



P. DAVID SOARES  
DISTRICT ATTORNEY

COUNTY OF ALBANY  
OFFICE OF THE DISTRICT ATTORNEY  
COUNTY COURT HOUSE  
ALBANY, NEW YORK 12207  
(518) 487-5460  
(518) 487-5093 - FAX

DAVID M. ROSSI  
CHIEF ASSISTANT DISTRICT ATTORNEY

CHERYL K. FOWLER  
DEPUTY CHIEF ASSISTANT DISTRICT  
ATTORNEY

June 8, 2021

Brandon Russell, Majority Counsel  
Albany County Legislature  
112 State Street, Rm. 700  
Albany, N.Y. 12207

Arnis Zilgme, Minority Counsel  
Albany County Legislature  
112 State Street, Rm. 1360  
Albany, N.Y. 12207

Dear Sirs:

I am requesting legislative action to further the mission of the Office of the Albany County District Attorney. The attached resolution seeks permission to:

- Apply and accept funding from DCJS for the Gun Involved Violence Elimination (GIVE) Program;
- Apply and accept funding from DCJS for extending the Aid to Prosecution Program for 2020-2021;
- Apply and accept funding from DCJS for the Aid to Prosecution Program for 2021-2022;
- Apply and accept funding from DCJS for the Crimes Against Revenue Program (CARP); and
- Apply and accept funding from DCJS for the Motor Vehicle Theft and Insurance Fraud Program.

Attached is the request for legislative action and supporting documents. If you have any questions, please feel free to contact me at 275-4706.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "P. David Soares", is written over a horizontal line.

P. David Soares  
Albany County District Attorney

## FOR COUNSEL USE ONLY

Date Received: \_\_\_\_\_  
 Received By: \_\_\_\_\_  
 Method: Hand: \_\_\_\_\_  
 Courier: \_\_\_\_\_  
 Mail: \_\_\_\_\_

**REQUEST FOR LEGISLATIVE ACTION****DATE:** June 8, 2021 \_\_\_\_\_**DEPARTMENT:** Office of the District AttorneyContact Person: Heather OrthTelephone: 275 4704

Dept. Representative Attending \_\_\_\_\_

Committee Meeting: District Attorney David Soares and/or Heather Orth**PURPOSE OF REQUEST:**

Adoption of Local Law \_\_\_\_\_

Amendment of Prior Legislation \_\_\_\_\_

Approval/Adoption of Plan/Procedure \_\_\_\_\_

Bond Approval \_\_\_\_\_

Budget Amendment \_\_\_\_\_

Contract Authorization (See below) X

Environmental Impact \_\_\_\_\_

Home Rule Request \_\_\_\_\_

Property Conveyance \_\_\_\_\_

Other: (State briefly if not listed above) X

Permission to submit an application and receive funds from the Division of Criminal Justice Services for the Gun Involved Violence Elimination Partnership.

**CONCERNING CONTRACT AUTHORIZATION (Cont'd)****STATE THE FOLLOWING:****Contract Terms/Conditions:**

Party (Name/Address):

NYS DCJS80 South Swan StreetAlbany, NY 12210

Amount/Rate Schedule/Fee:

\$236740

Scope of Services: The funds will be used to fight gun crime in Albany County.

**Contract Funding:**Anticipated in Current Budget: Yes X No \_\_\_\_\_Funding Source: State Funds**CONCERNING ALL REQUESTS:**Mandated Program/Service: Yes \_\_\_\_\_ No X

If Mandated Cite: Authority \_\_\_\_\_

Anticipated in Current Adopted Budget: Yes X No \_\_\_\_\_

If yes, indicate Revenue/Appropriation Accounts: A91165 - 03330, 12010, 89010, 89030, 89060, 44039, 22999, 44046

Fiscal Impact – Funding: (Dollars or Percentages)

Federal

State 100%

County

Term/Length of Funding 1 year

Previous Requests for Identical or Similar Action:

Resolution/Law Number: 20-299

Date of Adoption: 9/14/20

Justification: (State briefly why legislative action is requested)

This RLA covers the fifth year of the Gun Involved Violence Elimination partnership for the Office of the District Attorney.

Back-up Material Submitted:

Award letter.

Submitted By: Heather Orth

Title: Confidential Assistant to the District Attorney



**Division of Criminal  
Justice Services**

**ANDREW M. CUOMO**  
Governor

**MICHAEL C. GREEN**  
Executive Deputy Commissioner

March 22, 2021

The Honorable David Soares  
Albany County District Attorney  
6 Lodge Street, 4th Floor  
Albany, NY 12207

Chief Eric Hawkins  
Albany Police Department  
170 Henry Johnson Blvd.  
Albany, NY 12201

**Re: Gun Involved Violence Elimination (GIVE) SFY 2021-22**

Dear District Attorney Soares and Chief Hawkins,

Thank you for your continued partnership with the NYS Division of Criminal Justice Services (DCJS) in administering the Gun Involved Violence Elimination (GIVE) Initiative. GIVE continues to be a critical component of New York's shooting and homicide reduction strategy, and DCJS continuously strives to strengthen our programs and partnerships with GIVE jurisdictions.

Subject to available appropriation from the enacted state budget for Fiscal Year 2021-22, approximately \$13.3 million dollars is expected to be made available to support the statewide GIVE Initiative in the coming year. As such, participating GIVE agencies in Albany County are eligible to receive a total of up to \$759,829 in awards for the contract period July 1, 2021 to June 30, 2022.

We recognize that the tumultuous events of this past year have been extraordinarily challenging for local public safety agencies. In order to provide funding for the grant contract term beginning July 1, 2021 as efficiently and effectively as possible, we have streamlined the administrative requirements of the annual GIVE Comprehensive Plan. Funding will be provided to jurisdictions for GIVE programs and services and will be distributed to all partner agencies within the county in the same manner and amounts as in the current contract. Please see *Gun Involved Violence Elimination (GIVE) Award Amounts 2020-21 and 2021-22* below for award amounts being made available to each participating partner in your jurisdiction.

As you know, DCJS utilizes a deliberate process to make GIVE funding allocations, with a focus on awarding funds to support the successful implementation of evidence-based crime reduction strategies. Prior to the execution of grant contracts, DCJS is requiring existing GIVE jurisdictions to submit answers to the questions found below in *GIVE 2021-22 Funding Requirements* and to complete and submit one updated budget (see Attachment: 2021-2022 GIVE Initiative Budget Worksheet) and complete a narrative justification response that includes all funded partnership agencies receiving an award in your jurisdiction.

Responses to questions and the budget worksheet and narrative justification must be submitted to DCJS via email at [GIVE@dcjs.ny.gov](mailto:GIVE@dcjs.ny.gov) by 4/15/2021. It is important to include the name





## Division of Criminal Justice Services

of your jurisdiction and indicate the partner agency in the subject line of the email. Submissions from jurisdictions should be the result of a collaboration among community stakeholders. Responses will be reviewed and if necessary, DCJS will contact you with questions or return the documents to grantees for any recommended revisions.

