

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 June 6, 2006.

Members Present:

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

Also In Attendance:

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
Barbara LoMoriello • Deputy Chief of Staff to Presiding Officer Lindsay
Linda Burkhardt • Aide to Presiding Officer Lindsay
Bobby Knight • Aide to Presiding Officer Lindsay
Paul Perillie • Aide to Majority Leader
Linda Bay • Aide to Minority Leader
Eric Brown • Aide to Legislator Schneiderman
Carl Yellon • Aide to Legislator Kennedy
Jim Maggio • Budget Review Office

Jill Moss • Budget Review Office
Ben Zwirn • Assistant County Executive
Brian Beedenbender • County Executive Assistant
Brian Bielanski • County Executive Assistant
Christine Malafi • Suffolk County Attorney
Dennis Brown • Bureau Chief/County Attorney's Office
Jacqueline Caputi • Deputy County Attorney
Robert Moore • Chief of Department/Suffolk County Police Department
Aristedes Mojica • Inspector/Chief of Dept's Office/SCPD
John McElhone • Chief of Support Services/SCPD
Kenneth Rau • Chief of Detectives/SCPD
Robert Scharf • Lieutenant/Staff Services Bureau/SCPD
Robert Ward • Sergeant/Medical Evaluation Unit/SCPD
Timmy Grauer • Lieutenant/6th Precinct Patrol/SCPD
Vincent O'Shaughnessy • Police Officer/Lloyd Harbor Police Department
John Desmond • Director/Suffolk County Probation Department
Tom Henry • Suffolk County Probation Department
Donald Grauer • President/Suffolk County Probation Officer's Assoc
Danny DelValle • Vice•President/Suffolk County Probation Officer's Assc
David Spreckels • Suffolk County Probation Officer
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
Laura Ahearn • Parents for Megan's Law
Catherine Hoake • Suffolk County League of Women Voters
Mary McLaughlin • Suffolk County League of Women Voters
Mike Sharkey • President/Deputy Sheriff Police Benevolent Assoc.
Matt Mullins • Vice•President/Deputy Sheriff Police Benevolent Assoc
Jose Nunez • Recording Secretary/Deputy Sheriff Police Benevolent Assoc
Tom Muratore • Vice•President/Police Benevolent Association
Jerry Gilmore • Vice•President/Superior Officer's Association
Brian Schafer • Community Service
Angu Morton • Community Service
Sandy Sullivan • Legislative Liaison/AME
Chris Schiavo • Resident of Deer Park
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 11:43 A.M.*)

CHAIRMAN EDDINGTON:

We'll start with the Pledge of Allegiance led by Legislator Browning.

Salutation

Okay, good morning. We've got no correspondence. I do have a couple of people for the public portion. I would like to have Chris Schiavo come up and speak to us.

MR. SCHIAVO:

Good afternoon. My name is Chris Schiavo and I'm here to speak to Resolution MR 29, the civil confinement of sexual predators.

I am fully in support of this resolution and I just want the Legislature to know this. I am the Chief of the Deer Park Fire Department and a police officer for over 13 years, and currently serve as a major in the United States Air Force. I have seen first hand some of the results of sexual predators while performing my duties. I never realized how bad these crimes were until I started my own family. I now receive sexual predator notifications from my daughter's school on a regular basis, and it's very alarming to me. I never realized how many sexual offenders there were in Suffolk County and was very alarmed to find out how many lived in my small town of Deer Park, any more than one should bother you if they live in your town.

There is nothing more important to me than the safety of my wife and my two small children. I believe this bill would reduce the chances of an attack and make Suffolk County a safer place to live. Because of the high percentage of repeat offenders, we are almost guaranteed to have the same criminal strike more than once and it's just a matter of time until it happens to someone you know and love. We need to persuade the State Legislature to pass this bill and not the similar, watered•down version the State

Assembly proposed where they would allow offenders to receive outpatient treatment. If we're providing outpatient treatment, that means the predator is out there to strike again. This bill, this proposal would require the people to have civil confinement after their prison term and we'd have more control over the people until they were deemed by the health system that they were not a threat anymore. Let's help the County Legislature make our community safer by supporting this legislation. Thank you.

CHAIRMAN EDDINGTON:

Thank you, Mr. Schiavo. Laura Ahearn.

DEPUTY COMMISSIONER HERNANDEZ:

Good afternoon. Eighteen states currently in our nation have civil commitment laws in place. The status right now in New York State is that we have, in keeping with Albany politics, two one-house bills, the Senate and the Assembly version. The Senate version is modeled after the original Kansas/Washington Statutes that have been upheld by the U.S. Supreme Court, that's why I am here today in support this Memorializing Resolution. In our budget this year in the State, we have \$120 million dedicated to a civil commitment facility, so everybody can be rest assured that that population will not be comingled with the mentally ill.

One of the serious concerns we have about the Assembly version of the civil commitment bill is that the criteria for the Assembly that has to be proven for a sexual predator to be confined, that they would be likely to commit a felony sex offense. So in the Senate version it's in keeping with what the U.S. Supreme Court has delineated as the exact criteria as being that the offender has to have a mental abnormality and be convicted of a sex offense or a designated, non-sexual felony that is sexually motivated. So the Senate version of the bill doesn't create obstacles or conflicts that would prevent us from actually confining offenders.

