



Staff Report

TO: City Council
FROM: Sean Thuilliez, Chief of Police
DATE: August 16, 2022
SUBJECT: **Adopt a Resolution Authorizing the Mayor and the Chief of Police to Sign a Federal Equitable Sharing Agreement that Will Allow the City to Receive Federally Forfeited Assets from Adjudicated Cases, Pursuant to the Federal Equitable Sharing Program**

Background and Analysis:

The Beaumont Police Department participates on many regional task forces, as a result, the City has the opportunity to receive federally forfeited funds. In addition to the task force participation, the police department's Multiple Enforcement Team (MET) and K9 teams also conduct street level narcotic and drug interdiction investigations. However, in order to receive such assets, it is required that the City have a Federal Equitable Sharing Agreement on file with the Department of Justice and the Department of the Treasury.

Some of the investigations conducted by MET and K9 may result in the seizure of assets (cash and/or property) that could be determined to be the proceeds of illegal drug transactions or used in the furtherance of illegal transactions. These drug assets may be seized under state or federal law. If the assets are proven to be drug-related, they are subject to forfeiture by a court of law. Once deemed legally forfeited, the assets may be available to be shared with agencies that were involved in the seizure.

There are strict guidelines under both state and federal law governing the use of forfeited assets by cities and counties. These assets must be used for law enforcement purposes to supplement the regular budgeted items. There are strict prohibitions against supplanting General Fund allocations with forfeited funds. The use of forfeited assets is a very cost-effective way to further public safety goals without impacting the General Fund.

If a drug asset is forfeited under federal law, the responsible federal agency is not able to transfer that asset to local law enforcement agencies involved without a signed

Federal Equitable Sharing Agreement on file. This must be on file with both the Department of Justice and the Department of the Treasury. This agreement states that the City will comply with the following conditions upon receipt of a federally forfeited asset:

1. The forfeited funds will not be commingled with funds from other sources and will be accounted for using a separate revenue account or accounting code.
2. Interest earned on federally forfeited assets must be accounted for in the same account as the forfeited assets.
3. The forfeited funds will be subject to all standard accounting requirements as well as to specific requirements for federally forfeited funds.
4. The City (via the Police Department) will submit annual Certification Reports to the Department of Justice and the Department of the Treasury accounting for the shared federal funds.

The Police Department will be responsible for ensuring the City's compliance with the agreement, including the annual reporting. Staff will work with the Finance Department regarding the accounting aspects of the agreement to ensure the forfeited funds and earned interest are tracked separately from other funds and utilized in accordance with federal law. The Federal Equitable Sharing Agreement each year requires the signatures of both the head of the Governing Body for the City and the Chief of Police.

Fiscal Impact:

If any federally forfeited funds are shared with the Police Department, the funds will benefit the City for one-time allocations such as equipment purchases or training. There will be a minimum amount of staff time needed within the Police Department to ensure proper accounting of the funds and compliance with the sharing agreement.

Recommended Action:

Waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont Authorizing the Mayor and the Chief of Police to Execute a Federal Equitable Sharing Agreement."

Attachments:

- A. Resolution
- B. Federal Equitable Sharing Agreement