

# ***PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE***

***Of the***

***Suffolk County Legislature***

## ***Minutes***

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on March 28, 2006.

### ***Members Present:***

Legislator Jack Eddington • Chairman  
Legislator Kate Browning • Vice•Chair  
Legislator Wayne Horsley  
Legislator Vivian Vilorio•Fisher  
Legislator Joseph Caracappa  
Legislator Daniel Losquadro  
Legislator Jay Schneiderman

### ***Also In Attendance:***

Presiding Officer William Lindsay • District #8  
Legislator Ricardo Montano  
Legislator John Kennedy  
Legislator Louis D'Amaro  
Legislator Edward Romaine  
George Nolan • Counsel to the Legislature  
Ian Barry • Assistant Counsel to the Legislature  
Richard Baker • Deputy Clerk/Suffolk County Legislature  
Robert Calarco • Aide to Legislator Eddington  
Terry Pearsall • Chief of Staff/Presiding Officer Lindsay's Office  
Kara Hahn • Press Secretary to Presiding Officer Lindsay  
Seth Squicciarino • Aide to Legislator Vilorio•Fisher

Paul Perillie • Aide to Majority Caucus  
Linda Bay • Aide to Minority Caucus  
Eric Brown • Aide to Legislator Schneiderman  
Jim Maggio • Budget Review Office  
Sean Clancy • Budget Review Office  
Ben Zwirn • Assistant County Executive  
Brian Beedenbender • County Executive Assistant  
Brian Bielanski • County Executive Assistant  
Jacqueline Caputi • Deputy County Attorney  
Thomas Spota • Suffolk County District Attorney  
Robert Kearon • Division Bureau Chief/District Attorney's Office  
Robert Moore • Chief of Department/Suffolk County Police Department  
Aristedes Mojica • Inspector/Chief of Dept's Office/SCPD  
Kenneth Rau • Chief of Detectives/SCPD  
David Cole • Detective Lieutenant•Vehicle Theft/SCPD  
Peter Desposito • Detective Lieutenant•Crime Analysis/SCPD  
John Keane • Detective Sergeant•Identification Section/SCPD  
Vincent Maronski • Sergeant/Chief of Patrol's Office/SCPD  
Thomas Kelly • Lieutenant•1st Precinct/SCPD  
Bill Gardner • Telecommunications/SCPD  
Joe Williams • Commissioner/Fire, Rescue & Emergency Services  
Miles Quinn • Fire, Rescue & Emergency Services  
Tom Kost • Director/Suffolk County Fire Academy  
Richard Stockinger • Deputy Director/Suffolk County Fire Academy  
Warren Horst • Suffolk County Fire Marshall  
Hope Collazo • Director/Community Service Program•American Red Cross  
Debbie Eppel • Public Information Office  
Tom Muratore • Vice•Present/Police Benevolent Association  
Tom Tatarian • Recording Secretary/Police Benevolent Association  
Bill Mulligan • President/Suffolk County Detective's Association  
Mike Sharkey • President/Deputy Sheriff's Police Benevolent Association  
Laura Ahearn • Executive Director/Parents for Megan's Law  
Maria Perez•Lent • STOP DWI Coordinator  
Douglas Death • Chair/Transportation Advisory Board  
Danny DelValle • Vice•President/Probation Officer's Association  
Catherine Hoake • Suffolk County League of Women Voters  
Mary McLaughlin • Suffolk County League of Women Voters

Sandy Sullivan • Legislative Liaison/AME  
Colleen Ansnelli • Criminal Justice Coordinating Council  
James Madore • Newsday  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney • Court Stenographer

***(\*The meeting was called to order at 11:40 A.M.\*)***

**CHAIRMAN EDDINGTON:**

Okay, I would like to call the meeting to order and have Legislator Browning lead us in the Pledge of Allegiance.

***Salutation***

Thank you. Just a notice of procedure; if any of the public would like to be recorded as present at our committee meeting, you'll need to sign outside with the register at the main desk and then you will become part of the record.

All right, I would like to start with the public portion and I have Clifford Pflieger who would like to make a statement. Cliff? Okay, Richard Taylor? Okay, let's try Phil \\_Lagragnette\\_ . This isn't April 1st, is it? No, okay. I'll do it one last time, Clifford Pflieger? Richard Taylor or Phil \\_Lagragnette\\_?

Okay, then what I will do is I would ask our District Attorney, Mr. Spota to come forward, he's going to make a presentation.  
Good morning.

**DISTRICT ATTORNEY SPOTA:**

Good morning.

**CHAIRMAN EDDINGTON:**

You're on.

**DISTRICT ATTORNEY SPOTA:**

Okay. First of all, I wanted to ••

**MS. MAHONEY:**

It's not on.

**DISTRICT ATTORNEY SPOTA:**

Okay, is it on?

**CHAIRMAN EDDINGTON:**

Yes, it is, okay.

**LEG. LOSQUADRO:**

Just pull it a little closer to you.

**DISTRICT ATTORNEY SPOTA:**

All right, thank you very much, Mr. Chairman and members of the Public Safety Committee, for affording me the opportunity to brief both you and the new members of the Legislature on the workings of the District Attorney's Office. As you know, our office conducts highly sensitive investigations and prosecutions, and to that end I thought what I would do is to keep my comments somewhat general, and I understand that we will be meeting at a time in the future to discuss these matters even further.

Let me start by telling you that in the year 2005, the Suffolk County District Attorney's Office prosecuted approximately, and it's a range of between 55 and 60,000 cases, misdemeanors, and somewhere in the area of about 9,000 felonies; that is a very significant number. And I very much appreciate the fact that in the past years the Legislature and the County Executive's Office has been very supportive of our office in providing us with the investigators and also the prosecutors in order to handle what is seemingly an overwhelming task.

We have in the DA's Office I think 12 •• I don't think, I know •• twelve bureaus; all of them have a very particular purpose and a very particular task. The DA's Office is the chief law enforcement agency in the County of Suffolk, and by that I mean we prosecute all cases from all of the law

enforcement community being the east end and, of course, the Suffolk County Police Department, the State Police and cases that are even referred to us by other law enforcement agencies as well as our Federal law enforcement partners. The bureaus •• and I would like to just generally tell you a little bit about how these bureaus work.

One of the biggest bureaus that we have is the District Court Bureau which is located at the Cohalan Court Complex in Central Islip. That bureau is primarily responsible for prosecuting misdemeanor crimes and violations including driving while intoxicated and other various quality of life crimes. Within the bureau we have, as I said, 41 Assistant DA's, prosecutors, and a support staff, clerical support staff as well as an investigative support staff.

We have broken down the bureau into specialized units such as the gang unit, a unit that deals with prostitution, a unit that deals with identity theft, graffiti cases, scofflaws animal cruelty and prostitution. It is obviously, just by the nature of it, it's a very, very busy bureau, we take in somewhere between 1,250 and 1,500 cases a week. Those are the cases that we are taking in, that does not, of course, account for the cases that we are •• that are on our court calendars and that we dispose of.

Significantly, and I'd like to bring this to your attention, we had 4,784 DWI, driving while intoxicated offenses, in just the West End District Court Bureau which came primarily, of course, from the Suffolk County Police Department, but then all of the outlying police departments as well. We also service, in addition to our District Court over in the Cohalan Court Complex, the District Court Bureau is assigned the task of also servicing 17, I think it is, outlying courts, village courts, Lindenhurst. What's that one on Fire Island, I forgot the name; Ocean Beach is it?

**MR. KEARON:**

Ocean Beach.

**DISTRICT ATTORNEY SPOTA:**

Ocean Beach and all of those, Lloyd Harbor and all of those outlying courts.

The East End Bureau, which is very similar in operation to the District Court

Bureau, has eight prosecutors assigned to it. Last year I made •• I elevated that to a bureau status recognizing the need, given the fact of the tremendous growth on the east end, we felt that it deserved bureau status. In that bureau we have •• in addition to our eight prosecutors, we also have the concomitant number of investigators and support staff and we service the five eastern towns of Riverhead, Southold, Southampton, Shelter Island and East Hampton. Like the District Court Bureau, that has grown, the number of people who are charged with the commissions of crimes has grown expedientially. We had 6,674 cases that we took in, plus 1,126 DWI's and we disposed of over 6,624 cases. For a total, that bureau alone handled 12,551 cases last year and that's with eight prosecutors; you know, it seems like a lot, but surprisingly it all works out.

Over in the •• also in our Central Islip Complex, we have our Case Advisory Bureau, that is a bureau that works 24 hours a day, seven days a week, and essentially what it does, its primary function is to perform the initial screening for felony cases that are coming in from all of the various police agencies to determine which cases we are going to present to a Grand Jury, which cases we may want to dispose of as early as possible so our more serious cases can be prioritized, and which cases we may choose not to handle on a felony level. So that bureau which has 14 prosecutors handled approximately 9,000 felony charges that came in last year. They present cases to the Grand Jury, and as I said before, they provide legal advice to Suffolk County's law enforcements agencies as well as assisting the Police Department in the drafting of search warrants and blood warrants and just giving advice to police agencies that may call for legal advice on how to assist them in making decisions on how a case should be further investigated.

Our major crime •• or rather, I should start •• so those are the bureaus that work either on the east end or the District Court and our Case Advisory Bureau that works over in Central Islip.

Out in Riverhead we have the Homicide Bureau. The Homicide Bureau has six prosecutors including the Chief Trial Prosecutor whose name is John Collins, I just elevated him to that status. He serves in a twofold capacity as Chief of the Homicide Bureau and also as the Chief Trial Prosecutor to assist

all of the trial bureaus in whatever particular problems arise on a day•to•day basis. The bureau works very, very closely in particularly with the Suffolk County Police Department Homicide Squad who are charged with the responsibility of investigating •• I may be wrong in this, but I don't think I am,

I think Chief Rau is here •• all homicides in Suffolk County, right?

**CHIEF RAU:**

Yes, sir.

**DISTRICT ATTORNEY SPOTA:**

Yeah, they do •• they handle all homicide investigations in Suffolk County and they do an absolutely admirable job. The beauty of that particular bureau is that they work hand in hand with the Homicide Squad right from the inception being a call to a crime scene, and you can imagine how difficult it is when you get to a crime scene and you don't have •• all you're seeing is essentially a dead body and you don't know anything about that person or anybody else and you're essentially starting from scratch. They do •• but they are very, very trained police investigators and very, very trained, probably our most senior prosecutors and they do, in my view, an outstanding job.

We also help the Police Department, there do come times infrequently where the police investigation has to come to an end without an arrest; that does not happen often, thank God. But in those instances where it does happen, we use •• we conduct what we call a Grand Jury Investigation, and a perfect example of that was the •• as you probably know, the Pelosi case. The Police Department reached •• we focused on a particular person, I should say the Police Department focused on a particular person, they reached a point where we felt that it was in the best •• we being the Police Department and the DA's office felt that it was in the best interest of the investigation to conduct a Grand Jury Proceeding and bring in witnesses who may have been otherwise unwilling to talk to the police who, given a Grand Jury subpoena, were compelled to testify and we were able to elicit very important information from them which led to a very •• obviously, as you know, a very successful prosecution.

The Major Crime Bureau has 19 prosecutors. That is the other bureau in Riverhead •• well, not the other bureau, there are other very important bureaus, but they investigate and prosecute felony cases dealing with robberies, rapes, burglaries of all types, burglary in the first degree, assaults, vehicular manslaughter and other types of homicide cases, manslaughter in the 1st degree, manslaughter in the 2nd degree, criminally negligent homicide. They, too •• we have 19 prosecutors in that bureau, it's a very, very, very busy bureau, they are on trial virtually every day of the week. We have how many Judges in the County Court; Bob, do you know?

**MR. KEARON:**

I think ten.

**DISTRICT ATTORNEY SPOTA:**

Ten Judges in the •• we service ten criminal parts out in Riverhead.

The Child Abuse and Domestic Violence Bureau which has •• oh, which includes our Domestic Violence Unit, that is also in CI. The Child Abuse and Domestic Violence Bureau is in Riverhead with a sub, a unit, Domestic Violence Unit which is in Hauppauge, they have a combined total of 18 prosecutors and they investigate and prosecute felony cases involving the physical and sexual abuse of children under the age of 17 years of age as well as family-type crimes.

They also do homicide cases. For instance, you may have read in the paper the Suffolk County Police Department recently arrested a couple in California for the death of their four year old child which was left on the Long Island Expressway; that case will be prosecuted by a member of the Child Abuse and Domestic Violence Bureau as well as a member of our Homicide Bureau. So it's a very, very important bureau. Probably of all the bureaus, I would say this is the bureau who has the most difficult task of all and that is to especially handle cases where there are child abuse, children being raped and sodomized and presenting these cases to a Grand Jury and having children testify on the witness stand, I don't have to tell you how, A, very significant it is, but how very difficult it is as well. And we find out, quite frankly, that our biggest burnout rate is in that particular bureau, after a couple of years I like to switch the prosecutors because it takes a

tremendous, tremendous toll on them.

The Domestic Violence Unit, they, again, are in Central Islip and they handle •• they are a very specialized unit that handles prosecutions of child abuse, child sexual abuse syndrome, rather, Battered Child Syndrome, Shaken Baby Syndrome, Rape Trauma Syndrome and Battered Women Syndrome; those are the •• I'm sorry, if I said the Domestic Violence Unit, I meant those are the cases that are handled out in Riverhead. The Domestic Violence Unit handles misdemeanor cases as well as felony cases, the felony cases involving violations of orders of protection for what we call criminal contempt. They are prosecuted by that particular unit and there are an absolutely •• I can't even tell you how many cases that they handle, it's a tremendous number.

