

# County of Passaic

## Board of County Commissioners



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Louis E. Imhof  
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Date: Feb 11, 2025 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING THE EXECUTION OF A FEDERAL EQUITABLE SHARING AGREEMENT TO ALLOW THE PASSAIC COUNTY PROSECUTOR'S OFFICE TO SHARE IN FEDERAL FORFEITURE DISTRIBUTIONS

THIS RESOLUTION WAS REQUESTED BY:  
PROSECUTOR'S OFFICE

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

<b>Official Resolution#</b>	
Meeting Date	2/11/2025
Introduced Date	2/5/2025
Adopted Date	
Agenda Item	41.
CAF#	
Purchase Req. #	
Result	

Law and Public Safety

COMMITTEE NAME

**RESOLUTION AUTHORIZING THE EXECUTION OF A FEDERAL EQUITABLE SHARING AGREEMENT TO ALLOW THE PASSAIC COUNTY PROSECUTOR'S OFFICE TO SHARE IN FEDERAL FORFEITURE DISTRIBUTIONS**

**WHEREAS**, the County of Passaic (hereafter "County") is a body politic and corporate pursuant to N.J.S.A. 40:18-1 and vested with all rights contained therein; and

**WHEREAS**, pursuant to N.J.S.A. 40:20-1 the Board of County Commissioners of the County of Passaic ("Board") is vested with managing the property, finances, and affairs of the County; and

**WHEREAS**, the Passaic County Prosecutor's Office ("PCPO") conducts joint law enforcement operations with various Federal and State departments and agencies; and

**WHEREAS**, at times, these joint operations lead to the seizure of money or other assets, which are subject to civil forfeiture proceedings in Federal or State Court; and

**WHEREAS**, in accordance with 21 U.S.C. § 881(e)(1)(A), 18 U.S.C. § 981(e)(2), 19 U.S.C. § 1616a, 31 U.S.C. § 9705(b)(4)(A) and (b)(4)(B) the Attorney General and Secretary of the Treasury are authorized to share federally forfeited property with participating State and local law enforcement agencies; and

**WHEREAS**, the Attorney General and Secretary of the Treasury have created a process to ensure that any property transferred to a State or local agency:

- (a) Has value that bears a reasonable relationship to the degree of direct participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort as a whole; and with respect to the violation of the law on which the forfeiture is based; and
- (b) In accordance with 21 U.S.C. § 881(e)(3) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.

**WHEREAS**, accordingly, the PCPO desires to apply for and execute a Federal Equitable Sharing Agreement through the process established by the Attorney General and Secretary of the treasury to allow it to share in federal forfeiture distributions from January 1, 2025, through December 31, 2025; and

**WHEREAS**, the Law and Public Safety Committee reviewed this matter on February 4, 2025, and is now making a recommendation to the full Board for approval.

**NOW, THEREFORE, LET IT BE RESOLVED**, pursuant to its authority under N.J.S.A. 40:20-1 the Board of Commissioners for the County of Passaic hereby authorizes the Passaic County Prosecutor's Office to apply for and execute a Federal Equitable Sharing Agreement to permit it to share in federal forfeiture distribution from January 1, 2025, through December 31, 2025.

**LET IT BE FURTHER RESOLVED**, that the Clerk to the Board, County Counsel, Purchasing Agent, Chief Financial Officer, and Director of the Board of County Commissioners of the County of Passaic are authorized to execute an agreement and take any other steps necessary to carry out the purpose of this resolution.