



### **Agenda Action Form Overview**

Approval of Budget Ordinance Amendment No. 26BCC081 Appropriating \$93,489 in General Fund Restricted Fund Balance to Increase Federal Asset Forfeiture Spending Authority to a New Total of \$318,981 for the Sheriff's Office.

### **Background/Justification**

The Durham County Sheriff's Office is a participant in the Federal Asset Forfeiture Program. This program is administered by two separate government agencies: the Department of Justice and the Department of Treasury. Through this program, federal forfeiture proceeds in appropriate cases are shared with cooperating state, local, and tribal law enforcement agencies through equitable sharing. The program enhances cooperation among federal, state, local, and tribal law enforcement agencies by providing valuable additional resources to those agencies assisting with investigations into violations of federal 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.

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.

The Department of Justice (Department) Asset Forfeiture Program (Program) encompasses the seizure, forfeiture, and disposition of assets that represent the proceeds of, or were used to facilitate, federal crimes. The Program has four primary goals:

- (1) Punish and deter criminal activity by depriving criminals of property used in or acquired through illegal activities.
- (2) Promote and enhance cooperation among federal, state, local, tribal, and foreign law enforcement agencies.
- (3) Recover assets that may be used to compensate victims when authorized under federal law.
- (4) Ensure that the Program is administered professionally, lawfully, and in a manner consistent with sound public policy.

Some common types of assets that may be forfeited include:

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



The Sheriff's Office currently has \$225,492 in spending authority for Federal Asset Forfeitures. This request will increase the spending authority to a new total of \$318,981 for FY 25-26.

**Policy Impact**

These funds will be used for law enforcement purposes in accordance with the funding restrictions. Expanding 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. 26BCC081 appropriating \$93,489 in General Fund Restricted Fund Balance to Increase Federal Asset Forfeiture Spending Authority to a New Total of \$381,981 for the Sheriff's Office.