They also handle felony offenses in the Family Court where the defendants who are 13, 14 or 15 years of age are charged with serious sexual offenses, we will handle those cases in the place of the County Attorney's Office; not because the County Attorney's Office don't have the prosecutors who are competent to handle them, but it's just that we do it on such a daily basis that we have worked •• we've worked it out with them where we would handle those types of cases.

Our Economic Crimes Bureau has 16 prosecutors, probably one of our busiest bureaus. We handle all types of white collar crime, consumer frauds, public integrity, environmental crimes, labor law cases primarily dealing with prevailing wage laws, insurance frauds, asset forfeiture, computer crimes and all types of complex litigation involving normally white collar types of cases. They are presently •• that is the bureau that is presently presenting to a special Grand Jury matters involving school districts and Medicaid fraud. They also have, again, a very, very large contingent of Suffolk County Police Officers and Detective Investigators from the District Attorney's Office, all of whom have undergone very sophisticated training in these particular areas.

What I have done, because there was so much fraud, various types of fraud being committed and we're finding more and more that criminals are choosing now to engage in this type of crime rather than the bank robberies;

some of them, not all of them, some of them have realized that it's a heck of a lot easier to commit these types of crimes, over the Internet especially, than to go in and stick up a bank where if they get caught they stand the chance •• if they had a weapon, a loaded weapon, that they could stand the chance of 25 years of incarceration.

We have •• I've divided into specialized subunits the Computer Crimes Unit who work very closely with the Suffolk County Police Department who has an outstanding and excellent Computer Crimes Unit. We have an Elder Abuse Task Force; because of the startling increase in the number of cases against the elderly, we began about three years these task force to prosecute perpetrators who target senior citizens in various types of consumer, home improvement and investment scams. And we have some • • we've had some cases, we've had cases where a doctor was charged, he's actually doing I think seven years Upstate where he stole over a million dollars from our senior citizens, an accountant one time. That's a very, very •• as I said, there's been a significant increase in the numbers of these crimes.

We have an Environmental Crimes Unit that prosecutes on•site disposal of waste, off•site cases and deforestation and other types of cases such as that. We're on•call 24•hours a day to respond to environmental crime scenes or other HazMat emergencies that might require their expertise. That •• those fellows, those investigators I should say, who respond are comprised of Suffolk County Police Officers and investigators from the DA's Office.

The Labor Law Unit deals primarily with prevailing wage cases. We work hand•in•hand with the various trade unions, often employing them as undercover officers and they are equipped with very sophisticated devices which assist us in these investigations. They're labor intensive cases because they require multiple surveillances, undercover operations, as I just said, the cultivation of cooperating witnesses, search warrants and the reconstruction of payroll records and the like. And I can tell you this, that that unit alone in the past three and a half years has brought in over \$5 million in restitution to the workers who were cheated out of their just•do pay or wages. And we actually, I think, I'm almost sure, we lead the state

in those types of prosecutions.

We have, as I said before, a Complex Litigation Unit which handles the investigation and prosecutions of larcenies, extortion, embezzlement, attorney frauds which we are seeing also a very significant rise in the number of attorneys who are especially using their escrow accounts to steal money from their clients, investment fraud, real estate fraud, commercial and home improvement scams and the like. Bank fraud, credit card fraud, tax crimes, money laundering; those are very, very complex types of cases that require an expertise and they do an absolutely fabulous job.

We also work •• in that unit we have nine Investigative Auditors and I want to also thank, it's been primarily because of our request last year and the year before when I came before the Legislature and asked for more investigators •• more auditors, because they in particular perform an outstanding task. Almost all of them are CPA's and they work hand•in•hand with the prosecutors and the investigators, actually in the execution of search warrants. I mean, when we go into these places and execute a search warrant, for the most part we need the auditors to tell us what are the documents that we really should have when you're going in to a particular location? Before that we would literally walk out with thousands and thousands of pages of stuff that a lot of it proved to be useless. So they're right there to tell us which •• what they believe are the most useful information. Of course, when they get it, we have the opportunity to have them, being CPA's, to look over everything and assist the prosecutors and the investigators and in showing us where the fraud really is or how we can present it to a Grand Jury and ultimately to a jury in the simplest possible way so that a jury and us, we can understand, you know, how these people were committing these types of frauds.

They also work hand•in•hand, in the Pelosi homicide case they •• we had one of investigative auditors who testified and gave very critical testimony as to a motive for Mr. Pelosi for committing the homicide, a financial motive for doing that. And based upon the books and records that we were able to obtain through Grand Jury subpoenas, they were able to convince a jury that he had a very particular and significant financial motive for the commission of this crime. He also worked with our narcotics people, our Narcotics

Bureau which I'll talk about in just a second. When we investigate narcotics and we seize books and records, we like to follow the trail, so to speak, find out what they have been doing with their monies, money laundering and things such as that. And they, in conjunction with our Asset Forfeiture Unit, we can seize •• we can find their ill gotten gains and seize them as best as we possibly can.

We have an Insurance Crimes Bureau which has five prosecutors which •• and that bureau was created about two years ago in response to the exploding number of insurance fraud schemes that were being committed not only in Suffolk County but elsewhere but which related back to Suffolk County. That bureau, like many of our bureaus, works also in conjunction with our Police Department, they have detectives in that bureau, we have our own Detective Investigators in the bureau and we have people in the bureau who work hand•in•hand with them from the New York State Department of Insurance Fraud, the National Insurance Crimes Bureau and the Worker's Compensation Bureau. They all work in hand•in•hand with the prosecutors in prosecuting these types of cases and it's become a very, very important bureau.

Our Special Investigations Bureau is over here, right across the street. That was formerly known as our Rackets Bureau and they have the primary task of investigating and prosecuting crimes by individuals associated with traditional and non•traditional organized crime. We have nine Assistant DA's, prosecutors, a very large contingent of Detectives from the Suffolk County Police Department, all of whom have a particular expertise in investigating these types of crimes. And they do undercover operations, we use a lot of eavesdropping devices, we certainly •• that bureau uses the investigative powers of the Grand Jury in investigating weapons cases, prostitution, gambling, counterfeiting, conspiracies to commit murder, money laundering, enterprise corruption, assault, larceny by extortion and •• I know there's an important •• usury.

We have •• last year we •• not this bureau, but all of the bureaus but it's primarily this bureau, our Governmental Corruption Bureau and our Narcotics Bureau, we did 31 wiretaps, separate wiretaps. Wiretaps are ver labor intensive, they require an awful lot of police officers and a prosecutor

and the wires are essentially running around the clock. It's not uncommon to have multiple wiretaps up at one time. And we are •• I would say our office, probably outside of some of the city, maybe Manhattan and Kings County, Queens County, we probably are the most proactive in wiretap enforcement, and it's led to a tremendous number of very successful prosecutions.

Within the Special Investigations Bureau, we also have a Gang Unit. We have •• because of the escalation in gang activity, you probably know that we have teamed especially with the Suffolk County Police Department as well as our Probation Parole, New York State Police and a Federal law enforcement, we have created a task force concept which is something that has been very successful. Commissioner Dormer and I have gotten together and we've put together this task force of flooding •• maybe that's not the correct term, but sending a large number of gang police officers into particular areas to enforce •• to try and curtail gang activity. A most recent one you may have read was in Riverhead, it was a very unique type of concept and I want to really credit the Police Commissioner for his thoughts and his agreement to do this. What we actually •• and also the Sheriff. We actually did something very unique. As you know, the Police District ends out by the Riverhead line, we actually had Suffolk County Police, patrol officers, gang officers teaming up with State Police, the Sheriff and the Riverhead Town Police and we spent I think 30 or 40 days out in Riverhead to attack the problems that they were having, and this was done at the behest or the request of the Chief of the Riverhead Police Department because of the surge and gang activity out there. And we made quite a number of arrests.

**INSPECTOR BURKE:**

One hundred and seventeen.

**DISTRICT ATTORNEY SPOTA:**

One hundred and seventeen gang related arrests in a 30 or 40 day period; most of those people have been incarcerated and they're being prosecuted right now.

The Narcotics Bureau has 12, and I've mentioned them before, they have 12 prosecutors. They work very closely, especially with the Suffolk County

Police Department, their Narcotics Squad and the Federal Drug Enforcement Agency, and they conduct extensive electronic monitoring and complex investigations into narcotics trafficking.

Within the jurisdiction of Suffolk County, we also have an East End Drug Task Force that we have resurrected, that was once in place and they are doing a magnificent job. That's a task force of Suffolk County Police Officers, the largest number being Suffolk County Police Department Officers, State Troopers and our east end police departments, all of whom work in an undercover capacity on the east end to attack the narcotics problem out there.

The Narcotic Bureau, we do an awful lot of wiretaps and they have been very successful. Last year, working with the Police Department, the State Police and our DEA •• I think it was last year, it may have been the very end of the year before •• we conducted •• and the U.S. Attorney's Office, by the way, we seized a shipment of 12,000 pounds of marijuana. Through our Asset Forfeiture Unit •• and again, working with our Federal counterparts •• we seized it says here 18 million, but my recollection is \$14 million in assets that the people who were running this operation had in their possession.

Lastly, we have our Appeals Bureau which has 16 prosecutors and they handle all of our post-judgment proceedings. Everybody appeals their cases, especially those •• not those who plead guilty but are convicted after trial and they handle all of the post-judgment proceedings on the State and the Federal level, and most importantly they provide our trial assistance, with all of the legal research, writings, oral arguments. As you know, as you can imagine, when you're doing a case, and sometimes a homicide case or a very complex •• it could be anything, a robbery, rape, an economic crimes case could come up, the prosecutor is basically dealing with the facts that they have before them, sometimes legal argument comes up and, quite frankly, we look to our prosecutors in the Appeals Bureau to give us a hand and guide us accordingly as to what the law is whether we should be presenting certain types of evidence or whether we should not be presenting their evidence, and they do a great job.

We also handle, of course, we're charged with the responsibility under the Civil Law, you may not know this, but under the Indian Law we have the responsibility of representing our Native Americans, it's under the Indian Law, in civil types of hearings. That does not come up that frequently and they do a great job.

That essentially •• well, I should mention one other, it's a unit, the Victims Services Unit, I really can't forget them. They provide services to crime victims and witnesses involved in the criminal justice system. I can't tell you, unless you're there and you see it, people who have had loved ones violently killed or children who have been raped or sodomized or sexually abused, the trauma is so significant that these people just do a wonderful job in guiding them through the criminal justice system which can be very hard at times when you're sitting up on •• in a witness chair and undergoing questions of a very personal nature, not only by the prosecution which are necessary but by our defense counterparts.

The last unit I wanted to mention was the Governmental Corruption Bureau. The Governmental Corruption Bureau has four prosecutors, we work in a •• not in any of our facilities here, we work in another location. We have four prosecutors and a very, very large contingent of Suffolk County Police Detectives and Detective Investigators. I have never disclosed its location or the number of police officers and I will do that at a more appropriate time.

Obviously, as you know, we have been conducting a wide•ranging investigations into governmental corruption on both the State and the local level in Suffolk County. It is not confined to any one municipality, a lot of people thought that it was confined to just Brookhaven, that is not so as you probably have seen more recently, most recently I should say. We are •• I can assure you there have only been two people of one political party who have been indicted, one of whom has plead guilty, one of whom is in the process of jury selection now. We are absolutely impartial in our prosecutions, our investigations. We are •• we don't care who they are or what political persuasion they may be, we are going to prosecute those cases aggressively. And we use •• and I know there have been some people

who have criticized our office for using the very same tactics that we do in traditional, organized crime cases, we use a lot of wiretaps, electronic surveillances, bugs, they're all court authorized. We use undercover police officers, we also use and cultivate informants.

I am very sensitive to the fact that •• just if a person is even •• if it is even leaked out that we are conducting an investigation, especially if it's a public official, that can be as much of a taint as an actual charge; So it is very, very rare, I can't even think of a time. Normally when we conduct these types of cases we do it covertly until we are absolutely satisfied that we believe that a charge will be forthcoming; Again, being sensitive to how these charges can effect people in the public eye.

We have had cases, quite frankly, where we've conducted an enormous amount of time and have not brought charges, nobody sees those because we felt that we could not find •• a crime was not committed or we didn't feel that we could bring that case to trial and prove that case beyond a reasonable doubt. We are •• and there have been cases such as that, but nobody knows about it, we know about it and I don't think anybody should know about it.

We have had 25 charges or separate defendants brought before the bar of justice and I think we have 18 or 19 convictions and there are seven •• well, one is currently on trial, there are another six awaiting trial. And we have had another eight •• I don't count the people in the school districts, I think that's another eight, four of whom have plead guilty and four of whom are awaiting trial. I can tell you this; I'm very proud of that bureau, especially given the fact that I think almost •• I think 14 of the 16 cases, the people who are charged, and these are •• obviously you know why are •• have plead guilty either at arraignment or shortly thereafter. So when we bring a case, it's a pretty solid case and the defense attorneys recognize that.

That essentially is the composition of the District Attorney's Office, that's the way we work. As I said to you, it's a general outline of where we are and what we do. I would be happy to answer any questions either now or at another time.

**CHAIRMAN EDDINGTON:**

Well, thank you very much, DA Spota. That was quite a presentation and you guys are definitely busy. Before I open it up to a couple of questions, I just want to recognize that we have Legislators Montano and Kennedy, D'Amaro and our Presiding Officer Lindsay here also. Legislator Viloría •Fisher had a question.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair. My background in law is mostly from watching Law & Order ••

**DISTRICT ATTORNEY SPOTA:**

So is mine.