Individual award notices will be sent to your partner agencies following enactment of the SFY 2021-22 budget. All grantees are expected to adhere to existing GIVE strategies as detailed in the attached reference document *SFY 2020-21 GIVE Guidance and Funding*, and to comply with GIVE contract requirements for the contract term July 1, 2021 through June 30, 2022. If you would like a copy of your GIVE Strategy submitted last year to DCJS for reference, please email the DCJS Office of Public Safety (OPS) at [GIVE@dcjs.ny.gov](mailto:GIVE@dcjs.ny.gov).

As always, DCJS staff are available to answer any questions you may have regarding the GIVE initiative and funding. Please contact the DCJS Office of Public Safety (OPS) at [GIVE@dcjs.ny.gov](mailto:GIVE@dcjs.ny.gov) for information and assistance regarding the GIVE program. If you have any contract or funding related questions, please contact David Martin in the DCJS Office of Program Development and Funding (OPDF) at (518) 485-9607, or by e-mail at [David.Martin@dcjs.ny.gov](mailto:David.Martin@dcjs.ny.gov).

Thank you for all you do to enhance public safety. DCJS remains committed to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael C. Green".

Michael C. Green  
Executive Deputy Commissioner

Enclosures (2):

- *GIVE Award Amounts 2020-21 and 2021-22*
- *GIVE 2021-22 Funding Requirements*

Attachments (2):

- #1 - *GIVE Budget Worksheet*
- #2 - *SFY 2020-21 GIVE Guidance and Funding Document* – Provided for reference and information

cc: Dave Martin, DCJS  
Raymond Neves, DCJS  
Craig Apple, Albany County Sheriff's Office  
William Connors, Albany County Probation



**Division of Criminal  
Justice Services**

**Gun Involved Violence Elimination (GIVE) Award Amounts  
2020-21 and 2021-22**

<b>Implementing Agency</b>	<b>Award Amount</b>
<b>Albany</b>	<b>\$759,829</b>
Albany PD	\$386,084
District Attorney	\$236,740
Probation	\$137,005
<b>Broome</b>	<b>\$391,243</b>
Binghamton PD	\$231,285
District Attorney	\$83,881
Sheriff's Office	\$76,077
<b>Chautauqua</b>	<b>\$193,463</b>
Jamestown PD	\$72,221
District Attorney	\$83,306
Probation	\$10,500
Sheriff's Office	\$27,436
<b>Dutchess</b>	<b>\$343,669</b>
City of Poughkeepsie PD	\$168,367
District Attorney	\$150,302
Sheriff's Office	\$15,000
Probation	\$10,000
<b>Erie</b>	<b>\$1,958,847</b>
Buffalo PD	\$623,844
District Attorney	\$927,556
Sheriff's Office	\$176,245
Probation	\$231,202
<b>Monroe</b>	<b>\$1,789,755</b>
Rochester PD	\$676,146
District Attorney	\$570,997
Sheriff's Office	\$257,000
Probation	\$285,612



**Division of Criminal  
Justice Services**

<b>Nassau</b>	<b>\$861,743</b>
Nassau County PD	\$306,533
District Attorney	\$109,326
Sheriff's Office	\$22,000
Probation	\$192,084
Hempstead PD	\$231,800
<b>Niagara</b>	<b>\$647,376</b>
Niagara Falls PD	\$326,202
District Attorney	\$167,405
Sheriff's Office	\$87,049
Probation	\$66,720
<b>Oneida</b>	<b>\$645,955</b>
Utica PD	\$282,585
District Attorney	\$338,350
Sheriff's Office	\$500
Probation	\$24,520
<b>Onondaga</b>	<b>\$1,240,831</b>
Syracuse PD	\$500,000
District Attorney	\$323,782
Sheriff's Office	\$277,241
Probation	\$139,808
<b>Orange</b>	<b>\$848,513</b>
City of Newburgh PD	\$364,284
District Attorney	\$300,318
Sheriff's Office	\$62,975
Middletown PD	\$15,250
Probation	\$105,686
<b>Rensselaer</b>	<b>\$422,587</b>
Troy PD	\$197,027
District Attorney	\$139,453
Probation	\$86,107
<b>Rockland</b>	<b>\$107,146</b>
Spring Valley PD	\$71,146
District Attorney	\$25,500
Probation	\$10,500



Division of Criminal  
Justice Services

<b>Schenectady</b>		<b>\$785,275</b>
	Schenectady PD	\$354,142
	District Attorney	\$257,348
	Sheriff's Office	\$83,120
	Probation	\$90,665
<b>Suffolk</b>		<b>\$993,861</b>
	Suffolk County PD	\$361,964
	District Attorney	\$511,787
	Sheriff's Office	\$65,959
	Probation	\$54,151
<b>Ulster</b>		<b>\$240,320</b>
	Kingston PD	\$82,500
	District Attorney	\$80,525
	Sheriff's Office	\$25,295
	Probation	\$52,000
<b>Westchester</b>		<b>\$1,080,968</b>
	Yonkers PD	\$307,721
	Mount Vernon PD	\$192,260
	District Attorney	\$425,255
	Dept of Public Safety	\$69,972
	Probation	\$85,760
<b>TOTAL</b>		<b>\$13,311,381</b>



## Division of Criminal Justice Services

### **2021-22 Gun Involved Violence Elimination (GIVE) Requirements for Funding**

To provide funding for the grant contract term beginning July 1, 2021 as efficiently and effectively as possible, we have streamlined the administrative requirements of the annual GIVE Comprehensive Plan for 2021-22. To receive funding, GIVE grantees will be required to: 1) submit answers to questions pertaining to the implementation of GIVE during 2020-21 and plans for 2021-22; and 2) Complete and submit one Budget Worksheet and narrative justification that includes each partnership agency. Instructions are provided below:

#### **INSTRUCTIONS:**

Responses to questions below for your jurisdiction and a budget worksheet (see Attachment: GIVE Budget Worksheet) including each partnership agency must be submitted to DCJS via email at [GIVE@dcjs.ny.gov](mailto:GIVE@dcjs.ny.gov) by 4/15/2021. Please prepare answers to questions in a Word Document and include the name of the County and Contact Information at the top of the page.

It is important that the email submission(s) include the name of your jurisdiction and indicate the partner agency in the subject line of the email. Responses will be reviewed and if necessary, DCJS will contact you with questions and return documents to grantees for any recommended revisions.

#### **Narrative Questions:**

1. Describe the underlying issues that contributed to your jurisdiction's shooting or aggravated assault problem in GIVE VII (July 1, 2020 through July 1, 2021) and provide data to support your claims.
2. Provide an analysis of the challenges faced in implementing your jurisdiction's GIVE VII (July 1, 2020 through June 30, 2021) Comprehensive plan. Specifically describe how COVID and other factors affected implementation and provide relevant data to support your assessment.
3. Describe how you will update your comprehensive GIVE VIII plan to address both the underlying issues identified in Question #1 and the factors that affected implementation of your GIVE VII plan identified in Question #2.
4. Describe how you will include all appropriate community stakeholders into your comprehensive GIVE plan for GIVE VIII (July 1, 2021 through June 30, 2022).

