



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Floyd Mitchell
Chief of Police

SUBJECT: OPD Asset Forfeiture Fund
Appropriation

DATE: June 10, 2025

City Administrator Approval


Jestin Johnson (Jun 11, 2025 09:40 PDT)

Date: **Jun 11, 2025**

RECOMMENDATION

Staff Recommends That the City Council Adopt A 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.

EXECUTIVE SUMMARY

Asset forfeiture is a national program designed to remove assets from criminals for programs that deter crime and use proceeds to compensate victims and fight crime. County asset forfeiture occurs when a local agency like OPD seizes evidence as part of an investigation and requests that a county partner seize the asset - the conduct that gave rise to the seizure must be a violation of county law. State asset forfeiture works similarly with state agencies.

BACKGROUND / LEGISLATIVE HISTORY

The Equitable Sharing Program (i.e., Asset Forfeiture Program) is a nationwide law enforcement initiative designed to support several law enforcement objectives:

- Remove 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.

Under Federal law, 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, as stated in Department General Order (DGO) F3: Federal Asset Forfeiture Management (**see Attachment A**).

Separate forfeiture authorization is provided in federal law to the Department of Treasury under Title 31 United States Code 9703. At the State level, California Health and Safety Code Section

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11489 allows for state and local government entities to seize property under California law, as stated in Department General Order (DGO) F6 "State Asset Forfeiture Management" (**see Attachment B**). The right for California police agencies to receive asset forfeiture was changed by California Senate Bill 443, passed in 2015, which stipulates that seized and forfeited assets can only be allocated after conviction in the case associated with the forfeiture.

The City has three funds reserved for the collection and allocation for asset forfeitures:

- Fund 2117 – Department of Treasury
- Fund 2912 – Federal Asset Forfeiture City Share
- Fund 2914 – State Asset Forfeiture

Oakland Police Department (OPD) DGO F-3 "Federal Asset Forfeiture Management" sets forth policy and procedures regarding participation in asset forfeiture programs of the Federal Government. DGO F-6 "State Asset Forfeiture Management" addresses the state asset forfeiture programs.

Federal Asset Forfeiture Management

Various agencies of the Federal Government have established programs under which the forfeited assets for convicted defendants are shared with local law enforcement agencies. The general goals of asset forfeiture are to:

- Deter crime by depriving criminals of profits from illegal activity;
- Enhance cooperation among federal, state, and local law enforcement agencies; and
- Protect the rights of individuals.

Federal agencies are not required to share forfeited assets with local law enforcement agencies. When assets are shared, their value must be reasonably related to the amount of effort the local law enforcement agency expends on the enforcement, investigation, and prosecution of the case.

There are two ways that local law enforcement agencies may qualify for assets sharing: 1) through joint investigations with federal agencies to enforce federal criminal laws which provide for forfeiture; or 2) through "adoption" -- when a local law enforcement agency acting without federal participation confiscates property as a result of enforcing a federal law that provides for forfeiture. The local law enforcement agency may request the federal agency, which normally enforces the law, to "adopt" the seizure and implement federal forfeiture procedures.

The federal departments participating in the Department of Justice Asset Forfeiture program include:

- Alcohol, Tobacco, and Firearms (ATF)
- Department of Agriculture
- The Federal Bureau of Investigation (FBI)
- Drug Enforcement Administration (DEA)
- United States Postal Inspection Service

- Food & Drug Administration
- Defense Criminal Investigative Service
- Department of State

The United States Department of Justice asset forfeiture guidelines allow local agencies to use up to 15 percent of their shared monies for the costs associated with the following:

- Drug abuse treatment;
- Drug and crime prevention education;
- Housing and job skills programs; or
- Other community-based programs or activities, which are formally approved by the Chief of Police as being supportive of and consistent with a law enforcement effort, policy, and/or initiative.