**LEG. VILORIA • FISHER:**

•• so my questions won't have very much depth

**LEG. HORSLEY:**

Good training I guess.

**LEG. VILORIA • FISHER:**

You know, I don't see a spinoff coming, though, for forensic accounting.

**DISTRICT ATTORNEY SPOTA:**

What's that, I'm sorry?

**LEG. VILORIA • FISHER:**

I said I don't see a spinoff for forensic accounting in the horizon. I just had two questions. Correct me if I'm wrong, I thought I heard you say that you have a unit currently dealing with identity theft.

**DISTRICT ATTORNEY SPOTA:**

Yes.

**LEG. VILORIA • FISHER:**

And I'm asking that specifically because we have before us today a

resolution, IR 1257, which is setting up an ID Theft Task Force of which you would be named as the chair; can you just speak to that, would that be duplicative to what you are already doing?

**DISTRICT ATTORNEY SPOTA:**

I'm glad you brought that question up, and I thank you. The resolution as I •• yes, as I read it, it apparently makes the District Attorney or his or her designee as the Chair, along with the County Clerk and all these other people.

Let me just be perfectly frank with you. We have a very specialized unit in the DA's Office in our Economic Crimes Bureau, we have two prosecutors who handle identity theft on the felony level and we have two who are in the District Court who handle identity theft for misdemeanors. Primarily these cases are brought to us; we do some of our own investigations, but for the most part they are brought to us by the Suffolk County Police Department and other agencies, but by far it's the Suffolk County Police Department. They have their own and I don't know the name of the unit •• what do you call that?

**CHIEF MOORE:**

Identity Theft Section.

**DISTRICT ATTORNEY SPOTA:**

They have an Identity Theft Section and I guess they can speak more to ••

**CHAIRMAN EDDINGTON:**

Why don't I invite Chief Moore ••

**LEG. LOSQUADRO:**

Well, when we get to the bill. When we get to the bill.

**CHAIRMAN EDDINGTON:**

You want to wait?

**LEG. LOSQUADRO:**

When we get to the bill.

**CHAIRMAN EDDINGTON:**

Okay, all right.

**LEG. LOSQUADRO:**

Right?

**LEG. VILORIA • FISHER:**

Okay, we'll wait.

**CHAIRMAN EDDINGTON:**

Okay, it's up to you.

**LEG. VILORIA • FISHER:**

Yes.

**CHAIRMAN EDDINGTON:**

All right, we'll just hold off on it.

**DISTRICT ATTORNEY SPOTA:**

Do you want me to continue?

**CHAIRMAN EDDINGTON:**

Yes, please.

**DISTRICT ATTORNEY SPOTA:**

We also work with the Secret Service, the Postal Inspectors and the IRS and other Federal law enforcement agencies. But primarily, other than the Police Department, Suffolk County Police Department, primarily with also with the Secret Service in these types of cases, and the Postal authorities. And quite frankly, we don't believe •• when I say we, I'm only speaking for the District Attorney's Office. We don't believe that there is any present need for a task force such as this. We think that working with the Police Department and our Federal counterparts that we are well•equipped, and also investigators from the DA's office, we are well•equipped to handle these types of cases, these prosecutors and our police officers and the investigators in the DA's office receive an awful lot of training, they're very specialized, obviously I

don't have to tell you that the Secret Service and the U.S. Postal Authority are well-equipped to handle these types of cases.

I can say this to you; if it comes to our attention, and I think I can •• well, I'm sure that Chief Moore will speak for himself, but I'll bet he would say if it comes to their attention or our joint attention where we feel that we have arrived at a particular problem that might need specialized, local legislation, we would be very happy to come to you and ask for your assistance. But I, quite frankly, right now don't see the necessity for this resolution.

**LEG. VILORIA FISHER:**

Thank you. I just have a brief second question, just if you could explain something to me. I know that you've been carrying on an ongoing investigation, you have a Grand Jury regarding the misuse or misappropriation of funds in school districts. I also happen to have heard Allen Hevesi speak recently and he spoke about how his office has looked at every school district. Can you tell me how they differ, the two types of investigations; what you're doing and what Allen Hevesi's Office is doing?

**DISTRICT ATTORNEY SPOTA:**

We're working together.

**LEG. VILORIA FISHER:**

Oh, okay, so it's the same investigation, more or less.

**DISTRICT ATTORNEY SPOTA:**

Yes, they have •• their investigators are actually over at our office working together, as well as the Comptroller, Joe Sawicki.

**LEG. VILORIA FISHER:**

Okay, thank you.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

Good afternoon. I have a question for you. You were talking about

computer crimes and I've heard a lot about children using this "MySpace"?

**DISTRICT ATTORNEY SPOTA:**

What is it?

**LEG. BROWNING:**

It's a website called "MySpace".

**DISTRICT ATTORNEY SPOTA:**

Oh, yes.

**LEG. BROWNING:**

Can you talk about that?

**DISTRICT ATTORNEY SPOTA:**

No; I can get somebody up here who can talk about that. I have to tell you, I am not a computer person and I •• can you? This is Emily Constant. Ms. Constant is a prosecutor in our office and she holds the position of •• she's the Chief of the Investigations Bureau, she oversees all of the investigations, the homicide, narcotics, governmental corruption and all the rest of them.

Essentially, the way the office works, I should have told you our structure; it's myself, the Chief Assistant, Ms. Constant, what's your name? Bob Kearon.

**MS. CONSTANT:**

Prior to my becoming the Division Chief of Investigations, I was the Chief of the Child Abuse and Domestic Violence Bureau for ten years. MySpace is just another one of those areas in the world of the cyber space that kids can get in trouble with, and it primarily is an area where teenagers profile themselves and they put unfortunately lots, sometimes lots of personal information on web pages that enables them to become targets of predators. And with lot of education and a lot of surveillance that is conducted of these areas by the Police Department's Computer Crimes Section, we try and prevent children from becoming victims; unfortunately they do and when that happens we prosecute those cases.

So really where we're at with that is educating parents to be aware of the dangers and educating kids not to put personal information on MySpace. But, you know, I go on my kid's computer •• they don't like it but I do it •• and I see that their friends are posting information, especially young girls, they're posting information saying, when they're actually 14, that they're 18 or 19, they put their home towns on, they put where they go to school, you know, and predators are just looking for kids out there to become victims. You know, so it's really education, training, and then the Police Department doing their job with their Computer Crimes Section, which they are doing; when they make the cases, we prosecute them.

**LEG. BROWNING:**

Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

On a slightly different vein, I just want to speak from a bit of personal experience.

**DISTRICT ATTORNEY SPOTA:**

Could I just add one thing?

**LEG. LOSQUADRO:**

Sure.

**DISTRICT ATTORNEY SPOTA:**

I read a •• I didn't know that it was this particular, what do they call it, website.

**MS. CONSTANT:**

MySpace.

**DISTRICT ATTORNEY SPOTA:**

MySpace. But you know what's happening also, there was a very interesting

article in the New York Times a couple of weeks ago where it is going to effect these children in the future because they're putting personal information on there that they're having these wild parties or this or that, whatever it may be; given the nature of how information can be retrieved from the Internet, it's very likely that corporations hire, especially if you have a very sensitive job or as you're rising in the corporate world, they will hire people to investigate the backgrounds of these individuals. And I suspect that some of these kids that are putting this •• when I say kids, they could be 16, 17, I don't know how old they are •• putting information on that website, that is going to come back to haunt them in the future. And that's something else that they should •• or parents should be aware of.

And I know that •• I was just going to mention her. Yeah, I was just going to mention that Laura Ahearn is here and we work with Parents For Megan's Law very, very closely and we are in the process of developing a prevention program and she can really speak as well to the issue of the dangers of the Internet and why parents should be watching what their children are looking at or doing on the Internet. All too often •• well, we had a case in Southampton where the parents thought their child was doing their homework and she met a sexual predator who had just gotten out of jail in New Jersey, three years, I think it was three years in jail, came over to Southampton and virtually kidnapped her and we got her right by the Mexican/Texas border. Here all along her parents think, you know, she was a remarkable young girl doing her homework. I'm sorry, I ••

**LEG. LOSQUADRO:**

No, that's fine. And if I can just add to that, I was going to talk about my wife being a teacher. But one thing you can add is that colleges routinely search this information as well.

**DISTRICT ATTORNEY SPOTA:**

Okay.

**LEG. LOSQUADRO:**

So this is a source of great concern. The point I was going to bring up is many young people do not understand the severity of their actions when they put things out for public consumption.

**DISTRICT ATTORNEY SPOTA:**

Yes.

**LEG. LOSQUADRO:**

And I just wanted to compliment the Computer Crimes Bureau, I had a situation a few years ago when my wife first started teaching where some information was put out on the Internet that was inappropriate. The Computer Crimes Task Force was contacted, worked very closely with the school and was able to rectify the situation. So they're a wonderful task force, they do great work. And I think it's important for young people to realize the severity of their actions and how it will affect them in the long term, and in the immediate future when they do something that can be, you know, construed, you know, if they're slandering someone or something of that nature. So it's a very important unit. Thank you for your work.

**DISTRICT ATTORNEY SPOTA:**

Sure.

**CHAIRMAN EDDINGTON:**

Legislator Horsley.

**LEG. HORSLEY:**

Yes, hi. Good afternoon, Mr. Spota. It's good seeing you and thank you very much for your report today. I was curious, I had heard recently that there are reports of traditional organized crime, that they have been so beaten back because of your good efforts and other DA's, and the police department of course, that they are reaching out to gangs to do some of the traditional work, bad work that they have done in the past, you know, more or less like coequals. Have you seen this in Suffolk County as something that we're dealing with?

**DISTRICT ATTORNEY SPOTA:**

Yes, absolutely. What's happened •• you must remember that gangs •• and it's not so much •• in some instances, yes, they are using gangs to do their work, but gangs in and of themselves have become very, very sophisticated. We found instances where •• well, I'll give you a perfect

example, in Brentwood we arrested, again, it was a •• we flooded Brentwood, the Gang Task Force, and when we made our arrests, we being the Police Department, made the arrests and we looked into the background through our office or Asset Forfeiture Unit, we found the leader of the gang who was in his early 40's on one block alone owned four homes, on one block alone, and he had all kinds of other assets.

Gangs primarily are operating in the sale of marijuana, crack and powder cocaine and weapons, and they find Suffolk County to be very, very lucrative because our kids have a lot of money and they're moving in from Mexico, California, Chicago, Philadelphia and other major cities out to Suffolk County. We're tackling the problem, but there's no question that these are organized groups, these are not •• when many, many people see the kids with their pants, you know ••

**LEG. HORSLEY:**

Right, throwing sneakers over the wire.

**DISTRICT ATTORNEY SPOTA:**

Right, and all that stuff. What a lot of people don't realize is that often times the leaders of the gangs are in their late 30's and 40's, those are just the subordinates who are doing the grunt work; tremendous •• they're reaping tremendous profits and that's why we've been tackling this problem. Sometimes we have to use wiretaps, sometimes we have to use undercover operatives to infiltrate these gangs; very dangerous work for these undercover police officers.

**LEG. HORSLEY:**

Yeah, I bet it is.

**DISTRICT ATTORNEY SPOTA:**

Very, very dangerous because, quite frankly, we have a couple of gangs right here in Suffolk County that are some of the most notorious, vicious, violent gangs in the country.

**LEG. HORSLEY:**

Have you seen them working in concert with more traditional organized crime?

**DISTRICT ATTORNEY SPOTA:**

I ••

**LEG. HORSLEY:**

I heard that the other day and I said, "Wow, that's interesting."

**DISTRICT ATTORNEY SPOTA:**

I think what I'd like is for Inspector Jim Burke who is with the Suffolk County Police Department and heads up the Police personnel in the DA's Office, to come up.

**LEG. HORSLEY:**

Which adds a more scary element to the issue.

**DISTRICT ATTORNEY SPOTA:**

Yeah, he has the ••

**INSPECTOR BURKE:**

To answer your question, Legislator Horsley, yes, we do see connectivity between street gangs and traditional organized crime, particularly with the use of street gang members in traditional enforcement roles that were previously carried out by gangsters, traditional gangsters. So it's a lot easier to use a street thug to perpetrate the actual acts of violence as opposed to someone who would be more insulated in the traditional organized crime family.

**LEG. HORSLEY:**

Wow. Does that change the dynamic of your job, how you approach the issue?

**INSPECTOR BURKE:**

Well, not really. As the District Attorney said, he has empowered us and Commissioner Dormer has empowered us to utilize all of the techniques on any criminal entity, organized criminal entity that we would use on a

traditional organized crime case; wiretaps, bugs, this Federal RICO Statutes, New York State Enterprise Corruption Statutes, with a heavy emphasis on electronic surveillance and human source development.

**LEG. HORSLEY:**

Interesting. Thank you.

**CHAIRMAN EDDINGTON:**

Presiding Officer Lindsay.

**LEG. LINDSAY:**

Mr. DA, thank you for coming. That was a very informative report. The topic that I want to talk about isn't as involved as gangs or whatever, but it does have identity theft and the computer crimes stuff.

Something that's just happened to me probably a couple of times in the last six months is an attempt to get personal information from me through fraudulent means; I think it's called phishing?

**DISTRICT ATTORNEY SPOTA:**

Yes.

**LEG. LINDSAY:**

And I don't even know, is that illegal?

**DISTRICT ATTORNEY SPOTA:**

Well, yeah, sure it's illegal if they're using •• what happens is that under the guise of a request for information, "we're your local bank and we're checking" ••

**P.O. LINDSAY:**

Usually from a bank, right.

