



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 23-814 **Version:** 1 **Name:**
Type: Informational Report **Status:** Passed
File created: 8/14/2023 **In control:** Sheriff
On agenda: 8/22/2023 **Final action:** 8/22/2023
Title: Fiscal Year 2022-23 Equitable Sharing Agreements and Certifications (ESAC)
Sponsors:
Indexes:
Code sections:
Attachments: 1. Staff Report, 2. HCSO FY 2022-23 ESAC, 3. Executed Equitable Sharing Agreement and Certification.pdf

Date	Ver.	Action By	Action	Result
8/22/2023	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Sheriff

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Fiscal Year 2022-23 Equitable Sharing Agreements and Certifications (ESAC)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair of the Board of Supervisors and the Sheriff to sign the ESAC for Fiscal Year (FY) 2022-23 for CA0120000 Humboldt County Sheriff's Office and any revisions to the ESAC for FY 2022-23 to account for year-end interest postings or adjustments; and
2. Authorize the Deputy Director of Sheriff's Administration or their designee to submit the ESAC and any revisions to the ESAC electronically to the Department of Justice (DOJ) and Department of Treasury (DOT) on behalf of the Chair of the Board and Sheriff.

SOURCE OF FUNDING:

Department of Justice Federal Asset Forfeiture Trust 3637

Department of Treasury Federal Asset Forfeiture Trust 3639

DISCUSSION:

The Humboldt County Sheriff's Office (HCSO) and Humboldt County Drug Task Force (DTF)

Equitable Sharing Annual Certification (ESAC) report must be on file with the U. S. DOJ and DOT, with a copy provided to the United States Attorney in the district in which HCSO is located.

The HCSO and DTF ESAC reports were historically submitted under separate tracking numbers: Sheriff - CA0120000 (Attachment 1) and Drug Task Force - CA0121200. Fiscal Year 2018-19 was the last year that the reports were submitted under separate tracking numbers. In accordance with the July 2018 Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies, task forces are no longer eligible to receive equitable sharing payments directly to the task force. Task forces had the option to select a fiduciary agency to file equitable sharing requests or for each member agency to submit their own sharing request separately. The Executive Board of the DTF elected the HCSO to be the fiduciary agency. Moving forward, the DTF federal equitable sharing will be reported under the Sheriff's tracking number - CA0120000.

The ESAC 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 HCSO and DTF with the United States Attorney's seizure of forfeited assets.

The ESAC is an annual report of asset forfeiture revenue and expense activity and is due each year by Aug. 31. The report is submitted electronically by the Deputy Director of Sheriff's Administration or designee with signatures of the Chair of the Board of Supervisors and Sheriff.

The County of Humboldt fiscal year closing occurs after the report submission deadline of Aug. 31. For this reason, HCSO is requesting the Board of Supervisors to authorize the Chair of the Board and Sheriff to sign any amendments to the ESAC and for the Deputy Director of Sheriff's Administration or designees to electronically submit any amended ESAC that is necessary to account for interest posting and year-end adjustments not currently reflected in the ESAC provided to your board today. An amended ESAC may be submitted after the report deadline provided HCSO does not miss the original ESAC deadline for the initial report.

FINANCIAL IMPACT:

In the past HCSO has used asset forfeiture funds derived from the Equitable Sharing Program, as match for grants and for specialized equipment and programs. The DTF has used the funds for operating expenses of DTF. These funds are maintained in Federal Asset Forfeiture Trusts 3637 (current balance \$334,705.12) and 3639 (current balance \$513.55) to separately account for the DOJ and DOT Funds. Asset Forfeiture funds, per the Federal Equitable Sharing Guidelines, are intended to increase rather than supplant the resources available through the county's General Fund.

STAFFING IMPACT:

There is no staffing impact.

STRATEGIC FRAMEWORK:

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Enforce laws and regulations to protect residents

New Initiatives: Seek outside funding sources to benefit Humboldt County needs

Strategic Plan: N/A

OTHER AGENCY INVOLVEMENT:

U. S. Department of Justice
U. S. Department of Treasury
U. S. Attorney, Northern District of California
Humboldt County Drug Task Force

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 and DTF would no longer qualify for participation in a share of DOJ and DOT forfeited funds.

ATTACHMENTS:

HCSO FY 2022-23 ESAC

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A
Meeting of: N/A
File No.: N/A