

AMENDED COPY AS OF 12/13/2016

Intro. Res. No. 1927-2016
Introduced by Legislator Hahn

Laid on Table 10/5/2016

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW
NO. -2016, A CHARTER LAW TO INCREASE THE
TRANSPARENCY OF ASSET FORFEITURE FUNDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2016, a proposed local law entitled, "**A CHARTER LAW TO INCREASE THE TRANSPARENCY OF ASSET FORFEITURE FUNDS**"; now, therefore be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO INCREASE THE TRANSPARENCY 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 is committed to transparency and openness in its government operations.

This Legislature finds that the County of Suffolk receives significant funds from the state and federal governments through asset forfeiture. These funds are obtained through the law enforcement efforts of the Suffolk County Police Department, Suffolk County District Attorney, the Suffolk County Probation Department and the Suffolk County Sheriff's Department. These monies are not deposited in the General Fund, are considered "off budget" items, and are held and expended at the discretion of the Police Department, Probation Department, Sheriff and District Attorney in accordance with federal and state guidelines.

This Legislature determines that, presently, the operation of the County's asset forfeiture funds is not sufficiently transparent and is not the subject of adequate outside oversight.

This Legislature further determines that the County's policymakers and taxpayers should have access to all pertinent information regarding asset forfeiture monies; further, the power of the County Comptroller to audit these funds should be restored.

This Legislature finds that an annual reporting requirement for each department which utilizes asset forfeiture monies would provide greater insight into the use of these funds, improving the transparency of Suffolk County government.

This Legislature also determines that restoring the Comptroller's authority to audit asset forfeiture accounts biennially will ensure taxpayers that these monies are being used in an appropriate manner.

Therefore, the purpose of this local law is to require auditing and reporting of activities associated with asset forfeiture funds held by the Suffolk County Police Department, the Suffolk County District Attorney, the Suffolk County Probation Department and the Suffolk County Sheriff's Office.

Section 2. Amendment.

Article V of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE V.
DEPARTMENT OF AUDIT AND CONTROL**

§ C5-2. Powers and Duties of Comptroller.

- K. Conduct audits biennially on asset forfeiture funds held by the Suffolk County Police Department, the Suffolk County District Attorney, the Suffolk County Probation Department and the Suffolk County Sheriff's Office. The audits shall include an examination and verification of all books, records and accounts pertaining to asset forfeiture funds and shall provide a written determination of the regularity, legality and correctness of appropriations and expenditures made in connection with such funds. The audit report shall include, but not be limited to, a detailed accounting as to:
1. the statute under which assets and funds were received by the County;
 2. the amount of funds retained by the County;
 - 3.
 4. the County agencies which received the local share of such forfeited assets; and
 5. an itemization of the expenditures of the County portion of such forfeited funds and the local County agencies through which such expenditures were made.

Section 3. Reporting of County Asset Forfeiture Funds.

- A. The Suffolk County Police Department, the Suffolk County District Attorney, Suffolk County Probation Department and the Suffolk County Sheriff's Office shall each provide annual reports to the Suffolk County Executive, each member of the Suffolk County Legislature and the Suffolk County Comptroller, detailing the receipts and expenditures associated with each department's asset forfeiture fund. Reports shall be submitted by March 15th each year detailing fund activity for the preceding calendar year.
- B. The information provided by the Suffolk County Police Department, the Suffolk County District Attorney, Suffolk County Probation Department and the Suffolk County Sheriff's Office on asset forfeiture fund expenditures shall be sufficiently detailed to explain how the monies are expended without compromising any law enforcement investigations or

prosecutions. Expenditures to outside agencies shall be documented with the agency name, the amount provided and the purpose of funding.

Section 4. Applicability.

This law shall apply to all actions 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 filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: