

Meeting Date: 7/30/2013

Report Type: Consent

Report ID: 2013-00439

Title: Fiscal Year (FY) 2013/14 Asset Seizure Expenditure Master Plan

Location: Citywide

Issue: Pursuant to Resolution 90-271, the City Council must approve an annual Master Plan prior to the appropriation of asset seizure funds.

Recommendation: Pass a Resolution 1) approving the FY2013/14 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 \$559,451.

Contact: Scott Pettingell, Police Administrative Manager, Fiscal Operations, (916) 808-0909, Police Department

Presenter: None

Department: Police

Division: Fiscal Operations

Dept ID: 11001021

Attachments:

- 1-Description/Analysis
- 2-Resolution (FY13 Master Plan)
- 3-Exhibit A (FY13 Master Plan)

City Attorney Review

Approved as to Form
David Womack
7/9/2013 3:49:45 PM

Approvals/Acknowledgements

Department Director or Designee: Sam Somer - 7/1/2013 9:11:50 AM

Description/Analysis

Issue: The Police Department 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 Police Department generates asset forfeiture funds by participating in the seizure or forfeiture of tangible property or cash from successful investigations. Funds are restricted and may be used for specific law enforcement purposes only. Recommendations for the use of funds are included in the 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 2012-185 requires City Council approval to increase revenue and expense budgets in excess of \$100,000.

Economic Impact: None.

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 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 State of California Health and Safety Code Sections 11470 through 11492). Additionally, the City Council requires the Police Department 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 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 previously appropriated balances and additional revenues received since approval of the FY2011/12 Master Plan.

Project Name/Number	Fund	Previously Appropriated Balances (\$)	FY2013/14 Revenues/Expense Adjustments (\$)	Total (\$)
State Asset Forfeiture Criminal Profiteering E11002700	2703	-	840	840
State Asset Forfeiture Narcotics E11002800	2703	149,869	99,566	249,435
State Asset Forfeiture 15% Drug/Gangs E11002900	2703	342,619	23,215	365,834
State Asset Forfeiture E11003100	2703	30	20	50
Federal Asset Forfeiture U.S. Department of the Treasury E11003200	2703	193,912	375,086	568,998
Federal Asset Forfeiture U.S. Department of Justice E11003300	2703	16,818	60,724	77,542
Total:		703,248	559,451	\$ 1,262,699

The Police Department received a total of \$559,451 in additional asset forfeiture revenues since the approval of the FY2011/12 Master Plan. This additional revenue brings the total Asset Forfeiture balance to \$1,262,699. The Police Department proposes to use \$896,865, of the \$1,262,699, to replace and repair the Police Department's fleet of aircraft, procure safety equipment to support front-line law enforcement, procure equipment and software used to support front-line law enforcement, and procure equipment for specialized law enforcement units. The balance of \$365,835 is proposed 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) 2013/14 Asset Seizure Expenditure Master Plan

BACKGROUND

- A. The City of Sacramento Police Department 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 guidelines govern the administration, budgeting and expenditure of asset forfeiture funding (State of California Health and Safety Code and Guide to Equitable Sharing for State and Local Law Enforcement Agencies).
- C. City Council Resolution 90-271 requires that the Sacramento Police Department (SPD) create an annual Asset Seizure Expenditure Master Plan (Master Plan). The annual Master Plan must be approved by 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 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 FY 2013/14 Asset Seizure Expenditure Master Plan is approved (Exhibit A).
- Section 2. The City Manager, or designated representative, is authorized to adjust the appropriate Police Department Asset Seizure project (E11002700, E11002800, E11002900, E11003100, E11003200, E11003300) expense and revenue budgets by \$559,451.

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Exhibit A – FY 2013/14 Asset Seizure Expenditure Master Plan

Exhibit A



FISCAL YEAR (FY) 2013/14 SEIZURE EXPENDITURE MASTER PLAN

Pursuant to Resolution 90-271, the City of Sacramento Police Department (SPD) respectfully submits the following Annual Asset Seizure Expenditure Master Plan.

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)

Guidelines

Federal and State guidelines govern the administration, budgeting and expenditure of asset forfeiture funding (State of California Health and Safety Code and Guide to Equitable Sharing for State and Local Law Enforcement Agencies). Generally, asset forfeiture funds can be used by law enforcement agencies for law enforcement purposes only. Funding must be used to increase or supplement the resources of the receiving state or local law enforcement agency. Resources cannot be used to replace or supplant appropriated resources and the agency receiving the funds must directly benefit from the funding. 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.

In addition, State of California Health and Safety Code Section 11489 (i and ii) requires that fifteen percent of funding be deposited in a fund (E11002900) for the sole purpose of funding programs designed to combat drug abuse and divert gang activity, and shall wherever possible, involve educators, parents, community-based organizations, local businesses, and uniformed law enforcement officials. The funded programs must be designed to cause the development and continuation of positive intervention programs for high-risk elementary and secondary students. The actual distribution of funds is determined by a panel consisting of the Sacramento Police Chief, Sheriff, District Attorney and Chief Probation Officer.

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

Below is a summary of previously appropriated balances and additional revenues received since approval of the FY2011/12 Master Plan.

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The SPD proposes to use \$896,865, of the \$1,262,699, to replace and repair the Police Department's fleet of aircraft, procure safety equipment to support front-line law enforcement (i.e., weapons and ammunition), procure equipment and software used to support front-line law enforcement (i.e., in car computers/cameras and electronic citation equipment), and procure equipment for specialized law enforcement units (i.e., Special Weapons and Tactics (SWAT) Team). The balance of \$365,835 is proposed to fund anti-drug and gang programs as required by State of California Health and Safety Code Section 11489.