



City of Sacramento City Council

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

Meeting Date: 6/7/2012

Report Type: Staff/Discussion

Title: Fiscal Year 2011/12 Asset Seizure Expenditure Master Plan

Report ID: 2012-00450

Location: Citywide

Recommendation: Pass a Resolution: 1) approving the FY 2011/12 Asset Forfeiture Expenditure Master Plan; and 2) authorizing the City Manager, or the City Manager's designee, to adjust the necessary Police Department Externally Funded Program (EFP) expense and revenue budgets by \$386,125.

Contact: James Beezley, Captain, (916) 808-0854, Police Department

Presenter: None

Department: Police

Division: Fiscal Operations

Dept ID: 11001021

Attachments:

- 1- Description/Analysis
- 2 - Resolution - FY12 Master Plan
- 3 - Exhibit A -Asset Seizure Expenditure Master Plan

City Attorney Review

Approved as to Form
David Womack
5/14/2012 10:54:16 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
5/3/2012 11:39:10 AM

Approvals/Acknowledgements

Department Director or Designee: Rick Braziel - 5/9/2012 2:25:23 PM



Description/Analysis

Issue: Pursuant to City Council Resolution #90-271, the Sacramento Police Department (SPD) recommends that City Council approve the FY 2011/12 Annual Asset Seizure Master Plan (Master Plan) (Exhibit A).

Policy Considerations: Pursuant to Resolution #90-271, the City Council must approve an annual Master Plan prior to the appropriation of funding. In addition, City Council Resolution #2011-391 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 Considerations: There are no sustainability considerations associated with the recommendations contained in this report.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: The expenditure recommendations included 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 State of California Health and Safety Code Sections 11470 through 11492). Additionally, the City Council requires the SPD to develop the annual Master Plan based upon 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 the 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 and State law requires that asset forfeiture funds must increase or supplement current resources. These funds must not supplant appropriated General Fund resources. The table that follows provides a summary of the previously approved balances and the additional revenues received since approval of the FY 2010/11 Master Plan:

Project Name/Number	Fund	Previously Approved Balances	FY2011/12 Revenues/Expense Adjustments (\$)	Total
State Asset Forfeiture Criminal Profiteering #E11002700	2703	-	-	-
State Asset Forfeiture Narcotics #E11002800	2703	24,328	142,082	166,410
State Asset Forfeiture 15% Drug/Gangs #E11002900	2703	328,491	25,073	353,564
State Asset Forfeiture #E11003100	2703	-	58	58
Federal Asset Forfeiture U.S. Department of the Treasury #E11003200	2703	-	150,065	150,065
Federal Asset Forfeiture U.S. Department of Justice #E11003300	2703	53,243	68,847	122,090
Total:		406,062	386,125	792,187

On May 17, 2011, City Council approved the FY2010/11 Master Plan (Resolution #2011-287) for a total amount of \$406,062. Approximately \$77,571 of this total amount was designated for the Next Generation (NextGen) Mobile Data Computer (MDC) and In-Car Camera (ICC) system replacement. The remaining balance of \$328,491 was designated to fund anti-drug and gang programs as required by State of California's Health and Safety Code Section 11489.

The SPD has received a total of \$386,125 in additional asset forfeiture revenues since the approval of the FY 2010/11 Master Plan. Staff proposes to use \$361,052 of the total amount (\$386,125) to improve the SPD's aircraft fleet and to procure computer software, safety and other equipment to support front line law enforcement and specialized law enforcement units. In addition, staff recommends reserving a portion of this funding to complete the Next Generation (NextGen) Mobile Data Computer (MDC) and In-Car Camera (ICC) system replacement. The remaining balance of \$25,073 would then be used to fund anti-drug and gang programs as required by State of California, Health and Safety Code Section 11489.

Emerging Small Business Development (ESBD): Not applicable.



RESOLUTION NO.

Adopted by the Sacramento City Council

Fiscal Year (FY) 2011/12 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 that 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 annual Asset Seizure Expenditure Master Plan (Master Plan). This 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, the City Council requires the SPD to develop the annual Master Plan based upon 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 FY 2011/12 Asset Seizure Expenditure Master Plan is approved (Exhibit A).
- Section 2. The City Manager, or the City Manager's designee, is authorized to adjust the necessary Police Department Asset Seizure project (#E11002800, #E11002900, #E11003100, #E11003200, #E11003300) expense and revenue budgets by \$386,125.

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Exhibit A – FY 2011/12 Asset Seizure Expenditure Master Plan



Fiscal Year (FY) 2011/12 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 FY 2011/12:

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)
- State Asset Forfeiture (#E11003100)

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

Staff requests the authority to appropriate \$386,125 in asset forfeiture revenue received since the approval of the FY2010/11 Asset Forfeiture Expenditure Master Plan.

**Projects: #E11002700, #E11002800, #E11003100, #E11003200, #E11003300
\$361,052**

Staff proposes to use \$361,052 of the total amount (\$386,125) to improve the SPD's aircraft fleet and to procure computer software, safety and other equipment to support front line law enforcement and specialized law enforcement units. In addition, staff recommends reserving a portion of this funding to complete the Next Generation (NextGen) Mobile Data Computer (MDC) and In-Car Camera (ICC) system replacement.

**Anti Drug and Gang Efforts
Project: #E11002900
\$25,073**

This funding will be used to contribute to anti-drug and gang programs. 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.

Total Additional Appropriation Authority - \$386,125

FINANCIAL CONSIDERATIONS

Federal and State law requires that asset forfeiture funds must increase or supplement current resources. These funds must not supplant appropriated General Fund resources. Below is a summary of the previously approved balances and the additional revenues received since approval of the FY 2010/11 Master Plan.

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