

ORDINANCE NO. 9284 (NEW SERIES)

AN ORDINANCE AMENDING SECTION 662 OF THE
SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE
DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM

The Board of Supervisors of the County of San Diego do ordain as follows:

Section. Section 66.2 of the San Diego County Administrative Code is hereby amended to read as follows:

Sec. 66.2. 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 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 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

(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.

PASSED, APPROVED AND ADOPTED this 5th day of December, 2000.

