

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 August 1, 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:

Presiding Officer William Lindsay • District #8
Legislator John Kennedy • District #12
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
Kara Hahn • Director of Communications for PO Lindsay
Linda Burkhardt • Aide to Presiding Officer Lindsay
Bobby Knight • Aide to Presiding Officer Lindsay
Seth Squicciarino • Aide to Legislator Vioria•Fisher
Paul Perillie • Aide to Majority Caucus
Jim Maggio • Budget Review Office

Sean Clancy • Budget Review Office
Ben Zwirn • Assistant County Executive
Brian Beedenbender • County Executive Assistant
Dennis Brown • County Attorney's Office
Alan Otto • Chief of Staff/Suffolk County Sheriff's Office
Ed Perez • Director of Minority Affairs for Suffolk County
Richard Dormer • Commissioner/Suffolk County Police Department
Robert Moore • Chief of Department/Suffolk County Police Department
Aristedes Mojica • Inspector/Chief of Dept's Office/SCPD
Robert Kearon • Deputy Bureau Chief/District Attorney's Office
Tom Henry • Suffolk County Probation Department
Laura Ahearn • Executive Director/Parents for Megan's Law
Hope Collazo • Director/Community Service Program•American Red Cross
Debbie Eppel • Public Information Office
Catherine Hoake • Suffolk County League of Women Voters
Mary McLaughlin • Suffolk County League of Women Voters
Sandy Sullivan • Legislative Liaison/AME
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(* The meeting was called to order at 12:26 P.M. *)

CHAIRMAN EDDINGTON:

Okay, I'd like to start the Public Safety Committee meeting and I'd like Legislator Browning to lead us in the Pledge of Allegiance.

Salutation

Okay, thank you very much. You know what, I'm going to ask you to stand for another second for a moment of silence. Eric { Schnall } , Commissioner of Bay Shore Fire Department and a Town of Islip Fire Marshal, passed away and I'd like to dedicate a moment for a man that spent a lot of time in public safety

Moment of Silence Observed

Thank you very much. Okay. There's no correspondence, I do have one for

the public portion; Mr. Ed Perez.

DIRECTOR PEREZ:

Good afternoon. My name is Ed Perez, I'm Director of Minority Affairs for Suffolk County and I'm going to speak on behalf of this bill that I'm in favor of.

As the Director of Office of Minority Affairs in Suffolk County, I represent the issues and concerns of over 340,000 ethnic minorities, and some of their concerns obviously is the attention they get sometimes or the attention that they don't get in terms of when the issues like this come up.

At the Office of Minority Affairs we have an Anti•Bias Task Force, and from time to time we discuss at monthly meetings the issues that are going around the County in terms of bias crimes. And I commend the Commissioner for expanding his unit of investigating hate crimes, particularly in the eastern end where we often times don't get invited. Anything that could stem the tie from any type of bias crimes, I'm all in favor of.

The fact that he's putting together this bill with the County Executive, something that's going on around the County, is not solely here in Suffolk County. You know, there's many studies like this going on about •• I hear it from my boards in terms of bias crimes, I hear it from networking groups that I go to in terms of their children being pulled over, in terms •• I see it on the road, often times it's approached disproportionately, ethnic minorities being pulled over. Again, anything that has to do with investigating or stemming the ties for bias crimes I'm for.

Hopefully this study will go forward and identify some patterns. And if we could identify some patterns, whether it's racial profiling or any type of bias crimes, I think it's great. I think once we put people on notice, whether it's the public or the Suffolk County Police Department, that these type of activities are not tolerated, again, all for that.

I see it, I hear it. I see racial profiling in my estimation, whether it's

because I'm driving around in a particular ethnic neighborhood, but it just seems to me to be disproportionately profiled, ethnic minorities. So ••

CHAIRMAN EDDINGTON:

Can I ask you then, so that maybe we could address this more; Commissioner Dormer is going to come up and maybe you can come with him and then if we have any questions you could answer them with him?

DIRECTOR PEREZ:

Absolutely.

DIRECTOR PEREZ:

Great.

CHAIRMAN EDDINGTON:

Thank you very much. And at this time, I just want to read a definition because I'm learning that this area has a little problem. The word is brief, it means short in duration, extent or length, concise conversation. And I just want this so that we'll all know that •• if you can say it in ten words, why say it in a thousand? So I'm going to •• and at this time, I'd like to ask Commissioner Dormer to come up. That's for all of us.

LEG. CARACAPPA:

Good job, Mr. Chairman.

LEG. VILORIA • FISHER:

Boy, that's right up Joe's alley, right, Joe?

LEG. CARACAPPA:

You know it is.

COMMISSIONER DORMER:

Thank you. That was some introduction, Mr. Chair. And I must say, I've attended a lot of these Legislative sessions and I don't know if brief is in anybody's vocabulary. How many hours are you over right now?

LEG. LOSQUADRO:

Just one.

LEG. VILORIA • FISHER:

Touche.

COMMISSIONER DORMER:

Oh, okay.

CHAIRMAN EDDINGTON:

You got it.

COMMISSIONER DORMER:

But I will try to stick to the time frame that you gave me, but just keep in mind that this issue is very important to the lawmakers, obviously, and to the people of Suffolk County and also to the Police Department and the Executive Branch; everybody has an interest in this particular subject.

And Mr. Chair, you and I have sat down and talked about this racial profiling issue privately and I have done this with most of the members of the Public Safety Committee. I felt it was appropriate to visit one•on•one and discuss this issue, along with some other issues and, you know, hopefully that laid some ground work for today.

I should mention, by the way, and I think that everybody knows that the Suffolk County Police Department is one of the most professional police departments anywhere. The men and women of the department go through a very tough selection process, the best training in the world, they have top •notch supervision. And I have no doubt that they don't consciously engage in racial profiling in this County.

