

Memorandum



DATE April 17, 2017

TO Honorable Members of the Public Safety Committee:
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,
Jennifer S. Gates, Philip T. Kingston

SUBJECT **Narcotics & Asset Forfeiture Overview**

On Monday, April 24, 2017, you will be provided with an overview on the Dallas Police Department's Narcotics & Asset Forfeiture by Deputy Chief Gilberto Garza. The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizor Tolbert, Chief of Staff to the City Manager
Theresa O'Donnell, Interim Chief of Economic Development &
Neighborhood Services

Majed A. Al-Ghafry, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Jo M. (Jody) Puckett, P.E. Interim Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Alan E. Sims, Interim Chief of Community Services
Directors and Assistant Directors

Narcotics & Asset Forfeiture Overview

**Public Safety Committee
April 24, 2017**

**Gilberto Garza, Deputy Chief
Dallas Police Department
City of Dallas**



Presentation Overview

- To provide an overview of the Dallas Police Narcotics Division
- To provide an overview of drug enforcement activity
- To provide information on current initiative and operational impact
- To review the Dallas Police Department's seizures

Division Organization

- 140 Officers currently assigned to the Division
- Conduct operations to combat illegal drug, prostitution, gambling and alcohol offenses
- Detectives work in street level, mid-level and task force units
- Staffing includes uniformed enforcement, an administrative squad, technical Squad and the Vice unit

Drug Complaints Received

| Complaints | 2014 | 2015 | 2016 |
|---------------------|------|------|------|
| Complaints Received | 2242 | 2141 | 2119 |

- In April 2016, Narcotic/Vice open complaints totaled 1929
- Violent crime involving narcotic related offenses was on the rise

2016 Initiatives

- **Violent Crime Task Force (VCTF)** –
Narcotic Street Squads were assigned to this task force with other units whose focus was violent crime reduction in the top 7 TAAGs in the City
- **Drug House Task Force (DHTF)** –
Collaboration of Detectives from several Narcotic Units and Vice directed to assess the complaints, work or close investigations

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Narcotics Division Activity

| Operations | 2014 | 2015 | 2016 |
|-----------------|-------------|---------------|-------------|
| Arrests | 724 | 930 | 932 |
| Operations | 797 | 831 | 917 |
| Weapons Seized | 325 | 375 | 457 |
| Currency Seized | \$2,027,600 | \$12,293,136* | \$4,915,422 |

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



Narcotics Division Drug Seizures

| Drug Type | 2015 | 2016 |
|-------------------------|---------|---------|
| Marijuana (lbs.) | 1,086 | 2,324 |
| Cocaine (grams) | 108,673 | 41,634 |
| Heroin (grams) | 23,695 | 44,639 |
| Methamphetamine (grams) | 765,643 | 871,729 |



2017 Initiatives

- Further reduction of narcotic complaints
- Community engagement forums in each patrol division – focus on narcotic education, reporting and complaint intake
- Nuisance abatement properties with Community Prosecution – focus on multiple complaint locations
- Strategic operations of Narcotics Division resources

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Asset Forfeiture



Asset Forfeiture Overview

- Asset Forfeiture (AF) is a powerful tool used by law enforcement agencies against criminals and criminal organizations to deprive them of their ill-gotten gains through seizure of these assets
- AF has ancient roots but evolved dramatically in the U.S. during the Reagan Administration assisting law enforcement agencies fighting the war on drugs

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Asset Forfeiture Overview, Cont.

- Today it is used to disrupt, dismantle, and deter those who prey on the vulnerable for financial gain, including criminal organizations, drug dealers, terrorist, and white-collar criminals
- AF is authorized under Federal Law (18 USC, 19 USC, 21USC) and Texas Law (CCP – Chapter 59)

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Seizures

- The Dallas Police Department's role in asset forfeiture is only in **seizures**
- The Federal and State attorneys decide which cases they will adjudicate and which they will not

Seizures, Cont.

- **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
- DPD receives notification from the respective government attorneys office when an award is made to us as a result of cases involving seizures

Seizures, Cont.

- **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. ***The property seized is potential evidence in a criminal case***
 - Judge determines probable cause pursuant to a sworn application for a search warrant
 - Otherwise probable cause is found by an officer pursuant to an exception of the warrant requirement
 - **In either instance, the law requires that there be probable cause linking the asset directly to criminal activity**

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All seizures made by the Dallas Police Department are completely in compliance with State and Federal laws



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 officer cases involving seizures are adopted by the federal agencies they are assigned to
- Dallas Police detective cases involving seizures are filed under the State of Texas Code of Criminal Procedure

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Equitable Sharing Program

- The Dallas Police Department participates in the Federal government equitable sharing program
- Proceeds of liquidated seized assets from asset forfeiture are shared between state and federal law enforcement authorities.

Equitable Sharing Program, Cont.

