

ORDINANCE No: 2014- 014

**AN ORDINANCE OF DELAWARE COUNTY CREATING A FUND FOR THE DELAWARE COUNTY PROSECUTOR FOR THE DEPOSIT OF FUNDS DERIVED FROM THE FEDERAL EQUITABLE SHARING PROGRAM**

**WHEREAS**, pursuant to IC 34-24-1-1 law enforcement officers may seize money or property for a violation of certain criminal statutes; and

**WHEREAS**, pursuant to IC 34-33-5-5 (j), upon motion of the Prosecuting Attorney, a court shall order the sized property transferred to the appropriate federal authority for disposition under 18 U.S.C. 981 (e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice. Accordingly, the U.S. Department of Justice will then pursue forfeiture of the asset; and

**WHEREAS**, federal law authorizes the U.S. Attorney General to share the proceeds of federally forfeited property with participating state and local law enforcement agencies. For purposes of equitable sharing, the U.S. Department of Justice defines a law enforcement agency as a state or local government organization authorized to engage in as its primary function the investigation and apprehension, or the prosecution of individuals suspected or convicted of offenses against the criminal laws of the United States or of any state, county, municipality, or territory of the United States. Any state or local law enforcement agency that directly participates in an investigation or prosecution that results in a federal forfeiture may request an equitable share of the net proceeds of the federal forfeiture; and

**WHEREAS**, pursuant to IC 34-24-1-9 (b), money received by the prosecuting attorney's office as a result of a federal forfeiture as described above must be deposited into a nonreverting fund and may be expended only with the approval of the county board of commissioners. The money received must be used solely for the benefit of the prosecuting attorney's office consistent with federal law and regulations; and

**WHEREAS**, pursuant to the U.S. Department of Justice regulations, funds received by the prosecuting attorney as a result of a federal forfeiture as described above must be used to increase or supplement the resources of the prosecutor. The funds shall not be used to replace or supplant the appropriated resources of the prosecutor; and

**WHEREAS**, pursuant to the U.S. Department of Justice regulations, the appropriate uses of the funds by the prosecuting attorney as a result of a federal forfeiture as described above are as follows:

1. Training and education for:
  - a. A prosecuting attorney;
  - b. A deputy prosecuting attorney;
  - c. Investigation for the prosecuting attorney; or
  - d. A law enforcement officer.
2. Victim assistance.
3. Legal research.
4. Office equipment, computers, computer software, communication devices, office machinery, furnishings, and office supplies.
5. Expenses of a criminal investigation and prosecution.
6. Costs associated with travel and transportation in support of the prosecutor's duties and official activities.
7. Law enforcement awards and memorials in recognition of law enforcement achievement, activity or training.
8. Any activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
  - a. Substance abuse;
  - b. Gang activity;
  - c. Child abuse;
  - d. Domestic violence
  - e. Operating while intoxicated; and
  - f. Juvenile delinquency.
9. Any other purpose that benefits the office of the prosecuting attorney or law enforcement, with the exception of salary, that is consistent with the regulations and guidelines adopted by the U.S. Department of Justice.

**WHEREAS**, a local ordinance is required to create such a fund designated for assets received from the Federal Equitable Sharing Program.

**NOW, THEREFORE, BE IT ORDAINED BY THE DELAWARE COUNTY COMMISSIONERS, FOR DELAWARE COUNTY, INDIANA:**


Section 1: There is hereby created the DELAWARE COUNTY PROSECUTOR'S FEDERAL EQUITABLE SHARING FUND #\_\_\_\_\_. This fund shall receive deposits of funds received from the federal equitable sharing program.


Section 2: This fund shall be a nonreverting fund and may be expended only with a request from and approval of the prosecuting attorney and for the benefit of the prosecuting attorney's office as previously stated in this Ordinance.

Section 3: The fund shall be used to increase or supplement the resources of the prosecutor. The funds shall not be used to replace or supplant the appropriated resources of the prosecutor.


Passed by the Board of Commissioners of Delaware County, Indiana, this 2 day of September, 2014.

  
James King, President

  
Larry Bledsoe, Vice-President

  
Sherry Riggins, Member

Attest:

  
Judi Rust  
Delaware County Auditor