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 April 19, 2007.

Members Present:
Legislator Jack Eddington - Chairman
Legislator Kate Browning - Vice-Chair
Legislator Wayne Horsley
Legislator Eli Mystal
Legislator Joseph Caracappa
Legislator Daniel Losquadro
Legislator Lynne Nowick

Also In Attendance:
George Nolan - Counsel to the Legislature
Tim Laube - Clerk/Suffolk County Legislature
Robert Calarco - Aide to Legislator Eddington
Bobby Knight - Aide to Presiding Officer Lindsay
Greg Moran - Aide to Legislator Nowick
Linda Bay - Aide to Minority Leader
Jim Maggio - Budget Review Office
Diane Dono - Budget Review Office
Ben Zwirn - Assistant County Executive
Brian Beedenbender - County Executive Assistant
James Dahroug - County Executive Assistant
Robert Moore - Chief of Department/Suffolk County Police Department
Aristedes Mojica - Inspector/Chief of Dept's Office/SCPD
Robert Scharf - Lieutenant-Commissioner's Office/SCPD
Frank Stallone - Inspector/6th Precinct Commanding Officer/SCPD
Matthew Miner - Deputy Commissioner/Department of Health Services
Robert Kearon - Bureau Chief/District Attorney's Office
Dennis Brown - Deputy Bureau Chief/County Attorney's Office
Vincent T. Geraci - Jail Medical Director/Department of Health Services
Margaret Bermel - Director of Health Administration/Dept of Health Srvs
Hope Collazo - Director/Community Service Program-American Red Cross
Debbie Eppel - Public Information Office
Tom Muratore - Vice-Present/Police Benevolent Association
Danny DelValle - Vice-President/Probation Officer's Association
Michael Sharkey - Pres/Deputy Sheriff's Police Benevolent Association
Matthew Mullins - 1st Vice-President/Deputy Sheriff's PBA
Jose Nunez - Secretary/Deputy Sheriff's Police Benevolent Association
Matthew Bogert - 1st Vice-President/SC Correction Officer's Association
Cheryl Felice - President/AME-Association of Municipal Employees
Deborah McKee - 4th Vice-President/AME
Debra Alloncius - Legislative Director/AME

Colleen Ansanelli - Prgrm Crdntr/Criminal Justice Coordinating Council
Bob Marmo - Chief Planner/Criminal Justice Coordinating Council
Catherine Hoake - Suffolk County League of Women Voters
Mary McLaughlin - Suffolk County League of Women Voters
Tom Harrington - Resident of Centereach
Patricia Bowden - Representing TWU 252
Pat Perkins - Representing Laid Law Bus Company
All Other Interested Parties

Minutes Taken By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:38 AM*)

CHAIRMAN EDDINGTON:
Would everyone rise for the Pledge of Allegiance?

Salutation

I'd ask you to just stand for a moment of silence to keep in mind the security of our campuses and for the unfortunate events in Florida -- in Virginia.

Moment of Silence Observed

Thank you very much. Okay, let's go right to public portion.
And if we could have Vincent T. Garcia?

DR. GERACI:
Geraci.

CHAIRMAN EDDINGTON:
Geraci, I'm sorry. Good morning.

DR. GERACI:
Good morning, Mr. Chair, distinguished members of the committee.
My name is Dr. Vincent Thomas Geraci, I'm the Medical Director of the Suffolk County Correctional Facility.

We're here today to discuss Resolution No. 1323 and its amendment. The current language of this resolution is too restrictive at this time for the resources of the Suffolk County Correctional Facility as well as the standards of care in medical practice. Do you want to comment?

CHAIRMAN EDDINGTON:
That was the best presentation we've had in a long time, I really appreciate your brevity.

DEPUTY COMMISSIONER MINER:
Matt Miner, Deputy Commissioner of Health Services. We have been working with Legislator Schneiderman on language that legally will address all concerns, both of the inmates, of the medical providers at the jail, all sides, and I believe address some of the concerns that the Legislator had. We have some compromised language that we think addresses that, I'll ask Dr. Geraci in a second to go into a little bit more detail specifically as to what that pertains to. And then we would ask that the committee postpone the decision on this resolution and we would like to submit a CN for Tuesday morning and then have the full Legislature vote on a revised version and we will do our best efforts to get you advanced language as quickly as possible.

Again, we did have a lengthy conversation with Legislator Schneiderman the past several days and

we believe we've come up with language that really goes to the intent of the Legislature's goal in protecting the inmates and the medical providers, but also is more workable. And with that --

DR. GERACI:
I appreciate that. And I apologize, Mr. Chair. I'm trying to -- this is a very complicated resolution. What we're trying to do here is look out for the interests of the inmate's safety, the interest of the resources available to the correctional facility, and of course the interests of the Suffolk County Department of Health in Suffolk County.

The way the current resolution stands is it requires that an inmate of, let's just say a female gender, would have to have a female chaperone, even though a clinician, a practitioner, would also be a female. And that -- in our facility, that actually can be accommodated at times, but when the reverse is true and 90% of our inmates are males and the majority of our clinicians, and I can give you the breakdown.

CHAIRMAN EDDINGTON:
You know, I'm going to stop you for a second.

DR. GERACI:
Yes, sir.

CHAIRMAN EDDINGTON:
It sounds like you're here to make a presentation and you really have three minutes to make a statement, which has passed. If you would like to come back to the committee at another time and make a presentation for 10 or 15 or whatever you need, I wouldn't be opposed to that at all. I have reached out to the -- actually, the sponsor has reached out to me and has asked for us to table it and I'm going to be making that motion, so you will have time to work out the language. And if you do want to come back and make a presentation, I'd be more than happy to put you on the agenda; would that be appropriate?

DEPUTY COMMISSIONER MINER:
It would be fine, if you're agreeing to table it and consider this on Tuesday.

CHAIRMAN EDDINGTON:
I'm going to make the motion, hopefully we will follow that.

DEPUTY COMMISSIONER MINER:
Okay. If that is the committee's decision, we would work with you on that.

CHAIRMAN EDDINGTON:
Okay. Okay, then let's do that, all right?

DR. GERACI:
Thank you. I appreciate the committee's time and thank you.
Have a good day.

CHAIRMAN EDDINGTON:
Okay, thank you. Debra McKee.

MS. McKEE:
Is it okay over here?

CHAIRMAN EDDINGTON:
Sure, wherever you're comfortable.

MS. McKEE:
Okay, thanks. Thank you for having me here once again. My name is Deborah McKee, 4th Vice-President of AME. Reference Bid LW 723087 on the Suffolk County Website, this bid is clearly a bid to outsource maintenance and repair work for the Suffolk County Police Department helicopters of the Aviation Section. The Suffolk County Association of Municipal Employees, AME, representing the four helicopter mechanics employed by the Police Department Aviation Section, stands categorically opposed to this attempt to privatize their work and demands that the bid be pulled from the website.

The report that I've provided clearly shows that it's far more prudent in terms of safety, mission, security and fiscal responsibility to keep this most important work in-house. And in fact, if the Police Department were to hire two additional mechanics now in 2007 and not in 2008 as they are currently proposing, instead of running to outsource, and also designate two of these four mechanics who are already FAA certified to process all the FAA required paperwork as lead mechanics, they would be able to streamline this department further, achieving more air time while maintaining safety and security at its highest level. That's what we're looking for, we're looking to keep jobs in Suffolk County, better utilize the resources we have. We have personnel who have well over 90 years worth of experience, let's make best use of what we have right here in Suffolk County before we start running out the door elsewhere. Thank you.

CHAIRMAN EDDINGTON:
Thank you very much.

LEG. MYSTAL:
Jack?

CHAIRMAN EDDINGTON:
Yes. We've got one question, if you could just hang out for a second, Deborah.

LEG. MYSTAL:
Good morning. The question is not really for you, Deborah, it's for BRO and also for the administration. Have we had a cost analysis done in terms of what it would cost to outsource this versus to do it in-house?

MR. MAGGIO:
No, we haven't done that cost analysis. And I believe you can talk to Chief Moore, I don't believe the intent is to outsource this work.

LEG. MYSTAL:
Have we heard from the Police Department?

CHAIRMAN EDDINGTON:
It was there on the agenda to make a presentation, we could ask him at that time.

LEG. MYSTAL:
All right, I'll refrain then. Thank you.

CHAIRMAN EDDINGTON:
Okay. All right, thank you very much. Cheryl Felice.

MS. FELICE:
Thank you, Chairman Eddington. I put in a card in case Debbie needed some more time and then I would finish the follow-up for her, but we appreciate the time that you're taking to spend. AME is interested in the County's public safety. Any time we see a piece of legislation that we think affects the County on a whole, we will speak either for or against it and that's our presence here today.

I did want to report to you some of our inquiries that are still taking place with regards to Resolution No. 2514, requiring a detailed report on the progress of civilianization with the Suffolk County Police Department. We're in the process of requesting a meeting with Civil Service because we have reports from our members that they were encouraged to take certain Civil Service tests in the public relations career ladder in which to qualify for civilianization within the Police Department. Those members did take those tests, did spend the money to get on the list, passed successfully, and then changes were made to the jobs that were now going to be used to be hired. So we have that request in just this week and will report back to you on our findings.

CHAIRMAN EDDINGTON:
Okay, thank you. If you would like to also -- I'll offer the same thing to you. If you want to be put on the agenda for the next Public Safety meeting and make a little bit more of a presentation, if you feel you need it, reach out to me and I will do that.

MS. FELICE:
I appreciate that offer and would accept that offer on behalf of AME. Debbie, as you saw, did put quite a detailed report together for all of you to review and we will take advantage of giving you the additional presentation at the next committee meeting. Thank you.

CHAIRMAN EDDINGTON:
Great. Patricia Bodine. Oh, Patricia Bowden.

MS. BOWDEN:
Good morning. I'm here for 1243, the ice and the snow. I am President of Local 252, TWU, I represent 4,000 people. Most of the people I represent are school buses which will come under the commercial vehicle, I believe it's $1,500 you want to charge. I really feel this is putting an extra burden with the snow removal of a vehicle on the drivers and on the companies and personal vehicles.

I mean, with this law, what do you want people to drive around -- and I'm being sarcastic about it -- with an ice pick? Because I know, I try to get the snow and ice off my personal car and you can't. So I really am against this law and I think it will put an extra burden on the drivers that have to sit for an hour waiting for the children to come out. And of course, snow is going to go on their buses, or ice, and there's no way they can get it off.

So this law I am really against. I think there's a way maybe we can do something to people that drive with three feet of snow because it did happen to me on my personal car, I'm sure it happened to everybody here. But with this law here, charging people 500 or $1,500, I really think it will put a burden on them and it will also put a burden on the insurance companies, which we pay a lot already for our automobile insurance. Thank you.

