

INTRODUCED: July 1, 2020

A RESOLUTION No. 2020-R046

As Amended

To request that the Chief Administrative Officer cause to be prepared and submitted to the Finance and Economic Development Standing Committee [~~a quarterly~~] an annual report that provides certain data relevant to the City's five civil asset forfeiture special funds for the purpose of increased oversight of the sources and uses of civil asset forfeiture special funds.

Patrons – Mrs. Lynch, Mr. Jones, Mr. Addison, Ms. Robertson, Ms. Larson
and President Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: AUG 10 2020 AT 6 P.M.

WHEREAS, the Special Fund Budget for the fiscal year commencing July 1, 2020, and ending June 30, 2021, adopted by Ordinance No. 2020-050 on May 11, 2020, includes the following five civil asset forfeiture special funds: Commonwealth Attorney State Asset Forfeiture Special Fund, Commonwealth Attorney Federal Asset Forfeiture Special Fund, Police Federal Asset Forfeiture Special Fund, Police State Asset Forfeiture Special Fund, and Sheriff and Jail State Asset Forfeiture Special Fund; and

WHEREAS, the total appropriation from seized assets for the five civil asset forfeiture special funds identified in the Special Fund Budget for the fiscal year commencing July 1, 2020, and

AYES: 8 NOES: 0 ABSTAIN: 1

ADOPTED: AUG 10 2020 REJECTED: _____ STRICKEN: _____

ending June 30, 2021, adopted by Ordinance No. 2020-050 on May 11, 2020, is \$882,366.00; and

WHEREAS, the five civil asset forfeiture special funds identified in the Special Fund Budget for the fiscal year commencing July 1, 2020, and ending June 30, 2021, adopted by Ordinance No. 2020-050 on May 11, 2020, provide no detail on the proposed uses of those funds; and

WHEREAS, it is the Council's belief that the evaluation of the sources and uses of the five civil asset forfeiture special funds identified in the Special Fund Budget for the fiscal year commencing July 1, 2020, and ending June 30, 2021, adopted by Ordinance No. 2020-050 on May 11, 2020, to provide transparency and oversight is hindered by the lack of a timely formal report to the Council's Finance and Economic Development Standing Committee summarizing relevant data; and

WHEREAS, the Council believes that [~~quarterly~~] annual monitoring of certain data pertaining to the five civil asset forfeiture special funds identified in the Special Fund Budget for the fiscal year commencing July 1, 2020, and ending June 30, 2021, adopted by Ordinance No. 2020-050 on May 11, 2020, will improve transparency in and oversight of the sources and uses of those civil asset forfeiture special funds; and

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council request that the Chief Administrative Officer cause to be prepared and submitted to the Finance and Economic Development Standing Committee [~~quarterly reports~~] an annual report that [~~summarize~~] summarizes certain data relevant to all of the aforementioned civil asset forfeiture special funds;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council hereby requests, pursuant to section 5.05.1(c) of the Charter of the City of Richmond [~~(2019)~~] (2020), as amended, that, beginning [~~with the sixth week after the end of the first quarter of the fiscal year commencing July 1]~~ October 31, 2020, and [~~ending June 30, 2021, and by no later than the sixth week after the closing of]~~ each [~~quarter]~~ October 31 thereafter, the Chief Administrative Officer cause to be prepared and submitted to the Finance and Economic Development Standing Committee a report that summarizes certain data relevant to the following five civil asset forfeiture special funds: Commonwealth Attorney State Asset Forfeiture Special Fund, Commonwealth Attorney Federal Asset Forfeiture Special Fund, Police Federal Asset Forfeiture Special Fund, Police State Asset Forfeiture Special Fund, and Sheriff and Police State Asset Forfeiture Special Fund.

BE IT FURTHER RESOLVED:

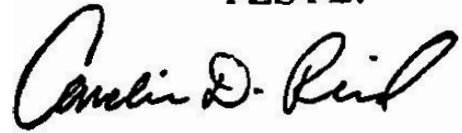
That the Council hereby requests that such report be completed in Excel format and summarize certain data relevant to the following five civil asset forfeiture special funds: Commonwealth Attorney State Asset Forfeiture Special Fund, Commonwealth Attorney Federal Asset Forfeiture Special Fund, Police Federal Asset Forfeiture Special Fund, Police State Asset Forfeiture Special Fund, and Sheriff and Police State Asset Forfeiture Special Fund, including, at a minimum, to the extent permitted by law, the total number of asset forfeiture seizures for each civil asset seizure special fund with the following for each such special fund:

1. The source of the asset forfeiture.
2. The date of the asset seizure.
3. The type of asset seizure and whether such asset seizure is a federal or state asset forfeiture.
4. The dollar value of the assets forfeited.

