

**YONET ASSET FORFEITURE  
DISBURSEMENT AGREEMENT  
October 1, 2013 through September 30, 2015**

Whereas YONET was established to conduct county-wide investigations of drug related violations for all law enforcement agencies in the county, we the YONET Task Force Council hereby agree to the following:

1. If employees of a participating agency of YONET, while engaged in an investigation where money and/or property is eligible to be seized as contraband for drug related violations, encounters such circumstances, YONET shall be summoned to coordinate the seizure and is the sole agency authorized to initiate the formal forfeiture proceedings in Yolo County. If a seizure occurs in another county, formal forfeiture proceedings on its behalf may be initiated by the legally authorized authority within that city or county. Any money and/or property seized by an employee of any participating agency of YONET shall be deemed the property of YONET during the seizure and forfeiture process, no matter which agency and/or employee thereof affected the physical seizure, and no matter which agency conducts the legal process to perfect title to the money and/or property. Upon the conclusion of legal forfeiture proceedings, any such money and/or property not already physically transferred to YONET shall be so transferred.
2. After complying with the forfeiture distribution mandates of H&S §11469, all proceeds from seizures outlined in paragraph 1, above, or from any other seizure resulting from the actions of YONET agents, shall be disbursed according to the following terms and conditions:
  - a. Each participating agency having full-time staff assigned to YONET and/or contributing funds for operating expenses is entitled to receive a portion of the proceeds from asset forfeiture disbursement. In consideration of such fiscal participation, agencies will receive asset forfeiture proceeds on a proportional basis. The proportion shall be based on a percentage of each agency's total contribution/allocation to YONET operations. Total allocation shall be calculated using the amount of each agency's actual contribution/ allocation to the operational budget, plus an agent allocation set at \$133,000 (based on average 2014 total compensation) per agent contributed to YONET. (See Example 1.)

**Example 1**

<i>[Full Staffing Example]</i>	Budget Allocation	Agent Allocation	Total Allocation	Percentage
California Highway Patrol	\$0	\$133,000	\$133,000	10.53%
Davis Police Department	\$28,000	\$133,000	\$161,000	12.75%
UCD Police Department	\$28,000	\$133,000	\$161,000	12.75%
West Sacramento Police Department	\$28,000	\$133,000	\$161,000	12.75%
Winters Police Department	\$3,000	\$0	\$3,000	0.24%
Woodland Police Department	\$28,000	\$133,000	\$161,000	12.75%
Yolo County District Attorney's Office	\$28,000	\$133,000	\$161,000	12.75%
Yolo County Probation Department	\$28,000	\$133,000	\$161,000	12.75%
Yolo County Sheriff's Office	\$28,000	\$133,000	\$161,000	12.75%
	<b>\$199,000</b>	<b>\$1,064,000</b>	<b>\$1,263,000</b>	

- b. Those asset forfeiture funds eligible for disbursement shall be returned to the participating agencies as outlined in 2a. The disbursement formula allocates shares to each participating agency for each agent assigned to the Task Force. If, during the course of the year, an agency either increases or decreases its staffing commitment to YONET, that agency's share will be adjusted by the percentage equivalent to the change in their enforcement level. Such adjustments

will be calculated by determining the number of full months (out of 12) during which that agency's officer was assigned to YONET. In the event a participating agency encounters a vacancy to their staff assigned to YONET due to serious illness, injury, or death, the agency will have sixty (60) days to replace the assigned officer without a penalty adjustment in asset forfeiture disbursement. The agency will be responsible for notifying the Task Force Council on a monthly basis of any change in their enforcement commitment. (See Example 2.)