**DISTRICT ATTORNEY SPOTA:**

Yeah, "your records and we want to update our accounts" and things such as that, they get the information and what they do then is, of course, use it and often times you won't even know for a long period of time that you are the •

- you have been victimized.

**LEG. LINDSAY:**

But the attempt •• usually via e•mail, the latest one was from our credit union, that supposedly it came from our credit union that there's a problem with your account and you have to go on•line to verify that your information is correct. You know, first we contacted the credit union, "That isn't from us," and the same thing happened with our local bank within the last few months.

**DISTRICT ATTORNEY SPOTA:**

Right.

**LEG. LINDSAY:**

But is that attempt illegal?

**DISTRICT ATTORNEY SPOTA:**

You know, I'm not altogether sure but I would tend to think it is, but I think we have somebody here from the Police Department Computer ••

**LEG. LINDSAY:**

Okay. Because I read an article about it the other day, it's called phishing with a PH, not an F.

**DISTRICT ATTORNEY SPOTA:**

Yeah, that's right, that's what it's called, right. You are seeing that in many ways, not only on the Internet but even just telephone calls. And unfortunately, as much as we try and educate people, we actually have prosecutors who go to •• at the request of a community organizations, will go out at night and speak to organizations to alert them to the dangers of identity theft and all of the various ways that they can be victimized. It's as simple as even a telephone call, you know, "You have an account with us at Citibank and unfortunately our computer was down the other day" or whatever it may be, "and we want to make sure we have the correct records, could you give me your social security number and your mother's maiden name or whatever it may be," and there's just two or three areas of information, that's all they need and they're off to the races and you don't

even know it for months and months or years later when all of a sudden you're being sued because you haven't paid your 43 credit cards that were taken out in your name.

Anybody who does •• and sometimes •• I mean, you know, we have these people from the Police Department who can better answer the question than myself, but we've seen instances, it happens often, where they will say, "Well, I don't want to give you that information. Well, then call me at 286 •6000 and verify that it's me, Joe Blow from Citibank," and of course they call that number and there's some woman sitting there, "Citibank. Oh yes, he works for us," and, "Okay, thank you very much." Banks don't do that and that's what we have to educate •• we try and educate our people; no bank, no legitimate bank will ever just call and ask for personal information, that just doesn't happen.

**LEG. LINDSAY:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much, District Attorney and your staff.

**DISTRICT ATTORNEY SPOTA:**

Thank you very much.

**CHAIRMAN EDDINGTON:**

Okay, I would like to turn to the Tabled Resolutions.

### **Introductory Resolutions**

***IR 1048•06 • A Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission (Mystal).***

**LEG. VILORIA•FISHER:**

Motion to table. There's still a public hearing, isn't there?

**LEG. MONTANO:**

Yes.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Viloría•Fisher and second by Legislator Losquadro.  
Thank you.

IR 11 ••

**LEG. D'AMARO:**

The vote.

**CHAIRMAN EDDINGTON:**

Oh, I'm sorry. Yes, the vote. All in favor? Opposed? Abstentions?  
***Tabled (VOTE: 7•0•0•0).***

***IR 1154•06 • A Local Law to amend Article II of Chapter 270 of the  
Suffolk County Code to provide further protections under the Crack  
House Law (Cooper).***

**LEG. BROWNING:**

We were supposed to talk to ••

**CHAIRMAN EDDINGTON:**

I think we were going ••

**LEG. BROWNING:**

The District Attorney left?

**CHAIRMAN EDDINGTON:**

Did he leave?

**LEG. LOSQUADRO:**

Yes.

**P.O. LINDSAY:**

Mr. Kearon is here.

**CHAIRMAN EDDINGTON:**

Motion to approve?

**LEG. MONTANO:**

No, no, Bob Kearon is here from the DA's Office.

**LEG. BROWNING:**

Is there a representative from the DA's Office?

**CHAIRMAN EDDINGTON:**

Is there anyone from the DA's Office still here? Okay, great.

**MR. KEARON:**

Good afternoon again.

**CHAIRMAN EDDINGTON:**

Question.

**LEG. HORSLEY:**

Now we ask the hard questions.

**MR. KEARON:**

As you know, this is a law that was first passed in 1988 and it essentially was to target crack houses in neighborhoods to put them out of business. Over the years the predicate list of crimes has grown and this particular resolution now seeks to further expand the number of predicate crimes that can be utilized for essentially civil enforcement, that is shutting down •• evicting tenants and shutting down homes in neighborhoods that are engaging in the crimes enumerated.

As far as our office is concerned, as you know, we're prosecutors; if you give us the tools we'll use them. Whether or not you feel these tools are appropriate in this particular instance, well, that's a public policy call that you folks have been elected to make a determination on.

Again, it's a civil remedy, I just want to emphasize that. It's something that the towns and the County Attorney use really, not so much us. We have

used it in the past, for instance we prosecuted a massage parlor that was operating behind a store front, to help the neighborhood we got involved in that particular instance. It's been used before with prostitution and, of course, with crack houses. This is a rather broad stroke and I'll leave it up to you folks to determine whether or not you want it as part of the lexicon of County Law.

**CHAIRMAN EDDINGTON:**

All right, Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you, and I'll just reiterate some of the points I've made in the past. You've heard me refer many times to my background in the insurance industry and I was very to see that the District Attorney's Office had worked most recently with several insurance companies, with two shops down •• two auto body shops down on the south shore which have recently been indicted for insurance fraud, and I won't mention any names, of course, they're innocent until proven guilty, but those are two shops that I routinely did battle with and sent many reports documenting damage that did not appear consistent.

So it's a matter of giving the tools necessary, and in this case, these are many of the tools that are available to insurance companies, having affidavits of theft required to be mailed so you can go after individuals for mail fraud.

Some of these types of things, insurance fraud, falsifying business records, tampering with public records, offering a false instrument, these are the type of things that I believe we need to put in place to give the prosecutors the tools they need to go after these individuals, give them everything at our disposal that we can possibly give them to help them in this cause. So I have been supportive of this, I will continue to be supportive of this.

**CHAIRMAN EDDINGTON:**

Okay. The only question that I have is that does it muddy the law? Would it better for legislation to just be specific towards what Legislator Losquadro is saying?

**MR. KEARON:**

Well, actually what we have is a dichotomy of interest in the sense that everything that Legislator Losquadro just brought up are things that are already in the Penal Law that we can prosecute. Again, this particular Local Law, the Crack House law, is more a civil remedy following up on arrests by police and prosecution by us, it gives the towns the means to evict tenants who are engaging in unlawful activity.

**CHAIRMAN EDDINGTON:**

Okay, thank you. Legislator Caracappa.

**LEG. CARACAPPA:**

Thank you, Mr. Chairman. I agree with Legislator Losquadro in the attempt of furthering the Crack House Law. Unfortunately, in our neighborhoods, in all the neighborhoods that we represent, residential neighborhoods, landlords or people who don't live in these homes that own the homes are using these houses for a whole host of illegal activity ranging from, again, the original intent of selling drugs and soliciting prostitution to using them now as I guess in a profit sense, and in doing so changing the character of our neighborhoods. The County has not had the ability to go after them as the District Attorney's Office has in the civil capacity on many, many areas for which we possibly could or the township should be going after them.

By changing the Crack House Law and putting these different amendments under it, it gives us the ability to go after these profiteers who couldn't care less about the communities that you represent or I represent or the residents that live in them. They only care about the bottom line, making money off of these houses and doing them illegally in any way that they can. By having all these sub items in the Crack House Law, it finally gives us the tool and the District Attorney's Office the tool to better get a grip of these illegal houses, the profiteering and those individuals who are preying on our neighborhoods. It's simply put.

**CHAIRMAN EDDINGTON:**

Thank you, Legislator. Legislator Vilorio•Fisher.

**LEG. VILORIA • FISHER:**

I'm very confused by this, and perhaps you can help me through it. If someone lives in a home and it's not being used in the way that Legislator Caracappa has described, it's just their home, and that person is found guilty of insurance fraud, does this law then allow the town to call their house a crack house or take away their house because they have been ••

**MR. KEARON:**

Not unless the house was in some way part of the instrumentality of the crime.

**LEG. VILORIA • FISHER:**

So it has to be as Legislator Caracappa described, the house has to be part •  
• the instrument that's being used or the place of business for this illegal activity?

**MR. KEARON:**

Right. In his particular example, I mean •• and we have over the last couple of years worked very closely with Legislator Caracappa to address the many unfortunate slum landlords that operate in his district •• they're renting out the house illegally, they're putting 50, 60 people in that house and they're just using it as a cash cow.

**LEG. VILORIA • FISHER:**

But I mean specific to this law, people who are using •• this law refers to insurance fraud, tampering with public records, offering a false •• now, what if somebody is committing those sections of the New York State Penal Law but they don't have 60 people living in their house and they're not renting illegally, what if someone just lives in that house and maybe they're doing this insurance fraud at their kitchen table?

**MR. KEARON:**

Well, again, yes, if •• they would fall under the law if they are violating any of these provisions of the Penal Law in the context of owning and operating their home.

**LEG. VILORIA • FISHER:**

Okay. See, I kind of see that as a stretch. And I agree with Legislator Caracappa that if someone is using their home in an illegal way and profiteering from it, you know, we faced this with sober homes too where people were, you know, not providing the kind of services. But if you're •• let's say a doctor is found committing Medicaid fraud or something and he is found guilty and he goes to jail, his practice is part of his home; does his family lose the home because that doctor has his office?

**MR. KEARON:**

As I recall the original law, I think you need two predicate crimes in order to qualify.

**LEG. VILORIA • FISHER:**

Okay. Well, he's tampering with false records and he's possibly committing insurance fraud.

**LEG. CARACAPPA:**

No, no.

**MR. KEARON:**

Not out of one •• you could have more than one crime charged with one transaction, but I think that the original law from '88 requires two transactions, two separate and distinct events.

**LEG. CARACAPPA:**

Two events, two separate events, not ••

**MR. KEARON:**

So your example would not ••

**LEG. CARACAPPA:**

I'm sorry.

**MR. KEARON:**

They would not use lose the house under your example.

**LEG. CARACAPPA:**

I think it's going to •• I'm not the sponsor, but under the original intent of the law we made changes recently to the Crack House Law and added amendments, the structure or the dwelling or the house or the building is the instrument, it's part of the criminal enterprise, if you would. It's not if someone has a business down on Main Street and is arrested for fraud for selling bad good that they're going to take the house under the Suffolk County Crack House Law, it has to be happening in that home, as part of that home, whether it be the finances or the activity that's going on is illegal under the New York Stat Penal Code. So correct me if I'm wrong, Counsel, but that's how I've always read the Crack House Law and the amendments that have been put forward recently.

**LEG. VILORIA • FISHER:**

But the example that I just used, the dentist who uses •• who has an office attached to his house or an accountant who may be doing accounting out of his house, you know, and he's •• and then his family loses their house and he's punished for this, he goes to jail for fraud or insurance fraud. I don't know, I think it's broadening the Crack House Law maybe too much, you know, from my point of view.

**LEG. CARACAPPA:**

Counsel, could you clarify for us?

**MR. NOLAN:**

Well, I think if you read the entire statute, Chapter 270, it's geared towards using civil remedies to stop criminal activity that's going on at a house. So I think if somebody was convicted of a crime and went away, the criminal activity would stop and therefore there would be no danger of somebody who was •• the family left behind losing the home in that particular scenario. Legislator Caracappa is correct, it is geared to two events, the owner of the house gets one notice to stop the illegal activity at the house and if there's another notice sent within two years then the County Attorney could initiate civil proceedings to various things, to either temporarily close the house, evict the people who are living there and those type of things.

**CHAIRMAN EDDINGTON:**

Legislator Montano.

**LEG. MONTANO:**

Yeah, thank you. I'm not a member of the committee, I appreciate the opportunity. I had a couple of questions, Bob. As I understand this Crack House Law, does it apply to owners? In other words, if you are an owner in the house and you're committing illegal activity, does it apply the civil remedy? I thought it was for renters and that's what I'm confused as.

**MR. KEARON:**

Well, I think it's primarily designed at absentee landlords.

**LEG. MONTANO:**

Right ••

**MR. KEARON:**

•• who are renting to people engaged ••

**LEG. MONTANO:**

So it's really designed for a renter.

**MR. KEARON:**

Well, no, it's designed to put the landlord, the owner on notice of the illegal activity by the tenants.

**LEG. MONTANO:**

It's designed to get the tenant out of the house because implicit in that is that the owner is tacitly allowing his property or her property to be used for a criminal enterprise; is that correct?

**MR. KEARON:**

Correct.

**LEG. MONTANO:**

All right. So if somebody were the owner of the house and committing the same activities, this Crack House Law would not apply. But you also have other remedies under the Penal Law that you just said for forfeiture, etcetera, etcetera, to effectuate the same purpose; am I correct?

**MR. KEARON:**

Well, Let me defer to Mr. Nolan on the question about the owner/occupier issue. I know the original intent of the law was to deal with landlords who are renting to people committing criminal activity. Of course the Police Department and my office, what we do is we go after the criminals who are the tenants, but this law is designed to then put the owner on notice that tenants that he has leased his premises to engaged in criminal activity, so if it happens again then some sort of civil enforcement can be taken against that owner. Now, I have to defer to George with respect to the issue of if it's an owner/occupier engaged in the activity himself.

**MR. NOLAN:**

I think theoretically the law could be applied against that person, but I don't think that was the intention of the law and I don't think that's the way it's been enforced. I think it's been to go after absentee landlords.

