

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 May 10, 2007.

Members Present:

Legislator Jack Eddington - Chairman
Legislator Kate Browning - Vice-Chair
Legislator Wayne Horsley
Legislator Ele Mystal
Legislator Joseph Caracappa
Legislator Daniel Losquadro
Legislator Lynn Nowick

Also In Attendance:

George Nolan - Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk/Suffolk County Legislature
Robert Calarco - Aide to Legislator Eddington
Katie Horst - Aide to Legislator Eddington
Barbara LoMoriello - Deputy Chief of Staff to Presiding Officer Lindsay
Linda Burkhardt - Aide to Presiding Officer Lindsay
Bobby Knight - Aide to Presiding Officer Lindsay
Paul Perillie - Aide to Majority Leader
Linda Bay - Aide to Minority Leader
Lori Murphy - Aide to Legislator Losquadro
Jim Maggio - Budget Review Office
Ben Zwirn - Assistant County Executive
Brian Beedenbender - County Executive Assistant
James Dahrough - County Executive Assistant
Lynne Bizzarro - Chief Deputy County Attorney
Robert Kearon - Division Bureau Chief/District Attorney's Office
Robert Moore - Chief of Department/Suffolk County Police Department
Robert Ponzio - Assistant Chief of Patrol/Suffolk County Police Dept
Aristedes Mojica - Inspector/Chief of Dept's Office/SCPD
Kenneth Rau - Chief of Detectives/SCPD
Donald Papavero - Lieutenant-Special Patrol/SCPD
Joan Jesinger - Public Relations Asst-Police Headquarters/SCPD
Tom Muratore - Vice-President/Police Benevolent Association
Vito Dagnello - President/Correction Officer's Association
Matt Bogart - 1st Vice-President/Correction Officer's Association
Mike Sharkey - President/Deputy Sheriff's Police Benevolent Association
Tim Morris - Vice-President/Superior Officer's Association
Joe Williams - Commissioner/Fire, Rescue & Emergency Services
Brad Maier - Deputy Commissioner/Fire, Rescue & Emergency Services
John Desmond - Director/Suffolk County Probation Department
Patrice Dlhopsky - Principal Probation Officer/SC Probation Dept

Ed Langan - Principal Probation Officer/SC Probation Department
Andrea Neubauer - Principal Probation Officer/SC Probation Department
Bill Maddock - Principal Probation Officer/SC Probation Department
Ken Grams - Principal Probation Officer/SC Probation Department
Paul Scimeme - Principal Probation Officer/SC Probation Department
Danny DelValle - Vice-President/Probation Officer's Association
Rocco Turso - Suffolk County Probation Officer's Association
Cheryl Felice - President/Association of Municipal Employees
Deborah McKee - 4th Vice-President/Association of Municipal Employees
Debra Alloncius - Legislative Director/Association of Municipal Employee
Laura Ahearn - Executive Director/Parents For Megan's Law
Hope Collazo - Director/Community Service Program-American Red Cross
Debbie Eppel - Public Information Office
Douglas Death - Chair/Transportation Advisory Board
Danny DelValle - Vice-President/Probation Officer's Association
Catherine Hoake - Suffolk County League of Women Voters
Dr. Frank Dowling - President/Suffolk County Medical Society
Mike Labate - Nominee/Suffolk County Citizens Corps Council
All Other Interested Parties

Minutes Taken By:

Lucia Braaten - Court Stenographer

Minutes Transcribed By:

Alison Mahoney - Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 9:40 AM]

CHAIRMAN EDDINGTON:

Okay, Ladies and Gentlemen, I'd like to get started. And we'll start with Legislator Wayne Horsley giving us the flag salute.

Salutation

If we could remain standing for a moment of silence for all those involved in public safety, abroad and domestically.

Moment of Silence Observed

How are we doing on the presentation, ready? Okay, I have for the public portion, Frank Dowling, if he would come forward. Good morning, sir.

DR. DOWLING:

Good morning. Should I just get started?

CHAIRMAN EDDINGTON:

You can go any time you're ready.

DR. DOWLING:

Okay, thank you. I'm a physician in Suffolk County with an office in Smithtown and currently I'm President of the Suffolk County Medical Society and I'm here speaking on behalf of the Board of Directors and the physician members of the Medical Society, and most importantly your constituents and our patients that we take care of. And I'm here in support of IR 1143-2007, a law to protect children by prohibiting smoking in motor vehicles.

I think the committee is well aware of the risks of environment tobacco smoke, or secondhand smoke. The data has been there for years from the EPA, from the Surgeon General's Office; the

Surgeon General offered a detailed report in June of 2006 that's available for your review. I want to focus on, in particular, the dangers of ETS or secondhand smoke in our children. It's estimated that up to 300,000 cases of lower respiratory infections, these would be bronchitis or pneumonia, more serious infections in children are caused by secondhand smoke; up to 15,000 hospitalizations a year in children under 18 months because of secondhand smoke exposure.

Secondhand smoke in children leads to increased fluid in the inner ear, that leads to hearing difficulties. This also leads to increased ear infections in children, which leads to hearing difficulties during these infections which often are chronic and recurrent in children exposed to secondhand smoke. Either way, the fluid in the ear or the ear infections can lead to long-term hearing loss, which also then leads to learning disabilities in children. It doesn't make sense to me that we would choose to smoke in front of our kids, even if we choose to smoke ourselves. As uncommon in children, as our environment is deteriorating, it's getting worse, it's becoming more common. Secondhand smoke, or ETS, is a huge cause of new onset of asthma and worsening of asthma, including hospitalizations in our children.

I think the committee is also aware of some of the dangers of smoking during pregnancy, that this leads to growth delays, this can lead to neurological or developmental problems, learning disabilities such as Attention Deficit Disorder. This does not stop after birth; children are still exposed to the same risks, growth delays and neurodevelopmental problems, learning problems. And even worse, SIDS is correlated with secondhand smoke.

Suffolk County has had a fine tradition of being proactive on public health issues for the public good, and the Suffolk County Medical Society has long appreciated and respected that. The only opposition I think someone can come up with is it's my right to choose to smoke. I have no argument with that; as a physician, of course I advise people not to. It's not my right to choose to harm other people by my behaviors. We've legislated about seat belts and car safety seats for our children, we've legislated about cell phone use in cars, why? Because it places people at risk. We strongly support this bill and I really appreciate you allowing me to speak with you today.

CHAIRMAN EDDINGTON:

Thank you very much, Doctor. If you could just wait one second, Legislator Mystal would like to ask you a question.

DR. DOWLING:

Yes.

LEG. MYSTAL:

Good morning. Since we are in the Public Safety Committee, one slight question; how do we enforce it?

DR. DOWLING:

I think we enforce it the same way we enforce the cell phone laws, and I think we leave it up the --

LEG. MYSTAL:

Which is not being enforced.

DR. DOWLING:

Well, I would suggest that we can leave that up to our Police Department to prioritize how they enforce. I would also suggest, just like we occasionally set up our areas where we check people's inspection stickers and their registration because we know uninspected vehicles and unregistered vehicles are more dangerous and cause more accidents, that maybe there could be a couple of times a year where people do that and then look at those same things and look at people smoking in vehicles where there are children. We're not going to get everyone to quit smoking in vehicles, just like we're not going to get everyone to stop using cell phones in vehicles. But I would bet that we've

decreased cell phone use by, I don't know, 30 to 50%; that means it's not perfect but the roads are safer. If we can decrease smoking in vehicles by 30 or 50%, it's not perfect, but I'll take it because that could be a 30 to 50% reduction in pneumonias, asthmas, hospitalizations, developmental delays caused by secondhand smoke to our children. Any other questions?

CHAIRMAN EDDINGTON:

Thank you very much, Doctor.

DR. DOWLING:

Thank you.

D.P.O. VILORIA-FISHER:

Can I just thank him for being here?

CHAIRMAN EDDINGTON:

Sure.

LEG. VILORIA-FISHER:

The mike is broken; thanks.

CHAIRMAN EDDINGTON:

Okay. Debra Alloncius.

MS. ALLONCIUS:

Good morning, members of the Legislature. I'm here to speak on Jack Eddington's Resolution, 1362. AME strongly supports Legislator Eddington's resolution and hopes for expedient passage of same. Any and all help that we can afford our brave employee members and members of the Armed Forces, especially assistance such as important as this which may save lives, should be voted out of committee and be presented to the full Legislature for a vote as soon as possible. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much. Is there anybody that would like to speak before the committee? Seeing none, then I will call Cheryl Felice, the President of AME for her presentation, and any colleagues.

MS. FELICE:

Good morning.

CHAIRMAN EDDINGTON:

Good morning.

MS. FELICE:

Good morning, Chairman Eddington, Members of the committee. My name is Cheryl Felice, I'm President of AME. And with me is Debra McKee who is the 4th VP, and also a Police civilian member of Suffolk County, so she's the new liaison to all of our workers in the Police, Sheriff's Office and the civilians in the Probation Office.

We're here today to talk to you about a situation that came to our attention a little more than two months ago which calls for outsourcing some of the Police helicopter maintenance work, and a situation that brings to mind an issue of public safety that we'd like to share with you today. Debra's going to go through the issue, the bid LW7-23087, which is calling for the inspection and repair of the Police helicopters to be done by outside sources other than which is currently provided by four AME helicopter mechanics that are fully employed, full-time employees, AME members. They're full-time employees of the Police Department, they all are FAA certified and they all have successfully passed a background investigation that this respected body has been talking so much about as of late.

All of those members are dedicated members and take pride in the partnership we form with

members of the Police Department and the civilian staff in performing a service that is so vitally needed for Suffolk County residents. So with that, Debra will begin the presentation.

MS. McKEE:

As Cheryl stated, we represent four helicopter mechanics employed by the Police Department in the Aviation Section. These four mechanics have a dedication to their profession and their employer that is second to none. Among the four of them, they have over 90 years of experience and can, in fact, completely dismantle and rebuild the helicopters we currently own, in addition to being able to trouble-shoot any issues with the newest helicopter we just took delivery of on April 16th.

