RECOMMENDATION

Staff recommends that Council approve expenditures in the amount of $26,000 from the Asset Seizure Fund to cover the purchase of gas masks.

BACKGROUND

The California Health and Safety Code governs the seizure and forfeiture of property associated with drug trafficking. Seizure typically occurs during arrest or service of search warrants related to the sales of narcotics, when Palo Alto police officers may recover property, drugs and cash to be used as evidence during prosecution. In Santa Clara County, a Deputy District Attorney is specifically assigned to handle asset forfeiture cases and to help local agencies properly process their cases. Monies seized by law enforcement agencies are held by the District Attorney’s Office in a special account until the related case(s) are adjudicated. The process of seizing funds is a civil proceeding, wholly independent of any criminal filing or conviction, and requires strict procedural adherence. At the conclusion of the Superior Court proceedings, seized funds are returned to the law enforcement agencies. Legislation mandates that these funds are not to be used to defer normal operating expenses or supplement the General Fund, but should be used for special purchases and projects associated with law enforcement activities. For the City of Palo Alto, these funds are deposited into a special Asset Seizure Fund and, with City Council approval, released for expenditure purposes. In the past, Council has approved the expenditure of asset seizure funds for the purchase of such items as a crime scene/accident measuring device, identity theft software and Automated Fingerprint Identification Software (AFIS).
**DISCUSSION**

Currently, the Asset Seizure Fund totals approximately $31,000. The Police Department proposes spending $26,000 for the purchase of gas masks. In the aftermath of September 11, law enforcement agencies across the country are being called upon to be better prepared to respond to terrorist threats, including events such as the recent anthrax and other bioterrorism threats. Although bio-terrorism is not a threat that the Palo Alto Police Department has had to face in the past, it is a very real possibility. As first responders, it is vital that the Department be well prepared both in terms of training and equipment. In order to provide for the highest level of officer safety, the Police Department plans to purchase personal gas masks for all sworn officers. While the Department purchased gas masks some years ago, they have become obsolete. The use of these new masks requires that each officer undergo a pulmonary exam, and that a mask fitting and seal test be performed on each individual mask. The total cost for one mask, including the pulmonary exam and seal test, is approximately $305. As this equipment is not something that had previously been included in the Department’s operating budget, staff proposes using $26,000 in Asset Seizure funds for the purchase of 85 masks. The additional $4,500 needed to purchase masks for the remaining officers will come from unexpended COPS grant funds.

**RESOURCE IMPACT**

In compliance with State requirements, the City has an established Asset Seizure Fund in which monies are deposited. If the staff recommendation is approved, a $5,000 balance will remain.

**ENVIRONMENTAL REVIEW**

This is not a project subject to CEQA requirements.

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