



Folsom City Council Staff Report

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| MEETING DATE: | 1/23/2024 |
| AGENDA SECTION: | Consent Calendar |
| SUBJECT: | Resolution 11158- A Resolution Authorizing a Transfer of Police Special Revenue Trust Funds-Drug Asset Forfeiture, to the Police Department Operating Budget and Appropriation of Funds for the Purchase of Equipment and Training |
| FROM: | Police Department |

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt Resolution 11158—A Resolution Authorizing a Transfer of Police Special Revenue Trust Funds-Drug Asset Forfeiture, to the Police Department Operating Budget and the Appropriation of funds for the Purchase of Police Equipment and Training.

BACKGROUND / ISSUE

The Police Department currently participates in federal, state, and local drug asset forfeiture programs. The goal of these programs is to strip drug traffickers of the profits they derive from illicit controlled substance sales, thus limiting their ability to continue with their illegal enterprise. While arrest and drug seizures usually are temporary setbacks for drug traffickers, asset forfeiture often permanently impairs the criminal’s ability to continue with their illegal commerce.

Education and drug abuse prevention programs are funded with asset forfeiture proceeds. Additionally, by statute, law enforcement agencies are permitted to use the proceeds of asset forfeiture to purchase safer, more effective equipment they could otherwise not afford. In a very real way, then, asset forfeiture allows law enforcement agencies to turn criminal profits into supplemental funding which, in turn, is used to address illegal drug sales and serve to enhance educational and preventive programs.

The Police Department is requesting approval to transfer special revenue funds-drug asset forfeiture, to the Police Department operating budget and appropriation of funds for the purchase

of police equipment and training that is necessary for the effective and safe implementation of the Department's mission.

POLICY / RULE

Folsom Municipal Code Section 3.02.030 requires that any transfer of funds from unappropriated balances be approved by the City Council.

ANALYSIS

Section 11489(d) of the California Health and Safety Code allows for the use of drug asset forfeiture monies to purchase law enforcement equipment, training and other items that would assist law enforcement efforts, provided the monies do not supplant any state or local funds that would, in the absence of section 11489(d) of the California Health and Safety Code, be made available to support law enforcement efforts in that agency.

The letter and spirit of asset forfeiture law allows for local law enforcement agencies to utilize legally seized and adjudicated assets from drug traffickers to be used to purchase equipment the agencies would not normally be able to afford. Given the City's current fiscal challenges, training and equipment to be purchased in this proposal, while necessary, would be unfeasible without utilizing asset forfeiture funds.

In the City of Folsom, asset forfeiture proceeds are maintained in a special revenue trust fund (Fund 751). These funds are non-supplanting and restricted and the proposed equipment purchase is consistent with prior City Council direction on the expenditure of asset forfeiture proceeds.

FINANCIAL IMPACT

The projected cost of this proposal is \$90,000. The approved FY 2023-24 budget for Police Operations and the Police Special Revenue Trust Fund (Fund 751) do not include appropriations for these purchases.

For the cost to purchase police equipment and training, staff is requesting to transfer fund balance from the Police Special Revenue Trust Fund (Fund 751) to the Police Department's Operating Budget in the General Fund (Fund 010). Additionally, staff is requesting an appropriation of \$90,000 in the Police Department's Operating Budget in the General Fund (Fund 010). Sufficient funds are available in the Police Special Revenue Trust Fund (Fund 751) for the fund balance transfer.

ATTACHMENTS

Resolution No. 11158– A Resolution Authorizing a Transfer of Police Special Revenue Trust Funds-Drug Asset Forfeiture, to the Police Department Operating Budget and the Appropriation of funds for the Purchase of Police Equipment and Training

Submitted,

Rick Hillman, Chief of Police

RESOLUTION NO. 11158

A RESOLUTION AUTHORIZING A TRANSFER OF POLICE SPECIAL REVENUE TRUST FUNDS- DRUG ASSET FORFEITURE-TO THE POLICE DEPARTMENT OPERATING BUDGET AND APPROPRIATION OF FUNDS FOR THE PURCHASE OF POLICE EQUIPMENT AND TRAINING

WHEREAS, the police equipment and training purchased with these funds is necessary for employees of the police department to safely and effectively carry out the department’s mission; and

WHEREAS, the purchase of this police equipment and training is consistent with the spirit and intent of drug asset forfeiture law; and

WHEREAS, For the cost to purchase police equipment and training, staff is requesting to transfer \$90,000 of fund balance from the Police Special Revenue Trust Fund (Fund 751) to the Police Department’s Operating Budget in the General Fund (Fund 010). Additionally, staff is requesting an appropriation of \$90,000 in the Police Department’s Operating Budget in the General Fund (Fund 010); and

WHEREAS, sufficient funds are available in the Police Special Revenue Trust Fund (Fund 751) for the fund balance transfer; and

WHEREAS, the equipment purchased will include computers, advanced firearms training equipment, personal protective equipment, audio visual equipment, training room equipment upgrades and pre-employment testing software; and

WHEREAS, the City of Folsom’s Core Values support innovation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the Finance Director to transfer fund balance in the amount of \$90,000 from the Police Special Revenue Trust Fund (Fund 751) to the General Fund (Fund 010), and to increase appropriations in the Police Department’s Operating Budget by \$90,000 in the General Fund (Fund 010)

PASSED AND ADOPTED this 23 day of January, 2024, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK