



**District Attorney
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: August 11, 2020

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: Dan Underwood PHONE: 636-5494		

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 \$39,593.36, retroactive to July 1, 2020 through June 30, 2021. This agreement is retroactive due to the United States Department of Justice's procedures in collecting this information at the end of the preceding fiscal year. It was impracticable for the Board to take action prior to July 1, 2020 due to the time needed to process, prepare and submit the agenda item;
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2020, and that it was in the County's best interest to enter into the agreement on that date;
3. Authorize the Chairman to sign the agreement; and
4. Authorize the District Attorney to electronically sign the agreement.

SUMMARY:

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

One of the ancillary benefits of asset forfeiture is the potential to share federal

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forfeiture proceeds with cooperating state and local law enforcement agencies through equitable sharing. Participation in an investigation with either the Bureau of Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Administration, or Federal Bureau of Investigation may result in equitable sharing paid from the Department of Justice Assets Forfeiture Fund. The District Attorney's office does not receive funds directly from the DOJ; rather the DOJ sends the funds to the Tulare County Sheriff's Office, which in turn transfers the appropriate share to the District Attorney's Office. Funds received are contingent upon involvement in Federal cases.

To obtain any proceeds from the Program, the state or local agency must annually sign an Equitable Sharing Agreement and Certification, certifying that any forfeited proceeds received are allocated as required by federal statutes and regulations established by the U.S. Department of the Treasury and the U.S. Department of Justice (DOJ). Funds can be used for operations, investigations, training and education, among other things.

The agreement is entered into annually at the end of the preceding fiscal year, at which time the District Attorney reports funds received and spent for that year through the Annual Certification Report portion of the agreement. The Department received a total of \$31,649.48 during FY 2019/20 in equitable sharing funds. The balance carried in from FY 2018/19 was \$7,121.55, and the trust earned \$822.33 in interest, for a total ending balance of \$39,593.36. No equitable sharing funds were spent in FY 2019/20.

A prior agreement, identical except for the term or time period and/or dollar value, was approved as to form by County Counsel on July 25, 2019. The substantive deviations from the standard County boilerplate identified in the prior agenda item were: 1) The document is submitted electronically on the Department of Justice's template without signatures; and 2) Submission of the document constitutes acceptance of the agreement's terms.

The proposed renewal agreement does not include any additional deviations from the standard County boilerplate. The only changes from the prior agreement are to the time period of the agreement and/or the dollar amount of the agreement. The price for services has not changed.

Once a Board Chair signature is obtained, the Department's Fiscal Manager will submit the agreement through an online portal, which generates an electronic signature from the District Attorney.

FISCAL IMPACT/FINANCING:

The balance of the Federal Asset Forfeiture Trust Fund (Fund 555) at the beginning of FY 2019/20 was \$7,121.55. Throughout FY 2019/20, the Department received a total of \$31,649.48, and the trust fund accumulated interest revenue of \$822.33, for a total ending balance of \$39,593.36. No funds were spent in FY 2019/20. The \$39,593.36 represents the fund balance that is being reported to the Department of Justice. There is no net County cost associated with this agreement, and this

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agreement does not have an impact on the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year Strategic Business Plan and Management System includes a Safety and Security Initiative to effectively and fairly investigate, arrest, prosecute and punish individuals who engage in criminal behaviors. The Federal Equitable Sharing Agreement will support the Initiative by depriving criminals of the profits and proceeds of their illegal activities.

ADMINISTRATIVE SIGN-OFF:

/s/ Dan Underwood
Dan Underwood
Chief Deputy District Attorney

Cc: County Administrative Office

Attachment(s) 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) Resolution No. _____
STATES 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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