

SALES OF CONTROLLED SUBSTANCES WHILE PERFORMING OFFICIAL DUTIES

SUBJECT: Sales of controlled substances in performance of official duties by TCSU Agents

EFFECTIVE DATE: August 31, 2011

PURPOSE: To provide a policy mandating that TCSU member agencies adhere to O.R.C. 3719.141 when making sales of controlled substances in the performance of their official duties.

POLICY: All TCSU member agencies will adhere to O.R.C. 3719.141 when making sales of controlled substances in the performance of their official duties.

I. Sales of Controlled Substances by TCSU Agents and Member Agencies

- A. Agents will adhere to Ohio Revised Code 3719.141 when making sales of controlled substances.
 - 1. TCSU member agencies and agents shall adhere to the following requirements:
 - a. Prior approval for the sale shall be obtained by the prosecuting attorney of the county in which the sale takes place;
 - b. Agents shall keep detailed records as to the amount of money or other things of value obtained in the sale in exchange for the controlled substance;
 - c. Agents shall deliver all moneys or things of value obtained to the prosecuting attorney pursuant to division (D) of 3719.141 of the O.R.C.;
 - d. All moneys or things of value that are deposited in the law enforcement trust fund of the TCSU municipality, pursuant to division (D) of 3719.141 of the O.R.C. shall be governed by the individual agencies forfeiture policy;
 - e. Each TCSU agency shall keep detailed financial records of the receipts of the proceeds, the general types of expenditures made out of the proceeds received, and the specific amount of each general type of expenditure.

- f. The identification of any TCSU Agent involved in the sale, any information that is or may be needed in an ongoing investigation, or any specific expenditure that is made in an ongoing investigation shall not be disclosed.

- g. Except as provided in division (D)(2) of 3917.141 of the O.R.C. , if a TCSU Agent sells a controlled substance in the performance of the officer's official duties, the TCSU Agent, as soon as possible after the sale, shall deliver all money or other things of value obtained in the sale in exchange for the controlled substance to the prosecuting attorney who granted approval for the sale.