



Legislation Text

File #: 20-1172, **Version:** 1

Recommendation to authorize City Manager, or designee, to execute all necessary documents with the Department of Justice Equitable Sharing Program, to file the annual equitable sharing report. (Citywide)

The Federal Comprehensive Crime Control Act of 1984 authorized implementation of the Department of Justice (DOJ) and Department of Treasury (DOT) Asset Forfeiture Program. The Asset Forfeiture Program is a nationwide law enforcement initiative that removes tools of crime from criminal organizations. A key element of the Asset Forfeiture Program is the Equitable Sharing Program (Program). Federal law authorizes the Attorney General and the Secretary of the Treasury to share federally forfeited property with participating state and local law enforcement agencies. The administrative procedures and approved spending categories related to these funds are governed by the DOJ and DOT Guide to Equitable Sharing for State, Local and Tribal Law Enforcement Agencies.

As a participating agency of this Program, the City of Long Beach (City) must submit an Equitable Sharing Agreement and Certification (ESAC) form and affidavit to the Money Laundering and Asset Recovery Section (MLARS) each year to maintain Program compliance. New guidelines issued by the DOJ require that the ESAC must be reviewed and approved by the head of the law enforcement agency and designated official of the governing body prior to submission. To remain in compliance, the ESAC must be filed, reviewed, and accepted no later than two months after the end of the City's fiscal year, or November 30th.

In addition to complying with the federal laws and guidelines set forth by the DOJ and DOT, the Long Beach Police Department (LBPd) also complies with California Health and Safety Code section 1147.12, as amended by Senate Bill 443 in 2016. Under State law, LBPd is prohibited from seeking federal adoption of asset seizures. It also prohibits acceptance of federal equitable sharing distributions when the value of the seized asset is less than \$40,000 without a criminal conviction in the underlying criminal case.

This matter was reviewed by Deputy City Attorney Sarah E. Green on November 3, 2020 and by Budget Management Officer Rhutu Amin Gharib on November 4, 2020.

City Council action is requested on December 8, 2020, to expedite compliance with this program.

There is no fiscal or local job impact associated with this recommendation. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is

consistent with existing City Council priorities.

Approve recommendation.

ROBERT G. LUNA
CHIEF OF POLICE

APPROVED:

THOMAS B. MODICA
CITY MANAGER