

Seizures
2012

Date: 01/30/2013
Investigative Agency: DEA
Case Number: M4-11-0003

U.S. Department of Justice

Application for Transfer of Federally Forfeited Property
(For Use By United States Law Enforcement Agencies Only)

For Federal Use Only

(For Additional Information - See Instructions).

I.

Asset #:	<u>12-DEA-568347</u>
Seizure Date:	<u>12/13/2012</u>
Judicial District:	<u>OKW</u>
Case Type:	Adoption <input type="checkbox"/> Joint <input checked="" type="checkbox"/> (Check One)

- All assets transferred must be used for the law enforcement purpose stated in the request.
- Deadline for submission of this request is sixty (60) days following the seizure.
- The requesting agency will be responsible for reimbursing the Federal Government its costs and may be responsible, in a single asset case, for reimbursing the Federal share.

II. Requesting Agency Name: Norman Police Department

Address: 201-B West Gray Street

Norman, OK 73069

NCIC Code: OK0140200

Contact Person: Chief Keith L. Humphrey

Telephone Number: (405) 321-1600

III. Asset Requested \$30,000.00 USC in lieu of RP: 1811 SW 15th St Other assets in this case. (Attach list).

Property Description:

Request Type

Exhibit N-252, \$30,000.00USC in lieu of RP: 1811 SW 15th St, OKC Item Cash/Proceeds 10 %

IV. Specific Intended Law Enforcement Uses:

- Salaries Purchase of Equipment Other (Please Explain): _____
- Purchase of Vehicles Place Into Official Use _____
- (If other than Cash) _____

V. Contribution (If any answer to A thru E is yes, provide details in Part VI)

Yes No

- | | | |
|---|-------------------------------------|-------------------------------------|
| A. Did your agency originate the information leading to the seizure? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Were any other assets seized under state law? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Were extraordinary expenses incurred? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Did your agency supply any unique or indispensable assistance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| E. Are there any assets located in foreign countries associated with this case? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. How many hours were expended? <u>372</u> hours | | |

Case Number

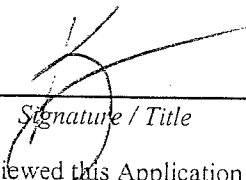
VI. Additional space for detailed answers (Indicate Part to which answer(s) apply)

The Norman Police Department currently has Detective Roy Williams assigned as a Task Force Officer with the DEA Oklahoma City District Office. TFO Williams has invested approximately 372 man hours into this investigation, including numerous hours of surveillance, assisting with the execution of search warrants and preparing various types of reports.


(If more space is required, use a separate sheet of paper and attach.) Attachment: Yes No

VII. Certifications:

A. The requester certifies that the above information is true and accurate, that the property transferred will be used for the law enforcement purpose stated, and that all monies received pursuant to this request will be deposited and accounted for consistent with applicable state laws, regulations and orders. The requester agrees to report on the actual use of equitably transferred property upon request. The requester understands that if it is unable to pay the necessary fees and expenses at the time of transfer, the asset will be sold and the maximum percent of net sale proceeds will be awarded in lieu of the asset.

Keith L. Humphrey  Chief 2/4/13
Signature / Title Date

B. As legal counsel, I have reviewed this Application for Transfer of Federally Forfeited Property and I certify that the contact person identified in Part II has the authority to accept forfeited property and is the official to whom transfer documents and/or money should be delivered. (Legal counsel certification is not required for Federal law enforcement agencies.)

Kathryn Walker  Assistant City Attorney 2/7/13
Signature / Title Date

Address: 201-A West Gray Street
Norman, OK 73069

Telephone Number: (405) 217-7700



NORMAN POLICE DEPARTMENT Policy

Title Asset Seizure	Number 104	Effective Date 09/01/1998
Topics Seizing Vehicles and Other Property	Standard Reference ADM.01.06	Number of Pages 3
Issued By Chief Keith L. Humphrey	Special Instructions	Revision Dates 4/02, 11/08, 12/13

I. PURPOSE

The purpose of this directive is to provide guidelines for seizing assets for the purposes of forfeiture as provided for in the United States Code and the Oklahoma Statutes.

