STEVE COOLEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

18000 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET LOS ANGELES, CA 90012-3210 (213) 974-3501

May 31, 2005

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

Dear Supervisors:

FEDERAL EQUITABLE SHARING AGREEMENT
(ALL DISTRICTS) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

Authorize the Chair to sign the enclosed Federal Equitable Sharing Agreement.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On December 3, 2002, your Board approved the Federal Equitable Sharing Agreement with the Federal Government which expires September 30, 2005. This new Agreement will be valid through September 30, 2008 and will enable the Los Angeles County District Attorney's Office to continue participating in the Equitable Sharing Program involving federally forfeited cash, property, proceeds, and interest earned.

Implementation of Strategic Plan Goals

Participation in the Federal Equitable Sharing Program supports the County's Strategic Plan Goal No. 4, of Fiscal Responsibility, by securing an available revenue source at the federal level.

FISCAL IMPACT/FINANCING

Estimated federal asset forfeiture revenue will be included in the District Attorney's budget each fiscal year. For fiscal year 2005-06, $1,000,000 was included.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Under federal law, any local law enforcement agency that directly participates in an investigation or prosecution that results in a federal forfeiture by the Departments of Treasury and Justice may request an equitable share of the net proceeds of that forfeiture. Local law enforcement agencies must, however, enter into Equitable Sharing Agreements with the Departments of Treasury and Justice in order to share in forfeited proceeds.

Revenue received from the Federal Equitable Sharing Program is deposited into the District Attorney Asset Forfeiture Fund and is used to offset the cost of equipment for investigative and specialized prosecution programs.

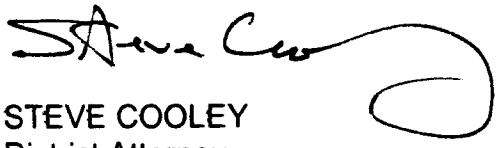
IMPACT ON CURRENT SERVICES (OR PROJECTS)

This program does not propose attorney staff augmentation. Therefore, the District Attorney's Office is not subject to the Board Motion of December 15, 1998 requiring clearance with the Alternate Public Defender, Probation, Public Defender, and Sheriff's Departments.

CONCLUSION

Following Board approval, the Executive Officer-Clerk of the Board is requested to return two (2) copies of the adopted Board Letter and agreement containing original signatures to Corina Calixto, Contracts and Grants Unit, Los Angeles County District Attorney's Office, 201 North Figueroa Street, Suite 1300, Los Angeles, California 90012. Any questions may be directed to Ms. Calixto at 213-202-7653 or via email at ccalixto@lacountyda.org.

Very truly yours,



STEVE COOLEY
District Attorney

cc

Enclosure

c: Chief Administrative Officer
County Counsel

Federal Equitable Sharing Agreement

VALID THRU SEPTEMBER 30, 2008

Law Enforcement Agency: LOS ANGELES COUNTY DISTRICT ATTORNEY ◯ Check if New Participant

◯ Police Department ◯ Sheriff's Office/Department ◯ Task Force (attach list of members) ☑ Prosecutor's Office ◯ Other _____

Contact Person: JOHN PACCIONE, ASST. DIRECTOR **E-mail Address:** jpaccione@lacountyda.org

Mailing Address: 201 N. FIGUEROA STREET, SUITE 1300 (Street) LOS ANGELES (City) CA (State) 90012 (Zip Code)

Telephone Number: (213) 202-7621 **Fax Number:** (213) 202-6086

Agency Fiscal Year Ends on: 06/30 (Month/Day) **NCIC/ORI/Tracking No.:** CA019153A

This Federal Equitable Sharing Agreement entered into among (1) the Federal Government, (2) the above-stated law enforcement 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 their signatures, the parties agree that they will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program.

1. **Submission.** The Federal Equitable Sharing Agreement and the Federal Annual Certification Report must be submitted to both the Department of Justice and the Department of the Treasury with a copy provided to the U.S. Attorney in the district in which the recipient law enforcement agency is located, in accordance with the instructions received from the respective departments or as outlined in their equitable sharing guidelines.

   Asset Forfeiture and Money Laundering Section
   U.S. Department of Justice
   10th and Constitution Avenue, NW
   Bond Building, 10th Floor
   Washington, DC 20530
   Fax: (202) 616-1344
   E-mail address: afmls.aca@usdoj.gov

   Executive Office for Asset Forfeiture
   U.S. Department of the Treasury
   740 15th Street, NW
   Suite 700
   Washington, DC 20220
   Fax: (202) 622-9610
   E-mail address: treas.aca@teoaf.treas.gov

2. **Signatories.** This agreement must be signed by the head of the law enforcement agency and the head of the governing body. Examples of law enforcement 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. **Receipt of the signed agreement is a prerequisite to receiving any equitably shared cash, property, or proceeds.**

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern equitable sharing and as specified in the equitable sharing request (either a DAG-71 or a TDF 92-22.46) submitted by the requesting agency.

4. **Transfers.** Before the undersigned law enforcement agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must verify first that the receiving agency has a current and valid Federal Equitable Sharing Agreement on file with both the Department of Justice and the Department of the Treasury. If there is no agreement on file, the undersigned law enforcement agency must obtain one from the receiving agency and forward it to the Department of Justice and the Department of the Treasury as in item 1. A list of recipients and the amount transferred must be attached to the Federal Annual Certification Report.

5. **Internal Controls.** The parties agree 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 recipient 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 parties agree 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 Department of Justice's *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (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)*. The accounting of shared funds must be reported on the Annual Certification Report.

   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 or property.

6. **Federal Annual Certification Report.** The recipient agency shall submit an Annual Certification Report to the Department of Justice and the Department of the Treasury (at the addresses shown in item 1) and a copy to the U.S. Attorney in the district in which the recipient agency is located. The certification must be submitted in accordance with the instructions received from the respective departments or as outlined in the *Justice* or *Treasury Guides*. Receipt of the certification report is a prerequisite to receiving any equitably shared cash, property, or proceeds.

7. **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 the Department of the Treasury reserve the right to conduct periodic random audits.

8a. During the past 3 years, has your agency been found in violation of, or entered into a settlement agreement pursuant to, any nondiscrimination law in federal or state court, or before an administrative agency?

☑ Yes ○ No (If you answered yes, attach relevant information. See instructions.)

8b. Are there pending in a federal or state court, or before any federal or state administrative agency, proceedings against your agency alleging discrimination?

☑ Yes ○ No (If you answered yes, attach relevant information. See instructions.)

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.

Under penalty of perjury, the undersigned officials certify that the recipient state or local law enforcement agency is in compliance with the provisions of the *Justice* and/or *Treasury Guides* and the National Code of Professional Conduct for Asset Forfeiture.

Name (Print or Type) STEVE COOLEY Date 5/24/05
Law Enforcement Agency Head

Signature: S. L. Cooley

Title: DISTRICT ATTORNEY

Name (Print or Type) GLORIA MOLINA Date _____
Governing Body Head

Signature: _____

Title: CHAIR, LA COUNTY BOARD OF SUPERVISORS

This form is subject to the Freedom of Information Act and may be released under 5 U.S.C. § 552.

See www.usdoj.gov/criminal/afmls.html or www.treas.gov/offices/enforcement/teoaf for additional forms.