
SHERIFF-CORONER



C O U N T Y O F S A N T A C R U Z

MARK TRACY
SHERIFF-CORONER

701 OCEAN ST, ROOM 340, SANTA CRUZ, CALIFORNIA 95060
PHONE (831) 454-2414 FAX (831) 454-2353 TDD (831) 454-2123

8/10/99

Agenda: 9/21/99

**Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060**

Approval Of Federal Equitable Sharing Agreement

Dear Members of the Board:

On August 20, 1996 your Board authorized the Sheriff's Office to enter into an on-going agreement with the U.S. Department of Justice for the distribution, maintenance and use of seized and forfeited drug assets. This agreement needs to be renewed for a three year period commencing on October 1, 1999. In addition, the Sheriff's Annual Federal Fiscal Certification Report for FY 98/99 is due and is being submitted for your Board's approval before being forwarded to the Department of Justice.

The Sheriff's Office continues to work closely with Federal law enforcement agencies to investigate and prosecute Federal drug enforcement cases. With your Board's approval, we have budgeted Federal drug forfeitures to finance drug education in this community and to purchase police safety equipment for front line law enforcement operations. Most notable of our FY 98/99 expenditures was the funding of one full time deputy sheriff committed to teaching DARE programs in a number of elementary schools in this County, as well as an upgrade of automated fingerprinting equipment and partial funding of a vehicle to maintain drug suppression activities.

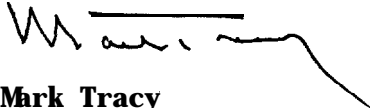
The renewal of this Equitable Sharing Agreement is important in that it sets forth the ground rules for the maintenance, distribution and utilization of drug seizures and forfeitures. As part of this agreement the Sheriff's Office will continue to submit annual financial status reports which document the receipt and expenditure of Federal drug forfeitures and we will continue to maintain a separate County trust fund established for this pur-

pose in compliance with the Federal guidelines contained in the Agreement.

Therefore it is Recommended that your Board:

1. Approve the renewal of a three year Federal Equitable Sharing Agreement with the US Department of Justice for the distribution, maintenance and utilization of seized and forfeited drug assets through September 30, 2002.
2. Approve the Sheriff's Office Federal Annual Financial Certification Report for the period 7/1/98-6/30/99.
3. Authorize the Sheriff and County Administrative Officer to sign and submit both the Agreement and the Report to the US Department of Justice.

Very truly yours,



Mark Tracy
Sheriff Coroner

M/PC

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Federal Equitable Sharing Agreement 10/1/99-9/30/02.
2. Federal Annual Certification Report- FY 98/99.

/fedforf



Federal Equitable Sharing Agreement 77

"VALID THRU SEPTEMBER 30, 2002"



Law Enforcement Agency: Santa Cruz County Sheriff ☐ Check if New Participant

☐ Police Department ☒ Sheriffs Office/Department ☐ Task Force'
☐ Prosecutor's Office ☐ Other _____

Contact Person: Paul Crawford E-mail Address: _____

Mailing Address: 701 Ocean street, Room 340 Santa Cruz CA 95060
(Street) (City) (State) (Zip Code)

Telephone Number: (831) 454-2992 Fax Number: (831) 454-2353

Agency Fiscal Year Ends on: June 30 NCIC/ORI/Tracking No.: _____
(Month/Day)

This Federal Equitable Sharing Agreement entered into among (1) the Federal Government, (2) the above-stated law enforcement agency, and (3) the governing body sets forth the requirements for participation in the federal equitable sharing program and the **restrictions** upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably-shared with participating law enforcement agencies. By their signatures, the parties agree that they will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program.

1. **Submission.** The Federal Equitable Sharing Agreement and the Federal **Annual Certification** Report must be submitted to **both** the Department of Justice and the Department of the Treasury with a copy provided to the U.S. Attorney in the district in which the recipient law enforcement agency is located, in accordance with the instructions received from the respective departments or as outlined in their equitable sharing guidelines.

Asset Forfeiture and Money Laundering Section
U.S. Department of Justice/ACA Program
P.O. Box 27768
Washington, D.C. 20038
E-mail address: program.aca@usdoj.gov
Fax: (202) 616-1344

Executive Office for Asset Forfeiture
U.S. Department of the Treasury
740 15th Street, N. W., Suite 700
Washington, D.C. 20220
E-mail address: treas.aca@teoaf.treas.gov
Fax: (202) 622-9610

2. **Signatories.** This agreement must be signed by the head (or authorized representative) of the law enforcement agency and the head (or authorized representative) of the governing body. **Receipt of the signed agreement is a prerequisite to receiving any equitably-shared cash, property, or proceeds.**
3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern equitable sharing, and as specified in the equitable sharing request (either a DAG-7 **1** or a TD F 92-22.46) submitted by the requesting agency. Any and all requests for a change in the use of cash, property, or proceeds from that specified in the equitable sharing request must be submitted in writing to the appropriate agency shown in item 1.
4. **Transfers.** Before the undersigned law enforcement agency transfers cash, property, or proceeds to other law enforcement agencies, it must verify first that the receiving agency has a current and valid Federal Equitable Sharing Agreement on file with both the Department of Justice and the Department of the Treasury. If there is no agreement on file, the undersigned law enforcement agency **must** obtain one from the receiving agency, and forward it to the appropriate department shown in item 1. A list of recipients, their addresses, and the amount transferred must be attached to the Federal Annual Certification Report.
5. **Internal Controls.** The parties agree to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled

¹ Attach list of member agencies with their addresses and indicate lead agency.

with federal equitable sharing funds. The recipient agency shall establish a separate revenue account or accounting code state, local, Department of Justice, and the Department of the Treasury forfeiture funds. Interest income generated must be deposited in the appropriate federal forfeiture fund account.

The parties agree that such accounting will be subject to the standard accounting requirements and practices employed for such public monies as supplemented by requirements set forth in the current edition of the Department of Justice's *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*. The accounting of shared funds must be submitted in the format shown on the Annual Certification Report contained in both the *Justice* and *Treasury Guides*.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides*, depending on the source of the funds or property.

6. **Federal Annual Certification Report.** The recipient agency shall submit an Annual Certification Report to the Department of Justice and the Department of the Treasury (at the addresses shown in item 1) and a copy to the U.S. Attorney in the district in which the recipient agency is located. The certification must be submitted in accordance with the instructions received from respective departments or as outlined in the *Justice* or *Treasury Guides*. *Receipt of the certification report is a prerequisite for receiving any equitably-shared cash, property, or proceeds.*
7. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits

During the past 3 years, has your agency been found in violation of, or entered into a settlement agreement pursuant to, any nondiscrimination law in federal or state court, or before an administrative agency?

☐ Yes ☒ No (If you answered yes, attach relevant information. See instructions.)

Are there pending in a federal or state court, or before any federal or state administrative agency, proceedings against your agency alleging discrimination?

☐ Yes ☒ NO (If you answered yes, attach relevant information. See instructions.)

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), 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.

Under penalty of perjury, the undersigned officials certify that the recipient state or local law enforcement agency is in compliance with the provisions of the *Justice* and/or *Treasury Guides* and the National Code of Professional Conduct for Asset Forfeiture.

Mark Tracy

Name (Print or Type) _____ Date _____
Law Enforcement Agency Head or Authorized Representative

(Signature)

Susan Mauriello

Name (Print or Type) _____ Date _____
Governing Body Head or Authorized Representative

(Signature)

Sheriff Coroner

Title (Print or Type)

County Administrative Officer

Title (Print or Type)



Federal Annual Certification Report



This Annual Certification Report must be submitted within 60 days after the close of your fiscal year to both agencies:

U.S. Department of Justice/ACA Program
Asset Forfeiture and Money Laundering Section
POB 27760
Washington, D.C. 20036
E-mail address: program.aca@usdoj.gov
Fax: (202) 616-1344

U.S. Department of the Treasury
Executive Office for Asset Forfeiture
740 15th Street, N.W., Suite 700
Washington, D.C. 20220
E-mail address: treas.aca@eoaf.treas.gov
Fax: (202) 622-9610