As the gentleman just said, we do have a number of sex offenders here in Suffolk County, 809; 23,000 across the state and about 450,000 or 500,000 actually across the nation. Civil commitment gives us an opportunity to provide the necessary treatment services that sex offenders need to ensure that they're not going to reoffend and also provides us an opportunity in the

community to be rest assured that the most violent sexual predators at least have undergone a civil commitment proceeding to determine if they are so violent they shouldn't be released into the community. So I am again here today in support of this Memorializing Resolution. Thank you.

CHAIRMAN EDDINGTON:

Thank you. Is there anybody else that would like to address the Legislature at this time? Okay, then I'm going to move on to presentations and I have the President and Vice•President of the Probation Officer's Association, Don Grauer and Dan DelValle.

MR. GRAUER:

Hello, good morning.

CHAIRMAN EDDINGTON:

You can have a seat, unless you're only going to be there for three minutes.

MR. GRAUER:

Hi. Good morning. My name is Donald Grauer and as you know, I'm the President of the Suffolk County Probation Officer's Association, and with me today is my Vice•President, Daniel DelValle. We're here this morning just to address a couple of issues we have for safety equipment with the committee.

I would like to just start off by just giving you a very brief little rundown as far as our history. We have approximately 290 Probation Officers here in Suffolk County and we supervise over 12,000 cases on a daily basis in the County of Suffolk. The Suffolk County Probation Officer's Association is the newest union in Suffolk County, it was created in May of 2004 and is now the tenth union in Suffolk County. Probation Officers have been working under an expired contract since January of 2004, our last actual pay raise was in January of 2003. And the current Executive Board, which is comprised of the four of us, have been in office since January of 2006.

Just for background information, Probation Officers in the County have

peace officer status. We're authorized to make arrests, we carry firearms, we execute our own arrest warrants here in Suffolk. Another point we'd like to make is that probation is a cost effective alternative to incarceration. The current cost to house an inmate in Suffolk County in the correctional facility is approximately \$230 per day; the cost to supervise an individual on regular probation supervision is less than \$3 a day. Some of our more intensive supervision specialized units, that cost ranges from seven or \$8 per day. And the important concept here to remember is that we're out there, we're trying to correct behavior and at the same time protect the community.

Probation Officers have several concerns regarding proper equipment. And in the past, in our opinion from a union standpoint, we think that there's been a problem with the department equipping its officers with the safety equipment. The SCPOA supports the idea of using either the Sheriff's Department or the Police Department's Quartermaster to supply Probation Officers with equipment needed to perform their work and then possibly having chargebacks to the Probation Department for the costs that, you know, are incurred to do that.

Back in I think it was 2003, this Legislature provided funding in our budget to provide for the purchase of 26 vehicles and that assistance doubled our fleet from 26 cars to 52 cars. However, the shortage of vehicles still exists. Probation Officers are required to spend half of their time in the field and it is not possible for approximately 300 officers to spend half of their time in the field with a pool of vehicles that numbers in the 50's. I think currently our pool is about 57 vehicles, of which a significant number of those vehicles are used by high ranking supervisors to commute to and from their home and our office. A suggestion to increase the department's fleet with virtually no start•up costs would be to take advantage of the District Attorney's forfeiture vehicles. Under the forfeiture guidelines, these vehicles can be used for law enforcement purposes such as probation.

The Probation Department does not issue Probation Officers some of the standard and basic equipment that we need in the field such as flashlights, handcuff cases, search gloves, raid jackets and other equipment. The cost and expense of these items fall on the individual Probation Officer. The department actually, once example is they require us to bring our own

flashlight when we do our nighttime requalifications for firearms to the range. So we qualify every year at the police firing range and every third year we're required to do that qualification at night in low light situations. And at that point they specifically have a list of equipment that they mandate that we bring to the training including flashlights, however they don't budget for this equipment and they don't provide it to us.

Another example of equipment that we're lacking is the {ASPS} which are expandable batons. They've been issued to only about 30 officers, the remaining officers have never been trained in the use of an {ASP} and they never have been issued this piece of equipment either. We have significant concerns requiring our body armor. A lot of the officers that were issued body armor, it was determined that it was made by a manufacturer, Second Chance, and it was found to be defective; it's actually failed in the field. And to this day, there are still some Probation Officers that have been issued that vest and they're required to wear that effective vest in the field. I do want to acknowledge that there has been some progress by the department to correct this situation. However, the problem has not been totally resolved.

And the other thing is I want to bring to your attention that there are approximately 24 vacant Probation Officer positions in our department and caseload sizes are directly effected by the vacancies. Probation Officers are being asked to do more with less each and every day and, you know, we need things from positions to equipment to an organized and uniformed quartermaster supply. And then I'd also just like to introduce my Vice •President and let you listen to any comments he needs to make.

MR. DELVALLE:

Good morning. Nothing like being put on the spot, right? Okay, my name is Danny DelValle, I'm Vice•President, some of you I've met before. There's just a couple of figures that I wanted to just introduce you to, it's not in the handout that we gave but I feel it's very important.

As of December of 2005, the criminal court cases we had a total of eleven hundred •• 11,692 cases; on April 22nd of 2006, there was a slight increase, it was 11,792. What concerns me is that since that time, we have had people out on maternity leave, we have people out on medical leave, but the

work still increases. And as Don had pointed out, that we are 24 peace officers, law enforcement officers behind what we have. Mr. Schneiderman's area is affected because he's missing a Probation Officer that's covering a whole zone that's not there.

Right now the Level II supervision, which is the probation that most people are familiar with when you think of probation, the caseload in Mr. Schneiderman's area is over a hundred. I didn't have a chance to go through the figures, but afterwards I'll give you a copy of what I have as far as the PO there, and there's also a vacant item. So what concerns •• what should concern us is that although probation is the alternative to incarceration, we have to make sure it's well funded and if it's well funded it will do the job it's intended to do.

If there's any questions that you have, we have a lot of information just in the case there are some questions regarding our job and the type of things that we've done. Just to kind of elaborate one step further is that on May 17th we did what they call project intercept and that's where we set up like a checkpoint in our parking lot for one of our officers. That day we had eight arrests ranging from criminal possession for weapon IV, outstanding bench warrants, criminal possession of controlled substance VII, criminal contempt II, we had a DWI, somebody actually drove to the office with a felony DWI, the vehicle was impounded. We had an aggravated unlicensed I which is a felony, criminal possession of a weapon IV •• I'm sorry, criminal possession of marijuana IV, and we've had some 28 VNT's were issued. There was also three other arrests, actually a total of eight arrests for driving without a license, aggravated unlicensed.

The following week I guess they got the message because the stats went down considerably. However, the vehicles that we search of two sex offenders who were on probation for sex offense, this is interesting, after the vehicles were searched we found a santa clause costume in one of them, about 10 pounds of candy in another, a pornographic video and a Cinderella book. So the way we do our job and being adequately funded and adequately staffed directly impacts on the community, and if this is what they're bringing to the office, can you imagine what they're doing in the community?

Now, I don't want to mislead you, there's many people who are very successful on probation and they turn their life around and they live very productive lives, and that's what we want to do. But we want to make sure that we can maximize the service and the protection for the community that we can. And that's it. Thank you.

CHAIRMAN EDDINGTON:

Okay, thank you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, thank you for your presentations. Dan, you spoke specifically about my district being absent of one of the Probation Officers. You know, obviously probation only works if there's proper supervision, and now I feel I need to ask you certain questions, particularly since you said my district averages a hundred person caseload. So let me start with the absence of a Probation Officer. Are there people who are on probation who are not being supervised at all because of that, or have other officers taken that load?

MR. DELVALLE:

There are •• that's an un •• it's known as the uncovered caseload. There's actually several caseloads in your area, but there's one which covers Flanders, Riverhead and actually borders into Manorville and Calverton. Now, that particular caseload is called the uncovered caseload and there is no field supervision going on because people are •• people have enough work to do. It's very difficult to do.

LEG. SCHNEIDERMAN:

So these individuals have committed crimes, they've been sentenced to probation and that sentence is not being carried out.

MR. DELVALLE:

They're reporting to the office, the office reports are being covered, but that's only part of probation. That's like maybe 15% of what's really going on with our job, the other 85%, the field supervision, knowing where people are, verifying their income and things like that, unfortunately that's not being done. And I don't want to mislead you, but it's not being done.

LEG. SCHNEIDERMAN:

Well, I think that's quite serious.

MR. DELVALLE:

The caseload is SU•122 is what it's known as, that would be the ••

LEG. SCHNEIDERMAN:

My assumption would be that if one position became vacant or somebody left, that other officers would temporarily take over that caseload, and what you're saying is that's not the case here, that these people are being unsupervised.

MR. DELVALLE:

No, the items have not been backfilled. Also, we have electronic monitoring coming up where •• I've got more good news for you, Jay •• we have two of the Probation Officers that work in your district are going to be reassigned to another unit.

LEG. SCHNEIDERMAN:

Outside of the district?

MR. DELVALLE:

They'll be working in a totally different unit, so there will be two caseloads in your area which I'm not sure are going to be covered, or how long they're going to be covered.

LEG. SCHNEIDERMAN:

So in other words, it's ••

MR. DELVALLE:

As of today there's no plan on how they're going to cover those caseloads.

LEG. SCHNEIDERMAN:

It's getting worse you're saying ••

MR. DELVALLE:

Exactly.

LEG. SCHNEIDERMAN:

•• with this redeployment. Now, all those people who are covering a hundred individuals, what in your mind is the number, or maybe if you don't want to give your personal opinion, maybe you can rely on some industry standard. How many individuals could a Probation Officer oversee in a way that probation will work effectively?

MR. DELVALLE:

The American Probation & Parole Association, which is a kind of like an organization, kind of like the MAA, they set a standard and they've done case studies, and what they've referred to is that 60 is the ideal number for working with a Level II population. Myself in the field, you know, if I'm covering an area and it's in one hamlet, like when I worked in Central Islip, 65 was very manageable. However, now I'm in an area where I'm covering from Montauk to Moriches, I have all Spanish•speakers from Montauk to Moriches and I have about 65 cases. Now, considering the size of the area, a lot of driving, a lot of road time, so I'm really not getting the optimal two hours of supervision with each probationer that's suggested, according to the APPA standards.

