

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
3.78  
(ID # 4935)

**MEETING DATE:**

Tuesday, August 29, 2017

**FROM :** PROBATION:

**SUBJECT:** PROBATION: Approval of the Annual Federal Equitable Sharing Agreement (Asset Forfeiture Program) for fiscal year ending June 30, 2017 - Districts All; [0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve to form the Fiscal Year Equitable Sharing Agreement and Certification for submission to the Asset Forfeiture and Money Laundering Section, U.S. Department of Justice; and
2. Authorize the Probation Department to electronically submit the Fiscal Year Equitable Sharing Agreement and Certification to the Asset Forfeiture and Money Laundering Section of the U.S. Department of Justice on behalf of the Board of Supervisors and the Chief Probation Officer.

**ACTION:** Policy


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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Perez and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Washington, Perez and Ashley  
Nays: None  
Absent: Tavaglione  
Date: August 29, 2017  
xc: Probation

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	16/17

**C.E.O. RECOMMENDATION:** [CEO use]

**BACKGROUND:**

**Summary**

As a prerequisite to receiving any Asset Forfeiture funds or property from any federal agency, the Probation Department (Probation) must submit the annual Federal Equitable Sharing Agreement and Certification. The attached agreement and certification represents Probation's fifth year of participation in the federal equitable sharing program for fiscal year 2016/17. The attached agreement and certification form is Probation's annual analysis of Federal Asset Forfeiture funds received at the close of the fiscal year.

The Department of Justice Asset Forfeiture program is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crime. The Equitable Sharing Agreement enhances law enforcement collaboration and fosters cooperation among federal, state and local law enforcement agencies.

Federal Asset Forfeiture funds will continue to be used for law enforcement services provided by Probation countywide in accordance with the Federal Guide to Equitable Sharing for State and Local Law Enforcement Agencies. Federally adjudicated funds may only be expended pursuant to the strict parameters of the Federal Guide to Equitable Sharing for State and Local Law Enforcement Agencies. These guidelines and all expenditures fall under the direct scrutiny of the federal government and any violation of these guidelines can result in the loss of all future federally adjudicated funds.

**Impact on Residents and Businesses**

The approval of this agreement allows for the federal asset forfeiture funds to be used in support of the continued law enforcement operations conducted by Probation. The continued law enforcement efforts of Probation enhance public safety and directly benefit the residents and businesses within the County by depriving wrongdoers of their criminal proceeds. Federal Asset Forfeiture funds support Probation's participation on multi-agency gang and narcotic task forces that target individuals who are involved in illegal activity. These task forces work collaboratively and share resources in an effort to suppress crime and protect the citizens who live in Riverside County.

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**ATTACHMENTS:**

Equitable Sharing Agreement and Certification



## Equitable Sharing Agreement and Certification



**NCIC/ORI/Tracking Number:** CA033013G  
**Agency Name:** Riverside County Probation Department  
**Mailing Address:** P.O. Box 833  
 Riverside, CA 92502-0833

**Type:** Other

**Finance Contact**

**Name:** Williams, Cherilyn  
**Phone:** 9519552981

**Email:** ckwilliams@rivco.org

**ESAC Preparer**

**Name:** Terrell, Julie  
**Phone:** 951-955-0905

**Email:** jterrell@rivco.org

**FY End Date:** 06/30/2017

**Agency FY 2018 Budget:** \$134,117,253.00

### Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
1	Beginning Equitable Sharing Fund Balance <small>(Must match Ending Balance from prior FY)</small>	\$15,610.66	\$21,496.48
2	Equitable Sharing Funds Received	\$0.00	\$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force <small>(Complete Table B)</small>	\$6,569.15	\$111.62
4	Other Income	\$0.00	\$0.00
5	Interest Income	\$136.41	\$129.96
6	<b>Total Equitable Sharing Funds Received</b> <small>(total of lines 1-5)</small>	<b>\$22,316.22</b>	<b>\$21,738.06</b>
7	Equitable Sharing Funds Spent <small>(total of lines a - n below)</small>	\$0.00	\$0.00
8	<b>Ending Equitable Sharing Funds Balance</b> <small>(difference between line 7 and line 6)</small>	<b>\$22,316.22</b>	<b>\$21,738.06</b>

<sup>1</sup>Department of Justice Asset Forfeiture Program participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA

<sup>2</sup>Department of the Treasury Asset Forfeiture Program participants are: IRS, ICE, CBP and USSS.