Having said that, it's still a contentious issue in policing throughout the country and especially in Suffolk County. I have heard that, the County Executive has heard it, the •• Ed Perez, Minority Affairs head, has heard it. You may have heard it at some point or another that the Suffolk County Police Department racially profiles, and that means that they pull over people based on their ethnic background and no other reason, that's what racial profiling is. When I go around the County or before civic groups, our

Legislators, and I'm asked a question, "Commissioner, do your officers racially profile," and I answer no, and they have directives from the Police Commissioner, which I will mention in a couple of minutes, that forbids them to racially profile. The next question is, the follow-up question is, "How do you prove it?" And other than my word, I don't have any way to prove it.

So we in Suffolk County, the Suffolk County Police Department with the support of County Executive Steve Levy, initiated a racial profiling data collection process, and there's a pilot program right now in the Highway Patrol which is about two months in duration where they collect data on traffic stops on Sunrise Highway and the Expressway. We want to do a pilot, work the kinks out, if there are any, so that we can ease into it for the whole department.

When we initiated this process or decided to do it, we invited the police unions to a presentation on what we were doing and why we were doing it; we thought it was important that the unions know that we were going to embark on this process. We also sat down with the Human Rights Commission and explained to the Criminal Justice Committee of the Human Rights Commission exactly what we were doing and why we were doing it and we asked them for their assistance with this process. We also reached out to the U.S. Justice Department and we told them what we were doing and why we were doing it, and we received the backing from the Human Rights Commission and the U.S. Justice Department in this endeavor.

Now, very shortly after I became Police Commissioner, I issued a directive to all of the officers in the Police Department and it was issued in June of '04. And basically what it said was that we do not engage in bias-based policing, that's another term for racial profiling, and telling the officers exactly what was expected of them of the Police Department and of the people that they serve; we put that order out in June. At that time I had conversations with the County Executive and we had decided that we were going to move to collect data on traffic stops, but we wanted to do our due diligence, we wanted to do our research. Thousands of police departments in the United States collect data on traffic stops. Just to the west of us, Nassau County has been doing it for three years. We didn't want to reinvent the wheel so we appointed a Director, a Lieutenant to research other police departments

on what they were doing and how they were doing it and any problems they had with collecting the data, and we also wanted to know what did they do with it when they got it.

It took a while to collect all this data, that's why it took till May of 2006 this year to initiate the process. At that time there was a directive issued, and I believe I gave the chair a copy of that directive which was issued by Chief of Department Robert Anthony Moore to all the officers in the department, again, telling them that we were collecting the data, how we would collect it, what kind of information we would collect. And this was done, by the way, on the computers, so we attempted to keep it as simple as possible, so the officers have computers in their cars, they select the data on their traffic stops.

I don't want to go into •• I don't want to go over the time, I know that's a problem, but I just want you to know that we collect the age of the person, the sex, the race, and the race is based on the judgment, professional judgment of the police officer, they do not ask the person their ethnic background or their race. And this is the way it's done in Police Departments throughout the country and this is what's recommended by the Justice Department, the Human Rights Commission.

The fourth field is the disposition. What happened; did the person get a verbal warning, did they get a summons, were they searched, was it a pat •down, was it a consent search, was it reasonable suspicion? And what were the results? This is the data that we collect, that the officer is required to put in to the computer and it can be retrieved at any time that we have to initiate some kind of action or to review it.

Now, I also would like to, if I may, put on the record some quotes from an op•ed piece in the New York Times on Sunday, and some of you may have seen this. This is from a police officer, I assume that he's retired, he's a professor at John J. College, and I will take three paragraphs from this op•ed piece which I think are very significant and very telling. "While some might question the logic of police officers gathering racial data in order to disprove racial profiling, the practice is hardly revolutionary. Nassau County Police Officers have been quietly recording similar data on stopped drivers

for more than two drivers. But simply knowing the race of stopped drivers is virtually meaningless, the data will neither placate critics nor reflect what is generally a good police department."

And if I may, it's what we do with the data that's important, the end product. And I don't want to really delve too much into that right now, but we will be analyzing the data along with the Human Rights Commission, they have agreed to analyze the data for us so that we take the bias of the Police Department out of that analysis.

Now, in this op•ed piece, Mr. Peter {Muscus}, I should have mentioned the author, states that, "It's no secret among minorities that police officers use race on the job. According to a 1999 gallop poll, 42% of African•Americans believe they're being stopped by the police solely because of race. Race matters in America, and until it doesn't, it would be foolish, perhaps impossible, for police officers or anybody else to completely ignore it. The issue isn't what police officers observe race, it's how they act on this information."

In conclusion, his last paragraph, "So kudos to Suffolk County for gathering data on race and policing. Race is a factor in America and a factor in effective policing. Racism should never be."

I, again, thank the chair and the committee for giving me the opportunity to give you a brief outline on our racial profiling data collection process. I know it was brief and I left room for some questions, Mr. Chair.

CHAIRMAN EDDINGTON:

Commissioner, thank you very much. And in fact you were, you were amazing. We do have a couple of questions and Legislator Losquadro would start.

LEG. LOSQUADRO:

Well, the first question will sort of lead in to the second one. Do you know if Nassau County collects this information just on the Highway Patrol or do they collect it department•wide?

COMMISSIONER DORMER:

Do you know, Bob? The Chief is advising that it's department wide ••

LEG. LOSQUADRO:

Okay.

COMMISSIONER DORMER:

•• in Nassau County.

LEG. LOSQUADRO:

So that would lead me to my next question, is the intention for Suffolk County to expand this department wide throughout the five western towns, and of course through the Highway Patrol.

COMMISSIONER DORMER:

Yes, that's our intention.