II. POLICY

Asset seizure is a procedure that will permanently deprive a citizen of the use or possession of property. To do so without proper authorization is a flagrant violation of that person's rights under the Constitution of the United States. Therefore it is the policy of the Norman Police Department that all such seizures be performed strictly within the guidelines as provided for in the United States Code and the Oklahoma Statutes.

III. GENERAL CONSIDERATIONS (rev 4/02, 11/08)

- A. The Special Investigations Division will be responsible for maintaining records on all seized assets, including vehicles, seized by officers of the Norman Police Department.
- B. All seizure forms and a copy of any related case record or report shall be forwarded to the Special Investigations Division Commander as soon as practical by the supervisor approving the seizure process.
- C. The Special Investigations Division Commander is responsible for monitoring the proceeds from seized assets.

IV. ITEMS GENERALLY SUBJECT TO SEIZURE AND FORFEITURE

A. Items subject to Seizure Related to Controlled Dangerous Substances (CDS)

1. All controlled dangerous substances (CDS) which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act (UCDSA).
2. All raw materials, products and equipment of any kind and all drug paraphernalia as defined in the UCDSA, which are used, or intended for use in manufacturing, compounding, processing, delivering, importing or exporting, injecting, ingesting, inhaling, or otherwise introducing into the human body any CDS.
3. All property which is used, or intended for use, as a container for property described in Section III General Considerations, A and B of this policy.

4. All conveyances, including aircraft, vehicles, vessels, or farm implements which are used to transport, conceal, or cultivate for the purposes of distribution, or which are used in any manner to facilitate the transportation or cultivation of CDS.
5. All books, records and research, including formulas, microfilm, tapes, and data that are used in violation of the UCDSA.
6. All things of value furnished, or intended to be furnished, in exchange for a CDS in violation of the UCDSA, all proceeds traceable to an exchange, and all monies, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of the UCDSA.
7. All monies, coin and currency found in close proximity to forfeitable substances, to forfeitable drug manufacturing or distribution paraphernalia or to forfeitable records of the importation, manufacture or distribution of CDS.
8. Within statutory restrictions, all real property, including any right, title, and interest in the whole of any lot or tract of land and any accessory or improvement thereto, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of a violation of the UCDSA.
9. All weapons possessed, used or available for use in any manner, to facilitate a violation of the UCDSA.
10. Any property or thing of value is subject to forfeiture if it is established by a preponderance of the evidence that such property or thing of value was acquired by a person during the period of a violation of the UCDSA or within a reasonable time after such period and there was no likely means of acquisition of such property or thing of value other than the violation of the UCDSA.

B. Items Subject to Seizure Related to the Commission of Certain Crimes

1. Any vehicle owned by or registered to the defendant is subject to seizure if that vehicle is intentionally used in the commission of the following crimes:
 - a. Armed robbery;
 - b. Discharge of a firearm with the intent to kill a person;
 - c. The intentional discharge of any kind of firearm or crossbow or other weapon in conscious disregard for the safety of any other person;
 - d. Attempt or commission of first or second degree burglary;
 - e. Assault and battery with a deadly weapon;
 - f. Motor vehicle theft; and
 - g. Unauthorized use of a motor vehicle.
2. Any vehicle whose identification numbers have been removed, altered or obliterated so as to prevent determination of the true identity or ownership of the vehicle.

C. Seizure of Weapons Used to Commit an Act of Domestic Abuse

Every police officer shall seize any weapon or instrument when the officer has probable cause to believe the weapon or instrument has been used to commit an act of domestic violence as defined by the Oklahoma Statutes.

D. Others Items Subject to Seizure

In addition to items enumerated in sections A, B, and C of part IV of this policy, the Oklahoma Statutes provide for the seizure of alcohol, tobacco, fish, game, gaming devices and livestock under certain conditions. If any of these conditions arise, officers shall refer to the latest edition of the Oklahoma Statutes for details.

