



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C29

For the meeting of: August 21, 2018

Date: August 9, 2018
To: Board of Supervisors
From: William F. Honsal, Sheriff
Subject: Fiscal Year 2017-18 Equitable Sharing Agreements and Certifications

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair of the Board of Supervisors and the Sheriff to sign the Equitable Sharing Agreements and Certifications for FY 2017-18 asset forfeiture funds for CA0120000 Sheriff's Office and CA0121200 Drug Task Force.

SOURCE OF FUNDING:

Federal Asset Forfeiture Trust 3639 and Trust 3646

Prepared by *Régina Fuller*
Regina Fuller, Deputy Director Sheriff Admin

CAO Approval *[Signature]*

REVIEW:

Auditor *CO* County Counsel *NAD* Human Resources _____ Other *[Signature]*

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Bass*
Seconded by Supervisor *Wilson*

Ayes *Bass, Fennell, Sundberg, Bohn, Wilson*

Nays _____
Abstain _____
Absent _____

And carried by those members present, the Board hereby approves the recommended action contained in this report.

Dated: *8/21/18*

By: *[Signature]*
Kathy Hayes, Clerk of the Board

DISCUSSION:

The Sheriff's Office and Drug Task Force Equitable Annual Certification Report must be on file with the U. S. Department of Justice and the U. S. Department of the Treasury, with a copy provided to the United States Attorney in the district in which the Sheriff's Office is located. The Sheriff's Office and Drug Task Force equitable sharing annual reports are submitted under separate tracking numbers: Sheriff – CA0120000 (Attachment 1) and Drug Task Force – CA0121200 (Attachment 2).

The agreement is required for participation in the Federal Equitable Sharing Program and to receive distributions through this program. Distributions are based on the level of participation of the Humboldt County Sheriff's Office with the United States Attorney's seizure of forfeited assets.

The agreements and certifications are annual reports of asset forfeiture revenue and expense activity for Fiscal Year 2017-18, and are due each year by August 31. The report is submitted electronically with signatures of the Chair of the Board of Supervisors and Sheriff.

FINANCIAL IMPACT:

In the past the Sheriff's Office has used asset forfeiture funds derived from the Equitable Sharing Program to fund overtime for Deputy Sheriff positions at Humboldt County Drug Task Force, as match for grants and for specialized equipment and programs. These funds are maintained in Trust 3639 and 3646 and are intended to increase rather than supplant the resources available through the county's General Fund; therefore, revenue and expenditure activities have no effect on the General Fund.

FY 2017-18 Equitable Sharing Activity	Sheriff		Drug Task Force	
	Dept of Justice	US Treasury	Dept of Justice	US Treasury
Beginning Balance	\$498,775	\$125,185	\$148,586	\$111,010
Equitable funds received	0	0	\$42,657	0
Equitable funds received from other agencies	0	0	0	0
Interest Earned	\$6,761	\$2,126	\$1,273.30	\$1,864
Total Equitable Sharing Funds received	\$505,535	\$127,311	\$192,516	\$112,873
Expenditures	\$408,523	0	\$134,988	29,548
June 30, 2018 Ending balance	\$97,012	\$127,311	\$57,528	\$83,325

The Equitable Sharing Agreement and Certification annual report meets the Board of Supervisors Strategic Framework Plan goal of providing community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:

U. S. Department of Justice, U. S. Department of Treasury, U. S. Attorney, Northern District of California

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to authorize signature of the Equitable Sharing Agreement and Certification, however this is not recommended as the Sheriff would no longer qualify for participation in a share of forfeited funds.

ATTACHMENTS:

- | | |
|--------------|---|
| Attachment 1 | Sheriff's Office FY 2017-18 Equitable Sharing Agreement and Certification |
| Attachment 2 | Drug Task Force FY 2017-18 Equitable Sharing Agreement and Certification |

Attachment 1

Sheriff's Office
FY 2017-18
Equitable Sharing Agreement and Certification
CA0120000



Equitable Sharing Agreement and Certification



NCIC/ORI/Tracking Number: CA0120000
Agency Name: Humboldt County Sheriff's Office
Mailing Address: 826 4th Street
Eureka, CA 95501

Type: Sheriff's Office

Finance Contact

Name: Fuller, Regina
Phone: 7072683613

Email: rfuller2@co.humboldt.ca.us

ESAC Preparer

Name: Furtado, Keri
Phone: 7072682526

Email: kfurtado@co.humboldt.ca.us

FY End Date: 06/30/2018

Agency FY 2019 Budget: \$40,466,291.00

Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds ¹	Treasury Funds ²
1	Beginning Equitable Sharing Fund Balance (Must match Ending Balance from prior FY)	\$498,774.60	\$125,184.74
2	Equitable Sharing Funds Received	\$0.00	\$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force (Complete Table B)	\$0.00	\$0.00
4	Other Income	\$0.00	\$0.00
5	Interest Income	\$6,760.54	\$2,125.90
6	Total Equitable Sharing Funds Received (total of lines 1-5)	\$505,535.14	\$127,310.64
7	Equitable Sharing Funds Spent (total of lines a - n below)	\$408,523.16	\$0.00
8	Ending Equitable Sharing Funds Balance (difference between line 7 and line 6)	\$97,011.98	\$127,310.64

