



Legislation Text

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Res. No. 1062

Resolution calling upon the City of New York to set aside fifteen percent of the monies received from the Federal Assets Forfeiture Fund to support anti-crime programs of community-based organizations as allowed by the "permissible pass-through" regulation of the United States Department of Justice.

By Council Member Foster

Whereas, Pursuant to 21 U.S.C. §§881(e)(1)(A) and (e)(3), 18 U.S.C. §981(e)(2) and 19 U.S.C. §1616a, certain agencies of the Federal Government have established forfeiture programs whereby the forfeited assets of criminal defendants are shared with local law enforcement agencies; and

Whereas, The purpose of such programs is to deter crime by depriving criminals of the profits and proceeds of their illegal activities and to weaken criminal enterprises by removing the instrumentalities of crime; and

Whereas, The New York City Police Department ("NYPD") receives an equitable share of these funds by joining in a federal investigation or by the application of federal forfeiture laws to properties already seized by the NYPD; and

Whereas, The regulations of the United States Department of Justice ("USDOJ") and its agencies were amended in 1994 to permit local law enforcement agencies, at their discretion, to transfer fifteen percent (15%) of their shared assets to a governmental agency to support drug abuse treatment, drug and crime prevention and education, housing, and job skills programs, or other community-based programs; and

Whereas, Such governmental agencies may, in turn, transfer any monies so received to private, non-profit community organizations to be spent for such purposes; and

Whereas, In circumstances defined in USDOJ regulations as "windfall situations," the amount transferred may be greater than fifteen percent; and

Whereas, According to the New York City Police Department, the agency has received in excess of \$85 million as its share from Federal Forfeiture; and

Whereas, The City of Chicago Police Department has worked toward setting aside approximately 15% of its asset forfeiture money received from Department of Justice enforcement activities and allocating it to the Chicago Department of Health, which in turn allots the funds to programs that combat drug and alcohol abuse; and

Whereas, Several years ago the City of Oakland, California had set up a program for the sharing and distribution of fifteen percent of the Oakland Police Department's share of federal forfeiture funds with community non-profit organizations whose purpose is to combat drug abuse and divert gang activity; and

Whereas, The NYPD can further assist in improving the quality of life in the City by setting aside a percentage of the federal asset forfeiture funds it receives to go toward crime prevention, job training and development, housing, and other community-based programs; now, therefore, be it

Resolved, That the Council calls upon the City of New York to set aside fifteen percent of the monies received from the Federal Assets Forfeiture Fund to support anti-crime programs of community-based organizations as allowed by the "permissible pass-through" regulation of the United States Department of Justice.

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