

ORDINANCE No. 2020-34
PROSECUTING ATTORNEY FORFEITURE FUND
ESTABLISHMENT AND GUIDELINES

WHEREAS, the Prosecutor's Office is authorized to bring an action for forfeiture of property seized in connection to certain criminal offenses pursuant to Indiana Code 34-24-1-1 *et seq.*; and

WHEREAS, Indiana Code 34-24-1-4(d)(3)(B) provides that one third (1/3) of the amount seized shall be deposited into the forfeiture fund established by the prosecuting attorney to offset expenses incurred in connection with the investigation and prosecution of the action;

BE IT NOW, THEREFORE, ORDAINED by the Commissioners of Huntington County, State of Indiana, as follows:

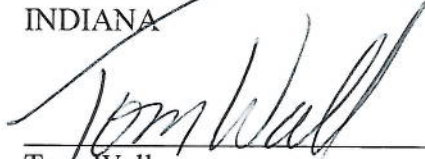
- a. Only forfeiture proceeds that have been ordered by a court to the forfeiture fund established by the Prosecuting Attorney shall be deposited into this fund.
- b. Forfeiture proceeds that are not used at the end of the fiscal year do not revert to the general fund.
- c. The funds derived from the forfeiture property seized in connection to certain criminal offenses, as delineated in Indiana Code 34-24-1-1, may only be disbursed for one (1) or more of the following purposes:
 - (1) Personnel expenses related to the operation of the program.
 - (2) Special training for:
 - (A) the Prosecuting Attorney;
 - (B) a deputy prosecuting attorney;
 - (C) support staff for a prosecuting attorney or deputy prosecuting attorney; or
 - (D) a law enforcement officer.
 - (3) Employment of a deputy prosecutor or prosecutorial support staff.
 - (4) Victim assistance expenses.
 - (5) Electronic legal research.
 - (6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.
 - (7) Expenses of a criminal investigation and/or prosecution.
 - (8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
 - (A) substance abuse;
 - (B) child/elder abuse;
 - (C) domestic violence;
 - (D) operating while intoxicated; and
 - (E) juvenile delinquency.
 - (9) Any other purpose that benefits the office of the prosecuting attorney and/or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

- d. Any expenditures of the Prosecuting Attorney's Forfeiture Funds not enumerated in a. above shall be approved by the county fiscal body.
- e. The Prosecuting Attorney shall not receive any salary appropriation from the Prosecuting Attorney's Forfeiture Fund. Salaries and personal benefits of any person influencing or controlling the selection, investigation, and/or prosecution of forfeiture cases must be managed in such a way that employment or salary does not depend upon the level of seizures or forfeitures in which they participate.
- f. The Prosecuting Attorney and its office employees and their family members are prohibited from purchasing forfeited property directly or indirectly from the office, if the employee participated in any aspect of the investigation or litigation involving that property.
- g. The Prosecuting Attorney shall transmit all reports required under Ind. Code 34-24-1-4.5.

This Ordinance shall be in full force and effect immediately.

ALL OF WHICH IS ORDAINED, ENACTED AND ADOPTED BY THE
HUNTINGTON COUNTY COMMISSIONERS THIS 21st DAY OF December, 2020.

BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY,
INDIANA



Tom Wall



Rob Miller



Larry Buzzard

ATTEST:



Jill Landrum

Huntington County Auditor