

**MOTION:**

**May 10, 2022  
Regular Meeting  
Res. No. 22-**

**SECOND:**

**RE:           TRANSFER, BUDGET, AND APPROPRIATE \$67,000 IN FISCAL YEAR 2022 FROM  
CRIMINAL FORFEITURE FUND IN FURTHER SUPPORT OF LAW ENFORCEMENT  
ACTIVITIES BY THE COMMONWEALTH'S ATTORNEY'S OFFICE**

**ACTION:**

**WHEREAS**, the Commonwealth's Attorney's Office, participates in the Commonwealth's Forfeited Asset Sharing Program and receives 15% of all criminal confiscation assets seized by participating law enforcement agencies. As a result of forfeitures in drug related cases, the Commonwealth's Attorney's Office has collected revenues presently maintained in Mobius; and

**WHEREAS**, the Commonwealth's Attorney's Office renovation is included in the overall Judicial Center Renovation capital project in Fiscal Year (FY) 2023; and

**WHEREAS**, the Commonwealth's Attorney's Office will use \$42,000 for the commission of blueprints to ensure remodeling begins in 6-8 months at the Commonwealth's Attorney's Office, Suite 200, located within the Prince William County Judicial Center, 9311 Lee Avenue, Manassas, Virginia; and

**WHEREAS**, the Commonwealth's Attorney's Office will use \$15,000 for the purchase of equipment and software in the furtherance of the prosecution of crimes; and

**WHEREAS**, the Commonwealth's Attorney's Office will use \$10,000 for the compensation of expert witnesses in the investigation and forensic analysis of criminal cases; and

**WHEREAS**, the aforesaid Criminal Forfeiture Fund for the Commonwealth's Attorney's Office has an available balance of \$405,196;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors hereby transfers, budgets, and appropriates \$67,000 from the Criminal Forfeitures Fund Current Year State Revenues;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors hereby authorizes all unspent funds specific to this resolution be carried forward from Fiscal Year 2022 to Fiscal Year 2023 for the payment of additional services.

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**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Office of the Commonwealth's Attorney

**ATTEST:** \_\_\_\_\_

**Clerk to the Board**



# STAFF REPORT

<b>Board Meeting Date:</b>	May 10, 2022
<b>Agenda Title:</b>	Transfer, Budget, and Appropriate \$67,000 In Fiscal Year 2022 from Criminal Forfeiture Fund in Further Support of Law Enforcement Activities by the Commonwealth’s Attorney’s Office
<b>Requested Action:</b>	Transfer, budget, and appropriate forfeiture funds.
<b>Department / Agency Lead:</b>	Office of the Commonwealth’s Attorney
<b>Staff Lead:</b>	Hon. Amy Ashworth, Commonwealth’s Attorney

## **EXECUTIVE SUMMARY**

The Commonwealth’s Attorney plans to use forfeiture funds in the furtherance of law enforcement activities and mission:

Commission Blueprints: The Commonwealth’s Attorney’s Office located within the Judicial Center at 9311 Lee Avenue, is part of the Judicial Center renovation capital project for Fiscal Year (FY) 2023. To ensure remodeling begins in the Office of the Commonwealth’s Suite in 6-8 months, funds are needed for the commission of blueprint designs for new construction of the suite. Facilities and Fleet Management, Property Management has selected the vendor for creating the blueprint designs and estimates the cost of \$42,000.

Purchase Computers / Software: The Commonwealth’s Attorney’s Office will purchase equipment to support the law enforcement purpose of prosecuting crimes. Including the installation of an In and Out Board and software to display all three (3) levels of court: Circuit Court, General District Court, and Juvenile and Domestic Relations Court and their assigned attorneys for each corresponding courtroom. Additional Equipment and software are an estimated cost of \$15,000.

Commission Experts: \$10,000 is requested to pay for expert witness services in the investigation and forensic analysis of criminal cases.

It is the recommendation of the Commonwealth’s Attorney’s Office that the Prince William Board of County Supervisors (Board) transfer, budget, and appropriate \$67,000 in FY 2022 from the Criminal Forfeiture Fund State Revenue in the furtherance of law enforcement activities including: the commission of blueprints for the remodeling of the Commonwealth’s Attorney’s Office; the purchase and installation of computer equipment / software; and the compensation of expert witness services.