LEG. LOSQUADRO:

I'm just looking at certain realities of demographics; when we look at different districts, different district have different percentages of minorities that live within them. How will the system account or will the Human Rights Commission account for higher minority populations or different demographics within certain communities? I wouldn't want to see an officer be sort of unfairly labeled as racial profiling if his sector happens to incorporate an area that has a very high or almost exclusively what we would •• you know, from the outside perspective minority population, in that area a majority population.

COMMISSIONER DORMER:

Well, that's a good question and I get that question from the officers when I visit the precincts to tell them about this process. And if you work in a certain neighborhood, the demographics of that neighborhood are going to determine the people that you encounter which are traffic stops. We're well aware of that and that's taken into consideration.

LEG. LOSQUADRO:

Okay. I just want to make sure that •• I know it's a pilot program, but as it expands I just want to make sure that all of those factors and all of the

available information will be put together to make sure that we're getting an accurate look at, you know, the types of traffic stops that we're seeing.

COMMISSIONER DORMER:

Yeah. No, that's going to ••

LEG. LOSQUADRO:

That is going to be incorporated into the process.

COMMISSIONER DORMER:

Yes, yes. And I should mention, by the way, when we contacted Nassau County, over the two years that they've been collecting data, they have not referred one case to Internal Affairs on an officer. And I should emphasize here that this is not a process to get cops in trouble. Really, it's something that a major Police Department like Suffolk County, which is the 12th largest Police Department in the United States •• there are 17,000 plus departments, we're the 12th largest •• over 6,000 Police Departments are collecting this data either under a Consent Decree by State law or on their own initiative, because they know that their communities out there are asking that this data be available if there is a question about racial profiling. But it's certainly not to get cops in trouble or to check on officers, it's to let communities know that we're concerned about racial profiling and that we need data ••

CHAIRMAN EDDINGTON:

Excellent.

COMMISSIONER DORMER:

•• to answer the questions.

LEG. LOSQUADRO:

Absolutely. And I think any degree of transparency that any level of government can offer, especially in the public safety community, is just going to give the public an additional level of comfort in dealing with them. So I think that's a very good initiative, it's certainly a laudable goal. And we see in the business world so often, it's something that surprisingly doesn't happen more often in government, is the use of data mining as a tool to

support your hypotheses or make changes to better your best management practice. So I think it's a very good thing and I'm glad to hear that the things that immediately popped into my head already went through yours long ago. So it sounds good.

CHAIRMAN EDDINGTON:

Thank you very much.

COMMISSIONER DORMER:

I thank you very much. And I should ••

CHAIRMAN EDDINGTON:

Well, I just have •• let me just have a ••

COMMISSIONER DORMER:

I should mention, by the way, if I may, Mr. Chair.

CHAIRMAN EDDINGTON:

You should, I think you will.

COMMISSIONER DORMER:

Thank you. We collect data on everything in the Police business, on the number of larcenies, murders, robberies, car crashes, summonses issued, on and on and on. But we could not tell you the race of people that we were stopping for traffic stops, we just didn't have that data. And we have the capability of doing that and if you asked a question as a Public Safety Committee, we should have the answers for you.

CHAIRMAN EDDINGTON:

Yes, and I believe you will. And I would like to welcome Legislator Kennedy and he has a question for you.

LEG. KENNEDY:

Thank you, Mr. Chair, I appreciate it. And thank you, Commissioner, for the opportunity to go ahead and have a conversation. I'm pleased to hear about the background, the research, the due diligence. I'm curious as far as what

the conversation was with Justice, but in deference to brevity I won't ask you to go ahead and relate it other than to, I guess, assume that it was positive; if it wasn't you wouldn't be implementing it, I presume.

COMMISSIONER DORMER:

Yes, it was positive. And they had some recommendations which, by the way, we had already put in place. They said that they had to be in order from the Chief of Police and I had issued that order in '04 making bias •based policing inappropriate in the police agency. Somebody outside the Police Department analyzed the data when it comes out at the end, we made arrangements for that with the Human Rights Commission. There was one other recommendation and I can't remember what it was, but we have initiated that recommendation, so we were a hundred percent in line with what the Justice Department required.

LEG. KENNEDY:

Which is fine. And as a matter of fact, I commend you, as you know, I mean, both our Federal Constitution and State Constitution disallow us from going anywhere near this, so the statements that you've made I guess are belt and suspenders, they go ahead and uphold that.

I guess I have just a couple of questions, then, about the methodology. What you're relating is that this is data that's captured after the officer actually engages in whatever the outcome is going to be with the particular traffic stop. This is not a part of the field appearance ticket?

COMMISSIONER DORMER:

No, this is •• when the officer makes a self•initiated traffic stop, a self •initiated traffic stop, that means when they stop somebody for a violation of the Vehicle and Traffic Law, they now have to articulate on the field or in the computer why they stopped that person. So you can see where this is going right off the bat, the officer has to have a reason for stopping somebody, okay, under the law.

LEG. KENNEDY:

Probable cause, sure.

COMMISSIONER DORMER:

Yeah, or reasonable suspicion. It goes into the field, they've got to make this at every self-initiated traffic stop. Again, as you can imagine, this is a change for officers, anything new is always a little disturbing. That's why I go to the precincts on a regular basis, to talk to the patrol officers and tell them what we're doing and why we're doing it, that's part of the process, too, by the way.

And I mentioned earlier that we brought the unions in to this process at the very beginning, at a presentation in the police academy to explain what we were doing and why we were doing it, because they may have questions, and obviously they did and they should have the information available to them. So we attempted to do our due diligence and lay the framework for getting people in support of what we were doing.

CHAIRMAN EDDINGTON:

Okay.

LEG. KENNEDY:

Just one other quick item then, I guess, if I can, and maybe I'll have a follow-up conversation with you, Commissioner, after the fact so that I don't hold the committee up here.