Our presentation will clearly show that it is far more prudent in terms of safety, mission, security and fiscal responsibility to keep this important work in-house. And in fact, if the Police Department were to hire two additional mechanics now in 2007 and not wait until 2008 as they are currently proposing in their budget, instead of running to outsource, simply designate two of these four mechanics who are already FAA certified to process all the FAA required paperwork as lead mechanics; that's how customs at Islip McArthur does it. This would streamline the department further, achieving more air time while maintaining safety and security at its highest level.

This is clearly a growing division. Our newest helicopter arrived April 16th. During an early test flight, there was an apparent issue in that an engine failure light was displayed during that flight. The helicopter was immediately landed at the east end base, one of our AME mechanics responded to trouble-shoot the problem. He sent his results to the lab; in short order we had the results, the problem was addressed and the helicopter was back in service. If we were to outsource, we lose all control over who works on our equipment as well as downtime involved for both personnel and machine.

Industry standards require that our helicopter is accompanied by pilot and mechanics to oversee their work and dialogue with them during the process. It makes no sense to send our FAA certified mechanics to their facility to watch them do work that we can do right here at home. Hire the two additional mechanics that are needed to service this department and this new helicopter and get them acclimated and in place immediately. In addition, overhaul and streamline the paperwork by dedicating appropriate manpower to this essential task of maintaining the log book to FAA standards; this protects the mechanics, the pilots, the Police Department and the County. Designate these two lead mechanic positions, one per shift, in addition to their maintenance tasks, thereby keeping it FAA standards without any additional manpower. We don't compare to larger operations such as Los Angeles County with a larger infrastructure. We don't have the personnel to dedicate, to make changes to manufacturers' maintenance schedules, with all the industry updates to conform to FAA paperwork. What we do have are four dedicated individuals, two of whom are FAA certified, making sure it all gets incorporated correctly on a continual basis.

These four mechanics do it all. As I stated before, they have over 90 years of experience among them in this industry. All four keep up with ongoing training and certifications, they can troubleshoot any problem any pilot comes to them with. The dialogue and trust between our pilots and mechanics is something this County simply cannot put a price on. It's been said, "A pilot never returns a helicopter better than he got it, but a mechanic always does." While the pilot may be done as soon as he finishes the flight and walks away from the machine, the mechanic's work is ever ongoing. During a recent routine inspection of our N-354 PD helicopter, the newest of the A-Stars with only 700 hours on it, it was discovered by our mechanics that the drive shaft coupling was worn -- this was during a routine inspection -- because the manufacturer hadn't torqued it correctly. This is a potential catastrophic failure and this particular part, according to the manufacturer, wasn't even due to be looked at for another 300 hours.

Another recent routine inspection on our AS-350-B2 helicopter ran over and the east end base had to be closed for four days. What held up the inspection? We had to stand by and wait for a day and a half for a part because we, Suffolk County, was on credit hold with American Eurocopter. Another helicopter, the N-902-PD, is currently out of service for an oil leak and we're on back order for parts and tools from MD Helicopters. At the very least, keep the labor in-house as opposed to outsourcing

the work, this allows you flexibility to move manpower from machine to machine when situations like this occur.

MS. FELICE:

The situation that Debbie is outlining, and has just a few more slides til it's conclusion, is a serious problem that we wanted to make sure everyone on the Legislative body was aware of.

According to a recent report from Consumer Reports in March of 2007, it was stated that, "Outsourcing air safety is an accident waiting to happen." They are -- the private aviation repair stations are being operated by unlicensed, unscreened mechanics that are contrary to FAA regulation. There's a new term also in the Aviation Division called body shops, and body shops are not just for cars anymore. Body shops are being referred to as aviation employment agencies who provide bodies for hire who are, again, without certification, without supervision and are fatigued which lead to an increased degradation of quality and safety in today's air force -- in today's airline, a situation that is only going to grow with potential catastrophic potential if we allow Suffolk County's fine work, being done currently by AME members, to be outsourced in any way, shape or form. Again, these are Suffolk County Police Pilots that they are protecting on behalf of the 1.5 million residents in Suffolk County and a staggering, staggering situation that Debbie has outlined.

MS. McKEE:

All Police Department personnel are criminally background checked prior to employment. More than ever in our post 9/11 era world, we are the source for the security, safety and the mission. We clearly have the best personnel here in-house; they have tremendous commitment and resources right within this group of four civilians. Can we say the same for any outside sources? Let's make the most of what we have within before we start running out the door to other agencies to do it for us. It makes no sense to take a helicopter out of service, out of the County no less, along with the required personnel to escort it and babysit the other agency while it performs the work we can already do right here in Suffolk. Our newest helicopter arrived four months overdue; how can we be sure any repair issue we give to an outsider will be timely and what recourse would we have?

MS. FELICE:

Again, if you look at the cost for an AME helicopter mechanic in Suffolk County, they are currently at a grade 23; the starting salary is \$49,000 and goes up to \$75,000. Again, we can't repeat enough, all are FAA certified, two are members of the Professional Aviation Mechanics Association and all, again, successfully submitted and passed a background investigation.

Another interesting fact, for those who are aware of Labor Law. The public employee mechanics are prevented from striking because of the Tailor Law. Private companies can strike, and especially if you don't -- if they're not even controlled by a labor organization who says when they come to work and when they don't. But the guarantee that you have in public employees is that they have to show up at that job every day or there's a job action considered if they don't.

Another startling statistic is aviation outsourcing and what it means to public safety. An aviation repair shop, a private company, Timco in North Carolina, 27 illegal aliens were arrested at that facility by Immigration and Customs Enforcement. Two were found to be on the "Special Interest List for Terrorist Activity", one was wanted in connection with a murder.

Again, we can't say it enough, oppose outsourcing of Suffolk County Police helicopter maintenance. All maintenance is civilianization at its best; safe and secure for residents, safe and secure for families in Suffolk. Thank you.

CHAIRMAN EDDINGTON:

Well, thank you. Safety and security, you're in the right place to make your presentation. Legislator Nowick would like to ask you a question.

LEG. NOWICK:

I'm sitting here listening to this presentation; this is just like icing on the cake, some of these. But we have four helicopter mechanics that are in AME --

MS. FELICE:

Correct.

LEG. NOWICK:

-- that are there that can do the job. Why -- what am I missing; why then?

MS. FELICE:

That's the question we ask of --

LEG. NOWICK:

We know them, we trust them; what are we missing?

MS. FELICE:

Well, that's the question. We have entered a dialogue with members of the Police supervision staff over at aviation, apparently there's an issue over some downtime. But as Debbie spoke to you, there was downtime for those Police mechanics while they were waiting for a part that could not be sent because there was a credit issue with Suffolk County. So clearly, what AME has seen, whenever there's an attempt to privatize, is it's usually a failure, a management failure in some sense. And when efficiencies are breakdown, the quick solution seems to be to put a band aid on it and let the private sector do it. There's this adage that business, private sector does it better; well, that's not always the case. In some cases there is a need for private contractors, as AME has stated in other presentations, but perhaps there is a growing need and the four mechanics cannot maintain the level of repairs they have been expected to maintain in the past, which is why we believe that the Police Department is right on track with needing to hire and suggesting to hire two more.

I originally had a conversation with Legislator Eddington on the fact that there was no clerical to assist the mechanics in processing the paperwork, they had to do all the paperwork. I have since learned that because of FAA regulations, they are the ones who are responsible for the paperwork solely and why they have to do everything, including the paperwork when they complete their repairs. But it seems prudent that the Police Department is already -- has already set their sites on hiring two additional mechanics, that's the way to go.

LEG. NOWICK:

So then there'll be six.

MS. FELICE:

And then there'll be six.

LEG. NOWICK:

And two of them are licensed?

MS. FELICE:

No, they're all FAA licensed. There's another fraternity organization, the Professional Aviation Mechanics Association.

LEG. NOWICK:

But all FAA licensed.

MS. FELICE:

All FAA certified.

LEG. NOWICK:

And one of the concerns was the downtime?

MS. FELICE:

The concern was the downtime. Again, our mechanics have been well versed enough and they are picking up mistakes from the manufacturer which -- so where a routine inspection was being completed in one of the cases that Deborah cited, an additional problem was found that was actually a manufacturer problem which caused unexpected delays, but not because of the mechanics.

LEG. NOWICK:

Because of waiting for parts.

MS. FELICE:

Because of the parts. And perhaps, you know, perhaps that was misinterpreted at the time, I don't know. But I think what we would like to -- we're very glad that you took the time to listen to our presentation and certainly to Chairman Eddington for inviting us down. It's an issue that doesn't -- that doesn't only border on employment, it borders on public safety for the entire County.

LEG. NOWICK:

Well, that's why your presentation was so good, because from looking at these figures, we don't know; we don't know what the civilian corporations or companies have, and this is a little scary here.

MS. FELICE:

You're right; you have no idea who will be working on those machines and this you do. These are people who are invested in this County, they have their families in this County. We talk about in this Legislature, and I know through the County Executive's Office, about the brain-drain that's leaving Suffolk County. These individuals, upon learning of this contract, were already looking at other outside employment in the fear that they would not have their jobs.

LEG. NOWICK:

How many years have the four been there?

MS. FELICE:

It was a --

LEG. NOWICK:

I mean, I know there was 90 years of service, but how many years have they been there in their positions in the County?

MS. FELICE:

Between four and 12 the current.

MS. McKEE:

We have two of them who have, I believe, 14 and 16 years each.

LEG. NOWICK:

So, if we civilianized, what happens to these four people, are they just --

MS. FELICE:

You've already civilianized.

LEG. NOWICK:

Well --

MS. FELICE:

This is a civilian --

LEG. NOWICK:

The outsourcing, I'm sorry.

MS. FELICE:

If you outsource.

LEG. NOWICK:

What happens to those four?

MS. FELICE:

You would determine that. If they're not in the budget anymore, then they don't have a job.

LEG. NOWICK:

Okay, thank you.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. In discussing some of these delays, I know we've had significant problems not attributed to the maintenance staff with our McDonnell Douglas equipment, the MD --

LEG. CARACAPPA:

902's.