CHAIRMAN EDDINGTON:
Okay, thank you very much. Pat Perkins.

MS. PERKINS:
Good morning. I'm also here about the proposed bill 1243. I'm a school bus driver, I've driven a bus for 26 years for the William Floyd School District. I work for Laid Law and I'd like to know how you expect us to clear these buses off.

CHAIRMAN EDDINGTON:
You want to engage in a dialogue, is that what you're asking? What I can tell you is --

MS. PERKINS:
Well, all right.

CHAIRMAN EDDINGTON:
I'm not the sponsor, but I can tell you this; the sponsor has asked that it not be the drivers -- and this is just what I know, I can't really speak for him -- but that the companies would have to facilitate this so it wouldn't be a burden to the drivers.

MS. PERKINS:
It would fall on the companies? Okay. Well, in my particular yard where I work, there's 249 buses that leave at six o'clock in the morning. It's -- it's totally impossible to expect a yard to be cleared, us to inspect our buses properly. As it is now, with the new idling law, we're leaving the yard with them cold, they're not warmed up, they're cold. I've driven a bus this year that it would -- it looked like I was smoking in the bus because you could see my breath, that's how cold it is. I just don't understand how anybody expects this to be done. And then we would be penalized for this amount of money when the average school bus drivers earns at least -- well, maybe $20,000 a year, and then it's going to be thrown back on us? You said it was the company, but we're the ones that are driving the vehicle.

CHAIRMAN EDDINGTON:
I don't know; I didn't put this legislation in, I'm sorry.

MS. PERKINS:
We're the ones that are driving the vehicle. We are the ones that get penalized, it's our license.

CHAIRMAN EDDINGTON:
Okay, thank you very much.

MS. PERKINS:
Thank you.

CHAIRMAN EDDINGTON:
Okay, that's the end of the cards. Is there anybody else that would like to speak to the committee? Okay, then we'll move on to the agenda -- oh no, I'm sorry, to the presentation. Chief Moore?

CHIEF MOORE:
Good morning, sir. I am Robert Anthony Moore, Chief of Department, Suffolk County Police Department. And I guess we'll begin by addressing --

CHAIRMAN EDDINGTON:
Well, let me tell you how I see this.

CHIEF MOORE:
Oh, I'm sorry.

CHAIRMAN EDDINGTON:
I have two different things. First I would like to ask you about traffic safety which has been an initiative of at least mine and many of the members of the Suffolk County Legislature, and then I want to -- number two will be the civilianization issue, so I have two parts.

CHIEF MOORE:
Okay.

CHAIRMAN EDDINGTON:
Specifically, as you probably are aware that we've been doing -- working with DPW and working with Legislator Romaine out at County Road 111, we have been dealing with Legislator Schneiderman who's dealing with DPW on County Road 38, I've been working with DPW on County Road 80. And recently we've made an attempt to deal with the traffic problem on Woodside Avenue, and that's one that I would like to just mention that it was a great job by Inspector Quinn, but we've had two --

now traffic has built back up and we've had two major accidents in the last week. And I'm going to ask that you pull out of your resources someone to go back, in three weeks they gave 480 tickets and the traffic went from 80 to 45 which is amazing. I got a lot of positive reinforcement for the Police Department, but it's back and there's been accidents immediately, so if you could look into that.

Part two is the County Road 80 -- County Road -- yeah, County Road -- is it 80, North Ocean Avenue?

LEG. CARACAPPA:
Eighty-three.

CHAIRMAN EDDINGTON:
Eighty-three and 16, Horseblock Road. You know about the legislation that was not passed because we have all the laws we need to enforce the problem of people running into the streets and causing accidents. So what I would like to know is what laws are you enforcing, what is the numbers of ticketed people? And then the next part I'm going to be looking into is when the tickets are given, are they paid; is there a connection? You get a fine, you pay it, you don't do it anymore, or are the same people doing the same thing and using different names or whatever? I understand that loitering -- there's no loitering laws except for sex offenders; it seems like we can do it for sex offenders, we can't do it for everybody else. I'd like you to speak about what you see about that.

Public intoxication, is that a law, do we have that? Because many of the constituents of Legislator Caracappa and mine are saying that this is a problem in that area. And then anything else that you might see that could help to enforce or help your staff do their job.

CHIEF MOORE:
Let me begin by introducing Inspector Frank Stallone. He's the Commanding Officer of the 6th Precinct and he is the individual charged with the responsibility for, among other areas, the Farmingville area. And Inspector Stallone I think can be helpful as far as the numbers and the activity levels in and around the Farmingville area. So if you like, I think we could begin with that.

CHAIRMAN EDDINGTON:
Great.

CHIEF MOORE:
Speak specifically about police activity in that area and then we can move on and address some of the other issues that you raised. Inspector?

INSPECTOR STALLONE:
I do have some of the numbers that you spoke about. First of all, we're all familiar with the Farmingville situation, so we won't belabor it. I use -- in the 6th Precinct we use -- as far as personnel, we use our COPE officers on a daily basis, regular sector car patrols in that area, and we also employ safety check points, as we do in all our high accident areas; those are throughout the precinct. County Road 83 and County Road 16 happens to be one of them, so they get some extra patrol there in our checkpoints.

CHAIRMAN EDDINGTON:
You said it's one of those areas; what kind of areas?

INSPECTOR STALLONE:
High accident location areas.

CHAIRMAN EDDINGTON:
Okay, so it is definitely a high accident location.
INSPECTOR STALLONE:

County Road 83 and 16 is one of those intersections, yes.

CHAIRMAN EDDINGTON:
Okay.

INSPECTOR STALLONE:
So those are the types of patrol we use for that. Some of the laws or the enforcement actions consist of Penal Law violations such as trespass. You all heard about certain people hanging around the 7-Eleven, the Mobile station; those owners of those properties have to be willing to sign trespass affidavits and point out who they have told not to be on their property. They have been doing that, we've stepped up some contacts with owners of property in the past couple of months. The owner of the 7-Eleven at Horseblock and 83 has been cooperative in that venue, he would like to get the people off his property and he's been coming out on a daily basis and pointing people out to us who shouldn't be there. He has to, in turn, sign a trespass affidavit, come down to the precinct and sign the information that he's making a civilian arrest. He's made nine arrests in the past three or four weeks since we stepped up that contact with him. Some of the others, it should be noted that some of the other store owners don't wish to become involved in that type of police action, so they don't sign; and if they don't tell us who's not supposed to be there, we can't arrest anyone.

Penal Law violations. You know, about disorderly conduct, we haven't had any arrests for that because the situation hasn't come up, but we will enforce that violation if it occurs. Exposure of a person for people urinating in public or exposing their private parts. We're ready, willing and able to enforce that as police officers see it; it is a violation, they have to see it. Any other -- any other Penal Law violation or any violation that officers see or become aware of, because we do have quite a bit more officers in the area, we have arrested people for the whole gamut of Penal Law violations, drug possession, usually marijuana, usually associated with traffic stops in the area.

Our directed patrol has manifested itself more in tickets, and since the first of the year we've written -- and this is a rough number from the other day -- 1,395 violations; that includes moving violations, littering, jaywalking, you name it, they're writing it. Whatever it happens to be, from Vehicle & Traffic Law, New York State to Brookhaven Town Ordinances, we're writing everything we see. Impounded vehicles; we have impounded 37 vehicles in the past four weeks, and that includes Police impounds and Brookhaven Town impounds.

Recently we've stepped up enforcement of 509 Unlicensed Operator charges in that -- in the past couple of weeks we are making summary arrests of anyone who does not have valid identification at the time of stop. That wasn't always the case, it was done on a spotty basis, we're enforcing that throughout the precinct and throughout the County now, this is an order out from the Chief of Patrol to enforce that throughout the County. Most 509's, which is Unlicensed Operator charges or violation, again, manifest themselves in tickets. Year-to-date in the 6th Precinct we have 740 tickets for that violation, that's the whole precinct; 27 of those have been physical summary arrests. That is spread around the precinct, I believe it was seven of those have been in Farmingville, seven of them in Medford, five in Selden, so it's distributed throughout the precinct because we do enforce the law equally throughout the precinct. 511, the arrest and summonses are proportionate to the 509's; a 511 is Suspended License.

That's about it from my statistics that I brought with me. If I can answer any other questions, I'd be happy to.

CHAIRMAN EDDINGTON:
Yeah, we have a couple of questions. And just I would like that you then transfer that on to something for us, and I would like it -- you said for the year, I would like to know for the year, but I would also like to know as of April 22nd or April 20th what -- I want to see if there's a spike, if it's the same; do you know what I'm saying?

INSPECTOR STALLONE:

Okay, I believe I know what you're saying. The figures I just gave you are year-to-date for 2007.

CHAIRMAN EDDINGTON:
Right. I would like for year-to-date for the committee, and also for the last month or whatever it is, three weeks, four weeks, whatever it is, just break that piece out for us; you follow -- am I being clear?

INSPECTOR STALLONE:
Yeah, I think so.

CHAIRMAN EDDINGTON:
All right, we'll talk. Legislator Mystal.

LEG. MYSTAL:
Good morning. I'm a little bit under the weather, so bear with me, hear what I'm saying. Most of us received a letter from the Commissioner, from Commissioner Dormer, following the meeting that the Police brass had with the County Executive. The letter is dated April 4th and following the statistics that you just mentioned which are year-to-date, but your -- the letter specifically states, and I'm going to quote, "You site that these" -- the letter is in response to Presiding Officer Bill Lindsay sending a letter to the Commissioner after the defeat of the bill. "You sited Disorderly Conduct Statute, New York State Penal law 240.20.5 as a viable alternative to the recently defeated resolution, and I agree that it is an appropriate charge for those with intent to cause public inconvenience, annoyance or alarm or recklessly create a risk of obstructing vehicular and pedestrian traffic. In addition, we will increase enforcement of "No Stopping," and you put that in quote and I'm underlying it, "We will increase enforcement of "No Stopping" or "No Standing" Parking Violation where properly posted," and I'm going to come back to that properly posted part. "We will adopt a zero tolerance policy with the New York State Penal Section of Exposure of a Person" -- again, it's in quote, I'm underlying it -- "for those urinating in open view as well as local Brookhaven Town ordinances for littering and dumping or defecating or urinating in public. Other towns have similar local laws."

The question I'm asking, one, do we have properly posted signs throughout that community that says "No Stopping" or "No Standing"?

LEG. CARACAPPA:
Yes.

LEG. MYSTAL:
We do. So -- Legislator Caracappa just answered me, we can see that you're agreeing with what Legislator Caracappa said.

INSPECTOR STALLONE:
Yes, I had a Sergeant inspect the area a couple of weeks ago and we're actually -- Brookhaven Town is reposting some of the signs that were faded on the east side of County Road 83 on Horseblock. Some of the other areas adjacent to that don't need signage because they're highways, there is no shoulder and you're not supposed to be stopping anyhow, and the officers do write tickets to anyone who stops illegally in those areas. So in the places that -- the answer to the question, in places that would need signage, it's there.

LEG. MYSTAL:
The reason why I'm asking the question is because you are siting the action that you can take, an officer has to observe a certain offense before he can make an arrest.

INSPECTOR STALLONE:
That's correct.

LEG. MYSTAL:
But I am saying if you have a zero tolerance and you are vigorously enforcing the "No Stopping" and "No Standing", you don't have to observe them doing anything; if they're standing or stopping, you can just move them.

INSPECTOR STALLONE:
Well, I'm not sure of the question. Yes, in order for a Police Officer to write a ticket, he has to see the violation.

LEG. MYSTAL:
Yes, that's to write a ticket. But in terms of moving them out of the way, out of the area, if you have a zero tolerance for "No Stopping" and "No Standing", you don't need to have -- you don't need to observe them doing anything, just standing there.

INSPECTOR STALLONE:
Okay, we're talking about vehicles? We're talking about vehicles, not persons.

CHAIRMAN EDDINGTON:
Vehicles; yeah, unfortunately, it's only vehicles.

LEG. MYSTAL:
Oh, okay. I thought it would apply also to pedestrians.

INSPECTOR STALLONE:
No, no, no, there's no -- there are no signs that can help us with that.

LEG. MYSTAL:
It doesn't, huh?

CHAIRMAN EDDINGTON:
No, but I would support that in a bill. I would support that bill, Legislator.

LEG. MYSTAL:
Maybe we could put a sign, "No Stopping and No Standing for Pedestrians".

LEG. CARACAPPA:
Didn't we discuss this?

CHAIRMAN EDDINGTON:
I thought we did.

LEG. MYSTAL:
That was one of my questions. The other question you already answered, you know, when you were giving your statistics in terms of enforcing the Penal Law. So that's what you are doing yourself, you're trying to enforce all the Penal Laws on the books now.

INSPECTOR STALLONE:
Well, the Penal Law, the Brookhaven Town Ordinances, the Vehicle and Traffic Law and any other law that we have that we can use as a tool.

LEG. MYSTAL:
Okay. Like Legislator Eddington, I would like to see the statistics from April --

CHAIRMAN EDDINGTON:
March, March 20th I think it was.

LEG. MYSTAL:
March 20th to now, because the year-to-date doesn't give us a clear idea of what's happening there.

And the last question I have for you, have you seen any reduction in the traffic in terms of pedestrian traffic in the area since you stepped up your enforcement; that's number one part. Number two part is that summer is coming and, as you know, it gets worse in the summer time.

INSPECTOR STALLONE:
The pedestrian traffic in the area runs anywhere from 80 to 120 persons per day in that area, that's County Road 83, County Road 16 and south on County Road 83; it goes about a quarter of a mile west on County Road 16 and about a half mile south on 83. I fully anticipate that to increase as the weather gets warmer, as you all know, it probably will. It's been very cool the past couple of weeks, I don't know if that has anything to do with the amount of people that are out there, but those are the numbers that we're experiencing now.

CHAIRMAN EDDINGTON:
You good?

LEG. MYSTAL:
I'm done, yeah.

CHAIRMAN EDDINGTON:
Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Mr. Chairman. Certain highlights of my questioning were already hit on. Number one was yours, we most certainly will see that there's a spike in enforcement since the bill that you and I proposed was defeated and that the point that there are certain laws on the books through VTL, that they're there and the Police are doing everything they can since then to deal with it.

I'd like to talk about VTL and as it relates to the bill that Legislator Eddington and I put forward and was defeated. Many of my colleagues, like Legislator Mystal and Legislator Browning during the debate on the failed bill, talked about certain Vehicle and Traffic Laws relating to pedestrians who block access of right-of-ways, regardless of the roadway, if it were the County, State, Federal, whatever it may be. Is that the case where certain individuals -- individuals, not vehicles -- blocking, standing, walking across in a certain way to impede the flow of traffic, whether it be vehicle or pedestrian; is there a law on the books that this allows them from blocking that type of access as a person or persons?

INSPECTOR STALLONE:
I think what you're referring to is disorderly conduct and where if you're --

LEG. CARACAPPA:
Well, it wasn't presented to us as disorderly conduct during the debate, it was presented to us in a much different way.

LEG. LOSQUADRO:
Jaywalking.

LEG. CARACAPPA:
Beside the jaywalking, so I need to get some clarifications.
In fact, my colleague, Legislator Browning, had a whole back for us, she actually has it right there.

LEG. HORSLEY:
Here's the book.

LEG. BROWNING:
We got the number.

LEG. CARACAPPA:
You know, maybe you could --

LEG. BROWNING:
1156-B.

LEG. CARACAPPA:
You know, that Bible of yours, you could tell us just what the Police should be doing or shouldn't be doing.

LEG. BROWNING:
Actually, this is a book the Suffolk County Police Department has.

LEG. CARACAPPA:
Oh, okay.

LEG. BROWNING:
1156-B, "Pedestrian soliciting rides or business, no persons shall in a roadway, for the purpose of soliciting a ride or to solicit from or sell to an occupant in a vehicle." And it continues, "No persons shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street. No person shall occupy any part of a State Highway, except in the city or village, in a manner for the purpose of selling or for soliciting."

LEG. CARACAPPA:
Right, and that doesn't pertain to disorderly conduct.

LEG. BROWNING:
Disorderly Conduct is Penal Law 240.20.

LEG. CARACAPPA:
Okay. The reason why I wanted to put that on the record, make it a little clearer is, you know, I see it every day, Inspector, you see it every day since you've become Inspector. Anyone who drives through Farmingville and/or any other community that's dealing with this problem, there's an immediate -- there's immediate non-accessibility on right-of-ways throughout that entire community. Why aren't we busting it up based on what Legislator Browning just read as it related to Vehicle and Traffic Law?

INSPECTOR STALLONE:
Well, I think what you're referring to is the officer has to see someone stop or someone soliciting, we have to be able to show that someone is soliciting.

LEG. CARACAPPA:
But we know that's happening every 30 seconds or so.

INSPECTOR STALLONE:
Well, we know it's happening but do we actually see it? I mean, I spent a lot of time up there, I don't actually see people stepping into the roadway and flagging down cars, I haven't seen it myself. When it does happen we'll write the appropriate ticket, or if it fits into a disorderly conduct, if they're blocking pedestrian traffic, we will make the arrest for that. As vehicles stop we're writing the tickets, we've written close to 1,400 tickets up there in the past three months, that's a lot of enforcement. And again, I have people there every morning, they write tickets all morning long.

LEG. CARACAPPA:
I give you nothing but praise, and it's genuine praise, for what you and your staff have done up in the corridor that we're talking about. You've done everything you can within your power, but it just -- I'm a little -- I'm confused, to be quite honest with you. Being told that we have more power than originally thought, and I want to make sure that is the case. And that is -- if that truly is the case, there could be 10, 20 times more arrests made, 10, 20 times more on a daily basis tickets written and so on and so forth based on what's been told to us from our Counsel and from what's being read to us by my colleagues out of VTL. So listen, I'm the last one that wants to put forward legislation that is unnecessary, and I know Legislator Eddington feels the same way. But as it's been presented to us for many, many, many years, at least to myself, it has been necessary, a new piece of legislation.

So I guess the point I'm trying to make, Mr. Chairman, is if we're going to go down this road, I hope there's going to be consistency and not just a spike to placate this Legislature based on the debate that we had last month as it related to your bill and my bill. And I'm trying -- I don't want you to on the record promise that because I know you're doing everything you can, but I know the community wants to know, is this going to be just, you know, a sting approach just to get things quiet, or is this going to be ongoing, constant, as it should be? Based on your resources available to you, we do understand that.

INSPECTOR STALLONE:
Well, again, based on the resources, based on what I've been doing for the past three months, these are the statistics; we're enforcing any ordinance that we see occur. Again, the Police Officer has to see it.

CHAIRMAN EDDINGTON:
You know, I'm going to interrupt for a second. You know, I think -- I'm hearing it and you're giving us the answer, and maybe the man that can take care of this is sitting next to you. You keep saying "They must see it". Now, the community is seeing it, we're seeing it and you're saying you have to see it and you have issues with staff. Then I'm going to ask the gentleman next to you to talk to who he has to talk to, the next level, and make sure you have a dedicated staff member to deal with this. We know it's there, we know it's going to get worse, and you're saying you have to see it, I have people telling me every day what they're seeing and I'm not going to discuss it here because it's not really a good thing that they're seeing. So I want some dedicated personnel to maintain this area, at least for the next few months, so that it becomes known that if you publicly urinate there's somebody watching. If you're running in the street, it doesn't matter if the Police are because there is somebody watching; if that's what we have to do, then let's do it so that we don't have people getting hurt, car accidents. Because you're giving us the answer, you're saying you have to see it, we're all seeing it; I mean, not if you live in I guess Smithtown or Riverhead, but we're seeing it and they may be seeing it, but we're seeing it in our area. So I guess what we need to do then is get more feet and eyeballs out there because it's happening. So I'm going ask you to supply him somehow, I know we used to have a special unit but I don't think that's there, but maybe through the civilianization program we'll be able to get another person in there.

LEG. CARACAPPA:
Thank you, Mr. Chairman. Thanks for trying to --

CHAIRMAN EDDINGTON:
Does that make sense?

LEG. CARACAPPA:
It makes sense and it does say to the Police brass here what I was trying to convey a little clearer.

I'd like to talk quickly about unlicensed, uninsured. Personally, forget about Farmingville, even though it's probably much more prevalent there and in the Selden/Medford communities, unlicensed driving in Suffolk County is one of the biggest problems we face on our roadways, along with

uninsured. The numbers that are out there by way of ticketed unlicensed drivers, and those had been ticketed 10, 20, 30 times for suspended or unlicensed driving and they're still on the road, is amazing; it's an epidemic, to be quite honest with you.

And you mentioned that you've been cracking down recently throughout Suffolk County, but you mentioned Farmingville in particular. What else are you going to do by way of unlicensed driving crackdowns throughout this County? I know I spoke to the County Executive about it, he feels very strongly about it as well, that this is a major problem, people losing their lives from unlicensed drivers. And the slap on the hand type of approach is -- again, our hands are tied based on State Law -- it just isn't working and we're not sending a strong enough message to people driving without licenses and uninsured at the same time. And explain to me what a summary arrest is and what that means for us; it's the first time I've heard that term.

