



AGENDA ITEM SUMMARY

City Council

STAFF

Adam Ruehlen, Police Lieutenant
Dawn Downs, Legal

SUBJECT

Resolution 2023-010 Approving an Intergovernmental Agreement Between the City of Fort Collins and the United States Drug Enforcement Administration to Staff an Anti-Narcotics Trafficking Taskforce.

EXECUTIVE SUMMARY

The purpose of this item is to obtain approval for an Intergovernmental Agreement between the City and the United States Drug Enforcement Administration (DEA) to station one Fort Collins Police Services (FCPS) police officer with a DEA anti-narcotics trafficking taskforce headquartered in Denver.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The Denver office of the Drug Enforcement Administration of the United States Department of Justice leads and hosts an anti-narcotics trafficking taskforce specifically named the Organized Crime Drug Enforcement Task Force (OCDETF) Strike Force made up of federal special agents and federally deputized state and local law enforcement partners. Fort Collins Police Services has staffed this taskforce with a fulltime officer for approximately 17 years. The DEA has asked the City to enter into a new agreement to continue this arrangement. Even though this is a continuing annual agreement, the DEA has asked the City to commit the same specific officer for at least four years.

The OCDETF Strike Force disrupts the illicit drug traffic in the Mountain West Region area by immobilizing targeted violators and trafficking organizations; gathers and reports intelligence data relating to trafficking in narcotics and dangerous drugs; conducts undercover operations where appropriate; and engages in other traditional methods of investigation so that the OCDETF Strike Force's activities will result in effective prosecution before the courts of the United States and the State of Colorado.

To assist the objectives of the OCDETF Strike Force, FCPS will detail one experienced officer to the OCDETF Strike Force for a period of not less than four years. During this period of assignment, the FCPS officer will be under the direct supervision and control of DEA supervisory personnel assigned to the OCDETF Strike Force. The FCPS officer assigned to the OCDETF Strike Force shall adhere to DEA policies and procedures and shall be deputized as a Task Force Officer of the DEA pursuant to 21 U.S.C. Section 878.

During the period of assignment to the OCDETF Strike Force, FCPS will remain responsible for establishing the salary and benefits, including overtime, of the officers assigned to the OCDETF Strike Force, and for making all payments due them. The DEA will, subject to availability of funds, reimburse FCPS for overtime payments. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-12, Step 1, of the general pay scale for the rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted monthly or quarterly on a fiscal year basis.

In addition, an authorized officer or employee of the City must execute and return to DEA the OJP Form 4061/6, Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements. FCPS acknowledges that this agreement will not take effect and no Federal funds will be awarded to FCPS by the DEA until the completed certification is received.

The term of this agreement would be effective from the date of execution until September 30, 2026. This agreement may be terminated by either party on thirty day's advance written notice. Billing for all outstanding obligations must be received by DEA within 90 days of the date of termination of this agreement. DEA will be responsible only for obligations incurred by FCPS during the term of this agreement.

CITY FINANCIAL IMPACTS

This intergovernmental agreement will permit the DEA to supervise and control one Fort Collins Police officer for law enforcement and investigative purposes generally outside of the City of Fort Collins. The City will remain responsible for the officer's salary and benefits, though certain overtime costs and vehicle expenses will be reimbursed by the DEA. An additional financial offset of this agreement is significant civil forfeiture dollars directed to the City by the DEA due to the officer's participation in investigations throughout Colorado.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

NA

PUBLIC OUTREACH

NA

ATTACHMENTS

1. Resolution for Consideration
2. Resolution Exhibit A
3. Resolution Exhibit B