LEG. LOSQUADRO:

902's; I was going to say 905, 904's, I couldn't remember. The MD-902 models, when you alluded to the problems, manufacturer-based problems, is that what you were referring to?

MS. FELICE:

Those were -- those were one of the issues that were cited. There were two in particular; one was a manufacturer issue, the other was a credit issue with purchasing.

LEG. LOSQUADRO:

I don't see how either of those, especially with all the testimony that this committee has heard both this year and in past cycles of this Legislature, the problems that we've experienced with those MD-902 models; we did trade one of them in but we still have one in service.

MS. McKEE:

That's correct.

LEG. LOSQUADRO:

But I don't see how delays can be attributed to our maintenance staff when we've heard testimony over and over again regarding defects in manufacturing process, shortened life expectancy of replacement parts, things of that nature. And then to compound that with problems within our Purchasing Department, I don't see how either of these problems can be attributed at all to our maintenance staff. So if that's what, you know, someone's hanging their hat on, so to speak, we're talking about the inefficiency of maintenance staff, I don't see that that argument holds any water.

MS. FELICE:

Well, we certainly recognize the obstacles that other divisions are presented with as well. We merely offered those two case studies as a defense as to if that is what's being attributed to the

inefficiencies of this particular group of we -- we strongly disagree with, then perhaps that was misplaced.

LEG. LOSQUADRO:

And being that we did trade one of those units in, I would expect to see a marked increase in efficiency at this point, and when we finally get rid of that last model, I would expect to see a further increase in efficiency in our maintenance. So, at this point, I think it would be prudent to see with the removal of one of those models where the efficiency of these civilianized maintenance workers is, if the criticism has been that they have not been sufficiently efficient, and let that run its course to when we remove the last MD model from the fleet, and I would expect to see a marked improvement when we remove such problem-plagued units from our fleet. So that would be my recommendation.

MS. FELICE:

Thank you, Legislator Losquadro. I flipped back to the slide that I thought of when we were putting it together, the body shop slide, but the point is if there are --

LEG. LOSQUADRO:

My ears perked up.

MS. FELICE:

If there are inefficiencies, then let's address them and take care of them in-house instead of the solution is then let's eliminate the problem and just go outsourcing. These people are accountable to the County. You have the advantage of progressive disciplinary with them if there's a situation that needs correction; you don't have that same situation or advantage with an outsourcing. And again, as Legislator Nowick so appropriately pointed out, there's no accountability and you have no idea who is working on this fleet. Thank you.

That concludes our presentation, if there are any other questions. Again, we thank you for your time and your patience and certainly would welcome putting together -- I know in past Legislatures, a tour was put together of the Aviation Division, it's right over in the back of McArthur, perhaps it would be a nice time, the weather is getting nicer, perhaps it would be a nice time if we could put together a tour of the unit and have the Legislature visit that area along with us.

LEG. HORSLEY:

You'll set it up?

MS. FELICE:

We'll gladly set it up, thank you. Thanks, Legislator Horsley. Chairman? That concludes our presentation. Thank you very much.

CHAIRMAN EDDINGTON:

Thank you. Thank you very much. I'm going to ask Director Desmond to just hang on for a second, because I have a request from the Presiding Officer to just touch base with a couple of people before you that we were going to discuss. If I could get FRES to come forward, please, Joe Williams for a second, or two.

We're getting to that time of hurricane season and just to be proactive, we would like to just to get a quick update on what's happening. And I know I'll call you back in about a month or two to get a little bit more, but just what's happening right now.

COMMISSIONER WILLIAMS:

Well, like all the other emergency managements, what we're doing right now, we're reviewing all our plans. We actually just were part of a major drill last week with the Department of Defense, New York State and FEMA had a major drill on Long Island last week. A simulated hurricane went across

Suffolk County into Rhode Island, it was the first time in history that we actually had a Department of Defense communications van on Suffolk County for an event like this. We did -- I'm happy to report that we did have a communications drill, part of that involved us, Suffolk County Police Department, Nassau County, New York City, New York State, Department of Defense.

We do have interoperability, that was a major, major product we talked about. I'm here to reassure you that we can talk to each other. There is another major drill planned for June 1st of this year, which you'll all get an invitation to, it's a County-wide hurricane drill to exercise every department in the County. Again, we've attended -- we sent people to the Hurricane School in Miami, we're constantly looking at it. Our pet-friendly shelters are in place, our special needs shelters are in place. We've been reassured by the American Red Cross that they're prepared to open as many shelters, we're up to 121 that we have identified in the County.

CHAIRMAN EDDINGTON:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Good morning.

COMMISSIONER WILLIAMS:

Good morning.

LEG. LOSQUADRO:

In looking at the proposed Capital Budget, I saw money in there for the backup EOC, the Emergency Operation Center. And I know you and I had some preliminary discussions earlier this year and last year regarding siting of that, and I know you were looking at a couple of different locations and it appears the DOE, the Department of Energy, you've had some discussions with them. Could you just fill us in a little bit about that? Because in looking at the proposed Capital Budget, it was the first that I had seen of it, and I'm assuming my colleagues had seen, of a choice of siting location.

COMMISSIONER WILLIAMS:

What happened, we were trying to find a location for the back-up radio room for FRES. We looked at the 6th Precinct, we looked at going in with Suffolk County PD. About four months ago, five months ago we were approached by Brookhaven National Lab asking us -- they have an Emergency Operation Center over there -- if they had a problem, could they come over to ours and use that in conjunction as a back-up to them. What we've done in the meantime, we've had numerous discussions with them, we've spoken with the County Executive about it, is that we've been offered a place in the basement of their emergency operation center, it's a very secure location. We've had site visits with us, the Suffolk County PD, the Sheriff's Department have been over there. Right now we're moving ahead trying to get this together to put a back-up radio room back at the BOC, along with our IT Department, Probation, Suffolk County PD in this location, it's a very secure location for us. It's actually a very good win for us because it will be a Federal County type of cooperation.

LEG. LOSQUADRO:

No, absolutely. When I read it, it seemed like a great efficiency to be gained there; like I said, it was just the first that I had seen of it. And knowing, obviously, that Brookhaven National Laboratory is a Federal facility and has, you know, their own police and fire department, you know, they're basically a self-contained city there with the Upton PD and the Upton FD, a very secure facility. So I think that's a good marriage.

COMMISSIONER WILLIAMS:

Also, too, that funding, again, as we spoke about last year, we're very happy to see it in the budget for next year, we're very happy to move ahead it. We're also pursuing Federal funding, we've approached the Congressional people looking to almost duplicate that same amount of money to

help us out. We've gotten good feedback from it, so we are pursuing that avenue. Also, what's happening with us being with the Federal establishment now, it actually helps them, too; it's a good marriage.

LEG. COOPER:

Absolutely. Thank you.

CHAIRMAN EDDINGTON:

Okay. Any other questions? Thank you very much.

COMMISSIONER WILLIAMS:

Thank you.

CHAIRMAN EDDINGTON:

If I could -- I look around the room and I see a number of Chiefs here today. If I could get Chief Moore and Chief Ponzo to come up. I would like you to address -- if you can remember, a while ago I put in for legislation with Legislator Caracappa and it was -- basically we were told that there are enough laws on the books, we don't need that, and now we see in the paper that the laws -- when you're trying to enforce the laws, we're saying you can't do that, or we're not saying it but I'd like to get some feedback on what's going on and what your plans are. Gentlemen.

CHIEF MOORE:

Good morning, Ladies and Gentlemen. I'm Robert Anthony Moore, Chief of Department, Suffolk County Police Department, and this morning I have with me Assistant Chief of Patrol Robert Ponzo.

When Police Commissioner Dormer first became the Police Commissioner, he issued a number of policy statements, and one of them had to do with his deep concern about the number of fatal and serious motor vehicle crashes on the roadways in Suffolk County. We have the dubious distinction of more often than not leading the State in motor vehicle fatalities.

Now, as you know, there is only one individual in the Suffolk County Police Department who has the authority to make policy and that's the Police Commissioner. And once the Police Commissioner states a policy, then it becomes the job of the Chief of Department, as the chief operating officer of the department, to review and approve procedural initiatives that will support and ensure that the Police Commissioner's policies come to fruition. Once the Police Commissioner committed the Suffolk County Police Department to reduction in motor vehicle crashes, the Suffolk County Police Department, and principally the Patrol Division and the bureaus within the Patrol Division, began to institute a number of initiatives, all designed to mitigate the slaughter on the roadways of Suffolk County.

For example, TrafficStat. TrafficStat is a review system where each of the Bureau Commanders, the seven precincts, Highway Patrol and even the Marine Bureau, will on a periodic basis meet with the Police Commissioner and his executive staff, chiefs, and explain what they're doing to help reduce traffic crashes in Suffolk County. The Suffolk County Police Department instituted, with the help of the Legislature, a number of initiatives that hadn't existed in the past. For example, today, if you're caught drag racing in Suffolk County, we will impound you and impound your motor vehicle, so time and time again, we've initiated programs. And I can list a host of programs; as a matter of fact, if you'd like, it just so happens I do have a little information on that.

I mentioned TrafficStat, focusing on quality summonses as opposed to quantity. Now, historically, in the Suffolk County Police Department and many other police departments, a police officer will see a violation of the traffic law; for example, someone goes through a stop sign. And the police officer stops the individual and notices that the person may not have his or her license, their registration, their insurance card, they may not have their seat belt on and -- oh, by the way, they also went through the stop sign which initiated the police stop. So the officer would issue to the individual

what in the Police Department we call a package. The officer would write the individual for not having his or her license, he would write -- he or she would write summonses for not having the insurance card, for not having the registration, for not having -- but they wouldn't issue the summons for going through the stop sign which is the most egregious of the offenses, and that's a problem.

So the Commissioner, with the help of our Chiefs, initiated a program where the Police Commissioner is on record saying that, you know, if you see someone who goes through a stop sign, write the ticket for the stop sign; if you see someone going through a red light, write the summons for the red light. You know, if the person has their license but they happen not to have it with them, you know, that's not as egregious as going through the stop sign, so that's what I mean about quality versus quantity. And as a result, the ratio of non-moving violations to moving violations has shifted significantly. At one time the number of moving violations were in the teens and now I think it's near 40%; now, it's a significant increase in what we refer to as quality summonses.