**Jurisdictions where Probation Departments are an existing partner, Probation Directors must also respond to Question #5:**



## Division of Criminal Justice Services

5. Describe the strategies and techniques which your probation department will utilize in the investigation and supervision of GIVE probationers. These strategies may include, but not be limited to:

- Cognitive Behavioral Intervention
- Employment Readiness Programs
- Client Dosage/Engagement
- GPS or other Electronic Monitoring
- Collaboration with GIVE partner agencies
- Community Engagement/Procedural Justice
- Other

Probation Director's should refer to State Director's Memorandum #2020-1 "Supervision Strategies to Manage the High-Risk Probationer" for further information.

### **Budget Worksheet and Narrative Justification Preparation:**

Use the attached GIVE Budget Worksheet to complete the budgets for each participating agency within the jurisdiction. In addition to completing the Budget Worksheet, please submit a narrative justification in a Word Document, in the name of County at the top of the page.

Note: One GIVE Initiative Budget worksheet (See Attachment 1: *GIVE Budget Worksheet*) and a narrative justification response, must be submitted for each jurisdiction requesting funding. Each agency is required to complete the appropriate section of the budget spreadsheet that references their agency, and must outline the specific budget requested to support each one of the evidence-based strategy categories listed in the budget spreadsheet with appropriate justification for each in a required budget narrative. Any requests for funded personnel must also be detailed in the "personnel" section of the budget spreadsheet, including salary and fringe costs.

When developing their budget narratives, jurisdictions are encouraged to use the below budget checklist to ensure that all information has been submitted to support the budget request. See attached SFY 2020-21 *GIVE Guidance and Funding* Document for allowable expenses and information.

- Does the budget request(s) comply with the funding restrictions set forth in the GIVE Plan Proposal Guidance document?
- Did each agency within the eligible jurisdiction complete the individual agency budget section on the combined county budget worksheet for the 12-month budget cycle?
- Are budget lines directly related to program institutionalization and sufficiently justified?
- Is there a clear relationship between the budgeted items and resource requirements identified in the submitted responses for your GIVE 2021-22 plan?
- Are the roles of budgeted personnel well defined and essential to the strategy to reduce shootings and homicides, or aggravated assaults where applicable?



## Division of Criminal Justice Services

- Is the time allotment specified for proposed personnel commensurate with the amount of funding requested for that position?
- Are non-personnel service items essential and directly related to the GIVE Strategy?
- Are budgeted amounts reasonable and calculated based on adequate supporting detail (e.g., number of hours worked, hourly rates, percent-of-effort (FTEs), fringe rates, unit costs, etc.)?
- Is there sufficient detail about requests for overtime to conduct operations?

As stated above, one GIVE Initiative Budget worksheet (see Attachment) along with a complete narrative justification budget response, must be submitted for each jurisdiction requesting funding. Each agency is required to complete the appropriate section of the budget spreadsheet that references their agency, and must outline the specific budget requested to support each one of the evidence-based strategy categories listed in the budget spreadsheet with appropriate justification for each in a required budget narrative.

**Attachment #1:** SFY 2020-21 *GIVE Guidance and Funding* Document for reference and information

**Attachment #2:** *GIVE Budget Worksheet* (Note: Also, submit a separate narrative justification document to accompany this Worksheet)

**RESOLUTION NO. 299**

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION GRANT**

Introduced: 9/14/20

By Law Committee, Messrs. A. Joyce and Ward:

WHEREAS, The Albany County District Attorney has requested authorization to submit a grant application and enter into an agreement with the New York State Division of Criminal Justice Services regarding the Gun Involved Violence Elimination grant in the amount of \$236,740 for the term commencing July 1, 2020 and ending June 30, 2021, and

WHEREAS, The District Attorney has indicated that the funding will be used to combat gun-related crime in Albany County, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into an agreement with the New York State Division of Criminal Justice Services regarding the Gun Involved Violence Elimination grant in the amount of \$236,740 for the term commencing July 1, 2020 and ending June 30, 2021, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application and agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 9/14/20*



State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 14<sup>th</sup> day of September, 2020, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



• IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 16<sup>th</sup> day of September, 2020.



Clerk, Albany County Legislature

## FOR COUNSEL USE ONLY

Date Received: \_\_\_\_\_  
 Received By: \_\_\_\_\_  
 Method: Hand: \_\_\_\_\_  
 Courier: \_\_\_\_\_  
 Mail: \_\_\_\_\_

**REQUEST FOR LEGISLATIVE ACTION****DATE:** June 8, 2021**DEPARTMENT:**Contact Person: Heather OrthTelephone: 275 4704

Dept. Representative Attending

Committee Meeting: Heather Orth and/or David Soares, District Attorney**PURPOSE OF REQUEST:**

Adoption of Local Law \_\_\_\_\_

Amendment of Prior Legislation \_\_\_\_\_

Approval/Adoption of Plan/Procedure \_\_\_\_\_

Bond Approval \_\_\_\_\_

Budget Amendment (See below) \_\_\_\_\_

Contract Authorization (See below) X

Environmental Impact \_\_\_\_\_

Home Rule Request \_\_\_\_\_

Property Conveyance \_\_\_\_\_

Other: (State briefly if not listed above) X Authorization to submit an application and accepts funds from the NYS Division of Criminal Justice Services to continue the Aid to Prosecution Program.

**CONCERNING CONTRACT AUTHORIZATION (Cont'd)****STATE THE FOLLOWING:**Contract Terms/Conditions:

Party (Name/Address):

NYS DCJS80 South Swan StreetAlbany, NY 12210

Amount/Rate Schedule/Fee:

\$264,810Term: 10/1/2019 – 3/31/2021

Scope of Services: Funds will be used to enhance the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel who will seek to minimize the plea-bargaining option and to impose the maximum sentence for such defendants.

Contract Funding:Anticipated in Current Budget: Yes X No \_\_\_\_\_Funding Source: State Funds

County Budget Accounts:

Revenue: A9116503325Appropriation: A91165 12010; 89010; 89030; 89060

Bond (Res. No. &amp; Date of Adoption) \_\_\_\_\_

**CONCERNING ALL REQUESTS:**

Mandated Program/Service: Yes ☐ No ☒

If Mandated Cite: Authority \_\_\_\_\_

Anticipated in Current Adopted Budget: Yes ☒ No ☐

If yes, indicate Revenue/Appropriation Accounts:

Revenue: A9116503325

Appropriation: A91165 12010; 89010; 89030; 89060

Fiscal Impact – Funding: (Dollars or Percentages)

Federal \_\_\_\_\_

State 100%

County \_\_\_\_\_

Term/Length of Funding 10/1/2019 – 3/31/2021

**Previous Requests for Identical or Similar Action:**

Resolution/Law Number: 20-94

Date of Adoption: 3/9/2020

**Justification:** (State briefly why legislative action is requested)

The Office of the District Attorney requests legislative authority to seek funds from NYS DCJS to continue the Aid to Prosecution program. This funding extends the previously approved 12 month term for this grant period to 18 months at the same rate of the previous 12 month contract.

**Back-up Material Submitted:** Aid to Prosecution Award Information, previous resolution.

Submitted By: Heather Orth

Title: Confidential Assistant to the District Attorney



## Division of Criminal Justice Services

ANDREW M. CUOMO  
Governor

MICHAEL C. GREEN  
Executive Deputy Commissioner

JEFFREY P. BENDER  
Deputy Commissioner

December 4, 2020

The Honorable David Soares  
Albany County District Attorney  
6 Lodge St #401  
Albany, NY 12207

Dear District Attorney Soares:

Thank you for your continued partnership with the NYS Division of Criminal Justice Services (DCJS) in administering the Aid to Prosecution Program. Please be advised that the enacted state budget for State Fiscal Year (SFY) 2020-21 included an appropriation for the Aid to Prosecution program for \$12,549,000.

In order to allow you flexibility to accommodate changes in spending due to the COVID-19 pandemic and in planning for future contracts, we will be extending your existing Aid to Prosecution contract period by six months, meaning it will now have a contract end date of March 31, 2021, and increasing the award amount from the newly appropriated SFY 2020-21 funds. Therefore, your total award amount will be increased to \$264,810, to cover the new 18-month contract period of October 1, 2019 – March 31, 2021. Annual contracts are expected to resume for the period April 1, 2021 through March 31, 2022, with the contract period corresponding with the state fiscal year. We hope you agree that this will benefit the management of future contracts, as awards will no longer be split funded between two fiscal years, and the entire award amount will be known at the time of award.

Please be advised that your award amount of \$264,810 is contingent upon the availability of appropriations, which may be reduced during the contract period pursuant to language included in the SFY 2020-21 enacted state budget, as well as approval and execution of the grant contract by the Attorney General and the Office of the State Comptroller.

We recognize that the unprecedented events of this past year have been challenging. It is our hope that the contract term changes described above will assist with administering the contract going forward. Please contact Katelyn Mallick, Public Safety Grants Representative at (518) 457-3776 or by email at [Katelyn.Mallick@dcjs.ny.gov](mailto:Katelyn.Mallick@dcjs.ny.gov) if you have any questions. Thank you for all the work you do. We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.

Sincerely,

Jeffrey P. Bender  
Deputy Commissioner

RESOLUTION NO. 94

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE AID TO PROSECUTION PROGRAM**

Introduced: 3/9/20

By Law Committee:

WHEREAS, The Albany County District Attorney has requested authorization to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Aid to Prosecution program funding in the amount of \$176,540 for the term commencing October 1, 2019 and ending September 30, 2020, and

WHEREAS, The District Attorney has indicated that the funding will be used to enhance the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel who will seek to minimize the plea-bargaining option and impose the maximum sentence for such defendants, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Aid to Prosecution program funding in the amount of \$176,540 for the term commencing October 1, 2019 and ending September 30, 2020, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application and agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 3/9/20*

State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 9<sup>th</sup> day of March, 2020, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 11<sup>th</sup> day of March, 2020.



Clerk, Albany County Legislature

## FOR COUNSEL USE ONLY

Date Received: \_\_\_\_\_  
 Received By: \_\_\_\_\_  
 Method: Hand: \_\_\_\_\_  
 Courier: \_\_\_\_\_  
 Mail: \_\_\_\_\_

**REQUEST FOR LEGISLATIVE ACTION****DATE:** June 8, 2020**DEPARTMENT:**Contact Person: Heather OrthTelephone: 275 4704

Dept. Representative Attending

Committee Meeting: Heather Orth and/or David Soares, District Attorney**PURPOSE OF REQUEST:**

Adoption of Local Law \_\_\_\_\_

Amendment of Prior Legislation \_\_\_\_\_

Approval/Adoption of Plan/Procedure \_\_\_\_\_

Bond Approval \_\_\_\_\_

Budget Amendment (See below) \_\_\_\_\_

Contract Authorization (See below) X

Environmental Impact \_\_\_\_\_

Home Rule Request \_\_\_\_\_

Property Conveyance \_\_\_\_\_

Other: (State briefly if not listed above) X Authorization to submit an application and accepts funds from the NYS Division of Criminal Justice Services to continue the Aid to Prosecution Program.

**CONCERNING CONTRACT AUTHORIZATION (Cont'd)****STATE THE FOLLOWING:**Contract Terms/Conditions:

Party (Name/Address):

NYS DCJS80 South Swan StreetAlbany, NY 12210

Amount/Rate Schedule/Fee:

\$176,540Term: 4/1/2021 – 3/31/2022

Scope of Services: Funds will be used to enhance the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel who will seek to minimize the plea-bargaining option and to impose the maximum sentence for such defendants.

Contract Funding:Anticipated in Current Budget: Yes X No \_\_\_\_\_Funding Source: State Funds

County Budget Accounts:

Revenue: A9116503325Appropriation: A91165 12010; 89010; 89030; 89060

Bond (Res. No. &amp; Date of Adoption) \_\_\_\_\_

**CONCERNING ALL REQUESTS:**

Mandated Program/Service: Yes \_\_\_ No X

If Mandated Cite: Authority \_\_\_\_\_

Anticipated in Current Adopted Budget: Yes X No \_\_\_

If yes, indicate Revenue/Appropriation Accounts:

Revenue: A9116503325

Appropriation: A91165 12010; 89010; 89030; 89060

Fiscal Impact – Funding: (Dollars or Percentages)

Federal \_\_\_\_\_

State 100%

County \_\_\_\_\_

Term/Length of Funding 4/1/2021 – 3/31/2022

**Previous Requests for Identical or Similar Action:**

Resolution/Law Number: 20-94

Date of Adoption: 3/9/20

**Justification:** (State briefly why legislative action is requested)

The Office of the District Attorney requests legislative authority to seek funds from NYS DCJS to continue the Aid to Prosecution program.

**Back-up Material Submitted:** Aid to Prosecution Award Information, previous resolution.

Submitted By: Heather Orth

Title: Confidential Assistant to the District Attorney





## Division of Criminal Justice Services

ANDREW M. CUOMO  
Governor

MICHAEL C. GREEN  
Executive Deputy Commissioner

JEFFREY P. BENDER  
Deputy Commissioner

### Grant Award Notice

Grantee/Contractor: Albany County District Attorney	Date: May 5, 2021		
Program Name: Aid to Prosecution	Award Amount: \$176,540		
Agency Head Name and Title: David Soares District Attorney	Term Dates: April 1, 2021 – March 31, 2022		
Email: dsoares@albanycounty.com	Project ID No.: AP21-1000-D00		
SFS Vendor ID No.: 1000002428	Contract No.: C445230		
<b>Additional Information:</b>  This funding is provided for the Aid to Prosecution grant program. A DCJS Public Safety Grants Representative will contact your office to assist with the development of the grant contract. Please see the attached Contract Instruction Sheet for additional contract information and note that items are required within 30 days of receiving this letter.  The award amount listed above is contingent upon the availability of appropriations, as well as execution of the grant contract by the Attorney General and the Office of the State Comptroller. If you have any questions on this award, please contact a grant representative listed below :  <b><u>Questions:</u></b>  <table><tr><td>Jason Tillou Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 485-2729 or <a href="mailto:jason.tillou@dcjs.ny.gov">jason.tillou@dcjs.ny.gov</a></td><td>Katelyn Mallick Public Safety Grants Representative 1 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 457-3776 or <a href="mailto:Katelyn.mallick@dcjs.ny.gov">Katelyn.mallick@dcjs.ny.gov</a></td></tr></table>		Jason Tillou Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 485-2729 or <a href="mailto:jason.tillou@dcjs.ny.gov">jason.tillou@dcjs.ny.gov</a>	Katelyn Mallick Public Safety Grants Representative 1 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 457-3776 or <a href="mailto:Katelyn.mallick@dcjs.ny.gov">Katelyn.mallick@dcjs.ny.gov</a>
Jason Tillou Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 485-2729 or <a href="mailto:jason.tillou@dcjs.ny.gov">jason.tillou@dcjs.ny.gov</a>	Katelyn Mallick Public Safety Grants Representative 1 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 457-3776 or <a href="mailto:Katelyn.mallick@dcjs.ny.gov">Katelyn.mallick@dcjs.ny.gov</a>		

