

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 21, 2015 AGENDA

Subject:	Type:	Submitted By:
COUNCIL POLICY STATEMENT / ASSET FORFEITURE EXPENDITURE MASTER PLAN (FY16)	◆ RESOLUTIONS (2) ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

Resolutions have been prepared approving a Council Policy Statement regarding police department asset forfeiture expenditures and the FY16 Asset Forfeiture Expenditure Master Plan.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

Federal law allows the Department of Justice to share federally forfeited property with local law enforcement agencies. The La Vista Police Department at times receives a portion of seized assets when working joint investigations with Federal law enforcement. Federal and state laws, as well as formal agreements, govern the administration, budgeting and expenditure of asset forfeiture funding (Department of the Treasury (DOT) and Department of Justice (DOJ) Guides for Equitable Sharing). The police department is required to submit an "Annual Certification Report" outlining the previous year's receipt and usage of forfeiture funds.

La Vista has been participating in the partnership since the 1990's. It is recommended the City Council adopt a Council Policy Statement regarding the expenditure of seized funds. If adopted, the City Council is requested to consider and approve, on an annual basis, an "Asset Forfeiture Expenditure Master Plan" in accordance with Section 116.03 of the Council Policy Statement.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,
NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT.**

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, the La Vista Police Department receives a portion of the assets seized by Federal agencies under Department of Justice guidelines.

WHEREAS, a Council Policy Statement entitled "Police Department Asset Forfeiture Expenditures" has been reviewed and recommended for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve a Council Policy Statement entitled "Police Department Asset Forfeiture Expenditures" and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

PASSED AND APPROVED THIS 21ST DAY OF JULY, 2015.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

**Pamela A. Buethe, CMC
City Clerk**

Police Department Asset Forfeiture Expenditures

116.01 Background

The La Vista Police Department (LVPD) receives a portion of the assets it seizes under the Federal Comprehensive Crime Control Act of 1984. Federal and state laws, as well as formal agreements, govern the administration, budgeting and expenditure of asset forfeiture funding (Department of the Treasury (DOT) and Department of Justice (DOJ) Guides for Equitable Sharing).

116.02 Policy Considerations

This asset forfeiture expenditure policy focuses on establishing programs and purchasing equipment that enhance officer safety, improve officer performance and supports narcotic investigations and enforcement.

116.03 Policy

It shall be the policy of the City Council and the City of La Vista that the expenditure of asset forfeiture funds focus on establishing programs and purchasing equipment that enhance officer safety, improve officer performance and supports narcotic investigations and enforcement.

- A. The La Vista Police Department will propose an Asset Forfeiture Expenditure Master Plan to the City Council for approval on an annual basis. The Asset Forfeiture Master Plan must be approved by City Council prior to the appropriation and expenditure of asset forfeiture funding.
- B. The following priorities will be used in developing Asset Forfeiture Expenditure Master Plans:
 - a. Enhancement of safety equipment for front line law enforcement personnel (e.g., ammunition, weapons, and Tasers).
 - b. Integration of technology advancements (Specialized law enforcement vehicles, in-car computers and cameras, and computer software).
 - c. Support for specialized law enforcement programs, investigations, and operations (e.g., informant pay and equipment for Special Weapons and Tactics (SWAT) Team, K-9 Unit, Special Enforcement Team (SEB)).

City of La Vista

Council Policy Statement

Police Department Asset Forfeiture Expenditures

- C. Asset forfeiture funding will not be used to supplant local funds. Conversely, expenditures identified and approved to be funded by asset forfeiture funding will not be supplanted by the General Fund.
- D. Asset forfeiture funding will be expended in a manner consistent with state and federal requirements.
- E. The Police Department shall submit an "Annual Certification Report" outlining the previous year's receipt and usage of forfeiture funds.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,
NEBRASKA, APPROVING THE FY16 ASSET FORFEITURE EXPENDITURE MASTER PLAN.**

