December 17, 2019

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

Re: District Attorney’s Office – Buffalo City Swim Racers Funding
Immediate Consideration Requested

Honorable Members:

Enclosed please find a resolution and accompanying memorandum from the District Attorney’s Office regarding Asset Forfeiture Appropriations.

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

Very truly yours,

JOHN J. FLYNN
DISTRICT ATTORNEY

JFJ/lh
MEMORANDUM

To: Erie County Legislature
From: John J. Flynn, District Attorney
Date: December 17, 2019
Re: District Attorney’s Office – Buffalo City Swim Racers Funding
   Immediate Consideration Requested

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 $15,000 of the District Attorney’s Asset Forfeiture funds to be used for law enforcement purposes as per forfeiture regulations allow.

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 Guide to Equitable Sharing for State and Local Law Enforcement Agencies (July 2018), Section V.B.1.k 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.

We are requesting authorization to provide $15,000 to support Buffalo City Swim Racers, Inc. (BCSR) This non-profit organization creates opportunities for underserved students to foster lifelong habits, including being physically active, eating healthy, performing academically and exhibiting positive behaviors. By attracting underserved students, the BCSR plays an important role in strengthening our community by blending swimming and academic enrichment as a strategy for improving schools and building neighborhoods. BCSR programming occurs during “at-risk” times when violent juvenile crimes triple. Providing this funding to BCSR, to aid in the purchase of uniforms and equipment, fosters the goals of the District Attorney’s Office to help keep at-risk youth engaged in positive activities.

IV. Consequences of Negative Action
The funding being provided to this agency will help them to meet their objectives and support our law enforcement efforts in order to keep the residents of Erie County safe.
V. **Steps Following Approval of Measure**
The District Attorney's Office will work with the Division of Budget and Management and Comptroller's Office to implement this proposal.
RESOLUTION
SUBMITTED BY THE DISTRICT ATTORNEY

Re: District Attorney’s Office - Buffalo City Swim Racers Funding
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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 an organization as a valuable agency which aids law enforcement efforts and 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 $15,000 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
2019
BUSINESS AREA: 114 COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

Revenue
421550 Forfeiture Crime Proceeds $15,000
Total Revenue $15,000

Appropriation
516010 Contract Payments – Non-Profit $15,000
Total Appropriations $15,000

and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes a direct payment of fifteen thousand dollars ($15,000) to Buffalo City Swim Racers, Inc. to be paid from account 516010 Non-Profit Subsidy in fiscal year 2019; 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.