

DATE: July 20, 2010
STAFF: Don Vagge

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

10

SUBJECT

Second Reading of Ordinance No. 082, 2010, Appropriating Prior Year Reserves in the General Fund from Police Seizure Activities for Police Services.

EXECUTIVE SUMMARY

State law allows for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement. This Ordinance, unanimously adopted on First Reading on July 6, 2010, appropriates proceeds from successful asset seizure and forfeiture actions to be used for law enforcement purposes.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 6, 2010
(w/o attachments)

DATE: July 6, 2010
STAFF: Don Vagge

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

First Reading of Ordinance No. 082, 2010, Appropriating Prior Year Reserves in the General Fund from Police Seizure Activities for Police Services.

EXECUTIVE SUMMARY

State law allows for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and they are always accompanied by a parallel criminal prosecution. Colorado state law requires that the proceeds from successful asset seizure and forfeiture actions are to be used for law enforcement purposes and that the governing body of the seizing agency appropriates these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds to the general fund of the State of Colorado.

BACKGROUND / DISCUSSION

Nearly 100 years ago, the Colorado Legislature passed legislation allowing for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and they are always accompanied by a parallel criminal prosecution. The defendant is served with a written summons, an affidavit detailing probable cause, and an advisement of legal rights and procedures for exercising due process. The defendant is entitled to a civil trial.

Colorado state law requires that the proceeds from successful asset seizure and forfeiture actions are to be used for law enforcement purposes and that the governing body of the seizing agency appropriates these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds to the general fund of the State of Colorado. Colorado law also authorizes the creation of the Forfeiture Committee which must consist of the Mayor, District Attorney and Chief of Police, or their designees. The Committee oversees and approves the seizure budget and spending decisions made by the Chief of Police.

FINANCIAL/ECONOMIC IMPACTS

This Ordinance appropriates \$10,250 into the Police Services budget. This amount represents money awarded by the courts pursuant to civil asset seizure and forfeiture actions in 2009 and previous years, as well as pro-rata distributions from the Northern Colorado Drug Task Force and federal government seizure actions. These funds are held in a General Fund restricted reserve account awaiting appropriation.

The funds will be used by Police Services to fund partnerships with community groups that seek to promote positive youth activities, anti-violence and anti-drug activities, as well as programs that focus on the well-being of children victimized by crime in our community.

The budget approved by the Forfeiture Committee for 2010 represents a reduction in expenditures of nearly \$7,000 from the 2009 amount, largely because spending at the previous levels is not sustainable and will result in a depletion the money in the General Fund Reserve account in less than two years. By systematically reducing spending from this account, it is the Committee's intention to increase the time frame in which these funds can be utilized to fund strong and effective community partnerships. These partnerships directly impact the community health and safety

by funding anti-drug education and providing support for community based programs that focus on the well-being of children victimized by crime in the community.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

The Forfeiture Committee, consisting of the Mayor, District Attorney and Chief of Police, has reviewed and approved the 2010 Seizure Budget.

COPY

ATTACHMENTS

1. 2010 Seizure Fund Budget
2. 2009 Annual Seizure Fund Report

COPY

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COPY

ORDINANCE NO. 082, 2010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES
IN THE GENERAL FUND FROM POLICE SEIZURE
ACTIVITIES FOR POLICE SERVICES

WHEREAS, Fort Collins Police Services ("FCPS"), in accordance with state law, has seized through civil forfeiture proceedings contraband used in or gained from criminal activities; and

WHEREAS, funds from seizure activities in 2009 and prior years in the amount of \$38,984 are in the FCPS Seizure reserve account in the General Fund; and

WHEREAS, pursuant to state statute, funds obtained through civil forfeiture proceedings are to be expended for law enforcement purposes other than ongoing operating expenses; and

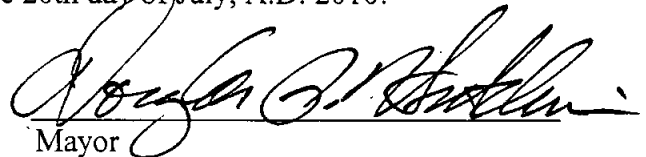
WHEREAS, \$10,250 in funds from the FCPS Seizure reserve account will be used by FCPS to purchase special training, services, and commodities to enhance the quality of customer service, as well as used in partnership with a variety of community groups to fund prevention programs for youth, anti-violence, and diversity issues; and

WHEREAS, the local Forfeiture Committee consisting of the Mayor, District Attorney and Chief of Police, or their designees, approved the 2010 seizure budget; and

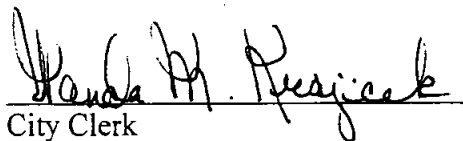
WHEREAS, Article V, Section 9, of the City Charter permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from unanticipated revenue in the General Fund the sum of TEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$10,250) for expenditure in the General Fund for Police Services expenditures which are consistent with its functions and duties.

Introduced, considered favorably on first reading, and ordered published this 6th day of July, A.D. 2010, and to be presented for final passage on the 20th day of July, A.D. 2010.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 20th day of July, A.D. 2010.

Mayor

ATTEST:

City Clerk