

36279

October 3, 2013

TO: Board of Acquisition and Contract

FROM: George N. Longworth, Commissioner-Sheriff
Department of Public Safety

RE: Resolution authorizing the County of Westchester to enter into an agreement from September 30, 2013, through September 29, 2014, with the United States of America, acting by and through its Drug Enforcement Administration permitting Westchester County, acting by and through its Department of Public Safety to continue participation in the Westchester County Drug Enforcement Task Force

Authority is sought for the County of Westchester (the "County") to enter into an agreement commencing September 30, 2013, and terminating September 29, 2014, with the United States of America, acting by and through its Drug Enforcement Administration ("DEA") permitting Westchester County, acting by and through its Department of Public Safety, to continue participation in the Westchester County Drug Enforcement Task Force ("Task Force"). This participation consists of the County's assignment of one (1) lieutenant/sergeant and up to a maximum of three (3) detectives to the Task Force. The agreement provides for reimbursement of a high percentage of overtime expenses for participating agencies.

Assets seized during investigations will be forfeited and shared in accordance with the Attorney General's Guidelines on Seized and Forfeited Property. Accordingly, the Department of Justice, acting by and through the Drug Enforcement Administration, will retain twenty percent of the net proceeds from each item seized, and the remaining eighty percent will be deposited into a fund approved by the Policy Board of the Task Force. Subject to availability of funds, funds shall be provided to purchase vehicles for assigned task force officers, payment for maintenance on those vehicles, and other expenses. Any remaining funds will be divided equitably among participating members of the Task Force.

The public purpose of this agreement is to disrupt the illicit drug traffic in the Westchester area by immobilizing targeted violators and trafficking organizations and to gather and report intelligence data relating to trafficking in narcotics and dangerous drugs and conduct undercover operations where appropriate and engage in traditional methods of investigation in order that the task force's activities will result in effective prosecution before the courts of the United States and the State of New York.

The goals and objectives of this program are to continue the operation of the Westchester County Task Force ("WCTF") in its efforts to investigate and prosecute illicit drug trafficking in Westchester County. As drug trafficking increases nationwide, DEA recognized the need for

cooperation and coordination of drug enforcement efforts with their state and local counterparts. This cooperation provides several advantages to all participating agencies such as Westchester County.

The County's participation in the WCTF facilitates the exchange of narcotics intelligence between local and federal law enforcement. When narcotics investigations reach beyond the county and state, the WCTF has been an invaluable asset in assisting in such investigations. And conversely, investigations that do not meet the threshold for federal prosecution are often turned over to local law enforcement for further action. Having our own people within the WCTF facilitates the coordination of effort in these often time sensitive issues.

The WCTF also adopts cases from other local departments so the defendants can be prosecuted federally and face stiffer mandatory sentences, which reduce recidivism and encourage a high percentage of defendants to cooperate. This cooperation often leads to quicker convictions, additional arrests and the development of future cases. The WCTF also adopts seizures of U.S. currency, which results in a higher return to the Department of Public Safety and other local departments.

The goals and objectives of this program will support the public health, safety and/or welfare by removing large quantities of drugs destined for the streets of Westchester. By collaborating enforcement activities of County and local law enforcement agencies, they will be more able to thwart illegal drug activity that has a substantial and detrimental effect to the health and welfare of the people in Westchester County and its surrounding areas.

The goals and objectives of this program will be tracked and monitored by the WCTF Policy Board and the participating police agencies. All officers assigned to the WCTF shall adhere to DEA policies, procedures and guidelines including conduct, property, reporting systems, evidence handling and use of firearms. The WCTF shall maintain all such reports and records for audit and examination.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

Federal money will finance 100% of the overtime cost incurred by the County for this program. The overtime cost will be at or below a maximum reimbursement allowed by the DEA in an amount of \$51,606.75.

This grant agreement with DEA is not a procurement and is not subject to the County Procurement Policy.

Wherefore, authority is respectfully sought for the County of Westchester to enter into this agreement.

GNL/CC/cs
Attachment

RESOLUTION

Upon a communication from the Commissioner-Sheriff, Department of Public Safety, be it hereby

RESOLVED, that authority is hereby granted to the County of Westchester to enter into an agreement with the United States of America, acting by and through its Drug Enforcement Administration authorizing Westchester County, acting by and through its Department of Public Safety, to continue participation in the Westchester County Drug Enforcement Task Force (“Task Force”) for a term commencing September 30, 2013 and terminating September 29, 2014.

RESOLVED, that this participation consists of the assignment by the County of one (1) lieutenant/sergeant and up to a maximum of three (3) detectives to the Task Force, and be it further

RESOLVED that this Agreement is subject to County appropriations; and be it further

RESOLVED that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Hospital, then the Hospital shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive, or his authorized designee, and hereby is authorized to enter into and execute this agreement for the County of Westchester.

Account to be Charged/credited Revenue	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	101	38	2000	9818		TBD

Budget Funding Years 2013 - 2014
(must match resolution)

Start Date 9/30/13

End Date 09/29/14

Funding Source
\$ _____
(must match resolution)

Tax Dollars _____
State Aid _____
Federal Aid TBD _____
Other _____