

Intro Res. No. 1125-2013

Laid on Table 2/5/2013

Introduced by Presiding Officer, on request of the County Executive and Legislators Schneiderman, Browning

**RESOLUTION NO. 13 -2013, ADOPTING LOCAL LAW
NO. 10 -2013 A LOCAL LAW TO BE KNOWN AS THE
COMMUNITY PROTECTION ACT**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on February 5, 2013, a proposed local law entitled, "**A LOCAL LAW TO BE KNOWN AS THE COMMUNITY PROTECTION ACT**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 10 -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO BE KNOWN AS THE COMMUNITY PROTECTION
ACT**

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

Section 1. Legislative Intent.

The Legislature finds that the County Department of Social Services is required by statute, regulation and State directive to arrange temporary housing assistance for all eligible homeless individuals, including those who are registered sex offenders.

This Legislature further finds that the registered homeless sex offender population represents less than 4% of the sex offender population residing in Suffolk County. Despite this small percentage, the homeless sex offender has been the central focus of policy debate and discussion regarding sex offenders in Suffolk County while the overwhelming majority of sex offenders residing in the County have not received such attention.

This Legislature further finds that there is a need to implement a law enforcement policy that focuses attention on 100% of the sex offenders in the County.

This Legislature further finds that Legislative Resolution 417-2010, requiring the creation of six mini-shelters throughout the County for the purpose of clustering six homeless sex offenders per mini-shelter is not in the best interests of Suffolk County. Based on the current homeless sex offender population and its anticipated growth in the County, Resolution 417-2010 would need to be immediately amended to increase the shelter number from six to seven shelters.

This Legislature further finds that Suffolk County should not spend taxpayer dollars to build special facilities for homeless sex offenders, that instead this 4% of the sex offender population should be treated no differently than the other 96%.

This Legislature further finds that it is in the best interests of the County to use the resources required to implement the homeless sex offender mini-shelter plan to instead implement the toughest sex offender monitoring, verification and enforcement law in the nation.

This Legislature further finds that the monitoring, enforcement and verification program introduced by the Suffolk County Police Department will significantly enhance the safety and security of all communities in Suffolk County by focusing not just on the 4% of homeless sex offenders in the County but on all 100% of sex offenders residing in Suffolk County.

Therefore, the purpose of this law is make families and communities in Suffolk County safer by the Suffolk County Police Department implementing a series of enforcement, monitoring and verification measures focusing on all sex offenders residing in the County including homeless sex offenders. This law puts the Suffolk County Police Department at the center of the decision making process regarding the placement of homeless sex offenders to insure that public safety is the driving force behind placement decisions. In addition, this law provides the discretion necessary for the Suffolk County Police Department and the Department of Social Services to develop a comprehensive and supervised approach to providing emergency shelter assistance for homeless sex offenders as required under New York State Law and in coordination with the County's client service agencies.

Section 2. Amendments.

I The Suffolk County Code is hereby amended by adding a new Article VII of Chapter 745 known as the "Community Protection Act."

Chapter 745 **Article VII** **Community Protection Act**

§ 745-33. Definitions. – As used in this Article, the following terms shall have the meaning indicated:

"Commissioner" means the Commissioner of the Suffolk County Department of Social Services or his designee.

"Emergency Shelter" means a residential facility providing temporary (nondomicile) housing to at least four individuals or families who or which are homeless, for which such temporary use and occupancy of the housing facilities the owner or primary tenant of the property receives compensation, either directly from the temporary occupant or through reimbursement from a third party on behalf of such temporary occupant, or both. Said facility may also provide ancillary services such as counseling, treatment or other support services.

"Hard to place individuals" means an individual registered with the State Division of Criminal Justice Services pursuant to the provisions of SORA.

"SORA" means the New York State Sex Offender Registration Act (Correction Law Article 6-C).

"SCPD" means Suffolk County Police Department.

§ 745-34. Enforcement, Monitoring & Verification Procedures.

A.) The Commissioner of the SCPD and/or his designee is hereby authorized and empowered to execute a contract for a term not to exceed three (3) years at a total cost to the County not to exceed nine hundred thousand dollars(\$900,000) per County fiscal year with Parents for Megan's Law to provide, among other things, for the;

(i) verification of residency reporting of all registered sex offenders who are not homeless and who are required to report pursuant to SORA;

(ii) proactive monitoring of registered sex offenders to ensure accurate reporting of registered sex offender addresses, which includes monitoring of social media for address verification and to ensure registered sex offenders are not using social media in violation of applicable law;

(iii) development of a system for community reporting of SORA violations;

(iv) development of community email alert and website enhancements to provide notification of registered sex offenders;

(v) provision of crime victim services; and

(vi) provision of community outreach and prevention education.

B.) The SCPD is authorized to utilize available resources within appropriations to enhance or develop and implement registered sex offender monitoring and enforcement which may include, but not be limited to:

(i) strengthening address verification efforts, including shelter site verification;

(ii) electronic distribution of registered sex offender addresses, photos, motor vehicle driver and registration information, etc. to sector patrols;

(iii) establishing permanent patrol checks;

(iv) developing patrol officer intelligence reports for each officer-registered sex offender contact; and

(v) developing watch lists.

§ 745-35. Housing requirements.

A.) Notwithstanding the provisions of any other local law or resolution, hard to place individuals seeking emergency housing assistance shall be placed at an emergency shelter designated by the Commissioner consistent with New York State Law after

consultation with the SCPD except that no more than one hard to place individual shall be placed at any location and to the extent practicable, clustering in any community should be avoided.

B.) In the event that an emergency shelter is not available at any time for a hard to place individual, assistance shall be provided as determined in the judgment of the Commissioner consistent with New York State Law after consultation with SCPD and to ensure public safety and avoidance of clustering in any one community to the greatest extent practicable.

C.) In every case where housing assistance is provided to a hard to place individual, the hard to place individual shall report his or her overnight location within one hour of checking in, registering, being placed, etc., in an emergency shelter or by 11:59 p.m. each day, whichever is earlier, to the SCPD.

D.) The SCPD shall establish a toll-free number dedicated to receiving calls from hard to place individuals to report a detailed physical description of their emergency shelter location. The Commissioner shall provide the toll-free number dedicated for this purpose to each hard to place individual receiving assistance under this Community Protection Act.

E.) The Commissioner shall provide written notice of the reporting requirements of this Community Protection Act to all hard to place individuals seeking emergency shelter.

§ 745-36 Implementation.

A.) The Commissioner, after consultation with SCPD to ensure public safety and avoidance of clustering in any one community to the greatest extent practicable, is hereby authorized, empowered and directed:

(i) subject to the provisions of Article II of Chapter 1065 of the Suffolk County Code, to enter into such agreements and amendments of agreements as may be contemplated, necessary or advisable to consummate or otherwise give full effect to the Community Protection Act; and

(ii) to develop rules and regulations as he or she deems necessary to implement and carry out the provisions of the Community Protection Act.

§ 745-37. Penalties.

Any person who fails to report his or her overnight locations as required by the Community Protection Act shall be guilty of a misdemeanor punishable by a fine of up to \$1,000.00 and/or up to one year in jail.

II. Section A15-3 of the Suffolk County Administrative Code is hereby amended as follows:

§ A15-3. Authority to create petty cash funds.

A.) Notwithstanding [Pursuant to] the provisions of § 371 of the County Law, there is hereby delegated to the County Treasurer the authority to approve the creation or modification of petty cash funds for any administrative unit, up to a maximum amount of \$1,500 per administrative unit, subject to the approval of the Chairman of the Finance and Budget Committee of the County Legislature and a certification by the Budget Director as to the availability of funds for such petty cash funds, except that the County Treasurer shall create or modify a petty cash account for the Department of Social Services, in the amount of \$20,000.00.

B.) The County Treasurer and the County Comptroller are hereby authorized, empowered and directed to increase and replenish the petty cash fund for the Department of Social Services within forty-eight (48) hours if the amount in the petty cash fund falls below \$8,500.00.

Section 3. Applicability.

This law shall apply to emergency shelter assistance provided to hard to place individuals occurring on or after its effective date.

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 judgment or order 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) 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. 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 immediately upon filing in the Office of the Secretary of State.

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

DATED: February 5, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: February 14, 2013

After a public hearing duly held on February 11, 2013
Filed with the Secretary of State on March 27, 2013