

Introduced by Legislators Beedenbender, Lindsay, Cooper, Horsley, Browning, Eddington, Gregory, Stern, Losquadro, Alden, Vilorio-Fisher, Barraga, Kennedy, Nowick, and D'Amaro

RESOLUTION NO. 940 -2009, DIRECTING THE CRIMINAL JUSTICE COORDINATING COUNCIL TO PREPARE A REPORT ON THE COMMUNITY SERVICE PROGRAM AND TO MAKE RECOMMENDATIONS TO INCREASE ITS EFFECTIVENESS

WHEREAS, Stephen M. Harrington died in an automobile accident in October, 2006 in Suffolk County; and

WHEREAS, at the time of the accident, the driver who struck Mr. Harrington's automobile had multiple license suspensions and had accumulated 50 points against his license in the six months immediately preceding the accident; and

WHEREAS, Suffolk County District Court gave the driver in this case a conditional discharge contingent upon completing 140 hours of community service; and

WHEREAS, despite an explicit warning from the court, the driver did not complete any of the required community service; and

WHEREAS, the driver's period of conditional discharge has now expired; and

WHEREAS, the driver cannot be forced to complete the community service requirement because his failure to complete the service portion of his sentence was not identified during his period of conditional discharge; and

WHEREAS, it has been difficult for the Legislature to ascertain the errors in oversight that prevented the proper execution of the driver's sentence; and

WHEREAS, it is unclear whether this travesty of justice is an isolated incident or representative of a systemic problem within the Community Service Program; and

WHEREAS, it is essential that the public has confidence in the criminal justice system and can be assured that criminals complete their sentences; now, therefore be it

1st RESOLVED, that the Criminal Justice Coordinating Council (CJCC) is hereby directed to conduct a review of the above matter and the current policies within the Community Service Program which shall include, but not be limited to, the following information:

- 1) A full accounting of the above described event from the date of the accident to present;
- 2) An outline of how the criminal justice system is designed to handle cases of this nature, including all communications and referrals required for the efficient operation of this system, as well as any procedures specific to the County of Suffolk;
- 3) A documented outline of how this specific case was handled, including those instances where the applicable procedures failed;

- 4) An evaluation of whether those procedures are in accordance with the New York State Alternative to Incarceration Service Plan;
- 5) An analysis of the frequency of similar incidents occurring in Suffolk County;
- 6) A detailed plan and recommendations to ensure that similar incidents do not occur in the future;
- 7) A list of the resources necessary to effectuate such recommendations; and
- 8) Any other pertinent facts or information regarding this inquiry;

and be it further

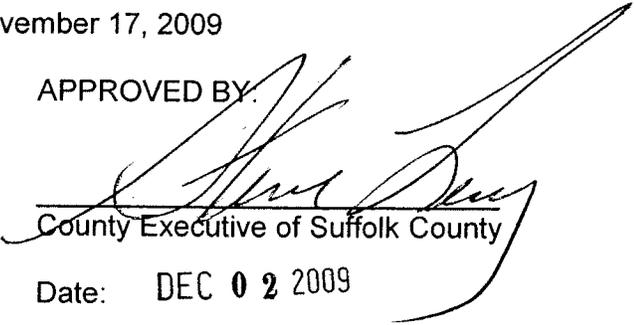
2nd **RESOLVED**, that the CJCC shall include with the report a copy of the Suffolk County Alternative to Incarceration Service Plan; and be it further

3rd **RESOLVED**, that the CJCC shall complete and present a written report on its findings and recommendations to the County Executive and each member of the County Legislature no later than sixty (60) days subsequent to the effective date of this resolution; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: November 17, 2009

APPROVED BY:


County Executive of Suffolk County

Date: DEC 02 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 17, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1872 Res. No. 940

November 17, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					/
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	—	1	—	

MOTION	
<input checked="" type="checkbox"/>	Approve
___	Table: _____
___	Send To Committee
___	Table Subject To Call
___	Lay On The Table
___	Discharge
___	Take Out of Order
___	Reconsider
___	Waive Rule ___
___	Override Veto
___	Close
___	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED ___
No Motion ___	No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote