

FINANCIAL IMPACT STATEMENT For Council Action Items

183090

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Jenelee Meister		2. Telephone No. 3-0363	3. Bureau/Office/Dept. Police/Fiscal Svcs.
4a. To be filed (date) July 30, 2009	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst: July 30, 2009

1) Legislation Title:

* Authorize an Intergovernmental Agreement with Multnomah County for the purpose of providing civil forfeiture proceeds from drug crimes to the County. (Ordinance)

2) Purpose of the Proposed Legislation:

The law requires City agencies who seize property for forfeiture to enter into an Intergovernmental Agreement with the county in which property was seized to provide a portion of the forfeiture proceeds to the county.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

This legislation will bring approximately 62.5% of the proceeds from forfeited property to the City.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

There is no expense to the City as a result of this legislation.

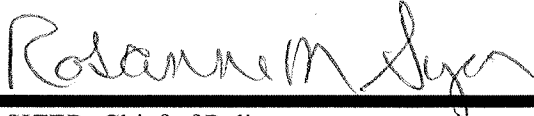
Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)

No positions will be created, eliminated or re-classified as a result of this legislation.

6) Will positions be created or eliminated in future years as a result of this legislation?

No positions will be created or eliminated in future years as a result of this legislation.



ROSANNE M. SIZER, Chief of Police

**CITY OF PORTLAND, OREGON****Bureau of Police**

Dan Saltzman, Police Commissioner

Rosanne M. Sizer, Chief of Police

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**City Council
Agenda Item
Staff Supplemental Report****TO:** Commissioner Dan Saltzman**THROUGH:** Channels**FROM:** Rosanne M. Sizer, Chief of Police**DATE:** July 27, 2009**RE: ORDINANCE TITLE:** * Authorize an Intergovernmental Agreement with Multnomah County for the purpose of providing civil forfeiture proceeds from drug crimes to the County. (Ordinance)**Requested Placement Date:** August 12, 2009**I. RECOMMENDATION**

If this ordinance meets your approval, please file it for Council action.

II. BACKGROUND

The 2009 Legislature enacted comprehensive forfeiture legislation in response to the passage of Ballot Measure 53, which amended the Oregon Constitution to clarify under what circumstances civil forfeiture can be undertaken.

More information is provided in the attached ordinance.

III. FINANCIAL IMPACT

None

IV. LEGAL ISSUES

None

V. CONTROVERSIAL ISSUES

The ability of police to forfeit property associated with crime has created an enormous amount of controversy in Oregon, as reflected in the long and complicated history of our forfeiture laws. Prior to 2000, all asset forfeiture was governed by a civil standard—meaning that a seizing agency only had to have probable cause to believe that the property was related to prohibited conduct in order to forfeit. The claimant bore the burden of proving that the property was not related to prohibited conduct in order to avoid forfeiture. In 2000, however, voters overwhelmingly approved Ballot Measure 3, which sharply curtailed the ability of seizing agencies to forfeit property. Among other things, the measure required a criminal conviction before property could be forfeited, and raised the standard of proof to “beyond a reasonable doubt.” It also generally prohibited the use of the proceeds of forfeiture to fund law enforcement. Ballot Measure 3 was immediately challenged in court, and while it languished in legal limbo, representatives from various law enforcement and civil liberties groups, including the ACLU, met to negotiate a new civil forfeiture statute. The results of that negotiation, Ballot Measure 53 retained the general prohibition of Ballot Measure 3 against forfeiture in the absence of a criminal conviction. It added some common sense exceptions, however, for abused animals, forfeiture against property claimed by a third-party straw man, or in circumstances where a claimant has turned a blind eye to the criminal conduct that led to the forfeiture of his or her property. It set the standard of proof as preponderance of the evidence if the property is personal property, and clear and convincing evidence if the property is real property. Ballot Measure 53 also allowed state and local law enforcement to keep 62.5% of the proceeds from civil forfeiture, but restricted the use of the money to equipment, education, cash flow for undercover “buys”, and administrative expenses associated with forfeiture. This year the Legislature passed a comprehensive implementing statute which became effective in May 2009. As a result of that legislation, local governments have once again started to pursue civil forfeiture.

VI. LINK TO CURRENT CITY POLICIES

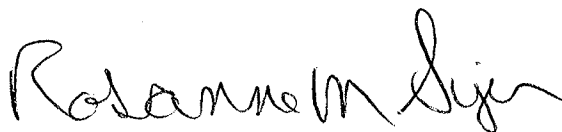
None

VII. CITIZEN PARTICIPATION

None

VIII. OTHER GOVERNMENT PARTICIPATION

None

IX. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? N/A WHAT IS THEIR BUSINESS LICENSE NUMBER? N/A IS THEIR ACCOUNT WITH THE CITY CURRENT? N/A IF NOT, HOW MUCH IS OWING? N/A

ROSANNE M. SIZER
Chief of Police