

Mayor and Council Communication

DATE: 09/26/23

M&C FILE NUMBER: M&C 23-0818

LOG NAME: 35FY24 ROLLOVER ASSET FORFEITURE

SUBJECT

(ALL) Adopt Appropriation Ordinances in the Justice and State Asset Forfeiture Funds for a Combined Amount of \$373,000.00 for Fiscal Year 2024 for Continuing Previously Approved Projects that Impact the Safety, Wellness, and Resiliency of the Police Department and the Community

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 \$90,000.00 from available unreserved fund balance, for the purpose of funding Fiscal Year 2024 operating expenses; and
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the State Asset Forfeiture Fund in the amount of \$283,000.00 from available unreserved fund balance, for the purpose of funding Fiscal Year 2024 operating expenses.

DISCUSSION:

The Comprehensive Crime Control Act of 1984, authorized federal officials to implement a national Asset Forfeiture Program (Program). The Program has been a tool for targeting criminals, including drug dealers and white-collar criminals who victimize the community by committing crimes for financial gain. Forfeiture statutes, along with other important anti-crime measures, contribute to crime reduction. One of the 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) 2023, the Chief of Police prioritized these funds for the purpose of enhancing the safety, wellness, and resiliency of the Department, it's officers, and the community. On January 10, 2023, the Fort Worth City Council approved the use of asset forfeiture funds for specific law enforcement-related expenses related to mental health, wellness, and resiliency within the Fort Worth Police Department (M&C 23-0039). In order to achieve this, FWPD estimates continuing using up to \$373,000.00 of these funds to cover previously approved law enforcement operating expenditures, including:

- Rifle Resistant Safety Vests
- Officer Wellness
- Community Benefit
- Grant Match (will be appropriated in separate Mayor and Council Communication)

Funding for Asset Forfeiture is 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 is available for appropriation from fund balance of the Justice Asset Forfeiture Fund with a current balance of \$831,272.41 and after recommendation #1 above, it will have a balance of \$741,272.41.

Funding is available for appropriation from fund balance of the State Asset Forfeiture Fund with a current balance of \$953,995.49 and after recommendation #2 above, it will have a balance of \$670,995.49.

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 fund balance within the Justice Asset Forfeiture and State 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 and State Asset Forfeiture Funds as appropriated. Prior to an expenditure being incurred, the Police Department has the responsibility to validate the availability of funds.

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