



Staff Reports

File #: 326-2020, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Robert Plummer, Police Chief

Prepared By: Gary Pitkin, Lieutenant

TITLE:

Asset Forfeiture Funds

RECOMMENDED ACTION:

Approve a revenue budget increase of \$98,000 and an expenditure budget increase of \$98,000 in the Non-Recurring General Fund, which represents the receipt and future usage of Civil Asset Forfeiture funds, as documented in Budget Adjustment Form No. BE2110501.

DISCUSSION:

The City of Napa has received asset forfeiture funds from adjudicated investigations wherein monies and/or real properties were seized pursuant to California Health & Safety ("H&S") Code Sections 11470(f), 11470(g), and 11488. H&S Code Section 11489 authorizes the City to use these forfeited funds to support the City's law enforcement efforts; and the City is prohibited from using these funds to supplant any local or state funds. The Police Department plans to use the forfeited funds to pay for items that are not currently budgeted (and thus, not supplanted) including ammunition, helmets, fitness equipment, a drone and drone training.

Assets, including cash and real properties, are most often seized and processed by members of the Napa Special Investigations Bureau (NSIB), a countywide drug and human trafficking task force. The Napa Police Department is an active participant in NSIB.

Assets seized pursuant to asset forfeiture statutes by NSIB and/or other law enforcement agencies (LEAs) within Napa County are most often released to NSIB for further investigation and processing. The funds seized by local LEAs are deposited by NSIB into separate interest-bearing accounts with the County Treasurer's Office with jurisdiction, most often Napa County. The matter is prosecuted by the District Attorney's Office with jurisdiction, again most often the Napa County District Attorney's Office.

Upon adjudication of the forfeiture, a notice is sent by the DA's Office to the County Auditor's Office directing the release of the funds back to the investigating LEA (NSIB) in accordance with statutory requirements outlined in H&S Code Section 11489. NSIB holds the adjudicated monies in an interest-bearing account until disbursed to the participating agencies, including the City of Napa.

Forfeited funds may also be received, in accordance with state and federal laws, from federal LEAs

when the Napa Police Department assisted with the criminal investigations. Those funds would also be deposited into account(s) maintained by City Finance and available to the City for general law enforcement purposes upon demand.

In this instance, the Police Department plans to use the forfeited funds to purchase equipment and supplies for law enforcement including, but not limited to, the following:

- Hardware and software for Napa Forensics Electronic Crimes Team (NFECT)
- Vehicle pursuit mitigation tools, equipment, and training
- Ammunition
- Mats & equipment for defensive tactics training program
- Fitness equipment
- Ballistic helmets
- Hardware, software, licensing, and equipment for social media messaging
- Specialized equipment for the Crisis Response Unit (CRU)

FINANCIAL IMPACTS:

This adjustment will increase both revenues and expenditures in the Non-Recurring General Fund by \$98,000, resulting in no net impact to the fund. Transferring the asset forfeiture funds to the Non-Recurring General Fund, rather than the General Fund, allows the funds to be segregated and tracked so that they are only used for the intended purposes by the Police Department.

CEQA:

The Chief of Police has determined that the Recommended Action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

ATCH 1 - Budget Adjustment No. BE2110501

NOTIFICATION:

None