LEG. SCHNEIDERMAN:

So you're saying basically geographic and demographic considerations affect the number that you would feel is the proper number. So in an area like my district ••

MR. DELVALLE:

Absolutely, particularly your district.

LEG. SCHNEIDERMAN:

•• 60 might be too high.

MR. DELVALLE:

Your district is very rural, as is Mr. Romaine's.

LEG. SCHNEIDERMAN:

Right. So you're spending a lot of time getting to the people and that means less time with the people; we've had this issue with Public Health Nursing and other issues as well, so. And meanwhile the caseload is double, almost double the national standard, and in this case easily double what probably the proper standard would be geographically.

MR. DELVALLE:

Well, I mean, we do what work we can do without neglecting our own primary caseloads, but there's just so much you can do constructively.

LEG. SCHNEIDERMAN:

What is happening here, why is this happening?

MR. DELVALLE:

You would have to ask administration on that, I can't really comment.

LEG. SCHNEIDERMAN:

So there's not •• were these positions approved and not filled?

MR. DELVALLE:

Absolutely, it's a lack of staffing. As Don pointed out, you know, we're missing several items. I mean, we actually have 40, I believe 40 civilian support items that haven't been filled and those are clerk stenos and typists. We have Probation Officers that are sitting at the window to relieve stenos when •• to answer phones and to take restitution payments, you know, while they're on vacation, while they're on their day off, when they call in sick, to cover their lunch period; I mean, you don't need a peace officer for that.

LEG. SCHNEIDERMAN:

What I don't understand, this is a court mandated sentence, it has to be filled. You know, there's not an option here to not provide the officers, yet the officers aren't being provided. So this is something that must be corrected just to comply with the court mandate.

Now, we did put, I believe the Legislature and the County Executive, we put the positions into the budget that you would need, right? They just simply

haven't been filled. Are people not applying or they're just not being released; or maybe I shouldn't ask you this question, maybe I should ask the administration what's happening.

MR. DELVALLE:

Please, please do.

LEG. SCHNEIDERMAN:

All right, but this is a major public safety issue. You have people who have committed crimes, who have been sentenced by a Judge and that sentence can't be carried out, and so they're going •• they're not being overseen. And some of their •• I don't know, maybe it's a particular category or is it general, do you have sex offenders, do you have drug abusers?

MR. DELVALLE:

Well, I don't want to scare you guys, but it's happening mostly in the Level II cases. You know, as far as the other units, the specialized units, domestic violence, sex offenders, I'm not aware of any vacancies in those units.

LEG. SCHNEIDERMAN:

So what's •• give me some Level II's, what type of crimes might that be?

MR. DELVALLE:

Well, a Level II could be anywhere between endangering the welfare of a child. Let's suppose •• many of the cases that I get, it starts out as a Rape II. Amazingly enough it gets dropped down, dismissed down to maybe attempt and endangering the welfare of a child which is a B Misdemeanor, it's a one year probation case; I would get that caseload.

LEG. SCHNEIDERMAN:

Hello? This is serious.

MR. DELVALLE:

Yeah. But that's part of the judicial system and that's something that really we can't change.

LEG. SCHNEIDERMAN:

Right.

MR. DELVALLE:

But those are sentences that are being rendered out.

LEG. SCHNEIDERMAN:

But Level II is not minor here.

MR. DELVALLE:

No, it's not. We have felonies, we have criminal possession of weapon III's, we have felony narcotic sales and possessions that we have, we have some bad people. And considering also there's no •• the intensive supervision caseload has been abolished in your area, the east end caseload was taken apart four years ago ••

LEG. SCHNEIDERMAN:

All I can say to my colleagues is ••

MR. DELVALLE:

•• they're going on a Level II caseload.

LEG. SCHNEIDERMAN:

•• we need to speak with one voice and really demand that these positions be filled. This is my district, but if it was your district you would understand, too, that we can't have people running around unsupervised who are sentenced by a Judge to be supervised because of a fairly serious crime that they committed.

CHAIRMAN EDDINGTON:

Thank you. Legislator Vloria•Fisher.

LEG. VILORIA•FISHER:

Hi. Thank you for coming down. I'm confused about a couple of things that you spoke of before such as equipment. You're required to do that night certification •• what did you call it?

MR. GRAUER:

Yeah, it's nighttime firearms requalification.

LEG. VILORIA • FISHER:

Requalification. Now, when you are involved in contract negotiations, can you request that you have equipment that you need within those contract negotiations?

MR. GRAUER:

Yes and ••

LEG. VILORIA • FISHER:

Is that a negotiable item?

MR. GRAUER:

We'll, we're actually going to try and include a lot of the needs for our equipment into the contract. In our current contract which we've gotten from AME, there was a provision to provide for replacement of body armor every four years I believe, but that clause only referenced Park police officers and it never made reference to Probation Officers. So we are currently in negotiations, we're probably trying to get most of our safety issues for equipment addressed there. But part of it comes to the department, too, not budgeting to purchase the equipment, that's the first the step. And especially when the department is preparing their budget request in June, you know, now is the time for them to include all the equipment that we're going to need.

