

CITY OF CORAL GABLES

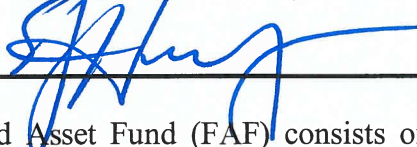
- MEMORANDUM -

TO: CATHY SWANSON-RIVENBARK
CITY MANAGER

DATE: AUGUST 8, 2018

FROM: EDWARD J. HUDAK, JR.
CHIEF OF POLICE

SUBJECT:
FORFEITED ASSET FUND
REQUESTS



The Forfeited Asset Fund (FAF) consists of certain assets seized during the course of criminal investigations and the proceeds from the sale of certain forfeited assets distributed from both Federal Forfeited Asset Sharing and State Asset Forfeiture proceedings. These assets and proceeds may be expended for law enforcement purposes, but may not be used to meet normal operating expenses of the law enforcement agency.

Listed below are proposals seeking approval to expend State and Federal Forfeited Assets pursuant to the provisions of Florida State Statute 932.7055 and the Department of Justice "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies.*"

In order to proceed with this proposal, the Coral Gables Police Department ("CGPD") is requesting your approval of the following expenditure requests, which have already been reviewed, vetted, and approved by the Forfeited Asset Fund Committee.

STATE ASSET FORFEITURE FUNDS

As provided for in Florida State Statute 932.7055(5)(a), the proceeds and interest from assets forfeited as a result of criminal investigations shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or other law enforcement purposes.

1. Big Brothers Big Sisters of Miami – Bigs in Blue Program (FY18)

As provided for in Florida Statute 932.7055(5)(a), permissible uses of assets forfeited by a local law enforcement agency include safe neighborhood programs.

In 2016, the Big Brothers Big Sisters of America organization launched the Bigs in Blue national program aimed at recruiting local law enforcement to serve as mentors to youth in their local community. The program connects youth with police in order to build strong, trusting and lasting relationships that can help children develop into confident adults, and helps create stronger bonds between law enforcement and the families they serve. This national program has spread to over 300 local affiliates, including the local Big Brothers Big Sisters of Miami.

In order to further its community involvement and the positive relationship between law enforcement and the community, the Coral Gables Police Department intends to partner with Big Brothers Big Sisters of Miami through the Bigs in Blue program. The Police Department has selected a sponsorship level of \$35,000, which allows for approximately 20 CGPD officer mentors to be matched with youth at G.W. Carver Elementary and Ponce Middle schools over the course of the year.

In order to prevent the depletion of State Forfeited Assets, the Police Department has recommended \$10,000 of the requested \$35,000 sponsorship come from State Forfeited Assets. A separate request for the remaining \$25,000 will be submitted for the use of Federal Forfeited Assets.

Accordingly, a motion was made to the FAF Committee proposing an expenditure of \$10,000 in forfeited assets to support the Big Brothers Big Sisters of Miami – Bigs in Blue Program for the 2017/2018 fiscal year.

FLORIDA CONTRABAND ACT FUNDS

Florida State Statute 932.7055(5)(c)(3) specifically directs local law enforcement agencies to expend or donate twenty-five percent (25%) of the proceeds from assets forfeited pursuant to the provisions of the Florida Contraband Forfeiture Act for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer programs.

Accordingly, the Police Department has encumbered assets forfeited pursuant to the provisions of FSS 932.7055 under City Commission resolutions to be set aside for the support and operation of those types of programs.

No requests at this time.

FEDERAL ASSET FORFEITURE FUNDS

1. Big Brothers Big Sisters of Miami – Bigs in Blue Program (FY18)

In 2016, the Big Brothers Big Sisters of America organization launched the Bigs in Blue national program aimed at recruiting local law enforcement to serve as mentors to youth in their local community. This national program has spread to over 300 local affiliates, including the local Big Brothers Big Sisters of Miami.

In order to further its community involvement and the positive relationship between law enforcement and the community, the Coral Gables Police Department intends to partner with Big Brothers Big Sisters of Miami through the Bigs in Blue program. The Police Department has selected a sponsorship level of \$35,000, which allows for approximately 20 CGPD officer mentors to be matched with youth at G.W. Carver Elementary and Ponce Middle schools over the course of the year.

The “*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*” by the United States Department of Justice provides direction to local law enforcement agencies on the permissible uses of forfeited assets shared with local agencies as a result of a local agency’s participation in federal criminal investigations.

Per this guide, a permissible use of federally forfeited assets is the support of community-based programs whose missions are supportive of and consistent with a law enforcement effort, policy and/or initiative. Under this guide, agencies can provide up to \$25,000 to support community-based programs. With \$10,000 of the sponsorship being covered by State Forfeited Assets, the Police Department has requested \$25,000 from Federal Forfeited Assets to cover the remaining portion.

Accordingly, a motion was made to the FAF Committee proposing an expenditure of \$25,000 in forfeited assets to support the Big Brothers Big Sisters of Miami Bigs in Blue Program for the 2017/2018 fiscal year.

