



Agenda Action Form Overview

Budget Ordinance Amendment No. 26BCC080 Appropriating \$115,124 in General Fund Restricted Fund Balance to Increase State Asset Forfeiture Expenditure Authority to a New Total of \$135,124 for the Sheriff's Office

Background/Justification

The Durham County Sheriff's Office is a participant in the State Asset Forfeiture Program. Through this program, forfeiture proceeds in appropriate cases are shared with cooperating enforcement agencies through equitable sharing. The program enhances cooperation with law enforcement agencies by providing valuable additional resources to those agencies assisting with investigations into violations of laws.

These funds, upon receipt, are classified as restricted due to the nature of the funding. This funding can only be utilized for law enforcement purposes. All unspent funds are kept in a reserve account for future use. The funds will be used in efforts to suppress violent crime and gun violence in the community as well as community engagement efforts.

When money or other property is seized as part of a state investigation or prosecution, the forfeiture of those assets can be "adopted" by an agency if the offense is also cognizable under law (as most controlled substance offenses are). Under what is known as the "Equitable Sharing Program", a percentage of the net proceeds from that forfeiture (after repayment to innocent owners, lienholders, or victims) will be shared with the local law enforcement agency that seized the assets.

The Program's mission is to use asset forfeiture as a tool to deter, disrupt, and dismantle criminal enterprises, denying them the instruments and the proceeds of criminal activity. The effective use of both criminal and civil asset forfeiture is an essential component of the Department's efforts to combat the most sophisticated criminal actors and organizations including terrorist financiers, fraudsters, human traffickers, transnational drug cartels, and cyber criminals.

Some common types of assets that may be forfeited include:

- Real property
- Vehicles
- Cash
- Aircraft
- Vessels
- Personal property
- Firearms and ammunition
- Businesses

Policy Impact

These funds will be used for law enforcement purposes in accordance with the funding restrictions. Increasing the spending authority of these restricted funds will allow the Sheriff's Office to explore operational gaps that may not otherwise be possible this fiscal year.



Procurement Background

Not applicable.

Fiscal Impact

As these funds are restricted and have been in reserve for future use, there is no adverse impact on the County's unrestricted general fund reserves nor operational budget.

Recommendation

The County Manager recommends that the Board approve Budget Ordinance Amendment No. 26BCC080 Appropriating \$115,124 in General Fund Restricted Fund Balance to Increase State Asset Forfeiture Expenditure Authority to a New Total of \$135,124 for the Sheriff's Office