LEG. VILORIA • FISHER:

Okay, so we should be looking at that when we're looking at the budget to make sure that the equipment line in your department is such that it reflects what the actual needs are in the department.

MR. GRAUER:

Yes, and with special attention paid to the fleet. Because like I said, you know, a couple of years ago we made a lot of progress with vehicles.

LEG. VILORIA • FISHER:

And you know we've been looking at that and we've been working with you

on that.

MR. GRAUER:

Yes, and when we doubled our fleet, it was only as a result of the hard work of the Legislature. The department had ignored our requests repeatedly to increase the fleet, but the problem isn't solved. And with 57 cars for almost 300 officers with the amount of field time that's required, it's still not enough.

LEG. VILORIA • FISHER:

What is the number of cars used for commutation rather than field work?

MR. GRAUER:

Well, out of the 57 cars, it's our belief that there are approximately seven that are used just by supervisors at the rank of Principal Probation Officer and above who use those vehicles strictly for commutation from home to their duty station.

LEG. VILORIA • FISHER:

Okay, thank you. I'm very concerned by what you're saying regarding having Flanders and Riverhead unstaffed by a Probation Officer with a caseload there. And it really underscores, Legislator Schneiderman, a discussion we were having earlier that this is part of the public safety •• Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

This is part of that public safety budget that really does provide services to the east end, too, because probation is part of public safety. It's not the police district ••

LEG. SCHNEIDERMAN:

Apparently not right now.

LEG. VILORIA • FISHER:

But we want to make sure that we are providing that service. Well, probably all areas of Suffolk County are understaffed by probation and we certainly don't have enough cars. And I think that's a safety issue, I don't think Probation Officers should go into neighborhoods in their own cars, with their own license plates which can be tracked ••

MR. GRAUER:

Right.

LEG. VILORIA • FISHER:

•• so that private information is available to the people who are the probationers. But I just wanted to underscore that public safety is more than just the Police District and the departments that are out of the Police District.

LEG. SCHNEIDERMAN:

I understand that. And this is paid ••

CHAIRMAN EDDINGTON:

Are you teaching us here?

LEG. VILORIA • FISHER:

Well, we had a very big discussion earlier ••

CHAIRMAN EDDINGTON:

Oh, okay.

LEG. VILORIA • FISHER:

•• regarding revenue sharing.

CHAIRMAN EDDINGTON:

I missed it and I'd like to stick to this topic here.

LEG. SCHNEIDERMAN:

Probation is not paid through the Police District, it's paid whole County.

LEG. VILORIA • FISHER:

Right, but it's public safety.

CHAIRMAN EDDINGTON:

Okay, thank you for the lesson on this, but I'd like to focus back on •• this is what I can tell you. I hear what you're saying. I know that the Director isn't here, but I will address this to Tom Henry who is here.

First of all, I don't believe that equipment should be part of a contract negotiation; to do the job you should have the equipment, we don't ask any other branch of public safety to do that, so I'm going to be asking the Commissioner to look into that. No one should be going out in the field with a defective vest, they should have the baton so you can protect yourself, and the vehicles are another issue that I want to look into. You do know that I donated my car, I said, "Give it to the nurses or the Probation Officers;" I hope you got my car.

And as far as not giving you supplies like a flash light, you know, they're lucky that they're not dealing with me because I would be giving everybody a pen light flashlight and tell you to show up with that and then let them deal with it. We will be addressing this issue and I will make sure that all the Public Safety Committee members get the response that we get from the Director and I'll pass it on to you.

MR. GRAUER:

Thank you. Thank you very much for your help.

CHAIRMAN EDDINGTON:

Okay, thank you very much.

LEG. CARACAPPA:

Thanks, guys.

Tabled Resolutions

Okay, let's start with our Tabled 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.

CHAIRMAN EDDINGTON:

Okay, do I have a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Okay, motion by Legislator Viloría•Fisher, second by Legislator Losquadro.

All in favor? Opposed? Abstentions? ***Tabled***

(VOTE: 6•0•0•1 Not Present: Legislator Browning).

IR 1229•06 • A Local Law to provide fair and equitable cost containment for residents in certain Emergency Service Districts (Schneiderman). Do I have a motion?

LEG. SCHNEIDERMAN:

I'll make a motion to table.

CHAIRMAN EDDINGTON:

Okay, motion to table by the sponsor. Do I have a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed?

Abstentions? ***Tabled (VOTE: 6•0•0•1 Not Present: Legislator***

Browning).

LEG. VILORIA • FISHER:

Jack, are you going to ask him if there's any progress in the discussions (inaudible).

LEG. SCHNEIDERMAN:

Go ahead, we can talk to him; Ben's here.

CHAIRMAN EDDINGTON:

Would you respond to what's been happening? I know you were reaching out to the ambulance service, I believe?

MR. ZWIRN:

I'm waiting •• Legislator Schneiderman is going to set up a meeting I think between the fire district, maybe the Town Supervisor of Southampton and our office.

