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OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

MICHAEL J. FLAHERTY, JR.

ACTING DISTRICT ATTORNEY

September 7, 2016

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

Re: District Attorney's Office
Asset Forfeiture Appropriations

Honorable Members:

Enclosed please find a proposed resolution and an accompanying memorandum from the District Attorney's Office requesting authorization to transfer and appropriate the District Attorney's Asset Forfeiture funds to be used to support local non-profit organizations in their missions to help prevent crime and reduce violence.

If your 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,

A handwritten signature in black ink, appearing to read "Michael J. Flaherty, Jr.", followed by a large, stylized flourish or "J" shape.

MICHAEL J. FLAHERTY, JR.
ACTING DISTRICT ATTORNEY

MJF/lh

Comm. 18E-14

ACCOMPANYING MEMORANDUM

To: Erie County Legislature
From: Michael J. Flaherty, Jr., Acting District Attorney
Date: September 7, 2016
Re: District Attorney's Office
Asset Forfeiture Appropriations

I. Summary of Recommended Action

Authorization is requested pursuant to regulations promulgated under 21 U.S.C. § 881(e) and 19 U.S.C. § 1616a, to transfer and appropriate \$20,000 of the District Attorney's Asset Forfeiture funds to be used to support community based programs whose missions are supportive of law enforcement efforts. Authorization is requested to provide funding to the following agencies:

1. WNY Anti-Violence Project
2. Metro Community Development Corporation/Delavan Grider Community Center
3. Buffalo United Front
4. Butler Mitchell Alumni Association – City Kids Summer Camp Program

II. Fiscal Implications of Proposal

There will be no impact on County tax dollars. Necessary funds are currently available in the District Attorney's Assets Forfeiture Trust fund.

III. Reason for Recommendation and Background of Proposal

As a result of successful prosecutions, the District Attorney's Office continuously receives a share of forfeited funds from the Federal government through the US Department of Justice's Equitable Sharing Program. These funds are initially deposited into a separate trust fund whereby they can earn interest on a daily basis. As the forfeiture regulations dictate, forfeiture monies are to be used by the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts. The District Attorney is requesting the authorization to transfer \$20,000 from the trust fund and appropriate the funds in its 'SAFDA' program to be used to provide funding to various organizations whose missions we support.

The Guide to Equitable Sharing for State and Local Law Enforcement Agencies (July 2014), Section V.B.1.1 states that agencies may spend forfeiture monies in support of community-based programs. Specifically, the Guide states that shared funds of up to \$25,000 annually may be transferred to community non-profit organizations (501(c) (3) or (4)) whose missions are supportive of and consistent with a law enforcement effort, policy, and/or initiative.

1. WNY Anti-Violence Project - The Western New York Anti-Violence Project supports gay, lesbian, bisexual, transgendered, and queer, questioning or gender non-conforming victims of violence, and to work to lessen and prevent violent crimes against the LGBTQ community.

2. Metro Community Development Corporation/Delavan Grider Community Center To provide a holistic approach to the delivery of services and to help at-risk youth, provides anger management counseling and job training skills for the residents of the community. Metro Community Development Corporation's mission is to aid, assist, develop, foster, residing in the Delavan-Grider area of the Masten District of the City of Buffalo.

3. Buffalo United Front - Buffalo United Front (BUF) collaborates with front-line organizations and individuals working to reduce youth violence in the City of Buffalo. BUF provides and fosters support of individuals, organizations and neighborhood groups focused on youth violence prevention and intervention.


4. Butler Mitchell Alumni Association – City Kids Summer Camp Program - Butler Mitchell Alumni Association's mission is to improve the immediate and future quality of life for the youth of our city through educational, recreational, and cultural activities. These ideals are offered in collaboration with all community-based organizations and youth service agencies. This collaborative rationale is part of an effort to maximize and support, not duplicate, opportunities furnished to area youth.

Consequences of Negative Action

The funding being provided to these agencies will help to improve their objectives in preventing crime, increasing communication.

IV. Steps Following Approval of Measure

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


Michael J. Flaherty, Jr.
Acting District Attorney

PROPOSED RESOLUTION

Re: District Attorney's Office
Asset Forfeiture Appropriations

WHEREAS, pursuant to 21 U.S.C. § 881(e) and 19 U.S.C. § 1616 the US Department of Justice's guidelines for expenditure of seized assets allows for the transfer of monies to non-profit agencies whose missions are consistent with those of a law enforcement effort, policy, and/or initiative up to \$25,000 annually, and

WHEREAS, the Erie County District Attorney's Office has identified various organizations which meet the criteria necessary to receive said monies, and

WHEREAS, the source of funds for the above mentioned items will be paid from the District Attorney's asset forfeiture proceeds, and it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE BE IT

RESOLVED, that \$20,000 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA", and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
BUSINESS AREA: 114 COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

Revenue

421550 Forfeiture Crime Proceeds	<u>\$ 20,000</u>
Total Revenue	<u>\$ 20,000</u>

Appropriation

516000 Non-profit Subsidy	<u>\$ 20,000</u>
Total Appropriations	<u>\$ 20,000</u>

and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes one-time direct payments of Five Thousand (\$5,000) Dollars each to WNY Anti-Violence Project; Metro Community Development Corporation/Delavan Grider Community Center; Buffalo United Front; and Butler Mitchell Alumni Association – City Kids Summer Camp Program to be paid from account 516000 Non-Profit Subsidy; and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate, and be it further

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