

**RESOLUTION NO. 503 -2010, ADOPTING LOCAL LAW
NO. 42 -2010, A CHARTER LAW TO GUARANTEE
CONTINUITY AND STABILITY IN COUNTY LAW
ENFORCEMENT AND ENSURE ADEQUATE RESOURCES
FOR PUBLIC SAFETY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 2, 2010 a proposed local law entitled, "**A CHARTER LAW TO GUARANTEE CONTINUITY AND STABILITY IN COUNTY LAW ENFORCEMENT AND ENSURE ADEQUATE RESOURCES FOR PUBLIC SAFETY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 42 -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO GUARANTEE CONTINUITY AND STABILITY IN
COUNTY LAW ENFORCEMENT AND ENSURE ADEQUATE RESOURCES
FOR PUBLIC SAFETY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County Government's top responsibility and duty is to protect the health and safety of County residents.

This Legislature also finds that pursuant to the SUFFOLK COUNTY CHARTER, the Suffolk County Legislature is the policy-making arm of County Government.

This Legislature further finds that in recent years, the Commissioner of the Suffolk County Police Department has executed major policy changes that affect law enforcement in Suffolk County without advising, much less seeking input or approval from, members of the Suffolk County Legislature. The most significant policy change was the reassignment of highway patrol duties on the Long Island Expressway and Sunrise Highway from the Suffolk County Police Department to the Suffolk County Sheriff in September 2008.

This Legislature determines that in the summer of 2009, the Police Department considered other major policy changes including the dissolution of long established police units and the further transfer of public safety functions to the Sheriff.

This Legislature also finds that the Legislature's Public Safety Committee has conducted an investigation to determine the rationale underlying the above described policy shifts. Based on the Police Department's response to legislative subpoenas, it appears that the policy changes and proposals described above were not subjected to rigorous review, analysis and discussion within the Police Department.

This Legislature determines that while the Legislature does not wish to micromanage the day-to-day operations of the Suffolk County Police Department, it has become apparent that the Legislature must act affirmatively to reassert its charter derived policy-making authority in the area of public safety.

This Legislature further finds that before the Police Department transfers a public safety function to another law enforcement agency or simply eliminates a function, the Department should and must obtain legislative approval.

The Legislature further determines that requiring legislative approval for fundamental public safety policy changes will ensure that such changes are adequately reviewed, analyzed and debated before they are enacted.

This Legislature also determines that additional scrutiny and debate of policy change will reassure the public that its safety is, in fact, adequately protected.

Therefore, the purpose of this charter law is to require that any proposed transfer of a public safety function from the Police Department to another law enforcement agency or the elimination of a police department function be approved by the County Legislature before it is enacted.

Section 2. Amendment.

Article XIII of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

ARTICLE XIII, Department of Police

* * * *

§ C13-13. Transfer or Elimination of Police Department function

- A. No service provided primarily by the Police Department and no official command duty or responsibility contained in the Suffolk County Police Department's Rules and Procedures as of the effective date of this law, and assigned to and performed by sworn or civilian employees of the Police Department, shall be transferred to or reassigned to another law enforcement agency or County department without the prior approval of the County Legislature pursuant to a duly enacted resolution.

- B. No services provided primarily by the Police Department and no official command duty or responsibility contained in the Suffolk County Police Department's Rules and Procedures as of the effective date of this law, and assigned to and performed by sworn or civilian employees of the Police Department, shall be eliminated by the Police Department without the prior approval of the County Legislature pursuant to a duly enacted resolution.

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (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. 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 law.

Section 6. Effective Date.

This law shall take effect upon its filing in the Office of the Secretary of State.

- [] Brackets denote deletion of existing language.
- ___ Underlining denotes addition of new language.

DATED: June 8, 2010

****VETOED BY COUNTY EXECUTIVE ON JULY 9, 2010****

****VETO OVERRIDE ADOPTED ON AUGUST 3, 2010****

After a public hearing duly held on June 21, 2010
Filed with the Secretary of State on August 23, 2010