V. PROCEDURE

A. Procedure for Seizure of Conveyances (rev 12/13)

1. The supervisor on-duty shall be notified of the intent to seize the conveyance. Seizure procedures shall not begin without the approval of that supervisor.
2. The conveyance should not be impounded at a storage facility operated by a towing service unless there are no other options.
3. The Special Investigations Division Supervisor shall be notified prior to the conveyance being seized. A detective with the Special Investigation Division will respond if practical to assist with the seizure process.
4. Any personal property of the owner/driver that is not subject to seizure or is otherwise not considered contraband shall be removed from the conveyance, inventoried on a impound sheet and may be released to the owner/driver or placed in property custody.

B. Procedure for Seizure of Property Other than Conveyances (rev 11/08, 12/13)

1. The supervisor on-duty shall be notified of the intent to seize the property. Seizure procedures shall not begin without the approval of that supervisor.
2. The value of the property to be seized should be evaluated. Generally, items with a total value of less than \$100.00 should be handled in a manner other than formal seizure.
3. Items to be seized shall be inventoried on a property custody form. An Asset Seizure cover sheet shall be filled out and a copy of the original paperwork regarding the seized items shall be forwarded to the Special Investigations Division for tracking. The Special Investigations Division will submit the original paperwork to the District Attorney's office for filing and forward a copy of the paperwork to the property office.
4. A Narcotics Division Supervisor shall be notified as soon as practical for assistance in taking custody of seized money in the amount of \$2,000.00 or greater

VI. Additional space for detailed answers (Indicate Part to which answer(s) apply)

The investigation that led to the seizure was initiated by the USSS Oklahoma City Economic and Identity Crimes Task Force(OCEICTF). The Norman Police Department is an active member of the OCEICTF through the investigative support of Detective Brady Neal. Detective Neal actively participated in the investigation by participating and conducting the following tasks: Witness Interviews, Victim Interviews, Suspect Surveillance and Management and Analysis of Data provided by financial institutions and victims. The investigation involved over 25 identity theft victims and 38 incidents of check fraud at 19 different financial institutions.

(If more space is required, use a separate sheet of paper and attach.) Attachment: Yes No

VII. Certifications:

A. The requester certifies that the above information is true and accurate, that the property transferred will be used for the law enforcement purpose stated, and that all monies received pursuant to this request will be deposited and accounted for consistent with applicable Federal, State, and local law, regulations and orders. The requester agrees to report on the actual use of equitably transferred property upon request. The requester understands that if it is unable to pay the necessary fees and expenses at the time of transfer, the asset will be sold and the maximum percent of net sale proceeds will be awarded in lieu of the asset.

DETECTIVE 8/21/13
Signature / Title Date

B. As legal counsel, I have reviewed this Request for Transfer of Property Seized/Forfeited by a Treasury Agency and I certify that the contact person identified in Part II has the authority to accept seized/forfeited property and is the official to whom transfer documents and/or money should be delivered. (Legal counsel certification is not required for Federal law enforcement agencies)

Assistant City Attorney 8-21-13
Signature / Title Date

Address: P.O. Box 370 - 201 W. Gray
NORMAN, OK 73071

Telephone Number: (405) 366-5423

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

Signature: _____

Name: _____

Title: _____

Date: _____

E-mail: _____

[Signature]
Keith Humphrey

Chief of Police

8-30-13

Keith.Humphrey@NormanOK.gov

Governing Body Head

Signature: _____

Name: _____

Title: _____

Date: _____

E-mail: _____

[Signature]

Steve Lewis

City Manager

8-30-13

Steve.Lewis@NormanOK.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 SIGNED PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY

Entered by _____

Entered on _____

FY End: 06/30/2013

Date Printed: August 30, 2013 15:09

NCIC: OK0140200 Agency: Norman Police Department

Phone: 405-366-5448

State: OK Finance Contact: Debbie Whitaker

E-mail: debbie.whitaker@normanok.gov





U. S. Department of Justice
Criminal Division

Asset Forfeiture and Money Laundering Section

Washington, D.C. 20530

July 1, 2013

Kyle Harris
Norman Police Department
201 - B West Gray
Norman, OK 73069

Re: Equitable Sharing Program - Compliance Letter

Dear Sir/Madam:

The U.S. Department of Justice requires all state and local law enforcement agencies participating in the Equitable Sharing Program to submit an Equitable Sharing Agreement and Certification from (form). Through this Program, the Department is able to distribute forfeited cash and property to participating agencies. Before funds can be distributed, agencies must be in compliance with the reporting requirements outlined in the Guide to Equitable Sharing for State and Local Law Enforcement Agencies (April 2009).

To ensure that your agency remains in compliance and eligible to receive funds, please complete the Equitable Sharing Agreement and Certification form for fiscal year 2013 by August 31, 2013. Please complete the form by following the instructions below:

- . Download the form from the Department of Justice website at www.justice.gov/criminal/afmls/equitable-sharing
- . Complete and save the form as an XML and PDF document
- . Email the form as an XML attachment to aca.submit@usdoj.gov
- . Fax the signed Affidavit page to (202) 616-1344
- . Retain a PDF copy and print a hard copy of the form and Affidavit for your agency's records

If you have any questions, please contact Records Examiner Rosa Ashford at (202) 305-3048.

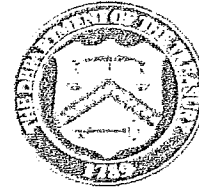
Sincerely,

Gene Patton, Assistant Deputy Chief
Asset Forfeiture and Money
Laundering Section

PAID



Equitable Sharing Agreement and Certification



OMB Number 1123-0011
Expires 9-30-2014

- Police Department
 Sheriff's Office
 Task Force (Complete Table A)
 Prosecutor's Office
 National Guard Counterdrug Unit
 Other

* Please fill each required field. Hover mouse over any fillable field for pop-up instructions. *

Agency Name: Norman Police Department

NCIC/ORI/Tracking Number:

Mailing Address: 201-B West Gray

City: Norman State: OK Zip: 73069

Finance Contact: First: Debbie Last: Whitaker

Phone: 405-366-5443 E-mail: debbie.whitaker@normanok.gov

Preparer: First: Lieutenant Kyle Last: Harris

Same as Finance Contact Phone: 405-321-1600 E-mail: kyle.harris@normanok.gov

Independent Public Accountant: E-mail: jhaaser@bkd.com

Last FY End Date: 06/30/2014 Agency Current FY Budget: \$25,570,476.00

- New Participant:** Read the Equitable Sharing Agreement and sign the Affidavit.
 Existing Participant: Complete the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.
 Amended Form: Revise the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds ¹	Treasury Funds ²
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	\$165,991.32	
2	Federal Sharing Funds Received	\$79,006.91	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)		
4	Other Income		
5	Interest Income Accrued Non-Interest Bearing <input type="radio"/> Interest Bearing <input checked="" type="radio"/>	\$223.88	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$245,222.11	\$0.00
7	Federal Sharing Funds Spent (total of lines a - m below)	\$150.87	\$0.00
8	Ending Balance (difference between line 7 and line 6)	\$245,071.24	\$0.00

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

² 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		
c	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training		
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
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)	\$150.87	
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)		
l	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
n	Total	\$150.87	\$0.00
o	Did your agency receive non-cash assets? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, complete Table H.		

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

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
Bank Service Charges	\$150.87	

Table E: Expenditures in Support of Community-Based Programs

Recipient	Justice Funds

Table F: Windfall Transfers

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Source	Description of Asset
Justice <input type="radio"/>	
Treasury <input type="radio"/>	

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
	<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender
<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> 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, 1400 New York Avenue, N.W., Washington, DC 20005.