

**Meeting Date:** 6/9/2015

**Report Type:** Consent

**Report ID:** 2015-00481

**Title:** Fiscal Year (FY) 2015/16 Asset Forfeiture Expenditure Master Plan

**Location:** Citywide

**Recommendation:** Pass a Resolution authorizing the City Manager, or the City Manager's designee to: 1) implement the FY 2015/16 Asset Forfeiture Expenditure Master Plan (Master Plan); 2) adjust the necessary Asset Forfeiture Externally Funded Program (EFP) expense and revenue budgets by \$695,522; and 3) adjust the FY2015/16 Master Plan based on operational requirements of the Police Department.

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

**Presenter:** Samuel D. Somers, Jr., Chief of Police, (916) 808-0800, Police Department

**Department:** Police

**Division:** Office Of The Chief-Admin

**Dept ID:** 11001011

**Attachments:**

1-Description/Analysis

2-R2014-0175

3-Resolution

4-Exhibit A Master Plan

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**City Attorney Review**

Approved as to Form

Michael Fry

5/29/2015 2:30:56 PM

**Approvals/Acknowledgements**

Department Director or Designee: Sam Somers - 5/12/2015 2:16:51 PM

## Description/Analysis

**Issue:** The Sacramento Police Department (SPD) receives a portion of the assets it seizes which are subsequently forfeited pursuant to the Federal Comprehensive Crime Control Act of 1984, State of California Health and Safety Code Sections 11469 through 11492 (HS §11469 – 11492), Penal Code Section 186 through 186.8 (PC §186 – 186.8); and joint agreements with government agencies. The revenues are deposited into the Externally Funded Program Fund 2703 and depending upon the reason for forfeiture and the parties involved, are distributed amongst multiple Externally Funded Programs (EFPs). The administration, budgeting and expenditure of asset forfeiture funding is governed by the U.S. Department of Treasury *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies*, the U.S. Department of Justice *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*, and HS §11469 – 11492; and PC §186 – 186.8.

**Policy Considerations:** Recommendations contained in this report are in accordance with: 1) Resolution 2014-0175 (Attachment 2), which contains the City of Sacramento’s asset forfeiture funding policy and requires SPD to present an annual Asset Forfeiture Expenditure Master Plan to City Council for approval; and 2) Resolution 2014-0179 which requires City Council approval for EFP augmentations in excess of \$100,000.

**Environmental Considerations:** Not applicable.

**California Environmental Quality Act (CEQA):** No environmental review is necessary because the recommendations in this report are of an administrative nature and are not considered to be a “project” as defined in Section 15378(b)(2) of the CEQA Guidelines.

**Sustainability:** Not applicable.

**Rationale for Recommendation:** The intent of Federal and State Asset Forfeiture programs is to provide law enforcement with a mechanism to permanently deprive criminals from accessing assets and proceeds generated by illegal activities and to support law enforcement needs through legal and equitable acquisition of assets through due process. By participating in these programs, SPD is able to secure funding to support: 1) the replacement and repair of specialized vehicles and aircraft; 2) the purchase of safety equipment and technology improvements; 3) specialized programs, investigations and operations; 4) the administration of the asset forfeiture program; and 5) anti-drug and anti-gang programming for at-risk youth. Both Federal and State

programs require that forfeiture funds be used for law enforcement purposes only and must not replace or otherwise supplant existing resources.

**Financial Considerations:** Since approval of the Fiscal Year (FY) 2014/15 Asset Forfeiture Expenditure Master Plan (Resolution 2014-0176), SPD has received an additional \$695,522 in asset forfeiture revenues and interest earnings. The table below summarizes the previously appropriated fund balances and additional revenues received since the adoption of Resolution 2014-0176:

<b>Project Name/Number</b>	<b>Fund</b>	<b>New Forfeiture Revenue</b>
State Asset Forfeiture Narcotics E11002800	2703	\$271,455
State Asset Forfeiture Narcotics, Burton Fund E11002900	2703	\$54,443
Federal Asset Forfeiture US Department of Treasury E11003200	2703	\$101,953
Federal Asset Forfeiture US Department of Justice E11003300	2703	\$267,671
<b>Total</b>		<b>\$695,522</b>

The SPD proposes that the funding identified above be allocated for the following purposes:

