

ORDINANCE NO. 10182 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS 66.1, 66.2, 84.401, and ARTICLE XI OF THE
SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE
SHERIFF AND DISTRICT ATTORNEY ASSET FORFEITURE PROGRAMS,
NORTH COUNTY GANG COMMISSION AND
THE DEPARTMENT OF THE CHIEF MEDICAL EXAMINER

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

Section 1. Section 66.1 of the Administrative Code is 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 to him 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 moneys 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 Department 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 moneys received by the Sheriff's Asset Forfeiture Program established by this section, the moneys 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 and Local 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.

Section 2. Section 66.2 of the Administrative Code is amended to read as follows:

SEC. 66.1. DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM.

(a) **BACKGROUND.** Notwithstanding Section 66 of the County Administrative Code, this section establishes a District Attorney Asset Forfeiture Program, whereby the District Attorney of San Diego County may receive seized assets transferred to the District Attorney 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 moneys 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 District Attorney 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 District Attorney 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 moneys received by the District Attorney Asset Forfeiture Program established by this section, the moneys received from the sale of any seized tangible assets, and any interest thereon (pursuant to Government Code Section 5647(b)) shall be deposited into the District Attorney Asset Forfeiture Fund within the County Treasury. The moneys or tangible assets, and any interest thereon deposited into the District Attorney Asset Forfeiture Fund pursuant to the Comprehensive Crime Control Act of 1984 and the United States Attorney General's Guidelines on Seized and Forfeited Property 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 any other applicable provisions of law. The moneys or tangible assets, and any interest thereon deposited into the District Attorney Asset Forfeiture Fund pursuant to California Health and Safety Code Sections 11470-11493 shall be used in conformity with California Health and Safety Code Section 11489 and any other applicable provisions of law. The Fund shall be used exclusively by the District Attorney and 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 District Attorney 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 District Attorney. Whenever the District Attorney deems it necessary or expedient to sell forfeited noncash 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 District Attorney's Asset Forfeiture Fund.

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

Section 3. Section 84.401 of the Administrative Code is amended to read as follows:

SEC. 84.401. MEMBERSHIP AND SELECTION.

(a) The Commission shall consist of seven voting members serving in the following seats:

- (1) Education.
- (2) Law Enforcement.
- (3) Business or Civic.
- (4) Social Service.
- (5) At-Large.
- (6) Community Member.
- (7) Community Member.

(b) Members designated in (1)-(5) above shall be appointed by the Supervisor of District Five.

(c) Members designated in (6) and (7) above shall be appointed by the Supervisor of District Three.

Section 4. Article XI of the Administrative Code is amended to read as follows:

ARTICLE XI DEPARTMENT OF THE CHIEF MEDICAL EXAMINER*

SEC. 161. RECOGNITION OF DEPARTMENT.

There is in the County a Department of the Chief Medical Examiner hereinafter in this Article referred to as the Department.

SEC. 161.1. RECOGNITION OF DIRECTOR.

There is in the County and in the Department the position of Chief Medical Examiner. Such position shall be in the Unclassified Service of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter and of the rules and policies established thereunder, and County ordinances.

SEC. 161.2. DUTIES OF CHIEF MEDICAL EXAMINER.

The Chief Medical Examiner shall act under the supervision of the Chief Administrative Officer. The Chief Medical Examiner shall exercise general supervision over all functions of the Department and shall enforce such rules and regulations as are prescribed and approved by the board of Supervisors.

SEC. 161.3. CHIEF MEDICAL EXAMINER TO COORDINATE THE DEPARTMENT.

The Chief Medical Examiner shall coordinate the various activities of the Department and, within the scope of the policy declared by the Board, may issue administrative regulations designed to accomplish this end.

SEC. 161.4. CHIEF MEDICAL EXAMINER TO APPOINT PERSONNEL.

The Chief Medical Examiner shall appoint and employ such personnel as may be necessary to properly conduct the business of the Department. All appointments and employments made by said Chief Medical Examiner shall be made in accordance with the provisions of the County Charter, the Civil Service Rules and County ordinances.

