



City of Sacramento 3
City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 5/17/2011

Report Type: Staff/Discussion

Title: FY2010/11 Asset Seizure Expenditure Master Plan

Report ID: 2011-00455

Location: Citywide

Recommendation: Adopt a Resolution: 1) approving the FY2010/11 Annual Asset Seizure Expenditure Master Plan and 2) authorizing the Interim City Manager, or the Interim City Manager's designee, to increase the necessary Police Department Externally Funded Program (EFP) expense and revenue budgets by \$709,210.

Contact: James Beezley, Lieutenant, Fiscal Division, (916) 808-0854, Police Department.

Presenter: None

Department: Police

Division: Fiscal Operations

Dept ID: 11001021

Attachments:

- 1-Description/Analysis
- 2- Resolution
- 3- Exhibit A (Master Plan)

City Attorney Review

Approved as to Form
David Womack
5/10/2011 2:18:36 PM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
4/27/2011 3:53:54 PM

Approvals/Acknowledgements

Department Director or Designee: Rick Braziel - 5/2/2011 4:48:16 PM

Assistant City Manager: Patti Bisharat - 5/10/2011 2:08:24 PM



Description/Analysis

Issue: Pursuant to City Council Resolution #1990-271, the Sacramento Police Department (SPD) recommends that City Council approve the FY2010/11 Annual Asset Seizure Master Plan (attached as Exhibit A).

Policy Considerations: Pursuant to City Council Resolution #90-271, City Council must approve an annual Master Plan prior to the appropriation of funding. In addition, City Council Resolution #2010-388 requires City Council approval to increase revenue and expense budgets in excess of \$100,000.

Environmental Considerations:

California Environmental Quality Act (CEQA): The recommendations contained in this report are not subject to CEQA guidelines.

Sustainability: There are no sustainability considerations associated with the recommendations contained in this report.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: The expenditure recommendations contained in the Master Plan are in accordance with all City, State, and federal guidelines (City Council Resolution #90-271, Federal Comprehensive Crime Control Act of 1984 and the State of California Health and Safety Code Sections 11470 through 11492). Additionally, the City Council requires the SPD to develop the annual Master Plan using the following priorities: 1) maintain personnel required to administer the Asset Seizure Program; 2) establish programs and/or purchases and maintain equipment that will enhance safety and performance of narcotic-related activities; 3) establish programs and/or purchases and maintain equipment that will enhance the safety and performance of general law enforcement activities; and 4) establish programs and/or purchases and maintain equipment that will enhance crime and/or drug prevention programs.

Financial Considerations: Federal law requires that asset forfeiture funds must increase or supplement current resources. These funds must not supplant appropriated General Fund resources. Subsequent to the approval of the Master Plan, the following revenue and expenditure increases, totaling \$709,210, will be necessary:

Project Name/Number	Fund	Revenues (\$)	Expenditures (\$)
State Asset Forfeiture Criminal Profiteering (# E11002700)	2703	1,252	1,252
State Asset Forfeiture Narcotics (#E11002800)	2703	290,571	290,571

State Asset Forfeiture 15% Drug/Gangs (#E11002900)	2703	54,644	54,644
Federal Asset Forfeiture U.S. Department of the Treasury (#E11003200)	2703	62,303	62,303
Federal Asset Forfeiture U.S. Department of Justice (#E11003300)	2703	300,440	300,440
Total Appropriation Adjustment:		709,210	709,210

The SPD proposes to use \$654,566 of the \$709,210 to purchase and install the Next Generation (NextGen) of Mobile Data Computers (MDCs) and In Car Camera (ICC) Systems in all of the patrol and specialty vehicles. The City Council has previously approved the appropriation of approximately \$2 million for the NextGen Project in prior year Asset Forfeiture Master Plans. If approved, this additional funding will bring the total appropriation authority for the NextGen Project to approximately \$2.65 million.

The balance of \$56,644 is proposed to fund anti-drug and gang programs as required by the State of California Health and Safety Code Section 11489.

Emerging Small Business Development (ESBD): The purchase of supplies and equipment will be made in accordance with the City's Emerging Small Business Development program requirements whenever possible.



