

ORDINANCE NO. ____ (N.S)

AN ORDINANCE AMENDING ARTICLE III SECTION 66.1 OF THE SAN DIEGO
COUNTY ADMINISTRATIVE CODE, RELATING TO SHERIFF'S OFFICE

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

Section 1. Section 66.1 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 66.1. SHERIFF'S ASSET FORFEITURE PROGRAM.

(a) BACKGROUND. Notwithstanding Section 66 of the County Administrative Code, this section establishes a Sheriff's Asset Forfeiture Program, whereby the Sheriff of San Diego County may receive seized assets transferred 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 (Justice Manual 9-118.500 G.). In addition, any monies or tangible assets that may be received pursuant to the California Health and Safety Code Sections 11470-11493 will also be included in this program.

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 Sheriff 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 Sheriff's Office 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 Sheriff's 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 Sheriff's Asset Forfeiture Fund within the County Treasury and shall be used in conformity with the Comprehensive Crime Control Act of 1984 and the United States Department of Justice Guide to Equitable Sharing for State, Local and Tribal Law Enforcement Agencies and California Health and Safety Code Section 11489. The Fund may be applied to payment of any liens or other costs of acquisition associated with the transfer of the forfeited noncash assets.

(c) FORFEITED NONCASH 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 Sheriff shall immediately notify the Auditor and Controller of the acquisition using forms prescribed by the Auditor and Controller. 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 Sheriff. Whenever the Sheriff deems it necessary or expedient to sell forfeited noncash assets received, the provisions

of Section 440 of this Code shall be followed, except that the proceeds, if any, shall be deposited in the Sheriff's Asset Forfeiture Fund.

(d) **PROGRAM ACCOUNTABILITY.** The Sheriff, in cooperation with the County Auditor and Controller, shall establish regular accounting and reporting procedures in connection with the Sheriff's Asset Forfeiture Program with strict accountability. A report shall be provided to the Auditor and Controller by the Sheriff, 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 Sheriff shall establish an internal departmental Asset Forfeiture Program Review Committee to assist the Sheriff 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