

FORFEITURE FUNDS UNDER POLS' SCRUTINY

Suffolk legislators say agencies' accounting lacks detail

BY DAVID M. SCHWARTZ
david.schwartz@newsday.com

Suffolk County law enforcement agencies have failed to comply with a 2017 law that mandates detailed disclosure of how proceeds from assets confiscated in criminal investigations are spent, legislative leaders said.

In their first reports under the law, the county police, district attorney and sheriff's offices last month reported spending in general categories, such as equipment and investigations, from their multimillion-dollar asset forfeiture accounts and total receipts from investigations.

Suffolk Legis. Kara Hahn (D-Setauket), sponsor of the disclosure law, said legislation requires agencies to detail where the money came from and how it was spent to enable public and legislative scrutiny of the funds.

Hahn, the Democratic majority leader, said all the county law enforcement agencies except the probation department "turned in something that in my mind is not complete and does not meet the requirements of the law. There is absolutely no detail there." To help bolster transparency, the legislature voted unanimously on March 19 to require quarterly reporting of asset forfeiture spending.

Police and sheriff's officials said they believed their reports met the law's requirements.

"I think we complied with the request. If they want more fidelity, we can have that dialogue in the future," said Stuart

Cameron, who has been serving as the acting police commissioner, in an interview.

"We submitted what we feel is a detailed report," said Chief Deputy Sheriff Michael Sharkey. "We're open to continuing discussions with the legislature."

District Attorney Timothy Sini's office did not respond to requests for comment.

The district attorney's office, police, sheriff and probation departments each maintain accounts made up of cash and property seized during criminal investigations.

The proceeds must be spent for law enforcement purposes, according to federal and state guidelines.

If federal authorities such as the FBI are involved in the probes, the federal government gets a share of the assets before passing them along to local law enforcement agencies. For money and property seized under state law, a portion goes to the state Office of Victim Services and the state Office of Alcoholism and Substance Abuse Services.

Local and national authorities tout the asset forfeiture process as a crime deterrent that strips the profit incentive from criminals and brings in funding for law enforcement equipment and training.

A source of controversy

But the programs have drawn criticism for creating a monetary incentive for law enforcement agencies to seize personal property, including from suspects not convicted of crimes.

Suffolk law enforcement offi-

cials say they use the money to pay for items including equipment, training and to make drug buys during investigations and pay confidential informants.

The funds are considered "off budget" — outside the county budget approved each year by the legislature — and are spent at the discretion of law enforcement agencies, without legislative oversight or public disclosure.

Asset forfeiture funds have been a source of controversy for the past two Suffolk County district attorneys, Democrat Thomas Spota and Republican James M. Catterson Jr.

