



COUNTY OF ONONDAGA

*Office of the  
County Comptroller*

Martin D. Masterpole  
*Comptroller*

William M. Ryan  
*Chief of Staff*

*John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202-2998  
(315) 435-2130 • Fax (315) 435-2250  
www.ongov.net*

Philip M. Britt  
*Deputy Comptroller/Accounting*

Peter J. Headd  
*Deputy Comptroller/Audit*

January 18, 2022

The Honorable William J. Fitzpatrick  
Onondaga County District Attorney  
505 South State Street 4<sup>th</sup> Floor  
Syracuse, New York 13202

Dear District Attorney Fitzpatrick,

We performed a limited scope audit of the - Court Order Deposit Trust and Agency Account - 036000 - subaccounts 036000002 Forfeiture of Crime Proceeds and 036000003 Forfeiture of Misdemeanor Crimes Proceeds for the period January 1, 2020 through and as of September 30, 2021. We evaluated internal controls and planned and performed procedures to obtain reasonable assurance about whether the recorded account balance and the account transactions are free of material misstatement. The recorded account balance and the related account transactions are the responsibilities of the department's management. Our responsibility was to obtain an understanding of the policies/procedures (including bank reconciliation), test internal controls over the account, and review the account transactions completed during the audit time period. Our audit procedures included evaluating internal controls and examining, on a test basis, evidence supporting the account balance and transactions.

The Court Order Deposit Trust Account is used to collect and distribute State and Local Forfeitures. Money seized at the time of arrest for drug possession crimes can be considered forfeited money subsequent to the disposition agreement. There are two types of forfeitures; Local Forfeitures derived from misdemeanor crimes and State Forfeitures which are derived from felony crimes. Any judgement or order of forfeiture is handled in accordance with the Civil Practice Law and Rules of the State of New York (CPLR), Article 13-A-(1310-1352) – Proceeds of a Crime Forfeiture. The Onondaga County Treasurer is the agent for Forfeited funds.

Consistent with the disposition agreements, the forfeited money is transferred from the Sheriff's Department or the Syracuse Police Department to the District Attorney's (DA) Office. Once the money is in the possession of the DA's Office, the Paralegal prepares a cash report and distribution allocation report according to Disposal of Property Provision; NY CPLR Section 1349 and provides both reports to the Financial Operations Department. The DA's Office then

completes a physical transfer of the forfeited money to the Financial Operations Department to be deposited into the Trust and Agency Account.

During our audit we noted the following:

**Findings:**

**District Attorney's Office:**

1. We noted the current process of counting forfeited funds in the presence of the Sheriff's Office personnel by the District Attorney's (DA's) Staff needs to be strengthened. The cash is counted and verified to an amount written on a memo and to the label on the bagged money however, there are no sign offs of parties involved attesting to the amount of cash counted and turned over to the DA's Staff. This practice has the potential of placing the employees in a difficult situation if the cash does not balance to the detail once the parties have parted ways.
2. We noted that the Collection Memo prepared by the DA's Paralegal indicates the amount of forfeited money consistent with the disposition agreement(s), is sent to the Property Clerk respective of the arresting agency for review and updating. The Property Clerk will cross out (edit) the memo based on up to date case information stated on the BEAST Report. These edits at times make the Collection Memo a difficult document to use for attesting to a cash count.

**Recommendation:**

- *We recommend the DA's office implement control procedures to improve their current practice of the forfeited cash counts, such as using a control log to indicate, at minimum, the amount of cash counted, date and names of all those present.*

**Financial Operations Department:**

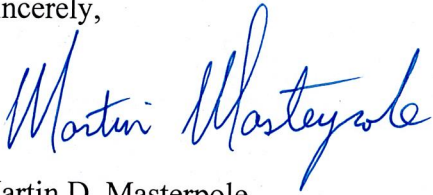
3. We noted the internal controls relating to the cash count of forfeited funds between Financial Operations and the DA's staff, need to be strengthened. Their respective staff is present during the cash count however, there is no formal sign off documentation as to the attestation of cash counted. Additionally there is no receipt of funds provided to the DA staff. This practice has the potential of placing the employees in a difficult situation if the cash does not balance to detail.