The expansion and the size of our Motor Carrier Safety Unit, these are the individuals who stop trucks and inspect trucks to make sure that they have all their equipment and that they're operating properly. The size of the unit is today twice the size it was when Commissioner Dormer first took office and, in addition, they work twice the number of hours that they worked when the Police Commissioner first took office. Issuing summonses at the scenes of motor vehicle crashes for offenses that were not witnessed by the police officer but which are obvious, and how obvious? Well, you know, the scene itself -- shall I -- okay.

CHAIRMAN EDDINGTON:

I understand, and Suffolk County Police is second-to-none in enforcement. But the specific area that we're working at right now is what happened in the paper the other day about the u-turn in policy of doing exactly what you're saying; if you could elaborate on that.

CHIEF MOORE:

Absolutely. In 2005, on 6/7/2005, the Suffolk County Legislature passed a law, the name of the law is seizure of vehicles used in commission of offenses. But within the Legislative Intent, the Suffolk County Legislature made a very interesting statement, and I'll read it, it's under 467-12C; "This Legislature further finds and determines that unlicensed drivers are involved in 20% of all traffic crashes and are 3.7 times more likely to be involved in a fatal crash than validly licensed drivers." Now, that was issued by the Suffolk County Legislature. Assistant Chief Ponzo at the time I believe was the Commanding Officer of the 6th Precinct and he read that and he said, "You know, let's see how that works," and I'll let you speak for yourself in a moment. But -- so what he did is on a very small scale, in the 6th Precinct with the COPE officers, he initiated a zero tolerance policy when it came to unlicensed drivers, and I'll let him flesh that out.

It seemed, in the very short time and in the very limited scope, to have a positive impact as far as unlicensed driving was concerned. Inspector Ponzo later became Assistant Chief of Patrol and recalling back that time in the 6th Precinct, he said, "You know, let's try it globally. Let's try it in all of the precincts and in Highway Patrol." So instead of two squads, the two COPE squads in the 6th Precinct, let's have all five squads in all seven precincts and both COPE squads in all seven precincts and the Highway Patrol go from a policy where the officer employs some degree of discretion when it comes to unlicensed operators and go to a zero tolerance policy. Now, that began, oh, about -- on or about April 11th. Now, between January 1st and April 11th of this year, the Suffolk County Police Department arrested approximately 81 individuals for operating without a license and, in addition, for not being able to prove in any way who he or she was. However, the Suffolk County Police Department also issued nearly 6,000 summonses for unlicensed operator; these were individuals who did not have their license with them, but were able to prove who they were to one degree -- to the satisfaction of the officer, and that's where we stood.

The -- it came to the attention of the Police Commissioner that there was a significant increase in the number of individuals arrested for operating without a license. The Commissioner was not aware

that this procedural change had taken effect. Now, frankly, that's not a surprise coming from our end, it's a procedural matter and not a policy matter that the Police Commissioner is not advised in every single instance when nearly 130 separate and distinct commands within the Suffolk County Police Department decides to initiate a procedure, and I'm sure you understand that. However, now when it came to his attention he immediately brought me into his office and he directed that we suspend the program pending review; not eliminate the program, not end the program, but merely suspend the program because some concerns had been raised about the manner in which our officers were employing this new process. And that's where we stand right now, sir.

We are in the process of reviewing this initiative to see -- first and foremost, we are absolutely confident that our officers are acting appropriately, they're acting within the bounds of the law. It's not possible to make a traffic stop of an individual for unlicensed operation. The officers stop the vehicle because there's an observable violation of law or a suspicion that the person is engaged in some sort of nefarious activity. At that point, during the process of asking for the license, registration and insurance card, if it comes to the attention of the officer that this individual does not have a license and, in fact, there is no license, then the officer takes whatever action is appropriate. But that's where we stand right now, its in the process of review.

CHAIRMAN EDDINGTON:

I have a couple of questions. First, I'd like to ask you if, in the past -- I mean, what I have heard on the street, and you can correct me if I'm wrong, that if someone doesn't have a license and they have no documentation, how do you write -- you write the ticket to the name they give you and then you go away and they go away, there's no revenue or change in behavior for us? I mean, that's what I hear from patrol officers when I talk to them, it's very frustrating. Has that basically been the procedure there?

CHIEF MOORE:

As silly as that sounds, yes, sir, that was exactly what happened, where in many other agencies, law enforcement agencies, their procedures are not very different from ours. If an individual is stopped for driving a vehicle and can't produce a license, then the individual, depending on whether or not they can have some sort of identification, may be subject to arrest. In Suffolk County, historically that's been left to the discretion of the officer.

Now, I must tell you, officers have made arrests. For example, in 2006, our officers made 66 arrests for operating a motor vehicle without a license, virtually all of those arrests were because the individual could not demonstrate to the satisfaction of the police officer who he or she was. Now, that makes it virtually impossible to write the summons out. Why did the Suffolk County Police Department do that in the past? Well, you know, the Suffolk County Police Department does a great many things today that it didn't do in the past. Pro-arrest policies for domestic violence, cell phone summonses, I mean, things that either as a matter of law or a matter of public policy were not done by the police in the past today are done. So to merely suggest that we didn't do it in the past, so why are we doing it now? Well, we're doing it now because, as the Legislature says, operating without a license is extraordinarily dangerous and it's killing people in Suffolk County.

CHAIRMAN EDDINGTON:

Well, Chief Ponzio, I want to thank you for your input.

CHIEF PONZO:

Thank you very much.

CHAIRMAN EDDINGTON:

And I'll give you an opportunity if you wanted to say something, but I think the message that I'm hearing, what you're saying is if you drive in Suffolk County, you better have a license or you better not drive; that's the message I'm getting. Because based on the statistics of critical injuries and fatal accidents and that's -- they're at the top of the list, people without licenses, not people that don't carry them but without them. So that's the message I'm hearing. It seems like some people

haven't heard that, but that's what I've heard. Would you like to add anything before --

CHIEF MOORE:

Yeah, Chief Ponzo would like to add that we could end this problem today. It's very simple; if you don't have a license, don't drive in Suffolk County.

CHAIRMAN EDDINGTON:

Right.

CHIEF MOORE:

Is that what you were going to say?

CHIEF PONZO:

What he said.

CHAIRMAN EDDINGTON:

Thank you very much. I have Legislator Browning who would like to ask a question.

LEG. BROWNING:

I like your zero tolerance policy. I am very concerned, I know my husband, being a New York City Police Officer working in the subways, when they pull -- somebody did something wrong, they stop them and issue a summons, "I need your ID", if they don't have ID and have no form of identification, "You're coming with me so we can find out who you really are." They're not just going to give it to, "My name is Joe Smith."

I have a real concern about not having a zero policy -- a zero tolerance policy, because in my own district, I have a well-known drug dealer who is an unlicensed driver and he's still driving the car, he gets a slap on the hand and he's still driving, up until last week, someone told me, called me to say, "He's still on the road, he's driving his BMW, he has no license." You know, this is a real problem.

I also have a problem with not too long ago a good friend of mine, her husband -- her father was killed, unlicensed driver, DWI, this is not the first offense on his part. So we need that zero tolerance policy, we absolutely need it.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I was very happy to hear when this policy was -- excuse me.

CHIEF MOORE:

Procedure.

LEG. LOSQUADRO:

Procedure, not policy, this procedure was put in place, and I was very discouraged to hear that it was suspended and under review. If you could just enlighten me as to what portion of this is under review and what the reasoning was for the suspension, even if temporary.

Because to my mind, what Legislator Eddington pointed out, you know, taking someone at their word, if you will, you know, they are who they are. You know, and I hate to be, you know, Johnny rain cloud, but in today's day and age, especially when you have things going on over at Fort Dix, you don't know who you're dealing with and that's always one of the primary concerns for a law enforcement officer. A traffic stop can be one of the most dangerous things they have to deal with because -- I'm preaching to the choir with the two of you, but you're dealing with the ultimate unknown. If you're going to arrest someone, it's a known commodity, you know that person may be armed, you know the situation, you can prepare for it. You could be pulling myself over or you could

be pulling someone over who's wanted for murder and doesn't want to go with you because they're going to be going to jail for the rest of their life. To have any policy in place other than to take someone into custody, if they cannot prove to the satisfaction of that officer who they are and if they have warrants against them, I think is unacceptable in this County, or anywhere else in this country. So if you could explain to me what's under review, I'd appreciate it.

CHIEF MOORE:

Absolutely. The Commissioner felt that it was prudent to basically take a time out, to use his term. Because while the police on the one hand were given absolute discretion in this matter, in the twinkling of an eye we went to a process of eliminating any discretion. But in doing that, we really didn't give -- we failed our officers to a degree in that we didn't give them as much guidance as the Police Commissioner would be comfortable with. For example, when it comes to valid identification, well, what does that mean? Well, it means different things to different people, but we're a police agency and we're a public safety agency, sir, so we need to have processes in place to ensure that all our officers act in a balanced and consistent manner.

So one of the major concerns of the Police Commissioner was, okay, if the person presents valid identification, or if the person fails, well, what is valid identification; a student card with a photo ID, is that valid? Is the fact that the person gives you his or her name and address and date of birth and when you, on the computer that the Legislature -- as a matter of fact, the Presiding Officer helped the Police to get, there is a name, address and a date of birth; well, is that valid identification? So those kinds of issues, rather than leave our officers to struggle over those issues, the Commissioner felt that it would be prudent for the Chief of Patrol's Office to kind of formulate, you know, some guidelines for the officer. And to speak also with, you know, the court and the District Attorney's Office -- and there is a meeting pending with the District Attorney and the Chief Administrative Judge of the District Court -- you know, to discuss the issues of, you know, what's valid identification, you know, those kinds of issues. So it's basically a time out so that we can better guide our officers.

