

Mayor and Council Communication

DATE: 02/08/22

M&C FILE NUMBER: M&C 22-0092

LOG NAME: 35FY22 ASSET FORFEITURE

SUBJECT

(ALL) Adopt Attached Appropriation Ordinances in the Justice, State, and Treasury Asset Forfeiture Funds for a Combined Amount of \$1,161,872.02 and in the Justice Asset Forfeiture Capital Funds for an Amount of \$508,695.31 for Fiscal Year 2022 and Amend the Fiscal Years 2022-2026 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Justice Asset Forfeiture Fund in the amount of \$696,145.60, decreasing fund balance, for the purpose of funding operating expenses and making a transfer, in the amount of \$508,695.31, to the Justice Asset Forfeiture Capital Fund;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the State Asset Forfeiture Fund in the amount of \$642,757.94, decreasing fund balance, for the purpose of funding operating expenses;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Treasury Asset Forfeiture Fund in the amount of \$331,663.79, and decreasing fund balance, for the purpose of funding operating expenses;
4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Justice Asset Forfeiture Capital Fund in the amount of \$508,695.31, transferred from the Justice Asset Forfeiture Fund, for the purpose of funding the Technology - Police programmable project (City Project No. P00034); and
5. Amend the Fiscal Years 2022-2026 Capital Improvement Program.

DISCUSSION:

In the 35 plus years since the Comprehensive Crime Control Act of 1984, authorized federal officials implemented a national Asset Forfeiture Program (Program). The Program has become a powerful tool for targeting criminals, including drug dealers and white-collar criminals who prey on the vulnerable for financial gain. Forfeiture statutes are now prevalent and their use, along with other important anti-crime measures, have a significant impact on crime reduction.

One of the most important provisions of the Program is the authorization to share federal forfeiture proceeds with cooperating state and local law enforcement agencies.

Funds received from the Program can only be used by the Fort Worth Police Department (FWPD) to purchase items that are permissible under the U.S. Department of Justice Guide to Equitable Sharing for State and Local Law Enforcement Agencies and the Texas Code of Criminal Procedure Chapter 59, Forfeiture of Contraband.

For Fiscal Year (FY) 2022, FWPD estimates using up to an additional \$1,670,567.33 of these funds to cover permissible law enforcement operating expenditures, which include:

- Training
- Minor Equipment
- Uniforms
- Classified Services
- Facility Needs
- Capital Equipment

Funding for the Technology-Programmable project was not included in the FY 2022-2026 Capital Improvement Program, because by federal and state laws, revenues and project funding cannot be anticipated or planned in these type of funds. This action in this M&C will amend the FY 2022-2026 Capital improvement Program as approved in connection with Ordinance 25073-09-2021.

The available fund balance in the Justice Asset Forfeiture currently is \$753,368.28 and after recommendation #1 above, it will have a balance of \$57,222.68.

The available fund balance in the State Asset Forfeiture currently is \$658,061.58 and after recommendation #2 above, it will have a balance of \$15,303.64.

The available fund balance in the Treasury Asset Forfeiture currently is \$343,796.93 and after recommendation #3 above, it will have a balance of \$12,133.14.

These projects are located in ALL COUNCIL DISTRICTS.

A Form 1295 is not required because: This contract will be with a governmental entity, state agency or public institution of higher education: State of Texas, United States Federal Government

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Justice Asset Forfeiture Fund, State Asset Forfeiture Fund, Treasury Asset Forfeiture Fund, Justice Asset Forfeiture Capital Fund for the Technology - Police programmable project as appropriated. Prior to an expenditure being incurred, the Police Department has the responsibility to validate the availability of funds.

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