

Memorandum



CITY OF DALLAS

DATE February 22, 2019

TO Honorable Members of the Public Safety and Criminal Justice Committee

SUBJECT **Narcotics & Asset Seizure Overview**

On Monday, February 25, 2019, Dallas Police Chief U. Renee Hall, will provide an overview of drug enforcement activity that leads to seizures, and review the current status of the Dallas Police Department's seizure program. Data related to the arrests, operations, and weapons seized in narcotics activity will be provided in the presentation. The City Attorney's Office will update the committee regarding past and recent cases concerning civil forfeitures.

Please contact me should you have any questions.

A handwritten signature in cursive script that reads "Jon Fortune".

Jon Fortune
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

Narcotics Asset Seizure and Forfeiture Overview

Public Safety and Criminal Justice Committee

February 25, 2019

U. RENEÉ HALL, Chief of Police
Dallas Police Department
City of Dallas



Presentation Overview

- City Attorney Update
- To provide an overview of drug enforcement activity that leads to seizures
- To review the current status of the Dallas Police Department's seizure program



City Attorney Update

- Reviewed past and recent cases concerning civil forfeitures
- Did not discover any cases binding in Texas which hold that the civil forfeiture process is illegal or unconstitutional
- Recent U.S. Supreme Court Case
 - Ruled that the excessive fines provision of U.S. Constitution applies to States and municipalities

3



City Attorney Update

- Recent U.S. Supreme Court Case (continued)
 - Excessive fines clause:
 - Prohibits the government from imposing a fine that is excessive based on the facts and circumstances of a particular case
 - Applies to civil asset forfeitures
- Texas Constitution already had an excessive fine provision
- Supreme Court ruling did not alter the Texas civil forfeiture process

4



Drug Complaints Received

	2016	2017	2018	2019 YTD
Complaints Received	2119	2449	1,964	203

- Violent crime, human trafficking and other crimes often have a nexus in illegal drugs

Narcotics Activity

Operations	2016	2017	2018	2019 YTD
Arrests	932	798	598	69
Operations	917	981	752	89
Weapons Seized	457	460	819	42
Currency Seized	\$4,915,422	\$5,616,162.11	3,407,831.28	\$998,029.38

*In 2015 several large seizures were made as a result of federal task force investigations.



Narcotics Drug Seizures

Drug Type	2017	2018	2019 YTD
Marijuana	2,749lbs	3,170lbs	1,110lbs
Cocaine (grams)	269,377g	74,206g	5,782g
Heroin (grams)	39,838.4g	157,049g	2,928g
Methamphetamine (grams)	1,125,762.4g	1,104,899g	74,055g



Asset Seizure Overview

- In addition to narcotics seizures, the department will seize currency, vehicles and other property that are used to further the criminal activity and are obtained through ill-gotten gains
- Asset Seizure (AS) is a powerful tool used by law enforcement agencies against criminals and criminal organizations

8



Asset Seizure Overview, Cont.

- Asset Seizure is authorized under Federal Law (18 USC, 19 USC, 21USC) and Texas Law (CCP – Chapter 59)
- Law Enforcement agencies use these laws to disrupt, dismantle, and deter those who commit illegal activity for financial gain



Seizures, Cont.

- The Dallas Police Department's role in asset forfeiture is only in the **seizure of evidence**
- **Seizure:**
 - The forcible taking of property by government law enforcement from a person who is suspected of violating, or is known to have violated the law



Seizures

- ***In order for a law enforcement agency to seize potential evidence in a criminal case:***
 1. Judge determines probable cause pursuant to a sworn application for a search warrant
 2. Probable cause is found by an officer pursuant to an exception of the warrant requirement

In either instance, the law requires that any seized item must bear a substantial connection to to the offense

11



Seizures

- **Due process** is afforded to any person making claim to the property that was seized within the respective governmental process if they choose to participate
- After a court hearing, the Dallas Police Department will receive a notification from the respective government attorneys office if an award is made to the department

12



Narcotic Division's Seizures

- The Dallas Police Department utilizes both federal and state laws depending on which enforcement group develops a case
- Dallas Police federal task force cases involving seizures are adopted by the federal agencies they are assigned to and become part of the equitable sharing program