5. The [~~proposed~~] use of the asset forfeiture special fund.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Camille D. Reid". The signature is written in a cursive style with a large initial 'C'.

City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Haskell C. Brown, III, Interim Richmond City Attorney
Richmond Office of the City Attorney

RECEIVED

By Barbara Fore at 2:48 pm, Jun 24, 20.

THROUGH Lawrence R. Anderson
Council Chief of Staff

FROM William E. Echelberger, Jr, Council Budget Analyst

COPY Stephanie A. Lynch, 5th District Representative
Michael J. Jones, 9th District Representative
Tabrica C. Rentz, Interim Deputy City Attorney
Meghan K. Brown, Deputy Council Chief of Staff
Amy E. Robins, 5th District Liaison
Summer A. Morris, 9th District Liaison

DATE June 24, 2020

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TITLE Quarterly Report on Civil Asset Forfeitures

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Stephanie A. Lynch, 5th District
Representative
Michael J. Jones, 9th District
Representative

SUGGESTED STANDING COMMITTEE

Finance and Economic Development
Committee

ORDINANCE/RESOLUTION SUMMARY

The Patron requests a resolution to request that the Chief Administrative Officer require the production of a quarterly report to Finance and Economic Development Standing Committee by which to track and report all assets forfeited to law enforcement upon seizure.

BACKGROUND

Summary

- The FY 21 Budget identifies three Civil Asset Forfeiture Special funds:

Police

- Federal Asset Forfeiture.** This fund was established to permit the Richmond Police Department to participate in the United States of Justice Program to share assets seized as a result of investigations of drug related crimes. Funds are distributed on a percentage basis to the Richmond Police Department, federal law enforcement and any other local or state agencies participating in the investigations.
- State Asset Forfeiture.** This fund was established to permit the Richmond Police Department to participate in the Virginia Department of Criminal Justice Service Program to share assets seized as a result of investigations of drug related crimes. Funds

are distributed on a percentage basis to the Richmond Police Department, federal law enforcement and any other local or state agencies participating in the investigations.

Sheriff

- o **Asset Forfeiture - Investigative Division.** The special fund objective of the Sheriff's Office Asset Forfeiture is to seize assets from illegal activity and utilize the confiscated assets for law enforcement purposes. (Note: This is a State Asset Forfeiture.)
- The total FY21 appropriation from seized assets for these three Civil Asset Forfeiture Special funds is \$805,000:

Agency	FY 2018 Actual	FY 2019 Actual	FY 2020 Adopted	FY 2021 Adopted
Police				
Federal Asset Forfeiture	\$2,075	\$0	\$300,000	\$300,000
State Asset Forfeiture	\$90,964	\$283,786	\$500,000	\$500,000
Sheriff				
State Asset Forfeiture	\$0	\$0	\$5,000	\$5,000
Total	\$ 93,039	\$ 283,786	\$ 805,000	\$ 805,000

- “[Civil Asset Forfeiture] proceeds can be used for law enforcement expenses, such as investigative activities, equipment, restitution payments to crime victims, drug education programs, prosecutorial costs, or to supplement school budgets.” - NCSL, “Evolving Civil Asset Forfeiture Laws”, Anne Teigen and Lucia Bragg, February 2018.
- “Opponents of civil asset forfeiture laws cite a heightened risk for abuse because in many states, law enforcement have incentive to seize property, as they receive some or all of the proceeds from its sale.” - Teigen and Bragg, February 2018.
- The Adopted FY21 Special Fund Budget does not provide detail on the proposed uses of the three Civil Asset Forfeiture Special funds.
- The patrons believe that a quarterly report on the sources and uses of the three Civil Asset Forfeiture Special funds will increase transparency, and allow for improved oversight.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact

The preparation of the requested report will require an expenditure of staff time.

Attachment/s Yes No