County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

November 5, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

APPROVAL OF FEDERAL ANNUAL CERTIFICATION REPORTS FOR EQUITABLE SHARING OF FEDERALLY FORFEITED PROPERTY AND EQUITABLE SHARING AGREEMENT (ALL DISTRICTS) (3 VOTES)

SUBJECT

In order to comply with Federal guidelines for the sharing of Federally forfeited property, the Sheriff must execute an annual Equitable Sharing Agreement and Certification as a prerequisite to the distribution of equitably shared funds and property. The Agreement and Certification must be signed by both the Sheriff and Board Chair.

IT IS RECOMMENDED THAT YOUR BOARD:

Authorize the Chair of the Board to sign the attached Federal Annual Certification Reports for Equitable Sharing of Federally Forfeited Property and the Equitable Sharing Agreement.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Counties and certification task forces are required to submit a Federal Annual Certification Report and the Equitable Sharing Agreement as a prerequisite to receiving any asset forfeiture revenues equitably shared by the Federal Government.

Federally shared asset forfeiture revenues received as a result of the Los Angeles County Sheriff's Department's (Department) law enforcement actions are deposited in the Department's Narcotics Enforcement Special Fund. This fund supports various programs directed towards enforcement of laws governing controlled substances. Federally shared asset forfeiture revenues received as a result of the Taskforce Regional Autotheft Prevention (TRAP) are deposited in the Vehicle theft Prevention Fund, which is administered by the Department. Federal regulations require task forces receiving in excess of $10,000 to file such reports. TRAP received in excess of $10,000 of forfeited assets.

Implementation of Strategic Plan Goals

This request conforms to the Los Angeles County Strategic Plan, Goal 4, Fiscal Responsibility, by seeking and obtaining funding from sources other than the County to provide enhanced services to the citizens of Los Angeles County.

FISCAL IMPACT/FINANCING

Anticipated asset forfeiture revenues are included in the Fiscal Year 2008-09 adopted budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Federal regulations require participants in the Federal Equitable Sharing Program to have the Chair of their governing body sign the attached document.

On December 1, 1998, the Board directed the Auditor-Controller to review the State and Federal revenues and expenditures of the Narcotics Enforcement Special Fund and TRAP yearly. A request has been made to the Auditor-Controller to conduct a review of both funds receiving shared Federally forfeited assets.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this request will allow for the uninterrupted receipt of revenue anticipated in the adopted budget. No other County Departments are impacted by this request.

CONCLUSION

Upon approval by your Board, a certified copy of the Board letter containing original signatures should be forwarded to the Department's Administrative Services Division. The Department's contact for the requested Board action is Director Teri L. Wilhelm, Fiscal Administration, at (323) 526-5205.

Sincerely,

LEROY D. BACA
SHERIFF

OMB Number 1123-0011
Expires 7-31-2011

Equitable Sharing Agreement and Certification

◯ Police Department ◉ Sheriff's Office ◯ Task Force (Complete Table A, page 2)
◯ District Attorney ◯ Other (specify) _____

Agency Name: Los Angeles County Sheriff's Department
NCIC/ORI/Tracking Number: CA0190036
Street Address: 4700 Ramona Blvd.
City: Monterey Park **State:** CA **Zip:** 91754
Contact Name: Teri L. Wilhelm
Contact Phone: (323) 526-5205 **Contact Fax:** (323) 415-1850
Contact e-mail: tlwilhel@lasd.org

◯ **New Participant:** Read the Equitable Sharing Agreement (page 7) and sign the Affidavit (page 8)

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement (page 7), and sign the Affidavit (page 8)

◯ **Change in Administration:** Changes to the Agency head and/or Governing Body head. Read the Equitable Sharing Agreement (page 7) and sign the Affidavit (page 8).

◯ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement (page 7), and sign the Affidavit (page 8).

Annual Certification Report

	Summary of Equitable Sharing Activity Fiscal Year End (mm/dd/yyyy) 6/30/2008	Justice Funds	Treasury Funds
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	$10,239,157.00	$65,953.00
2	Federal Sharing Funds Received	$4,497,337.56	$0.00
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)	$63,177.17	$27,424.42
4	Other Income	$4,271.25	$0.00
5	Interest Income Accrued (☐ check if non-interest-bearing account)	$549,017.00	$4,168.00
6	Total Equitable Sharing Funds (total of lines 1 - 5)	$15,352,959.98	$97,545.42
7	Federal Sharing Funds Spent (total of lines a - n below)	$5,835,751.18	$0.00
8	Ending Balance (subtract line 7 from line 6)	$9,517,208.80	$97,545.42

	Summary of Shared Monies Spent	Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year, employees	$0.00	$0.00
b	Total spent on overtime	$0.00	$0.00
c	Total spent on informant and "buy money"	$204,064.60	$0.00
d	Total spent on travel and training	$39,150.07	$0.00
e	Total spent on communications and computers	$698,073.80	$0.00
f	Total spent on firearms and weapons	$342,603.81	$0.00
g	Total spent on body armor and protective gear	$360,286.25	$0.00
h	Total spent on electronic surveillance equipment	$0.00	$0.00
i	Total spent on building and improvements	$0.00	$0.00
j	Total spent on other law enforcement expenses (complete Table C, page 3)	$3,902,408.59	$0.00
k	Total transfers to other state and local law enforcement agencies (complete Table D, page 3)	$289,164.06	$0.00
l	Total 15% Expenditures in Support of Community-based Programs (complete Table E, page 4)		
m	Total 25% Windfall Transfers to Other Government Agencies (complete Table F, page 4)		
n	Total spent on matching grants (complete Table G, page 5)		
	Total	$5,835,751.18	$0.00

Miscellaneous Data

o	Agency's budget for current fiscal year		$2,487,213,000.00
p	Jurisdiction's budget for current fiscal year		$17,414,000,000.00
q	Appraised Value of Other Assets Received	$0.00	$0.00

Table A: Members of Task Force

Agency Name	Address

Table B: Equitable Sharing Funds Received from other Agencies

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name L.A. Impact Agency Address 5700 S. Eastern Avenue, Commerce, CA 90040-2924	$63,177.17	$27,424.42

Table C: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
Clothing	$270,819.14	$0.00
Telephone Charges	$190,280.29	$0.00
Boat Hardware/Supplies	$59,801.57	$0.00
Builders Supplies/Hardware	$23,810.23	$0.00
Laboratory Minor Equipment/Supplies	$69,408.76	$0.00
Office Supplies	$45,231.04	$0.00
ISD Purchasing Fee/Overhead	$51,616.45	$0.00
Professional Service/S&EB	$752,175.70	$0.00
Animal/PoliceDogs	$39,259.11	$0.00
Vehicle Rental	$28,908.26	$0.00
Photographic Equipment	$32,855.40	$0.00
Police Supplies	$483,281.66	$0.00
Electronic Equipment	$611,366.78	$0.00
Moving Service	$950.00	$0.00
Aircraft/Equipment	$957,254.22	$0.00
Aircon/Heating	$14,382.66	$0.00
Vehicles	$271,007.32	$0.00

Table D: Equitable Sharing Funds Transferred to Other Agencies

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name City of Bellflower Agency Address 16600 Civic Center Dr., Bellflower, CA 9076-5474	$11,767.62	$0.00
Agency Name District Attorney Agency Address 201 N. Figueroa St. L.A. CA 90012	$4,750.29	$0.00