Departments and agencies that contribute to the U.S. Department of Treasury Asset Forfeiture Program are:

- Internal Revenue Service (IRS)
- U.S. Secret Service
- U.S. Coast Guard
- Tax and Trade Bureau

State Asset Forfeiture Management

Unlike federal programs, under which federal agencies generally take custody of seized property and money, local law enforcement agencies retain asset forfeiture, subject to the decision of the State-level prosecution. Consequently, state asset forfeiture programs place the burden of protecting seizures and the property rights on local law enforcement agencies.

OPD requests to share assets, which are subject to state asset forfeiture laws, are directed to the Alameda County District Attorney's Office (ACDO). The OPD Chief of Police may make requests to ACDO for disbursement of these funds upon reviewing recommendations from the Vice/Narcotics and Community Services Sections.

California Senate Bill (SB) 443

Federal law does not require a conviction and places the burden on property owners to prove their innocence with asset forfeiture.

Senate Bill 443 protects Californians from having police permanently take and keep their property without a conviction. OPD coordinates with ACDO to seek OPD's asset forfeiture shares in cases where OPD works with local, State, and Federal agencies on criminal investigations of forfeited property if there is an underlying conviction. The bill prohibits state and local prohibits state and local agencies from receiving an equitable share from a federal agency if a conviction if not obtained.

ANALYSIS AND POLICY ALTERNATIVES

Because asset forfeiture funds are not guaranteed, the Department of Justice and the Department of Treasury Equitable Sharing Program guidelines strongly recommend not including asset forfeiture funding in annual or biennial adopted budgets. In addition, compliance to SB 443 requires that OPD receive a share of forfeited assets only if there is an underlying conviction, and only assets released by the ACDO are recorded in the City's financial system.

Use of Asset Forfeiture Funds

By resolution, the City Council authorizes OPD to appropriate available asset forfeiture fund balance in Funds 2117, 2912, and 2914 in order to supplement its General-Purpose Fund (GPF) operating budget. Funds may be appropriated to OPD organizations for any of the following permissible law enforcement activities:

- Law enforcement investigations / Law enforcement training,
- Law enforcement facilities / Law enforcement equipment,
- Law enforcement travel and transportation / Law enforcement awards and memorials,
- Drug and gang education, awareness, and prevention programs,
- Matching funds for grant opportunities,
- Pro rata funding (i.e., OPD's portion of a city or regional capital or operations and maintenance expense),
- Asset accounting and tracking,
- Language assistance services,
- Transfer to other law enforcement agencies and
- Support of community-based programs (Note: Cash transfers are not permitted; must pay for services or supplies).

The Oakland Police Department (OPD) seeks asset forfeiture funding to enhance the operational capabilities of its Ceasefire program, Special Resources Section (SRS), Criminal Investigation Division (CID), and Real-Time Operations Center (RTOC). These units collaborate to reduce violent crime—particularly gang-related shootings and homicides—while strengthening community trust. Ceasefire's data-driven, community-focused strategy, SRS's proactive enforcement, CID's investigative expertise, and RTOC's real-time intelligence have driven a 34% reduction in murders and shootings in 2024, marking Oakland's safest year since the pandemic. Strategic investments in advanced equipment and technology will sustain this progress, disrupt illicit networks, and ensure lasting public safety.

Primary Mission

OPD's Ceasefire, SRS, CID, and RTOC units form an integrated framework to combat violent crime, targeting gang-related shootings, homicides, drug trafficking, and organized crime. Ceasefire identifies and engages high-risk individuals with social services and precise enforcement. SRS disrupts complex criminal activities through patrols and arrests. CID builds prosecutable cases to hold offenders accountable. RTOC provides real-time intelligence to optimize operations. Together, these units reduce crime, recidivism, and incarceration while fostering community trust through transparency and engagement.