SEC. 161.5. CHIEF MEDICAL EXAMINER TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Chief Medical Examiner shall prepare and file the required annual itemized estimate of expenditures and revenues for the Department in accordance with State law and this Code. The Chief Medical Examiner shall supervise the expenditure of all funds allotted to the Department.

SEC. 161.6. FUNCTIONS OF THE DEPARTMENT.

The Chief Medical Examiner shall exercise the powers and perform the duties of the Coroner as authorized pursuant to California Government Code, Section 27460, et seq.

SEC. 161.7. CERTIFICATION OF COPIES OF DOCUMENTS AND FEES.

The Chief Medical Examiner may prepare copies of those public writings and photographs in the office which are open to public inspection, and may certify the accuracy of copies thereof. For all copies so prepared, the Chief Medical Examiner shall collect a fee which shall be not less than the actual cost of labor and materials used in preparing and furnishing such copies as provided in the fee schedule in Section [366](#).

SEC. 161.8. EXEMPTION FROM FEES.

No fees shall be charged by the Chief Medical Examiner under Section [161](#) or [366](#) where exemption is provided by Chapter 2 of Division 7, Title 1 of the Government Code. No fees shall be charged to doctors, hospitals or other medical institutions for such documents as are necessary to assist the Chief Medical Examiner in the completion of the determination of the cause of death.

SEC. 161.9. FEES FOR TECHNICAL LABORATORY SERVICES.

The Chief Medical Examiner's office is hereby authorized to perform technical laboratory services and to charge and collect the full cost of such services, when performed for a private individual or corporation or public agency other than the County, according to the schedule of fees provided in Section [366](#). When an autopsy is performed at the request of a decedent's surviving spouse, the decedent's surviving child or parent, or by the next of kin of the deceased, the cost of the autopsy shall be borne by the person requesting it to be performed in accordance with the fee schedule as provided in Section [366](#).

SEC. 161.10. FEES FOR SERVICE AS WITNESS.

The Chief Medical Examiner's office is hereby authorized, when subpoenaed as witnesses or when requested to give expert opinion in writing, to demand and receive on behalf of the County a fee which shall be not less than the actual cost of such service. This shall apply when such service is performed at the request or subpoena of a private individual or corporation or a public agency other than the County.

SEC. 161.11. FEE FOR EMBALMING.

Whenever the Chief Medical Examiner takes custody of a dead body pursuant to law, he shall make a reasonable attempt to locate the family within 24 hours. At the end of 24 hours, he may embalm the body or authorize the embalming by a mortician. A fee for embalming shall be charged to the family of the deceased or the person authorized to take charge of the body in the amount set forth in a schedule of fees in Section [366](#) and shall be paid to the Department.

SEC. 161.12. CHARGE FOR REMOVING AND KEEPING DEAD BODIES.

(a) Pursuant to Section 27472 of the Government Code, the Chief Medical Examiner, whenever he or she takes custody of a dead body pursuant to law, may charge and collect from

the person entitled to control the disposition of the remains, as specified in Section 7100 of the Health and Safety Code, the actual expense incurred by the Chief Medical Examiner in removing the body from the place of death and keeping the body until its release to the person responsible for its interment. The charge shall not be imposed upon a person who claims and proves to be indigent, and shall not include expenses of keeping the body during the time necessary for the Chief Medical Examiner to perform his or her duties in connection with it. The charge, if not paid, may be considered a part of the funeral expenses and paid as a preferred charge against the estate of the decedent.

(b) The Chief Medical Examiner shall determine when the charge authorized hereby will be imposed and the amount thereof. The charge shall not exceed the maximum charge set forth in the schedule of fees. No charge shall be imposed if private funds available to pay funeral costs would thereby be reduced so as to preclude payment of the costs from such funds. No charge shall be imposed on persons who are receiving public financial assistance.

Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 6th day of December, 2011.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
Dana L. Begley, Deputy County Counsel