

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

October 18, 2013

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 30, 2013, makes reference to County Communication 13-146, from the Chief of Police, informing the Council of the acquisition of a 2008 Chevy Suburban sport utility vehicle (“Chevy SUV”) from the United States Secret Service, pursuant to Resolution 90-82.

Your Committee notes Chapter 712A, Hawaii Revised Statutes, authorizes the State to distribute to any local or State government entity, municipality, or law enforcement agency within the State a share of funds or property seized by the County and forfeited to the State, provided the money and property are used for law enforcement purposes. Resolution 90-82 authorizes the Mayor or his authorized representative to receive such monies or property, provided any property accepted is reported to the Council within 60 days of acceptance.

Your Committee notes the communication states the estimated value of the Chevy SUV is \$30,000.

Subsequent to the meeting, your Committee received correspondence from the Chief of Police explaining Resolution 90-82 may not be applicable because the County acquired the Chevy SUV through a Federal, not a State, forfeiture. He further explained the Chevy SUV is the Department of Police’s share of federally forfeited property resulting from a joint investigation between the County and the United States Secret Service. According to the Chief of Police, the County is entitled to federally forfeited property under Federal law.

The Chief of Police attached excerpts of a document entitled “Guide to Equitable Sharing for State and Local Law Enforcement Agencies”, published by the Asset Forfeiture and Money Laundering Section, Criminal Division, United States Department of Justice. According to the document, any state or local law enforcement agency, or

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foreign country, that directly participates in an investigation or prosecution that results in a Federal forfeiture by a Treasury fund participating agency may request an equitable share of the net proceeds of the forfeiture.

Your Committee was satisfied with the acceptance of the acquisition of the Chevy SUV.

Your Committee voted 7-0 to recommend filing of the communication. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Cochran, Crivello, Victorino, and White voted "aye". Committee members Carroll and Guzman were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that County Communication 13-146 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

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