CHIEF MOORE:
Okay. Well, to begin with, from a historic perspective, there was a time when a Police Officer could stop a vehicle with no particular purpose and ask the individual to provide whatever identification the officer wanted and do a number of other things. And the ebb and flow of society is such that while one time that was acceptable, the courts became increasingly uncomfortable with police officers stopping people indiscriminately, or by discriminating and pulling people over. So the court insisted, the courts insisted that Police be a little more responsible when it came to stopping vehicles, and today Police Officers can only stop a vehicle for a purpose.

Now, that ties the hands of the officer to some degree, but on the other hand there -- it's not merely a violation of a law that would allow a Police Officer to stop a vehicle. It could have to do with anything that raises the officer's suspicions to a reasonable level, you know, driving radically for example, driving slowly through an area that's known for high incidences of burglaries or robberies, those kinds of things. So as long as it's purpose-driven, an officer still has that ability, but an officer can't just stop a car because he or she feels like stopping the car, that's just inappropriate. And the court has come down very powerfully against officers in that respect. I can tell you many stories where officers -- and how many of you were teachers at one time? You know, teachers develop instincts. If you're a teacher and you're looking at a test score from a particular kid or a paper from a particular kid, you know, weren't there occasions where you said to yourself, "There's no way this kid did this". You know, were you right, was the kid cheating? No, you weren't always right, but you developed instincts as a teaching professional, a mental health professional develop instincts. Police officers develop instincts, they can't always articulate why they think something is up, but they develop -- are they always right? No, they're not always right, but they're right more often than the general public.

So, you know, the officer develops instincts and they'll do things where there's not a legal basis for doing it in the past, and we discourage our officers from doing it today. But officers, after this decision was made that officers can no longer indiscriminantly pull vehicles over, officers said, "Yeah, okay," and they continued to do what they had always done. And the courts dismissed seizure of weapons, seizure of narcotics, they dismissed evidence that could have put murderers away and serial robbers away, you know, all in an effort to demonstrate to the Police that the courts were very serious when they made -- when they gave -- imposed an obligation on the Police? So today, when we stop a vehicle we have to have a reason for stopping a vehicle.

And we share your frustrations. I mean, you know, we have concerns about recidivism, recidivism in a criminal sense, recidivism, you know, with drunk drivers, recidivism with sexual predators, recidivism with people who are just lousy drivers and are unconcerned about their driving habits.

A while back a former Commanding Officer of the 6th Precinct developed the suspicion that there might be a relationship, you know, the 509 which you don't have a license, that's Vehicle and Traffic Law Section 509, you don't have a license. Section 511, 511 of the Vehicle and Traffic Law, you had a license but you don't have it anymore, we took it, it was suspended, it was revoked, so that's the difference between the two. 509, you never had a license, as far as we're concerned from a legal

perspective; 511, you have one we took it, for a short period of time, for a long period of time.

Well, you know, we focused on the 511's, because that's something that -- you know, that's where the seizure of the vehicle is and a lot of enforcement was done about 511. But the 509, you know, you didn't have your license with you and you'd get a ticket and what we noticed was they were responsible for a heck of a lot of accidents on the roadways. So just on his own, one of the precinct Inspectors, who is now a Chief, decided, "You know what, it doesn't look like we're impressing people when we stop them, they can't produce a license and we give them a ticket, it really doesn't have much of an impression on them. So why don't we start making summary arrests." Now, whenever a person is given a ticket, technically you're under arrest. And the Police have been so successful at arresting people that, well, we're building a new jail, we've developed all these mechanisms like, you know, fines and community service and in-home custody and ankle bracelets; this is all because Police are very successful at taking people into custody.

Field Appearance tickets or FAT tickets where if a person, you know, generally that would be someone -- a shoplifter; shoplifters are arrested by the Police but they're not physically taken into custody, brought down to the precinct, sent to Sheriff DeMarco in the morning or to the courts. Because just as a matter of, you know, not bringing the criminal justice system to a grinding halt, you know, just processing these hordes of people. Somewhere along the line, you know, we decided to start issuing tickets, field appearance ticket for criminal matters and the traffic summons for traffic matters, generally speaking. Why? So that the court can continue to act, so the criminal justice system can continue to move so that we can space out the work of the Police.

Well, sometimes the Police discover that merely issuing a ticket just doesn't impress the individual, and that's where we came with the 509, the unlicensed drivers. So he started to experiment with placing people under physical arrest, summary arrest is the term that we use, that means you take the person into custody, you bring the person to the precinct and you go through the normal arrest processing of the person. Now, the person could be bailed at the precinct and in all likelihood is, but it's a heck of a lot more convenient to that individual than it would be to give the person a summons right then and there and send him or her on their way. So that's what a summary arrest is.

And now, as a matter of policy, the Police Commissioner said, "You know what? We're going to institutionalize this. Instead of -- I'm satisfied that this experiment," that was done, by the way, in the 6th Precinct, "seems to have an impact, so let's try doing it department wide." And today, if an individual is stopped for a legitimate reason and that person can't produce a valid license or any kind of identification, that person is taken into physical custody, summary arrest, brought to the precinct. Now, it's too early to tell what the results -- we have are suspicions, but we really can't speak with any authority right now as to whether or not that's going to be workable. We do know that it is a big problem for us in Suffolk County, it's a problem everywhere. And again, it is our option whether to give a summons or take the person into custody; and in this instance for this violation of the Vehicle and Traffic Law, we are choosing to take the person into summary custody.

LEG. CARACAPPA:
Chief, I understand the need for purpose-driven stops and of course what the courts have done over many years. Would -- how about running a plate while behind a car, does that need to be purpose-driven as well?

CHIEF MOORE:
Well, no. As a matter of fact --

LEG. CARACAPPA:
Due to the fact because what we have is a proliferation of out-of-state license plates being used on certain cars that are being driven by uninsured, unlicensed drivers. And usually, I mean, almost 80, 90% of certain people that are pulled over and found to have no license, look on the back of their car and their plate is someplace from out of state. Now, is that purpose-driven, can you do that?

CHIEF MOORE:
Well, again, stopping a vehicle merely because it has a license plate other than --

LEG. CARACAPPA:
Can you run it before pulling them over --

CHIEF MOORE:
As a matter of fact, we do.

LEG. CARACAPPA:
-- and then find out, hey, this isn't even -- this car is not even registered.

CHIEF MOORE:
As a matter of fact, we do. You know, any Police Officer with more than 15 minutes in service, once a car catches their attention, one of the first things the officer will do is run the plate. And fortunately -- and again, we've discussed this in the past -- technology is such today that the officer can do it right there on his or her computer in the police car, and they're doing it all the time. As a matter of fact, I'll go out with the officers on the midnight tour and it's remarkable. You know, fortunately Legislator Cooper is not here, but the officer is driving --

LEG. LOSQUADRO:
I was just saying.

CHIEF MOORE:
-- with one hand and text messaging with the other.

CHAIRMAN EDDINGTON:
Yeah, right.

LEG. CARACAPPA:
Is there snow on the car, too?

CHAIRMAN EDDINGTON:
That's Schneiderman.

CHIEF MOORE:
So the fact of the matter is our officers do that all the time. In addition to that, we've purchased what we call plate readers and these are devices that just sit on the police car and every car that goes by this amazing device reads the license plate and does a search to see if we have any interest; is the plate expired, is it a stolen car, you know, is there something about this plate? And you cannot believe just how prolific our officers have become, and it's perfectly legal. You know, the officer is in a legal position to observe, it's not intrusive --

LEG. CARACAPPA:
Right.

CHIEF MOORE:
Driving is a privilege, not a right, so they're perfectly within their rights to do that sort of thing. And in fact, individual officers do it, the technology is there, we've taken advantage of the technology, both the license plate readers as well as the officer himself or herself running the plates as they drive. So the answer is yes.

LEG. CARACAPPA:
Thank you. And I apologize, Mr. Chairman, if I'm monopolizing the time here, but these are very important issue in my district and throughout the County, so I want to ask the questions.

An unlicensed driver that's been involved in an accident, taken to the hospital, what happens then; a field appearance ticket or they are arrested and put into custody at the hospital?

CHIEF MOORE:
That depends.

LEG. CARACAPPA:
It depends?

CHIEF MOORE:
It depends; it depends on what other conditions or circumstances, if there's alcohol involved. Generally speaking --

LEG. CARACAPPA:
You find out he's unlicensed after the fact and he's transported due to injuries, he's in the hospital, Detectives are all around the guy doing whatever they need to do and writing up the report; it still depends?

CHIEF MOORE:
Yeah. Generally speaking, Detectives wouldn't be involved unless there's a felony level offense involved. You know, an accident, or the term the Police use today, a crash is a non-criminal event. Now, if a person is brought to the hospital and he or she doesn't have a license, in all likelihood the individual will be issued a field appearance ticket at the hospital.

LEG. CARACAPPA:
Why the difference, though?

CHIEF MOORE:
They're in the hospital. And if we were to make a summary arrest, what that would mean for the Police is that the officer, we would have to assign the officer to guard the individual until the individual is bailed. So I'm not sure that the public is served having an officer sitting in a hospital with an injured person who doesn't have a license as opposed to having the officer out in the field, for our part, because that's what would happen. I mean, a summary arrest of a person in a hospital would mean the person stays in the hospital and now an officer is assigned to the person in the hospital. I'm not sure --

LEG. CARACAPPA:
Well, the reason I ask, it's specialized relating to constituents in my area. There was a fatal accident, the survivor of the -- the surviving person in the other car was brought to the hospital with injuries, found to be unlicensed/uninsured and just given a field appearance ticket.

CHIEF MOORE:
Oh, okay.

LEG. CARACAPPA:
And when it got time to deal with it in the court system, you know, they didn't even know, there was no cross referencing with the DA or the Police Department that this was a fatal accident. So the reason I ask is why a summary arrest in some and just a field appearance in another? Because there are these major gaps going on where certain incidences of a potential crime or a fatality potentially could slip through the system when it gets to the courts and that's my concern --

CHIEF MOORE:
Yeah.

LEG. CARACAPPA:
-- with the one's good for one incident and one's not good for the other. So that's why I asked. I

don't know if you have a response to that other than what you've responded to already; no?

CHAIRMAN EDDINGTON:
Okay, then Legislator Browning.

LEG. CARACAPPA:
Sorry, Mr. Chairman.

LEG. BROWNING:
A couple of things that you talked about. I recently, not too long ago, went to a funeral for a friend, her father was killed crossing over William Floyd Parkway, unlicensed driver under the influence. I know he's in jail, he's in jail right now, so I do understand that it's dependent on the situation.