WHEREAS, the La Vista Police Department receives a portion of the assets seized by Federal agencies under Department of Justice guidelines; and

WHEREAS, the City Council has adopted a Council Policy Statement entitled "Police Department Asset Forfeiture Expenditures"; and

WHEREAS, the Council Policy Statement entitled "Police Department Asset Forfeiture Expenditures" requires the creation, submittal and approval of a yearly Asset Forfeiture Expenditure Master Plan; and

WHEREAS, the FY16 Asset Forfeiture Expenditure Master Plan has been reviewed and recommended for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the FY16 Asset Forfeiture Expenditure Master Plan.

PASSED AND APPROVED THIS 21ST DAY OF JULY, 2015.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

**Pamela A. Buethe, CMC
City Clerk**

LA VISTA POLICE DEPARTMENT

FY16 ASSET FORFEITURE EXPENDITURE MASTER PLAN

The La Vista Police Department (LVPD) submits the following Asset Forfeiture Expenditure Master Plan (Master Plan). The Master Plan includes an overview, proposed funding plan, funding restrictions and guidelines and a two year revenue history.

OVERVIEW

Asset forfeiture funds are generated by the LVPD as a result of the department's participation in the seizure or forfeiture of tangible property or cash resulting from successful criminal investigations. The asset forfeiture program is regulated by the Federal Comprehensive Crime Control Act of 1984 and joint agreements with government agencies. Depending upon the reason for the forfeiture and the parties involved, the revenues are deposited into a separate city account (Federal Forfeiture Account #01.02.0090).

In general, Federal regulations require that asset forfeiture funding be used by law enforcement agencies for law enforcement purposes, and prohibit funds from being used to supplant funds that would otherwise be made available to programs. In addition, guidelines specifically prohibit projecting revenue from forfeiture property until the funds are awarded. The LVPD is required to submit an Annual Certification Report outlining the previous year's receipt and usage of Treasury and Justice Department forfeiture funds. This report also includes a Federal Equitable Sharing Agreement.

PROPOSED EXPENDITURE PLAN

As of June 15, 2015, the LVPD has received \$28,984 in asset forfeiture revenues this fiscal year. The revenue balance on June 15, 2015 is \$40,711.

The following is a description of proposed allocations:

Safety Equipment for Front-Line Law Enforcement- The LVPD proposes to allocate \$10,000 for the purchase of safety equipment for front-line law enforcement purposes. Examples of anticipated requirements include weapons, helmets, and Tasers.

Specialized Vehicle – The LVPD proposes to allocate \$10,000 to acquire a utility vehicle (UTV) to be used to access areas ordinary cruisers can't.

GUIDELINES FOR USE

Permissible use for this funding is outlined in the DOJ's *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*. The DOJ will terminate the sharing of asset forfeiture funds with any law enforcement agency that does not directly benefit from these funds.

Examples of permissible use include:

- Activities that enhance Law enforcement investigations
- Law enforcement training.
- Law enforcement facilities.
- Law enforcement equipment.
- Law enforcement awards and memorials.
- Drug and gang education and awareness programs
- Matching funds for law enforcement grants.
- Pro rata funding of citywide purchases that support law enforcement activities.
- Asset accounting and tracking.

Examples of impermissible uses include:

- Salaries and benefits for current, permanent law enforcement personnel.
 - Equitable sharing monies may not be used to pay the salaries and benefits of current, permanent law enforcement personnel, except in limited circumstances.
- Use of forfeited property by non-law enforcement personnel.
- Payment of salaries for existing positions.
- Payment of non-law enforcement expenses.
- Use contrary to laws of the state or local jurisdiction.
- Non-official government use of shared assets.
- Purchase of food and beverages.
- Extravagant expenditures.

General guidance:

- Funding must not be used to replace or supplant local resources.
- Interest income on funding is subject to the same guidelines outlined above.
- Anticipated funding should not be budgeted.
- Funding should not be retained unnecessarily.