OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III
DISTRICT ATTORNEY

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June 19, 2012

The Honorable Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: District Attorney's Office
Investigative Task Force Grant
Immediate Consideration Requested

Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum requesting position changes and budget revisions in the District Attorney's Office budget, the purpose of which is to fund the Investigative Task Force.

Thank you for your immediate consideration of this matter. If this Honorable Body requires any further information, kindly contact the Office of the District Attorney and we will be happy to accommodate your request.

Very truly yours,

FRANK A. SEDITA, III
DISTRICT ATTORNEY

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ACCOMPANYING MEMORANDUM

To: Erie County Legislature
From: Frank A. Sedita, III, District Attorney
Date: June 19, 2012
Re: District Attorney's Office
Investigative Task Force
Immediate Consideration Requested

I. Summary of Recommended Action

The proposed resolution and accompanying memorandum request authorization to reallocate positions and budgeted funds. Specifically, we are requesting that three positions be transferred from the Investigative Task Force grant budget to the general fund, due to the elimination of New York State reimbursement.

II. Fiscal Implications of Proposal

In 2010, the District Attorney's Office received a grant from the New York State Division of Criminal Justice Services (DCJS). Its purpose was to create and fund an Investigative Task Force devoted to combating violent crime in Erie County. DCJS recently informed our office that there is no money to continue funding the Investigative Task Force beyond June 30, 2012. The cost to retain the three investigators assigned to the Investigative Task Force is approximately $119,000. Fortunately, the money required to fund these positions are found by the turnover savings from the District Attorney's Office. Accordingly, there will be ***no additional cost*** to County taxpayers.

III. Reason for Recommendation and Background of Proposal

Westchester County, a county with nearly the same population as that of Erie County, and with remarkably similar crime dynamics, funded 34 investigators for its District Attorney's Office. By contrast, Erie County provided funding for 13 investigators to its District Attorney's Office. This administration therefore began searching for other funding sources to ameliorate this woeful shortage of investigators.

In 2010, the District Attorney's Office received a $450,000, two-year grant award from DCJS. One objective of this grant was to enhance collaborative efforts between the District Attorney's Office and the Erie Crime Analysis Center (Crime Analysis Center), for the overall purpose of reducing firearm related crimes. The Crime Analysis Center, one of only four in New York State, provides an increased level of intelligence (i.e. identification of crime hotspots, crime patterns, likely suspects, etc.) to all county law enforcement agencies. In conjunction with the Crime Analysis Center, the Investigative Task force has concentrated its efforts on combating firearm related and other so-called "part-one" crimes such as Murder, Manslaughter, Sexual Assault, Robbery, Burglary, and Weapons' Possession.

The Investigative Task force is comprised of a Senior Chief Task Force Investigator and two Task Force Investigators (thus bringing our total allotment of investigators to 16, still less than half of the 34 funded by Westchester County). All of these seasoned law enforcement professionals had vast experience investigating violent crimes and held high ranking law enforcement positions before joining the District Attorney's Office.

Gun related violence is unacceptable in a civilized society and must be aggressively combated. That is why the District Attorney's Office places such a high priority on the aggressive prosecution of gun-related crimes and other violent felony offenses. The District Attorney's Office has adopted and enforced a no plea policy in gun cases. The practical result of this policy is mandatory incarceration in state prison for these violent offenders. Thorough and professional investigation is the foundation for any successful prosecution and an absolute pre-requisite for an aggressive policy designed to rid society of gun-toting criminals.

Criminals do not limit their nefarious activities to one particular city, town, or village. Despite the fact criminals rarely pay attention to geographical boundaries, coordination between the numerous police departments in Erie County is sometimes less than ideal and there are not enough seasoned police department detectives available to thoroughly investigate the vast number of firearm related crimes occurring within Erie County. Our investigators, including those assigned to the Investigative Task Force, bridge this gap.

Unlike local police departments, Investigative Task Force Investigators have county-wide jurisdiction. They work with Crime Analysis Center personnel, local police department detectives and field intelligence officers to review crime patterns and violent crimes in an effort to determine which cases may be connected and/or which cases are motivated by retaliation. Investigative Task Force Investigators also strive to identify those perpetrators who are serial offenders and/or commit their crimes in multiple city, town, and village locales. Once an offender is arrested, it is often necessary for investigators to perform follow-up investigation to make the case prosecutable. Our investigators, including those assigned to the Investigative Task Force, provide these critical services, especially when the offender has committed crimes in several locales.

Each Investigator concentrates in a specialized field, meets weekly with Crime Analysis Center personnel and focuses its energies on violent crimes such shootings, robberies, and pattern burglaries. The Task Force Investigators go out and conduct the necessary interviews, conduct identification procedures, collect forensic evidence, obtain witness statements, and attempt to obtain admissions from the suspect. The Task Force Investigators especially focus on serial crimes and/or offenders; i.e. offenders who repeatedly commit violent crimes, like Burglary or Robbery, in multiple jurisdictions.