You were talking about in Farmingville and like any of us, we all know, you see that police car, you're not going to do anything wrong. You know, if the Police are sitting on the corner, people are going to be under their best behavior. So if there's a Police car sitting in Farmingville, you know that those people that are hanging out are going to be on their best behavior. So my question is do you have unmarked vehicles to maybe occasionally go there and maybe you'll catch more of them, doing whatever.

INSPECTOR STALLONE:
We do have unmarked vehicles, they are in the area, they do make arrests, but we have to be careful with the use of unmarked vehicles making traffic stops. You are well aware of the issues that we have with unmarked vehicles and the citizens complaining that they don't know who's getting out of the car, who's doing what. We have low profile vehicles, one of the vehicles that the Chief mentioned, the plate reader is basically a low profile COPE vehicle, it's not that easily seen. Again, the Police Officer has to see it. We do use unmarked vehicles in these situations, but we have to be careful with vehicle stops because it's all connected again.

CHAIRMAN EDDINGTON:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. A bit more mundane point but it's something that while a lot of people go about their daily lives and they want to believe, "Well, this sort of thing will never happen to me," sometimes what gets people's attention is when you tell them it's hitting them in the pocketbook. And with the cost of living here in Suffolk County that we always hear about, and obviously you guys, you know, are sick of hearing it from me, but having worked in the insurance industry for ten years, I know that these companies don't lose money. You're governed by the State Insurance Department as to what profit margin you can make, so you can't make over a certain amount but you adjust your rates accordingly so that you make that amount. So if you're losing money on uninsured drivers, you're passing that cost along to your other consumers; it's just that simple. So the rest of the people in Suffolk County have to make up that cost and it's seen accordingly in their rates.

One of the things that has always struck me, and I just wanted to ask you as to what level your officers are engaging in this activity. When I drive behind a lot of vehicles -- again, because of my background, I see this big, you know, Electrolux vacuum cleaner exhausts on these cars and you can hear these things coming from half a mile away -- there are specific vehicle emission standards that vehicles have to meet. Does the vehicle have a catalytic converter in place? There are certain thing. If you hear a car like that or you see a vehicle that you feel may not meet that safety standard, I feel it would be perfectly appropriate and well within the right of the officer to stop that vehicle to ascertain whether or not those emissions control devices are in place and perform even a cursory visual inspection to look under the vehicle to see if the catalytic converter is there. If they happen to find other things while they're looking at that vehicle, it's certainly within their right to ascertain whether or not those emission-control standards are in place. It's something that I see widespread on the roads when I'm driving around looking at vehicles and I'm wondering if your

officers are undertaking those checks to make sure that vehicles have the proper safety equipment in place.

CHIEF MOORE:
Actually, they do it all the time. You know, loud mufflers, I mean, Port Jefferson Village during the summer, you know, the motorcycles, I mean, we could make a career out of just -- you know, because of the noise more than anything else. So the answer, the short answer is yes, we do.

LEG. LOSQUADRO:
Well, I know that's done, you know, targeted in areas and it's usually aimed at noise, but again, more on a wide scale throughout the County, as Legislator Caracappa said. When you see vehicles with certain equipment or out-of-state plates or things like that, as you said, officers need a reason to stop a vehicle, and in a case such as that throughout the County, not just in areas of villages and downtowns.
I know it's something that officers keep an eye on and, of course, we're limited by manpower, but it's certainly something to keep in mind. I just wanted to point that out. And obviously from your statement, it's being done not just in those select areas but County wide.

CHIEF MOORE:
Oh, absolutely. You know, again, we dissuade our officers from acting indiscriminately.

LEG. LOSQUADRO:
Of course.

CHIEF MOORE:
And we dissuade them from acting in a discriminatory manner. Now, as for -- you know, our officers work hard and I think the statistics bear this out.

LEG. LOSQUADRO:
Very.

CHIEF MOORE:
You know, we issue them as much equipment as equipment becomes available, as we become confident and comfortable with the technology. Because we'd rather not be the experimental hotbed, we would much prefer to have someone else do the experimentation and once there's a proven benefit than we piggyback on. You know, tint meters, you know, for the --

LEG. LOSQUADRO:
Right, I was going to say, light meters, decibel meters, all of those.

CHIEF MOORE:
Yeah, things like that. Decibel meters we usually leave to the towns but, you know, the tint of the glass in the cars, we increased the Highway Patrol's -- I'm drawing a blank -- the safety tint, the Weights and Measures group.

LEG. LOSQUADRO:
Motor Safety Carrier.

CHIEF MOORE:
Thank you; I should have known that, right? Yeah, them. So we -- and then again, the technology, the plate readers. We are actually going to be taking a look at a device that -- because we have concerns about Police pursuits, there's a device that's being used with some success out in California, basically they -- I'm not exactly sure how they do it, but they fire a dart at the car that the person --

LEG. LOSQUADRO:

It disrupts the electrical system of the offending vehicle, yeah.

CHIEF MOORE:
Well, that's one, that's still pretty primitive, but this one is a GPS device --

LEG. LOSQUADRO:
Oh.

CHIEF MOORE:
-- where basically you fire a dart and then back off, and if you want to run around and waste your gas, go ahead, but we know where you are. So we're going to be looking at that this week to -- but they are experimenting with it out in California, we're going to be looking at it and so far it looks very promising, so we stay on top of it.

LEG. LOSQUADRO:
Very good. Thank you.

CHAIRMAN EDDINGTON:
Legislator Mystal.

LEG. MYSTAL:
I'm sitting here and I'm having flashes of freshman year in college in the 60's, and 1984 George Orwill. Sometime --

CHIEF MOORE:
It's great, isn't it?

LEG. HORSLEY:
Flashbacks are mean, huh?

LEG. MYSTAL:
Yeah, flashbacks; no, it wasn't for this --

LEG. HORSLEY:
I'm just kidding.

LEG. MYSTAL:
What I wanted to address is that, you know, sometime when we are so intent on solving a temporary problem, we tend to -- well, temporary in the sense, you know, because it's a particular problem. We tend to erode our own civil liberties as a whole, and I'm talking about in terms of the reason why the courts have stopped the instinct of policemen is because as a teacher too often those instincts, even though most of the time good, are based on built-in biases that people are bringing to a job and that's why the courts have taken away that -- my instinct tells me that this guy is wrong because he is five foot six and has a mustache, or whatever thing that you want to put on it. There are good reason for those laws. So I'm trying to get to the point where we don't lose track of what we are trying to do which is, you know, solving a problem in a certain part of the County, but at the same time not lose site of the fact that we are talking a broader issue which is our own civil liberties just because we have a particular problem.

I know, my son is a young lawyer and he tells me all the time that there are enough laws on the books in terms of traffic laws that a policeman can stop you for almost anything. Like you're driving down the street and your tires just cross over the yellow line, that's cause enough for him to stop you because you just violated the law. So there are many laws on the books that a policeman can

use to stop any vehicle. You know, you're not using instinct, you're not using, you know, prior knowledge or experience, and I know all those are valid, but I think the reason why they're stopping is because a lot of times they are used for a nefarious reason and for reasons that are not particularly constitutional.

So that's my point. I don't want to get away from us that somehow just because some kid has a manifold on his car and he has a souped-up car that he's doing something wrong.

CHIEF MOORE:
You know, my cops will do anything to keep you safe and --

LEG. MYSTAL:
I don't want him to do almost anything, I want them to do the right thing.

CHIEF MOORE:
Well, but fortunately often in the United States, officer enthusiasm is often quelled by the media, by the Legislature, by the courts. So we do have checks and balances within the system. And as a matter of fact, even within our lifetime, I mean, my first introduction to law enforcement, I was a teen-ager and it centered around the issue of loitering and, you know, whether or not I want loitering. And if you can recall, I mean, it was the classic -- you know, if you don't have 25 cents in your pocket and you're hanging around, guess what, that's loitering. And the courts, again, became uncomfortable with that and that, you know -- because many of us remember that and we think that law still exists and it does not. There are aspects of loitering, prostitution, drugs, you know, there are some elements of loitering that still exist but, you know, hanging around is no longer an offense because if it was, every person between the age of 13 and 17 in the middle of the summer would be doing time. You know, those are now youth disturbances, they were loitering at one time.

Public intoxication, during the course of our career, you know, it was illegal to be drunk and staggering down the street and the -- actually, the medical community decided that alcoholism is a mental health issue and when they did that, public intoxication was stricken from the books in New York. So now there's no such thing as public intoxication in New York State. There is still DWI and now BWI, the boats, and that didn't exist; a person who was drunk and, you know, scooting around on a boat was not guilty of any offense, now the person is. You know, so the ebb and flow of our society pretty much dictates police action, you know, and they do it through law and through the checks and balances, the media, the Legislature and the courts; it works pretty well.

CHAIRMAN EDDINGTON:
Legislator Nowick.

LEG. NOWICK:
I forgot what I was going to ask. But I am happy to announce that thanks to Legislator Losquadro, I know now that I have a catalytic converter. What I wanted to know was two parts; did you say that there was a law in reference to the decibel level of music and radio decibel level from cars; is there a law to prohibits that?

CHIEF MOORE:
Well, it's not specific to cars. There are noise ordinances, they're usually town and village driven, and almost exclusively those laws are enforced by local code enforcement officers and not by the Police.

LEG. NOWICK:
But that would include those loud, banging --

CHIEF MOORE:
Yeah. The Vehicle and Traffic Law has laws that related to mufflers and loud sounds, emissions, you know, smoke pouring out of the car, those are all violations of the Vehicle and Traffic Law.

LEG. NOWICK:
You say towns and villages; if one of these cars is on a State road or a County Road, you still -- it's still the authority of the -- like the Town of Smithtown Code Enforcement would enforce that rather than --

CHIEF MOORE:
If they're within the boundaries of the town or village, yeah, they generally do, or they can help us, they can assist us, you know, which often happens.

LEG. NOWICK:
The other thing quickly I wanted to ask you, did you say that every one of your sector cars have this technology to read the license plate; every one of them?

CHIEF MOORE:
Oh, I'm sorry. No, they have the computers in the cars so that an officer can, our phrase, run the plate.

LEG. NOWICK:
But not necessarily the reader.

CHIEF MOORE:
No, the plate readers, I'm not sure how many we have right now, we have I think as many as a dozen?

CHAIRMAN EDDINGTON:
Sixteen; I think it was 16.

CHIEF MOORE:
Sixteen? Yeah, 16, you know, spread throughout the Police Department. And again, we put them on the major --

LEG. NOWICK:
Right.