LEG. LOSQUADRO:

I don't have a problem at all with putting a set of guidelines in place that at the end of the day will allow us to have a stronger case against individuals; the last thing you want is, you know, the proverbial technicality that someone can get off on. But what concerned me and is that exact word that I heard you mention earlier, that you said concerns were raised. And I won't beat around the bush because Legislator Eddington referenced that article and in that article was that ugly "R" word again, the charge of, you know, somehow something we were doing was racist, and I just want to know whether or not that concern was raised or if that had any part in affecting the department's decision to suspend this program.

CHIEF MOORE:

I was not present during the conversations between the Police Commissioner and the District Attorney, nor between the Police Commissioner and Judge Leis. But I can tell you that the gist of the conversation, as relayed to me by the -- hearsay, was that the District Attorney telephoned the Police Commissioner material to note that there was an uptick in arrests, summary arrests for a type of offense that historically the Police Department did, and it was a significant uptick.

LEG. LOSQUADRO:

Good.

CHIEF MOORE:

So he was just basically saying, "Oh, by the way," you know, because the DA is the individual who prosecutes. So any uptick, any procedural innovation that places an additional burden on the District Attorney, I think we would all agree, we have an obligation to say to the District Attorney, "Oh, by the way, this is" -- and that was a failure on our part, we didn't. So that was basically the gist of the conversation between the District Attorney and the Police Commissioner. A few days later, the Police Commissioner and Judge Leis bumped in to each other at the Restorative Justice

Evening Seminar and Judge Leis, too, said, "Oh, by the way." You know, my Judges are telling me, "You've got all these people coming in for unlicensed operation." So -- and again, there's an impact on the court. When the Police suddenly significantly increase arrests for any type of offense, it has an impact on the District Attorney's Office, it has an impact on the courts.

Now, the Police Commissioner met for quite some time with the initial Newsday reporter who wrote, and the article is unlike the conversations between the Police Commissioner and the reporter. Now, I have personal knowledge --

LEG. LOSQUADRO:

I have a very -- being in elected office, I have a very difficult time accepting that.

LEG. CARACAPPA:

That can't be true.

LEG. LOSQUADRO:

But I'll just cut you off for a second, and I will say that I hope what you're referring to here, the impact on the judicial system, the impact on our correctional facilities is something that is not being taken into account. If we have violations of the law, I hope that the Commissioner did not take any of those factors into account in instructing his officers how they should be pursuing this procedure, because I think it's a very good procedure.

And I know Chief Ponzo has been so outspoken today on this matter, but I want to applaud him for, you know, having the vision to see an epidemic in our County and take the small step in his precinct and then moving higher into an administrative function within the department to, you know, expand that department-wide. I think it is something that was a longtime coming and I think it's something we should be pursuing more aggressively, not less aggressively; again, creating an environment in which individuals who want to do illegal things do not feel safe makes all of us safer. So thank you again, Chief.

CHIEF MOORE:

Chief Ponzo appreciates your comments.

CHAIRMAN EDDINGTON:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I, too, echo the statements of Legislator Losquadro as it relates to Chief Ponzo. This was so forward-thinking and visionary and very much needed by way of a procedure change in the Suffolk County Police Department. And I know my constituents thank him and the people from the 6th Precinct when he was there as a Commanding Officer thank him for all his work when he was there.

Legislator Losquadro asked most of my questions, but I do want to get down to brass tax, and he asked it in a roundabout way and a very nice way, but I want to know directly. You said it was because of the impact on the courts, and quite possibly that's true, but yes or no, is it because, as we read and as we fear that labels may be drawn across the entire Police Department and Suffolk County government, that it was because of a large uptick in surnames that were being presented to the court for these summary arrests; yes or no?

CHIEF MOORE:

I'm not aware that the District Attorney or Judge Leis made comments to the effect of racial profiling. As a matter of fact, it is utter nonsense to suggest that Police Commissioner Dormer would tolerate any racial bias on the part of his officers.

And, in fact, the Police Commissioner was given an award by the NAACP this year. He received a standing ovation at a recent NOBLE, National Organization of Blacks in Law Enforcement Conference that he attended last week. He, without being directed or without any legal impetus, took it upon himself to initiate a program of monitoring racial profiling on the part of the officers in the Suffolk County Police Department. And during the process of developing that program, he invited the Suffolk County Civil Rights Commission, the NAACP to help him to review it and he is the one who insisted that any review of the information that comes out as a result of that is not to be done by the Suffolk County Police Department, but by a disinterested third party. He makes it a point to regularly meet with any advocacy group. He was the first in the history of the Suffolk County Police Department to have an Advisor for Minority Affairs, the Reverend Dr. Besford Adams who, by the way, is also the President of the Brookhaven Chapter of the NAACP; stop me when you've heard enough.

LEG. CARACAPPA:

I'm going to stop you, and I agree with you, the Chief is doing -- I mean, the Commissioner is doing a great job in that regard and I think he's a fantastic Police Commissioner, I really do, and I've stated that. But was pressure put on the department by the District Attorney and the courts because of their fear that there was racial profiling going on, period; yes or no?

CHIEF MOORE:

Absolutely not.

LEG. CARACAPPA:

Absolutely not.

CHIEF MOORE:

Absolutely not. You've dealt with the Police Commissioner, all of you yourselves a number of times.

LEG. CARACAPPA:

Absolutely.

CHIEF MOORE:

Is he the sort of person that folds under pressure?

LEG. CARACAPPA:

No, he doesn't. And that's my major -- that's why I'm very concerned when I read the article.

CHIEF MOORE:

I understand.

LEG. CARACAPPA:

I'm very concerned based on what we asked as a full Legislature just, what, two months ago when our legislation failed and we asked for this increase or to uphold the laws that are already on the books. I'm very concerned that a certain segment of the population that are doing illegal things constantly are now being catered to by our Police, DA and courts just because of political pressures. It's a scary thought in today's society, especially with the epidemic of unlicensed driving, crashes, fatalities and the like that's going on within our County.

Now, obviously, this is just a facetious question, but we're suspending this policy for now, correct, because there's this uptick in a certain area of summary arrests; no?

CHIEF MOORE:

Well, there's a significant uptick in the number of arrests, yes.

LEG. CARACAPPA:

So just humor me here. So the courts reach out to the DA, the DA reached out to the courts or vice

versa and then they reached out to you or the commissioner and say, "Hey, let's stop and take a look at this and we'll suspend this procedure for the time being until we have a better overview and more consistent policy for our police officers to enact this sort of summary arrest"; would that be accurate?

CHIEF MOORE:

Yeah. No one, no one suggested or directed the Police Commissioner to discontinue the program.

LEG. CARACAPPA:

Suspend, I understand it's a suspension.

CHIEF MOORE:

Exactly.

LEG. CARACAPPA:

Okay, let's just stop and take a look at it and this procedure will stop for now.

CHIEF MOORE:

Yes.

LEG. CARACAPPA:

Okay. Do we do that with other crimes, when there's an uptick in murder, when there's an uptick in rape, when there's an uptick in assault, when there's an uptick in anything else in our court system; do we say, "Hold on, time out. We've got to stop. We're not going to arrest anybody anymore because we have to take a look at."

You know, I know I'm saying -- I said it's facetious and I know you're going -- but I'm trying to make a point here. I think it's, again, scary when we start suspending policies or procedures that have been put in place that are sorely needed within this County when it comes to serious and egregious violations on our roadways. It's the same as stopping arrests for other crimes; there's no difference, there really isn't. And I would hope the DA and the court system -- and I know -- and I'm leaving the Police Department out of it because I know you're doing the right thing, but I would hope they see that that is what the public is seeing right now, that is what I am seeing, it's what my colleagues are seeing and it's wrong.

CHIEF MOORE:

Ladies and Gentlemen, Chief Ponzo.

CHIEF PONZO:

If I may, I want to thank you all for the kind words you've said about me. And I think we're overlooking one important thing; when I established this procedure, I kind of did it on the fly, I did it via e-mail to Precinct Commanders; that was sloppy.

Valid identification, what did it mean? It meant different things to different people. What Police Commissioner Dormer was more concerned about was let's get everybody on the same page. And he looked at it globally and he decided, if we're going to establish this procedure and make it a policy, let's give the officers on the street a policy that they can all follow. So we've expanded on what the definition of "valid identification" is, and we're putting out a Patrol Division order that will be coming out after we have our meetings and it's approved by the Commissioner and the Chief of the Department, and once that's done, you know, I'm confident that the new policy would be put into place.

So the reason we're talking about this now is because I was a little sloppy in my implementation of it, and that's going to be corrected, and I don't think it will take too long before it's corrected.

CHAIRMAN EDDINGTON:

Yes, Legislator Mystal.

LEG. MYSTAL:

Good morning, gentlemen. I'm going right to the matter since it's out there on the floor. Do you have statistics in the upticks since April 11th when you started this program; right, Chief Ponzo?

CHIEF PONZO:

April 11th, correct.

LEG. MYSTAL:

Do you have any statistics to show how many people were stopped for unlicensed driving and how many were arrested and how many of them -- do you have a ratio breakdown? Because I know now the Police Department is required more or less to guess the racial ethnicity of that person. Do you have any statistics to say a hundred people were stopped for unlicensed driving, 99 were arrested, this is the racial background -- the racial breakdown; do you have that?

CHIEF MOORE:

I'm sure we could provide it.

LEG. MYSTAL:

Thank you. Please do, because I think that will stop, you know, whether or not what we are talking about is real or not real.

LEG. CARACAPPA:

That's not right.

CHAIRMAN EDDINGTON:

Well, I'd like to add, I want to change that a little bit.
I don't care --

LEG. CARACAPPA:

There you go.

LEG. EDDINGTON:

-- what ethnic group or who -- where they come from. I only care that people are driving without a license and without identification. That's not my problem, and I've dealt with this for a couple of months. I don't care who's breaking the law, I want you to enforce the law indiscriminately across anybody that drives without -- that commits an offense and they don't have a license and they have no documentation, I want this procedure reinstated. I want -- what the Chief did, I want to say that I don't think you should feel bad at all. You may have -- you did ready, aim shoot; you tried to solve a problem and now they're looking at it. I like that type of thinking, that's proactive. And I think the Commissioner appreciates it, too. He just says, okay, let's refine it, retool it. But if we wait for everything to be thought out, nothing happens, and in Suffolk County, from what I'm seeing, that's not our style.