Summary of Shared Funds Spent		Justice Funds	Treasury Funds
a	Law enforcement operations and investigations	\$0.00	\$0.00
b	Training and education	\$0.00	\$0.00
c	Law enforcement, public safety and detention facilities	\$0.00	\$0.00
d	Law enforcement equipment	\$0.00	\$0.00
e	Joint law enforcement/public safety operations	\$0.00	\$0.00
f	Contracting for services	\$0.00	\$0.00
g	Law enforcement travel and per diem	\$0.00	\$0.00
h	Law enforcement awards and memorials	\$0.00	\$0.00
i	Drug, gang and other education or awareness programs	\$0.00	\$0.00
j	Matching grants <small>(Complete Table C)</small>	\$0.00	\$0.00
k	Transfers to other participating law enforcement agencies <small>(Complete Table D)</small>	\$0.00	\$0.00
l	Support of community-based programs <small>(Complete Table E)</small>	\$0.00	\$0.00
m	Non-categorized expenditures <small>(Complete Table F)</small>	\$0.00	\$0.00
n	Salaries <small>(Complete Table G)</small>	\$0.00	\$0.00
	<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>

AUG 29 2017 3.78

**Table B: Equitable Sharing Funds Received From Other Agencies**

Transferring Agency Name	Justice Funds	Treasury Funds
Riverside Police Department - CA0331300	\$6,569.15	\$111.62

**Table C: Matching Grants**

Matching Grant Name	Justice Funds	Treasury Funds

**Table D: Transfers to Other Participating Law Enforcement Agencies**

Receiving Agency Name	Justice Funds	Treasury Funds

**Table E: Support of Community-based Programs**

Recipient	Justice Funds	Treasury Funds

**Table F: Non-categorized expenditures in (a) - (n) Above**

Description	Justice Funds	Treasury Funds

**Table G: Salaries**

Salary Type	Justice Funds	Treasury Funds

**Paperwork Reduction Act Notice**

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section: 1400 New York Avenue, N.W., Washington, DC 20005.

Did your agency purchase any controlled equipment?  YES  NO

## Affidavit

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the Guide during the reporting period and that the recipient Agency is compliant with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their 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. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

### Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("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 submission of this form, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the Department of Justice and Department of the Treasury Equitable Sharing Programs. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

**1. Submission.** This Document must be submitted within 60 days of the end of the Agency's fiscal year. This Document must be signed and submitted electronically. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

**2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be from the law enforcement agency and must be from a separate entity.

**3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the Department of Justice and the Department of the Treasury Equitable Sharing Programs as set forth in the current edition of the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies (Guide)*.

**4. Transfers.** Before the Agency transfers funds to other state or local law enforcement agencies, it must first verify with the Department of Justice that the receiving agency is a compliant Equitable Sharing Program participant. Transfers of tangible property are not permitted.

**5. Internal Controls.** The Agency agrees 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, joint law enforcement operations funds, and other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that funds are maintained by the jurisdiction maintaining appropriated funds and agrees that such accounting will be subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the current edition of the *Guide*, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or supplantation of existing resources with shared assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending shared funds. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Guide*.

**6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Super Circular,

Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits or reviews.

7. Freedom of Information Act. Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?
 Yes  No

Agency Head

Name: Hake, Mark A.
Title: Chief Probation Officer
Email: mhake@rivco.org

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To the best of my knowledge and belief, the information provided on this form is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her acceptance of and agreement to abide by the policies and procedures set forth in the Guide to Equitable Sharing for State and Local Law Enforcement Agencies, including ensuring permissibility of expenditures and following all required procurement policies and procedures. Entry of the Agency Head name above also indicates his/her acceptance of and agreement to abide by requirements set forth in this Equitable Sharing Agreement, and any policies or procedures issued by the Department of Justice or the Department of the Treasury related to the Asset Forfeiture or Equitable Sharing programs. The Law Enforcement Head also certifies that no items on the Prohibited list, as detailed in Recommendations Pursuant to Executive Order 13686, were purchased with equitable sharing funds on or after October 1, 2015.

Governing Body Head

Name: Tavaglione, John
Title: Chairman, Board of Supervisors
Email: JTavaglione@rivco.org

Signature: \_\_\_\_\_ Date: AUG 29 2017

To the best of my knowledge and belief, the agency's current fiscal year budget reported on this form is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplantated as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her acceptance of and agreement to abide by the policies and procedures set forth in the Guide to Equitable Sharing for State and Local Law Enforcement Agencies, this Equitable Sharing Agreement, and any policies or procedures issued by the Department of Justice or the Department of the Treasury related to the Asset Forfeiture or Equitable Sharing Programs.

I certify that I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.

ATTEST:
KECIA HARPER-IHEM, Clerk
By: [Signature] DEPUTY

FORM APPROVED COUNTY COUNSEL (26/17)
BY: NEAL R. KIPNIS DATE