CHIEF MOORE:
-- thoroughfares and the officer only needs sit there and the thing tells you, "Hey, there's something about that plate, let's go get them."

LEG. NOWICK:
They're probably very expensive.

CHIEF MOORE:
You know, and that gives the officer the right to make the stop; very successful, very successful.

LEG. NOWICK:
I'm sure it is. Thank you.

CHAIRMAN EDDINGTON:
Okay. Legislator Horsley.

LEG. HORSLEY:
Yes. Good morning, Chief. Just a quick question. I was approached by the media last week about hot pursuits, and frankly I know you guys have policies and you train in the academy, but it caught me flat-footed and so I said, "I will ask the question." I just didn't know what is our policy; could you educate me briefly on what our policy is on hot pursuits?

CHIEF MOORE:
To begin, our policy is very similar to the policies of the more than 17,000 other police departments in the country.

LEG. HORSLEY:
I figured that, I just didn't know what it was.

CHIEF MOORE:
Yeah, there's remarkable similarities. Generally speaking, in Suffolk County we manage the pursuit; what that means is we have an officer who is the primary pursuer --

LEG. HORSLEY:
Uh-huh.

CHIEF MOORE:
-- an officer who is the secondary or support pursuer, and almost instantly a supervisor is assigned to the pursuit to monitor the pursuit and make the decision, you know, what are we chasing this individual for, where are we chasing this individual, how fast -- you know, all the elements that could -- and the supervisor's job is balance the need to stop that car right now against the needs of the public, and certain things are going to cause the supervisor to -- and every circumstance is different but, for example, if you're in a school zone, that pursuit is going to be stopped; if you're in a residential area, the pursuit is going to be stopped. If we have a helicopter nearby, you don't have to terminate but the helicopter can chase him because he's not going to get way from the helicopter. These experimental devices like the dart guns that I can't wait to see --

LEG. HORSLEY:
Yeah, that sounds interesting.

CHIEF MOORE:
-- where we just shoot your car with a dart and back off and we'll get you, you know, because you're just not going to get away.

LEG. HORSLEY:
That's wild.

CHIEF MOORE:
In instances where an unmarked vehicle initiates a pursuit, we ask that car to defer to the closest marked unit because, again, there's a safety element.

So to sum up, our pursuit policies are reasonable, they're rational, they're based on the public safety needs. They are similar to virtually every other pursuit policy throughout the country. There are nuances, you know, technology allows us to be more circumspect because we have the helicopters, we have the things, we're going to get the dart guns. You know, so --

LEG. HORSLEY:
You can't wait, I can see. This sounds like fun.

CHIEF MOORE:
Oh, I'm going to have one in my car. So did that answer your question?

LEG. HORSLEY:
It did. And apparently there was a rash of hot pursuits a week or so ago, and I assume that then all of them were followed to that policy?

CHIEF MOORE:

Oh, yeah, yes.

LEG. HORSLEY:
And you were satisfied with that and how they --

CHIEF MOORE:
Our cops are good.

LEG. HORSLEY:
I know that, I'm not doubting that.

CHIEF MOORE:
And by the way, in addition to everything else, you know, when a Police Officer advices this dispatcher that he or she is initiating a pursuit, the dispatcher immediately reads off from a card, "All right, don't endanger anybody," you know, they go through the drill, which is appropriate, you know, because sometimes in the heat of the moment we need prompts.

LEG. HORSLEY:
I understand. Thank you very much.

CHAIRMAN EDDINGTON:
Anything on this issue? Okay, part two; civilianization. So I had tabled a resolution because I was going to be getting an updated quarterly information, somehow I had problems with my communication verbally and my e-mail has been down, I think, from getting half of it for the last two weeks which I didn't know. And you were telling me, today you said that this report is the same, status quo.

CHIEF MOORE:
Yeah, that report that you have is for the first quarter, the period January to March. It also includes, I believe, the period from the beginning of this administration, I think you'll see 2004 and 2005 and 2006 as well. And there has been no dramatic change, you know, wave of hirings, for example, from March 31st until today.

My understanding was that it was going to be a quarterly report. If you would like something, you know, more frequent or if you would like to be notified when, for example, we initiate a mass of, you know, hirings for whatever purpose, you know, we can certainly give you that information right away, we don't have to stick to the quarterly report. But my understanding was that you found a quarterly report, so the next report would be after June for the second period and, of course, period-to-date.

LEG. LOSQUADRO:
Mr. Chairman?

CHAIRMAN EDDINGTON:
Yes, Legislator Losquadro.

LEG. LOSQUADRO:
Has Budget Review been furnished with a copy of that report?

CHAIRMAN EDDINGTON:
I don't recall now if they had gotten that; no.

CHIEF MOORE:
Well, again this is -- you know, when you have accountants, you know, they want to view reports in a certain way and the Chairman wanted something that was a little more, forgive me,

understandable. So here you take this, this is what we gave the Chair; that's a copy of what you have sir. And this is in a format that I think --

LEG. LOSQUADRO:
And if you could please get me a copy of that as well.

CHAIRMAN EDDINGTON:
Sure. Well, then, okay? The situation that I've seen is that -- what I had planned on doing yesterday at my office was to sit down with police officers and the administration and go over this because, I mean, there are gaps in it. And quite frankly, as I reach out to officers that positions here, it's not what's happening in the other one where, you know, command and function and now command and function, they're not -- it's in the happening. So -- and my whole thing was that, you know, I would rather ask than legislate, but asking means that I'm just asking, legislation is requiring. And so that I'm going to be asking to put forward the other one so that we won't have to worry about it, it's going to be mandated, and at that time I'm going to want to -- somewhere along the line we're going to have either this committee or a subcommittee to go over -- and I use the same example, when you walk into the Yaphank facility you go in and there's three people that used to be officers to show ID and give you a ticket, you know, so you can go into the building, Police Headquarters, now it's civilians. I want it to be so clear that they used to be here and now they are, in fact, here. And as I talk to people in these positions, that's not what I'm getting.

So I just want to make sure that -- and again, I'm not -- I don't care if there's a hundred civilianization or ten. If it's ten, I want to make sure they have moved to a new position and then I can tell people, "Yes, the County is doing a cost effective way of dealing with this," but I don't want to tell them a hundred and then when I talk to people they go, "That's not happening, that person has been out, they've been out and they just put a new title in. They're still out on leave." I don't want to deal with that, I want it to be real people bodies. So that's what I thought my legislation would do. I hope I -- I wished I could have got it this way but it doesn't seem to, it's still like smoke to me.

CHIEF MOORE:
Yeah, we'd be happy to sit down. As I'm sure you're aware, this report is not prepared by the Police Commissioner himself, it's prepared by the civilians in our Personnel Section and I have every confidence in their abilities. And they cooperate with the Legislature and with the Office of the County Executive and they're very meticulous and they're trying very hard to accommodate you. So I'd be very interested in sitting down and discussing with you the areas where it's not clear to you, but I would have to strongly urge that I bring our people from the Personnel Section, the people who actually prepare the report.

As you know, we prepared the report in a number of different ways to try to explain what's happening and the manner in which it's happening. If you're still not uncomfortable with the format, then you just let us know and we'd be very happy to make whatever other modifications you think we should.

CHAIRMAN EDDINGTON:
Thank you. Legislator Losquadro.

LEG. LOSQUADRO:
Not having had a chance to -- oh, there it comes. Well, without having to go through it, I'll just ask you, are officers from Applicant Investigations still on here? I'm not sure if I'm seeing them. Because I know the last time we had spoken we had some officers from Applicant Investigations back out in the field and now they're back processing the upcoming class, correct?

CHIEF MOORE:
Yes, they are.

LEG. LOSQUADRO:
Okay.
CHIEF MOORE:
Yeah. We had said when the officers were first moved that that was a temporary transfer.

LEG. LOSQUADRO:
Temporary assignment, correct.

CHIEF MOORE:
Yeah, and they were brought back. Now, it is the department's intention to bring civilians into the Applicant Investigation Section. The civilians, their main purpose, of course, is going to be to do the investigations for civilian personnel throughout the County, as well as within the Police Department. But that command can never be civilianized fully because that command does all of the sworn -- Ocean Beach, for example, we don't do the background investigations for that department, but we do it for virtually every other department, Sheriff's Department as well as the Town Police Departments, and we're much more comfortable having police officers doing police background investigations.

LEG. LOSQUADRO:
That's what I was going to ask. There is not an intention to have non sworn officers, even be they retired, investigating our applicants for sworn positions, is there?

CHIEF MOORE:
No. Actually, what we were hoping to do was having former police officers hired as civilians to do the civilian background checks.

LEG. LOSQUADRO:
Because of their investigatory experience.

CHIEF MOORE:
It was just easier from a training perspective, plus we -- you know, they're vetted, we know what we're dealing with.

LEG. LOSQUADRO:
My contention has always been, with Applicant Investigations, that those individuals who are sworn officers in our department have their career at stake. They are the individuals who are the first line of defense, so to speak, to make sure that we are getting the best individuals and screening them, and if someone does slip through and gives the department a black eye, so to speak, that person knows that their career is going to be tarnished by that. Someone who is already retired from another job, already has a pension, if something like that were to come down against them, "All right. Well, it's been nice working here, I already have my pension, I'll go get a security job someplace else." So I've always felt that those individuals who were on the front line for us should be members of our department, and I even feel that way for the civilians. I mean, we can discuss that at a later date, certainly for the sworn officers, but I believe for any positions filled within the department, those individuals who truly have a stake in the matter, who are building their career within the department are those individuals who I believe are going to do the best job and have the most at stake when selecting candidates.

CHIEF MOORE:
Absolutely. You know, but having said that, and I'm sure you would agree, we're as proud of our civilians as we are of our sworn. If you were to be able to come to any police facility, whether it's the Headquarters Building or one of our precincts, wherever our police officers are stationed, and it's the middle of a blizzard, our police officers are there. You know, we expect our police officers to show up, but you know who else comes in? The secretaries, the head clerks, they show up, too. You know, the commitment to police service of our civilians is as strong as the commitment of our police officers.

LEG. LOSQUADRO:
I couldn't agree more, and that's all the more reason why I feel that there shouldn't be any sort of double standard, even within the individuals who are investigating those applicants or the manner in which they're investigated, which was the reason for my polygraph legislation. But like I said, I mean, we can discuss that at a later time, but that's my feeling on Applicant Investigation as a whole, that they should be officers who are sworn members of our department because they're the ones that are building their careers.

