



Town of Castle Rock

100 North Wilcox Street
Castle Rock, CO 80104

Agenda Memorandum

Agenda Date: 7/19/2016

Item #: 11. **File #:** RES 2016-072

To: Honorable Mayor and Members of Town Council

From: Jack Cauley, Chief of Police and Doug Ernst, Police Commander

Resolution Authorizing the Establishment of a Committee on the Disposition of Forfeited Property

Executive Summary

The purpose of this memo is to present Council with a resolution (**Attachment A**) authorizing the establishment of a committee ("Committee") to oversee and make recommendations as to the disposition of forfeited property-which requires special handling consistent with local, state, and federal law.

History

Generally forfeited property is personal property that the Government has acquired ownership of through a summary process or court order pursuant to law. In accord with C.R.S. §16-13-702 the creation of a committee is required to approve the disposition of state asset forfeitures. Some of the permissible uses include Law Enforcement investigations and training, as well as Law Enforcement and detention facilities, equipment, travel and transportation, awards and memorials, drug and gang education and awareness programs, and support for community-based programs. Federal asset forfeitures are governed by the U.S. Department of Justice requirements for Justice Funds pursuant to the Guide to Equitable Sharing for State and Local Law Enforcement Agencies, and the U.S. Department of Treasury requirements for Treasury Funds pursuant to the Guide of Equitable Sharing for Foreign Countries and Federal, State and Local Law Enforcement Agencies.

Discussion

As of May 2016, the Police Forfeiture Fund reflected an ending fund balance of \$24,287 that can be requested to disburse by the Police Department in accord with asset forfeiture laws. It is the department's desire to create a Committee to review, discuss, make decisions concerning and/or to take action upon the disposition of forfeited property received by the Castle Rock Police Department and to oversee the appropriate use of such property as provided by law.

Budget Impact

There is no budget impact associated with the establishment of a Committee for the disposition of

forfeited property.

Staff Recommendation

It is recommended that Council authorize the Police Department to establish a Committee to oversee and make recommendation as to the disposition of forfeited property consistent with State and Federal Laws. The Committee is to consist of the following members (*per statute):

- *District Attorney of the 18th Judicial District, or designee
- *Town of Castle Rock Council Member
- *Castle Rock Chief of Police, or designee
- *Castle Rock Finance Director, or designee
- Castle Rock Town Attorney, or designee

Note: The required members of the Committee may select other members to serve on the Committee by unanimous agreement.

Proposed Motion

"I move to approve a Resolution Authorizing the Establishment of a Committee on the Disposition of Forfeited Property."

Attachments

Attachment A: Resolution