

52581

DATE: August 16, 2016

TO: Board of Acquisition and Contract

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

RE: Authority to, a.) enter into one or more Federal Equitable Sharing Agreements with departments of the United States, for the years 2015, 2016, and on an annual and ongoing basis thereafter, when and as required by the departments of the United States, in order to authorize the County to seek and receive an 'equitable share' of asset seizures and forfeitures in which the County plays a role, and b.) sign and submit, for both currently-outstanding seizures and forfeitures and on an ongoing basis thereafter, such completed request forms as may be required by the United States for each request from the County for its 'equitable share' of an asset seizure and forfeiture in which the County played a role.

Both the United States Department of the Treasury (the "Treasury") and the United States Department of Justice (the "DOJ") regularly obtain assets through seizures and forfeitures related to their respective law enforcement operations. The County of Westchester (the "County") plays a role in some of those asset seizures and forfeitures and, accordingly, is theoretically entitled to seek and receive an 'equitable share' of such assets. However, in order for the County to be authorized to seek and receive such a share, the County must have in place a Federal Equitable Sharing Agreement (a "FESA") with each of the Treasury and the DOJ. These FESAs are required to be executed by the County with each of the Treasury and the DOJ on an annual basis.

Accordingly, authority is hereby requested for the County, acting by and through its Department of Public Safety, to enter into one or more FESAs with the Treasury and the DOJ, for the years 2015, 2016, and on an annual and ongoing basis thereafter, when and as required by the Treasury and the DOJ, in order to authorize the County to seek and receive an 'equitable share' of asset seizures and forfeitures in which the County plays a role (collectively, the "Annual and Ongoing FESAs").

As part of seeking an 'equitable share' of asset seizures and forfeitures in which the County plays a role, the County is required by the Treasury and the DOJ to submit a request for such share. Presently, the County is required by the Treasury and the DOJ to sign and submit, respectively, a completed Form OMB No. 1505-0152, entitled "Request for Transfer of Property Seized/Forfeited by a Treasury Forfeiture Fund Participating Agency", (the "Current Treasury Form") or completed Form DAG-71, entitled "Equitable Sharing Request Form", (the "Current

DOJ Form”). However, the particular request forms that are required by the Treasury and the DOJ may, of course, change in the future.

Accordingly, authority is also hereby requested for the County, acting by and through its Department of Public Safety, to sign and submit, for both currently-outstanding seizures and forfeitures and on an ongoing basis thereafter, such completed Current Treasury Forms and Current DOJ Forms, or successor forms or other request forms, as may be required by the United States, for each request from the County for its ‘equitable share’ of an asset seizure and forfeiture in which the County played a role (collectively, the “Request Forms”).

The Annual and Ongoing FESAs will serve a public purpose by authorizing the County to seek and receive an ‘equitable share’ of asset seizures and forfeitures made by the Treasury and the DOJ in which the County plays a role. The Request Forms will serve a public purpose by serving as the County’s actual request for its ‘equitable share’ of asset seizures and forfeitures made by the Treasury and the DOJ in which the County plays a role, and thereby facilitating the County receiving such share.

The goal and objective of the Annual and Ongoing FESAs is to authorize the County to seek and receive an ‘equitable share’ of asset seizures and forfeitures made by the Treasury and the DOJ in which the County plays a role. The goal and objective of the Request Forms is for them to serve as the County’s actual request for its ‘equitable share’ of asset seizures and forfeitures made by the Treasury and the DOJ in which the County plays a role, and thereby facilitate the County receiving such share.

The goals and objectives of the Annual and Ongoing FESAs and the Request Forms are in the best interests of the County in terms of fiscal responsibility, as they will, collectively, enable the County to ultimately come into possession of its ‘equitable share’ of asset seizures and forfeitures made by the Treasury and the DOJ in which the County plays a role.

The goals and objectives of the Annual and Ongoing FESAs and the Request Forms will be tracked and monitored by the staff of the Department of Public Safety.

I respectfully recommend your Honorable Board’s approval of the attached resolution.

GNL/JH/bdm/nn

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Public Safety, is hereby authorized to enter into one or more Federal Equitable Sharing Agreements with the United States Department of the Treasury (the "Treasury") and the United States Department of Justice (the "DOJ"), for the years 2015, 2016, and on an annual and ongoing basis thereafter, when and as required by the Treasury and the DOJ, in order to authorize the County to seek and receive an 'equitable share' of asset seizures and forfeitures in which the County plays a role; and be it further

RESOLVED, that the County, acting by and through its Department of Public Safety, is hereby authorized to sign and submit, for both currently-outstanding seizures and forfeitures and on an ongoing basis thereafter, such completed copies of Form OMB No. 1505-0152, entitled "Request for Transfer of Property Seized/Forfeited by a Treasury Forfeiture Fund Participating Agency", or completed Form DAG-71, entitled "Equitable Sharing Request Form", or successor forms or other request forms, as may be required by the United States, for each request from the County for its 'equitable share' of an asset seizure and forfeiture; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be
Charged/Revenue

<u>Fund</u>	<u>Dept</u>	<u>Major Program, Program & Phase or Unit</u>	<u>Revenue/Expense</u>	<u>Dollars</u>
711	38	8002	9575	TBD

Budget Funding Year(s): 2015- Start Date: 01/01/2015 End Date: Open Ended

Funding Source

TBD
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: Seized Assets