And I think that -- we talked about a newspaper, I think the headline in the newspaper should be clearly what we said earlier, that if -- don't drive in Suffolk County without a license. I think that's the easiest way. I don't care. I want you to arrest red heads, dark haired people, I don't care. I don't care about the racial thing; other people do and I think maybe you should comply, but I don't care, that's not the message that the Chair of Public Safety is giving. I want laws. I don't want a police officer to say, "Oh, should I stop that person? He might be of an ethnic group I could" -- that's not what this is about. This is enforcing laws and safety and the charge of this committee I said this year was going to be traffic safety, the number one issue, and that's what we've been trying do in our Legislative districts. And I commend you on what you're doing and I want you to -- I want this reinstated in a timely fashion.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN EDDINGTON:

Yes, Legislator Mystal.

LEG. MYSTAL:

Just so I could, you know. I don't care if they arrest anybody who's driving without a license, whatever their background is, that's not my point. My point is if a hundred people are stopped for driving without a license and cannot produce any kind of identification, that's the stop, okay? If a hundred people are stopped, and then of that hundred that are stopped, for some reason, okay, let's say it's a breakdown of 50/50, 50 of the majority race and 50 from a minority race, and somehow 49 of the minority race wind up being arrested and three from the majority race being arrested, then there's something unbalanced.

All I am asking is not a question of whether somebody should be let go because they are from a minority group. I am asking for a balanced arrest procedure for everybody. If you show me -- if you can -- you know, and I'm sure that's what I'm asking. If you say you made a hundred stops and you found a hundred people who were without license and there were some earlier arrested, I don't care of their background, but if ethnicity becomes -- this becomes important if most of the people who are of a minority group get arrested but those who are not are let go, then we have a problem. That's what I'm addressing. I am not saying that we should let them go, anybody go. I just want to make sure that the people that we are arresting, that we are arresting everybody, like you said, red head, dark hair, I don't care, you arrest them.

CHAIRMAN EDDINGTON:

Right.

LEG. MYSTAL:

But make sure that we are doing just that. Because the history, not of Suffolk County Police Department, but the history of police have been to arrest minority before they arrest anybody else; that's what I'm addressing.

CHAIRMAN EDDINGTON:

And one last thing. I would assume then, for example, you know, if you're in Smithtown or Brentwood or Medford, based on the population, I would assume it would shake out that way. I mean, that's what I'm hoping that we'll see with Legislator Mystal's request. I mean, if you arrest every -- if you just concentrate on Smithtown, I think you're going to get a certain group of people. If you just focus on Brentwood you're going to get a certain group of people and you're going to do it across the County. There may be more in one area and I think we need to expect a difference in racial and ethnic groups based on the area you're in. With that said, Legislator Caracappa.

LEG. CARACAPPA:

No, you took the words out of my mouth. And to Legislator Mystal, you know this, you know, when you do arrests in a heavily populated minority community, that's going to be the balance sheet, same with communities such as Farmingville where there's a diverse population, but a lot of them in Farmingville by way of the minority, a lot of them are illegal and driving illegally and that's going to be the top of the balance sheet; it's just the way it is. And it seems like always, when Newsday does an article on racial profiling, they always extract numbers out of Brentwood and areas like Farmingville; I wonder why. And like the Chairman said, when you get your numbers, I truly hope that it's a County-wide breakdown. I'd like to see in that breakdown what the minority population is in each community as opposed to who's being arrested on top of it, so it shows fairly and balanced what is happening in those communities as opposed to changing the facts a little bit as to certain communities and certain arrests and making it seem like there's a profiling issue here, when we know that our Police Department has never and will never do that sort of business.

LEG. MYSTAL:

Legislator Caracappa, I'm -- that's what I'm trying to get at.

LEG. CARACAPPA:

One last thing, Jack, one last thing.

LEG. MYSTAL:

Like Legislator Eddington said, I will find -- I look at with a jaundice eye if, for example, I'm finding out in Smithtown, 90% of the people who were arrested in Smithtown for unlicensed driving were minorities where Smithtown is the land of no.

LEG. CARACAPPA:

Right, that might be something to look at.

LEG. LOSQUADRO:

Go easy.

LEG. MYSTAL:

And somehow, you know, yes, the arrests will reflect the community, that's what I want to see. I don't expect to have a whole bunch of people from Old Field being arrested for unlicensed driving and a lot of them are minority.

LEG. CARACAPPA:

Exactly.

LEG. MYSTAL:

Exactly.

LEG. CARACAPPA:

Just like in the Selden/Centereach community, the majority population there is Italian Americans and you go look at the balance sheet, the road stops that I've gone through in the last couple of days, two of them in my community, just road blocks, you know, for seat belts and paperwork, you can guarantee what those numbers are. Should we suspend the policy because of that? Of course not.

LEG. MYSTAL:

No, all I'm asking -- I'm asking that the procedure as applied by the Police Department is applied throughout the County. I expect -- I will expect that there will be an uptick in the Hamptons once the summer starts.

CHAIRMAN EDDINGTON:

Good. Okay?

LEG. CARACAPPA:

And Mr. Chairman, one last question.

LEG. MYSTAL:

You know, there will be an uptick.

CHAIRMAN EDDINGTON:

Okay, the last word.

LEG. CARACAPPA:

I know there's a pending meeting between both agencies, or the three agencies. Is there some sort of loose time frame when we know that we can look forward to an answer to either forging ahead or

--

CHIEF MOORE:

I think that --

LEG. CARACAPPA:

Is there -- well, answer that question first and then there's a follow-up.

CHIEF MOORE:

I think by the end of next week, that meeting will have been completed and any additional direction we need to give our police officers will have already been done.

LEG. CARACAPPA:

By way of direction, do you foresee it being ended?

CHIEF MOORE:

No.

LEG. CARACAPPA:

This policy.

CHIEF MOORE:

No.

LEG. CARACAPPA:

Or do you foresee it being reinstated, just with a couple subtle changes on procedure?

CHIEF MOORE:

Well, again, one of the largest issues for us is ensuring that all of our officers act in a consistent manner, particularly when it comes to determining what is a valid form of identification.

Now, for the courts and the District Attorney, you know, their reports speak for themselves, they certainly don't need for us to defend them. But in their defense, taking the warmth of collateral issues out of it, the fact of the matter is that driving without a license is a fairly low level of offense as opposed to the misdemeanors and felonies that they deal with on a regular basis. And when a person is summarily arrested, regardless of the type and level of offense, the District Attorney by Statute must get involved, and the District Court by Statute must get involved, so we just increased their workload with no notification to them.

Now, if someone were to come to any agency within Suffolk County and do something that significantly increased their workload without notifying them, I think they have a right, you know, to be upset. Not that they were upset, they just said, "Hey," so I think it's appropriate for the Police Commissioner to sit down with the two of them. Because, again, when you consider the level of offense and the resources that are going to be invested, you know, given the level of offense, from a police perspective, we're convinced that this is an appropriate way to go, because I don't think that you can find any area expert who wouldn't agree that driving without a license creates a danger. Driving without a license kills people and injures people far above the records of those people who have licenses.

But having said that, you know Legislator Eddington was wandering around with a GPS device locked to him, and we know everywhere you were.

CHAIRMAN EDDINGTON:

I was a good boy.

CHIEF MOORE:

Why; why that GPS? Because the jails are so full as it is that we spend more time trying to figure out how to keep people out of jail, through community service, through fines, through home detention, through all these mechanisms that are designed to unclog the courts. So I think we do owe them an explanation and I think it's appropriate for us to sit down with them and discuss how we can go forward with this program in a manner that doesn't overly tax their agencies.

LEG. CARACAPPA:

We obviously can debate this for some time, Mr. Chairman. I'm sure it will continue as the weeks go on, but I'd like to thank both Chiefs for coming and for their input and, again, especially to Chief Ponzo for his visionary thinking.

CHAIRMAN EDDINGTON:

I guess I could wrap up just by speaking for the Public Safety Committee, that we definitely want a fair and consistent procedure and a timely reinstatement of this procedure. Okay, thank you, gentlemen.

CHIEF MOORE:

Thank you.

CHAIRMAN EDDINGTON:

If I could get Director John Desmond of Probation, staff. We could be going for a record today, guys, for Public Safety.

Now, I understand that you're going to give a full presentation in June, so I know a number of Legislators, not all that are here, had asked for a brief overview, so if you could just give us a brief overview and then I'll let you go.

DIRECTOR DESMOND:

Okay, and we'll attempt to make it even briefer. I just, unfortunately, have one thing to add to the previous discussion.

As Chairman of the Criminal Justice Coordinating Council, I get additional information from around the State and there's just one bit of information that I think might help you in this situation. The timing is very unfortunate, but apparently, a judge in New York State was recently censured by the Office of Court Administration, lost two weeks pay, for incarcerating an individual that appeared before him on a 509. I believe that that probably is a contributory cause to the Judges on these and why they contacted the Police Commissioner, so that there's --

P.O. LINDSAY:

And could you define 509 for us?

DIRECTOR DESMOND:

I'm sorry, driving without a license, Vehicle and Traffic Law.

CHAIRMAN EDDINGTON:

Okay.

LEG. LOSQUADRO:

Mr. Chairman, before Mr. Desmond continues with the presentation, were there mitigating factors in why that Judge was censured for upholding a portion of the VTL?

DIRECTOR DESMOND:

We don't have full information on that. We're trying to get as much AS we can and we'll forward it

to the committee.

LEG. LOSQUADRO:

Please do. I mean, again, you know, I fear we're rapidly approaching the inmates running the asylum. This is -- you know, the average person sees this and says, "I'm going to shred my license, I'm not going to pay my insure bill, I'm not going to pay to register my vehicle. I'll go get plates off somebody else's car and when a cop pulls me over I'll give him a fake name and there's no consequences. So why don't I just" --

CHAIRMAN EDDINGTON:

Less than extreme, but you're right.