The only request that I would make is while it sounds like you are on track for a policy or a process that's a prudent process, because data is always powerful, certainly I dealt with it extensively from where I came from, I was somewhat confused to see this policy and to see the Newsday article about it and to not have known about it beforehand. What I would ask you is if, in fact, there's something like this going forward, and I'll even make reference to what just happened in the prior committee where I became aware that there was a change in patrol associated with the McArthur Airport. I'd ask you if you could go ahead and give me even a simple e-mail to say that the department is contemplating this. By no way, shape or form do I personally need to know what goes on as far as deployment in precincts or anything like this, but I would characterize this as a significant policy decision on the part of the 12th largest police force in the United States. So I would you, if there's something like this going forward, if I could get the benefit of some

knowledge beforehand instead of reading it through periodicals.

COMMISSIONER DORMER:

Legislator Kennedy, you make a very good point. And I do apologize if some of the members of the committee did not have the information in a timely manner and I make note of that.

LEG. KENNEDY:

I don't mean to admonish, I'm just saying that, you know, at some point presumably I've got some responsibility associated with this with my 17 colleagues; I'd like to know before instead of after. Thank you.

CHAIRMAN EDDINGTON:

And I would just add that the Commissioner has reached out to me and told me that that's going to be part of the process, so I feel very comfortable.

LEG. KENNEDY:

Thank you, Mr. Chair.

CHAIRMAN EDDINGTON:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Thank you, Commissioner, for coming down, I certainly appreciate it. I know we've been trying to hook up for the last couple of weeks and I do appreciate that effort. I just want to clear up a few things as it relates to the process that you've started. Back to the demographic question that Legislator Losquadro asked; what are you using as a baseline number in those certain communities that are heavily minority, are you using the most recent census? You have to have some sort of baseline somewhere.

COMMISSIONER DORMER:

Well, you know, there's two baselines that can be utilized with racial data profiling collection; one is the external which is population, number of people that drive the vehicles, the ethnic make-up of the drivers, that's the external. It's very difficult, other Police Departments had a lot of difficulty in

gathering this data; in fact, some of them gave up on it, they said it was impossible. They put people out standing on corners counting between certain hours, and with tinted windows and trying to determine the ethnic background of a person driving by, it became impossible.

We decided to do an internal benchmark process, and basically in a simple way it's where we evaluate the traffic stops in a location, officer to officer. So if we have ten officers working in a location, the same location, we compare the stops of one officer, all the officers against each other. If there's somebody that has more stops of a certain ethnic background, we didn't analyze it, there may be a good reason why that's happened, maybe that officer is on a special project or doing special police work or assigned to a special speed location or a street. So we have to analyze that when it comes out and that's the benchmark that we're going to use, the internal benchmark.

Again, even with the internal benchmark there are problems with this. So I don't want anybody here to think that this is going to solve all the issues of racial profiling, but it certainly sets the tone for the Police Department, for the community and for the Suffolk County Government that we do not tolerate this type of policing and we can look at our data and show that we're not involved in racial profiling. There will still be questions, even after we collect all this data.

LEG. CARACAPPA:

Right, and that's probably why I asked the question I just did because I think we all should know. And it's very important where you start as opposed to where you end so that we can ask the questions if things arise in the future where it's debated in this committee or with the Police Department and the County Executive.

The second question I have is I think you rattled off some of the things, I guess your check list for the Police Department to ask themselves and enter into the mobile data units. Could you just go through those again, if you have them?

COMMISSIONER DORMER:

Yes, I can go through them quickly. The plate number of the vehicle, the location, description of the vehicle, the reason for the stop, it could be suspicious person, suspicious vehicle, or a VTL violation; then the field, the field comes up on the computer and it will ask for the age which they'll have on the driver's license, then the second field will be the sex, male or female; the third field is the ethnic background and there are six ethnic backgrounds, Asian, Black, Hispanic, Middle Eastern, Mixed Heritage and White. If you notice, there's no unknown in there, it requires the officer to make a decision on the person that was stopped.

The fourth field, the disposition. Was there an arrest made, a ticket issued, a report completed, interview completed; a data inquiry made, that means on the computer; verbal warning issued, we're not going to take that away from the officers, the ability to give somebody a warning; no police action taken, if there was no action taken.

The fifth field, search; pat down search for weapons, no search; if there was a search, was it with consent, with signed consent, there's a difference between verbal consent, somebody can refuse to sign but give consent.

The sixth field, they will record in a memo book the summons issued and the CC assigned, if there is a CC. And then there's an option for remarks, if there's anything unusual about the stop, and that comes up on the computer screen in the police officer's car.

LEG. CARACAPPA:

Now, I appreciate you telling me all those different fields. How did you get to that point; was it in the research you did with all the other departments that are doing this or did you come up with it on your own or was it a mix of the two?

COMMISSIONER DORMER:

Well, you know, there are consent decrees throughout the country. The Federal Government through the Federal Courts require that Police Departments in some parts of the country •• the one that comes to mind is the New Jersey State Police, they're under a Consent Decree •• we looked at what was required by Consent Decrees, what other police departments were

in the data base and this is the results of that. We follow the guidelines and the recommendations from the Federal Government and from the Justice Department.

LEG. CARACAPPA:

Thank you, Commissioner. I have no other questions. I just want to wish the department luck in this endeavor and look forward to its findings.

LEG. KENNEDY:

Mr. Chair, just one ••

COMMISSIONER DORMER:

Thank you very much.

LEG. KENNEDY:

I'm sorry. I have one quick follow•up, but I'll yield if Legislator Viloría •Fisher is next.

CHAIRMAN EDDINGTON:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Thank you. Thank you for being here, Commissioner, and thank you for taking the time to come to my office to talk about this as well, it's very, very important.

Just now, in filling out the fields you said that the race is not a field where the person who is stopped describes his race, it's the officer's impression of the race.