**LEG. MONTANO:**

Right. When you say that person, you're meaning the owner.

**MR. NOLAN:**

Yes, the owner.

**LEG. MONTANO:**

In other words, the law is not applicable to the owner if the owner is occupying the premise.

**MR. NOLAN:**

The law does not expressly exclude them from being covered by the law and subject to the law ••

**LEG. MONTANO:**

I'm not so •• I won't debate that, but ••

**MR. NOLAN:**

I'm looking at the statute, it doesn't exclude them, but I don't think the law

has been applied that way.

**LEG. MONTANO:**

All right. The other thing I was going to point out is that as I understand these Crack House Laws that have been enacted in various jurisdictions, they were intended to cease not only to eliminate criminal activity but also to cease a public nuisance because the theory was that the activity in the house was having a profound impact on the community, particularly during the heyday of the crack epidemic.

I don't necessarily have a problem with what Legislator Caracappa •• this is not a question nor a statement •• with the attempt to eliminate certain activities, for instance, overcrowding houses, but I do have a particular problem with linking this particular crime or these white color crimes under the umbrella of a crack house bill which really has a separate connotation. And these crack house laws were introduced specifically for, you know, an epidemic that was going on, particularly in certain areas.

So this is not directed to you, Bob, but I do have a personal or a legal concern about putting this particular amendment under that bill. I think that this should be standalone, it maybe should be reconsidered in terms of •• because as I understand the bill •• and I'm not sure that I agree with my own Counsel on this one and I have to look at it again •• if an owner commits insurance fraud in his property and then maybe later on commits another type of white color crime, that person is not subject to the sanctions, the civil sanctions in this bill, but if a renter were to do the same thing •• and we're not talking about a criminal enterprise, we're talking about one individual committing one act, maybe one year he files false returns, the next year he does something along the same lines; that's not a criminal enterprise to me, that's an individual committing two criminal acts which would trigger the statute •• that person would then be subject to this particular bill but the owner would not. So I'm making a distinction between the two, I just throw that out there for consideration. I don't think that this should be an amendment under the Crack House Law, I think it should stand alone and be a separate amendment.

**CHAIRMAN EDDINGTON:**

Legislator Horsley.

**LEG. HORSLEY:**

I agree with Legislator Montano on that issue. I was around during the early days, I think Babylon may have been the first Crack House Law instituted and we used to have the Supervisor on a bulldozer tearing down homes and it was great theatre, but the reality was it was because the house became such a problem for the neighborhood and there was prostitution as well as crack house infractions and things like that, so it was a multiple case of issues, impacts to the neighborhoods. I'm sitting there, I'm listening to Mr. Montano and when you hear the possibility of someone filing your tax form incorrectly and filing a false instrument and you've got a couple of other things added on that I'm not sure this is a mismatch, I'm not sure this is the proper venue for law. I've got a problem with this myself.

**CHAIRMAN EDDINGTON:**

Presiding Officer?

**LEG. LINDSAY:**

The only thing that I would caution my colleagues about is I think we're all in agreement that the District Attorney is doing a great job.

**LEG. HORSLEY:**

Absolutely.

**P.O. LINDSAY:**

And he's asking for more tools to root out ••

**LEG. VILORIA • FISHER:**

Did he ask for this?

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

This came as a request of the DA's Office, am I correct?

**MR. KEARON:**

Well, we've used this law on occasion, but it's really, in essence, a civil remedy. The County Attorney is more the point person on this.

**LEG. LINDSAY:**

I know, but the genesis of this •• and correct me, Legislator Caracappa, but I think it came from your office.

**MR. KEARON:**

I know •• my recollection is that Legislator Cooper did consult with our office with respect to this. As I indicated in my opening statement, we'll never turn down a tool that you give us.

**LEG. CARACAPPA:**

If I could, Mr. Chairman?

**LEG. HORSLEY:**

So you're saying no.

**LEG. CARACAPPA:**

Mr. Chairman, I could probably clear it up, if you'd allow.

**MR. KEARON:**

Did we initiate this, the expansion of the law? No, not to my recollection.

**CHAIRMAN EDDINGTON:**

No, I spoke to the DA this morning and he said that it wasn't from your office.

**LEG. CARACAPPA:**

What had happened is myself, the Police Commissioner, some prize supervisors last year got together with the District Attorney's Office in an attempt to deal with the overcrowded housing aspect and what the County of Suffolk could do as opposed to just the townships. One of the items that appeared was the expansion of the Crack House Law based on the problems that we're facing and the new epidemic that's facing communities nowadays which is what I just mentioned.

So there was the •• the genesis came out of those discussions and that work group. Though the District Attorney didn't say, "Well, give us this tool and we'll make it happen," what happened was I, along with •• and then some other Legislators jumped on the, I wouldn't say bandwagon, but got the idea as well and in this instance, in two separate amendments recently, Legislator Cooper, that the Crack House Law could be, in effect, a vehicle to deal with, again, this new epidemic in residential neighborhoods, and that's where it came from. Specific discussions with the DA's Office as a roundtable discussion and the brain child or brain trust of certain Legislators who felt, again, this was a proper way to go about it.

**CHAIRMAN EDDINGTON:**

Legislator Montano.

**LEG. MONTANO:**

Bob, I'm a little confused because you said earlier that this was a civil remedy; am I correct

**MR. KEARON:**

That's correct.

**LEG. MONTANO:**

So you don't enforce the civil remedy of it, do you?

**MR. KEARON:**

No, but we deal with the underlying crimes.

**LEG. MONTANO:**

Right, You initiate the prosecution of whatever criminal activity ••

**MR. KEARON:**

Correct.

**LEG. MONTANO:**

•• there is and then at some point later this becomes a civil remedy.

**MR. KEARON:**

Correct.

**LEG. MONTANO:**

Okay.

**CHAIRMAN EDDINGTON:**

Okay, then I'm going to ask for a motion on this issue.

**LEG. LOSQUADRO:**

We had a motion and a second.

**LEG. VILORIA • FISHER:**

I'm making a motion to table.

**LEG. HORSLEY:**

Second.

**CHAIRMAN EDDINGTON:**

Motion to table from Legislator Viloría • Fisher and second by Legislator Horsley. Okay. On the motion, all in favor? Opposed?

**LEG. CARACAPPA:**

Opposed.

**LEG. SCHNEIDERMAN:**

Opposed.

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN EDDINGTON:**

We've got Legislator Caracappa, Legislator Schneiderman and Legislator Losquadro. Any abstentions? Okay, four to three. ***Motion is tabled (VOTE: 4 • 3 • 0 • 0 Opposed: Legislators Caracappa, Losquadro & Schneiderman).***

***1159•06 • A Local Law to protect Suffolk residents by permitting the seizure and forfeiture of vehicles engaged in unlawful speed contests or races (Cooper).*** I believe Jacqueline Caputi would like to speak to this issue from the attorney's office.

**LEG. VILORIA•FISHER:**

Has the public hearing closed on this?

**LEG. CARACAPPA:**

Yes.

**MS. CAPUTI:**

We spoke on this bill previously, it was introduced I believe the last •• last year. We just wanted to bring to the committee's attention that if this bill is approved, the County Attorney's Office will be in need of additional attorneys to handle the additional work load. There's been several seizure bills passed in the last year or so that have, you know, put a burden on our office as far attorney and clerical staff, so we just wanted to make the committee aware of that.

**CHAIRMAN EDDINGTON:**

Thank you. Legislator Caracappa.

**LEG. CARACAPPA:**

Ms. Caputi, how many vacancies filled, budgeted vacancies does the County attorney's Office have currently?

**MS. CAPUTI:**

I don't know; I could get that information for you, but I don't know.

**LEG. CARACAPPA:**

Budget Review, could you shed some light on that?

**MS. CAPUTI:**

Our General Litigation Bureau handles these kinds of matters and I know we

have at least one attorney working on them because there's a DWI Seizure Law, but we probably •• if we're going to be having more seizures, we need another attorney to handle it as well.

**MR. MAGGIO:**

Sean is going to go look.

**LEG. CARACAPPA:**

Okay. Obviously the point I'm making is there are hundreds, if not thousands of unfilled budgeted vacancies throughout County government currently and I would have to be almost, to use Mr. Levy's term, bet the farm that some of them are within the County Attorney's Office; again, budgeted, unfilled for '06.

***(\* Legislator Romaine entered the meeting at 1:02 P.M. \*)***

So coming to the Legislature asking for additional attorneys and funds to enforce this law, which I think is a good one, I think is basically the wrong way to go, and the County Executive should just fill some vacancies within the department. And I guess we can move on, I don't need to answer •• I'll just take the answer as it comes, but I guess we can move forward, Mr. Chairman, at your discretion.

**CHAIRMAN EDDINGTON:**

Okay, thank you. Okay then, is there a motion on the ••

**LEG. CARACAPPA:**

I make a motion.

**LEG. VILORIA • FISHER:**

Second.

**CHAIRMAN EDDINGTON:**

Okay, motion by Legislator Caracappa and second by Legislator Vilorina •Fisher. All in favor? Opposed? Any abstentions? Okay, so moved, ***approved (VOTE: 7•0•0•0).***

***1229•06 • A Local Law to provide fair and equitable cost containment for residents in certain Emergency Service Districts (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Schneiderman.

**LEG. LOSQUADRO:**

I'll second for the purposes of discussion.

**CHAIRMAN EDDINGTON:**

Second by Legislator Losquadro.

**LEG. VILORIA • FISHER:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table made by Legislator Viloría • Fisher.

**LEG. HORSLEY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Horsley.

**LEG. SCHNEIDERMAN:**

On the motion?

**CHAIRMAN EDDINGTON:**

On the motion.

**LEG. SCHNEIDERMAN:**

Let me explain what the bill does and maybe you'll want to reconsider your tabling. You're all familiar with the County Center since we hold meetings

out in Riverhead. If one of you, God forbid, took ill and needed an ambulance, that ambulance would come and it would come from the district of Flanders. Flanders has one of the lowest median incomes of anywhere in Suffolk County, it's a small area. That ambulance district is •• actually, the land in that ambulance district, 80% of it, believe it or not, is owned by Suffolk County and does not pay taxes, yet a quarter of the calls that that ambulance district makes goes to the County Center, primarily to the jail. So of their \$300,000 budget, roughly 75,000 of what those taxpayers in Flanders have to pay is directly due to County business. It's a very unfortunate situation for Flanders. I don't know any other area like it and I've been trying to address what I think everybody will recognize as a clear inequity.

This may not be the only way to handle it; I'm hoping that this bill forces a debate and this inequity gets corrected. There's talk now of actually the County Center being carved out of the ambulance district in which case there will be no one to pick you up if you have a heart attack at the County Center and the County will have to then negotiate and pay for those services. This would allow •• this bill doesn't force anything other than forcing the debate and giving the County, if approved, the ability to negotiate with Flanders or any other •• and I'll get to that, but particularly with Flanders to provide for those services to compensate that district at a fair price determined by the FRES Commissioner. It seems to make sense.

I don't know of any other ambulance or fire district that would be able to qualify under this bill. What the bill actually does is says if you 50% of the land in your Emergency Service Tax District is owned by the County, then you are eligible to enter into this type of contract. I don't know anywhere else where 50% is owned by the County or that has a major County facility like Flanders does, so I'm just asking for your help in correcting this situation.

Kate is raising her hand. I don't think you'll find 50% of the land owned by the County, though you do have the County jail there. So it's really a burden on the taxpayers of Flanders and I'm hoping to correct it, whether through this bill or some other method. I see Ben is •• I think Ben is going to comment as well; is that true, from the County Executive? If you have

another ••

**CHAIRMAN EDDINGTON:**

He's on my list.

**LEG. SCHNEIDERMAN:**

Okay.

**CHAIRMAN EDDINGTON:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

I certainly can commiserate because in my district, my largest constituent is the State University of New York, but they don't pay into our fire district. Our fire district is heavily burdened by the number of false alarms to which they have to respond in the middle of the night.

**LEG. SCHNEIDERMAN:**

At Stony Brook, yeah.

**LEG. VILORIA•FISHER:**

It's very disheartening for the volunteers to get up out of their beds in the middle of the night and they have to respond to these calls, it's a tremendous burden. And I do understand, but I think we're opening up a hornet's nest here, because probably most of us can look at our •• well, many of us can look at our districts and there are some of us who are disproportionately burdened by governmental holdings that don't pay into our fire districts but yet cause a tremendous burden on them.

So it is a problem but I don't think that a piecemeal way of addressing it is the way to address it. And where will the money come from and how will it be done? I guess I have to fight for it on the State level and, you know, you're going to look at the County level, but I'm not sure how to address it. I don't agree that this is the way to go.

**CHAIRMAN EDDINGTON:**

Legislator Caracappa.

**LEG. CARACAPPA:**

That was a long list.

**LEG. SCHNEIDERMAN:**

You were at the top of it.

**LEG. CARACAPPA:**

At the top of a long list, that's scary. Budget Review, on the financial impact statement, it does say as it relates to the financial cost, it mentions that, "It's undeterminable due to two pilot studies authorized by this legislation that are not complete"; could you explain those two pilot studies, where they are, where they're going and the timeframe?

**MR. MAGGIO:**

Unfortunately, neither one of us did the studies but we're going to go back and get the person that did.

**LEG. CARACAPPA:**

I've got Sean busy today.

**CHAIRMAN EDDINGTON:**

Then what I'll do, while we're waiting, I'll ask Mr. Zwirn.