LEG. LOSQUADRO:

I know that's what I thought when I read the article. It said what are we doing here? I wouldn't do it because, you know, I'm concerned about, you know, the consequences, but obviously there's a great number of people out there that aren't concerned about the consequences because, well, they're obviously not very severe and they're not being enforced unilaterally. So if you could please get us that information, this is very distressing, to say the least.

CHAIRMAN EDDINGTON:

Okay.

DIRECTOR DESMOND:

Okay. Thank you very much for inviting me and my staff in this morning, we'll try to be as quick as possible. We have -- you cowards, come on up.

CHAIRMAN EDDINGTON:

No, you're all alone there.

DIRECTOR DESMOND:

Yeah. All right, I'd like to introduce with me Principal Probation Officer Ed Langan who administers the GPS section; PPO Patrice Dlhopsky who's my IT person; PPO Andrea Neubauer who handles the Probation Alcohol Treatment components; SBO Bill Maddock who directly supervises GPS, and PO Ken Grams who we all supervise. And we're ready to go.

Okay, what is EM, electronic monitoring. The use of electric devices to determine a location of individuals' specific intervals. Suffolk County has been using electronic monitoring for about 15 years. What we have used up until the very recent past primarily was passive; you can see the screen yourself, I'm going to move a little quickly through this. Passive was basically what everybody refers to as house detention; all the device does is tell you whether the person is within reach of the device or not and the device has to be hooked up to a phone land-line. It had very limited use; if the person wandered more than a hundred yards away from his residence, you had no idea where in the universe he was. Martha Stewart was a problem location, she went out to the barn and disappeared completely.

The current system that we've been experimenting with, and we were authorized to do this by the Legislature and the County Executive, the program started last summer and we're planning to report back to you in June with a full report. GPS is how everybody seems to be referring to this sort of active electronic monitoring, it uses Federal Global Positioning System, the satellites that are in orbit; normally we use at least three to effectively triangulate.

The system that we use is an incredible improvement over what was available three or four years ago; they were large, bulky and extremely unreliable. We only began to do the experiment once our IT people had assured us that it was now a level of sophistication. The level of sophistication is rising rapidly and that's why we have not gone to any kind of contract yet with any exclusive distributor of these devices. They're changing rapidly. There are -- have been a number of

improvements, they're going to be more both in effectiveness and cost. And I already kind of mentioned that about the satellites.

Okay, there are limitations to the system. There were a lot more at one time. There are still considerable limitations, we think over time that most of these will be successfully addressed. You have the sky scraper problem; if you have a large enough number of steel buildings around, it interferes with the signal. You have the battery problem; again, if somebody removes the device completely from them, we still don't know where the person is but it does send us a signal if there's any tampering and we try to respond to these things very quickly. The system is dependent on cell phone towers, so if the cell phone towers go down we've lost everybody. The vendor that we're dealing with uses Cingular, we believe that Verizon would probably give us even more comprehensive coverage. We're pretty satisfied with Cingular, we have had some limited problems. One of the things that {attenuate} the system are fog, sometimes the shoreline, a -- we're expecting to find more definitive dead cell areas, dead tower areas in the County, we haven't found that many, and as the systems improve we'll be able to cover further and further.

There's two things that have us the most concerned and these are software problems. What we try to do is set up exclusion zones where people are not allowed to go in. With the sex offenders that have been the -- a major concern of the Legislature, we can only enter in 99 exclusion zones into the current software. What that means is we can't even put in every school that is in Suffolk County, every school building. What we try to do is enter in all of the facilities that are nearby to the location of the sex offender. Another problem that we have is that we're unable currently to transfer data from the GIS County system to the vendor's software, so we can't put in locations of nursery schools, day-care centers and those things. So the software is not 100%, it's not completely there, it's in process.

We have a graphic demonstration that we'll be showing you shortly. The information is presented to the officer as a graphic on a geographic map on a screen. All the information that we get on the individual's whereabouts, 24 hours a day seven days a week, is recorded and archived and can be recovered at any time very quickly, and that's another part of the system that has had significant improvements in the last couple of years. And we're no longer being charged for maintaining those archives, basically now forever. We can track the offenders back through time very quickly, determining their whereabouts five days ago, 20 days ago. So if we need to assist law enforcement in determining somebody's whereabouts at the time of the commission of an offense, we can easily do it.

We set up the system to allow us to track individuals based on their problems and needs, so we can set up geographic alerts such as with a domestic violence offender so that that person cannot go within "X" number of miles or whatever from his victim's residence. We can set it up in terms of timeframes; if a person is supposed to be at work at nine o'clock in the morning and they're not, we'll get a notification that way. We can set it up for exclusion zones, so if a person is not supposed to be near a school or a particular location, we get immediate notification if they violate that exclusion zone. These violations are called -- for us, the term we use are alerts.

When we first started experimenting with the system, our primary concern was how many alerts could we handle per day with the number of units that we have and the amount of staff that we have, and we now know that. We can generate and handle alerts on approximately 50 individuals a day with our current level of staff. That was one of the reasons why we wanted to go into an experiment, because we really didn't know how many people we needed to supervise, how many offenders.

When the officers get an alert, there's a number of different responses they can have. And let me just also add that we have a number of systems of providing alert; we can get a computer notification, we can get a beeper, we can get a fax notification, we can get an e-mail notification, so that way if one part of the system fails we still have backups to get the alerts. Now, most of these

systems that we're using -- and let me just backtrack again. We're not just using one vendor. Because there have been significant changes since last summer when we started the program, different other vendors are bringing us their equipment to also test, so we're in a constant process of testing new equipment. We've also had contacts by other vendors who are promising us even newer equipment shortly.

All the devices that we have allow us in one way or another to contact the offender, an LED, an alarm, a buzzer, a beeper, a cell phone, allows us to contact the offender in some way to say, "We know you're someplace you're not supposed to be, get out of there, contact us, tell us what's going on." If the person fails to act, if the person fails to respond, if the person fails to move out of the area, then we dispatch a team there as quickly as possible. We've made arrangements with all the law enforcement agencies in the County to provide us with backup. If we feel it's an incredibly emergent situation where we need somebody on the scene before we can get there. To date, that has not happened, we've been able to respond to any of the situations that have arisen. But we've gotten remarkable cooperation from all the agencies.

Results so far. Again, we're still experiment, we're early in the process. In the first nine months, we have supervised 75 offenders; there have only been three new arrests among that group in the time, two, as you see, for minor drug possessions, and then the other one -- one of the gentlemen was going to court and he disposed of a little marijuana outside the court before he went through the screening device and for some strange reason the officers noticed. And then the other one was a telephone call in violation of the order of protection; the gentleman knew enough not to violate his GPS but couldn't stay off the phone to harass his victim.

About 50% of our offenders that we've been monitoring have been sex offenders. When I first came before you on this, I indicated that we were very concerned that we wanted to experiment with the use of this device with broad-cross spectrum of individuals who have been convicted or are facing conviction on a number of different types of offenses so we can see how well the equipment works with different types of offenders.

Now, a key question and the one that I want to really seriously discuss, because I'm really afraid of this technology getting used inappropriately. If you look at this screen, this is the data for recidivism on Suffolk County Probation in different programs right now without GPS. If you look at the bottom, the Sex Offender Unit, we have a 6.4% rearrest level for sex offenders for non-sex offenses. Four sex offenses, 00.7%. Thanks to the Legislature, thanks to the County Executive, Suffolk County has a remarkably effective system of dealing with sex offenders, the Police are doing a fantastic job. Treatment seems to be working, treatment and close monitoring. I don't believe that it's in the County's best interest to utilize GPS on all sex offenders. To begin with, 70%, roughly, of all sex offenders will offend within their residence. The courts have been very wise in the individuals that they have given to us to supervise under GPS; 80% of those individuals reoffended outside their residence.

There is a use for GPS for certain types of sex offenders, ones that reoffend outside their residence, the ones that are shaky in terms of rehabilitation efforts, the ones that are going before a court that haven't had a disposition yet, those could be considered. I believe that the new Sex Court will probably be able to effectively handle this tool in an appropriate manner, from what I've seen in the way the courts have utilized the system thus far.

What's the future? We believe that the system is going to be vastly improved over the next year to two years. We were recently approached by Verizon who informed us that they think that they will have a unit that will not only work effectively as a GPS device but will also be able to do alcohol detection, real-time all the time. So we think that long-term, a number of these devices will be introduced that will take care of virtually all the technological problems that we're encountering now and that will provide an even greater enhancement of the -- of community security. We're also going to be looking to upgrade our laptops in order to handle additional information as the software is improved and we're preparing to do an RFP probably in 2008 with everybody's concurrence, to

settle upon a vendor.

Again, we hope to have a completed report to you in June. And I would like to turn this over to my colleagues who will show you the various instruments and also discuss the alcohol-sensing devices, since the Chairman also inquired about those. Thank you.

MR. LANGAN:

Good morning, Mr. Chairman, members of the committee. My name is Ed Langan and I'm a Principal Probation Officer. A Principal Probation Officer is responsible for a section of the department and within my section, I'm responsible for the electronic monitoring unit. And it's good to be mindful of the fact that we don't just handle GPS all the time. It does take up the bulk of our workday, but we're also continuing to utilize what we used to refer to as electronic monitoring which, as Mr. Desmond pointed out, is kind of the old-style house arrest, we know if you're home or you're not. We still have a couple of dozen probationers on that old type of electronic monitoring and the EM Unit is responsible for managing the alerts that come in on those cases as well.

In addition, we also install and monitor the results from what are known as sobriety units. They are also installed in a home land-line telephone line and the probationer is put on a schedule to submit a breath sample through this device that's installed in their telephone at a specific time of day, usually twice a day they're asked to be tested, first in the morning and then say 10, 11 at night. And they have some response, responsibilities in the case of somebody taking a sobriety test and blowing high numbers to investigate why someone is so intoxicated at that point and perhaps even transport them for detoxification or to manage that situation as well. But the GPS aspect of the job is primary and we always have to be prepared for a field response in any of these situations.

