

Mayor and Council Communication

DATE: 02/11/25

M&C FILE NUMBER: M&C 25-0120

LOG NAME: 35ASSET FORFEITURE FY25

SUBJECT

(ALL) Adopt Appropriation Ordinances in the Justice, State and Treasury Asset Forfeiture Funds for a Combined Amount of \$1,980,268.00 and in the Justice and State Asset Forfeiture Capital Funds for a Combined Amount of \$730,392.00 for Fiscal Year 2025 for the Purpose of Making Impacts Upon the Safety, Wellness, and Resiliency of the Police Department and the Community and Amend the Fiscal Years 2025-2029 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 \$878,338.00 from available fund balance, for the purpose of funding current Fiscal Year 2025 operating expenses;
 2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the State Asset Forfeiture Fund in the amount of \$842,930.00 from available fund balance, for the purpose of funding current Fiscal Year 2025 operating expenses;
 3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Treasury Asset Forfeiture Fund in the amount of \$259,000.00 from available fund balance, for the purpose of funding current Fiscal Year 2025 operating expenses;
 4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Justice Asset Forfeiture Capital Fund in the amount of \$250,392.00 transferred from the Justice Asset Forfeiture Fund, for the purpose of funding the Equipment - Police programmable project (City Project No. P00033); and
 5. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the State Asset Forfeiture Capital Fund in the amount of \$480,000.00 transferred from the State Asset Forfeiture Fund, for the purpose of funding the Vehicles - Police programmable project (City Project No. P00035).
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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 United States 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) 2025, 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 \$1,980,268.00 of these funds to cover permissible law enforcement operating expenditures, including:

- Personal Protection Equipment for Arson/Bomb Squad and Police Department
- Replacement Response Vehicles for Arson/Bomb Squad
- Community Benefit
- Officer Recruitment
- Training and Testing Expenses
- Tactical Medic Equipment
- Software Licenses

Funding for Asset Forfeiture was not included in the FY 2025 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 programmable projects, Equipment - Police (P00033) and Vehicles - Police (P00035), was not included in the FY 2025-2029 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 Mayor & Council Communication (M&C) will amend the FY 2025-2029 Capital Improvement Program as approved in connection with Ordinance 27107-09-2024, 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 \$1,325,362.09 and after recommendation No.1 above, it will have a balance of \$447,024.09.

Funding is available for appropriation from fund balance of the State Asset Forfeiture Fund with a current balance of \$1,412,484.04 and after recommendation No. 2 above, it will have a balance of \$569,554.04.

Funding is available for appropriation from fund balance of the Treasury Asset Forfeiture Fund with a current balance of \$499,908.18 and after recommendation No. 3 above, it will have a balance of \$240,908.18.

These projects are located in ALL COUNCIL DISTRICTS.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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 Treasury 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, Treasury Asset Forfeiture Funds, and in the Justice Asset Forfeitu Capital Fund the State Asset Forfeiture Capital Fund for the Equipment-Police programmable project and 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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