CHIEF MOORE:
Well, when it comes to doing background investigations, I'm not sure if the committee is aware that there are different standards for sworn as opposed to civilians, so that's why we're more comfortable having civilian investigators. Although, I mean, in the corporate sector, you know, everyone is a civilian and they're pretty darn good when it comes to security and those kinds of things. So I'm not sure they're any less when it comes to it, but the standard for background investigations of civilians is a lower standard than the background investigation for sworn personnel, and I think that makes sense, you know, intuitively.

LEG. LOSQUADRO:
Absolutely. I mean, within the State Insurance Department, to get your license as an independent appraiser versus an SIU Investigator, Special Investigative Unit, there are different standards that the State Insurance Department will hold you to, background criteria, experience. And generally speaking, a lot of insurance companies will hire retired law enforcement officers to fill those positions because of the State requirement. So I understand that there are different standards.

I know we sort of went off on a tangent here, I was just asking about Applicant Investigation and as far as their redeployment. So I'll take a look through this and I'll be discussing it with the Chairman. Thank you.

CHIEF MOORE:
Okay.

CHAIRMAN EDDINGTON:
Okay, then, I think we're good to go. Thank you, gentlemen.

I had invited the Director of Probation, John Desmond, but he's sick today, to talk about the GPS. However, I did have him in my office earlier this week and he gave me an update and what I will do is reach out to him to have him come to the next committee meeting. I know we're going to get a full report in June, but I can have him give you what he gave me at the next committee meeting, so that's what I'll do.

LEG. LOSQUADRO:
Absolutely. Mr. Chairman, if I may. Obviously this also raised the obvious question to me, being that my legislation put in place the SCRAM, the Secure Remote Alcohol Monitoring devises for DWI offenders. We put that in place, so this raised the obvious question to me, if we've reached the ceiling, as the Commissioner put it, for staffing for our GPS for sex offenders, do we have the staffing to implement and continue to monitor the SCRAM Program? If there is an issue of staffing, I certainly expect the Commissioner to come before this committee and discuss it with us.

CHAIRMAN EDDINGTON:
Sounds good, and I'll reach out to him and have him put that on the agenda.

LEG. LOSQUADRO:
Thank you very much.

CHAIRMAN EDDINGTON:

All right. Anything else? Okay, then let's go to the agenda.

Tabled Resolution

I'll start with Tabled Resolutions ***2514-07 - Requiring a detailed report on the progress of civilianization within the Suffolk County Police Department (Eddington).*** Motion. Second by Legislator Losquadro.

LEG. CARACAPPA:
What's the motion?

LEG. HORSLEY:
To approve.

CHAIRMAN EDDINGTON:
To approve, yes.

LEG. LOSQUADRO:
I'll second that.

CHAIRMAN EDDINGTON:
And second by Legislator Losquadro.

LEG. LOSQUADRO:
Mr. Clerk, if I'm not already a cosponsor, please list me as one.

CHAIRMAN EDDINGTON:
All those in favor? Opposed? Abstentions? Okay, carries.
Approved (VOTE: 7-0-0-0).

IR 1143-07 - A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk county where children are passengers (Viloria-Fisher). This has to be -- I put a motion for table for the public hearing.

LEG. BROWNING:
Second.

LEG. MYSTAL:
Second.

LEG. NOWICK:
Didn't we have a public hearing?

MR. NOLAN:
It was recessed.

CHAIRMAN EDDINGTON:
Second by Legislator Mystal. All those in favor? Opposed? Abstentions? Okay, ***tabled (VOTE: 7-0-0-0).***

IR 1148-07 - A Local Law to prohibit text messaging while driving (Schneiderman).

LEG. BROWNING:
Motion to table.

CHAIRMAN EDDINGTON:
Motion to table by Legislator Browning.

LEG. HORSLEY:
Second.

LEG. LOSQUADRO:
What happened to the public hearing on that?

MR. NOLAN:
It's closed.

LEG. HORSLEY:
Let's table it anyway.

LEG. BROWNING:
Up or down?

LEG. LOSQUADRO:
Motion to approve.

CHAIRMAN EDDINGTON:
Well, let's go on the tabling motion. I have a tabling motion by Legislator Browning and a second by Legislator Horsley.

LEG. CARACAPPA:
On the motion.

CHAIRMAN EDDINGTON:
On the motion, Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Mr. Chairman. I think we should just vote this up or down instead of tabling it. I don't -- I really don't feel it has the support within the body or this committee and these are -- we're getting to the point here with certain pieces of legislation on this agenda that we can't legislate common sense to people constantly, you know. And this is just a common sense thing you should not be doing, texting and driving; just like common sense, you should not be lighting up a cigarette with the windows closed with your kids in the car. You know, how far are we going to go with silly pieces of legislation for the sake of a headline in an election year? We should just be voting these up or down and just get them off our agenda.

LEG. MYSTAL:
Mr. Chair? The best piece, the best quote I've seen on this, somebody said, it was quoted in the paper saying when they ban women putting makeup on when they're driving, they can ban text messaging.

LEG. NOWICK:
Not on my watch.

CHAIRMAN EDDINGTON:
All right, then I think I have a motion to withdraw the tabling?

LEG. BROWNING:
Sure.

LEG. HORSLEY:
Sure.

CHAIRMAN EDDINGTON:
Okay. So then I have a motion to approve by Legislator Caracappa?

LEG. CARACAPPA:
For the purpose of defeating.

CHAIRMAN EDDINGTON:
And a second by Legislator Losquadro. Okay, on the motion; all those in favor? Opposed?

LEG. BROWNING:
Opposed.

LEG. CARACAPPA:
Opposed.

CHAIRMAN EDDINGTON:
Any abstentions? Okay, ***motion is defeated (VOTE: 0/7/0/0).***

IR 1163-07 - To enhance the requirement for consideration as a Suffolk County Depository Bank.

LEG. BROWNING:
Motion to table.

LEG. LOSQUADRO:
What about 62?

CHAIRMAN EDDINGTON:
Motion to table by Legislator Browning.

LEG. HORSLEY:
Second.

CHAIRMAN EDDINGTON:
Second by Legislator Horsley. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7-0-0-0).***

IR 1186-07 - Appoint a member to the Suffolk County Citizens Corp Council (Michael LeBate)(Presiding Officer Lindsay). Is he present?

LEG. BROWNING:
No, he's not.

LEG. NOWICK:
He wasn't here the last time.

CHAIRMAN EDDINGTON:
Okay, then I'm going to make a motion to table.

LEG. LOSQUADRO:
I'll second that.

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

IR 1243-07 - A Local Law to authorize penalties against motorists when snow or ice is dislodged from their moving vehicle causing personal injury or property damage (Cooper).
Do I have a motion?

LEG. CARACAPPA:
Is the public hearing closed?

MR. NOLAN:
It's closed.

LEG. CARACAPPA:
On the motion.

CHAIRMAN EDDINGTON:
We don't have a motion. Does anybody want to make a motion?

LEG. MYSTAL:
How about a motion to approve for the subject of defeating?

LEG. CARACAPPA:
No motion, let it fail.
LEG. MYSTAL:
No motion, let it fail?

LEG. CARACAPPA:
It fails for lack of a motion.

CHAIRMAN EDDINGTON:
Well, I'll make a motion to approve so we can just deal with it.

LEG. HORSLEY:
I thought we were.

LEG. CARACAPPA:
I'll make --

LEG. NOWICK:
Second.

LEG. CARACAPPA:
Okay.

CHAIRMAN EDDINGTON:
Legislator Nowick seconds it, okay.

LEG. CARACAPPA:
On the motion again.

CHAIRMAN EDDINGTON:
On the motion.

LEG. CARACAPPA:
Yeah, same speech, I won't go through it. Actually, my car, a couple of years ago in a snow storm, a piece came up, shattered my windshield so, you know, there is some merits to the dangers of what happens here. But the enforcement aspect of it is going to be very difficult, number one. And number two, this is common sense as well. You know, it's dangerous to smoke with your kid in the car, it's dangerous to text message and drive; this is common sense. Anyone that has snow on top of their car, you clean it off, you know it can be a hazard. Again, we should not be legislating common sense. I'm sorry I said the speech, I said I wouldn't say it again but I did.

CHAIRMAN EDDINGTON:
Legislator Nowick.

LEG. NOWICK:
I think that Legislator Caracappa is correct in what he's saying. But I have to say, after this bill was introduced, I watched a truck in the opposite direction, he carved out two little circles and that's how he was driving. And although this is a little broad, this piece of legislation, maybe some day there will be a piece of legislation with a little bit more detail. Because it is a problem, I mean, he's got a point here with this. But I think when I hear about the buses, I don't know how you start -- although buses probably don't go on a snowy day anyway, they cancel school.

LEG. BROWNING:
Yes they do.

LEG. MYSTAL:
Yes they do.

LEG. BROWNING:
I can tell you that.

CHAIRMAN EDDINGTON:
Okay, Legislator Losquadro.

LEG. LOSQUADRO:
On the motion, just very quickly; I certainly don't want to belabor this point. But in that same VTL, the Police do have the ability and a motorist does have the responsibility to provide a clear line-of-site out of their vehicle. So if their windows are obstructed, such as that individual carving out circles to drive, he doesn't have proper peripheral vision, he doesn't have proper line-of-site out of his vehicle, the Police can stop that individual and ticket them given the current law, so.

CHAIRMAN EDDINGTON:
I would look to also address that, on the motion. The sponsor did tell me that it would help an accident victim with litigation, having the law on the books. Not that I'm saying that that's a good -- you know, enough, but that's what he did say. And the other thing is that my wife, the Assemblywoman whose windshield was disabled about a month ago and it's costing me $500, said to make sure you look at this carefully, so I'm just putting that there.

LEG. CARACAPPA:
You looked now. That's on the record now, Mr. Chairman; you're covered.

LEG. HORSLEY:
You don't have glass under your insurance?

CHAIRMAN EDDINGTON:
No, I have a deductible, unfortunately.

LEG. HORSLEY:

Dan will fix you.

LEG. NOWICK:
Talk to Dan.

CHAIRMAN EDDINGTON:
Yeah, we'll talk later. So we have a motion and a second.
All those in favor? Opposed?

LEG. BROWNING:
Opposed.

LEG. HORSLEY:
Opposed.
CHAIRMAN EDDINGTON:
Opposed. Abstentions? Okay, ***it fails (VOTE: 0-7-0-0).***

Introductory Resolutions

IR 1268-07 - Accepting and appropriating 75% Federal pass-through grant funds from the New York State Division of Criminal Justice Services in the amount of $177,812 to enhance the web-based implementation of Probation's Automated Caseload Explorer System and authorizing the County Executive to execute related agreements (County Executive).

LEG. LOSQUADRO:
Motion.

LEG. BROWNING:
I'll make a motion.

