



Folsom City Council Staff Report

MEETING DATE:	4/27/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10613 -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
FROM:	Police Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt Resolution 10613 –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.

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 revenue. 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, can be used to address illegal drug sales and serves 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 replacement laptop computers, surveillance equipment, Unmanned Aerial Vehicles, firearms training equipment, mobile citation printers, and remote access property lockers. These purchases will greatly enhance 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 and Federal Equitable Sharing statutes allow 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 constraints, the equipment to be purchased in this proposal would be unfeasible without utilizing asset forfeiture funds.

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

FINANCIAL IMPACT

There is no financial impact to the General Fund. The projected cost of this proposal is \$98,010. The Police Department's approved budget for Fiscal Year 2020-2021 did not include an appropriation for this proposal and the Police Department's Fiscal Year 2021-2022 proposed budget did not include a request for these purchases. However, there is sufficient funding available in the Police Special Revenue Trust Fund (Fund 751), to fund the \$98,010 request.

ATTACHMENTS

Resolution No. 10613 – 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

Submitted,

Richard Hillman, Chief of Police

RESOLUTION NO. 10613

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

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

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

WHEREAS, the equipment purchased will include computers and, surveillance equipment, unmanned aerial vehicles, firearms training equipment, mobile citation printers, and remote access property lockers; and

WHEREAS, sufficient funding is available in the Police Special Revenue Trust Fund (Fund 751).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes:

- (1) The Finance Director to increase fund balance revenue and transfer out appropriation in the Police Special Revenue Trust Fund (Fund 751) by \$98,010; and
- (2) The Finance Director to increase transfer in revenue in the General Fund (Fund 010) by \$98,010; and
- (3) The Finance Director to increase appropriations in the Police Operating budget (Fund 010) by \$98,010.

PASSED AND ADOPTED this 27th day of April 2021, 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