<b>Allocation Category</b>	<b>Allocation Amount</b>
Replacement and Repair of Specialized Vehicles and Aircraft	\$72,906
Safety Equipment for Front-Line Law Enforcement (e.g., Weapons and Ammunition)	\$158,000
Technology Improvements for Front-Line Law Enforcement (e.g., In-Car Computers and Cameras)	\$112,000
Support for Specialized Programs, Investigations, and Operations (e.g., Neighborhood Watch, Informant Pay, and Equipment)	\$290,173
Administration of Asset Forfeiture Program (e.g., Towing of Seized Vehicles, Asset Forfeiture Training)	\$8,000
Drug/Gang Education Programming (State Asset Forfeiture – Burton Fund)	\$54,443
<b>Total</b>	<b>\$695,522</b>

Further details on each of the proposed allocations are included in the Master Plan (Attachment 4 – Exhibit A).

**Local Business Enterprise:** Not applicable.

## RESOLUTION NO. 2014-0175

Adopted by the Sacramento City Council

June 10, 2014

### RESCINDING RESOLUTION 90-271 AND UPDATING POLICY FOR THE EXPENDITURE OF ASSET FORFEITURE FUNDING

#### BACKGROUND

- A. The City of Sacramento Police Department (SPD) receives a portion of the assets seized under the Federal Comprehensive Crime Control Act of 1984, State of California Health and Safety Code Sections 11470 through 11492, Penal Code Section 186 through 186.8 and joint agreements with government agencies.
- B. Depending upon the reason for the forfeiture and the parties involved, the revenues are deposited into the Externally Funded Program Fund (2703) and distributed to the following projects: State Asset Forfeiture (SAF) Criminal Profiteering (E11002700), SAF Narcotic Case Assets (E11002800), SAF 15 percent for Drug/Gang Programming, Federal Asset Forfeiture (FAF) Federal Crank Rock Impact Project (CRIP) (E11003100), FAF Department of Treasury (DOT) (E11003200) and FAF Department of Justice (DOJ) (E11003300).
- C. Federal and state laws as well as formal agreements govern the administration, budgeting and expenditure of asset forfeiture funding (State of California Health and Safety Code 11469 – 11495 and DOT and DOJ Guides for Equitable Sharing).
- D. On April 10, 1990, the City Council approved City Council Resolution 90-271 establishing a policy for the expenditure of asset forfeiture funds.
- E. At the direction of City Council, Resolution 90-271 has been reviewed and is recommended to be replaced with this updated asset forfeiture policy.

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

Section 1. Rescind City Council Resolution 90-271.

Section 2. The following policy is established for the expenditure of asset forfeiture funding:

- A) The SPD will propose an Asset Forfeiture Expenditure Master Plan to the City Council for approval on an annual basis. The Asset Forfeiture Master Plan must be approved by City Council prior to the appropriation and expenditure of asset forfeiture funding.
- B) The following priorities will be used in developing Asset Forfeiture Expenditure Master Plans:
  - a. Enhancement of safety equipment for front line law enforcement personnel (e.g., ammunition, weapons, and Tasers).
  - b. Integration of technology advancements (Specialized law enforcement vehicles and aircraft, in-car computers and cameras, and computer software).
  - c. Support for anti-drug and gang prevention and intervention programming for high-risk elementary and high school students that are collaborative and involve partnerships with community based organizations, educators, parents, sworn law enforcement officers and local businesses.
  - d. Support for specialized law enforcement programs, investigations, and operations (e.g., informant pay and equipment for Special Weapons and Tactics (SWAT) Team, K-9 Unit, Gang Enforcement Team (GET) and Neighborhood Watch Program).
  - e. Administration of asset forfeiture program (e.g., towing of seized vehicles).
- C) Asset forfeiture funding will not be used to supplant local funds. Conversely, expenditures identified and approved to be funded by asset forfeiture funding will not be supplanted by the General Fund.
- D) Asset forfeiture funding will be expended in a manner consistent with state and federal requirements.