Congratulations on your award. DCJS looks forward to working with you on this important project.  
Attachment (1)



## Division of Criminal Justice Services

### DCJS Office of Program Development and Funding 2021-22 Aid to Prosecution - Contract Instruction Sheet

Please note and complete the following information within 30 days of receiving the award letter to further facilitate the development of your contract:

- Ensure all prior year contracts are in compliance with contract conditions (up-to date progress reports, vouchers, fiscal cost reports and detailed itemization forms).
- Grantees receiving in excess of \$25,000 must submit:
  - Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301)
  - Local Assistance MWBE NPS Discretionary Budget Determination Worksheet (DCJS-3309)

These forms can be located at:

<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>

- Grantees receiving in excess of \$250,000 must also submit the Local Assistance MWBE Equal Employment Opportunity Staffing Plan (DCJS-3300). This form can be located at:  
<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>
- 
-

RESOLUTION NO. 94

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE AID TO PROSECUTION PROGRAM**

Introduced: 3/9/20

By Law Committee:

WHEREAS, The Albany County District Attorney has requested authorization to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Aid to Prosecution program funding in the amount of \$176,540 for the term commencing October 1, 2019 and ending September 30, 2020, and

WHEREAS, The District Attorney has indicated that the funding will be used to enhance the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel who will seek to minimize the plea-bargaining option and impose the maximum sentence for such defendants, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Aid to Prosecution program funding in the amount of \$176,540 for the term commencing October 1, 2019 and ending September 30, 2020, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application and agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 3/9/20*

**FOR COUNSEL USE  
ONLY**

Date Received: \_\_\_\_\_  
Received By : \_\_\_\_\_  
Method: Hand: \_\_\_\_\_  
Courier: \_\_\_\_\_  
Mail : \_\_\_\_\_

**REQUEST FOR LEGISLATIVE ACTION**

**DATE:** June 8, 2021  
**DEPARTMENT:** Office of the District Attorney  
Contact Person: Heather Orth  
Telephone: 275-4704  
Dept. Representative Attending  
Committee Meeting: District Attorney David Soares and/or Heather Orth

**PURPOSE OF REQUEST:**

Adopting of Local Law	_____
Amendment of prior Legislation	_____
Approval/Adoption of Plan/Procedure	_____
Bond Approval	_____
Budget Amendment (See Below)	_____
Contract Authorization (See below)	X
Environmental Impact	_____
Home Rule Request	_____
Property Conveyance	_____
Other: (State briefly if not listed above)	X Permission to submit an application for state funds

**CONCERNING BUDGET AMENDMENTS**

**STATE THE FOLLOWING:**

Increase Account/Line No. \_\_\_\_\_  
Source of Funds: \_\_\_\_\_  
Title Change: \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION**

**STATE THE FOLLOWING: N/A**

**TYPE OF CONTRACT**

Change Order/Contract Amendment	_____
Purchase (Equipment/Supplies)	_____
Lease (Equipment/Supplies)	_____
Requirements	_____
Professional Services	_____
Education/Training	_____
Grant	_____
New	_____
Renewal	X
Settlement of a Claim	_____
Release of Liability	_____
Other: (State briefly)	_____

**CONCERNING CONTRACT AUTHORIZATION (Cont'd)**

**STATE THE FOLLOWING :N/A**

Contract Terms/Conditions:

Party (Name/Address):

Division of Criminal Justice Services, Office of Program Development and  
Funding, Alfred E. Smith Building, 80 S. Swan Street. Albany NY 12210

Amount/Raise Schedule/Fee: \_\_\_\_\_

Term:

January 1, 2021 – December 31, 2021

Scope of Services:

These funds will support the Crimes Against Revenue Program.

**Contract Funding:**

Anticipated in Current Budget: Yes Yes X No \_\_\_\_\_

Funding Source: State Funds

County Budget Accounts

Revenue: A31165.0.3335

Appropriation: A91165 12010; 89010; 89030; 89060

Bond (Res.No. & Date of Adoption) \_\_\_\_\_

**CONCERNING ALL REQUESTS:**

Mandated Program/Service: Yes \_\_\_\_\_ No X

If Mandated Cite: Authority \_\_\_\_\_

Anticipated in Current Adopted Budget: Yes X No \_\_\_\_\_

If yes indicate Revenue/Appropriation Account: A31165.0.3335

A91165 19954; 44046; 22050; 44039; 12010; 89010;

89030; 89060

**Fiscal Impact - Funding: (Dollars or Percentages)**

Federal \_\_\_\_\_

State \$299,710

County \_\_\_\_\_

Term/Length of Funding One Year

Other Reimbursement: \_\_\_\_\_

**Previous Requests for Identical or Similar Action:**

Resolution /Law Number 20-96

Date of Adoption: 3/9/20

**Justification: (State briefly why legislative action is requested)**

This resolution is requested to provide the authority to apply, accept and enter into the contract with the Department of Criminal Justice Services for the Crimes Against Revenue Program.

**Back-up Material Submitted:** Grant Award Letter, previous resolution.

Submitted By:

Heather Orth

Title:

Confidential Assistant to the District Attorney



## Division of Criminal Justice Services

**ANDREW M. CUOMO**  
Governor

**MICHAEL C. GREEN**  
Executive Deputy Commissioner

**JEFFREY P. BENDER**  
Deputy Commissioner

### Grant Award Notice

Grantee/Contractor: Albany County District Attorney	Date: <b>January 29, 2021</b>
Program Name: Crimes Against Revenue Program (CARP)	Award Amount: <b>\$299,710</b>
District Attorney Name: David Soares, District Attorney	Term Dates: <b>January 1, 2021 to December 31, 2021</b>
Email: dsoares@albanycounty.com	Project ID No.: To Be Determined
	Contract No.: C445117

**Additional Information:**

The Crimes Against Revenue Program (CARP) is managed by the New York State Division of Criminal Justice Services (DCJS) in coordination with the Department of Taxation and Finance (DTF).

Please be advised that this is the second of two optional 1-year renewals to your 2018-19 CARP contract. The award amount listed above is contingent on the availability of appropriations, which may be reduced during the contract period pursuant to language included in the FY21 enacted state budget.