**Recommendation:**

- *We recommend the Financial Operations Department implement a formal sign-off procedure attesting to the cash counted by all individuals present and this document and/or receipt of funds be given to the DA's staff at the time of the deposit.*

Please feel free to contact me with any questions you may have. Thank you.

Sincerely,



Martin D. Masterpole

Cc: Steve Morgan, Chief Fiscal Officer  
Kristi Smiley, Deputy Director of Financial Operations  
Joseph T. Coolican, First Chief Assistant District Attorney  
Pete Headd, Deputy Comptroller of Audit



**DISTRICT ATTORNEY  
WILLIAM J. FITZPATRICK**

County of Onondaga  
Criminal Courthouse, 4th Floor  
505 South State Street  
Syracuse, New York 13202  
315-435-2470  
Fax: 315-435-3969

January 12, 2022

Martin D. Masterpole  
Onondaga County Comptroller  
Office of the Comptroller  
John H. Mulroy Civic Center  
421 Montgomery Street  
14<sup>th</sup> Floor  
Syracuse, New York 13202

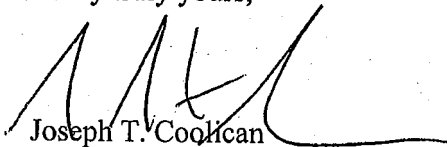
Re: LEADS and CPLR Forfeiture Accounts

Dear Mr. Masterpole:

This office is in receipt of your letter with recommendations following your office's limited scope audit of our LEADS and CPLR forfeiture accounts. With your recommendations in mind, we have taken a step to supplement the controls contained within our automated evidence handling system. For each occasion where the District Attorney's Office assumes physical possession of funds, a paper memorialization of the forfeiture reconciliation will be prepared. This form will contain the date, defendant's name, police agency, DR#, BEAST Item #, amount listed in BEAST, amount counted, and a space to detail any discrepancies. The form will then be signed by the members of this office who participated, as well as members of the law enforcement agency. A file containing the completed forms will be maintained by this office. I have enclosed an example of our proposed form.

If you have any further comments or questions, please do not hesitate to contact me. I look forward to working with you in the future.

Very truly yours,



Joseph T. Coolican  
First Chief Assistant District Attorney

JTC/dh  
Enclosure



**DISTRICT ATTORNEY  
WILLIAM J. FITZPATRICK**

County of Onondaga  
Criminal Courthouse  
505 South State Street  
Syracuse, New York 13202  
(315) 435-2470  
(315) 435-3969 (fax)

## Forfeiture Reconciliation

Date:

Defendant's Name:

Police Agency:

DR#:

Beast Item #:

Amount listed in Beast:

Amount counted:

Discrepancy:

\_\_\_\_\_  
Name – DA's Office

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name- DA's Office

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name- Police Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

COUNTY OF ONONDAGA



**DEPARTMENT OF FINANCE**

*DIVISION OF FINANCLAL OPERATIONS*

*John H. Mulroy Civic Center, 15th Floor*

*421 Montgomery Street*

*Syracuse, New York 13202-2989*

*(315) 435-2957 Fax (315) 435-3590*

*www.ongov.net*

J. RYAN McMAHON

*County Executive*

STEVEN P. MORGAN

*Chief Fiscal Officer*

KRISTI SMILEY

*Deputy Director of  
Financial Operations*

January 4, 2022

Mr. Martin Masterpole, Comptroller  
Onondaga County Comptroller's Office  
421 Montgomery Street, 14<sup>th</sup> Floor  
Syracuse, New York 13202

Dear Mr. Masterpole,

I have reviewed your audit letter dated December 28, 2021 regarding Trust & Agency Account #036000-subaccounts: subaccounts 036000002 Forfeiture of Crime Proceeds and 036000003 Forfeiture of Misdemeanor Crimes Proceeds. As a result of the review both the District Attorney's Office and Financial Operations will implement revised procedures to better document cash counts and sign off.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Smiley".

Kristi Smiley

Deputy Director – Financial Operations