- A 1984 law set up the arrangement in which state and local police can share the seizures with federal agents
- **The City of Dallas urged Congress in 2016 to continue the program after it was suspended**

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 there is not enough evidence to file the case, so the money is returned
 - A ruling is made in Court and the City transfers funds to the State Confiscated fund per the Court ruling

- **Federal Confiscated Fund**

- Follow Equitable Sharing Rules and Regulations
- The Federal Government holds the seized money until a determination is made in court; and sends the City a check

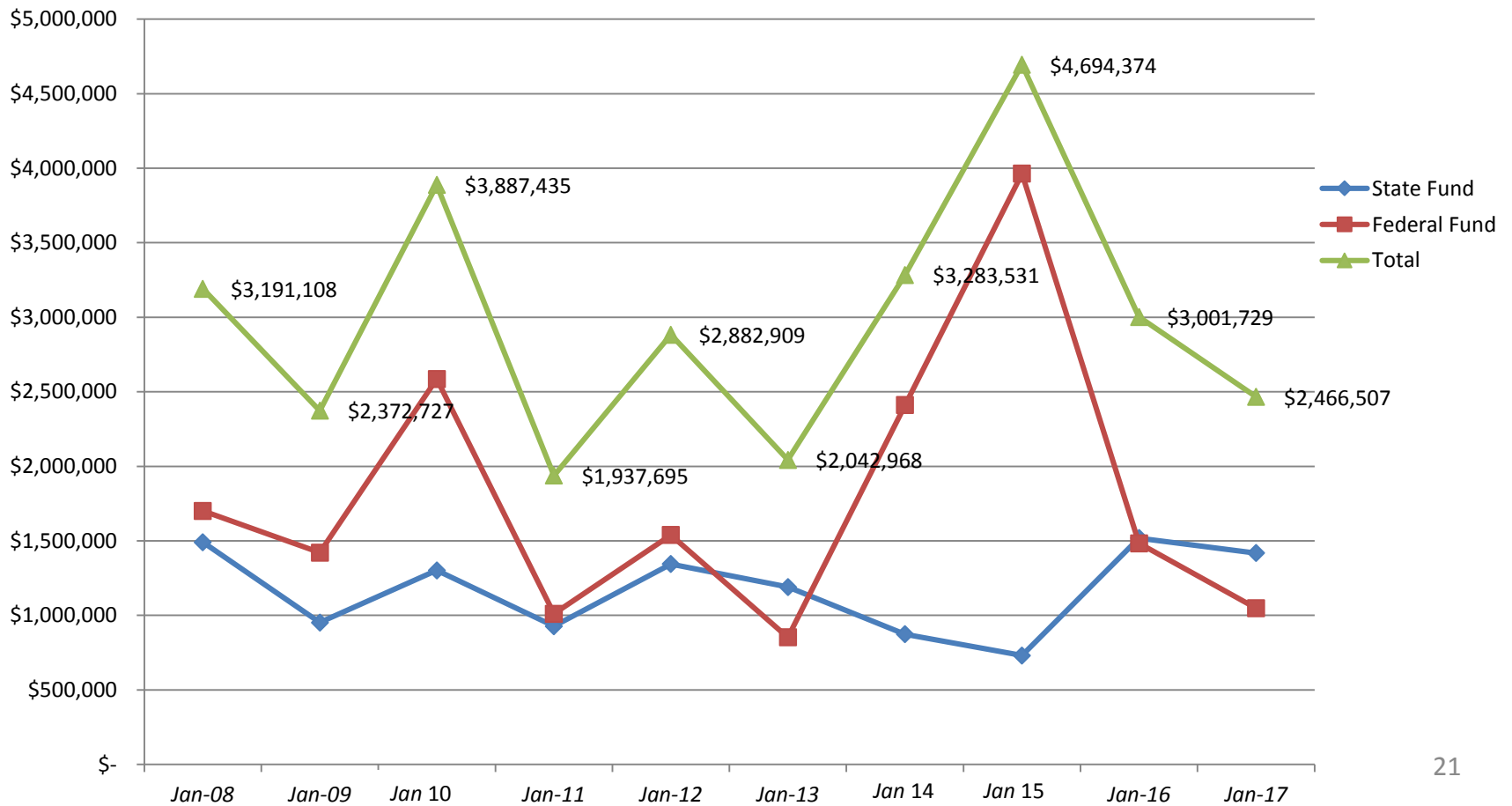
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What Does it Fund?

Confiscated money funds:

- Covert Operations for Vice and Narcotics
- Reoccurring TAAG Costs
- Fusion Center
- Equipment expenses (i.e. Taser Purchase)
- Overtime
- Southwestern Institute of Forensic Sciences Contract

10-Year Confiscated Fund History



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 Forfeiture is a vital tool used to combat criminal activity
- Asset Forfeiture takes the profit out of criminal activity
- Dallas Police Department is completely in compliance with state and federal laws

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