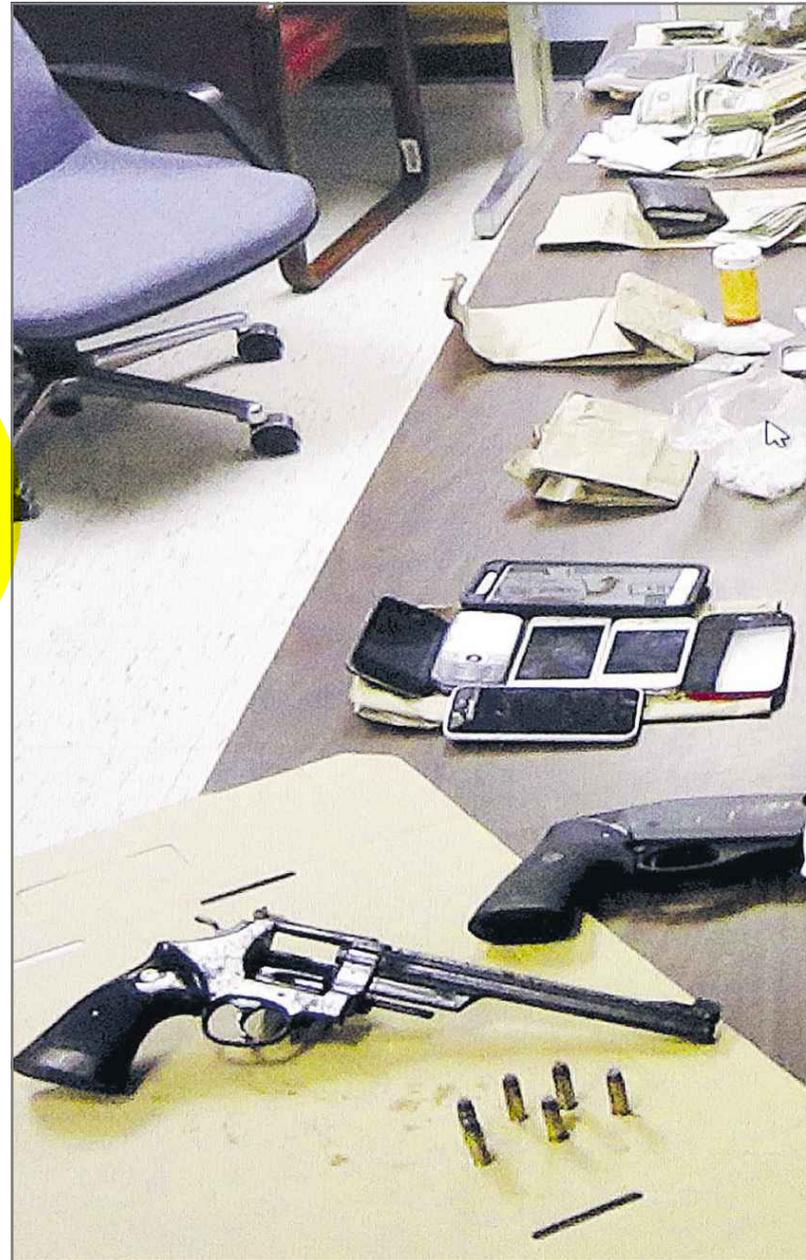
Records show that the district attorney's office under Spota, who left office in December at the end of his third four-year term, paid \$3.25 million in bonuses to prosecutors and other staff between 2012 and 2017 using asset forfeiture funds.

Sini, then a Democratic district attorney candidate, Suffolk County Executive Steve Bellone and some Suffolk lawmakers said they had been unaware of the payments and criticized them as inappropriate, in part because they were made without legislative approval.

Spota's administration said the payments fell within state guidelines for how to spend the money and did not need legislative approval.

In 1992, county lawmakers criticized Catterson for using asset forfeiture money to buy a retirement watch for a secretary and pay for pinstriping for a seized BMW Catterson drove as his official county car.

Last year, Suffolk lawmakers



Law enforcement agencies have wide discretion in disbursing seized

assets. The legislature voted 17-0 for legislation to require the county's four law enforcement agencies to submit reports every March 15 "detailing the receipts and expenditures" of asset forfeiture funds.

The reports "shall be sufficiently detailed to explain how the monies are expended without compromising any law enforcement investigations or prosecutions," the law says. It also required the county comptroller to audit the asset forfeiture funds every two years.

After the agencies missed the deadline, Hahn on March 19 requested the reports. The district attorney, police and sheriff's offices submitted their latest compliance reports to the federal government, which list spending in broad categories. The federal reports do not include money from investigations that

don't involve federal law enforcement agencies.

County: Reports lack detail

On March 28, the police department released a spreadsheet listing total state and federal asset forfeiture revenue of \$3.36 million. The department had \$5.5 million from investigations involving federal agencies, according to the federal report.

The district attorney's federal report showed revenue of \$440,000 in 2017. The office spent \$2.1 million in 2017, including an \$800,000 transfer to the Suffolk County Police Department. The fund had a balance of \$4.8 million at the end of the year, according to the federal report.

The sheriff's department received \$650,000 in federal asset



assets, but Suffolk lawmakers say they have failed to comply with law requiring details of expenditures.

forfeiture funds and spent \$973,000. The sheriff had \$4.5 million in federal funds.

The district attorney and sheriff's office reports don't list state asset forfeiture funds or expenditures of that money.

"The reports submitted are not consistent with the intent and spirit of the law," said legislative counsel George Nolan in an interview. "They provided next to no detail. They need to do better."

"Our charge as legislators is to have oversight of Suffolk County operations. There can't be black boxes," said Gregory, noting that the law enforcement offices have a total budget of some \$500 million.

