

92936

DATE: April 27, 2022

TO: Board of Acquisition and Contract

FROM: Thomas A. Gleason
Acting Commissioner-Sheriff, Department of Public Safety

RE: Authority to enter into a Federal Equitable Sharing Agreement with the United States in order to authorize the County to seek and receive an 'equitable share' of asset seizures and forfeitures made in connection with the activities of the United States Drug Enforcement Administration Westchester Tactical Diversion Squad Task Force

The United States Department of Justice (the "DOJ") obtains assets through seizures and forfeitures related to their respective law enforcement operations in connection with the United States Drug Enforcement Administration ("DEA") Westchester Tactical Diversion Squad Task Force (the "Task Force") which Westchester County (the "County") is a member of. However, in order for the County to be authorized to seek and receive such a share, the County must have in place a current Federal Equitable Sharing Agreement ("FESA") with the DEA. This FESA shall replace the most recent FESA, which terminated on or about April 22, 2022.

Accordingly, authority is hereby requested for the County, acting by and through its Department of Public Safety, to enter into a FESA with the DEA. Pursuant to the terms of the FESA, the County will receive ten percent (10%) of all asset seizures and forfeitures that occur in connection with the activities of the Task Force. The FESA shall commence upon full execution and remain in effect until a party changes its relative contribution to the Task Force or terminates the agreement by upon thirty (30) day prior written notice.

The FESA will serve a public purpose by authorizing the County to seek and receive an "equitable share" of asset seizures and forfeitures made by the United States in connection with the County's participation in the Task Force. The goal and objective of the FESA is to authorize the County to seek and receive an equitable share of asset seizures and forfeitures made by the United States through the Task Force. The goals and objectives of the FESA is in the best interests of the County in terms of fiscal responsibility since it will enable the County to ultimately come into possession of its equitable share of asset seizures and forfeitures made by the United States through the Task Force. The goals and objectives of the FESA 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.

TAG/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/12/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Acting 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 a Federal Equitable Sharing Agreement with the United States to authorize the County to receive an "equitable share" of asset seizures and forfeitures that occur in connection with the activities of the United States Drug Enforcement Administration Westchester Tactical Diversion Squad Task Force (the "Task Force"); and be it further

RESOLVED, that the Equitable Sharing Agreement shall commence upon full execution and remain in effect until a party changes its relative contribution to the Task Force or terminates the agreement by upon thirty (30) day prior written notice; 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

Fund	Dept	Major Program, Program & Phase or Unit	Revenue/Expense	Trust Account	Dollars
711	38	8002	9575		TBD

Budget Funding Year(s): 2021- _ Start Date: upon execution End Date: Open ended

Funding Source

TBD
(must match resolution)

Tax Dollars: _____

State Aid: _____

Federal Aid: _____

Other: Seized assets