Law Enforcement Agency: Santa Cruz County Sheriff

☐ Police Department ☒ Sheriffs Office/Department ☐ Task Force ☐ Prosecutor's office ☐ Other _____

Contact Person: Paul Crawford

E-mail Address: _____

Mailing Address: 701 Ocean Street Room 340
(Street)

Santa Cruz CA 95060
(City) (State) (Zip Code)

Telephone Number: (831) 454-2992

Fax Number: (831) 454-2353

Agency Fiscal Year Ends on: June 30
(Month/Day/Year)

NCIC/ORI/Tracking No.: _____

Summary of Equitable Sharing Activity

	Justice Funds	Treasury Funds
1. Beginning Equitable Sharing Fund Balance	\$ <u>115,073.66</u>	\$ <u>0</u>
2. Federal Sharing Funds Received	\$ <u>247,415.03</u>	\$ <u>0</u>
3. Other Income	\$ <u>0</u>	\$ <u>0</u>
4. Interest Income Accrued	\$ <u>8,881.59</u>	\$ <u>0</u>
5. Total Equitable Sharing Funds (total of lines 1 - 4)	\$ <u>371,370.28</u>	\$ <u>0</u>
6. Federal Sharing Funds Spent (total of lines a- 1)	\$ <u>(98,965.64)</u>	\$ <u>(0)</u>
7. Equitable Sharing Fund Balance (subtract line 6 from line 5)	\$ <u>272,404.64</u>	\$ <u>0</u>
8. Appraised Value of Other Assets Received	\$ <u>0</u>	\$ <u>0</u>

Summary of Shared Monies, Spent

a. Total spent on salaries for new, temporary, not to exceed I-year employees	\$ <u>57,152.14</u>	\$ <u>0</u>
b. Overtime	\$ <u>0</u>	\$ <u>0</u>
c. Total spent on informant and "buy money"	\$ <u>0</u>	\$ <u>0</u>
d. Total spent on travel and training	\$ <u>0</u>	\$ <u>0</u>
e. Total spent on communications and computers	\$ <u>26,581.50</u>	\$ <u>0</u>
f. Total spent on firearms and weapons	\$ <u>0</u>	\$ <u>0</u>
g. Total spent on body armor and protective gear	\$ <u>0</u>	\$ <u>0</u>
h. Total spent on electronic surveillance equipment	\$ <u>0</u>	\$ <u>0</u>
i. Total spent on building and improvements	\$ <u>15,232.00</u>	\$ <u>0</u>
j. Total spent on other law enforcement expenses (attach list)	\$ <u>0</u>	\$ <u>0</u>
k. Total transfers to other law enforcement agencies (attach list of recipients)	\$ <u>0</u>	\$ <u>0</u>
l. Total permissible use transfers (attach list of recipients)	\$ <u>0</u>	\$ <u>0</u>
m. Total annual law enforcement budget for your jurisdiction for current fiscal year <u>98/99</u>	\$ <u>27,049,958</u>	
n. Total annual budget for non-law enforcement agencies for current fiscal year <u>98/99</u>	\$ <u>213,873,717</u>	
o. Total annual law enforcement budget for your jurisdiction for prior fiscal year <u>97/98</u>	\$ <u>25,401,738</u>	
p. Total annual budget for non-law enforcement agencies for prior fiscal year <u>97/98</u>	\$ <u>197,482,953</u>	

Under the penalty of perjury, the undersigned hereby certify that the information in this report is an accurate accounting of funds received and spent by the law enforcement agency under the federal equitable sharing program during this reporting period.

Mark Tracy

Name (Print or Type) _____ Date _____
Law Enforcement Agency Head or Authorized Representative

(Signature)

Sheriff Coroner

Title (Print or Type)

Susan Mauriello

Name (Print or Type) _____ Date _____
Governing Body Head or Authorized Representative

(Signature)

County Administrative Officer

Title (Print or Type)

¹ Attach list of member agencies with their addresses and indicate lead agency.

This form is subject to the Freedom of Information Act and may be released to requests under 5 U.S.C. §552.

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JUL 1999