

2018-2019 BUDGET QUESTION
Response to Request for Information

DEPARTMENT: Police

REQUEST NO.: 187

REQUESTED BY: Tovo

DATE REQUESTED: 9/4/18

DATE POSTED: 9/6/18

REQUEST: Please confirm which of the various asset forfeiture funds can be used for the following:

- A Community Gun Buyback Program: *Estimate to be determined*
- Investment in early intervention relationship violence prevention programs: \$353,000
- A 24-hour walk-in center for individuals suffering from opioid addiction or other substance abuse disorders: \$125,000

RESPONSE:

All expenditures of asset forfeiture funds must comply with applicable federal guidelines or state laws. The Law Department has recently provided advice to Council on the permissible and impermissible uses for federal and state asset forfeiture funds held by the Austin Police Department (APD). The responses below assume compliance with the generally applicable guidelines. As a general principle, the Chief of Police, with appropriate oversight from City Council, is primarily responsible for decisions on asset forfeiture fund expenditures.

1. Gun Buy-Back Program

The Austin Police Department (APD) could use state and federal (both Dept. of Justice and Dept. of Treasury) asset forfeiture funds to purchase weapons as part of a gun buy-back program. However, because gun buy-back programs involve hundreds or thousands of small transactions, using funds for such a program could make APD vulnerable from a tracking and accountability standpoint. The amount given per weapon must be reasonable based on the type of weapon, and all funds must be accounted for with receipts issued for all weapons purchased. APD would also be required to destroy all weapons collected.

2. & 3. Relationship Violence Prevention Programs & Walk-In Treatment Center

Funding these programs with asset forfeiture funds would entail making donations to third-party non-profit groups. APD could likely use federal Department of Justice funds to make donations to relationship violence prevention programs (e.g., SAFE's Expect Respect and Strong Start programs) and a 24-hour walk-in treatment center. However, APD is limited to donating a total of \$25,000/year to all community non-profits. There are also a number of restrictions on the use of these funds including:

1. The law enforcement agency head must approve the transfer and must ensure the recipient is qualified to receive the funds;
2. The agency must ensure that all funds are spent in accordance with other rules in the federal guidance; and

3. The agency's jurisdiction (i.e., the City of Austin) must perform applicable sub-recipient monitoring requirements per the federal Office of Management and Budget rules.

APD could likely also use state asset forfeiture funds to make donations to certain relationship violence prevention programs (in particular, those that focus on services for victims or witnesses) and a 24-hour walk-in treatment center. APD would have to ensure that any particular potential recipient of state asset forfeiture funds is qualified and meets applicable legal requirements. Moreover, all generally applicable rules must be followed, and funds must be carefully accounted for and reported to the state.