

**RESOLUTION NO. RS2018-1486** (VERCHER & FREEMAN) – This resolution would approve an agreement between the United States Department of Justice (DOJ), Drug Enforcement Administration (DEA) and the Metro Nashville Police Department (MNPd). This agreement would govern the participation of DEA Nashville District Office Task Force participants in the DOJ “Equitable Sharing Program” and formalize MNPd’s participation in the program.

The Comprehensive Crime Control Act of 1984 initially authorized federal officials to implement a national asset forfeiture program and to share forfeiture proceeds with cooperating state and local law enforcement agencies. The Equitable Sharing Program was authorized pursuant to The Controlled Substances Act (USC Title 21), Section 881(e)), and the Civil Asset Forfeiture Reform Act (CAFRA)(USC Title 18, Section 981(e)(2). Under the proposed agreement, following a joint investigation, the MNPd may petition the DEA for a portion of seized or forfeited assets deemed as tools or proceeds of crime. The proceeds from these asset forfeitures would be split evenly among the task force members, subject to approval and at the discretion of the Attorney General. This sharing would not be awarded in a case where the victims have not been fully compensated. For these purposes, state, local, or federal government entities can be considered as victims. According to the MNPd, all cases in which the MNPd submits share requests involve a drug nexus and an arrest. As of this writing, it is not yet known if all MNPd share requests involve criminal convictions. (Share requests must be submitted within 60 days of seizure of the asset, and sharing determinations are generally made 120 to 180 days after forfeiture, although longer periods may be required in complex cases.)

The even split of forfeited assets may be modified in cases where a participating agency has either an unexpected financial burden or a unique or indispensable contribution related to the investigation and/or seizure. Additional adjustments may be necessary so as to ensure the DEA receives a minimum of 20%.

The MNPd has previously participated in the Equitable Sharing Program pursuant to two agreements approved November 7, 2017 per Resolution No. RS2017-920.

*Fiscal Note: This is a renewal of the agreement between Metro and the DEA concerning the equitable sharing program. MNPd estimates they would receive approximately \$150,000 from this program.*