2. Active Shooter Kits (2nd Purchase)

In August of 2016, the Coral Gables Police Department identified and was approved to purchase Level III+ plate Active Shooter Kits from Federal Eastern International to outfit 170 sworn officers, which covered officers on the road in the Uniform Patrol and Specialized Enforcement Divisions, as well as the detectives in the Criminal Investigations Division.

Due to growing active shooter events and as it approaches full staffing, the Police Department aims to purchase an additional 38 Active Shooter Kits. This ensures that every sworn officer has access to integral protective equipment, and also provides the Department with spares for additional personnel on scene. The cost for each Active Shooter Kit, as quoted by the vendor, is \$407.73 under contract pricing, with an overall purchase of 38 kits that does not exceed \$15,500.

Federal Eastern International is an authorized vendor under the State of Florida 46151504-NASPO-17-ACS contract, which has been approved by Procurement as an active City piggyback contract for body armor and protective vests through March of 2021. Based on the total cost, with Commission approval, this quote is sufficient for purchase per the City’s Procurement Code.

The “*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*” by the United States Department of Justice provides direction to local law enforcement agencies on the permissible uses of forfeited assets shared with local agencies as a result of a local agency’s participation in federal criminal investigations.

Per this guide, a permissible use of federally forfeited assets is the cost associated with law enforcement equipment.

Accordingly, a motion was made to the FAF Committee proposing an expenditure of \$15,500 in forfeited assets to fund the purchase of Active Shooter Kits.

3. TruNarc Spectrometer

The Coral Gables Police Department has identified a need for a handheld narcotics identification system for officer and public safety. Upon a review and demonstration of various handheld devices, the Department has selected Thermo Fischer Scientific's TruNarc analyzer, which can identify numerous narcotics in seconds through a single presumptive test.

The TruNarc analyzer is periodically updated as new drug threats emerge and the equipment's functionality will enable officers to field test substances without the potential for cross-contamination resulting in overdoses or event death. In addition, this device will aid with accuracy during the identification process, which will streamline judicial proceedings. This type of device has become an approved method by the State Attorney's Office when establishing probable cause during the course of drug related investigations. Furthermore, the TruNarc analyzer is highly regarded and has recently been acquired by the Miami Dade Police Department's Narcotics Unit.

As a result, the Department has selected the TruNarc unlimited model with a five-year warranty that includes factory repair, loaner units and 24/7 technical support, at a cost not to exceed \$28,650. Also included is an on-site instructor led training for up to 12 students.

Thermo Fischer Scientific is an authorized vendor under the Orange County, FL Y15-1142-JS contract, which has been approved by Procurement as an active City piggyback contract for rescue supplies and equipment through September of 2020. Based on the total cost, with Commission approval, this quote is sufficient for purchase per the City's Procurement Code.

The "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*" by the United States Department of Justice provides direction to local law enforcement agencies on the permissible uses of forfeited assets shared with local agencies as a result of a local agency's participation in federal criminal investigations.

Per this guide, a permissible use of federally forfeited assets is the cost associated with law enforcement equipment.

Accordingly, a motion was made to the FAF Committee proposing an expenditure of \$28,650 in forfeited assets to fund the purchase of a TruNarc analyzer with five-year warranty.

4. Overtime for Public School Year Security Coverage (FY19)

Under Resolution 2018-134, and in response to the passing of Senate Bill 7026, the Marjory Stoneman Douglas High School Public Safety Act, the Coral Gables City Commission directed the Coral Gables Police Department to assist Miami Dade County School Board with providing security at public schools located within the City during the 2018/2019 school year.

The plan of action to provide Police coverage at the 5 different school campuses will require the use of overtime to cover gaps that may occur due to sworn personnel being out sick or on leave, attending training, and/or other availability issues. In order to comply with the City Commission mandate of assisting the Miami Dade County School Board with constant law enforcement presence during school operating hours, the Police Department is requesting the use of forfeited asset funds

to cover overtime needed for those potential shortages. An estimated \$100,000 in funds was determined to be a sufficient amount to cover the use of overtime during the 2018/2019 school year.

The “*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*” by the United States Department of Justice provides direction to local law enforcement agencies on the permissible uses of forfeited assets shared with local agencies as a result of a local agency’s participation in federal criminal investigations.

Per this guide, it is not permissible to use federally forfeited assets to cover the salaries and benefits of sworn or non-sworn law enforcement personnel, unless the request falls under a designated exception outlined in the guide. Exception two allows for a federally forfeited assets to “be used to pay the overtime and benefits of current sworn and non-sworn law enforcement personnel involved in law enforcement operations.” Due to the City Commission’s mandate under Resolution 2018-134, school security at public schools within the City of Coral Gables during the 2018-2019 school year became part of law enforcement operations, which qualifies this request as a permissible use of funds under exception two of the guide.

Accordingly, a motion was made to the FAF Committee proposing an encumbrance of \$100,000 in forfeited assets to cover overtime expenditures related to Public School Year Security Coverage for the 2018/2019 school year.