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

²Department 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	\$408,523.16	\$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 (Complete Table C)	\$0.00	\$0.00
k	Transfers to other participating law enforcement agencies (Complete Table D)	\$0.00	\$0.00
l	Support of community-based programs (Complete Table E)	\$0.00	\$0.00
m	Non-categorized expenditures (Complete Table F)	\$0.00	\$0.00
n	Salaries (Complete Table G)	\$0.00	\$0.00
Total		\$408,523.16	\$0.00

Table B: Equitable Sharing Funds Received From Other Agencies

Transferring Agency Name	Justice Funds	Treasury Funds

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	

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: Honsal, William F.
Title: Humboldt County Sheriff
Email: whonsal@co.humboldt.ca.us

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 13688", were purchased with equitable sharing funds on or after October 1, 2015.

Governing Body Head

Name: Sundberg, Ryan
Title: Board of Supervisors Chair
Email: rsundberg@co.humboldt.ca.us

Signature: _____ Date: 8/21/18

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 supplanted 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.

Attachment 2

Drug Task Force
FY 2017-18
Equitable Sharing Agreement and Certification
CA0121200



Equitable Sharing Agreement and Certification



NCIC/ORI/Tracking Number: CA0121200
Agency Name: Humboldt County Drug Task Force
Mailing Address: Po Box 5338
Eureka, CA 95502

Type: Task Force

Finance Contact

Name: Gray, Chelsea
Phone: 7074448095

Email: cgray@co.humboldt.ca.us

ESAC Preparer

Name: Gray, Chelsea
Phone: 7074448095

Email: cgray@co.humboldt.ca.us

FY End Date: 06/30/2018

Agency FY 2019 Budget: \$206,066.00

Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds ¹	Treasury Funds ²
1	Beginning Equitable Sharing Fund Balance (Must match Ending Balance from prior FY)	\$148,585.78	\$111,009.60
2	Equitable Sharing Funds Received	\$42,656.70	\$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force (Complete Table B)	\$0.00	\$0.00
4	Other Income	\$0.00	\$0.00
5	Interest Income	\$1,273.30	\$1,863.77
6	Total Equitable Sharing Funds Received (total of lines 1-5)	\$192,515.78	\$112,873.37
7	Equitable Sharing Funds Spent (total of lines a - n below)	\$134,988.13	\$29,548.35
8	Ending Equitable Sharing Funds Balance (difference between line 7 and line 6)	\$57,527.65	\$83,325.02

¹Department of Justice Asset Forfeiture Program participants are: FBI, DEA, ATF, USPJS, USDA, DCIS, DSS, and FDA

²Department 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	\$9,681.93	\$29,548.35
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 (Complete Table C)	\$0.00	\$0.00
k	Transfers to other participating law enforcement agencies (Complete Table D)	\$0.00	\$0.00
l	Support of community-based programs (Complete Table E)	\$0.00	\$0.00
m	Non-categorized expenditures (Complete Table F)	\$125,306.20	\$0.00
n	Salaries (Complete Table G)	\$0.00	\$0.00
Total		\$134,988.13	\$29,548.35

Table A: Members of the Task Force

Agency Name	NCIC/ORI/Tracking Number
Arcata Police Department	CA0120100
BUREAU OF LAND MGMT	WYDI00600
Department Of California Highway Patrol	CA0349965
Eureka Police Department	CA0120300
Fortuna Police Department	CA0120500
Humboldt County District Attorney	CA012013A
Humboldt County Sheriff's Office	CA0120000

Table B: Equitable Sharing Funds Received From Other Agencies

Transferring Agency Name	Justice Funds	Treasury Funds

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	

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

Description	Justice Funds	Treasury Funds
Return of Funds to U.S. Marshalls Office	\$125,276.20	
Wire Transfer Fee for Return of Funds	\$30.00	

Table G: Salaries

Salary Type	Justice Funds	Treasury Funds

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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

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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.

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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: Honsal, William
Title: Humboldt County Sheriff
Email: whonsal@co.humboldt.ca.us

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 13688", were purchased with equitable sharing funds on or after October 1, 2015.

Governing Body Head

Name: Sundberg, Ryan
Title: 4th District Supervisor
Email: rsundberg@co.humboldt.ca.us

Signature:  _____ Date: 8/21/18

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 supplanted 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.