Adopted by the City of Sacramento City Council on June 10, 2014, by the following vote:

Ayes: Members Cohn, Fong, Hansen, McCarty, Pannell, Schenirer, and Warren

Noes: None

Abstain: None

Absent: Member Ashby and Mayor Johnson

Attest:

**Shirley A. Concolino** Digitally signed by Shirley A. Concolino  
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City  
Clerk, email=sconcolino@cityofsacramento.org, c=US  
Date: 2014.06.18 13:43:24 -07'00'

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Shirley Concolino, City Clerk

**RESOLUTION NO.**

Adopted by the Sacramento City Council

June 9, 2015

**FISCAL YEAR (FY) 2015/16 ASSET FORFEITURE EXPENDITURE MASTER PLAN**

**BACKGROUND**

- A. The Sacramento Police Department receives a portion of the assets it seizes under the Federal Comprehensive Crime Control Act of 1984, State of California Health and Safety Code Sections 11469 through 11492, Penal Code Sections 186 through 186.8 and joint agreements with other government agencies.
- B. Depending on the reason for the forfeiture and the parties involved, the revenues are deposited into the Externally Funded Program Fund (fund 2703) and are distributed to the following projects: State Asset Forfeiture (SAF), SAF, Narcotics (E11002800); SAF, Narcotics, Burton Fund (E11002900); FAF Department of Treasury (E11003200); and FAF Department of Justice (E11003300).
- C. The administration, budgeting, and expenditure of asset forfeiture funding is governed by the US Department of Treasury *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies*, the US Department of Justice *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*; California Health and Safety Code Sections 11469 through 11492, and California Penal Code Sections 186 through 186.8.
- D. Pursuant to Resolution 2014-0175, the FY 2015/16 Asset Forfeiture Expenditure Master Plan is included as Exhibit A to this Resolution.

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

- Section 1. The City Manager, or the City Manager's designee, is authorized to implement the FY 2015/16 Asset Forfeiture Expenditure Master Plan;
- Section 2. The City Manager, or the City Manager's designee, is authorized to adjust the necessary Asset Forfeiture Externally Funded Program (EFP) project (E11002800, E11002900, E11003200, and E11003300) expense and revenue budgets by \$695,522; and
- Section 3. The City Manager, or the City Manager's designee, is authorized to adjust Asset Forfeiture Expenditure Master Plan allocations based on the operational requirements of the Sacramento Police Department.

## **Table of Contents**

Exhibit A: FY 2015/16 Asset Forfeiture Expenditure Master Plan



## **FY2015/16 ASSET FORFEITURE EXPENDITURE MASTER PLAN**

The Sacramento Police Department (SPD) respectfully submits its annual Asset Forfeiture Expenditure Master Plan (Master Plan). The Master Plan includes an overview, proposed expenditure plan, funding restrictions and guidelines, and a five-year expenditure and revenue history.

### **OVERVIEW**

The general intent of Asset Forfeiture programs is to provide law enforcement with a mechanism to permanently deprive criminals from accessing assets and proceeds generated by illegal activities and to support law enforcement needs through legal and equitable acquisition of assets through due process.

Asset Forfeiture funds are generated by SPD as a result of the Department's participation in the seizure and subsequent forfeiture of tangible property or cash resulting from successful investigations. The Asset Forfeiture Program (Program) is regulated by the Federal Comprehensive Crime Control Act of 1984, State of California Health and Safety Code Sections 11469 through 11492, Penal Code Sections 186 through 186.8, and joint agreements with other government agencies. Depending upon the reason for forfeiture and the parties involved, the revenues are deposited into the Externally Funded Program Fund (fund 2703) and distributed into Externally Funded Projects (EFPs).

In general, Federal and State regulations require the program funding be used by law enforcement agencies for law enforcement purposes, and prohibit funds from being used to supplant resources that would otherwise be made available to existing programs. In addition, guidelines specifically prohibit projecting forfeiture revenue. Specific details on the regulations pertaining to the expenditure of program funds are provided in the following pages.

The FY2015/16 Master Plan is consistent with City Council policy for the expenditure of Asset Forfeiture Funding (Resolution 2014-0175).

**PROPOSED EXPENDITURE PLAN**

Since the adoption of Resolution 2014-0176, SPD has received an additional \$695,522 in asset forfeiture disbursements and interest earnings. Below is a summary of new forfeiture revenues received since adoption of Resolution 2014-0176:

<b>Project Name/Number</b>	<b>Fund</b>	<b>New Forfeiture Revenue<sup>1</sup></b>
State Asset Forfeiture* Narcotics E11002800	2703	\$271,455
State Asset Forfeiture* Narcotics, Burton Fund E11002900	2703	\$54,443
Federal Asset Forfeiture US Department of Treasury E11003200	2703	\$101,953
Federal Asset Forfeiture US Department of Justice E11003300	2703	\$267,671
<b>Total</b>		<b>\$695,522</b>

\*California Health & Safety Code Section 11489 requires that seizing agencies receive 65 percent of forfeited assets and of that distribution, 15 percent must be maintained in a separate account and must be used for the “sole purpose of funding programs designed to combat drug abuse and divert gang activity...to cause the development and continuation of positive intervention programs for high-risk elementary and secondary school-age students.” Projects E11002800 and E11002900 include adjustments for interest earned. Absent these adjustments, the total amount deposited into these projects was \$264,620 in E110028000 and \$46,731 in E110029000.

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<sup>1</sup> Includes FY 2013/14 interest earnings

The SPD proposes that the above funding be allocated for the following purposes:

Allocation Category	Allocation Amount
Replacement and Repair of Specialized Vehicles and Aircraft	\$72,906
Safety Equipment for Front-Line Law Enforcement (e.g., Weapons and Ammunition)	\$158,000
Technology Improvements for Front-Line Law Enforcement (e.g., In-Car Computers and Cameras)	\$112,000
Support for Specialized Programs, Investigations, and Operations (e.g., Neighborhood Watch, Informant Pay, and Equipment)	\$290,173
Administration of Asset Forfeiture Program (e.g., Towing of Seized Vehicles, Asset Forfeiture Training)	\$8,000
Drug/Gang Education Programming (State Asset Forfeiture – Burton Fund)	\$54,443
<b>Total</b>	<b>\$695,522</b>

Below are descriptions of each of the proposed allocation categories:

**Replacement and Repair of Specialized Vehicles and Aircraft:** SPD proposes to allocate \$72,906 for the replacement and repair of specialized vehicles and aircraft (*i.e.*, helicopters, fixed wings, mobile incident command units). The Department currently does not have any dedicated local funds to maintain, overhaul, or replace its fleet of aircraft, nor to conduct regular inspections and repairs. This funding will help ensure the proper and long-term operation of the air operations program as well as the purchase and repair of specialty vehicles.

**Safety Equipment for Front-Line Law Enforcement:** SPD proposes an allocation of \$158,000 for the purchase of safety equipment for front-line law enforcement purposes. Examples of anticipated requirements include weapons, ammunition and Tasers.

**Technology Improvements for Front-Line Law Enforcement:** SPD proposes to allocate \$112,000 for the purchase of technology improvements to support front-line law enforcement operations. Examples of anticipated requirements include in-car computers, in-car cameras, electronic citation equipment, mobile surveillance cameras and license plate readers.

**Support for Specialized Programs, Investigations, and Operations:** SPD proposes an allocation of \$290,173 to support specialized programs, investigations, and operations. For example, this funding will be used for the purchase of specialized equipment for the Special Weapons and Tactics (SWAT) Team, K-9 Unit, Gang Enforcement Team (GET), Investigations, as well as the ShotSpotter system and Neighborhood Watch programs.

**Administration of Asset Forfeiture Program:** The SPD proposes to allocate \$8,000 for the administration of the Program. This allocation will primarily fund the cost to tow seized vehicles and Asset Forfeiture training.

**Anti-Drug and Gang Prevention and Intervention Programming:** SPD proposes an allocation of \$54,443 to provide funding for anti-drug and gang education programs as required by the State of California Health and Safety Code Section 11489. Each of the identified programs is geared towards high-risk elementary and high school students. These programs also include drug abuse and anti-gang activity education and have a proven track record of success. In addition, all of the programs are collaborative and involve partnerships with educators, parents, sworn law enforcement officers, community-based organizations, and local businesses. The following is a summary of each program:

**Sacramento Police Foundation, Criminal Justice Magnet Academy:** The Sacramento Police Foundation is an independent 501(c)(3) charitable, non-profit organization that provides an opportunity for citizens and businesses to assist in providing resources and programs that will help prevent and reduce crime while developing stronger relationships with the community. The Foundation provides support to the Criminal Justice Magnet Academies in operation at John F. Kennedy, C.K. McClatchy, Hiram W. Johnson, and Grant Union High Schools.

The Criminal Justice Magnet Academy is a four-year program (9<sup>th</sup> through 12<sup>th</sup> grades), structured as a “school within a school.” These academies serve approximately 525 students per year and operate within a close family-like atmosphere, integrating academic and career technical education. The curriculum is law enforcement focused, coordinated with related academic classes and includes lessons on the dangers of drug abuse and gang involvement. In addition to the Foundation, the Academies are operated in partnership with the California Department of Education, Sacramento City Unified School District, Twin Rivers School District, Closing the Gap (Non-Profit 501(c)(3)), RCA Foundation, Golden Pacific Bank, and the Target Foundation. The Academy has a proven track record of success that includes a 100 percent graduation rate and a 98 percent college entrance rate.