## BACKGROUND

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In 1994, the Prince William County Commonwealth's Attorney's Office began participating in the Commonwealth's Forfeited Assets Sharing Program, pursuant to Chapter 22.1, Title 19.2 of the 1950 Code of Virginia. Under this program, the Commonwealth's Attorney's Office receives 15% of all criminal confiscation assets seized by participating law enforcement agencies, in accordance with agreements executed with aforesaid law enforcement agencies.

The Commonwealth's Attorney's Office Criminal Forfeiture Fund consists of State and Federal Assets. The State Forfeited Sharing Assets for the Commonwealth's Attorney's Office is established within Mobius, where the Commonwealth's confiscated funds are deposited and held separately.

The Commonwealth's Attorney's Office is permitted to use the requested funds in accordance with the guidelines provided by the Virginia Department of Criminal Justice Services and adherence to all procurement procedures required by the Prince William County Government. The Forfeit Asset Sharing Program Manual approves the following:

**Law-Enforcement Facilities and Equipment** – The costs associated with basic and necessary facilities to perform official law-enforcement duties, including their construction, updating, remodeling, furniture, safes, file cabinets, telecommunication equipment, etc. Costs related to construction and remodeling are only permissible if the law-enforcement agency or locality owns the property.

**Law-Enforcement Equipment and Operations** – The purchase of office supplies, computer equipment, software to be used in support of law-enforcement purposes; and leasing or purchase of other types of equipment that support law-enforcement activities.

**Contracts for Services** – Payment for a contracted service that supports law enforcement is permitted. Examples include: expert witnesses, translation and language assistance services, auditor of state asset forfeiture funds, grant writer, etc. Payment on these contracts based on percentage of the forfeitures is not allowed. Contracts for law enforcement functions are not allowed, such as hiring an investigator, attorney, or other civilian personnel to perform tasks typically or previously performed by agency or jurisdiction personnel.

The Criminal Forfeiture Fund for the Commonwealth's Attorney's Office presently has an available fund balance of \$405,196. This fund can only be used by the Commonwealth's Attorney's Office.

The Commonwealth's Attorney's Office does not have funds available in the FY 2022 budget to pay for the requested services.

## **STAFF RECOMMENDATION**

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It is the recommendation of the Commonwealth's Attorney's Office that the Board transfer, budget, and appropriate \$67,000 in FY 2022 from the Criminal Forfeiture Fund State Revenue in the furtherance of law enforcement activities including: the commission of blueprints for the remodeling of the Commonwealth's Attorney's Office; the purchase and installation of computer equipment / software; and the compensation of expert witness services.

### **Service Level / Policy Impact**

Existing FY 2022 service levels will be maintained for FY 2022 if funds are approved. Following procurement regulations, a purchase order will be secured in FY 2022 with possible arrival of goods in FY 2023.

In furtherance of the County's goals in the 2021-2024 Strategic plan. Approving the Commonwealth's Attorney's Office use of forfeiture funds promotes Action Strategy SS1: to provide appropriate staffing, equipment, and resources to public safety departments to ensure the highest quality of service.

### **Fiscal Impact**

The Commonwealth's Attorney's Office needs \$67,000 in furtherance of its mission, and the Criminal Forfeiture Fund for the Commonwealth's Attorney's Office presently has an available fund balance of \$405,196.

The Commonwealth's Attorney's Office does not have funds available in the FY 2022 budget to cover the commission of blueprints for the remodeling of the Judicial Center – Office of the Commonwealth's Attorney's Suite, procurement of equipment and software, and the compensation for expert witness services. Regarding software, it is anticipated there will not be a recurring cost such as subscription or licensing fees, to that effect, if an ongoing subscription is needed, it would be absorbed within the Commonwealth's Attorney's existing budget.

### **Legal Impact**

The Board has the legal authority to transfer, budget, and appropriate the Criminal Forfeiture Funds to the Commonwealth's Attorney's Office. Section 19.2-386.14(D), VA Code Ann., provides that funding from the Asset Sharing Administrative Fund must be used to support law enforcement and cannot be used to supplant existing programs or funds.

## **STAFF CONTACT INFORMATION**

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