Operational Deployment

1. Ceasefire Program

- a. **Objective:** Reduce shootings, homicides, recidivism, and incarceration while building police-community trust.
- b. **Methodology:**
 - i. Identifies <1% of high-risk individuals using data analytics, enhanced by RTOC's real-time crime mapping and suspect tracking.
 - ii. Engages them through "call-ins" (group meetings) or "custom notifications," offering job training, life coaching, and mental health services, paired with warnings of strict enforcement for continued violence.
 - iii. Partners with the Department of Violence Prevention, Faith in Action East Bay, Kaiser Permanente, and the U.S. Department of Justice.
- c. **Enforcement:** Multi-agency operations, informed by CID's investigative findings and RTOC's intelligence, target persistent offenders.
- d. **Impact:** Achieved a 42% homicide reduction (2012-2017) and a 34% drop in murders/shootings in 2024.
- e. **Current Status:** Strengthened with weekly strategy reviews, increased staffing, and streamlined unit coordination.

2. Special Resources Section (SRS)

- a. **Objective:** Disrupt serious crimes, including gang violence, drug trafficking, human trafficking, robberies, shootings, and murders.
- b. **Methodology:**
 - i. Conducts focused patrols in high-crime areas using unmarked vehicles and plainclothes officers, guided by RTOC's real-time hotspot data.
 - ii. Employs surveillance (stakeouts, phone monitoring, GPS tracking), coordinated with RTOC's data feeds.
 - iii. Executes high-risk arrests, planned with CID's evidence and RTOC's suspect tracking.
- c. **Enforcement:** SRS officers, trained for high-risk scenarios, use tactical gear to serve warrants and apprehend dangerous offenders, leveraging CID's casework.
- d. **Impact:** Neutralizes key criminal actors, disrupting illicit networks and supporting Ceasefire's violence reduction goals.

3. Criminal Investigation Division (CID)

- a. **Objective:** Investigate serious crimes to ensure accountability and deter future offenses.
- b. **Methodology:**
 - i. Conducts thorough investigations into homicides, shootings, gang activities, and organized crime, collecting forensic evidence, witness statements, and digital records.
 - ii. Collaborates with RTOC to analyze crime patterns and suspect networks, providing actionable leads for SRS and Ceasefire.

- iii. Builds airtight cases to secure convictions, ensuring enforcement actions have a lasting impact.
 - c. **Impact:** Validates Ceasefire's high-risk targets, supports SRS arrests with admissible evidence, and reduces impunity, contributing to the 2024 crime drop.
4. **Real-Time Operations Center (RTOC)**
- a. **Objective:** Enhance operational precision and situational awareness with real-time intelligence.
 - b. **Methodology:**
 - i. Integrates data from surveillance cameras, license plate readers, shot-spotter systems, and social media, delivering live alerts to SRS, CID, and Ceasefire units.
 - ii. Maps high-crime areas and tracks suspect movements, guiding patrols and interventions.
 - iii. Supports CID by cross-referencing investigative leads with real-time data, accelerating case resolution.
 - c. **Impact:** Increases enforcement accuracy, reduces unnecessary police presence, and enhances community trust through efficient operations.

Community Trust Strategy

- **Ceasefire:** Builds trust through transparent “call-ins,” robust social service partnerships, and community investments, addressing concerns about enforcement’s perceived coerciveness.
- **SRS:** Enhances trust by using RTOC-guided, intelligence-led policing to minimize disruption, paired with proactive community outreach during patrols.
- **CID:** Promotes trust through fair, thorough investigations and clear communication about case progress, ensuring accountability.
- **RTOC:** Supports trust by enabling precise policing and safeguarding data privacy, reducing community impact.
- **All Units:** Employ weekly reviews, community feedback mechanisms, and body-worn cameras to ensure transparency and alignment with public needs.

Critical Equipment Needs

Asset forfeiture funds are requested to equip OPD units for sustained success in disrupting criminal enterprises and building community trust. Requested resources directly target illicit activities, including drug trafficking and gang violence, which generate forfeitable assets.