**Sacramento Police Foundation, Cadet Program:** The Foundation, in partnership with SPD and local businesses, restored the Cadet Program for teenagers and young adults, 14-21 years of age. The Program includes a curriculum that prepares youth for a future in law enforcement or other community service-based careers. Participants receive education on the various aspects of the SPD as well as the criminal justice system, community oriented policing, and other law enforcement-related subjects. Additional life-building skills such as drug and gang education, public speaking, résumé building, grooming standards, work ethic, and teamwork complete the curriculum. Cadets are required to perform community service in the Sacramento area which may include assisting with traffic control, security, decoy operations, and fingerprinting. Asset forfeiture funding will only be used to support teenagers, ages 14-18, participating in the program. Financial support for young adult participants will come from alternative sources.

**Kops-N-Kids, Summer Camp:** For the past 27 years, the Kops-N-Kids organization (Non-Profit 501(c)(3)) has partnered with local, state, and federal law enforcement agencies, local fire departments, educators, parents, local businesses and community volunteers to provide a week-long summer day camp for high-risk elementary and high school students in the Sacramento area. The Kops-N-Kids Summer Camp features curriculum in gang resistance, drug awareness, and violence prevention. Approximately 350 participants have attended the camp each year.

**Sacramento Police Activities League (SacPAL):** SacPAL is a 501(c)(3) non-profit organization that serves approximately 325 high-risk elementary and high school students each year by teaching

positive citizenship principles through anti-drug and gang education and recreational and civic programs. The organization consists of SPD employees and community members, and partners with the City of Sacramento Parks and Recreation Department, Sacramento City Unified School District, Sacramento County Probation, Sacramento Housing and Redevelopment Agency, Kops-N-Kids (non-profit 501(c)(3)), Boys and Girls Club, Salvation Army, Positive Coaching Alliance, and local businesses. The programs administered by SacPAL include rugby, mountain biking, teen nights, fishing derbies, and boxing.

**Boys & Girls Clubs of Greater Sacramento:** The Boys & Girls Club of Greater Sacramento has a long-standing history of contributing to the growth and positive development of high-risk secondary and high-school students in the Sacramento area. The Boys & Girls Club provides youth with a safe environment to participate in positive activities while instilling a sense of competence, usefulness, and belonging. The Club works in partnership with SPD, SacPAL, the Sacramento City Unified School District, and Sacramento County Probation to provide a location for a weekly Teen Night at “The Club.” It also provides staffing and a facility for approximately 50 students to play basketball, video games, arts and crafts, and dance while learning about the dangers of gangs and drug abuse. In addition, the Club partners with the SPD to provide an internship program for high school students during summer months.

**Sacramento City Unified School District, Men’s Leadership Academy:** The Men’s Leadership Academy is administered by the Sacramento City Unified School District. This Academy is offered during the school day to high-risk high school students. Through service learning and a multi-cultural curriculum, the program provides students with the tools to succeed, including teamwork, leadership, life skills, drug and gang education, problem-solving, and resiliency skills. The academy partners with teachers, students, parents, local businesses, and SPD to provide encouragement needed for these teens to complete high school and enroll in college. This program currently operates out of C.K. McClatchy High School and American Legion High School, and serves approximately 25 students each year. Students attending the program have markedly improved grade point averages and behavior.

**Sacramento City Unified School District, Gang Violence Suppression:** The Sacramento City Unified School District (SCUSD) has approximately 250 students currently on probation, many of whom are validated gang members. In conjunction with the SPD’s Gang Violence Suppression (GVS) program, the SCUSD provides gang prevention and awareness training to halt the school-to-detention pipeline by working in partnership with school administrators, law enforcement, students, parents, and community members. In addition to training, SCUSD provides in-school mentoring to students and trains adults in student mentoring.

