

# **AGENDA ITEM SUMMARY**

## **FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 14**

**DATE: April 4, 2006**

**STAFF: Don Vagge**

### **SUBJECT**

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First Reading of Ordinance No. 055, 2006, Appropriating Prior Year Reserves in the General Fund for Police Asset Forfeiture Activity.

### **RECOMMENDATION**

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Staff and the Forfeiture Committee recommend adoption of the Ordinance on First Reading.

### **FINANCIAL IMPACT**

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This Ordinance appropriates \$21,069 into the Fort Collins Police Services ("Police Services") budget. This amount represents money awarded by the courts pursuant to civil asset seizure and forfeiture actions in 2005 and previous years as well as pro-rata distributions from the Larimer County Drug Task Force and federal government seizure actions. These funds are held in a General Fund restricted reserve account awaiting appropriation.

### **EXECUTIVE SUMMARY**

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The funds obtained through civil asset seizure and forfeiture actions will be used by Police Services to purchase new equipment, fund additional training, and contribute to partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities.

### **BACKGROUND**

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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 in Larimer County that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and in Larimer County 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 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.

The local Forfeiture Committee met on March 16, 2006 and approved the 2006 Seizure Fund Budget, which is attached. The 2005 Annual Seizure Fund Report which outlines the sources of seizure funds and the expenditures for 2005 is also attached.

## **ATTACHMENTS**

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1. 2006 Seizure Fund Budget
2. 2005 Annual Seizure Fund Report

<b>PROGRAM: Police Seizure Fund</b>	
<b>Chart of Accounts</b>	<b>2006</b>
<b>Contractual</b>	<b>Proposed Budget</b>
<b>527400 Training/Education</b>	
Youth Police Academy	1,500
Explorer Scout Conference	1,500
D.A. Training	1,500
<b>Total</b>	<b>4,500</b>
<b>529290 Other Contractual</b>	
2007 Drug Free Calendar	1,500
PSD After Prom Sponsorship	1,000
Larimer County Child Advocacy Center	2,000
Request from Mayor	500
Other Charitable Organizations (Food Bank of Larimer County \$500)	1,500
<b>Total</b>	<b>6,500</b>
<b>Total Contractual Services</b>	<b>11,000</b>
<b>Commodities</b>	
<b>539320 Other Commodities</b>	
<i>Police Partnership Grants</i>	1,000
<b>Total</b>	<b>1,000</b>
<b>Total Commodities</b>	<b>1,000</b>
<b>Total Proposed Budget</b>	<b>12,000</b>
<b>Capital (Savings)</b>	
<b>544520 Other Capital</b>	
2007 Carry-over (Future Needs)	9,069
<b>Total</b>	<b>9,069</b>
<b>GRAND TOTAL</b>	<b>21,069</b>

MEMORANDUM

January 26, 2006

To: Dennis Harrison, Chief, Fort Collins Police Services  
Donald Vagge, Captain, Fort Collins Police Services  
Edna Hoernicke, Chief Accountant, City of Fort Collins

From: Tricia Davis, Financial Coordinator, Fort Collins Police Services

Re: Summary of Fort Collins Police Services Seizure Activities During the Year 2005.

SUMMARY OF SEIZURE ACTIVITIES.

Seizures Initiated This Year:

During 2005 Fort Collins Police Services initiated no seizure actions independent of the Larimer County Drug Task Force.

Local Funds Received From State Awards:

\$ 952.30

Federal Funds Received:

\$ 2,407.28

2005 Income Summary for the Fort Collins Police Services Seizure Account:

<b>Total Income</b>	<b>\$ 3,359.58</b>
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<b>Vendor/Reference</b>	<b>Budgeted</b>	<b>Expended</b>
<b>527400 Training/Education</b>		
Youth Police Academy	3,000.00	2,764.93
Neighborhoods United Donation	500.00	500.00
Explorer Scout Conference	6,000.00	5,025.00
NDAAs Conference	2,500.00	1,642.76
Drug Court Training Conference	-	1,732.32
<b>Total</b>	<b>\$12,000.00</b>	<b>\$11,665.01</b>
<b>529290 Other Contractual</b>		
2005 Drug Free Calendar	-	1,120.00
2006 Drug Free Calendar	2,500.00	2,496.75
Larimer County Child Advocacy Center	2,000.00	2,000.00
Other Charitable Organizations:	3,000.00	
Poudre R-1 After Prom Party Sponsorship		1,000.00
Longs Peak Council Inc., Leadership Breakfast		250.00
Health District of Northern Larimer County		250.00
<i>Charitable Organization Total</i>	<i>-</i>	<i>1,500.00</i>
<b>Total</b>	<b>\$7,500.00</b>	<b>\$7,116.75</b>
<b>539320 Other Commodities</b>		
Police Partnership Grant Funds:		
Cinco De Mayo Planning Committee	-	500.00
<b>Total</b>	<b>\$2,500.00</b>	<b>\$500.00</b>
<b>544520 Other Capital</b>		
2006 Carry-Over	14,992.00	-
<b>Total Capital</b>	<b>\$14,992.00</b>	<b>-</b>
<b>Grand Total</b>	<b>\$36,992.00</b>	<b>\$19,281.76</b>
<b>2005 Remaining Balance for 2006 Use</b>		<b>\$17,710.24</b>
<b>Larimer County Drug Task Force 2005 Income</b>		<b>\$3,359.58</b>
<b>Total 2006 Available Balance</b>		<b>\$21,069.82</b>

ORDINANCE NO. 055, 2006  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES  
IN THE GENERAL FUND FOR POLICE ASSET FORFEITURE ACTIVITY

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

WHEREAS, funds from police seizure activities in 2005 and prior years, in the amount of \$21,069, are in a restricted reserve account in the General Fund; and

WHEREAS, police seizure funds, pursuant to state statute, are to be expended for law enforcement purposes other than those constituting ongoing operating expenses of FCPS; and

WHEREAS, the funds will be used by FCPS to purchase new equipment and fund additional training, as well as contribute to partnerships with community groups that seek to promote positive youth activities, as well as anti-violence, anti-drug, and diversity activities; and

WHEREAS, the local Forfeiture Committee, consisting of the Mayor, District Attorney and Chief of Police, or their designees, have approved the 2006 Police Seizure Fund Budget; and

WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated for expenditure from prior year reserves in the General Fund the total sum of TWENTY-ONE THOUSAND SIXTY-NINE DOLLARS (\$21,069) for Fort Collins Police Services' expenditures which are consistent with its functions and duties, but distinct from its normal operating needs, as shown on Exhibit "A", attached hereto, provided, however, that the Chief of Police is hereby authorized to change the amounts allocated to any of the individual recipients or purposes shown on Exhibit "A", within the total amount appropriated herein.

Introduced, considered favorably on first reading, and ordered published this 4th day of April, A.D. 2006, and to be presented for final passage on the 18th day of April, A.D. 2006.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 18th day of April, A.D. 2006.

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Mayor

ATTEST:

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City Clerk

<b>PROGRAM: Police Seizure Fund</b>	
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