**MR. ZWIRN:**

Sure. Thanks, Mr. Chairman. I think Legislator Viloría•Fisher made most of the points. The County Executive is concerned about setting a precedent and to take a look at what other jurisdictions would also be affected, because we have major County parks in certain areas, you know, it's usually considered an asset but it's also not tax producing for a district. This particular district has some •• you know, you could argue that they have some legitimate claims because they have to do the jail and to go into the County jail takes them a very long time to get clearance and go through security. I had a chance to talk to Supervisor Heaney of Southampton about this and he had a real passion, that if we could take a look at this particular fire district. And I'd like to have the opportunity to bring that back to the County Executive and have him take a look at it.

**LEG. CARACAPPA:**

Mr. Chairman, I just want to correct myself.

**LEG. VILORIA • FISHER:**

Never mind.

**LEG. CARACAPPA:**

I missed •• yeah, never mind. It's until, it's the pilot studies authorized within this legislation had not passed; I stand corrected and I apologize.

**CHAIRMAN EDDINGTON:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Mr. Zwirn, are you aware, are there other Memorandums of Understanding with other emergency service providers for other County facilities such as the Yaphank jail?

**MR. ZWIRN:**

No, I'm not aware that there are any other. And the person that would probably be responsible as opposed to the FRES Commissioner, I think it would probably be somebody from the Health Department who deals with the ambulances and EMT's as opposed to the FRES Commissioner setting any kind of fee structure as well.

**LEG. SCHNEIDERMAN:**

This issue could be handled with a Memorandum of Understanding if the County Executive was willing to do that.

**MR. ZWIRN:**

I think it •• I would ask for this to be tabled to give us a chance to talk. I was given the name of an individual at the fire district in Flanders to chat with Nancy, I can't remember Nancy's last name off•hand, but give us a chance to talk and see what they're looking for and see if any accommodation can be made. But by and large, the County Executive is very much concerned about setting a precedent in districts throughout the

County.

**LEG. SCHNEIDERMAN:**

I understand that, but this is an inequity and it does need to be addressed, there's no question about it. I hate to see them have to force the issue by redrawing the ambulance district boundaries.

Through the Chair, can I ask if the FRES Commissioner knows the answer to the question of whether anyone else, any other County facilities under Memorandums of Understanding to provide emergency services?

**CHAIRMAN EDDINGTON:**

Yes, absolutely. Thank you.

**COMMISSIONER WILLIAMS:**

The answer to your question, I know of no other ones that have that, but in speaking to •• if I could just mention, myself as the FRES Commissioner, we have very little in standards, guidelines or protocols over the EMS agencies, we dispatch it. The Commissioner of Health, through his EMS Director, is actually the person who deals directly with protocols and works very closely with the ambulance companies.

**LEG. SCHNEIDERMAN:**

Okay, thank you. So I'll make a motion to table the bill, or there's already been a motion and a second to table. I'll support the tabling and if Mr. Zwirn could get back to us after the discussion between the administration and the Flanders Ambulance Department to see if there is a way of remedying this inequity.

**CHAIRMAN EDDINGTON:**

Yes, if you could just reach out to my office and give us a timeframe so I can let the committee know.

**MR. ZWIRN:**

Yes, I will.

**LEG. HORSLEY:**

Jack, just quickly?

**CHAIRMAN EDDINGTON:**

Legislator Horsley.

**LEG. HORSLEY:**

Yeah, Ben, on this issue, I don't think there's •• I don't know if there's any precedent, I have no idea whether there is in the County but there is with other levels of government. For instance, I remember negotiating a deal with the State parks for ambulance services to Robert Moses Captree State Park and they give a dollar amount for that particular service with the local fire department. So there is a level out there that this may be a way to correct the issue. And certainly, Jay, we are sympathetic to your issue, but this legislation may be the wrong way to go.

**LEG. SCHNEIDERMAN:**

Eighty percent of the tax district is County owned; it's a pretty extraordinary situation in Flanders.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much. Then we have a motion to table by Legislator Vioria•Fisher and second by Legislator Schneiderman.

All in favor? Opposed? Any abstention? Okay.

***Tabled (VOTE: 7•0•0•0).***

**LEG. CARACAPPA:**

Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Yes?

**LEG. CARACAPPA:**

Before we go on, I just wanted to read into the record the answer to my question earlier about the County Attorney's Office; currently there's 13 funded vacancies in the County Attorney's Office.

**CHAIRMAN EDDINGTON:**

Okay, thank you.

***Resolution 1240•06 • Appropriating funds in connection with the Rocky Point Tower Site (CP 3235) (Losquadro).***

**LEG. LOSQUADRO:**

Motion to approve.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Losquadro, second by Legislator Browning.

**LEG. LOSQUADRO:**

I would ••

**CHAIRMAN EDDINGTON:**

On the motion?

**LEG. LOSQUADRO:**

I will, but I'll just let Mr. Zwirn make a comment and then I would just like to give a little clarification to the committee, so.

**MR. ZWIRN:**

If I may, Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Yes.

**MR. ZWIRN:**

The County Executive is supportive of this resolution, he just •• the problem that he has is that there has not been an agreement reached yet with the Suffolk County Water Authority where this cell tower is going to be placed. So it's just in his opinion that he's afraid of setting a precedent again of doing appropriations before the projects are ready to go. And this is not subject to pending agreement, this is a project which is appropriating the

money.

The County Executive is •• I'm going on the record, he's supportive of the legislation, he is supportive of Legislator Losquadro when this bill is ready, when that agreement and it should be ready shortly, but this is putting the cart before the horse in this particular case. And he's afraid that with all the money that's in the pipeline, there's about \$400 million worth of projects that could be appropriated, they're not ready to go but if the money starts being appropriated in advance of when they're ready to go, we're going to have serious problems in running the County government. So again, he's supportive of the project, the County Executive is working hard on it and if later on there's a bill that includes some planning step money for this, but money for other cell towers as well that also need to be done. So we would just ask that this be tabled until such time as we get that agreement signed.

**LEG. LOSQUADRO:**

Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Yes, Legislator Losquadro.

**LEG. LOSQUADRO:**

Mr. Zwirn, do you mean this agreement that I got from the Water Authority that they sent over to the County Attorney's Office that they'd like to get back to them? And I have three dates and times •• tomorrow, Thursday and Friday •• that they've requested to meet with the County Attorney's Office to try to get this agreed to by the end of the week so that when we pass it out of committee today we can vote on it on Tuesday with the agreement complete.

**MR. ZWIRN:**

I don't know if somebody from the County Attorney's Office •• I'm not •• you may have something that I'm not familiar with, but I know that the County Attorney ••

**LEG. LOSQUADRO:**

Well, I've been in contact with the Water Authority and they have •• they've

sent me a draft copy of the agreement and I've spoken to them about other agreements that are already in place that the Water Authority has with the County that are used as a model in this these cases and changed to the specifics of the site. Some of the details, of course, have to be worked out. I don't know what the ••

**MR. ZWIRN:**

You have a signed document from the Suffolk County Water Authority?

**LEG. LOSQUADRO:**

No, no, a draft I said.

**MR. ZWIRN:**

Oh, yes, drafts are going back and forth, they're in negotiations to get this done and that's what I'm representing today. I don't think there's any inconsistency.

**LEG. LOSQUADRO:**

Well, I don't see any reason why the County Attorney's Office •• the Water Authority has given me three days here, various times during each day for the remainder of this week, where they would be willing to meet with the County Attorney's Office to hammer out the final details of this arrangement, seeing as though we already have agreements in place in other towers, specifically College Road in Selden, that we can use as a model.

So I don't see that this is something groundbreaking or reinventing the wheel. We need to obviously, you know, put in the specifics for this site, we will get this done. And I would like to ask some representatives from the Police Department to come forward to just clarify to my colleagues here the severity of this and the impact that getting this on•line sooner rather than later will make. I believe I saw Mr. Gardner from the communications department?

**MR. ZWIRN:**

Yeah, they're here and they can even give you a whole history of the entire amount of work that's gone into this. Let me ask you a question; would you

agree, Legislator Losquadro, that it is better to have the agreements in place before we go ahead and appropriate money for Capital Projects?

**LEG. LOSQUADRO:**

As we saw last time, though, holding •• not passing this out, if this does get passed tomorrow or signed tomorrow or Thursday or Friday, which I really feel it should, I don't see why we would have to hold it up any further than that, or Monday at the latest or even at some point on Tuesday, it is eligible for a vote at the next meeting. If we table it today it's another month and another cycle and the possibility of another incident such as occurred in July when officers could not call on their portable radios when a child was in distress and they were performing CPR and had to have a neighbor call 911 for medical assistance on a landline. Any further delay to me is in excusable.

So I am not in favor of holding this in committee. Pass it out of this committee today and hopefully everyone can come together, get this agreement, the details, hammered out before Tuesday and then we can vote on it.

**MR. ZWIRN:**

All I can say is ••

**LEG. LOSQUADRO:**

So I am not saying we should approve things without everything in place, but that is why we can move expeditiously on something like this when we know the plan is in motion. The wheels are turning, we can get this approved, out of committee and that leaves it before the whole body, and then the entire body can make a determination based on what happens between now and the date of the General Meeting.

**MR. ZWIRN:**

I would just reiterate that I think it is a dangerous policy to appropriate funds before a project is ready to go. Because as serious •• and I don't disagree with anything that you said with the importance of this, this has been going on for a long time, long before this administration took office and

they're going to get it resolved during this term. But the fact is that you have \$400 million worth of projects ready to go; if you start appropriating the money before the projects have everything in place, Public Works projects, any kind of projects, you're going to have •• it's going to be a remedy for fiscal disaster in the County.

**LEG. LOSQUADRO:**

I submit to you that this project ••

**MR. ZWIRN:**

That's why we have CN's. I mean, you know, if the agreement can be reached before then ••

**LEG. LOSQUADRO:**

I submit to you that this project is ready to go.

**MR. ZWIRN:**

You can have a special meeting. I mean, the County Executive is ready •• you know, it was here anyway, we're ready to go at any time. But I think it's important to do this the right way, that's all I'm saying.

**LEG. LOSQUADRO:**

Mr. Zwirn, given the circumstance, given the fact that in good faith last time I agreed to table this.

**MR. ZWIRN:**

Well, SEQRA hadn't even been approved last time, so we couldn't have gone forward even if you had •• that's part of the problem.

**LEG. LOSQUADRO:**

We could have because it was approved the next day.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro, if you •• you've made your ••

**LEG. LOSQUADRO:**

If you would not mind, Mr. Chairman, I would just request for a point of

clarification to the committee, as I requested, that representatives from the Police Department come forward so I can just have the rest of the committee hear the importance of this to my district and to the residents who frequent this area.

**CHAIRMAN EDDINGTON:**

Before that, I'd like to have Legislator Browning.

**LEG. BROWNING:**

As the wife of a police officer, I know the need for radios and I certainly would not want to take it away. The 7th and 6th Precinct are in my district and I certainly don't want to take away their form of communication that they absolutely need.

**CHAIRMAN EDDINGTON:**

Yeah, I would say that if we would move on the motion I think it would be a good resolution.

**LEG. LOSQUADRO:**

And I appreciate that sentiment. I still would just like •• you know, we are a committee here so that you can bring back and that we can bring back to our colleagues who are not members of this committee, when we need to vote on this on Tuesday as a full body, that they be able to hear •• you know, especially from someone from the communications department as to how this will impact •• you know, improve the communications.

**CHAIRMAN EDDINGTON:**

Okay, thank you.

**LEG. LOSQUADRO:**

Could we please ask Mr. Gardner?

**CHAIRMAN EDDINGTON:**

Mr. Gardner?

**MR. ZWIRN:**

Mr. Chairman, we have ••

**LEG. VILORIA • FISHER:**

I'm sorry, Mr. Chair, I just have just one more item regarding the information and I have one more question for Mr. Zwirn.

As you know, I sit on CEQ. And correct me if I'm wrong but I thought I saw at the CEQ meeting the location of where this was going to be; was that a draft? I thought that it represented a location of the cell tower. Because I remember •• and I'm reading from the SEQRA here which is, "The area adjacent to the tank has previously been cleared, unfenced, and the antennas are unobtrusive next to the existing tank and other antennas already exist on the tank." So it's right on the tank; do you mean the exact place on the tank when you say we don't know where it's going to be?

**MR. ZWIRN:**

The people who can answer all those questions and give you some background into what has gone into this are here, and if we can indulge just for a minute, I think we could answer a lot of the questions.

**LEG. VILORIA • FISHER:**

Okay. Unfortunately the majority of this committee happens to be in the 6th Precinct, you know, and the 7th Precinct, so we have had a lot of this input already and that's why we feel so strongly about this.

**LEG. LOSQUADRO:**

And I don't want to put anyone on the spot here, I just want to make a very simple statement. And I would just like to make sure that the Police Department concurs with this. As of mid September of last year, the Rocky Point Fire Department who was suffering the same deficiencies in communication that we were for many, many years, began broadcasting off this site. In interviews, in direct communications with them, their problems have been alleviated by beginning broadcasting off this site.

Is it the opinion of the Police Department that broadcasting off this site, the reason we've selected this site will alleviate the communications problems

along the section of the north shore that we're looking to improve based on this Capital Project.

**MR. ZWIRN:**

If I just might, before Mr. Gardner answers that, I just want to point out •• it was explained to me and Mr. Gardner, you can go into it a little bit •• with respect to what the fire department's requirements were versus what the police department's requirements, they're very different and much more complicated as I understand it for the Police Department as opposed to what the fire department had to put up and solve their problem.