Agency Name	City of Diamond Bar	$1,753.42	$0.00
Agency Address	21825 Copley Drive, Diamond Bar, CA 91765		
Agency Name	Department of Health Services	$8,766.26	$0.00
Agency Address	313 N. Figueroa Street, L.A. CA 90012		
Agency Name	City of Glendale	$30,463.27	$0.00
Agency Address	131 N. Isabel Street, Glendale, CA 91206		
Agency Name	State of California	$60,926.54	$0.00
Agency Address	829 Marlborough Ave., Riverside, CA 92507		
Agency Name	City of Lancaster	$62,185.78	$0.00
Agency Address	44933 Fern Ave., Lancaster, CA 93534-2461		
Agency Name	City of LaVerne	$30,463.27	$0.00
Agency Address	2061 3rd Street, LaVerne, CA 91750-4404		
Agency Name	City of Palmdale	$17,161.07	$0.00
Agency Address	38300 Sierra Hwy, Palmdale, CA 93550-4611		
Agency Name	City of Glendora	$30,463.27	$0.00
Agency Address	150 South Glendora Ave., Glendora, CA 91741		
Agency Name	Culver City	$30,463.27	$0.00
Agency Address	4040 Duquesne Ave., Culver City, CA 90232		

Table E: 15% Expenditures in Support of Community-based Programs

Recipient	Justice Funds	Treasury Funds

Table F: 25% Windfall Transfers to Other Government Agencies

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Civil Rights Cases

Name of Case	Type of Discrimination Alleged				Status
AZER VS. COLA	☒ Race	☐ Color	☒ National Origin	☐ Gender	○ Settled ◉ Pending
	☐ Disability	☐ Age	☐ Other		
BROCK VS. COLA	☒ Race	☐ Color	☐ National Origin	☐ Gender	○ Settled ◉ Pending
	☐ Disability	☐ Age	☐ Other		
HAMMOND VS. COLA	☒ Race	☐ Color	☐ National Origin	☐ Gender	○ Settled ◉ Pending
	☐ Disability	☒ Age	☐ Other		
JAIMES VS. COLA	☒ Race	☐ Color	☒ National Origin	☐ Gender	○ Settled ◉ Pending
	☐ Disability	☐ Age	☐ Other		
JOHNSON VS. COLA	☐ Race	☐ Color	☐ National Origin	☐ Gender	○ Settled ◉ Pending
	☒ Disability	☐ Age	☐ Other		
VOYER VS. COLA	☒ Race	☐ Color	☐ National Origin	☒ Gender	○ Settled ◉ Pending
	☐ Disability	☐ Age	☐ Other		

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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 its signatures, 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 federal equitable sharing program. 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 to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 8) submitted by fax. This will constitute submission to the Department of Justice and the Department of 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, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal equitable sharing program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing (Justice Guide),* and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).*

4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal equitable sharing program participant and has a current Equitable Sharing Agreement and Certification on file.

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 and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides,* depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

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 *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice 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.

During the past fiscal year, has the Agency been part of any proceedings alleging discrimination by the Agency? ◉ **Yes** ◯ **No**

If you answered yes, complete Table H. Please disclose (1) all proceedings pending before any court or administrative agency, (2) any nondiscrimination laws the Agency has been found in violation of, and (3) any settlement agreements the Agency has entered into during the last fiscal year.

Agency Head		**Governing Body Head**	
Signature:	Lee Baca	Signature:	
Name:	Leroy D. Baca	Name:	Yvonne B. Burke
Title:	Sheriff	Title:	Chair, Board of Supervisors
Date:	10/20/08	Date:	

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Step 2: Fax a signed copy of THIS PAGE ONLY to (202) 616-1344.

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FOR AGENCY USE ONLY

Entered by _____

Entered on _____

FY 6/30/2008 NCIC CA0190036 STATE CA

AGENCY NAME Los Angeles County Sheriff's Department

APPROVED AS TO FORM
RAYMOND G. FORTNER, JR, County Counsel

BY

OMB Number 1123-0011
Expires 7-31-2011

Equitable Sharing Agreement and Certification

◯ Police Department ◯ Sheriff's Office ◉ Task Force (Complete Table A, page 2)
◯ District Attorney ◯ Other (specify) _____

Agency Name: TaskForce for Regional Auto-Theft Prevention
NCIC/ORI/Tracking Number: CA01900VI
Street Address: 4700 Ramona Blvd.
City: Monterey Park **State:** CA **Zip:** 91754
Contact Name: Teri L. Wilhelm
Contact Phone: (323) 526-5205 **Contact Fax:** (323) 415-1850
Contact e-mail: tlwilhel@lasd.org

◯ **New Participant:** Read the Equitable Sharing Agreement (page 5) and sign the Affidavit (page 6)

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement (page 5), and sign the Affidavit (page 6)

◯ **Change in Administration:** Changes to the Agency head and/or Governing Body head. Read the Equitable Sharing Agreement (page 5) and sign the Affidavit (page 6).