## **PROJECT DESCRIPTIONS AND GUIDELINES**

Depending upon the reason for forfeiture and the parties involved, the revenues are deposited into the Externally Funded Program Fund (fund 2703) and distributed to the following projects:

### **State Asset Forfeiture**

- 1) Narcotics Investigations, E11002800
- 2) Narcotics Investigations, Burton Fund, E11002900

### **Federal Asset Forfeiture**

- 1) Department of Treasury, E11003200

2) Department of Justice, E11003300

Following is a description of each of the projects, accompanied with applicable guidelines:

**State Asset Forfeiture, Narcotics Investigations (E11002800)**

In accordance with California Health and Safety Code Sections 11469 through 11492, and subsequent memorandum of understanding with the Sacramento County District Attorney's Office, all property forfeited under the provisions of this code shall be distributed amongst the seizing agency(ies), the Sacramento County District Attorney's Office, the State of California, and a private nonprofit organization comprised of local prosecutors that provide education and training for prosecutors and law enforcement in program ethics and proper application of laws of the applicable Health and Safety Code sections.

Guidelines for Use

- Funding must be used to support law enforcement efforts (HS §11489(d))
- Funding shall not be used to replace or supplant local resources (HS §11489(d))
- No sworn law enforcement officer's employment or salary shall be made dependent upon the level of forfeitures (HS §11469(b))
- Forfeiture proceeds shall be maintained in a separate fund or account subject to the appropriate accounting controls and annual financial audits (HS §11469(h))
- Seizing agencies shall implement training for officers assigned to forfeiture programs, which training should be ongoing (HS §11469(e)).

**State Asset Forfeiture, Narcotics Investigations, Burton Fund (E11002900)**

In accordance with California Health and Safety Code Sections 11469 through 11492, and subsequent memorandum of understanding with the Sacramento County District Attorney's Office, 15 percent of funds distributed to the State Narcotics Investigations Project (E11002800) must be maintained in a separate account for the purpose of youth programming dedicated to anti-drug/gang education. Expenditures must be approved by a panel consisting of the Chief of Police, Sacramento County Sheriff, Sacramento County District Attorney, and the Sacramento County Chief Probation Officer.

Guidelines for Use

- Funding must be used to support law enforcement efforts (HS §11489(d))
- Funding shall not be used to replace or supplant local resources (HS §11489(d))
- No sworn law enforcement officer's employment or salary shall be made dependent upon the level of forfeitures (HS §11469(b))
- Forfeiture proceeds shall be maintained in a separate fund or account subject to the appropriate accounting controls and annual financial audits (HS §11469(h))
- Seizing agencies shall implement training for officers assigned to forfeiture programs, which training should be ongoing (HS §11469(e)).
- Funds shall be used "for the sole purpose of [supporting] programs designed to combat drug abuse and divert gang activity" (HS §11489(b)).
- Funding "shall wherever possible involve educators, parents, community-based organizations and local businesses, and uniformed law enforcement officers" (HS §11489(b)).
- Programs must cause the development and continuation of positive intervention programs for high-risk elementary and secondary-age students (HS §11489(b)).

- Distribution of funding must be approved by a panel consisting of the Chief of Police, Sacramento County Sheriff, Sacramento County District Attorney, and the Sacramento County Chief Probation Officer (HS §11489(b)).

### **Federal Asset Forfeiture, Department of Treasury (E11003200)**

The authority for the Department of Treasury (DOT) to share federally forfeited assets with participating federal, state, and local law enforcement agencies is established by federal law (18 USC §981(e), 19 USC §1616a(c) and 31 USC §§9703(a)(1)(G) and 9703(h)). The sharing of forfeited assets is discretionary.

#### Guidelines for Use:

Permissible uses for this funding are outlined in the DOT's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies* (<http://www.treasury.gov/resource-center/terrorist-illicit-finance/Asset-Forfeiture/Documents/greenbook.pdf>). This funding can only be used for law enforcement purposes and the DOT will terminate the sharing of asset forfeiture funds with any law enforcement agency that does not directly benefit from these funds.

#### Examples of permissible uses include:

- Activities that enhance investigations
- Law enforcement training
- Law enforcement equipment
- Law enforcement activities
- Awards and memorials
- Anti-Drug education and awareness programs administered by law enforcement
- Matching funds for law enforcement grants
- *Pro rata* sharing of citywide purchases that support law enforcement activities
- Asset forfeiture accounting and tracking.