DCJS Office of Program Development and Funding (OPDF) Program Representative, Katelyn Mallick will contact your office to assist in the development of the grant contract. Please see the CARP Contract Instruction Sheet attached for additional contract information and note that items are required within 30 days of receiving this letter. In the meantime, should you have any questions, please contact Katelyn at:

Katelyn Mallick  
Public Safety Grant Representative  
NYS Division of Criminal Justice Services  
Office of Program Development and Funding  
(518) 457-3776 or [Katelyn.mallick@dcjs.ny.gov](mailto:Katelyn.mallick@dcjs.ny.gov)

Congratulations on your award. DCJS, in coordination with DTF, looks forward to working with you on this important project.

Attachment (1)



## Division of Criminal Justice Services

### CRIMES AGAINST REVENUE CERTIFICATION

By signing the certification at the bottom of this document, the grantee agrees that CARP funds will be used to supplement<sup>1</sup>, and not supplant, existing funds and services, and that all personnel supported by this contract will work on CARP activities for the percentage of time that is commensurate with the portion of their salary that is paid by this grant.

Please answer the following questions:

- ✓ How many positions (including full- and part-time positions and consultants) will be supported under this grant (total)? \_\_\_\_\_
- ✓ How many of these positions were supported under your most recent CARP contract? \_\_\_\_\_
- ✓ How many of these positions will be used:
  - a) to hire new, additional people (including to fill existing vacancies that are no longer funded in your agency's budget) \_\_\_\_\_
  - b) to rehire people who have already been laid off (by January 1, 2021) as a result of state, local, or federal budget reductions \_\_\_\_\_
  - c) to rehire people who are (by January 1, 2021) currently scheduled to be laid off on a specific future date as a result of state, local, or federal budget reductions \_\_\_\_\_
  - d) to continue the same staff currently funded under existing or most recent CARP contract \_\_\_\_\_

"I certify that all funds received under this contract will not be used to supplant state, local or federal funds, but will be used to increase the amounts of such funds that would, in the absence of state funds, be made available for CARP activities. Furthermore, daily time records will be maintained for each individual paid under this contract, documenting the percentage of their time devoted to CARP activities."

\_\_\_\_\_  
*Signature*

#### **1 What is Supplanting?**

**General Definition.** For a unit of local government to reduce local or federal funds for an activity specifically because state funds are available (or expected to be available) to fund that same activity. State funds must be used to **supplement** existing state, local or federal funds for program activities and may not replace state, local or federal funds that have been appropriated or allocated for the same purpose. In those instances, where a question of supplanting arises, the grantee will be required to substantiate that the reduction in non-state resources occurred for reasons other than the receipt or expected receipt of state funds.

As a practical matter, the non-supplanting requirement means that **all positions supported under this grant that were not paid for under the previous CARP contract must either be new hires (on or after the official contract start date); rehires of people who have already been laid off prior to the effective date of this contract; or rehires of people who are (at the start date of the contract) currently scheduled to be laid off on a future date** as a result of state, local, or federal budget cuts.



## Division of Criminal Justice Services

### ATTACHMENT 1

#### **Memorandum of Understanding Between the New York State Department of Taxation and Finance and the County District Attorney's Office**

This agreement ("MOU") by and between the **New York State Department of Taxation and Finance ("DTF")** and the \_\_\_\_\_ **County District Attorney's Office** (the "DA's Office") is to be effective as of the date signed by both parties.

**WHEREAS**, the State of New York ("State") and DTF share with the District Attorney's Office a strong interest in robust enforcement of the tax laws, effective deterrence so as to increase voluntary compliance with those laws, and the recovery of revenues properly due the State and other units of government; and

**WHEREAS**, the State has, through its Division of Criminal Justice Services ("DCJS"), offered a contract and grant award to the DA's Office (the "grant") under the Crimes Against Revenue Program ("CARP") for the period from on or about January 1, 2021 to December 31, 2021; and

**WHEREAS**, the DA's Office has sought to accept that offer and has applied for the grant through the DCJS Grants Management System, and it is a condition of the grant, as set forth in the contract, that the DA's Office enter into this MOU with DTF;

Now, **THEREFORE**, DTF and the DA's Office hereby agree as follows:

#### **I. Purpose and principles**

This agreement is intended to set forth roles and responsibilities, as between the parties, with respect to the investigation and prosecution of tax crimes and other fraud that can adversely affect government revenues. The prosecutorial function is the responsibility of the DA's Office, as dictated by the Constitution and laws of this State. The parties to this MOU recognize and acknowledge that the District Attorney's responsibility and discretion to prosecute crimes in \_\_\_\_\_ County, as derived from the Constitution and laws of this State, remain unaffected by any provision in this MOU, and that DTF cannot require the DA's Office to exercise its prosecutorial discretion in any particular way. However, the DA's Office, by accepting the grant and entering into this MOU, agrees to abide by the terms thereof, and acknowledges and agrees that non-compliance with those terms may result in diminution or denial of grant funds to be provided.

#### **II. Definitions of terms**



- A. "Referral" shall mean a request by the Commissioner of DTF, or by an authorized designee on behalf of the Commissioner, that in a particular matter, the DA's Office institute an action or proceeding relating to allegations of violations of the tax laws or tax obligations.
- B. "Prosecutor's Request" shall mean a written request by a prosecutor in the DA's Office that DTF make a referral to the DA's Office in a particular matter.
- C. "Tax crime" shall mean any crime defined in the Tax Law, and also any crime arising from violation of obligations under the Tax Law.

### III. Liaison

Each party will designate a member of its legal staff to serve as the primary liaison with the other party, and will notify the other party as to any changes in its designated liaison.

### IV. Prosecutors' requests

- A. The DA's Office shall direct each Prosecutor's Request to the DTF liaison, with a copy to the relevant district office of the Criminal Investigations Division of DTF.
- B. A Prosecutor's Request should include reasons to believe that it would be appropriate for the DA's Office to investigate or prosecute one or more tax crimes, and a representation that such information will in fact be used to investigate at least one potential tax crime for possible prosecution.
- C. Before issuing a grand jury subpoena to DTF, the DA's Office will, unless impracticable, first try to obtain the desired records by Prosecutor's Request, and will allow a reasonable amount of time for DTF to act upon that Prosecutor's Request.
- D. DTF shall make good faith efforts – upon the receipt of sufficient information to reach a determination – to answer a Prosecutor's Request (by making a referral or a denial of such request) with reasonable promptness.

### V. Judicial process

- A. When the DA's Office serves a grand jury subpoena for tax information from DTF, the DA's Office shall include therewith a certification that the subpoena may lawfully require production of the information sought. For example, a subpoena seeking a personal income tax return or portion thereof should include or be accompanied by a certification that in accordance with Tax Law §697(e)(2), the grand jury investigation in question is one under the provisions of article 22 of the Tax Law, and the materials sought are directly involved in and pertinent to such investigation.
- B. Grand jury subpoenas for tax information from DTF should have return dates far enough in the future so that production of responsive materials will not be unduly burdensome. Unless extraordinary circumstances require otherwise, return dates should allow at least two weeks for production in a routine case and correspondingly longer if the matter is more extensive or complicated.

- C. When the DA's Office intends that a DTF employee actually appear in person to testify in response to a grand jury subpoena, the DA's Office, when serving the subpoena, shall provide separate written notice of that requirement.

