

City of Sacramento

Legislation Text

File #: 2019-00858, **Version:** 1

Title:

Fiscal Year (FY) 2019/20 Asset Forfeiture Expenditure Master Plan

File ID: 2019-00858

Location: Citywide

Recommendation:

Adopt a Resolution authorizing the City Manager, or the City Manager's designee, to: 1) implement the FY2019/20 Asset Forfeiture Expenditure Master Plan (Master Plan); 2) establish parent projects E11008000, E11008100, E11008200, and E11008300; 3) adjust the revenue and expense budgets in the Asset Forfeiture Externally Funded Program (EFP) parent projects (E1100800, E11008100, E11008200, E11008300) by \$642,933; and 4) adjust the FY2019/20 Master Plan based on operational requirements of the Police Department.

Contact: Brenda Delgadillo, Police Administrative Manager, Fiscal Operations, (916) 808-0858, Police Department

Presenter: None

Attachments:

- 1-Description/Analysis
- 2-Asset Forfeiture Policy - Resolution No. 2014-0175
- 3-Resolution
- 4-Exhibit A - FY2019/20 Asset Forfeiture Expenditure Master Plan

Description/Analysis

Issue Detail: The Sacramento Police Department (SPD) receives a portion of proceeds from seized and forfeited assets pursuant to the Federal Comprehensive Crime Control Act of 1984, the 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 multiple Externally Funded Program (EFP) projects. Distribution among the EFP projects is determined by the agency that secured the forfeitures and applicable Federal and

State legislation. 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*, and HS §11469 - 11492; and PC §186 - 186.8.

Policy Considerations: Recommendations contained in this report are in accordance with: 1) Resolution No. 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 No. 2018-0235 which requires City Council approval to establish EFPs with budgets greater than or equal to \$100,000.

Economic Impacts: Not applicable.

Environmental Considerations:

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 the CEQA Guidelines, codified at Title 14, Section 15378 of the California Code of Regulations and Section 21065 of the California Public Resources Code.

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 and distribution of said assets through due process. By participating in these programs, the SPD can secure funding to support: a) the enhancement of safety equipment; b) the integration of technology advancements; c) drug and gang prevention and intervention programming; d) specialized law enforcement programs, investigations, and operations; and e) administration of the asset forfeiture program. Both Federal and State programs stipulate that forfeiture funds must be used for law enforcement purposes only and cannot not replace or otherwise supplant existing resources.

Financial Considerations: Since approval of the Fiscal Year (FY) 2018/19 Asset Forfeiture Expenditure Master Plan (Resolution No. 2018-0230), the SPD has received an additional \$642,933 in asset forfeiture revenues and interest earnings. The SPD proposes the following funding allocations:

Allocation Category	Allocation Amount
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Enhancement of Safety Equipment for Front Line Law Enforcement (e.g., Tasers, Thermal Imaging Equipment)	\$139,835
Integration of Technology Advancements (e.g., Replacement and repair of specialized vehicles, aircraft, and equipment, security cameras, ShotSpotter)	\$173,023
Support for Anti-Drug and Gang Prevention and Intervention Programs (e.g., Criminal Justice Magnet Academies, SacPAL)	\$72,859
Support for Specialized Law Enforcement Programs, Investigations, and Operations (e.g., Neighborhood Watch, Informant Pay, Bait Tags, Equipment)	\$249,096
Administration of Asset Forfeiture Program (e.g., Towing of Seized Vehicles, Asset Recovery Training)	\$8,120
Total	\$642,933

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

Local Business Enterprise (LBE): Not applicable.