COMMISSIONER DORMER:

Yeah, that's correct. And this is the recommendation, again, from the Justice Department, the Human Rights Commission and from other Police Departments that have engaged in this data collection. You can imagine the traffic stop, it's stressful enough for the person that they're being pulled over by a police officer and now the officer asks for a license and registration and then says, "What race are you?"

LEG. VILORIA • FISHER:

Well, actually I was just going to say, that made a lot of sense to have it be
••

COMMISSIONER DORMER:

It's inappropriate.

LEG. VILORIA • FISHER:

Well, no, it also makes sense to have the officer describe what he thought the person's race was because that would be the question if you're talking about profiling.

COMMISSIONER DORMER:

Yes, they should ••

LEG. VILORIA • FISHER:

So that's a very good element, actually.

COMMISSIONER DORMER:

Thank you.

CHAIRMAN EDDINGTON:

Legislator Horsley.

LEG. HORSLEY:

Good afternoon. And I also thank you, Commissioner, for your fine work in this area. I just wanted to ask Mr. Perez, are you tied in to this program; are you receiving reports, were you involved? I just want to see where your offices are involved in this matter.

DIRECTOR PEREZ:

Well, this is a pilot program and we discussed it before it was going to be introduced. It's my opinion that I think that we'll have some input going forward based on, you know, this is a good •• there was a question on benchmarking, should it be done again afterwards, you know, what are we

going to do with the data, how is it going to be analyzed? So I would hope that I would be in the future.

LEG. HORSLEY:

Commissioner, are his offices going to be included in the future?

COMMISSIONER DORMER:

I'm sorry, I was thinking of something else. The answer is yes, the Chief says the answer is yes, but I like to know what I'm saying yes to.

LEG. HORSLEY:

Okay, thank you.

CHAIRMAN EDDINGTON:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Commissioner, just one follow-up question. As you were relating about the items captured and you spoke about the officer's, I guess, predicate for the stop, being a suspicious person, suspicious vehicle or VTL infraction, is that it?

COMMISSIONER DORMER:

Yes, a violation of the Vehicle and Traffic Law.

LEG. KENNEDY:

Chief Moore is smiling and I have to think about how I'm going to ask this.

CHAIRMAN EDDINGTON:

Quickly.

LEG. KENNEDY:

Those items reconcile with the officer's rationale for the traffic stop to begin with, don't they?

COMMISSIONER DORMER:

Yes. If you're asking me is this the rationale for the officer to pull the

vehicle over, the three items? I'm sorry, maybe I mis ••

LEG. KENNEDY:

No, no, no, no, there's more to this conversation but I'll yield. Thank you.

CHAIRMAN EDDINGTON:

Okay, then. I thank you, Commissioner, Chief, Director, I think you gave us some great ideas and some answers and we'll be in touch.

COMMISSIONER DORMER:

Mr. Chair, if I may.

CHAIRMAN EDDINGTON:

Yes.

COMMISSIONER DORMER:

And I know I'm way over the time, but it's not all my fault.

You know, I think it's important and you had raised a question with me I think a week ago, Mr. Chair, about the legality or the authority the Police Commissioner has to initiate a process like this, and I would like to read into the record the Law Department response to that question.

CHAIRMAN EDDINGTON:

Okay, sure.

COMMISSIONER DORMER:

"The current Suffolk County PD directive", which I gave you a copy of, "outlining the procedures for traffic stop data collection is lawful. While jurisdictions in over half of the states have passed anti•racial profiling laws which generally require that police keep records of the details of traffic stops, many other jurisdictions collect such data on a voluntary basis," and that's what we're doing, "or are in the process of proposing legislation to collect such data in the context of anti•racial profiling."

"There is no blueprint detailing mandatory procedures for the collection of such data. The information required by the Suffolk County PD directive is within the range of data that is being collected by other jurisdictions.

Indeed, traffic stop data collection systems in various parts of the country have been viewed as beneficial in that they, one, send a strong message to the community that the department is against racial profiling and that racial profiling is inconsistent with effective policing and equal protection. Number two, it builds trust and respect for the police in communities they serve. Number three, it provides departments with information about the types of stops being made by officers, the proportion of police time spent on highly discretion stops and the results of such stops. Four, it helps shape and develop training programs to educate officers about racial profiling and interactions with the community. Six, it enables the development of police and community dialogue to assess the quality and quantity of police/citizen encounters. Seven, it allays community concerns about the activities of police. Eight, identifies potential police misconduct and deters it when implemented as part of a comprehensive early warning system."

And the memo from the County Attorney goes on to explain that under the County Charter, the County Executive and the Police Commissioner can initiate this kind of a process and I think that was one of the questions you had from me last week.

CHAIRMAN EDDINGTON:

Yep.

COMMISSIONER DORMER:

And I wanted to put on the record that this is perfectly lawful and legal and appropriate for the Police Commissioner and the County Executive who supports this initiative a hundred percent. Thank you.

CHAIRMAN EDDINGTON:

Thank you.

LEG. VILORIA • FISHER:

Thank you, Commissioner.

CHAIRMAN EDDINGTON:

Okay, let's start with the Tabled Resolutions.

Tabled Resolutions

IR 1229•06 • A Local Law to provide fast and equitable cost containment for residents in certain emergency service districts (Schneiderman). Do I have a motion?

LEG. HORSLEY:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table. Do I have a second?

LEG. VILORIA•FISHER:

Second.

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN EDDINGTON:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I know Mr. Zwirn is here from the County Executive. This, I'll remind you, has to do with equity, particularly crafted for Flanders where the County owns 80% of the tax district and 25% of the expenses of their fire and ambulance are directly related to servicing the County Center, primarily the courts. It's a poorer area, the median income is well below the County's average median income and I've been trying to come up with some relief. This bill certainly will do it, I don't know any other areas •• this bill says that 50% of the lands are owned by the County, then if services are provided to the County that emergency districts, tax districts within that area would be eligible for payments in lieu of taxes.