LEG. SCHNEIDERMAN:

Well, yeah, the town •• the Commissioner is here, so we have to really go through the town board. You know, there's been some discussion about trying to find ways to address the Flanders situation. As you recall, Flanders is •• has one of the lowest median incomes in the County and the bulk of their property is actually County-owned, about 80% of their land, and their ambulance district, I believe about 25% of their expenses are directly related to servicing the County facilities in Riverhead, particularly the County jail. We've been trying to come up with a way of addressing that inequity and I'm not sure how close we are. This bill certainly would solve it, there may be other ways, so I'll work in getting a meeting together with County Executive officials and Southampton Town officials.

CHAIRMAN EDDINGTON:

I'm wondering if also you could look •• because I'm thinking a little ahead, I know Legislator Browning is concerned about the Foley center and the jail there, I know we have the Stony Brook issue in Legislator Vilorina • Fisher's area, so if we could kind of look at all of those issues at one time rather than just go with one at a time; is that a possibility?

LEG. SCHNEIDERMAN:

Well, Stony Brook isn't a County facility, but we can look at the County jail in Yaphank certainly, somebody is obviously making calls there and taking inmates to the hospital, so we could find out.

CHAIRMAN EDDINGTON:

That would be great.

LEG. SCHNEIDERMAN:

That would be a similar situation.

CHAIRMAN EDDINGTON:

Okay. Did we take a vote on this?

LEG. LOSQUADRO:

Yes.

CHAIRMAN EDDINGTON:

We did, okay. All right, good, thank you very much.

IR 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). The sponsor requested that this be tabled. Do I have a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 6•0•0•1 Not Present: Legislator Browning).***

IR 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. Chief, did you want to •• okay. Do I have a second?

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Horsley. All those ••

MR. ZWIRN:

Mr. Chairman?

CHAIRMAN EDDINGTON:

Yeah.

MR. ZWIRN:

We have Chief Rau here who handles this for the Suffolk County Police Department, he would be glad to speak to it. I know the District Attorney himself came here earlier this year and spoke in opposition to this, that it wasn't necessary. But Chief Rau is here, he's come to every ••

CHAIRMAN EDDINGTON:

You know I appreciate your feedback. We're aware that he's here, I don't see anybody asking any questions, so I'm happy to let it be tabled at this moment.

LEG. VILORIA • FISHER:

Do you want to just kill it, make a motion to approve and kill it if we don't need it?

LEG. LOSQUADRO:

The sponsor is not here.

CHAIRMAN EDDINGTON:

Yeah, he's not here, I don't want to ••

LEG. VILORIA • FISHER:

Okay.

CHAIRMAN EDDINGTON:

I have a motion to table and a second. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 6•0•0•1 Not Present: Legislator Browning).***

IR 1296•06 • A Local Law establishing responsible standards and controls for alarm systems that require Police Department response (Cooper). The public hearing was recessed, so I believe we need to table this. Do I have a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 6•0•0•1 Not Present: Legislator Browning).***

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

LEG. LOSQUADRO:

Mr. Chairman, I just have a question for Counsel.

CHAIRMAN EDDINGTON:

Yes, go right ahead.

LEG. LOSQUADRO:

I see the amended copy here, Mr. Zwirn, I did get a chance to take a look at the amended copy. And this copy references my bill, IR 1240•2006, a resolution appropriating funds in connection with the Rocky Point Tower site,

and it says, "Provides funding for planning and construction of the Rocky Point Tower site," and then it says, "Which action supplements the funding contained in this resolution." Does that mean that when we passed 1240 on Tuesday •• because to my understanding everything is finally done with that bill, I just want to make sure that nothing is going to conflict with each other that in some way passing one of these is going to hold up the other. Obviously we want the Rocky Point site to be constructed because it was in this year's Capital Budget, but we also want to move ahead with the planning for the other sites where we have deficiencies which this will •• this bill will provide for. So I just want to make sure that there's no conflict with the language as it reads in this amended copy.

MR. NOLAN:

I just looked at this resolution, I'd like to pull up the other resolution, 1240, and see if there's any conflict before •• that's the number of your bill, correct?

LEG. LOSQUADRO:

Okay. Yeah, could we just skip over this then and then we'll just come back to it, let Counsel have a chance to look at it?

MR. ZWIRN:

And Mr. Chairman, just for the record, there's no intention to be ••

LEG. LOSQUADRO:

Absolutely, I just want to make sure that the language is spot on.

MR. ZWIRN:

We're not looking to create a conflict. We would anticipate that Legislator Losquadro's bill would pass along with this bill, separately and independently of each other.

CHAIRMAN EDDINGTON:

Okay, good, then we'll come back to this. Let's go to the Introductory Resolutions.

Introductory Resolutions

IR 1516•06 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the flashover simulator at the Vocational, Education and Extension Board (VEEB) (Caracappa).

LEG. CARACAPPA:

Motion.

CHAIRMAN EDDINGTON:

Motion by Legislator Caracappa.

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

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

Approved (VOTE: 6•0•0•1 Not Present: Legislator Browning).

IR 1562•06 • Accepting and appropriating a grant in the amount of \$25,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's 2nd Precinct Community Support Program 2006 with 75% support (County Executive).

