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OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III
DISTRICT ATTORNEY

February 14, 2011

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

Re: District Attorney's Office
Distributions of Profits from the Sale of Illegal Knives

Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum requesting authorization to revise budget appropriations for funding received from the New York County District Attorney's Office for the investigation and prosecution of crimes under Penal Law Article 265.

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

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "Frank A. Sedita, III".

FRANK A. SEDITA, III
DISTRICT ATTORNEY

/lh
ENC.

ACCOMPANYING MEMORANDUM

To: Erie County Legislature
From: Frank A. Sedita, III, District Attorney
Date: February 14, 2011
Re: District Attorney's Office
Distributions of Profits from the Sale of Illegal Knives

I. **Summary of Recommended Action**

The proposed resolution and accompanying memorandum request authorization to reallocate funds to provide performance /service based bonuses to current Assistant District Attorneys that specifically investigate and prosecute crimes under Penal Law Article 265.

II. **Fiscal Implications of Proposal**

The District Attorney's Office has received \$14,438.00 from the New York County District Attorney's Office, as a result of its investigation in to the sale of illegal knives by local and national retailers doing business in New York. These funds are to be used in the fight against weapons violence, specifically in the investigation and prosecution of crimes under Penal Law Article 265. The District Attorney is requesting authorization to utilize these monies to provide performance based bonuses to various Assistant District Attorneys who prosecute these cases. There is no impact to County tax dollars.

III. **Reasons for Recommendation and Background of Proposal**

These monies are result of an investigation by the New York County District Attorney's office into the sale of illegal knives by retailers doing business in New York. The principal purpose of their efforts is to educate retailers that simple possession of these knives is illegal in New York and to educate the public more generally about knife violence and the dangers inherent in illegal knives. To that end, businesses in New York State stopped immediately selling illegal knives. Under an agreement with the New York County District Attorney's Office these retailers were required to turn over its profits earned from such illegal knife sales over a four-year period. To date, New York County has received \$1.9 million, of which they have reserved a substantial portion for law enforcement partners, namely all other New York District Attorney's Offices.

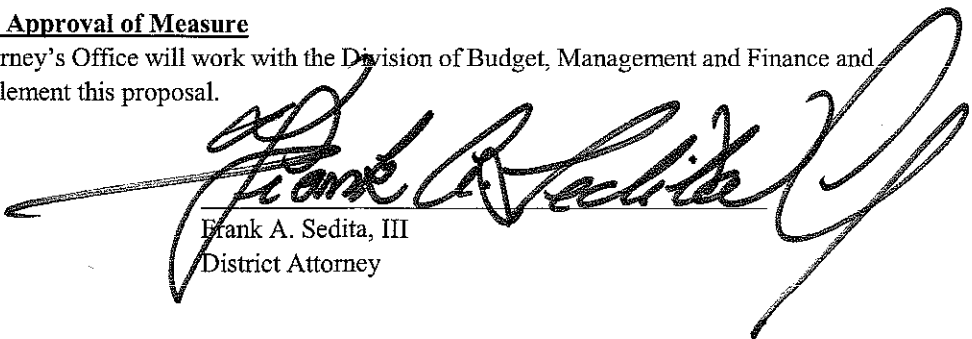
The funds received from New York County are only to be used for purposes of investigation and prosecution of crimes under Penal Law Article 265. Consequently, we feel we should award a few prosecutors who have worked hard and effectively on weapons cases.

IV. **Consequences of Negative Action**

We expect that the allocation of these funds will result in improving the retention of experienced prosecutors in Erie County and thus resulting in greater successful prosecutions, including those for the illegal possession and/or use of dangerous knives.

V. **Steps Following Approval of Measure**

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



Frank A. Sedita, III
District Attorney

PROPOSED RESOLUTION

Re: District Attorney's Office
Distributions of Profits from the Sale of Illegal Knives

WHEREAS, funds for the investigation and prosecution of crimes under Penal Law Article 265 have been made available to the District Attorney's Office from the New York County District Attorney's Office in the amount of \$14,438, and

WHEREAS, these funds will be utilized in the rewarding of current staff by providing for performance based bonuses to Assistant District Attorneys to be given at the discretion of the District Attorney in accordance with the uses specified by the receipt of these monies, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the 2011 General Fund of the District Attorney, Fund 110, Fund Center 11400 as follows:

| | <u>INCREASE</u> |
|-----------------------------------|------------------|
| Revenues | |
| 466130 Other Unclassified Revenue | <u>\$ 14,438</u> |
| Appropriations | |
| 500000 Full time salaries | \$ 12,414 |
| 502000 Fringe Benefits | <u>2,023</u> |
| | <u>\$ 14,438</u> |

and be it further,

RESOLVED, the Department of Personnel is authorized to pay bonuses as per the discretion of the District Attorney, 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 and the Director of Budget, Management and Finance.