I think it's a good bill. I know we've been reaching out to Mr. Zwirn to set up a meeting and there's been several attempts made. And Ben, I just would encourage you to work with my office and let's have that meeting. If I'm •• you know, I'll agree with tabling it if I know that a meeting is coming.

MR. ZWIRN:

I'm ready, just call me, just let me know.

LEG. SCHNEIDERMAN:

Well, we have several e-mails, apparently, to your office.

MR. ZWIRN:

Yeah, I've been working with your office, just give me a couple of dates and
••

CHAIRMAN EDDINGTON:

Let's then make it a directive that between now and next month when we meet again we won't say these same words ••

LEG. LOSQUADRO:

Two weeks.

CHAIRMAN EDDINGTON:

Two weeks, so that in the next two weeks let's make it that it's going to happen.

MR. ZWIRN:

That's fine with me, as a representative of the County Executive's office. I mean, I pass through there every day, so it's not a problem.

CHAIRMAN EDDINGTON:

Okay.

LEG. SCHNEIDERMAN:

Give me a date that you're okay with and we'll make it happen.

MR. ZWIRN:

Okay.

LEG. VILORIA • FISHER:

Can I just ask a question?

CHAIRMAN EDDINGTON:

We've got one question, go ahead.

LEG. VILORIA • FISHER:

Okay, I was just •• this is a question for either Mr. Zwirn or Legislator Schneiderman. Who will be attending that meeting?

Because I was just wondering if there was anybody from the Emergency Services or FRES?

LEG. SCHNEIDERMAN:

There's somebody from the Town of Southampton. The Commissioners within this district are •• it's actually handled by the Town Board in Southampton, so there would have to be a representative, and then we might have somebody from Flanders Ambulance there as well, either the Supervisor or his designee.

LEG. VILORIA • FISHER:

Okay, but this is a budgetary issue as well, right, that the tax •• that there's not enough tax base there?

LEG. SCHNEIDERMAN:

Well, there's a small tax base. A lot of the property has been taken off the tax rolls, we've acquired a tremendous amount of property in that area which is a good thing, but it's leaving them •• the burden is placed on a small number of people.

LEG. VILORIA • FISHER:

That's why I'm asking about the representation at that meeting, will there be enough information there to get the ball rolling in this conversation?

LEG. SCHNEIDERMAN:

I hope so. I think, and I can't speak for the County Executive or Mr. Zwirn, I think they have some alternative approaches to provide some relief to that district so they're willing to look at those things and just come up with the best solution for the problem. I'm not sure who's going to be there from the town, but we'll make sure the right people are there. And

obviously we can't •• we can't bind the Legislature in any matter, so if the solution involves the Legislature, we'll be back with either a new bill or this bill.

LEG. VILORIA • FISHER:

And lots of information.

LEG. SCHNEIDERMAN:

And more information.

CHAIRMAN EDDINGTON:

Right.

MR. ZWIRN:

And just so you know, I have been in touch with Supervisor Heaney in Southampton, we have discussed this and the conversations have gone on. The county Executive is aware of it, he's had some ideas on how it might be handled. He's concerned about doing this on a County•wide basis because there are a number of districts, a number of areas which would be in a similar situation and the budgetary ramifications could be substantial. But he does have some ideas in this particular case that might be found acceptable by the ••

LEG. VILORIA • FISHER:

Ben, that's why I was asking about the data. Because if we find that there's data in this particular district that makes it unique because of the low tax base having so much County property, then we wouldn't run in to that slippery slope issue.

MR. ZWIRN:

That's exactly right.

LEG. VILORIA • FISHER:

But we could use it as a model in case there are other districts that are similar.

LEG. SCHNEIDERMAN:

Right.

CHAIRMAN EDDINGTON:

Exactly. And I would just add that I would like Legislator Browning to respond to that because we have that same concern.

LEG. BROWNING:

Yeah, absolutely. South Country Ambulance, I've spoken to them, they're concerned about the calls that they get because we have the Yaphank jail, the summer months are here. I have been hearing now because of this bill, I'm hearing from Mastic Beach Fire Department, the Mastic Beach Ambulance, the number of calls that the Mastic Beach Ambulance goes to down at Smith Point Beach, which is County property, is more than they can handle as a volunteer fire department. And so I do see that, you know, Jay is right, it is a little unfair to some of our local volunteer fire departments to have to put up with the cost to go to County properties. And I know that through Omnibus money that they do get some relief and the South Country Ambulance, he said, "You know, we need that grant money," but like he said, we have to address •• I would like to see that we could get some data put together and I think more even just with Flanders, like in the 3rd District, that we can get some data to really look at what the calls are that they're getting and, you know, how many are they getting and is it having an affect on them. I do think we need to be fair to them.

CHAIRMAN EDDINGTON:

So we're basically saying that we are in support of the concept and would like to see this followed through.

LEG. SCHNEIDERMAN:

Right. Yeah, can I say, I thought this concept really was the fairest way to handle it. And if there were other people who met at certain thresholds, other districts, that they deserve that relief as well. I didn't think there would be very many and maybe those are or maybe the threshold needs to be modified so that we could capture some of those.

But I wanted to take really the politics out of it because with the Omnibus money, that becomes at the whim of the Legislature or the County Executive, it may be there one year, it may not be there. And I thought the

fairest way was just basically set some standards, and if you meet that threshold then you qualify for that payment in lieu of taxes, so that's why I took this approach. And I think that those voices that I just heard are important in whatever discussion that Ben and I have because we may come up with a resolution for Flanders that doesn't help you at all, and it might be a better approach as to work with the framework of the bill that's before us and make that work to address all the inequities in our small ambulances.

CHAIRMAN EDDINGTON:

Excellent.

