

ITEM A-9

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 16, 2018 AGENDA**

Subject:	Type:	Submitted By:
ASSET FORFEITURE EXPENDITURE MASTER PLAN (FY18)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

A resolution has been prepared approving the FY18 Police Department Asset Forfeiture 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.

In July 2015, The City Council adopted a Council Policy Statement regarding the expenditure of seized funds. In accordance with Section 116.03 of the Council Policy Statement, the City Council is requested to consider and approve, on an annual basis, an "Asset Forfeiture Expenditure Master Plan".

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE FY18 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 FY18 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 FY18 Asset Forfeiture Expenditure Master Plan.

PASSED AND APPROVED THIS 16TH DAY OF JANUARY, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

LA VISTA POLICE DEPARTMENT

FY18 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 #01.01.0090).

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 December 31, 2017, the balance of the LVPD Forfeiture account is \$39,616.56.

The following is a description of proposed allocations:

Training and Safety Equipment for Front-Line Law Enforcement- The LVPD proposes to allocate \$20,000 for the purchase of training and safety equipment for law enforcement purposes.

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.