Justification for Asset Forfeiture Funding

The requested equipment (see **Table 2**) will enhance OPD’s ability to disrupt criminal enterprises, seize illicit assets, and reduce violent crime. SRS and CID operations target drug trafficking, gang activities, and organized crime—key sources of forfeitable proceeds. RTOC’s real-time intelligence amplifies these efforts by identifying high-value targets, while Ceasefire’s dual approach prevents recidivism, reducing the cycle of asset-generating crimes. Investments in transparency (body cameras) and community engagement ensure equitable policing, aligning with forfeiture program goals to reinvest criminal proceeds into public safety.

Conclusion

OPD's Ceasefire, SRS, CID, and RTOC units have achieved a 34% reduction in violent crime in 2024 through strategic collaboration. Sustaining this success requires advanced technology, tactical resources, and community-focused tools. Asset forfeiture funding will empower OPD to dismantle criminal networks, secure convictions, and build lasting trust, ensuring Oakland remains a safer city. We respectfully request \$1,223,533 to equip these vital operations.

This recommended policy action advances Citywide priorities of holistic community safety and responsive, trustworthy government. The purchase of the below items (**Table 2**) will allow officers in VCOC to work more effectively and efficiently during investigative operations and while apprehending the most violent offenders. The funds will be used according to Senate Bill 443 and departmental use policies.

FISCAL IMPACT

The Oakland Police Department recently did a query for asset forfeiture money in the above-mentioned account. The combined accounts have accumulated \$1,638,466 in asset forfeiture funds (**Table 1**). OPD is requesting to use those funds to purchase items on the essential gear list. Below (**Table 2**) is an itemized table that lists the items, costs, and the justification for the need of the equipment. OPD officers have experience deploying and using all these items. There is no need to provide any additional training. The remainder of the funds will be carried forward into a revenue account.

Table 1: Asset Forfeiture Funds

Fiscal Year	Fund Source	Organization	Project	Total Amount	Total Amount Requesting
2024-25	2912 - Federal Asset Forfeiture	TBD	TBD	\$ 598,376	\$ 202,168
2024-25	2914 - State Asset Forfeiture	TDB	TBD	\$ 1,040,090	\$ 1,021,365
			Grand Total	\$ 1,638,466	\$ 1,223,533

Table 2: Items to purchase with asset forfeiture funding for Ceasefire

Description of Funds	Cost	Justification	Organization
Equipment: Stop Sticks, Training Ammunition, Tactical Gear, and Drones	\$160,103	Supports Ceasefire and Special Operations Division with safety, training, and investigations.	108630 - Ceasefire 107710 - Special Operations Division

Contracts and Subscriptions: Cellebrite, Crime Point, Enterprise, and Motorola	\$258,082	Enhances sworn personnel's ability to investigate, communicate, and support field operations.	108630 - Ceasefire
Vehicle Upfitting	\$656,348	Retrofitting vehicles to improve safety and operational efficiency for sworn personnel.	107710 - Special Operations Division
Technology: IT Office Supplies	\$149,000	Supports administrative functions and improves efficiency in office operations.	108630 - Ceasefire 107710 - Special Operations Division
Grand Total	\$1,223,533		

PUBLIC OUTREACH / INTEREST

This item does not require additional public outreach.

COORDINATION

This report was reviewed by the Budget Bureau and the Office of City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this item.

Environmental: There are no environmental opportunities associated with this item.

Race and Equity: Asset forfeiture funds will be used for essential equipment. The primary goals are to reduce crime and build community trust by investigating crimes.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That the City Council Adopt A 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.

For questions regarding this report, please contact Eriberto Perez-Angeles, Acting Captain, at e-perez-angeles@oaklandca.gov.

Respectfully submitted,



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Attachments (2):

- A: General Order (DGO) F3: Federal Asset Forfeiture Management
- B: General Order (DGO) F6: State Asset Forfeiture Management