

STARKE COUNTY ORDINANCE 2019- 01 COVERT LAW ENFORCEMENT TRANSACTION FUND

THE BOARD OF COMMISSIONERS OF STARKE COUNTY (the “Commissioners”), on the basis of their observation of the prevalence of substance abuse as a factor in criminal behavior, arrests and incarcerations, and the attendant detrimental effects on public physical and mental health, harm to family relationships through Starke County, have determined that substance abuse is a major social problem in Starke County, and further finds that along with programs to discourage substance abuse and to provide treatment to assist in recovery, law enforcement efforts calculated to disrupt illicit drug and narcotics transactions are in the interest of the public health and welfare; and

AT THE REQUEST OF THE STARKE COUNTY SHERIFF, and in consultation with Sheriff’s Dept. staff, the Commissioners have determined that a covert law enforcement transaction fund for “buy money”, payment to undercover informants and similar action is needed to support law enforcement efforts calculated to reduce illicit drug transactions in Starke County,

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Ordinance 2019- 01, COVERT LAW ENFORCEMENT TRANSACTION FUND superseding all previous ordinances covering similar subject matter, including Ordinance 1993-01-09 sometimes known as the TNT Drug Task Force Fund.

Section I. Purpose

This ordinance creates the Covert Law Enforcement Transaction Fund (“CLETF”) for use by law enforcement officer and their authorized agents. The funds shall be solely used for the purposes of covert (i.e. undercover) purchases of illicit substances (“buy money”), payments to undercover informants, or for other similar covert law enforcement purposes, such as investigations into unlawful services or products with the intent and purpose of disrupting unlawful transactions through arrests, intelligence gathering and similar legitimate law enforcement actions and strategies.

This Ordinance is not intended and shall not be used in support of an attempt to circumvent statutory provisions (including IC § 36-2-5-2) requiring County Council appropriation of funds prior to disbursement.

Section II. Authority for CLEFT; Interpretation

In general, the CLEFT is hereby created pursuant to the authority of the Ind. Code Chapter 36-1-3, providing for Home Rule powers, and specifically pursuant to IC § 36-1-3-6(b). This Ordinance is intended to comply with the State Board of Accounts guidelines for appropriations and expenditures for “buy money or payments to informants” as set forth on the Cities and Towns Bulletin, June 2016, Part 1, page 6. Interpretations of this Ordinance shall favor such compliance, including additional guidance that may be published after the date of the adoption of this Ordinance.

Section III. Sources of Funds

Funding of the CLEFT is subject to the oversight and control of the Starke County Council and all appropriations for the CLEFT shall be in compliance with applicable state statutes. It is anticipated that sources of funding may include the following:

1. Grants from state government, federal government and private foundations,
2. The local Drug Free Community Fund,
3. Donations from private individuals, corporations, or voluntary associations,
4. Restitution for drug “buy money” by court order,
5. Other revenues related to enforcement of drug laws,
6. Any other source approved by the Starke County Council.

Section IV. Procedures

A. **Petty Cash Procedures.** All CLEFT money shall be managed in accordance with Petty Cash Fund Procedures as authorized by IC § 36-1-8-3 and 4 as amended.

B. **Additional Procedural Guidelines.** All disbursements of funds from the CLEFT shall observe, at a minimum, documentation procedures similar to either those set forth in *Guidelines for the Expenditure of Confidential Funds* published by the U.S. Dept. of Criminal Justices (or its successor publication) or *Guidelines for Obtaining and Accounting for Confidential Funds Used in Support of Criminal Investigations* (Rev'd S.O.P. PR –INV-00017) by the Indiana State Police Department, or its successor publication.

Section V. Perpetual and Non-reverting Fund

The CLEFT is perpetual until terminated or replaced by a subsequent ordinance covering the same subject matter. The fund balance at year end is non-reverting.

Section VI. Effective Date; Replacement of Prior Ordinance

This Ordinance shall take effect upon passage. This Ordinance supersedes all previous ordinances covering similar subject matter, including Ordinance 1993-01-09, sometimes known as the TNT Drug Task Force Fund

Presented to the Board of Commissioners of Starke County, Indiana, and upon unanimous vote to suspend the rules, was approved on the first reading the 18 day of February, 2019, by the following vote:

Dated: February 18, 2019.

BOARD OF COMMISSIONERS OF STARKE COUNTY

VOTE

✓

Charles Chesak, President

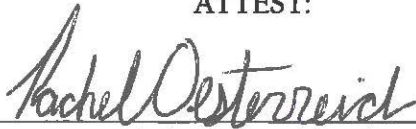
yes

Kathryn J. Norem, Vice President

✓

Bryan Cavender, Member

ATTEST:

Rachel Osterreich, Auditor
Of Starke County Indiana