

Anti-Racketeering Revolving Fund

aka RICO Account

One Account, Two Methods of Approval

- Non-PCAO Accounts

- We act as the fiduciary for all seized and forfeited monies for each Pinal County law enforcement agency.
- While we use a pooled account, each dollar is tracked and attributed to individual agencies.
- When an agency wishes to use their money, they must file a formal request with PCAO.
- We review the request and the applicable law. If the request is legally permissible, we release the funds as requested.

- PCAO Account

- Our money goes into the same pooled account. However, if we wish to use the money, we must come to the Board of Supervisors and make the request.
- This serves two functions:
 - 1. A check and balance on PCAO requests;
 - 2. A public accounting and disclosure of the use of the funds
- Thus, this Board must make a determination, if the request is lawful.

Legal Guidance

- The Board is bound to the same legal standards that PCAO uses when evaluating whether the requested use is lawful.
 - If the Board ever has a question or concern, statute permits that we bring in a County Attorney from another county to advise.
- Both the Arizona Revised Statutes and Federal Law controls the permissible uses of the money.

Permissible Uses

Arizona State Law

- Per 13-2314.03(F), gang prevention programs, substance abuse prevention and education programs, victim assistance programs, witness protections programs and those purposes permitted by federal law are all lawful and proper uses of the account funds.
- Per 13-4315(C), monies in any anti-racketeering fund established pursuant to this title may be used to pay necessary expenses to maintain and sell seized property, payment for information or assistance, or compensation to injured parties.

*Please note that the “Guide” explicitly precludes using RICO funds to supplant or replace ordinary costs. These RICO funds should be used solely to supplement or expand beyond what is normally budgeted for traditional law enforcement activities. Further, these funds should not be budgeted or forecasted.

Federal law*

Applicable uses pursuant to federal law are contained in the “Guide to Equitable Sharing.” The guide provides a series of permissible and impermissible uses. In short, permissible uses include:

- Law enforcement operations and investigations;
- Law enforcement training and education;
- Law enforcement, public safety, and detention facilities;
- Law enforcement equipment;
- Joint law enforcement/public safety operations;
- Contracts for services;
- Law enforcement travel and per diem;
- Law enforcement awards and memorials;
- Drug, gang, and other prevention or awareness programs;
- Matching grants; and
- Up to \$25,000 in annual support of community based organizations.

Current Request

- The use of up to \$60,000.00 to assist Pinal County Law Enforcement Agencies in procuring non-marijuana, drug detection trained K-9's .
- After the legalization of marijuana through the passing of Prop 207, currently trained K-9's that detect all drugs, including marijuana, have a decreased value as a law enforcement tool.
- Each new professionally trained dog costs approximately \$12,000.00. There are significant additional expenses that each recipient agency would be responsible to provide.
- I have had discussions with the Chiefs from 4 different smaller Pinal County agencies that have expressed significant interest in obtaining one of these dogs.

Legal Basis for the Request

- As an FYI, this is the exact process that we follow when considering an agency's request to expend their own RICO funds.
- Pursuant to A.R.S. §13-2314.03(F), purposes permitted by federal law are proper.
- Pursuant to the latest Federal "Guide to Equitable Sharing" section V(B)(1)(d)- Law enforcement equipment, "costs associated with the purchase, lease, maintenance, or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities" are permissible. Animals and animal-related expenses are explicitly used as a permissible example.
- Thus, pursuant to the V(B)(1)(d) this is a legally permissible use of the funds.



Any Questions?