The county probation department, with the smallest of the four law enforcement funds, listed one expenditure in 2017;

\$15,613 for "enhancements to the camera security system in the Yaphank Office," paid to vendor Intralogic Solutions. The department listed two asset seizures of \$7,504 and \$6,850, of which the probation department received \$1,125 and \$656, respectively.

Hahn cited the report for providing an appropriate level of detail.

Gregory said the legislature may consider additional legislation if law enforcement agencies don't comply with the 2017 law.

Legis. Rob Calarco (D-Patchogue) is sponsoring a measure that would require legislative approval for expenditures of \$3,500 or more.

Sini and Bellone lobbied against a similar bill last year, although Calarco said he is in

talks with the Bellone administration over a possible compromise, which he declined to detail.

"We've now had two consecutive DAs who have been under scrutiny for how they spent asset forfeiture dollars," Calarco said. While he has faith in current leadership of law enforcement agencies, he said, "history shows us we need a better check and balance on these funds."

Cameron said an audit of the department by the U.S. Department of Justice in 2015 only found minor accounting issues that have been fixed.

"The audit didn't find any inappropriate expenditure," Cameron said.

The Department of Justice said the audit was not immediately available.

Tower victim was art dealer

BY MICHAEL O'KEEFE
michael.okeefe@newsday.com

The Trump Tower resident who died in a fire at the high-rise Saturday was a respected art dealer and accomplished musician with poor health and financial woes, according to a childhood friend and court records.

Todd Brassner, 67, who lived on the 50th floor of President Donald Trump's signature Manhattan building, died at Mount Sinai St. Luke's Hospital Saturday night a short time after being transported there in critical condition, officials said.

Fire marshals were at the Fifth Avenue skyscraper Sunday investigating the cause of the four-alarm fire that broke out about 5:35 p.m. Saturday. Six firefighters were treated for minor burns, smoke inhalation and other injuries that are not considered life-threatening.

"The cause of the fire is still under investigation," FDNY spokesman James Long said Sunday.

The 58-floor building, located amid some of Manhattan's most expensive real estate, includes Trump's longtime primary residence. Trump, whose company completed construction on the building in 1983, still lives in a 10,000-square-foot apartment on the top three floors of the building when he returns to the city from Washington. The Trump Organization has offices in the tower, too. The president was in Washington at the time of the fire.

Brassner, a well-known dealer in the city's art scene, is mentioned numerous times in pop-art icon Andy Warhol's posthumous autobiography, "The Andy Warhol Diaries," published in 1989. But longtime friend Betsy Broadman said Brassner was a brilliant figure in the art world in his own right.

According to court filings from his 2015 bankruptcy case, he struggled with "debilitating" health issues in recent years.

Brassner, who was single and had no children, was also

a passionate musician who collected guitars and played in bands for much of his life, Broadman said. According to his bankruptcy filing, his assets included more than 100 vintage electric guitars from the 1950s and 1960s, 150 ukuleles made between 1900 and 1950, and banjos from the 1910s.

Brassner's art collection included a portrait of novelist William S. Burroughs by "On the Road" author Jack Kerouac and pieces from artists Mati Klarewein and designer Josef Hoffman, as well as a portrait of Brassner created and signed by Warhol. His apartment was worth \$2.5 million, according to the bankruptcy filing.

Brassner's apartment was not required to have a sprinkler system, Long said. New York City code requires sprinklers in buildings constructed in 2008 or later, FDNY spokesman James Long said. Buildings built before 2008 are required to install sprinklers during major renovations.

The New York City Council considered proposals that would have required sprinklers in all residential properties in the 1990s, but the legislation stalled for years in the face of stiff opposition from the real estate industry — including Trump, then a powerful Manhattan developer — because of the cost. Real estate lobbyists complained sprinklers would have cost up to \$4 per square foot to equip an entire building, and that sprinklers were prone to vandalism and malfunctions.

Former Mayor Rudy Giuliani and ex-council speaker Peter F. Vallone pushed for a sprinkler law after seven people, including three firefighters, died in residential fires in December 1998.

The City Council approved a bill that mandated sprinklers in residential properties in 1999 that was signed despite misgivings by Giuliani, who believed the measure was not strong enough. The bill exempted new residential buildings with three or fewer units.