

**Memorandum
Police Department**

TO: Mayor & Council

FROM: Brenda Buren, Support Services Director

THROUGH: Tom Ryff, Police Chief

DATE: May 5, 2008

SUBJECT: Seized Asset Community Action (SACA) Grant Program

At the May 15, 2008 Issue Review Session, representatives from the Police Department and Tempe Community Council (TCC) would like to provide an update on the Seized Asset Community Action (SACA) grant program.

In recent months, two issues emerged that required the Police Department and TCC to reevaluate the existing SACA program. The first was the recognition that no mechanism currently exists through the TCC to market, request, or fund collaborative grants, and we have received a verbal request to consider funding a collaborative grant. The second was the recognition that a significant surplus has built up in the SACA account administered by the TCC. As a result, we are seeking direction from the Council on the process we have proposed to solidify the parameters of the program and resolve the identified issues.

Background

The Tempe Police Department has funded the SACA grant program for fifteen years with proceeds from adjudicated RICO (Racketeering Influenced and Corrupt Organizations) forfeitures. To date, approximately \$400,000 has been provided to the community via SACA grants to fund youth focused gang and drug prevention programs.

The TCC has served as an independent party, administering all aspects of the SACA grant program since its inception. Each year the TCC brings forward a recommended grant program for the review and approval of the Police Department Executive Team.

The original program guidelines provide for two types of grants, mini grants and collaborative grants. Mini grants are short term, typically summer programs, awarded to a single organization and require an application that meets program guidelines. Mini grants

have been funded at \$2,000 - \$3,500 each, collectively totaling \$25,000 to \$30,000 annually. Collaborative grants require a collaborative application, quarterly reports and evaluations, and have no specified funding limit. Until this year, only mini grants were marketed, requested, and funded; and as a result, the mini grant program has served as the SACA grant program.

Authority

State law limits the use of criminal assets seized under anti-racketeering statutes not used for law enforcement purposes to *gang prevention programs, substance abuse prevention programs, and substance abuse education programs*. The Tempe City Attorney's Office issued an opinion in September 1992, stating that given the SACA grant guidelines, the offering of SACA grants meets the intent of the law. As part of our recent SACA program review and update process, the City Attorney's Office reviewed the RICO statute and reaffirmed that the program meets the intent of the law.

Funding

The Tempe Police Department made a commitment in 1992 to fund the SACA grant program with proceeds from adjudicated RICO forfeitures. The commitment at that time was to provide 10% of net RICO proceeds to fund the program at a level of \$25,000 to \$30,000 annually. Currently, there is a significant surplus in the SACA grant program account managed by the TCC. With the obligation for 2007 there will be a SACA program balance of \$213,621 (a financial breakdown is provided below).

Process

To solidify the SACA program parameters and use the surplus funds in the most effective manner, the following process is proposed:

- 1) The traditional mini-grant program will continue through the regular process, with the exception of final approval. Rather than the Police Department Executive Team reviewing recommendations and making final funding decisions each year, we propose the Council provide final approval at an annual Council meeting. This process can be initiated for the 2008 mini grant program, with the exception of funding for Grad Night, which had to be approved by the Police Department to ensure funding was received in a timely manner. For this year, it is anticipated that the mini grants can be approved as early as the June 5, 2008 Council meeting.

- 2) Given the economic issues facing the City, we propose that a portion of the surplus funds remaining in the SACA account be returned to the Police Department to help address efforts to fight graffiti in Tempe. Specifically, we propose that \$85,000 be returned and used to purchase a vehicle that allows graffiti to be quickly and professionally removed.
- 3) To ensure that the existing parameters of the SACA program are honored, the TCC has established a mechanism to solicit a collaborative grant process this year. This process can be funded with a portion of the surplus funds remaining in the SACA account (see financial breakdown below). The TCC will use a process similar to the one they use for their larger, annual grant program.

This solicitation process, which they refer to as an RFP process, was opened on Monday, May 5, 2008, and will close on Monday, May 19, 2008. This information was sent to all prior SACA mini grant applicants, Tempe Human Service Agency review applicants, and was also posted on the TCC website. This process was initiated in an effort to coordinate timelines associated with the needs of applicants, and coordinate the proposed approval process for both the mini grant and collaborative components of the SACA program.

We propose that the Council review recommendations and provide final funding decisions for this portion of the SACA grant program at the June 5, 2008 Council meeting. It is anticipated that the available surplus funding for the collaborative portion of the SACA program will be exhausted through this process. As a result, it is likely that this portion of the SACA program will be a one-time occurrence.

- 4) To ensure that the primary historical focus of the program (which has been the mini grant program) is maintained, the Tempe Police Department will continue to fund the mini grant program with RICO proceeds. The program will be funded with 10% of net RICO proceeds, not to exceed \$30,000 annually. This will replace the past practice of simply providing 10% of net RICO proceeds annually.

Proposed Financial Breakdown

\$213,621	Existing SACA Balance *
(\$30,000)	Mini grant program for 2008
<u>(\$85,000)</u>	<u>Graffiti Removal Vehicle</u>
\$98,621	Available for Collaborative Grant Program

* The existing balance is comprised of:
 \$139,476 Allocated funds in the TCC account
 \$ 9,505 Interest in the TCC account, which is required by RICO legislation
\$ 64,640 2007 allocation not yet transferred from the Police Department to the TCC
 \$213,621