LEG. BROWNING:

I'd like to be in that meeting when you have that meeting this month.

LEG. SCHNEIDERMAN:

So noted, yeah.

CHAIRMAN EDDINGTON:

Okay, great. We have a motion to table and a second. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7•0•0•0).***

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). And the sponsor has asked to table that, so I'll make the motion.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Viloría•Fisher. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7•0•0•0).***

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

LEG. BROWNING:

Motion to table.

CHAIRMAN EDDINGTON:

I have a motion to table.

LEG. LOSQUADRO:

Just on the motion?

CHAIRMAN EDDINGTON:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

We've heard quite a bit of discussion regarding improving the safety and security for County employees, yet when I sign time sheets for my staff, they still have Social Security Numbers on them, and we've been discussing this for a very long time now, since I first came into office. And I understand that things take a little while to implement, I understand you have computer systems that need to be modified, but I have to tell you, I worked for a company with 80,000 people between the United States and Canada and when they generated ID numbers for those 80,000 employees, it was phased in in a pay period.

So I don't know what is going on here, but perhaps something like this needs to be put in place because we hear •• we've heard a lot of talk that this is coming, this is coming, yet the last time sheets I just signed still have Social Security Numbers on them. And those things are being sent inter office mail, they're going through different people's hands; given the current environment right now, I find that situation unacceptable. I don't want my information out there, I don't want my employee's information out there.

CHAIRMAN EDDINGTON:

Can you add that to the checklist?

MR. ZWIRN:

I'll add it to the list. I just would ask that we can get Chief •• was it Chief Rau?

CHAIRMAN EDDINGTON:

Chief Rau.

LEG. VILORIA • FISHER:

I don't see him.

CHAIRMAN EDDINGTON:

No, he's not here today.

MR. ZWIRN:

Well, he's come a number of times and not had the opportunity to speak, but he would like to really address this particular issue. I know he's come in the past, almost every time we've had a Legislative meeting.

CHAIRMAN EDDINGTON:

Well, why don't we just •• I know you'll be here and if you can address this initial concern and then if there's more ••

LEG. LOSQUADRO:

I understand that we may not or probably won't move this task force forward today, but since it's before us I have to bring up this issue and say what is the hold up? Why have we not generated a unique County employee ID as •• when I went to school in the State school system, we had our Social Security numbers as our student ID's. Right at the end of that time they switched over and generated unique ID's because the problem, even at that time in the early 90's, had become very severe with identity theft and people putting in false credit card applications. So ••

CHAIRMAN EDDINGTON:

What I would suggest is ••

LEG. LOSQUADRO:

I don't know two•and•a•half years later why I'm still signing time sheets with people's Social Security numbers on them.

CHAIRMAN EDDINGTON:

Then maybe what we'll do is we'll reach out to the Chief and have him come next time and he can address what he is dealing with and how quickly this very issue could be added to, or maybe it is part of the process, but I think that will alleviate some concerns.

LEG. LOSQUADRO:

But in deference to the Chief, I know he is a very talented man, but this is not his problem to solve, it has to be done through our IT or whoever is going to be doing it. But this problem needs to be solved, it needed to be solved quite a while ago, I've been discussing this around this Legislature for two•and•a•half years now.

MR. ZWIRN:

I know we talked about it with respect to the identification for your cards, for the Empire cards for County health insurance.

LEG. LOSQUADRO:

I understand that, but ••

MR. ZWIRN:

And that was the one that we addressed I think initially, that was the main concern. I didn't even ••

CHAIRMAN EDDINGTON:

Well, let's just add this. What's been happening for the last two and a half years I don't know, but it's now brought here in front of me and I'd like hear from you by the next •• in two weeks, what's happening, how are we doing it, when will it be done.

MR. ZWIRN:

Okay.

LEG. LOSQUADRO:

Very good.

CHAIRMAN EDDINGTON:

Okay, thank you. Okay, so then I'll have a motion •• I think I have a tabling

motion and a second. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 7•0•0•0).**

IR 1296•06 • A Local Law establishing responsible standards and controls for alarm systems that require Police Department response (Cooper). The sponsor has asked me to table this.

LEG. LOSQUADRO:

Second.

LEG. VILORIA•FISHER:

Has that aged out yet?

MR. NOLAN:

No.

LEG. VILORIA•FISHER:

It seems like it's been around forever.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 7•0•0•0).**

IR 1648•06 • A Local Law establishing regulations for scrap metal dealers (County Executive). I'm going to ask to table this because they are going to be meeting with I believe Legislator Lindsay to discuss some minor technicalities I believe, so.

MR. ZWIRN:

We're taking a look at this bill, in light of all the comments that have been made.

CHAIRMAN EDDINGTON:

Okay. So then I make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7•0•0•0).***

IR 1686•06 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of a replacement helicopter in the Police Department (CP 3117)(Schneiderman).

I'll ask for a motion.

LEG. VILORIA•FISHER:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Viloría•Fisher.

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Horsley.

LEG. SCHNEIDERMAN:

Opposed.

CHAIRMAN EDDINGTON:

All those in favor? One opposed?

LEG. LOSQUADRO:

Two opposed.

CHAIRMAN EDDINGTON:

Two opposed, Legislator Losquadro and Legislator Schneiderman. Any abstentions? ***Tabled (VOTE: 5•2•0•0 • Opposed: Legislators Schneiderman & Losquadro).***

LEG. SCHNEIDERMAN:

Just on the motion. Even though we already voted on it.

CHAIRMAN EDDINGTON:

On the motion, Legislator.

LEG. SCHNEIDERMAN:

Even though we already voted on it.

CHAIRMAN EDDINGTON:

Go ahead, comment.

