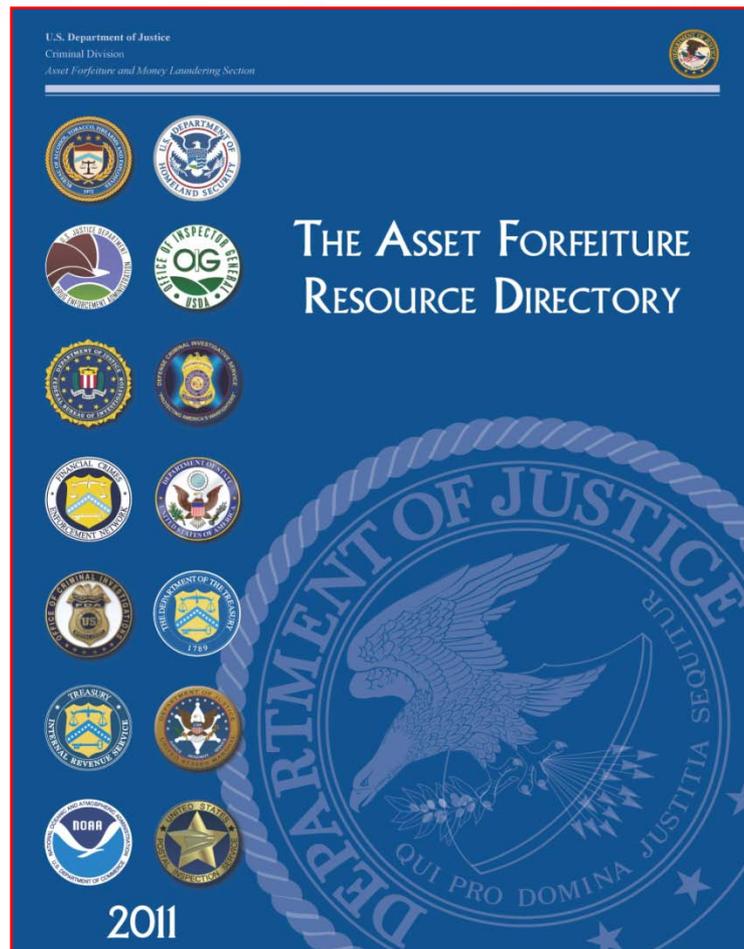
Subscribe to News Feeds

Facebook MySpace

Twitter YouTube



# Contact Information



Email [afmlpublications@usdoj.gov](mailto:afmlpublications@usdoj.gov) for an electronic copy of the Asset Forfeiture Resource Directory (2011).



# Asset Forfeiture and Money Laundering Section Website

[www.justice.gov/criminal/afmls/equitable-sharing/](http://www.justice.gov/criminal/afmls/equitable-sharing/)

- Equitable Sharing Agreement and Certification form
- Agency Compliance link
- *Guide to Equitable Sharing*
- DAG-71 Sharing Request form
- USMS ACH Vendor form



# Conclusion

Law Enforcement is the  
Principal Objective of  
Forfeiture

