

Mayor and Council Communication

DATE: 01/10/23

M&C FILE NUMBER: M&C 23-0039

LOG NAME: 35FY23 ASSET FORFEITURE

SUBJECT

(ALL) Adopt Appropriation Ordinances in the Justice, State and High-Intensity Drug Trafficking Areas Asset Forfeiture Funds for a Combined Amount of \$1,819,869.60 for Fiscal Year 2023 for the Purpose of Making Measurable Impacts upon 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 \$298,762.92 from available fund balance, for the purpose of funding current Fiscal Year 2023 operating expenses;
 2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the State Asset Forfeiture Fund in the amount of \$743,136.36 from available fund balance, for the purpose of funding current Fiscal Year 2023 operating expenses; and
 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 \$777,970.32 from available fund balance, for the purpose of funding current Fiscal Year 2023 operating expenses.
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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 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 has prioritized these funds for the purpose of enhancing the safety, wellness, and resiliency of the Department, it's officers, and the community. In order to achieve this, FWPD estimates using up to \$1,819,869.60 of these funds to cover permissible law enforcement operating expenditures, including:

- Rifle Resistant Safety Vests
- Officer Wellness
- Community Benefit
- Training Expenses
- Traffic Safety
- Crime Lab & Testing Equipment
- Grant Match (will be appropriated in separate Mayor and Council Communication)

Funding for Asset Forfeiture was not included in the FY 2023 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 \$805,271.79 and after recommendation #1 above, it will have a balance of \$506,508.87.

Funding is available for appropriation from fund balance of the State Asset Forfeiture Fund with a current balance of \$1,050,222.60 and after recommendation #2 above, it will have a balance of \$307,086.24.

Funding is available for appropriation from fund balance of the HIDTA Asset Forfeiture Fund with a current balance of \$779,264.45 and after recommendation #3 above, it will have a balance of \$1,294.13.

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

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