**LEG. LOSQUADRO:**

It may be more localized, and Mr. Gardner can address the power requirements. But the topography of the land and the line of site issues are the general concern here and broadcasting from a high point; the high point, as a matter of fact, for the surrounding terrain is what solves the problem here.

**MR. ZWIRN:**

Everybody's in agreement on that.

**LEG. LOSQUADRO:**

Right. So I'd just like that to be addressed.

**MR. GARDNER:**

My name is Bill Gardner, I'm with Suffolk County Police Communications. The coverage problems obviously will be addressed by that location, it is a choice location. All of the coverage problems are not going to go away, but a lot of them, a very large amount of them will be addressed.

A particular point needs to be made, though, about for instance the Rocky Point Fire Department. What they put on that tower is one antenna and they put on the ground one cabinet; we are putting 22 bay stations, we're putting a building, we're putting a generator, we're putting a gas tank, we're putting five antennas on the top and we're putting a microwave dish on the top. The mechanics of getting an agreement, an agreement of that nature are much more complicated than just putting one cabinet on the ground and

one antenna; if that was all we had to do it would have been done already, but it is extremely complicated.

**LEG. LOSQUADRO:**

I'm quite certain and I give you a lot of credit for dealing with technology that is ever changing and needs that are ever increasing based on our expanding population. So you certainly have the support of myself and I know all the members of this committee in facilitating the installation of improvements in the communication system that our officers and the public need. So, no, I thank you.

I just wanted the members of this body to understand that this will address the vast majority of the concerns that we have concerning communications and the topography of the north shore. So thank you, Mr. Gardner.

**MR. GARDNER:**

Just so you know, we are meeting tomorrow morning with the County Attorney's Office and representatives of the Water Authority.

**LEG. LOSQUADRO:**

Fantastic.

**MR. GARDNER:**

We do not have an agreement yet but we will be meeting with them.

**LEG. LOSQUADRO:**

Very good. Thank you.

**LEG. VILORIA • FISHER:**

Mr. Gardner, I'm sorry, I have a question.

**CHAIRMAN EDDINGTON:**

Yeah, one question, Legislator Vilorina • Fisher.

**LEG. VILORIA • FISHER:**

Okay. Now, you just said that it was much more complex than what has been done by the fire department, and so then what you're •• is what

you're, in effect, saying that you're corroborating what Mr. Zwirn has said, that you're not close on the agreement because it's so complex, or is the draft reflecting being close to an agreement? I'm trying to get to ••

**MR. GARDNER:**

We're moving closer, Ma'am. We only •• we did a template agreement in February. We only had •• we had to secure an earlier agreement which we used as a template to move forward. That document was sent to the County Attorney's Office in February, that is a document that was signed off on by the Police Department and the County Attorney's Office is vetting that document. They have vetted it, they have talked to the Water Authority, there are points of interest and concern between the two parties. We are meeting tomorrow to begin talking with the three entities, the Police Department, the Water Authority, and the County Attorney's Office.

**LEG. VILORIA • FISHER:**

Okay, thank you, Mr. Gardner.

**MR. GARDNER:**

But it is a complicated document and we need a lot of space on there tower. We've got to have "hold harmless" clauses; it's much more complicated than just a one single frequency on that site.

**LEG. VILORIA • FISHER:**

But most of those have been addressed, you're saying, in the templates, in the previous discussions?

**MR. GARDNER:**

No, quite honestly they haven't. What we've got is the basic things, access, when we can get there, who can get there, what do we have to do to gain access to the site. But for instance, we have no agreement where we're going to put the building, we have no agreement where we're going to put the antennas.

**LEG. VILORIA • FISHER:**

How was it able to get through SEQRA if we don't know where the building is

going to be yet?

**MR. GARDNER:**

We gave a tentative plan to SEQRA. We know how big the building is going to be, we know how big the generator is going to be and how big the tank is going to be. Exactly where it is going to be on that property, we don't know yet.

**LEG. VILORIA • FISHER:**

Thank you.

**LEG. LOSQUADRO:**

If I may, Mr. Chairman. This is a cleared fence site that is secured at the base of the tower facility, and I imagine it would just be a question of setbacks from the tower, from the fence line and those type of questions as to where the physical structure would be placed, and that's something obviously you have to work out with the Water Authority, yes.

**MR. GARDNER:**

We just got documents yesterday from them, it's going to be a little bit more, it's going to be more difficult than we thought. If you're familiar with that property at all, their fence now runs almost in a horseshoe in the back.

**LEG. LOSQUADRO:**

Yes.

**MR. GARDNER:**

Their land extends back I think 20 feet from where that fence is, they're going to want us to backfill that land, extend the fence and put our buildings there. So it's getting complicated; the devils are in the details.

**LEG. LOSQUADRO:**

Well, I again resubmit that I'm sure every effort will be made to get this agreement done before the General Meeting, and if that is the case then we can pass it and if not, I guess, you know, we would have to table it on the floor. But I certainly hope that the agreements can be made before Tuesday

and my motion to approve stands.

**CHAIRMAN EDDINGTON:**

Okay. So we have a motion to approve by Legislator Losquadro and a second by Legislator Browning. All in favor? Any opposed? Any abstentions? Okay, ***so carried (VOTE: 7•0•0•0).***

**LEG. LOSQUADRO:**

Thank you.

***Introductory Resolutions***

**CHAIRMAN EDDINGTON:**

Okay, ***Introductory Resolution 1253•06 • Establishing a task force to study the feasibility of eliminating illegal drag racing by establishing a legal drag strip in Suffolk County (Cooper).***

**LEG. VILORIA•FISHER:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Vilorina•Fisher.

**LEG. HORSLEY:**

You want to second that?

**CHAIRMAN EDDINGTON:**

Second by Legislator Horsley.

**LEG. CARACAPPA:**

On the motion. I don't think we need a task force, let's just put it in Lloyd Harbor and it's done.

**CHAIRMAN EDDINGTON:**

All in favor? Okay, so we have a motion to table. All those in favor? Opposed? Any abstentions? And we'll check out that other site.

***Tabled (VOTE: 7•0•0•0).***

***Resolution 1257•06 • Creating the Suffolk County Identity Theft Task Force (Romaine).***

**LEG. VILORIA•FISHER:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Vilorina•Fisher.

**LEG. LOSQUADRO:**

I'll make a motion to approve. I know the motion to table takes precedence, but is there a second?

**CHAIRMAN EDDINGTON:**

Thank you. So second on the table?

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning.

**LEG. LOSQUADRO:**

On the motion?

**LEG. HORSLEY:**

Which motion?

**LEG. LOSQUADRO:**

The only one that has a second.

**LEG. HORSLEY:**

Either way.

**CHAIRMAN EDDINGTON:**

Okay, let's have a vote on the motion then.

**LEG. HORSLEY:**

To table or to approve?

**LEG. LOSQUADRO:**

Well, on the motion, please?

**LEG. VILORIA • FISHER:**

Ben is trying to say something.

**CHAIRMAN EDDINGTON:**

Okay. Well, let's let Legislator Losquadro speak.

**LEG. LOSQUADRO:**

I just want as a point of clarification, when we had this discussion earlier when the District Attorney was here, I just wanted to really point out that this task force is to prevent identity theft, not prosecute. We understand from a prosecutorial and investigation standpoint, our agencies are very well equipped to deal with this and no one's arguing that they do a very good job, but we do have situations that, you know, have only recently come to light. You know, in the past two years we've seen •• it was something that we discussed during the last session of the Legislature which was about the information being on financial instruments recorded with the County Clerk's Office, and obviously that was revisited recently; it's not something that was brand new to us, but it was something that we had discussed.

There are many issues such that I believe need to be addressed to be prevented. Once you're prosecuting the damage has been done to the individual. So I feel steps need to be taken to take a comprehensive look at how we're addressing the problem to prevent people from getting access to this information before it ever gets to the point where we need to prosecute them for it.

**CHAIRMAN EDDINGTON:**

Thank you.

**LEG. VILORIA • FISHER:**

Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

The function of the County Clerk is ministerial. And by virtue of that position and that function within the County Clerk's Office, the County Clerk needs to set up whatever safeguards there are for that department, and then if there are problems of course refer them to the District Attorney. But it's within the purview of that ministerial function to try to protect the identity of the constituents of Suffolk County. I don't believe the task force is necessary at this point in time.

**CHAIRMAN EDDINGTON:**

Thank you.

**LEG. VILORIA•FISHER:**

And I also believe that there is •• I saw somewhere laid on the table by the County Executive's Office software that will help to safeguard the identity •• identity of the records that are filed in the County Clerk's Office.

**LEG. LOSQUADRO:**

If I may, before we ••

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

•• we move to those who would like to comment. This •• that's only addressing one point, that's the Clerk's Office and that's one problem we identified. If you look at •• I'm sure the sponsor could probably •• and Legislator Cooper is not here but Legislator Romaine is.

If you look at the makeup of the task force, the Clerk's Office only makes up one portion of it because that's only one portion of the problem that we've identified that has been made public. This task force, I believe, would look

at the larger issue, what other areas are there? How best can we protect these individuals, residents of Suffolk County, as I said, before it ever gets to the point where we need to prosecute them?

**CHAIRMAN EDDINGTON:**

Thank you. I'd like to ask Chief Moore, maybe you could address what's being done so we'll see what's being done on the proactive side.

**MR. ZWIRN:**

If I might?

**CHAIRMAN EDDINGTON:**

Yes.

**MR. ZWIRN:**

Just before Chief Moore goes, last year before Consumer Affairs, Legislator Alden had hearings and the FBI's Identity Task Force, Identify Theft Task Force came in and spoke, the Suffolk County Police Department's Identity Theft Section also gave testimony that day; Legislator Romaine was not here, did not have the benefit of that.

And I think this morning he had the opportunity to hear from the District Attorney who said that he was not in favor of this at this particular time and that through his prosecutions, his office could make recommendations where Local Laws would be helpful in prosecuting and preventing identity theft. But we do have today representatives from the Identity Theft Section of the Suffolk County Police Department who could answer some of your questions or even give a presentation on some of the work that they're doing. Chief Moore?

**CHAIRMAN EDDINGTON:**

Okay, thank you. Chief?

**CHIEF MOORE:**

Mr. Chair, Ladies and Gentlemen. The District Attorney, as you recall, voiced his objections to this legislation earlier, and he also discussed some of the initiatives that his office was employed in addressing identity theft.

The Suffolk County Police Commissioner also had a great many concerns when he took office over the issue, the growing issue of identity theft. So he decided that he wanted to do something about it and he chose as his architect the Chief of Detectives, Kenneth Rau. Now, that's not surprising, when the County Executive made this historic agreement with the country of El Salvador, Chief Rau was sent to El Salvador as our representative to discuss information sharing issues. When the Suffolk County Police Department expanded its initiatives combating terrorism, again, it was Chief Rau who was sent to Israel as the police department's representative and many of you were privy to our efforts in that regard. As a matter of fact, they should have taken insurance out on you on both occasions; maybe next time.

So the key is the police department of today, the Suffolk County Police Department, the District Attorney's Office are not reactive organizations, they're proactive organizations. They don't wait for events to mushroom out of control, they employ a very active prevention, education and intelligence gathering resources to combat these evolving offenses. And with that, if I could turn it over to Chief Rau, Chief of Detectives.

**CHIEF RAU:**

Good afternoon. Prior to 2004, our initiatives as far as identity theft were mostly reactive; in other words, once a crime was reported, we investigated it. And the national average on solving these types of crimes is somewhere around 5%. We realized right on that this was a three-pronged problem, locating, detecting and arresting an offender, Finding how to make the victim whole, which was very, very important. This is a devastating crime. We've had instances where our soldiers serving in Iraq had been victimized where they've come back and tried to buy a car and found out they've owned two homes and their credit ratings have been ruined.

A lot of our senior citizens are victimized. The Presiding Officer mentioned phishing which is a very, very prevalent, prevalent problem, and they do it from thousands and thousands of e-mails and if they only get two responses, they get what they need. There are sites on the internet now where information is available for as little as 9.95 where they can find this type of information.

The third prong that we looked at was educating the public on how not to become victims. In April of 2004 we formed an Identity Theft Unit in the Suffolk County Police Department; it was the first such unit formed in New York and one of the first formed in the United States.

In 2004 we handled approximately 1,100 cases making 97 arrests, but more importantly, we presented prevention programs to over a thousand Suffolk County residents. As the demand for services increased, in 2005 we added Detectives to the unit; it currently consists of seven Detectives and a Detective Sergeant. We handled over 1,800 cases in 2005, making 186 arrests, over 10%, double the national average. But more importantly, each and every victim of identity theft is contacted by an experienced investigator and told not only what is going on with their case but how to be made whole.

We continue to make presentations around the County and are available to make those presentations in the prevention mode. We have gone from a reactive agency to a proactive agency. We have found the methodologies that people use to access identity theft and we will put out •• if I may, I know this is kind of small •• but news releases on schemes that will go out to the public. In this particular case, it was a jury scheme, which is different than the Citibank or the credit unique scheme you get on your e•mails where they contacted people by telephone and told them they missed a jury appearance and that there was a warrant for their arrest. People were then told, "Well, if you provide us with certain information we'll be able to cancel this warrant." People are noticeably alarmed and then they then respond and give the information; again, cold calling.