The Investigative Task Force has assisted many local police agencies and has been especially successful in solving multi-jurisdictional crimes. For example, the Investigative Task Force has conducted 18 bank robbery investigations, resulting in 24 arrests as well as 30 other armed robbery investigations resulting in 14 arrests. The Investigative Task Force has solved six so-called "takeover robberies" (where the defendants wore masks and duct-taped the victims), that were committed in three different jurisdictions. Because of their efforts, five individuals were successfully prosecuted and sentenced to state prison. The Investigative Task Force has also successfully investigated burglaries, home invasions, and violent assaults. Because of these efforts, dozens of violent criminals are in prison, unable to continue victimizing the law-abiding citizens of Erie County.

The Investigative Task Force has also taken up important and necessary duties no longer performed by some area police departments. For example, one of the larger police departments in Erie County no longer maintains a warrant squad (i.e. a squad of officers whose task is to locate and arrest those wanted on warrants). The Investigative Task Force has led three major warrant sweeps resulting in 69 arrests.

Some police departments in Erie County are simply too small to perform other important functions, such as internal affairs investigations and homicide investigations. The Investigative Task Force has assumed some of these important duties. The Investigative Task Force has assisted several area police departments with internal investigations. The Investigative Task Force has also assisted several area police departments conduct homicide and child abuse investigations.

The Investigative Task Force has also assisted larger agencies, such as the Drug Enforcement Administration (DEA). For example, the Investigative Task Force was a key partner in a six-month investigation involving guns, drugs and gang activity in the City of Buffalo.

Finally, the Investigative Task Force has been at the forefront of proactive forensic investigation as exemplified by the collection of nearly 400 DNA samples from known offenders in Erie County, during a recent DNA collection sweep.

Current funding expires as of June 30, 2012, and DCJS has now indicated to our office that there will not be funding for these positions because of drastic cuts in so-called Byrne funding (i.e. federal stimulus funds).

Based upon their exemplary performance, the investigators assigned to the Investigative Task Force are an invaluable asset to the citizens of Erie County. It should be noted that funding no longer tied to DCJS grant requirements will provide more flexibility in how to use the investigators assigned to the Investigative Task Force. For example, the District Attorney's Office would be able to use these experienced and proven investigators to help investigate other crimes, such a Domestic Violence Offenses and Vehicular offenses, like Vehicular Manslaughter and Leaving the Scene of a Fatal Incident.

Finally, it is important to note that retaining the services of these proven investigators, results in a total of 16 investigators, which is still ***less than half*** that provided to a county in New York State most similarly situated to that of Erie County.

IV. Consequences of Negative Action

Failure to approve this request will result in the loss of highly qualified, highly motivated and proven law enforcement professionals whose efforts have resulted in the successful prosecution of dozens of violent felons. The law-abiding citizens of Erie County are safer because of their efforts. Conversely, public safety will suffer should the District Attorney's Office be forced to lay off these dedicated, professional investigators.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Budget and Management and the Department of Personnel to implement this proposal.

Frank A. Sedita, III
Erie County District Attorney

PROPOSED RESOLUTION

Re: District Attorney's Office
Investigative Task Force
Immediate Consideration Requested

WHEREAS, the Division of Criminal Just Services provided the Erie County District Attorney with a two year grant award to develop an Investigative Task Force within the District Attorney's Office to work in collaboration with the Erie Crime Analysis Center in order to combat Part One crimes in Erie County; and

WHEREAS, funds which had been made available to the District Attorney's Office for the purpose of creating such task force for a two year period, have now been discontinued by DCJS as of July 1, 2012; and

WHEREAS, in order for the Erie County District Attorney to retain these experienced and high performing personnel to continue the invaluable work of the District Attorney's Investigative Task Force, it is important that the position of Senior Chief Task Force Investigator and two positions of Task Force Investigator be transferred from the grant and become part of the 110 General Budget, and

WHEREAS, salaries for these positions for the remaining six months of 2012 (twelve pay periods), to reflect changes taking place as of July 1, 2012, can be paid for by using the District Attorney's savings in his personal services line, and

WHEREAS, the Erie County District Attorney's staff reorganization and salary authorizations will require no additional cost to taxpayers and will be implemented while keeping within the District Attorney's adopted appropriations for 2012, and

WHEREAS, Section 2607 of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget;

NOW, THEREFORE, BE IT

RESOLVED, that the 114TASKFORCE1213 grant previously authorized in Book B of the 2012 Erie County Adopted Budget be deleted in its entirety; and

RESOLVED, that effective July 1, 2012, the two positions of Task Force Investigator (#51008563 and #51008564) and the position of Senior Chief Task Force investigator (#51008565) be transferred from fund 281, cost center 1140050, grant 114TASKFORCE1213, to fund 110, fund center 11400, cost center 1140030 (B100 #6907 and #6908); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the District Attorney's budget, to be adjusted as follows:

Fund 110, Center 11400

	INCREASE
500000 Full Time Salaries	$ 92,500
502000 Fringe Benefits	26,500
Total Appropriations	$ 119,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, Erie County Personnel, Erie County Comptroller and the Director of Budget and Management.