LEG. SCHNEIDERMAN:

Well, maybe we can get some testimony as to the status of the helicopters. I could tell you what I know, the County has four helicopters, two of the small ones, two of the large ones that we've defined as clunkers. We have a new one coming at some point to replace one of the clunkers, this would have replaced the other clunker. But as far as I know, there have been extended periods where those two clunkers are still ••

LEG. CARACAPPA:

The MD•904's.

LEG. SCHNEIDERMAN:

The MD•904's are still down.

LEG. CARACAPPA:

Right?

LEG. LOSQUADRO:

No, it's 902's.

LEG. SCHNEIDERMAN:

No, it's MD•902's, right.

LEG. LOSQUADRO:

Ah, that's close.

LEG. SCHNEIDERMAN:

Unless somebody wants to contradict that system, we've had many periods of summer where we've only two helicopters available. And I just think it's short-sighted not to replace both of those with reliable helicopters.

CHAIRMAN EDDINGTON:

And I know we've had this discussion and I believe what we're going with right now •• and if I'm not correct, but I think I am •• Legislator Caracappa explained the intensive research they did on the McDonnell Douglas and look what happened. So I think what we've decided to go here is with one to make sure and the other one to follow in fairly good time.

LEG. SCHNEIDERMAN:

Right, and there are two things I want to make you aware of. One is as far as I understand we're losing kind of a bulk discount, we'd get a lower price if we've purchased two right now. Two is there have been some calls that have been denied where they could not send a Medevac helicopter out because there were none available this summer. So bear in mind the current situation. I think it's wrong, I think we should be replacing the ones that we know are not that •• can't be trusted with ones that we believe will be trusted.

CHAIRMAN EDDINGTON:

Well, I guess what I could do is ••

LEG. SCHNEIDERMAN:

Based on the County's own research.

CHAIRMAN EDDINGTON:

I could ask for that information that the people have been denied.

MR. ZWIRN:

I would like to know the information that Legislator Schneiderman has about helicopters that have been denied.

CHAIRMAN EDDINGTON:

I can tell you that ••

LEG. SCHNEIDERMAN:

That comes directly from Commissioner Dormer, if he's available. I just had a recent meeting with him about this issue and I •• maybe he's still here. And I believe I even have some written correspondence regarding that.

MR. ZWIRN:

I'd be interested in that, I'm not aware of it.

CHAIRMAN EDDINGTON:

Yeah, I'd like to be made aware of it, too. Okay, question by Legislator Browning.

LEG. BROWNING:

I could be mistaken, but I think I remember that there was some kind of an arrangement made with Nassau County in the event that if we have •• you know, if we're utilizing the helicopters we have and we have an emergency where there's a need for one, that Nassau County would help out. So why would •• why didn't that happen?

CHAIRMAN EDDINGTON:

Well, I think that's what we have to find out.

LEG. SCHNEIDERMAN:

I don't know how long it takes to get the helicopter out to Montauk, but I'm not sure that's the best arrangement.

LEG. LOSQUADRO:

Even at 120 miles an hour, you're talking 30, 40 minutes.

CHAIRMAN EDDINGTON:

Right.

LEG. LOSQUADRO:

That's far.

CHAIRMAN EDDINGTON:

We will get feedback on this. I will be reaching out to the Commissioner myself. All right then, on the motion?

LEG. LOSQUADRO:

I thought it was already called.

CHAIRMAN EDDINGTON:

Okay, then.

LEG. VILORIA • FISHER:

It's done.

CHAIRMAN EDDINGTON:

Okay, then the vote. In favor? Opposed?

LEG. SCHNEIDERMAN:

Opposed to table.

LEG. VILORIA • FISHER:

We did the vote, too.

CHAIRMAN EDDINGTON:

Oh, we took it already. God, I'm so fast.

LEG. SCHNEIDERMAN:

Still opposed to tabling.

LEG. VILORIA • FISHER:

You can't catch up with yourself.

CHAIRMAN EDDINGTON:

Okay. All right, Introductory Resolutions.

Introductory Resolutions

IR 1814•06 • A Local Law to enhance implementation and enforcement of the "DWI Seizure Law" by towns and villages located outside the County Police District (Schneiderman).

LEG. SCHNEIDERMAN:

I think there's a ••

CHAIRMAN EDDINGTON:

Table for a public hearing.

LEG. SCHNEIDERMAN:

•• public hearing, right.

CHAIRMAN EDDINGTON:

Okay, that's a motion made by Legislator Browning. Second by?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN EDDINGTON:

By Legislator Schneiderman. All those in favor? Opposed? Abstentions?

Tabled (VOTE: 7•0•0•0).

IR 1864•06 • Accepting the donation of a vintage vehicle to the Suffolk County Sheriff's Office (County Executive).

LEG. LOSQUADRO:

It's a car, I'll make the motion.

LEG. CARACAPPA:

I'll second it.

CHAIRMAN EDDINGTON:

Okay, Legislator Losquadro makes the motion, second by Legislator Caracappa. All those in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

It's a Ford Pinto, by the way.

CHAIRMAN EDDINGTON:

At least it's not a Vega. **Approved (VOTE: 7•0•0•0).**

LEG. VILORIA•FISHER:

Watch it blow up.

CHAIRMAN EDDINGTON:

Okay, do I have another one here? Okay, **IR 1867•06 • Accepting and appropriating a grant in the amount of \$24,681 from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention to fund an Internet Crimes Against Children Prevention Program for the Suffolk County Police Department with 84.5% support (County Executive).** The motion to approve is by Legislator Browning?

LEG. BROWNING:

Yep.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? **Approved (VOTE: 7•0•0•0).**

Okay. Do I have a motion to adjourn?

LEG. VILORIA•FISHER:

You got it.

LEG. BROWNING:

Motion.

CHAIRMAN EDDINGTON:

Okay, by everybody, second by Legislator Browning. Good•bye. Thank you very much.

(*The meeting was adjourned at 1:24 PM*)

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