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RESOLUTION NO. 2011-xxx

Adopted by the Sacramento City Council

May 17, 2011

FY2010/11 ASSET SEIZURE EXPENDITURE MASTER PLAN

BACKGROUND

- A. The Sacramento Police Department (SPD) receives a portion of the assets seized under the Federal Comprehensive Crime Control Act of 1984 and the State of California Health and Safety Code Sections 11470 through 11492.
- B. Federal and State law requires this funding be used to support and enhance law enforcement and must not supplant appropriated General Fund resources.
- C. City Council Resolution #90-271 requires that the SPD create an Asset Seizure Expenditure Master Plan (Master Plan) and that it updates that plan on an annual basis. The annual Master Plan must be approved City Council before any transfer of funds will be authorized.
- D. City Council Resolution #90-271 requires that the SPD fund efforts to enhance officer safety and improve department performance. Additionally, City Council requires the SPD to develop the annual Master Plan using the following priorities: 1) maintain personnel required to administer the Asset Seizure Program; 2) establish programs and/or purchases and maintain equipment that will enhance safety and performance of narcotic-related activities; 3) establish programs and/or purchases and maintain equipment that will enhance the safety and performance of general law enforcement activities; and 4) establish programs and/or purchases and maintain equipment that will enhance crime and/or drug prevention programs.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The FY2010/11 Asset Seizure Expenditure Master Plan is hereby approved (attached as Exhibit A).
- Section 2. The Interim City Manager, or the Interim City Manager's designee, is hereby authorized to increase and adjust the necessary Police Department Externally Funded Program (EFP) revenue and expense budgets by \$709,210, appropriated according to Exhibit A.



FY2010/11 ASSET SEIZURE EXPENDITURE MASTER PLAN

Pursuant to City Council Resolution #90-271, the Sacramento Police Department (SPD) respectfully submits the following Asset Seizure Expenditure Master Plan for FY2010/11:

BACKGROUND

The SPD receives a portion of the assets seized under the Federal Comprehensive Crime Control Act of 1984 and the State of California Health and Safety Code Sections 11470 through 11492. The SPD generates asset forfeiture funds by participating in the seizure or forfeiture of tangible property or cash from successful investigations.

Depending upon the type of seizure and parties involved, the revenues are deposited into the Externally Funded Program Fund (#2703) and distributed to the following projects:

State Asset Forfeiture

- Criminal Profiteering (#E11002700)
- Narcotic Case Assets (#E11002800)
- 15% for Drug/Gang Programming (#E11002900)

Federal Asset Forfeiture

- Department of Treasurer (#E11003200)
- Department of Justice (#E11003300)

Federal and State guidelines govern the budgeting and expenditure of asset forfeiture funding. These guidelines prohibit projecting revenue until after the award of funding. Funding can only be expended on law enforcement purposes and must not supplant General Fund resources. The Department of Justice will terminate the sharing of asset forfeiture funds with any law enforcement agency not permitted by their government authorities to directly benefit from these funds.

City Council Resolution #90-271 outlines City Council funding priorities for Asset Forfeiture funds:

- Funds will be expended in a manner that enhances officer safety and improves the performance of the police department in its overall mission.
- Maintenance of the personnel required to administer the Asset Seizure program.

- Establishment of programs and/or purchases and maintenance of equipment that will enhance the safety and performance of narcotic-related activities.
- Establishment of programs and/or purchases and maintenance of equipment that will enhance the safety and performance of general law enforcement activities.
- Establishment of programs and/or purchases and maintenance of equipment that will enhance crime and/or drug prevention programs.

EXPENDITURE PLAN

The SPD requests the authority to appropriate \$709,210 in asset forfeiture revenue received since the approval of the FY2009/10 Asset Forfeiture Expenditure Master Plan.

\$654,566 – NextGen Project

(Projects: #E11002700, #E11002800, #E11003200, #E11003300)

This funding will be used to purchase and install the Next Generation (NextGen) of Mobile Data Computers (MDCs) and In Car Camera (ICC) systems in all of the patrol and specialty vehicles. The average life of a computer system is three to five years. The current system is over ten years old and is failing at an accelerated rate. The SPD is spending over \$100,000 per year in equipment repairs, not including staff time, to maintain the current antiquated system. The SPD has received grants that will allow for the replacement of approximately forty percent of the MDCs. The Asset Forfeiture money is needed to partially replace the MDC solution in the remaining vehicles and for replacing the video tape In-Car Camera solution in the entire fleet.

The City Council has previously approved the appropriation of approximately \$2 million for the NextGen Project in prior year Asset Forfeiture Master Plans. If approved, this additional funding will bring the total appropriation authority for the NextGen Project to approximately \$2.65 million.

\$54,644 – Anti Drug and Gang Efforts

(Projects: #E11002900)

This funding will be used to contribute to anti-drug and gang programs and efforts. The State of California Health and Safety Code Section 11489 requires that this funding be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.

\$709,210 – Total Expenditures

BUDGETARY CONSIDERATIONS

The following appropriation increases, totaling \$709,210, are necessary to implement the FY2010/11 Master Plan:

Project Name/Number	Fund	Revenues (\$)	Expenditures (\$)
State Asset Forfeiture Criminal Profiteering (#E11002700)	2703	1,252	1,252
State Asset Forfeiture Narcotics (#E11002800)	2703	290,571	290,571
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