

**COMMITTEE ON LEGISLATION JOINT WITH  
THE COMMITTEE ON PUBLIC SAFETY & SECURITY  
MINUTES: October 20, 2008**

**LEGISLATION**

**MEMBERS:** Chair: Burton; Legislators: Abinanti, Harckham, Bronz, Oros, Maisano, Myers, Nonna, Oros, Rogowsky

**PUBLIC SAFETY**

**MEMBERS:** Chair: Pinto; Legislators: Nonna, Myers, Harckham, Burton

**IN ATTENDANCE:** **CE:** B. Randolph, A. Newman; **CA:** C. Indelicato, S. Dolgin-Kmetz, M. Gleeson; **DPS:** T. Belfiore, J. Weiss, D. Long; **BOL:** S. Bass, K. Delgado, R. Pezzullo, C. Giliberti; **GUESTS:** C. Sullivan

With a quorum present, the Committee on Legislation and the Committee on Public Safety and Security were called to order at 1:47 p.m.

**DWI FORFEITURE LAW**

Legislator Harckham gave an update of the work he has been doing on the DWI Forfeiture bill. He is leaning towards drafting the Westchester law to be similar to the Nassau County law, not the Suffolk County or New York City Laws. Mr. Harckham has invited a representative from the Nassau County Attorney's office to talk about their experience with the DWI Forfeiture Law.

Christine Sullivan, Deputy County Attorney of the Nassau County Attorney's office spoke about their DWI Vehicle Forfeiture Law. She has worked in the County Attorney's Vehicle Forfeiture unit since February of 2007 and became its Supervisor in January of 2008. Mr. Campanelli was outside council until the law was overturned on due process grounds. The county is no longer seizing cars, so the change in the law was instrumental in bringing the work in house. Nassau's program was only successful in obtaining cars from DWI defendants. When the county had to give the cars back they were left with 500 cars. They couldn't be legitimately sold because they didn't have the titles to the vehicles. The police refused to take additional cars because they didn't have anymore space. In NYC the Police Department administers the program and they receive all the

proceeds. In Nassau the County Attorney's office administers the program legally but the Police are involved with running it. Their proceeds go to drug enforcement. Westchester needs to decide what department can run the program.

Often Nassau County's best option is to get the vehicle out of the hands of the offender and to work with lean holders and lessors in enforcing their own contractual rights and repossessing the vehicles. Now they take vehicles but not at the inception of the case, they wait until there is a judgment of forfeiture and then the Sheriff's department executes on it. They do impound the vehicles at arrest but only for a day or two until the owner comes to pick it up.

They often are able to negotiate and convince the person to surrender their vehicle to the Police Department. Either by including it in a court order or telling the driver the Sheriffs department will come to your home and take it.

Ms. Sullivan suggested we start off by enacting a smaller part of the program such as for prior offenders or only driver owners. She also suggested we consult with a Lean Holder Attorney who deals with car companies that lease cars. Ms. Sullivan pointed out that it is not a revenue generating program and it does not break even.

Ms. Sullivan discussed the step by step process which her office goes through in a forfeiture case. She included what happens in cases of hardship, innocent ownership and leased vehicles. She also mentioned that the civil proceedings have not impacted any criminal aspects of a case.

Ms. Sullivan provided the committee copies of the local law with the legislative intent, legal cases which involve innocent owner, lease holders, general challenges to the law and some Appellate Division Citations.

A request was made to review the current county impound law which holds vehicles up to 12 hours to see how well it is working.

Legislator Harckham stated Westchester's situation with its many municipalities is different than Nassau, so we will be looking at a pilot program that just our County Police will enforce. Our program would have one County Attorney, one Para Legal, one Secretary and one Sheriff.

Mr. Harckham also said he would provide members the frame work which was worked out with the administration so the committee could have a future meeting on what parameters they would like to see drafted in a proposed law.

(Harckham, Nonna) Move to adjourn the Committee on Legislation and the Committee on Public Safety and Security. Motion approved 5-0. Meeting adjourned at 3:35 p.m.

**AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST**