

**CITY OF SAN ANTONIO  
POLICE DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Albert A. Ortiz, Chief of Police

**SUBJECT:** Ordinance Request for Two (2) Interlocal Agreements with the Bexar County Criminal District Attorney's Office.

**DATE:** January 5, 2006

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes the City Manager, or her designated representative, to enter into two (2) interlocal agreements (Contraband Forfeiture Agreement and Contraband Forfeiture Agreement for Gambling Property and Proceeds) with the Bexar County Criminal District Attorney's Office to share the proceeds from asset forfeiture cases pursuant to Chapters 18 and 59 of the Code of Criminal Procedure (C.C.P.). The term of the Contraband Forfeiture Agreement is for a three (3) year period commencing October 1, 2003, and ending September 30, 2006. The Contraband Forfeiture Agreement for Gambling Property and Proceeds is for a term commencing on September 1, 2003, and ending September 30, 2006. The agreements will be automatically renewed on a yearly basis after the initial three year term.

Staff recommends approval.

**BACKGROUND INFORMATION**

The Contraband Forfeiture Agreement allows the San Antonio Police Department (SAPD) and the District Attorney's Office (DA) to share proceeds from asset forfeiture cases other than gambling on the following basis:

- Forfeited money (cash, securities, negotiable instruments, stocks, and bonds) shall be divided as follows: 70% of the value to SAPD and 30% of the value to the DA's Office.
- Forfeited money that was seized by SAPD prior to October 1, 2003, shall be divided as follows: 75% of the value to SAPD and 25% of the value to the DA's Office.
- Gross proceeds from the disposition of forfeited property, other than money shall be divided as follows: 70% of the value to SAPD and 30% of the value to the DA's Office.
- However, if the forfeited property was seized by SAPD prior to October 1, 2003, SAPD will receive 100% of the value from the disposition of the forfeited property.

The Contraband Forfeiture Agreement for Gambling Property and Proceeds allows the SAPD and the DA's Office to share proceeds from asset forfeiture cases involving gambling on the following basis:

- Forfeited cash proceeds shall be divided as follows: 50% of the value to SAPD and 50% of the value to the DA's Office.
- Gross proceeds from the disposition of forfeited property, other than cash shall be divided as follows: 60% of the value to SAPD and 40% of the value to the DA's Office.

The Asset Forfeiture Sharing Agreement is for a three (3) year period commencing on October 1, 2003, and ending September 30, 2006. SAPD and the DA's office had a formal interlocal agreement which expired September 30, 2003 and have had an informal agreement for asset forfeiture sharing during the past two (2) years. The Contraband Forfeiture Agreement for Gambling Property and Proceeds is for a term commencing on September 1, 2003 and ending on September 30, 2006. The parties had no prior formal agreement for the forfeiture of this contraband, but have been working together informally. This ordinance formalizes the agreements and is retroactive to the dates of the previous informal agreements. These agreements will automatically be renewed on a yearly basis after the initial three (3) year period.

In the past, the proceeds for the Contraband Forfeiture Agreement for Gambling Property and Proceeds were divided 60% for the SAPD and 40% for the DA's Office, after deducting all expenses incurred by the SAPD. The formal agreement requires the 60-40 split with each party bearing its own costs. As a result, in accordance with this Agreement, SAPD must pay the DA's Office the sum of \$25,529.98 from SAPD's share of future proceeds distributed, until said sum is paid in full.

### **POLICY ANALYSIS**

This ordinance continues City Council's policy of cooperation with other governmental agencies and promoting safer neighborhoods for its citizens by removing resources from the criminal.

### **FISCAL IMPACT**

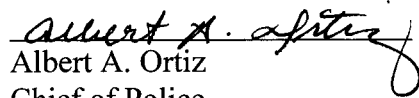
The funds are deposited into Fund 29 (Miscellaneous Special Revenue Fund). Total asset forfeitures are estimated to be approximately \$400,000 annually. The funds are to supplement the endeavors of the Police Department and cannot be used to supplant other activities.

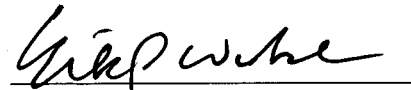
### **COORDINATION**

This ordinance request has been coordinated with the Finance Department, the City Attorney's Office, and the Office of Management and Budget.

**SUPPLEMENTARY COMMENTS**

The Discretionary Contracts Disclosure Form is not required.

  
Albert A. Ortiz  
Chief of Police

  
Erik Walsh  
Assistant to the City Manager