## VI. Referrals

- A. When DTF intends to refer a matter for investigation or prosecution by the DA's Office, then when feasible and appropriate, DTF will, before making an arrest in that matter:
  - 1. Make a referral of that matter to the DA's Office at least two weeks prior to arrest; provide relevant tax returns to the DA's Office; and make DTF staff available to meet with the DA's Office to provide further information and assistance. In determining the appropriateness and timing of prior referral, DTF may consider the simplicity of a matter, any urgency, the preferences of the DA's Office, and other factors. In more complex matters, DTF will seek to provide referrals further in advance. In some matters, such as "sweeps" of vendors selling goods subject to sales tax who do not have a certificate of authority, and routine excise tax enforcement (including arrests resulting from retail inspections, vehicle stops and street encounters), there is no presumption that there will be a referral prior to arrest.
  - 2. Consult with the DA's Office about how the arrests will be made, including which agency, or agencies jointly, should be responsible for making them. The parties recognize that circumstances can vary from case to case, and the availability of resources can vary from time to time, so there is no general presumption that arrests should be made by any one agency to the exclusion of others. In cases in which DTF ultimately determines that it will make an arrest, it will try to provide advance notice of such arrest to the DA's Office to the extent feasible and appropriate under the circumstances of the case.
  - 3. In good faith consider any general preferences that have been expressed by the DA's office as to procedures for referrals and arrests, and any concerns expressed by the DA's Office in the particular matter, including concerns as to factual or legal issues and concerns as to time limits under the Criminal Procedure Law.
- B. The DA's Office will timely communicate any decision to decline prosecution of any case referred by DTF, and upon request by DTF will provide the rationale of such decision so that DTF may explore alternative methods of enforcement. The DA's Office shall typically inform DTF within three months after a referral, or earlier, as to whether or not it intends to proceed with the referral. Proceeding with the referral means further investigating the facts by if necessary and prosecuting the case if appropriate.

## VII. Assistance

- A. The DA's Office may, either before or after charges are filed in a particular tax matter, make requests for DTF assistance in that matter (including the designation of a DTF lawyer as a Special Assistant District Attorney) to the DTF liaison or to the relevant district office of the Criminal Investigations Division of DTF.

- B. When assistance is requested, DTF will try to make a prompt response as to whether it will provide the requested assistance.

#### VIII. Dispositions

In tax cases, DTF represents the victim of the crime and should receive the same consideration as other crime victims. Prior to resolving a tax case, the DA's Office shall confer with DTF and give DTF notice of any proposed resolution and an opportunity to express its view. This will help ensure that appropriate restitution is ordered, collected, and directed to the victim, and that there is appropriate consideration of global settlement (that is, of both the defendant's criminal and civil tax liabilities) and whether there should be additional settlement terms to insure future tax compliance. In addition, DTF shall be considered a "victim" as that term is defined in CPL section 380.50(2) and to the extent the terms of criminal dispositions involve the payment of restitution and monetary penalties, the DA's Office shall seek to maximize the recovery to the victim. The DA's Office recognizes that only DTF can settle the defendant's civil tax liability, and any disposition that purports to resolve the defendant's total tax liability requires the consent of DTF.

Unless there is a global settlement, the DA's Office will place language on the record and in any plea agreement specifically stating that the plea and sentence does not resolve the defendant's total tax liability and DTF may pursue other remedies including, in the case of Sales Tax matters, the suspension and/or revocation any Certificate of Authority.

In tax cases, the District Attorney's offices will endeavor to obtain a plea to a Tax Crime.

#### IX. Coordination

- A. Regular and open communication between the DA's Office and DTF is an essential component of this agreement. Signatories must honor reasonable requests to confer.
- B. To maximize a collaborative working relationship between DTF and the DA's Office, the parties will meet monthly or as otherwise agreed to discuss matters of mutual interest including cases referred by DTF to the DA's Office.
- C. Provide quarterly revenue collection documentation on eligible non-tax cases to DTF.

#### X. CARP

- A. The DA's Office will comply with all the conditions of the grant, including the work plan.
- B. The District Attorneys will assist DTF to develop and implement an effective enforcement strategy in order to detect, prosecute and deter revenue crimes.
- C. The District Attorneys will undertake appropriate investigations of allegations at the request of DTF.
- D. The District Attorneys will maintain effective coordination and cooperation with DTF in the investigations and prosecution of revenue crimes.

- E. The DA's Office will regularly communicate to DTF as to its efforts to investigate and prosecute tax crimes, and provide information as requested, to help DTF assess compliance with this MOU and the performance of the DA's Office under the grant.
- F. Performance under the grant will be measured by an assessment of a variety of factors reflecting efforts to investigate and prosecute revenue crimes during the grant period. The recovery of monetary restitution, while an important consideration, is only one factor to be considered.

#### XI. Public information

- A. The parties recognize the importance of deterring tax crimes, and other frauds against the government, through successful, appropriate and well-publicized prosecutions.
- B. Either party may issue news releases in any matter. The parties recognize that it is ordinarily the best practice for the parties to confer and cooperate as to whether releases should be issued, and by whom, or whether to join in a single release.

#### XII. Amendment

This MOU may be amended only in writing and by the agreement of both parties hereto. This MOU supersedes any prior MOU between the parties on the same subjects. The MOU shall continue in effect, as amended from time to time, until and unless a party hereto gives the other party written notice that the MOU shall be terminated on a specified date at least thirty days after the date of such notice.

\_\_\_\_\_  
District Attorney

\_\_\_\_\_  
County

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael Schmidt  
Executive Deputy Commissioner  
Department of Taxation and Finance

RESOLUTION NO. 96

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE CRIMES AGAINST REVENUE PROGRAM**

Introduced: 3/9/20  
By Law Committee:

WHEREAS, The Albany County District Attorney has requested authorization to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Crimes Against Revenue program funding in the amount of \$299,710 for the term commencing January 1, 2020 and ending December 31, 2020, and

WHEREAS, The District Attorney has indicated that the funding will be used to facilitate the investigation and prosecution of those who commit crimes against State revenues, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Crimes Against Revenue program funding in the amount of \$299,710 for the term commencing January 1, 2020 and ending December 31, 2020, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application and agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 3/9/20*

State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 9<sup>th</sup> day of March, 2020, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 11<sup>th</sup> day of March, 2020.