We become a society that is, I don't know how to put it tactfully but somewhat lazy. And in our being lazy, we've come up with new methodologies for these people to access information and make investigations more difficult. One of the things that we're dealing with now is a thing called war chalking, another phrase that's probably not in any dictionary, where people who have wireless internet access, people that are involved in identity theft will drive to a location that is marked by a hacker and they'll go on line, we'll be unable to trace them back, it will be your IP address coming back; we have a number of these cases. We have three

major methodologies where people are obtaining information, they're obtaining information from traditional means, dumpster•diving, going into garbage, going and stealing people's mail, stealing people's credit cards, obtaining it on line through phishing, and also obtaining it through friends and relatives; 68% are traditional, about 32% are on•line sources. We are actively involved in not only the education to prevent, we're involved in rehabilitating victims right now, we're also involved in the prosecution, arrest, protection and prosecution of offenders.

The three people that are on this chart are all identity theft perpetrators. What's different about these? Security guard, went into personnel files in a location; Friendly's Ice Cream, your Friendly's manager, took everybody's credit card, used it to access child porn sites, career criminal. He was involved in murder, robbery and he found identity theft much more. He went to jail for eight years for robbery for \$300. He took several I believe they were Land Rover vehicles valued at over \$55,000 a piece without using a gun. They realize, criminals realize there's tremendous profit potential in this arena. And this is what we're looking to prevent, we're looking to educate and we're looking to arrest and detect. We are currently doing it, we are actually, as I say, we've been contacted by several other lawn enforcement agencies who are leading the State. New York City just went on•line, when was it?

**UNKNOWN AUDIENCE MEMBER:**

July of 2005.

**CHIEF RAU:**

July of 2005, Nassau County has yet to go on•line. We are actively involved in this, we are working hand in hand. The one thing I have to say when you talk about the District Attorney; when the District Attorney was here he emphasized the cooperation, and that is what we do have with the District Attorney. We have probably the most aggressive prosecutor that I have ever seen and he works hand in hand with us in all three of these. And I think, you know, that we have covered those bases and I'd be happy to answer any questions anybody may have. Yes, sir?

**CHAIRMAN EDDINGTON:**

Legislator Romaine.

**LEG. ROMAINE:**

I realize I'm not a member of this committee, but I am a cosponsor of this identity theft. First of all, you're getting about 200 cases of identity theft a month at this point; is that correct?

**CHIEF RAU:**

Probably 150, yes, sir.

**LEG. ROMAINE:**

Okay. How many cases, in all the years that you've had identity theft cases, have been traced to the County Clerk's Office?

**CHIEF RAU:**

I would be unable to answer that at this time, sir.

**LEG. ROMAINE:**

Could you get an answer for the next committee meeting ••

**CHIEF RAU:**

No problem, sir, I will get that.

**LEG. ROMAINE:**

•• or make myself and the other committee members aware of that.

**CHIEF RAU:**

Yes, sir. But what you have to realize is a lot of times we're unable to determine how an identity was compromised. Now, without an apprehension, it would be very difficult to find out if the identify was compromised on•line from that site or numerous sites, so any answer I would give you would be an approximation, sir.

**LEG. ROMAINE:**

I realize that you've been very proactive and that you've worked very hard on these things. Unfortunately in my County e•mail, I keep on getting e•mails from penpal •• Paypal asking me to put in my Social Security

numbers, but I don't see anyone in this Account prosecuting Paypal or anyone connected with it.

**CHIEF RAU:**

Well, first•off, sir, that's not Paypal that's sending those e•mails.

**LEG. ROMAINE:**

Okay.

**CHIEF RAU:**

What they are, for the most part, are organizations or persons, groups of people that get involved. They access websites and they send out basically blanket e•mails, almost like cold calls, hoping for a response. If you backtrack them, which we do, they're probably going to come to a server that's located somewhere in China that's being bounced off another server that's coming through a service that provides false IP addresses. These people are very sophisticated in their methodologies. And do we check it out? Yes, we do. Are we able to stop all of them? No, we do not. But we get these reports on a regular basis, Paypal, Citibank, the credit card, there are a number of them that come through.

**LEG. ROMAINE:**

As I'm sure you know, I'm dealing with Detective Crane because I had a case of identity theft back in January, at the beginning of January.

**CHIEF RAU:**

I'm familiar with your case, sir.

**LEG. ROMAINE:**

And they tell me that it's been traced to Nigerians.

**CHIEF RAU:**

Yes, sir. Nigerians are very, very involved in this type of activity. Not only Nigerians, if you look at any of the middle eastern \\_treataces\\_ on how to attack the western economy, a lot of them will use identity theft as a methodology, not that we aren't already fighting a war on terrorism, we're financing it from this country as well and we're actively involved in that.

**LEG. ROMAINE:**

We're financing terrorism through economic terrorism against this nation. I feel, strongly feel that an ID Task Force is like a little bit of chicken soup; it can't hurt to have an independent group of officials from the County take a look at this and discuss this. I realize that your department is proactive, but I think the more that they discuss some of the things that are happening, I think the better off we would be. I mean, Legislator Cooper and I sponsored this because we feel strongly that the best way that we can be proactive with the Police Department is having a task force look at things that the County can do, working with the police, I believe you have membership on this task force, the DA has membership on this task force, the County Executive has membership on this task force and a number of other people have membership on this task force to take a look at what we're doing.

Some of the things that you talked about, you talked about being proactive and making people, a thousand people in the County aware of this; well, the County has 1.5 million people. I think that there has to be more awareness. When I had my I.D. theft, it was balance transfers; I mean, they could see which banks they were being transferred to from my credit card, it was very simple. And what was so interesting is they did two balance transfers and then I had noticed they had called my credit card, canceled it, my credit card company sent me, Citibank, a new credit card, before I even got the credit card they made transfers on the new one; that's when I closed out everything.

**CHAIRMAN EDDINGTON:**

Legislator Romaine, I appreciate the informative dialogue but I'd like to move along, if it's all right.

**LEG. ROMAINE:**

Thank you. Thank you, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Legislator Vilorio•Fisher.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair. Identity theft certainly is a modern day crime that has us all very, very much on edge and very concerned about our •• everyone's well•being. But I remain opposed to 1257 because 1257 basically is a step backward. We're asking to take this very critical task out of the hands of highly trained professionals and putting it back into a task force that's of mixed membership to study whether or not there is a problem and how we can begin to approach it. You've begun to approach it, you've looked at it proactively, you've been working on this now for two years if you began the task force in 2004, with highly trained professionals who can help all of the departments in Suffolk County to try to avoid going down this path.

And so rather than spin our wheels, try to reinvent what's already been well on its way to working on a solution to a very critical problem, I don't think we should be wasting the time of the professionals to go backwards. We need to keep going forward. You've been proactive. I expect that you will be working with all of our departments to help every department in Suffolk County protect the citizens of Suffolk County. So ••

**CHAIRMAN EDDINGTON:**

So with that issue ••

**LEG. VILORIA • FISHER:**

I continue with my tabling motion.

**CHAIRMAN EDDINGTON:**

Right, and with the word time being imperative at this moment.

**LEG. VILORIA •• FISHER:**

Yes.

**CHAIRMAN EDDINGTON:**

I have a motion to table by Legislator Vilorina•Fisher and a second by Legislator Browning. On the motion, all in favor? Opposed?

**LEG. CARACAPPA:**

Opposed.

**LEG. SCHNEIDERMAN:**

Opposed.

**CHAIRMAN EDDINGTON:**

Legislator Caracappa, Legislator Schneiderman. Any abstentions?

Okay, thank you. ***Tabled (VOTE: 5•2•0•0 Opposed: Legislators Caracappa & Schneiderman).***

***Resolution 1287•06 • Appointing a member to the Suffolk County Traffic Safety Board (Barbara LoMoriello) (Lindsay).*** On the motion?

**MR. NOLAN:**

We need a motion.

**CHAIRMAN EDDINGTON:**

I mean we need a motion.

**LEG. CARACAPPA:**

Motion.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN EDDINGTON:**

Legislator Caracappa, second by Legislator Viloría•Fisher.

All in favor? Opposed? Abstentions? Okay, ***approved (VOTE: 7•0•0•0).***

***Resolution 1296•06 • A Local Law establishing responsible standards and controls for alarm systems that require Police Department response (Cooper).***

**LEG. CARACAPPA:**

Public hearing.

**LEG. VILORIA•FISHER:**

Motion to table for a public hearing.

**CHAIRMAN EDDINGTON:**

Motion to table for a public hearing by Legislator Viloría•Fisher.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All in favor? Opposed? Abstentions?

**Tabled (VOTE: 7•0•0•0).**

Okay, **1308•06 • Accepting and appropriating a grant in the amount of \$289,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department 1st Precinct Gang Task Force with 75% support (County Executive).**

**LEG. BROWNING:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion made to approve by Legislator Browning, second •• I'll second that.

On the motion, all in favor? Opposed? Abstentions? Okay, so **approved (VOTE: 7•0•0•0).**

**Resolution 1328•06 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the upgrade of the air control units, SCALPS Computer Room (CP 3507)(County Executive).** Motion is made by Legislator Browning. Second? I'll second it. All in favor? Opposed? Abstentions? **Approved (VOTE: 7•0•0•0).**

**Resolution 1345•06 • Accepting and appropriating a grant in the amount of \$100,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels II Program with 100% support (County Executive).**

**LEG. SCHNEIDERMAN:**

I'll make a motion to approve it and place it on the consent calendar.

**CHAIRMAN EDDINGTON:**

Motion to approve and put on the consent calendar by Legislator Schneiderman, I'll second it. Thank you. On the motion, all in favor? Opposed? Abstentions? ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

Okay, ***Resolution No. 1367•06 • Appropriating funds in connection with the replacement of the Marine Travel Hoist (CP 3502) (County Executive).***

**LEG. BROWNING:**

I'll make a motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Browning.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Losquadro. All favor? Opposed? Any abstentions? ***Approved (VOTE: 7•0•0•0).***

***Resolution 1385•06 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the police cell tower sites (County Executive).***

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Losquadro. Second?

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

For the purpose of discussion.

**CHAIRMAN EDDINGTON:**

On the motion?

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN EDDINGTON:**

Yes?

**LEG. KENNEDY:**

Although I am not a member of the committee, as a matter of fact I appeared here on this resolution just to go ahead and confirm. There's been an amended version of this submitted by the administration which removes the offset that previously had been sought for the construction of the 4th Precinct; is that correct?

**CHAIRMAN EDDINGTON:**

That is correct, yes.

**MR. ZWIRN:**

That's correct.

**LEG. KENNEDY:**

Okay, thank you very much.

**CHAIRMAN EDDINGTON:**

So, on the motion? We don't •• does anybody have a motion?

**LEG. BROWNING:**

To table.

**CHAIRMAN EDDINGTON:**

Motion to table, okay. And that was by who, I forget; Legislator Losquadro and Legislator Schneiderman, okay.

**LEG. VILORIA • FISHER:**

It's a long meeting.

**CHAIRMAN EDDINGTON:**

All in favor? Any opposed? Any abstentions? Okay, **tabled (VOTE: 7•0•0•0)**.

Memorializing Resolution ••

**LEG. BROWNING:**

1399.

**CHAIRMAN EDDINGTON:**

Oh, 1399, all right.

***1399•06 • Accepting and appropriating a grant in the amount of #25,000 from the State of New York Governor's Traffic Safety Committee for the Suffolk County Police Department to continue a pedestrian safety enforcement program with 83.1% support (County Executive).***

**LEG. BROWNING:**

Motion.

**CHAIRMAN EDDINGTON:**

Legislator Browning made a motion, I'll second it. All those in favor? Opposed? Abstentions? All right, **approved (VOTE: 7•0•0•0)**.

**Memorializing Resolutions**

**M**

***Memorializing Resolution No. 9•2006 • Memorializing Resolution requesting the State of New York to enact Nixzmary's Law (Losquadro).***

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Losquadro.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All in favor? You want to speak on the motion? I'm sorry.

**LEG. LOSQUADRO:**

No.

**CHAIRMAN EDDINGTON:**

All in favor? Any opposed? Any abstentions? Okay, ***approved (VOTE: 7•0•0•0)***.

***Memorializing Resolution No. 13•2006 • Memorializing Resolution in support of increasing penalties for criminal conviction of drunk driving where children are passengers (Losquadro).*** Motion?

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro, second by Legislator Browning. All favor? Opposed? Any abstentions? Okay, ***approved (VOTE: 7•0•0•0)***.

I will just have to say for one second that I know because of the Suffolk County Transit might have held Cliff up here for the public portion; do you

want to come forward for your three minutes?

**MR. HYMOWITZ:**

Yep, thank you. Thank you, Mr. Chairman. I apologize for my tardiness, and falling off my chair. I just wanted to •• I would be negligent if I didn't bring up my annual comment on bicycle helmets and how I felt as a head injury survivor that the County was tremendously proactive when they passed the legislation to increase the age of bicycle helmet requirements. And I just hope that after hearing the Police Chief speak about how our •• the Police Department is proactive, not reactive, I hope that •• I understand that in the matter of priorities, whether kids wear bicycle helmets or not is not high on the priority, but if your child is a head injury survivor it becomes a pretty high priority.

I do realize that it's the parent's responsibility to ensure that the children are educated and taught to do the right thing, but as long as we have legislation, I just hope that maybe this committee could somehow come up with a way that we can ensure that our children remain safe and don't have more people like me out on the road. Thanks a lot.

**CHAIRMAN EDDINGTON:**

Thank you, Cliff. Motion to adjourn?

**LEG. BROWNING:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion made by Legislator Browning, second by Legislator Losquadro. Thank you very much for your attendance.

***(\*The meeting was adjourned at 1:57 P.M.\*)***

***Legislator Jack Eddington, Chairman  
Public safety & Public Information Committee***

\\_ \\_ • ***Denotes Spelled Phonetically***

