

ORDINANCE NO. ____ (N.S)

AN ORDINANCE AMENDING ARTICLE III SECTION 66.4 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO THE PROBATION DEPARTMENT

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 66.4 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 66.4. CHIEF PROBATION OFFICER FORFEITURE PROGRAM.

(a) BACKGROUND. Notwithstanding Section 66 of the County Administrative Code, this section establishes a Chief Probation Officer Asset Forfeiture Program, whereby the Chief Probation Officer of San Diego County may receive seized assets transferred to them by Federal agencies as provided by the Comprehensive Crime Control Act of 1984 (21 U.S. Code Section 873 et. seq.) and by the United States Attorney General's Guidelines on Seized and Forfeited Property (Paragraph III D.3.e). In addition, any monies or tangible assets that may be received pursuant to California Health and Safety Code sections 11470--11493) will also be included in this program, as well as asset forfeiture shared funds from other law enforcement agencies.

Such assets are those which have been seized by law enforcement agencies during the investigation of criminal activities, subsequently forfeited by judicial or administrative decision, and transferred to the Chief Probation Officer as a result of participation in acts leading to a Federal or State governmental seizure or forfeiture. These assets may include, but are not limited to, cash, real estate, motor vehicles, airplanes and boats. The Program's purpose shall be to provide an added incentive to the Chief Probation Officer to join with Federal, State and other local law enforcement agencies to stem the rising tide of crime, especially illegal drug trafficking.

(b) FORFEITED CASH ASSETS. The monies received by the Chief Probation Officer Asset Forfeiture Program established by this section, the monies received from the sale of any seized tangible assets, and any interest thereon (pursuant to Government Code section 53647(b) shall be deposited into the Chief Probation Officer Asset Forfeiture Fund. The Fund shall be used in conformity with the Comprehensive Crime Control Act of 1984 and the United States Attorney General's Guidelines on Seized and Forfeited Property and/or California Health and Safety Code Section 11489.

(c) FORFEITED NON-CASH ASSETS. Title to all property received pursuant to this program shall be taken in the name of the County and shall vest in the County. Upon receipt of any transferred property, the Chief Probation Officer shall immediately notify the Auditor and Controller of the acquisition. The Auditor and Controller shall make the necessary entries in the County's inventory or accounting records, using the property's fair market value on the date of acquisition, as determined by the Purchasing Agent. Actual custody of the property under this program shall be with the Chief Probation Officer.

Whenever the Chief Probation Officer deems it necessary or expedient to sell forfeited non-cash assets received, the applicable provisions of law and County policy will be followed for the disposal of such assets, except that the proceeds, if any, shall be deposited into the Chief Probation Officer's Asset Forfeiture Fund.

(d) PROGRAM ACCOUNTABILITY. The Chief Probation Officer, in cooperation with the County Auditor and Controller, shall establish regular accounting and reporting procedures in connection with the Chief Probation Officer Asset Forfeiture Program with strict accountability. A report shall be provided to the Auditor and Controller by the Chief Probation Officer, on at least an annual basis, detailing all monies and tangible assets received, all deposits and disbursements, and such other information as the Auditor and Controller may require. The Chief Probation Officer shall establish an internal departmental Asset Forfeiture Program Review Panel to assist the Chief Probation Officer in the judicious operation of the Program.

APPROVED AS TO FORM AND LEGALITY

DAVID J. SMITH, ACTING COUNTY COUNSEL

BY: Mark Day, Senior Deputy County Counsel