



Board Agenda Item 24

DATE: August 23, 2016

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney-Public Administrator

SUBJECT: Federal Asset Forfeiture Equitable Sharing Agreement and Certification- FY 2015-16

RECOMMENDED ACTION(S):

- 1. Approve and authorize Chairman to execute an Equitable Sharing Agreement with the Federal Government authorizing the District Attorney-Public Administrator's Office to participate in the Federal Equitable Sharing Program from September 1, 2016 through August 31, 2017 and certifying as to funds received and expended during FY 2015-16.**
- 2. Authorize the District Attorney-Public Administrator to submit the Equitable Sharing Agreement and Certification and any and all "Applications for Transfer of Federally Forfeited Property (Form DAG-71)" as appropriate and designate a department employee to accept forfeited property, transfer documents, and/or receive money.**

This program allows the District Attorney-Public Administrator (DA-PA) to receive a share of federally forfeited assets to be used according to the guidelines, which restricts the use of this property. The certification annual report is a requirement of this agreement and must be filed within 60 days after the end of the fiscal year.

ALTERNATIVE ACTION(S):

If the agreement and certification is not executed, the Department would not receive a share of federally forfeited assets.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The agreement allows the DA-PA to participate in the program and the certification is an accounting of federal monies received and expended during FY 2015-16. In FY 2015-16, the DA-PA received \$1,938.20 in Federal Sharing funds and \$7,027.61 in accrued interest income for a total of \$8,965.81. During FY 2015-16, \$45,000 was expended for law enforcement training costs.

DISCUSSION:

The Comprehensive Crime Control Act of 1984 provided federal investigators and prosecutors with the ability to conduct a national asset forfeiture program, and authorized the sharing of federal forfeiture proceeds with cooperating state and local law enforcement agencies.

One requirement of this agreement is the electronic submission of an annual certification report for an accounting of funds received and expended during the fiscal year. The Agency Head and Governing Body Head certify they have read and understand their obligations under the Equitable Sharing Agreement, that the

information submitted in conjunction with the document is an accurate accounting of funds received/spent by the Agency under the Justice and/or Treasury Guidelines during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture. This includes certifying the recipient Agency (DA-PA) is in compliance with the nondiscrimination requirements of the laws cited therein, 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. It also certifies the DA-PA has not suffered an adverse finding on any claims the Agency violated the discrimination statutes, nor has the Agency entered into a settlement of any such claims.

Additionally, the Department of Justice requires that state and local law enforcement agencies requesting an equitable share of proceeds, complete and electronically submit an Application for Transfer of Federally Forfeited Property (Form DAG-71) within 45 days of the seizure. The field office will make a recommendation on the agency's sharing percentage based upon the information reported on this form. These percentages are ultimately approved by either the seizing agency headquarters, U.S. Attorney's Office, or the Criminal Division.

When Federal Asset Forfeiture funds are received by the DA-PA, they are deposited into a trust fund from which permissible expenditures will be made. The DA-PA will return to your Board with budget resolutions to increase appropriations and provide estimated revenues for any future utilization of these funds.

REFERENCE MATERIAL:

BAI #24, August 25, 2015 - Agreement No. 15-400

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with the Clerk - Equitable Sharing Agreement and Certification

CAO ANALYST:

Jeannie Z. Figueroa