



City of San Antonio

Agenda Memorandum

File Number:19-9176

Agenda Item Number: 26.

Agenda Date: 1/16/2020

In Control: City Council A Session

DEPARTMENT: Police

DEPARTMENT HEAD: William McManus

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Authorizing Interlocal Agreements with the Bexar County Criminal District Attorney's Office

SUMMARY:

This ordinance authorizes the City Manager, the Police Chief and their designees to enter into two separate interlocal agreements with the Bexar County Criminal District Attorney's Office to share proceeds from asset forfeiture cases pursuant to Chapters 18 and 59 of the Code of Criminal Procedures. The term of the agreements will end October 31, 2020.

BACKGROUND INFORMATION:

Asset Seizure serves as an enforcement tool in combating crime by removing resources from the criminal. The San Antonio Police Department (SAPD) shares multiple asset seizure funds with the District Attorney's Office (DA) - including funds dedicated to the Airport, Parks, Vehicle Crimes, and Vice. These agreements cover all seizures of money and property by the SAPD submitted to the DA's Office for forfeiture action.

The funds must be used for law enforcement purposes. The funds are to supplement the endeavors of the Police Department and cannot be used to supplant other activities.

Contraband Forfeiture Agreement: The Contraband Forfeiture Agreement allows the SAPD and the DA to share proceeds from asset forfeiture cases other than gambling on the following basis:

1. Forfeited money (i.e., cash, securities, negotiable instruments, stocks or bonds) shall be divided as follows: 70% of the value to SAPD and 30% of the value to the DA's Office.
2. Gross proceeds from the disposition of forfeited property, other than money shall be divided as follows: 70% of the value to SAPD and 30% of the value to the DA's Office.

Contraband Forfeiture Agreement for Gambling Property and Proceeds: The Contraband Forfeiture Agreement for Gambling Property and Proceeds allows SAPD and the DA's Office to share proceeds from asset forfeiture cases involving gambling on the following basis:

1. Forfeited cash proceeds shall be divided as 50% of the value to SAPD and 50% of the value to the DA's Office.
2. Gross proceeds from the disposition of forfeited property, other than cash shall be divided as follows: 60% of the value to SAPD and 40% of the value to the DA's Office.

Special Circumstances: Allocation disbursement terms were added in both agreements to account for special circumstances. Allocation of the proceeds from asset forfeiture cases, including gambling, may be negotiated on a case-by-case basis in the form of a written agreement between SAPD, the DA, and other law enforcement agencies, if applicable, in the following special circumstances: Assistance from another law enforcement agency and DA initiates investigation and has a higher level of participation

If SAPD, however, agreed on allocation of proceeds from asset forfeiture cases with other law enforcement agencies independent of the DA, the division will be taken from SAPD's share.

Proceeds:

Proceeds received by SAPD from contraband asset forfeiture cases prosecuted by the federal government, in which the DA's Office or a state judge performs any service, will be divided as provided for forfeiture cases prosecuted by the DA's Office, unless the DA is individually included in the same distribution.

Operational Expenses: Certain operational expenses can be deducted from the gross amount of proceeds prior to the allocation, to include the following: court costs, citations by publication, ad litem fees, court reporter/transcript fees, commission to auctioneer, law enforcement overtime for working the auction, advertising fees for auction, storage costs, disposal costs, and liens unless a lien is filed on the property and the property is going to be placed into service, whereby the agency taking possession of the property will bear the cost of the lien.

ISSUE:

This ordinance authorizes the City Manager, the Police Chief and their designees to enter into two separate interlocal agreements with the Bexar County Criminal District Attorney's Office to share proceeds from asset forfeiture cases pursuant to Chapters 18 and 59 of the Code of Criminal Procedures. These agreements are a Contraband Forfeiture interlocal agreement and a Contraband Forfeiture Agreement for Gambling Property and Proceeds

ALTERNATIVES:

If this ordinance is not approved, services could be discontinued, as the parties are not obligated to work together; however, the State would receive the funds rather than the City and County.

FISCAL IMPACT:

The funds will be deposited into the Confiscated Property Fund in accordance with the FY 2020 Adopted Budget. The funds are to supplement the endeavors of SAPD and cannot be used to supplant other activities.

RECOMMENDATION:

Staff recommends that the City Council approve these agreements.