13



Equitable Sharing Program

- The Federal government equitable sharing program states that the proceeds of liquidated seized assets are shared between state and federal law enforcement authorities
- The Federal Government holds the seized money until a determination is made in court; and sends the City a check

14

Confiscated Funds Accounts

- **State Confiscated Fund**
 - Follow the State of Texas Chapter 59 Forfeiture Code
 - City holds seized money in an escrow account until :
 - It is determined that a civil case will not be filed, so the money is returned
 - A civil case is filed, a ruling is made in Court, and a determination is made by the court on the final disposition of the seized property

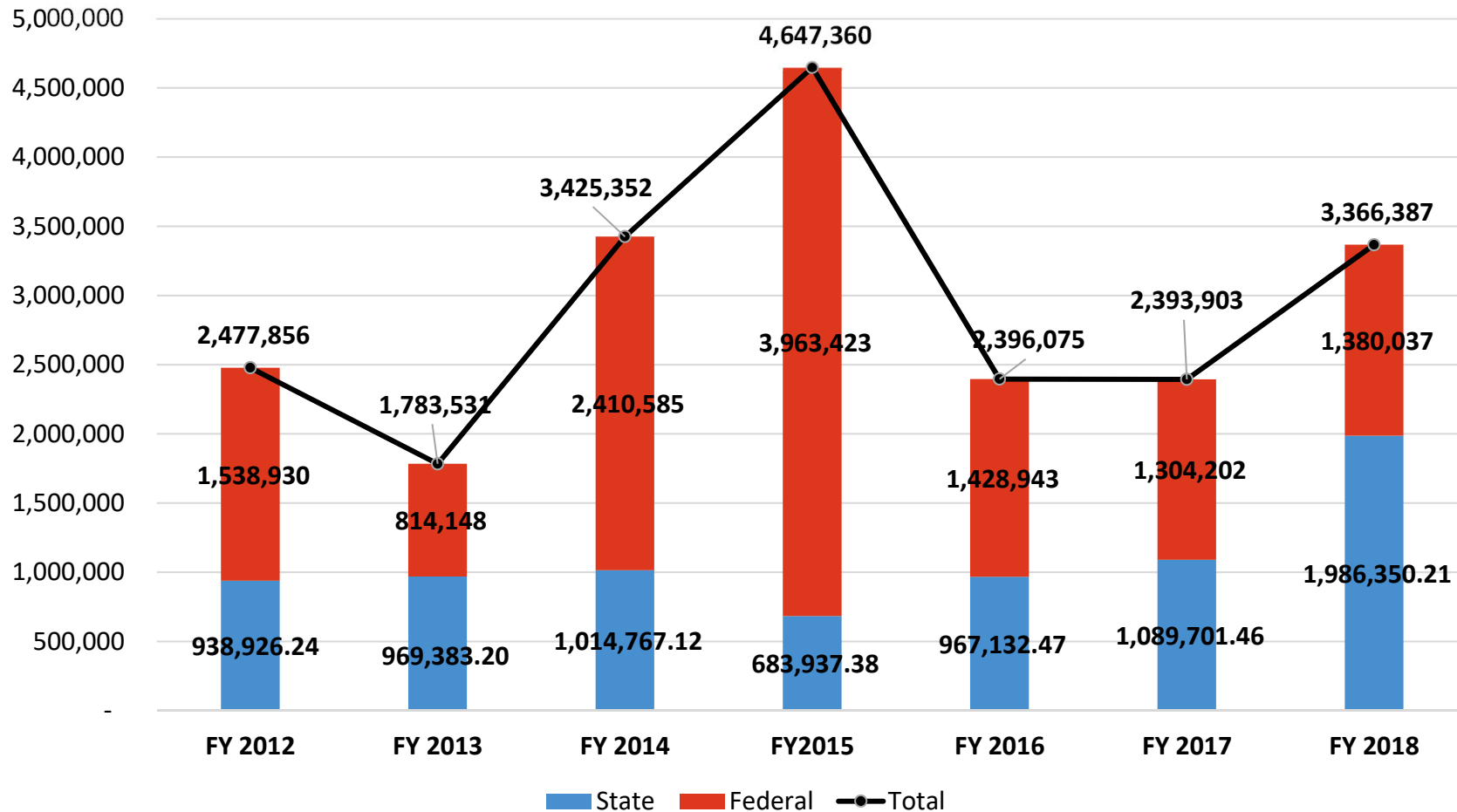
15



Confiscated Funds

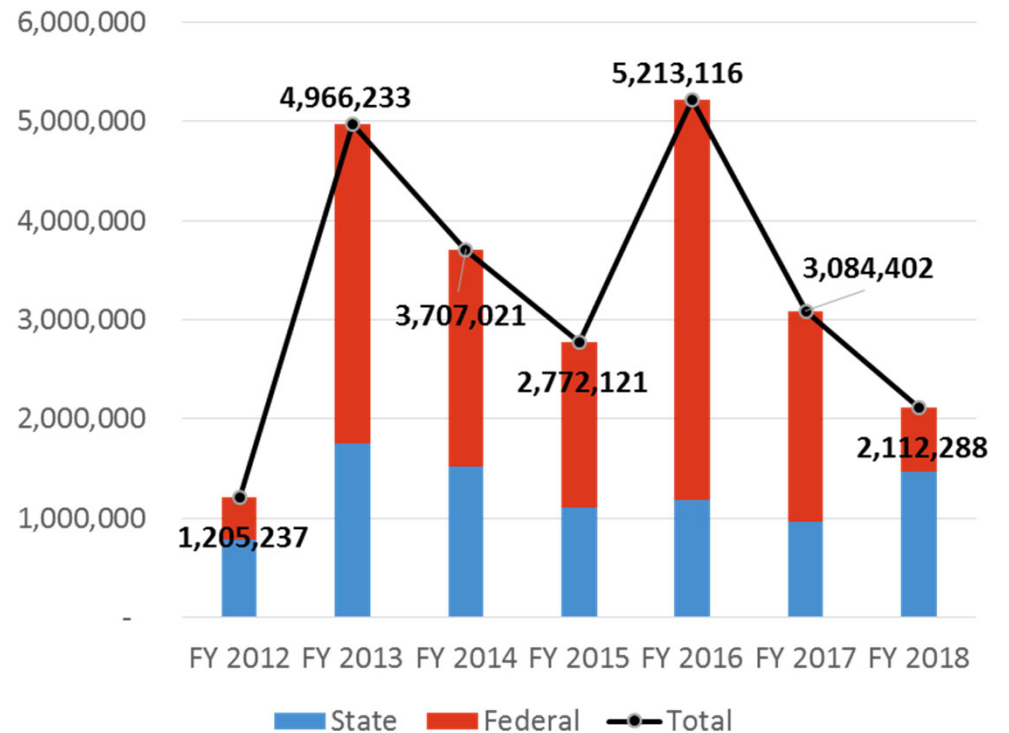
	Total Cash (as of 9/30/2018)	Appropriated Cash	Unappropriated Cash
State Confiscated Funds	5,651,121	4,111,254	1,539,867
Federal Confiscated Funds	5,495,365	4,763,684	731,681
Total Confiscated Funds	11,146,486	8,874,938	2,271,548

Confiscated Funds - Awarded



What Does it Fund?

- Covert Operations for Vice and Narcotics
- Fusion Center
- Equipment Expenses
- Overtime
- Southwestern Institute of Forensic Sciences Contract



Forfeiture Cases (Nov 2016 – Nov 2018)

- Asset Forfeiture Cases Filed.....339

Disposition

- Default Judgments.....159
- Agreed Judgments.....83
- Cases Non-suited.....4
- Cases not yet adjudicated.....95



Summary

- Funds awarded are used to supplement, **NOT** supplant government budgets
- All seizure cases are reviewed by the prosecutors before being filed for asset forfeiture



Summary, Cont.

- Government must notify owners or potential owners of the seized property and process to make claim
- The seized property or currency cannot be used until due process has been afforded and it has been officially awarded



Conclusion

- Asset Seizure is a vital tool used to combat criminal activity
- Asset Seizure takes the profit out of criminal activity
- Dallas Police Department recommends the continued use of the Asset Seizure policies which are already in place

22



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