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Are you making a motion?

LEG. LOSQUADRO:

No, I mean the 2nd Precinct.

CHAIRMAN EDDINGTON:

The 2nd Precinct it is, yeah. Okay, do I have a motion?

LEG. LOSQUADRO:

I will make a motion.

CHAIRMAN EDDINGTON:

Motion by Legislator Losquadro, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions? Beautiful. **Approved (VOTE: 6•0•0•1 Not Present: Legislator Browning).**

IR 1598•06 • Authorizing the Suffolk County Police Department (SCPD) to transfer a decommissioned (SCPD) sector car to the Kings Park Heritage Museum (County Executive). Do I have a motion?

LEG. LOSQUADRO:

Just a •• I'll wait for the motion and then I just have a question.

CHAIRMAN EDDINGTON:

Okay. Well, I'll make the motion to approve.

LEG. LOSQUADRO:

Okay. Anybody second?

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Horsley.

LEG. LOSQUADRO:

On the motion?

CHAIRMAN EDDINGTON:

On the motion?

LEG. LOSQUADRO:

I just wanted to make sure, given the shortage of staff that we have, I know

that many times we, for lack of a better term, cannibalized from decommissioned cars for certain parts for our remaining fleet and I just want to make sure that nothing in this vehicle that is •• I know it's going to be donated to a museum and I think that's a great thing, but I want to make sure that we're not giving away something that we could use in our current fleet. I'm assuming that the MDT, the Mobile Data Terminal, is a model that we're no longer using, I just want to make sure that it's not a current model; again, that there's nothing out of this that we could use in our current fleet for operations.

CHAIRMAN EDDINGTON:

Right. I did reach out to the Police Department and they told me when they do this, believe me, those cars are gone; but if you could address that?

LEG. LOSQUADRO:

I just wanted to make sure.

MR. ZWIRN:

The answer is your concerns have been addressed.

LEG. LOSQUADRO:

Very good.

CHAIRMAN EDDINGTON:

Yeah, good. Okay then, all those in favor? Opposed? Abstentions? Okay, thank you. ***Approved (VOTE: 6•0•0•1 Not Present: Legislator Browning).***

1615•06 • Appropriating funds in connection with planning for the construction of the 4th Precinct (CP 3184) (County Executive).

Motion; on the motion?

LEG. VILORIA•FISHER:

I made the motion.

CHAIRMAN EDDINGTON:

Oh, motion by Legislator Viloría•Fisher.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Hallelujah. ***Approved (VOTE: 6•0•0•1 Not Present: Legislator Browning).***

IR 1624•06 • Appropriating additional funds in connection with the purchase of a police helicopter (CP 3117) (County Executive).

LEG. VILORIA•FISHER:

Yes; I'll make the motion.

CHAIRMAN EDDINGTON:

Motion by Legislator Viloría•Fisher.

LEG. LOSQUADRO:

Second and just a question.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. And on the motion?

LEG. LOSQUADRO:

This is for the purchase of a twin engine medevac?

MR. ZWIRN:

Yes.

LEG. LOSQUADRO:

Very good.

LEG. CARACAPPA:

Excellent.

CHAIRMAN EDDINGTON:

Okay, then, all those in favor? Abstentions? Hallelujah •• I mean, opposed? All right, carried. **Approved (VOTE: 6•0•0•1 Not Present: Legislator Browning).**

IR 1648•06 • A Local Law establishing regulations for scrap metal dealers (County Executive).

LEG. VILORIA•FISHER:

Table for a public hearing.

CHAIRMAN EDDINGTON:

This has to be tabled for a public hearing, but I would like to definitely be a cosponsor on that. Okay, motion to table by Legislator Viloría•Fisher, I'll second that. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 6•0•0•1 Not Present: Legislator Browning).**

1655•06 • Accepting and appropriating 100% State funds from the NYS Office of Children and Family Services to the Department of Probation to implement a new component in the Mental Health/Juvenile Justice Diversion project and authorizing the County Executive to execute related agreements (County Executive).

LEG. LOSQUADRO:

Motion to approve and place on the consent calendar.

CHAIRMAN EDDINGTON:

Okay, motion to approve by Legislator Losquadro, second by Legislator Horsley, on the consent calendar. All those in favor? Opposed? Abstentions? **Approved and placed on the consent calendar (VOTE: 6•0•0•1 Not Present: Legislator Browning).**

We have no Home Rule Messages.

MR 29•2006 • Memorializing Resolution in support of establishing a procedure for the civil confinement (sic) of sexually violent predators (D'Amaro).

LEG. SCHNEIDERMAN:

Mine says civil commitment.

CHAIRMAN EDDINGTON:

Oh, I'm sorry, civil commitment of sexual violent predators.

LEG. D'AMARO:

It should be confinement. Mr. Chair?

LEG. LOSQUADRO:

What does the bill say?

CHAIRMAN EDDINGTON:

Did I say confinement?

LEG. HORSLEY:

No, you said it right.

LEG. VILORIA • FISHER:

You said it the way it was written, but it's confinement.

LEG. SCHNEIDERMAN:

You said confinement, my agenda says commitment.

