

Mayor and Council Communication

DATE: 01/23/24

M&C FILE NUMBER: M&C 24-0056

LOG NAME: 35ASSET FORFEITURE FY24

SUBJECT

(ALL) Adopt Appropriation Ordinances in the Justice, State and High-Intensity Drug Trafficking Areas Asset Forfeiture Funds for a Combined Amount of \$1,479,521.75 and in the Justice Asset Forfeiture Capital Funds for an Amount of \$450,000.00 for Fiscal Year 2024 for the Purpose of Making Impacts Upon the Safety, Wellness, and Resiliency of the Police Department and the Community and Amend the Fiscal Years 2024-2028 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 \$650,000.00 from available fund balance, for the purpose of funding current Fiscal Year 2024 operating expenses;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the State Asset Forfeiture Fund in the amount of \$709,385.46 from available fund balance, for the purpose of funding current Fiscal Year 2024 operating expenses;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the High-Intensity Drug Trafficking Areas Asset Forfeiture Fund in the amount of \$120,136.29 from available fund balance, for the purpose of funding current Fiscal Year 2024 operating expenses; and
4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Justice Asset Forfeiture Capital Fund in the amount of \$450,000.00 transferred from the Justice Asset Forfeiture Fund, for the purpose of funding the Vehicles - Police programmable project (City Project No. P00035).

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 fund 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. These funds may not be used to supplant or replace existing resources dedicated to law enforcement purposes through, either the reduction of general operating budgets or to cover costs assigned to other funding sources.

In Fiscal Year (FY) 2024, the Chief of Police has prioritized these funds for the purpose of enhancing the safety, wellness, and resiliency of the Department, its officers, and the community. In order to achieve this, FWPD estimates using up to \$1,479,521.75 of these funds to cover permissible law enforcement operating expenditures, including:

- Safety Vests for Arson/Bomb Squad and Police Department
- Replacement Response Vehicles for Arson/Bomb Squad
- Traffic Safety and Investigations
- Officer/Employee Wellness and Safety
- Community Benefit
- Crime Scene Equipment
- Grant Match (will be appropriated in separate Mayor and Council Communication)

Funding for Asset Forfeiture was not included in the FY 2024 Operating Budget, because by federal and state laws, revenues and project funding cannot be anticipated or planned in these types of funds. Funding for the Vehicles-Programmable project was not included in the FY 2024-2028 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 2024-2028 Capital Improvement Program as approved in connection with Ordinance 26453-09-2023, and adopt the necessary appropriation ordinances described in the recommendation section of this M&C and attached hereto.

Funding is available for appropriation from fund balance of the Justice Asset Forfeiture Fund with a current balance of \$967,922.33 and after recommendation No.1 above, it will have a balance of \$317,922.33.

Funding is available for appropriation from fund balance of the State Asset Forfeiture Fund with a current balance of \$1,116,560.70 and after M&C

35FY24 TXDOT CMV Grant, M&C 35FY24 TXDOT STEP Comprehensive Grant, and this M&C, all scheduled on 1/23/2024 council agenda, fund balance will have an ending balance of \$313,895.24.

Funding is available for appropriation from fund balance of the HIDTA Asset Forfeiture Fund with a current balance of \$120,136.29 and after recommendation No. 3 above, it will have a balance of \$0.00.

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: United States Department of Justice

FISCAL INFORMATION / CERTIFICATION:

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

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