

ORDINANCE NO. 10586 (N.S.)

AN ORDINANCE AMENDING SECTION 66.1 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO THE SHERIFF'S ASSET FORFEITURE PROGRAM

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.

(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 moneys and tangible assets received, all

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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 Panel to assist the Sheriff in the judicious operation of the program.

Section 2. 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 of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY  
THOMAS E. MONTGOMERY, COUNTY COUNSEL

BY: Mark Day, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 8<sup>th</sup> day of January, 2019.



DIANNE JACOB  
Chairwoman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 8<sup>th</sup> day of January, 2019.

DAVID HALL  
Clerk of the Board of Supervisors

By   
Teresa Zurita, Deputy



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