Clerk, Albany County Legislature

**FOR COUNSEL USE  
ONLY**

Date Received: \_\_\_\_\_  
Received By : \_\_\_\_\_  
Method: Hand: \_\_\_\_\_  
Courier: \_\_\_\_\_  
Mail : \_\_\_\_\_

**REQUEST FOR LEGISLATIVE ACTION**

**DATE:** June 8, 2021  
**DEPARTMENT:** Office of the District Attorney  
Contact Person: Heather Orth  
Telephone: 275-4704  
Dept. Representative Attending  
Committee Meeting: District Attorney David Soares and/or Heather Orth

**PURPOSE OF REQUEST:**

Adopting of Local Law	_____
Amendment of prior Legislation	_____
Approval/Adoption of Plan/Procedure	_____
Bond Approval	_____
Budget Amendment (See Below)	_____
Contract Authorization (See below)	X
Environmental Impact	_____
Home Rule Request	_____
Property Conveyance	_____
Other: (State briefly if not listed above)	X Permission to submit an application for state funds

**CONCERNING BUDGET AMENDMENTS**

**STATE THE FOLLOWING:**

Increase Account/Line No. \_\_\_\_\_  
Source of Funds: \_\_\_\_\_  
Title Change: \_\_\_\_\_

**CONCERNING CONTRACT AUTHORIZATION**

**STATE THE FOLLOWING: N/A**

**TYPE OF CONTRACT**

Change Order/Contract Amendment	_____
Purchase (Equipment/Supplies)	_____
Lease (Equipment/Supplies)	_____
Requirements	_____
Professional Services	_____
Education/Training	_____
Grant	_____
New	_____
Renewal	X
Settlement of a Claim	_____
Release of Liability	_____
Other: (State briefly)	_____

**CONCERNING CONTRACT AUTHORIZATION (Cont'd)**

**STATE THE FOLLOWING :N/A**

Contract Terms/Conditions:

Party (Name/Address):

Division of Criminal Justice Services, Office of Program Development and Funding,  
80 South Swan Street, NY 12207

Amount/Raise Schedule/Fee: \_\_\_\_\_

Term: January 1, 2021 – December 31, 2021

Scope of Services: These funds will support the Motor Vehicle Theft and Insurance Fraud  
Prevention program.

**Contract Funding:**

Anticipated in Current Budget: Yes Yes X No \_\_\_\_\_

Funding Source: State Funds

County Budget Accounts

Revenue: A31165.0.3498

Appropriation: A91165, 22050, 44039, 12010; 89010; 89030; 89060

Bond (Res.No. & Date of Adoption) \_\_\_\_\_

**CONCERNING ALL REQUESTS:**

Mandated Program/Service: Yes \_\_\_\_\_ No X

If Mandated Cite: Authority \_\_\_\_\_

Anticipated in Current Adopted Budget: Yes X No \_\_\_\_\_

If yes indicate Revenue/Appropriation Account: A31165.0.3498

A91165 22050, 44039, 12010; 89010; 89030; 89060

**Fiscal Impact - Funding: (Dollars or Percentages)**

Federal \_\_\_\_\_

State \$65,050

County \_\_\_\_\_

Term/Length of Funding One Year

Other Reimbursement: \_\_\_\_\_

**Previous Requests for Identical or Similar Action:**

Resolution /Law Number 20-95

Date of Adoption: 3/9/20

**Justification:** (State briefly why legislative action is requested)

This resolution is requested to provide the authority to apply, accept and enter into the contract with the Department of Criminal Justice Services for the Motor Vehicle Theft and Insurance Fraud Prevention Program.

**Back-up Material Submitted:** Grant Award Letter, previous resolution.

Submitted By: Heather Orth

Title: Confidential Assistant to the District Attorney





## Division of Criminal Justice Services

ANDREW M. CUOMO  
Governor

MICHAEL C. GREEN  
Executive Deputy Commissioner

JEFFREY P. BENDER  
Deputy Commissioner

### Grant Award Notice

Grantee/Contractor: Albany County District Attorney	Date: 2/3/2021
Program Name: Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP)	Award Amount: \$65,050
Agency Head Name and Title: District Attorney David Soares	Term Dates: 1/1/21-12/31/21
Email: dsoares@albanycounty.com	Project ID No.: MV21-1027-R03
	Contract No.: C464316
<b>Additional Information:</b>  The New York Motor Vehicle Theft and Insurance Fraud Prevention Program (MVTIFP) supports a variety of initiatives targeting auto theft and related auto insurance fraud.  This notice is to inform you that DCJS will provide you with third 1-year renewal to your original 2017-2018 MVTIFP contract award. Please see the Contract Instruction Sheet for further details on the processing of your renewal contract.  Please be advised that the award amount listed above is contingent on the availability of appropriations, which may be reduced during the contract period pursuant to language in the FY21 enacted state budget.  If you have any questions on this award, please contact your DCJS Office of Program Development and Funding (OPDF) Public Safety Grants Representative provided below:  Jason Tillou Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 485-2729 or <a href="mailto:Jason.Tillou@dcjs.ny.gov">Jason.Tillou@dcjs.ny.gov</a>  Congratulations on your award. DCJS looks forward to working with you on this important project.  Attachment (1)	



## Division of Criminal Justice Services

### 2020-21 DCJS Office of Program Development and Funding Contract Instruction Sheet

Please note and complete the following information within 30 days of receiving the award letter to further facilitate the development of your contract:

- Ensure all prior year contracts are in compliance with contract conditions (up-to-date progress reports, vouchers, fiscal cost reports and detailed itemization forms).
- Please be advised this is a renewal of your 2017-18 grant contract for the 2020-21 contract term. Grantees should review the budgets in the Grants Management System (GMS) and make any required changes for the new contract term.
- After the budgets have been updated, Grantees must then submit updated MWBE forms to reflect the updated budgets as follows:
- Grantees receiving in excess of \$25,000 must submit:
  - Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301)
  - Local Assistance MWBE NPS Discretionary Budget Determination Worksheet (DCJS-3309)

These forms can be located at:

<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>

- Grantees receiving in excess of \$250,000 must also submit the Local Assistance MWBE Equal Employment Opportunity Staffing Plan (DCJS-3300). This form can be located at:  
<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>

#### NOT-FOR-PROFIT GRANTEES ONLY:

- Vendor Prequalification: Prequalification is required prior to contract approval. To review your documentation status, please go to the Grants Reform website at <https://grantsreform.ny.gov/grantees>.
- Vendor Responsibility: Not-for Profit organizations that are receiving an award of \$100,000 or greater are required to complete an *updated* Vendor Responsibility Questionnaire on-line. The questionnaire and additional information are available on the NYS OSC website at <http://www.osc.state.ny.us/vendrep/index.htm>.
- Charities Registration: Not-for-Profit organizations must ensure that their filing status is up-to-date with the Charities Bureau of the NYS Attorney General's Office. Requirements may be obtained at <http://www.charitiesnys.com/home.jsp>.

- Proof of Workers Compensation and Proof of Disability Insurance are required for all Not-for-Profit entities. Both of these insurance documents must list DCJS as the certificate holder. Please attach a copy of these two documents to your contract record in GMS.
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RESOLUTION NO. 95

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM**

Introduced: 3/9/20  
By Law Committee:

WHEREAS, The Albany County District Attorney has requested authorization to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Motor Vehicle Theft and Insurance Fraud Prevention program funding in the amount of \$65,050 for the term commencing January 1, 2020 and ending December 31, 2020, and

WHEREAS, The District Attorney has indicated that the funding will be used to support staff to supervise the prosecution of those who engage in motor vehicle related fraud and auto theft schemes and to reduce the incidence of these crimes, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to and enter into an agreement with the New York State Division of Criminal Justice Services to accept Motor Vehicle Theft and Insurance Fraud Prevention program funding in the amount of \$65,050 for the term commencing January 1, 2020 and ending December 31, 2020, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application and agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote - 3/9/20*

State of New York  
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 9<sup>th</sup> day of March, 2020, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 11<sup>th</sup> day of March, 2020.



Clerk, Albany County Legislature