LEG. D'AMARO:

Yeah, the agenda is incorrect, it should be confinement.

CHAIRMAN EDDINGTON:

Okay, thank you.

LEG. D'AMARO:

And if I may, Mr. Chair?

LEG. LOSQUADRO:

What's the title of the bill say?

CHAIRMAN EDDINGTON:

I recognize Legislator D'Amaro.

LEG. SCHNEIDERMAN:

The title of the bill does say commitment.

CHAIRMAN EDDINGTON:

Go ahead, Legislator.

LEG. D'AMARO:

Yeah, thank you. I just want to thank Laura Ahearn for appearing before this committee earlier, for her support on this legislation which is just a Memorializing Resolution in support of a Senate bill pending in Albany that would mandate civil confinement of violent sex predators, and I think this would go a long way in protecting our neighborhoods and our community. And I just want to point out that the bill also does provide a series of safeguards for the candidate for civil confinement. It gives the candidate the civil confinement, the right to a one-year annual review, mandatory annual review for release, and it also goes even further than that and permits the candidate to petition a court at any time for release back into our community.

So I think the bill strikes a good balance between protecting the rights of anyone who would be subjected to civil confinement while also protecting our right in our neighborhoods not to have sexually violent predators released directly back into our neighborhoods before the candidate can get the type of attention and perhaps rehabilitation that they need. I also want to thank •• I know he was here earlier, I don't know if he's still here •• Chief Schiavo from the Deer Park Fire Department was also here speaking in support of the bill and I appreciate that as well. Thanks.

CHAIRMAN EDDINGTON:

Excellent. And I'd like to be a cosponsor of that. I'd like to have it recorded as a scrivener's error, because the legislation does reflect civil confinement.

LEG. HORSLEY:

Lou, did you have us all as cosponsors?

LEG. D'AMARO:

I'm not sure.

LEG. VILORIA • FISHER:

I'd like to be a cosponsor.

MS. AHEARN:

It's commitment, you were right the first time.

LEG. D'AMARO:

It is commitment. Yeah, Laura Ahearn is just indicating that the Senate bill speaks of commitment, not ••

LEG. VILORIA • FISHER:

Yeah, it's saying Article 10 is civil commitment.

LEG. CARACAPPA:

It's the same meaning.

LEG. D'AMARO:

Yeah, it's semantics really, it's okay.

CHAIRMAN EDDINGTON:

Okay. We'll put it in parenthesis so we'll know both.

LEG. D'AMARO:

Right. I always refer to it as civil confinement, but if you want to call it commitment that's fine. I guess in a sense it is committing ••

LEG. HORSLEY:

And we are committed to you on this Legislature.

LEG. D'AMARO:

Oh, thank you. Well, I'll leave it at that. Thank you.

CHAIRMAN EDDINGTON:

Did we take a ••

LEG. SCHNEIDERMAN:

Some of us probably want to jump in as cosponsors here, too, so.

LEG. VILORIA • FISHER:

We have not voted.

CHAIRMAN EDDINGTON:

We have a second, though, right? Okay, then ••

LEG. LOSQUADRO:

Cosponsor.

CHAIRMAN EDDINGTON:

Okay, cosponsor; okay, great.

LEG. HORSLEY:

We're all cosponsor.

LEG. SCHNEIDERMAN:

Whole committee cosponsor.

CHAIRMAN EDDINGTON:

Do you have who? Okay, all in favor? Opposed? Abstentions?

Approved (VOTE: 6•0•0•1 Not present: Legislator Browning).

Okay, let's go back to •• which one was that now.

LEG. LOSQUADRO:

1385?

CHAIRMAN EDDINGTON:

1385, yes.

LEG. LOSQUADRO:

On the motion. I have conferred with Counsel and they conferred with Budget Review and I just wanted to make sure •• not in part for 1240, but also in part for 1385 •• to make sure that nothing was going to conflict and this wasn't going to hold up any appropriations. I've been informed that it will not, that 1240, when it moves forward, will be used for the Rocky Point Tower site and this money will be used to study areas with existing deficiencies as well. So I'm happy to move along with this one and ask the Clerk's Office to add my name as a cosponsor as well.

LEG. VILORIA • FISHER:

I don't think ••

CHAIRMAN EDDINGTON:

Okay, so I'd like a motion on it.

LEG. LOSQUADRO:

I'll make the motion and ask to be a cosponsor.

CHAIRMAN EDDINGTON:

Okay. Motion by Legislator Losquadro, second by Legislator Vilorina • Fisher. All in those in favor? Opposed? Abstentions? **Approved (VOTE: 6 • 0 • 0 • 1 Not Present: Legislator Browning).**

LEG. VILORIA • FISHER:

Cosponsor, please.

CHAIRMAN EDDINGTON:

Okay. All right, then I'd like a motion to adjourn.

LEG. VILORIA • FISHER:

You got it.

CHAIRMAN EDDINGTON:

Legislator Vilorina • Fisher and second by Legislator Caracappa. Thank you very much.

LEG. VILORIA • FISHER:

Expeditious meeting, good job.

(*The meeting was adjourned at 12:26 P.M.*)

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

{ } • Denotes Spelled Phonetically