#### Examples of impermissible uses include:

- Salaries and benefits for current, permanent law enforcement personnel
- EXCEPTIONS:
- Overtime for officers and investigators
  - First-year salary of a new law enforcement position
  - Contractual appointments not exceeding one year
  - Officers assigned to pre-approved specialized programs that do not generally involve traditional law enforcement functions
- Payment of salaries for existing positions
  - Use of forfeited property by non-law enforcement personnel
  - Payment of non-law enforcement expenses
  - Uses contrary to the laws of the state or local jurisdiction
  - Non-official government use of shared assets
  - Purchases of food and beverages
  - Extravagant expenditures

#### General Guidance:

- Funding must not be used to replace or supplant local resources
- Interest income on funding is subject to the same guidelines as outlined above

- Anticipated funding should not be budgeted
- Funding should not be retained unnecessarily
- All interested earnings must remain in the project

### **Federal Asset Forfeiture, Department of Justice (E11003300)**

Federal law allows the Department of Justice (DOJ) to share federally forfeited property with participating state and local law enforcement agencies (21 US §881(e)(1)(A) and (e)(3), 18 USC §981(e)(2), and 19 USC §1616a). Sharing is discretionary and not required.

#### Guidelines for Use

Permissible uses for this funding are outlined in the DOJ's Guide to Equitable Sharing for State and Local Law Enforcement Agencies (<http://www.justice.gov/usao/ri/projects/esguidelines.pdf>). The DOJ will terminate sharing of asset forfeiture funds with any law enforcement agency that does not directly benefit from these funds.

#### Examples of permissible uses include:

- Activities that enhance investigations
- Law enforcement training
- Law enforcement equipment
- Law enforcement facilities
- Awards and memorials
- Anti-Drug education and awareness programs administered by law enforcement
- Matching funds for law enforcement grants
- *Pro rata* sharing of citywide purchases that support law enforcement activities
- Asset forfeiture accounting and tracking

#### Examples of impermissible uses include:

- Salaries and benefits for current, permanent law enforcement personnel

#### EXCEPTIONS:

- Overtime for officers and investigators
- First-year salary of a new law enforcement position
- Contractual appointments not exceeding one year
- Officers assigned to pre-approved specialized programs that do not generally involve traditional law enforcement functions
- Payment of salaries for existing positions
- Use of forfeited property by non-law enforcement personnel
- Payment of non-law enforcement expenses
- Uses contrary to the laws of the state or local jurisdiction
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- Purchases of food and beverages
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#### General Guidance:

- Funding must not be used to replace or supplant local resources
- Interest income on funding is subject to the same guidelines outlined above
- Anticipated funding should not be budgeted

- Funding should not be retained unnecessarily
- All interest earnings must remain in the project

**FIVE-YEAR REVENUE AND EXPENDITURE HISTORY**

**Fund:** 2703 – Externally Funded Programs  
**Projects:** E11002700, E11002800, E11002900, E11003100, E11003200, E11003300

	<b>FY 2010/11</b>	<b>FY 2011/12</b>	<b>FY 2012/13</b>	<b>FY 2013/14</b>	<b>FY 2014/15</b> <i>As of 3/31/15</i>
Beginning Fund Balance	\$3,438,371	\$3,331,903	\$931,167	\$1,274,875	\$1,678,179
Revenues & Interest	414,233	396,527	471,104	633,724	334,335
<b>Subtotal</b>	<b>\$3,852,604</b>	<b>\$3,728,430</b>	<b>\$1,402,271</b>	<b>\$1,907,999</b>	<b>\$2,012,514</b>
<b>EXPENDITURES</b>					
Replacement and Repair of Specialized Vehicles	157,658	12,771	16,949	12,491	-
Safety Equipment for Front-Line Law Enforcement	348,399	9,913	26,865	120,724	98,273
Technology Improvements for Front-Line Law Enforcement	18,621	2,641,069	23,783	5,753	139,462
Support for Specialized Programs, Investigations, and Operations	3,086	14,575	13,301	25,646	183,615
Administration of Asset Forfeiture Program	(16,494)	6,960	5,904	1,790	956
Anti-Drug/Gang Education Programming	9,431	111,375	41,194	63,415	40,274
<b>Subtotal</b>	<b>\$520,701</b>	<b>\$2,796,663</b>	<b>\$127,996</b>	<b>\$229,819</b>	<b>\$462,580</b>
<b>Ending Fund Balance</b>	<b>\$3,331,903</b>	<b>\$931,767</b>	<b>\$1,274,875</b>	<b>\$1,678,179</b>	<b>\$1,549,934</b>