



**Probation Department  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
EDDIE VALERO  
District Four  
DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 17, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Steven Horton    PHONE: (559) 735-1554

**SUBJECT:** Approve an agreement with the United States Department of Justice

**REQUEST(S):**

That the Board of Supervisors:

1. Approve an agreement with the United States Department of Justice to participate in the Federal Equitable Sharing program and to allow continued access to Equitable Sharing funds in the amount of \$5,885.03, retroactive to July 1, 2019 through June 30, 2020. This agreement is retroactive due to the United State Department of Justice’s procedures in collecting information at the end of the preceding fiscal year. It was impracticable for the Board to take action prior to July 1, 2019 due to the time needed to process, prepare and submit the agenda item;
2. Find that the Board had the authority to enter into the proposed agreement as of July 1, 2019 and that it was in the County’s best interest to enter into the agreement on that date;
3. Authorize the Chairman’s electronic signature on the agreement; and
4. Authorize the Chief Probation Officer to electronically sign the agreement

**SUMMARY:**

The United States Department of Justice (DOJ) Asset Forfeiture Program helps to remove the tools of crime from criminal organizations, deprive wrongdoers of the proceeds of the crimes, recover property that may be used to compensate victims, and deter crime.

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On March 10, 2009, the Board authorized the Probation Department to enter into an agreement with the DOJ for the distribution, maintenance, and use of seized and forfeited drug assets. Continued participation in the program necessitates an annual update of the Probation Department's Equitable Sharing Agreement and Certification (ESAC).

The ESAC allows the Probation Department to participate in the Federal Equitable Sharing Program to receive forfeited proceeds. Any received proceeds are used to purchase law-enforcement items such as safety equipment, firearms, weapons, and electronic surveillance equipment. The Probation Department's beginning Equitable Sharing Fund balance for Fiscal Year 2018-19 was \$5,768.55 and \$116.48 in interest was received to increase the balance to \$5,885.03. No equitable sharing funds were spent in FY 2018-19.

County Counsel has reviewed and approved the ESAC as to form. The Department would like to note that the following terms deviate substantively from the County's standard boilerplate: 1.) This agreement is submitted electronically on the DOJ's template without signature; 2.) Submission of this agreement constitutes acceptance of the agreement's terms.

**FISCAL IMPACT/FINANCING:**

Any revenue received from the asset forfeiture program augments the Probation Department's operating budget, thereby relieving General Fund costs. There is no net County cost to the General Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic business plan includes a Safety and Security Initiative and an Organizational Performance Initiative. The Federal Equitable Sharing Program supports the Safety and Security Initiative by addressing contributors to crime and depriving criminals of the profits and proceeds of their illegal activities and to weaken criminal enterprise by removing the instrumentalities of crime. It also supports the Organizational Performance Initiative by seeking revenue from all available resources and utilizing funding to purchase safety equipment items that otherwise may have come from the general fund.

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**ADMINISTRATIVE SIGN-OFF:**



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Michelle Bonwell  
Chief Probation Officer

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) United States Department of Justice Equitable Sharing Agreement and Certification

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN )  
AGREEMENT WITH THE UNITED STATES ) Resolution No. \_\_\_\_\_  
DEPARTMENT OF JUSTICE ) Agreement No. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

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2. Found that the Board had the authority to enter into the proposed agreement as of July 1, 2019 and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorized the Chairman's electronic signature on the agreement; and
4. Authorized the Chief of Probation to electronically sign the agreement