**Example 2**

<i>[FY14/15 Staffing/Funding Example]</i>	Budget Allocation	Agent Allocation	Total Allocation	Percentage
California Highway Patrol	\$0	\$133,000	\$133,000	13.68%
Davis Police Department	\$28,000	\$133,000	\$161,000	16.56%
UCD Police Department	\$28,000	\$133,000	\$161,000	16.56%
West Sacramento Police Department	\$28,000	\$0	\$28,000	2.88%
Winters Police Department	\$3,000	\$0	\$3,000	0.31%
Woodland Police Department	\$28,000	\$133,000	\$161,000	16.56%
Yolo County District Attorney's Office	\$28,000	\$133,000	\$161,000	16.56%
Yolo County Probation Department	\$3,000	\$0	\$3,000	0.31%
Yolo County Sheriff's Office	\$28,000	\$133,000	\$161,000	16.56%
	<b>\$174,000</b>	<b>\$798,000</b>	<b>\$972,000</b>	

- c. If an agency is unable to replace its agent without suffering a penalty in its per-employee disbursement (due to an excessive delay in reassigning someone to the Task Force), it will not affect the reimbursement for operating cost contributions. (See Example 2.)
3. This agreement requires all participating agencies to use and cooperate with YONET in processing seizures for narcotics violations. Individual agencies are discouraged from conducting such activities individually and without consulting with other jurisdictions which may be affected by the related investigations. Such actions could jeopardize the overall mission of narcotics enforcement in Yolo County.
4. A contingency fund, of an amount determined by the YONET Board through budget adoption, shall be established for unbudgeted expenditures. Money spent from this fund during the fiscal year must be replenished before the annual disbursement of forfeited funds.
5. Asset forfeiture proceeds are intended to be used to enhance the overall mission of law enforcement in Yolo County and such proceeds should not be used to supplant existing funds for that purpose.
  - a. State asset forfeiture funds and federal asset forfeiture funds shall be deposited in different interest bearing accounts.
  - b. Adjudicated State Asset Forfeiture: After the disbursement of adjudicated state asset forfeiture funds, the funds shall be spent for law enforcement related purposes, 15% of which must be spent on drug prevention and/or gang risk reduction programs.
    - i. The funds distributed to the state or local government entities shall not supplant any state or local funds that are available to support law enforcement and prosecutorial efforts of these agencies. Refer to California Health and Safety Code section 11469 for guidelines regarding the utilization of seized/forfeited assets and further requirements and/or restrictions.
  - c. Adjudicated Federal Asset Forfeiture: After the disbursement of adjudicated federal asset forfeiture funds, the funds shall be spent for a law enforcement related purposes.

- i. Refer to the US Department of Justice Criminal Division Asset Forfeiture and Money Laundering Section Guide to Equitable Sharing for State and Local Law Enforcement Agencies April 2009 for further requirements and/or restrictions.
- ii. Participating agencies receiving federal asset forfeiture disbursement funds shall provide quarterly updates to the liaison from the District Attorney's Office detailing how adjudicated federal asset forfeiture funds are expended so that the District Attorney's Office can prepare an annual audit of federal asset forfeiture expenditures.
- iii. Generally, adjudicated federal asset forfeiture funds should not remain unspent for a period of time exceeding two years from the date of their receipt or the funds may be seized by the federal government.

**6. AUTHORIZATION**

The participating agency heads have executed this agreement on the respective dates indicated below. This agreement will become effective upon securing the signatures of all parties. All future amendments must be forwarded to the Task Force Council for approval and will become effective on the specific date agreed upon by the Council.

_____ SIGNATURE	_____ DATE	<u>Landy Black</u> CHIEF	<u>Davis PD</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Thomas McDonald</u> CHIEF	<u>West Sacramento PD</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Sergio Gutierrez</u> CHIEF	<u>Winters PD</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Dan Bellini</u> CHIEF	<u>Woodland PD</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Matthew Carmichael</u> CHIEF	<u>UCD PD</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Ed Prieto</u> SHERIFF	<u>Yolo Co. Sheriff's Office</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Jeff Reisig</u> DISTRICT ATTORNEY	<u>Yolo Co. District Attorney's Office</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Brent Cardall</u> CHIEF	<u>Yolo Co. Probation Department</u> AGENCY
_____ SIGNATURE	_____ DATE	<u>Andrew Menard</u> COMMANDER	<u>Woodland CHP</u> AGENCY

