

DEPARTMENT OF JUSTICE
Criminal Division, Asset Forfeiture and Money Laundering Section

Supporting Statement – Information Collection Request
Equitable Sharing Agreement and Certification
OMB # 1123-0011

A. Justification

1. The Attorney General is required by statute to “assure that any property transferred to a State or local law enforcement agency . . . will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.” 21 U.S.C. § 881(e)(3). The Asset Forfeiture and Money Laundering Section (AFMLS) ensures such cooperation by requiring that all such “equitably shared” funds be used only for law enforcement purposes and not be distributed to other governmental agencies by the recipient law enforcement agencies. By requiring that law enforcement agencies that participate in the Equitable Sharing Program (Program) file an Equitable Sharing Agreement and Certification (ESAC), AFMLS can readily ensure compliance with its statutory obligations.
2. AFMLS and the Department of the Treasury Executive Office for Asset Forfeiture (TEOAF) use the records to track compliance with the requirements of the Program. Periodically, the DOJ Office of Inspector General will request copies of submissions to assist in the completion of its duties as well.
3. The current data collection is a PDF fillable file. Once completed, the users e-mail the ESAC to AFMLS. The e-mail submission is automatically added to the AFMLS internal database. To complete the process, the Program participant must fax a signed one page affidavit certifying compliance with the Program guidelines to AFMLS. The faxed certification was adopted as a compromise because the Public Key Infrastructure does not yet extend to all State and local law enforcement agencies to allow for electronic signature of forms.
4. The ESAC requires information regarding the receipt and expenditure of Program funds from the participating agency. Accordingly, it seeks information that is exclusively in the hands of the participating agency and no similar information is available.

5. This collection of information will have an insignificant impact on a large number of small municipal law enforcement agencies. The burden on any participating agency is in direct proportion to the amount of equitable sharing funds it receives or expends in a given year. Those agencies which neither receive nor expend Program funds during any year will have a *de minimis* burden. Equitable sharing funds may be expended on software and hardware used to comply with the filing requirements of the Program.
6. Less frequent collection of this information would make identifying misuse of Program funds more difficult and would make correction of such errors more expensive.
7. There are no special circumstances associated with this collection.
8. 60 day notice was published in the Federal Register on April 26, 2011, page 23338, and the 30 day notice was published on July 1, 2011. No comments were received.

AFMLS routinely attends law enforcement conferences and regularly gives presentations about equitable sharing. These conferences present an opportunity to discuss, both formally and informally, the collection of this information. AFMLS also engages in informal consultation with TEOAF about the collection of this information.

9. No payment or gift is associated with this information collection.
10. No assurance of confidentiality is provided to the respondents. These records are available to the public in response to a FOIA request, however to protect PII, we redact the name and contact information for the Agency Contact, the person who filled out the form, and the civil rights cases. We also redact the non-cash assets to protect operational security.
11. No records of a sensitive nature are maintained.
12. There are 8,888 respondents for this information collection. The respondent will respond one time annually. The total number of responses is 8,888. It is estimated that it take 30 minutes per year to enter the information. The total burden associated with this collection is 4,444 hours.
13. There is no new cost or annual cost associated with this collection. It is anticipated that each respondent already has the necessary equipment and personnel to respond.
14. There is no cost to the Federal Government.

15. Not applicable.

16. The result of this information collection will not be published.

17. AFMLS does not request approval to not display the expiration date of OMB approval for this collection.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection of information employs no statistical methods.