

STRICKEN END OF YEAR 2017
AMENDED COPY AS OF 11/16/2017

Intro. Res. No. 1892-2017

Laid on Table 11/8/2017

Introduced by Legislators Calarco and Hahn

**RESOLUTION NO. -2017, ADOPTING LOCAL LAW
NO. -2017, A LOCAL LAW TO PROVIDE LEGISLATIVE
OVERSIGHT OF ASSET FORFEITURE FUNDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 8, 2017, a proposed local law entitled, "**A LOCAL LAW TO PROVIDE LEGISLATIVE OVERSIGHT OF ASSET FORFEITURE FUNDS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2017, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROVIDE LEGISLATIVE OVERSIGHT OF
ASSET FORFEITURE FUNDS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk receives significant sums of money from New York State and the federal government through asset forfeiture.

This Legislature also finds that forfeiture monies are not deposited in the General Fund, are considered "off budget" items and are held and expended at the discretion of the County's law enforcement agencies -- the Police Department, Probation Department, the Sheriff and District Attorney.

This Legislature finds that in an effort to increase transparency, accountability and oversight of asset forfeiture monies, the County Legislature enacted Local Law No. 6-2017. This local law restored the County Comptroller's authority to audit forfeiture funds held by the Police Department, Probation Department, Sheriff and District Attorney and determine "the regularity, legality and correctness of appropriations and expenditures made in connection with such funds."

This Legislature also determines that since Local Law No. 6-2017 was enacted, it has been reported by the news media that the District Attorney's office has used forfeiture monies to pay "bonuses" to certain assistant district attorneys. These bonuses were apparently paid at the sole discretion of the District Attorney without the knowledge, much less the approval, of the County Legislature, the policymaking and appropriating body of the Suffolk County government.

This Legislature also finds that while the payment of these so-called bonuses may have been technically permissible under federal and state guidelines, they have skewed and distorted the County's salary plan by rewarding certain exempt employees in a department that has access to forfeiture monies.

This Legislature concludes that it is now exceedingly clear that stronger legislative oversight of asset forfeiture monies is required to ensure transparency and guarantee that forfeiture monies are used in an appropriate manner.

Therefore, the purpose of this local law is to prohibit the use of asset forfeiture monies to pay employee salaries, excepting overtime costs, and to require legislative approval when asset forfeiture monies are expended by any County department or agency.

Section 2. Prohibition.

No County department, office or agency may use asset forfeiture proceeds it receives from the federal or state government to pay salary or compensation to any employee of that department, office or agency, except to pay overtime as documented by an employee's time sheet or when the use of forfeiture proceeds to pay salaries is mandated by federal or state law, rule or regulation.

Section 3. Legislative approval required.

No County department, office or agency shall expend asset forfeiture proceeds, in amount of \$1,000 or more, it received from the federal or state government unless such use or expenditure is first approved by the Public Safety Committee of the Suffolk County Legislature, or any successor committee. Any vote of the Public Safety Committee on expenditures of forfeiture proceeds shall be recorded in compliance with New York Public Officers Law.

Section 4. Applicability.

This law shall apply to the use or expenditure of asset forfeiture proceeds occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND

REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: