



Sonoma County Sheriff's Office

MARK ESSICK
Sheriff-Coroner

JAMES NAUGLE
Assistant Sheriff
Law Enforcement Division

ALAN VERNON
Assistant Sheriff
Detention Division

September 10, 2019

Deborah Conner
Acting Chief, Asset Forfeiture and Money Laundering Section
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Re: Equitable Sharing Agreement and Certification, fiscal year 2018-2019

Dear Acting Chief Conner:

The Sonoma County Sheriff's Office (SCSO) is in the process of submitting the Equitable Sharing Agreement and Certification (Affidavit – Existing Participant) as required by the US Department of Justice (DOJ) for the fiscal year ended 6/30/18 to obtain release of asset forfeiture funds.

In the past, the DOJ has rejected the Certification provided by the SCSO based on an interlineated change the County of Sonoma made to the form, which indicated that the signatories certified the information that was provided "based on their information and belief," rather than their direct knowledge. The County of Sonoma made this revision to the Certification pursuant to the DOJ's implied consent (see enclosed letter dated December 6, 2010), and because the Certification implied that the Sheriff and the Governing Body Head had direct and personal knowledge of all of the facts being verified under penalty of perjury. As the Sheriff and the Board of Supervisors are entitled to rely on information provided by County staff, the Certification should certify only their reasonable belief in the accuracy of such information. The DOJ had accepted the revised Certification for the years 2008 and 2009, but as of 2010, the DOJ required signature of the form Certification without such revisions as a precondition to releasing the funds.

It is therefore our understanding that the DOJ will no longer accept the Certification with the revisions the County of Sonoma deems necessary to ensure its accuracy. Accordingly, the enclosed Certification, signed by the Sheriff and the Chair of the County of Sonoma Board of Supervisors, is being provided both electronically and in hard copy with the understanding that this is a *pro forma* document which does not require the Sheriff or Chair of the Board of Supervisors be personally involved in the matters being certified. If you have any questions or concerns, please do not hesitate to contact me at (707) 565-3928 or marta.peavey@sonoma-county.org.

Sincerely,

Marta Peavey
Supervising Accountant
Sonoma County Sheriff's Office

cc: Tanya Penny