CHAIRMAN EDDINGTON:
Motion to approve by Legislator Losquadro, second by Legislator Browning. All those in favor? Opposed? Abstentions?
It passes (VOTE: 7-0-0-0).

IR 1299-07 - Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance grant to the Suffolk County Probation Department and the Sheriff's Office (County Executive).

LEG. LOSQUADRO:
Motion to approve and place on the consent calendar.

CHAIRMAN EDDINGTON:
Motion to approve -- absolutely, Legislator Losquadro, second by Legislator Browning. All those in favor? Opposed? Abstentions?
It passes (VOTE: 7-0-0-0).

IR 1314-07 - Appropriating funds for the expansion of the Sheriff's Enforcement Division at the Criminal Court Building (CP 3013) (County Executive).

LEG. CARACAPPA:
Motion.

CHAIRMAN EDDINGTON:
Motion to approve by Legislator Caracappa, second by Legislator Losquadro.

LEG. LOSQUADRO:
No.

CHAIRMAN EDDINGTON:
Oh, Legislator Nowick. All those in favor? Opposed? Abstentions?
Approved (VOTE: 7-0-0-0).

IR 1316-07 - Donating decommissioned body armor vests to the United States Department of Defense to protect our citizen-soldiers.

LEG. BROWNING:
I'll make a motion.

CHAIRMAN EDDINGTON:
Motion to approve by Legislator Browning.

LEG. BROWNING:
Cosponsor, please.

CHAIRMAN EDDINGTON:
I'll second that and also would like to be a cosponsor.

LEG. HORSLEY:
Co.

LEG. CARACAPPA:
On the motion, Mr. Chairman.

CHAIRMAN EDDINGTON:
On the motion, Legislator Caracappa.

LEG. CARACAPPA:
You're well aware of this, Mr. Chairman. I'm concerned when we talk about decommissioned body armor vests, because in our attempts to provide them for our Auxiliary Police Officers, they have been told that due to insurance problems, they need to be recondition before we could even donate them or give them to other personnel. What I'd like to know is are we giving reconditioned vests that we wouldn't be putting actually someone in harm's way, a vest that's old or not viable anymore?

LEG. HORSLEY:
Thinking they're protected and not being protected.

CHAIRMAN EDDINGTON:
My understanding is that it's to be used, you know, underneath seats and things to enhance --

LEG. CARACAPPA:
Oh, good.

CHAIRMAN EDDINGTON:
-- the capabilities.

MR. ZWIRN:
If I might, Mr. Chairman?

CHAIRMAN EDDINGTON:

Mr. Zwirn, yes.

MR. ZWIRN:
Legislator Caracappa asks a very good question, because of the way the language even in the bill itself. These are not used as bullet-proof vests anymore, that period has -- the warranty is gone. What they use them for is to protect our troops overseas from shrapnel, from these bombs that are going off, IED's that are going off.
LEG. HORSLEY:
Sticking underneath the seats and stuff, yeah.

MR. ZWIRN:
So it stops the shrapnel but it might not be useful to stop a bullet.

LEG. CARACAPPA:
All right. Again --

MR. ZWIRN:
They stuff them in all the places where the Federal Government did not.

LEG. CARACAPPA:
It's just a question based on the language, it needed to be asked.

MR. ZWIRN:
Yes; it was a good question.

LEG. CARACAPPA:
Thank you.

LEG. NOWICK:
Tim, cosponsor.

LEG. LOSQUADRO:
Cosponsor.

CHAIRMAN EDDINGTON:
Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0).***

IR 1323-07 - Modifying County policy in connection with Medical Examiners at the Suffolk County Correctional Facilities to conform to sound practices and prudent fiscal policy (County Executive).

MR. ZWIRN:
If I might, Mr. Chairman?

CHAIRMAN EDDINGTON:
Yes.

MR. ZWIRN:
We're asking this to be --

LEG. LOSQUADRO:
(Inaudible).

MR. ZWIRN:
What happens, when inmates go for examinations, medical examinations at the jail, there was a

lawsuit that was filed, it was an incident that there was an allegation that there was a male medical examiner, one of the female inmates said that he had acted inappropriately. As a result of that, Legislator Schneiderman put in legislation saying that there -- the intent was if there's a female inmate that comes in and there's a male medical attendant, that there should be a female chaperone in the room for everybody's protection, for the attendant and also for the inmate.

The way the bill was originally constructed, the cost to the County, we would have had to hire approximately eight attendants to cover both male and female. Even though originally it was designed to cover female inmates and not male inmates, 90% of the jail is male and it caused a lot of confusion in the medical department at the jail. We have reached language where we think we have a good approach. We will have a short presentation before the full Legislature, we'll ask for a Certificate of Necessity so we can get this done because the attendants at the jail are asking for some clarification. And we have reached an agreement on the language with Legislator Schneiderman who is the original sponsor and hopefully we can get this resolved before the meeting on Tuesday, but this language in and of itself is not sufficient to do that.

CHAIRMAN EDDINGTON:
Okay, Legislator Losquadro.

LEG. LOSQUADRO:
If I could just make one other suggestion. The term Medical Examiner is a specific medical term.

MR. ZWIRN:
Yeah, I know, I know what you mean.

LEG. LOSQUADRO:
So in reading this, it was confusing. So, you know, medical attendant, those performing medical examinations.

MR. ZWIRN:
Right; I understand what you're saying.

LEG. LOSQUADRO:
But if we could correct the term medical examiner as well, because I'm looking at this saying, "Do we have that many" --

MR. ZWIRN:
We don't need a chaperone if we have the Medical Examiner.

LEG. LOSQUADRO:
Yeah.

MR. ZWIRN:
If the Medical Examiner is in there, a chaperone is probably unnecessary at that point.

LEG. LOSQUADRO:
And how are they going to waive that right? So if you can just make that change as well. Thank you.

MR. ZWIRN:
If you lived in the City of Long Beach, you could still waive that, that was still a possibility.

LEG. LOSQUADRO:
Or Chicago.

CHAIRMAN EDDINGTON:
Okay. So then I'll make a motion to table.

LEG. BROWNING:
Second.

CHAIRMAN EDDINGTON:
Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7-0-0-0).***

Home Rule Messages

Home Rule Message No. 4 - Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Assembly Bill A.1314)(Presiding Officer Lindsay).

LEG. CARACAPPA:
Motion, Mr. Chairman.

CHAIRMAN EDDINGTON:
Motion to approve by Legislator Caracappa, I'll second that.
All those in favor? Opposed? Abstentions? ***Carries (VOTE: 7-0-0-0).***

Memorializing Resolutions

Memorializing Resolution No. 11 - Memorializing Resolution in support of HR 1314 to provide that only certain forms of identification may be accepted by the Federal government and financial institutions (Romaine).

LEG. LOSQUADRO:
Motion to approve.

LEG. MYSTAL:
On the motion.

CHAIRMAN EDDINGTON:
On the motion, Legislator -- what motion? I don't think we -- oh, motion to approve I heard. All right, I'll second that. On the motion, Legislator Mystal?

LEG. MYSTAL:
1314 --

CHAIRMAN EDDINGTON:
That's not --

LEG. CARACAPPA:
House of Representatives.

CHAIRMAN EDDINGTON:
Right, it's the House of Representatives.

LEG. MYSTAL:
That's Federal; okay, fine.

CHAIRMAN EDDINGTON:
Right. Any other discussion?

LEG. HORSLEY:
It just happens to have --

LEG. MYSTAL:
It has the same number.

LEG. HORSLEY:
That's interesting.

CHAIRMAN EDDINGTON:
Any other discussion?

LEG. BROWNING:
Can we get an explanation?

CHAIRMAN EDDINGTON:
Yeah; Counsel, could you give us a little information on that?

MR. NOLAN:
It establishes standards for acceptable identity, identification by financial institutions and the Federal Government and some of the identification that would be acceptable would be a Social Security card with a photo ID, a passport, and I think there's one or two other items that would be acceptable forms of identification at a financial institution or if a person goes to a Federal office.

CHAIRMAN EDDINGTON:
We're not talking library cards, are we?

MR. NOLAN:
No library cards.

CHAIRMAN EDDINGTON:
Okay.

LEG. MYSTAL:
Question to the Counsel.

LEG. HORSLEY:
It's in the Patriot Act anyway.

CHAIRMAN EDDINGTON:
Yes; Legislator Mystal has a question for you, Counsel.

MR. NOLAN:
Go ahead.

LEG. MYSTAL:
That would mean if I wanted to open a bank account and I go to Chase Manhattan Bank, I have to provide Chase Manhattan Bank with a passport, Social Security number and everything else?

MR. NOLAN:
You would have to provide one of the forms of identification that are identified in this House of Representatives Bill, yes.

LEG. MYSTAL:
Doesn't the bank already require that you present them with a Social Security number, card?

MR. NOLAN:
I --

LEG. NOWICK:
Not a card, just the number.

MR. NOLAN:
I don't --

LEG. MYSTAL:
Not your card, just the number.

MR. NOLAN:
I'm thinking no because this bill asks for and identifies certain forms of identification that have to be presented.

CHAIRMAN EDDINGTON:
Okay, we have a motion.

LEG. BROWNING:
What if you don't have a Social Security card?

CHAIRMAN EDDINGTON:
Question from Legislator Browning.

MR. NOLAN:
Well, you can also -- you can have a passport or a photo ID card issued by Homeland Security.

CHAIRMAN EDDINGTON:
Or a Tax ID number, I would assume?

MR. NOLAN:
Forms of acceptable -- "Social Security card with photo ID card, a passport or a photo ID card issued by Secretary of Homeland Security, acting through the Director of U.S. Citizenship and Immigration Services"; those are the acceptable forms.

CHAIRMAN EDDINGTON:
Okay. We have a motion and a second. All those in favor?

LEG. MYSTAL:
What's the motion, to table?

CHAIRMAN EDDINGTON:
Motion to approve, to approve. All those in favor?
LEG. MYSTAL:
I abstain.

CHAIRMAN EDDINGTON:
Opposed? Abstain?

LEG. MYSTAL:
Abstain.

CHAIRMAN EDDINGTON:
One abstention. ***Approved (VOTE: 6-0-1-0 Abstention:***

Legislator Mystal).

Do we have another one here?

LEG. CARACAPPA:
No, that's it.

CHAIRMAN EDDINGTON:
Okay. Thank you for being here today. I'm going to ask the committee if they could just step into the lounge area and the County Attorney is going to just talk to us for a minute.

LEG. HORSLEY:
County Attorney or our attorney?

CHAIRMAN EDDINGTON:
County Attorney.

(*The meeting was adjourned at 11:24 AM*)

Legislator Jack Eddington, Chairman
Public Safety Committee

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