◯ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement (page 5), and sign the Affidavit (page 6).

Annual Certification Report

	Summary of Equitable Sharing Activity Fiscal Year End (mm/dd/yyyy) 6/30/2008	Justice Funds	Treasury Funds
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	$54,973.00	$0.00
2	Federal Sharing Funds Received	$0.00	$0.00
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)	$0.00	$0.00
4	Other Income	$0.00	$0.00
5	Interest Income Accrued (☐ check if non-interest-bearing account)	$2,551.00	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	$57,524.00	$0.00
7	Federal Sharing Funds Spent (total of lines a - n below)	$0.00	$0.00
8	Ending Balance (subtract line 7 from line 6)	$57,524.00	$0.00

	Summary of Shared Monies Spent	Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year, employees		
b	Total spent on overtime		
c	Total spent on informant and "buy money"		
d	Total spent on travel and training		
e	Total spent on communications and computers		
f	Total spent on firearms and weapons		
g	Total spent on body armor and protective gear		
h	Total spent on electronic surveillance equipment		
i	Total spent on building and improvements		
j	Total spent on other law enforcement expenses (complete Table C, page 3)		
k	Total transfers to other state and local law enforcement agencies (complete Table D, page 3)		
l	Total 15% Expenditures in Support of Community-based Programs (complete Table E, page 3)		
m	Total 25% Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
n	Total spent on matching grants (complete Table G, page 3)		
	Total	$0.00	$0.00

Miscellaneous Data

o	Agency's budget for current fiscal year		$2,487,213,000.00
p	Jurisdiction's budget for current fiscal year		$17,414,000,000.00
q	Appraised Value of Other Assets Received	$0.00	$0.00

Table A: Members of Task Force

Agency Name	Address

Table B: Equitable Sharing Funds Received from other Agencies

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name Agency Address	$0.00	$0.00

Table C: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds

Table D: Equitable Sharing Funds Transferred to Other Agencies

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name		
Agency Address		

Table E: 15% Expenditures in Support of Community-based Programs

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	VOYER VS. COLA	☒ Race	☐ Color	☐ National Origin	☒ Gender	○ Settled ◉ Pending
		☐ Disability	☐ Age	☐ Other		
		☐ Race	☐ Color	☐ National Origin	☐ Gender	○ Settled ○ Pending
		☐ Disability	☐ Age	☐ Other		
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1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 6) submitted by fax. This will constitute submission to the Department of Justice and the Department of 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, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal equitable sharing program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing (Justice Guide),* and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).*

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The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice 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.

During the past fiscal year, has the Agency been part of any proceedings alleging discrimination by the Agency? ◉ **Yes** ◯ **No**

If you answered yes, complete Table H. Please disclose (1) all proceedings pending before any court or administrative agency, (2) any nondiscrimination laws the Agency has been found in violation of, and (3) any settlement agreements the Agency has entered into during the last fiscal year.

Agency Head		Governing Body Head	
Signature:	Lee Baca	Signature:	
Name:	Leroy D. Baca	Name:	Yvonne B. Burke
Title:	Sheriff	Title:	Chair, Board of Supervisors
Date:	10/20/08	Date:	

Final Instructions:

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FOR AGENCY USE ONLY

Entered by _____

Entered on _____

FY 6/30/2008 NCIC CA01900VI STATE CA

AGENCY NAME TaskForce for Regional Auto-Theft Prevention

APPROVED AS TO FORM
RAYMOND G. FORTNER, JR, County Counsel

BY _____