

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ASSET FORFEITURE FUNDS IN THE AMOUNT OF ONE MILLION TWO HUNDRED TWENTY THREE THOUSAND FIVE HUNDRED THIRTY-THREE DOLLARS (\$1,223,533) ON BEHALF OF THE OAKLAND POLICE DEPARTMENT FOR PURCHASES FOR CEASEFIRE

WHEREAS, the Equitable Sharing Program (i.e., Asset Forfeiture Program) is a nationwide law enforcement initiative that removes the assets of criminals and criminal organizations in order to deprive wrongdoers of the proceeds of their crimes, recover property that may be used to compensate victims, deter crime, and foster cooperation among federal, state, and local law enforcement agencies; and

WHEREAS, the Controlled Substances Act, Section 881 (e)(3) of Title 21, United States Code- authorizes the Attorney General to share forfeited property with participating state and local law enforcement agencies, though it is not required; and separate forfeiture authority is granted to the Department of Treasury under Title 31, United States Code, Section 9703; and at the state level, California Health and Safety Code Section 11489 authorizes state or local government entities to seize property under California law; and

WHEREAS, a federal adoption of asset forfeiture occurs when a state or local law enforcement agency seizes property and requests that a federal seizing agency adopt the seizure because the conduct giving rise to the seizure violated federal law; similarly, state asset forfeiture occurs when a state or local government entity seize property under California law after determining that the property was either used for or is the result of criminal activity; and

WHEREAS, the City Council previously adopted Resolution No. 63299 C.M.S. in 1985, Resolution No. 65540 C.M.S. in 1988, and Resolution No. 73683 C.M.S. in 1997, which authorized the Oakland Police Department (OPD) to apply for and accept federal and state seized property, making OPD an authorized participant in both federal and state asset forfeiture programs; and

WHEREAS, Participants in the Department of Justice Federal Asset Forfeiture Program share seized assets with OPD, which are deposited into Fund 2912 and Participants in the California Asset Forfeiture

Program share seized assets with OPD, which are deposited into Fund 2914; and

WHEREAS, OPD has accumulated asset forfeiture funds totaling \$1,638,466; and

WHEREAS, OPD is requesting to use \$1,223,533 of the asset forfeiture funds for spending such as purchases to support the City's Ceasefire strategy, including, but not limited to equipment, contracts and subscriptions, vehicle uplifting, and IT office supplies; and

WHEREAS, funding will be available in the following sources: 1) Federal asset forfeiture (2912), Org (TBD), Account (TBD), Project (1000771) for \$202,168, 2) State asset forfeiture (2914), Org (TBD), Account (TBD), Project (1000771) for \$1,021,365; now, therefore, be it

RESOLVED: The City Council does hereby authorize the City Administrator to accept and appropriate asset forfeiture funds in the amount of one million two hundred seventy thousand five hundred thirty-three dollars (\$1,223,533) on behalf of the Oakland Police Department for purchases to support the City's Ceasefire strategy; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or their designee, to act as the City's agent to conduct all negotiations and related actions, and to sign all applications and agreements necessary to access and use the asset forfeiture funds.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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