OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III
DISTRICT ATTORNEY

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July 10, 2012

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

Re: District Attorney's Office
Operation IMPACT IX Grant – Personnel Change
Immediate Consideration Requested

Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the District Attorney's Office requesting a position changes and budget revisions in the Operation IMPACT IX Grant Budget.

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

Very truly yours,

FRANK A. SEDITA, III
DISTRICT ATTORNEY

FAS/lh

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ACCOMPANYING MEMORANDUM

To: Erie County Legislature
From: Frank A. Sedita, III, District Attorney
Date: July 10, 2012
Re: Operation IMPACT IX Grant
Immediate Consideration Requested

I. Summary of Recommended Action

The proposed resolution and accompanying memorandum request authorization to reallocate funds and create a new position in the Operation IMPACT IX Grant for the 2012 to 2013 grant year, in accordance with the final approved grantor contract. We are requesting the deletion of one Assistant District Attorney III, JG 14, and the creation of an Assistant District Attorney V, JG 16.

II. Fiscal Implications of Proposal

Funds in the approved 2012 Erie County Operation IMPACT Grant Budget are being reallocated to properly reflect the increased spending levels approved by the grantor. There will be no impact to county tax dollars.

III. Reason for Recommendation and Background of Proposal

This recommendation will allow the Operation IMPACT Grant amounts as listed in the 2012 Budget Book B to be realigned with the final grantor approved appropriation levels. Program amounts as listed in the 2012 Budget Book B for the Operation IMPACT grant were provided approximately one year prior to receiving a fully executed contract from the grantor. Consequently, the actual grant award differs from the approved appropriation levels. Among other positions, the IMPACT grant has funded four Assistant District Attorney III (JG14) positions for a number of years. As a result of our grant application, DCJS has replaced one of those ADA IIIs with increased funding to allow for a Senior Impact ADA, funded at the level of an Assistant District Attorney V, JG16.

The Senior Assistant District Attorney under Operation IMPACT will prosecute higher level and higher profile felony cases meeting the IMPACT criteria. The Senior ADA will act as the gang and gun liaison to Operation IMPACT, attending the monthly IMPACT meetings. S/he will be responsible for keeping in contact with officers and detectives on the street to gain knowledge of Buffalo's gang population. The Senior ADA will also maintain a full caseload, utilizing a vertical prosecution strategy. Recognizing the need to further enhance the collaboration between law enforcement, intelligence and prosecution, the DA's Office is proposing a change to the IMPACT team by creating the position of Senior IMPACT ADA who would act as a liaison to the law enforcement and intelligence components of the IMPACT partnership. This position would keep abreast

of all IMPACT priority areas in addition to gang and gun activity in the City of Buffalo. In addition, this position would handle more serious felony level crimes and act as a resource to three junior ADA's.

IV. **Consequences of Negative Action**

Failure to approve this request could result in the diminished effect of the Operation IMPACT Grant on the residents of Erie County; grant funds will not be accurately recorded since actual grant award allocations differ from previously approved appropriations. If grant objectives and tasks are not met, the funding for eight employees will be lost.

V. **Steps Following Approval of Measure**

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

Frank A. Sedita, III
District Attorney

PROPOSED RESOLUTION

Re: District Attorney's Office
Operation IMPACT IX Grant

WHEREAS, the District Attorney through the Operation IMPACT Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Operation IMPACT Grant Budget in Book B for 2012; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes positions and funding levels different from the adopted budget;

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to delete position #455, Assistant District Attorney III (B-100 #6910) from the Operation IMPACT grant of the District Attorney's Office; and be it further

RESOLVED, that effective July 1, 2012, authorization is hereby provided to create one position of Assistant District Attorney V in the District Attorney's Operation IMPACT Grant (B-100 #6910) and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Operation IMPACT Grant to match authorized state funding levels, to be adjusted as follows:

OPERATION IMPACT GRANT
114IMPACT1213
July 1, 2012 – June 30, 2013

	ORIGINAL	CHANGE	FINAL
Revenue			
409000 State Revenue	$ 529,600	$ 28,800	$ 558,400
479000 County Share Contribution	208,161	- 0 -	208,161
Total Revenue	$ 737,761	$ 28,800	$766,561

	ORIGINAL	CHANGE	FINAL
Appropriation			
500000 Full Time Salaries	$ 458,649	$ 12,811	$ 471,460
502000 Fringe Benefits	262,612	14,989	277,601
510100 Out of Area Travel	1,500	1,000	2,500
911400 ID DA Services	15,000	- 0 -	15,000
Total Appropriations	$ 737,761	$ 28,800	$ 766,561

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments, and be it further,

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