Before I go on, I just want to publicly thank the Probation Officers who volunteered to work in the unit. Certainly to cover 24/7 with ten officers is a difficult task, and they have to work every other weekend, County holidays and through the night and they've taken on those responsibilities. They're well-versed in the technology, as well as case management and, if necessary, arrest procedures when we enforce the conditions of probation. Anyway, we brought with us today some visual aids, and what do you have, Bill, the GPS device first?

MR. MADDOCK:

Right.

MR. LANGAN:

Okay. Keep in mind, GPS is a three-piece system as opposed to the old two-piece system in electronic monitoring. We have an ankle bracelet that's obviously affixed to the probationer securely. It has sensors in it which alerts us to the fact of whether the strap has been tampered with; when and if anybody wants to pull on it or even cut it off, we would be alerted immediately to that and that is an immediate field response if we get anything like certainly a bracelet strap alert.

D.P.O. VILORIA-FISHER:

So they sleep with this, take a shower with it?

DIRECTOR DESMOND:

Yes, waterproof.

MR. LANGAN:

Yeah. Mr. Caracappa has the key piece there in his left hand, that is the miniature tracking device, not very miniature but they used to have a larger version and now they call this their miniature tracking device. On the back of it is a belt clip, the probationer is instructed to wear this on his belt whenever he leaves the house, it is a condition of GPS probation that he must bring that with him whenever he leaves home; don't leave home without it. If he does, we will know it, however, we will not know where he is unless he brings the tracking device with him. So it would be nice if we had a one piece system where the probationer, the individual would have no choice about carrying it

or not, unless he was going to cut off the strap, but that doesn't appear to be in the cards right now, it's not -- they have difficulty communicating with the satellites when they try to put that tracking piece on an ankle bracelet. It's got to be carried upright so that the top of the tracking device can communicate with the satellite.

And then the third piece of equipment is simply the charging device or the base unit. That tracking device has to be placed in the charging unit once a day; we could probably get through 36 hours without charging, but generally we try to make sure that it's charged at least every 24 hours.

So that's the new electronic monitoring, it's still electronic monitoring but it's with the help of satellites. The other items we have here are the -- do we have the EM, the old-fashioned EM?

MR. MADDOCK:

We didn't bring the old-fashioned EM.

MR. LANGAN:

Well, it's in the box, it's in the box. If you'd like to take a look at that, it's simply, you know, another ankle bracelet and a base unit that simply tells us if the one piece is more than "X" number of feet from the base unit, he's out of range, that's the message we would get, that he's out of range, he might have left home. In both cases, what we do is establish strict schedules for these individuals and they generally have curfews.

DIRECTOR DESMOND:

Time frame; we're running out of time.

MR. LANGAN:

Okay.

DIRECTOR DESMOND:

Okay, Andrea, you want to move on to the alcohol devices?

MS. NEUBAUER:

Sure.

MR. LANGAN:

Andrea Neubauer is Principal Probation Officer. She's also our Alcohol Coordinator and is going to speak briefly about the alcohol detection devices.

MS. NEUBAUER:

Good morning, Mr. Eddington.

LEG. LOSQUADRO:

You need the microphone.

MS. NEUBAUER:

Good morning, Mr. Eddington, and good morning to the members of the committee. My name is Andrea Neubauer and as Principal Probation Officer Langan mentioned, I've been asked to speak with you very briefly about the Probation Department's alcohol-monitoring tools.

I'm holding in my hand the Intoxilyzer SD-2. Every one of our Field Supervision Probation Officers is issued one of these breath-testing devices. As you can see, it is small, compact and lightweight. The equipment is very easy to maintain, and the actual breath test procedure is very simple. The disadvantage of this device is the fact that the Probation Officer must be in the physical presence of the offender in order to administer the test. Remote alcohol testing devices, by their very nature, have the advantage of not requiring the presence of the Probation Officer in order to test, and so that allows us a great more freedom and flexibility in terms of who we test and how we test.

Currently in our department we have two remote alcohol systems in use. The first is the sobriotor, as PPO Langan mentioned, and the second is the Scram Unit, a system I believe that Legislator Losquadro is quite familiar with. I will speak briefly first about the sobriotor system.

The sobriotor is a remote alcohol monitoring system that measures breath alcohol content. The device uses fuel-cell technology, very similar to the technology found in this handheld unit. As Officer Langan mentioned at predetermined times or at random intervals, the offender will submit to a breath test following a series of voice prompts that are given by the device.

This is the sobriotor; and if I might ask you, Bill, would you be kind enough to allow the members of the committee to view that equipment. Using voice verification technology, the sobriotor is able to identify the intended subject of the test and sensors contained within the sobriotor unit ensure that the offender maintains contact with the unit throughout the actual testing process thereby preventing the offender from having someone else actually take the test once their identity has been established. The sobriotor measures the offender's breath alcohol content and their level of intoxication, if any, is reported to a monitoring computer over telephone lines.

Additionally, the sobriotor system has the ability to monitor and report interruptions in telephone connectivity or power, and the system also has the ability to identify tampering events. As PPO Langan mentioned, the sobriotor can be used in conjunction with electronic monitoring or it can be a standalone sanction.

Candidates for the sobriotor system must have a landline telephone and the system must be an analog system, free of any -- excuse me, free of any special features such as call-waiting, caller ID or call-blocking. Also, if there is a computer in the home, that computer cannot work in conjunction with the telephone line on which we would install the sobriotor.

Currently, our department has 53 sobriotor units in inventory and every single one of those units is in use. In fact, as of yesterday we had a waiting list of nine offenders, nine offenders who had been mandated by a court to have a sobriotor installed. The important thing to remember about the sobriotor device is that test results are not provided in real-time.

SCRAM is an acronym for Secured Continuous Remote Alcohol Monitoring. And there are three components parts to this system, two of which I have with me and I'd like to pass them around, please, so that you have an opportunity to review those component pieces. SCRAM is an automated remote continuous alcohol testing system that measures the amount of alcohol that migrates through the skin. As you know, when you ingest alcohol your body excretes that alcohol in a variety of ways, either through urine or through your breath. And in this case, the SCRAM device measures the amount of alcohol that is excreted through the body transdermally in the form of ethanol vapor in your perspiration. The SCRAM system tests on a predetermined schedule, general once every hour from any location and without any active participation on the part of the offender.

The SCRAM bracelet, which I believe Legislator Caracappa is looking at right now, weighs only eight ounces, it is strapped to the offender's ankle and it is meant to be worn 24 hours a day, seven days a week. It cannot be removed without destroying to tampered clip or the strap, and at least once an hour that bracelet will sample the offender's perspiration measuring any ethanol vapor that may be emitted.

The bracelet then collects, stores and transmits the data on a predetermined schedule, once in every 24 hour period. Every reading is date and time stamped and if alcohol is detected, the system automatically defaults to testing on a 30 minute basis until such time as alcohol is no longer being detected in the sample.

The SCRAM modem is placed in the offender's home and it connects with a telephone line and at a scheduled time the modem actually communicates with the bracelet retrieving all of the data stored within the bracelet, and then that data is transmitted through the offender's home phone line to a central station where the data is collected and analyzed and then, at the conclusion of that analysis

period, the information is transmitted to the probation agent and we are made aware of any alcohol readings, any tamper alerts or any equipment malfunctions that might have been recorded during the previous 24-hour period.

The SCRAM system cannot be used on people who are Type II Diabetics because they have problems with circulation and you would not want to affix that bracelet on anyone's ankle if they had circulatory problems. And it's not intended for use by those people who have a nickel or steel allergy.

Here, too, candidates for the SCRAM Program must have an analog phone.

Thanks to the hard work of this Legislature, the County Probation Department currently has 20 of these units available and we're looking forward to expanding that program to 40. And as Director Desmond indicated, looking towards the future, we're very, very optimistic about new technology that will allow us to incorporate the elements of GPS and the elements of the SCRAM device in one unit. Thank you.

CHAIRMAN EDDINGTON:

Okay, I'd just like to start with one question about staffing. That all of these devices that you've shown, the alcohol and the other GPS real-time, is that the -- is that all staffed by 10 people?

DIRECTOR DESMOND:

The vast majority of that is staffed by the 10 people. The alcohol devices that are in the PAT Unit are under PPO Neubauer's control; they are responsible for those, but I'd say 90% of the operation is done by the 10 people.

CHAIRMAN EDDINGTON:

And this Legislature provided you with 10 positions, I think, so that you could accomplish this task?

DIRECTOR DESMOND:

I believe it was a combination of the Legislature and the County Exec allowing staff to be moved from other parts of the department.

CHAIRMAN EDDINGTON:

Ask you do have that full staff present.

DIRECTOR DESMOND:

And we have that full staff.

CHAIRMAN EDDINGTON:

Okay, thank you. Legislator Mystal, you had a question.

LEG. MYSTAL:

Good morning, Commissioner Desmond. My question also is on staff.

I couldn't help notice that in your presentation that you skipped the slide that says "Staff Requirements"; I don't know if it was intentional or if it was in error. But your "Staff Requirements" said for every 50 offenders subject to GPS surveillance, staffing requirements are 13 people. I'm not going to go through the whole thing, but 13 people for every 50 offenders that you are monitoring on GPS.

DIRECTOR DESMOND:

Right, we left a number of slides out, sorry about that; timeframe, we would have left out even more. What we're basically saying is that in order to supervise offenders with a 24-hour a day monitoring system, you have to -- you can only increase staff in groups in groupings. In other words, if you said to me tomorrow, "We'll give you two more Probation Officers, how many more people can you supervise," my answer would be none because I have to have the additional staff for the entire 24-hour, seven days a week.

In addition to the 10 that I was talking about, we have a clerical and we have a supervisor and an PPO. So, if we have -- if the County Executive and the Legislature at some point wishes to expand the program, it would probably have to be done in units of 50 and you would have to expand the staff per those units. If you get to some economies of scale, if you go into like a group of like 200 or so, because at that point we could just have para professionals do the monitoring in the office and the peace officers doing the field response. Of course it's a policy question as to how large the policy makers want this operation to be, but the economies of scale are not available until we get up to that point, before that you really need mostly peace officers to handle both internal and external responsibilities.

LEG. MYSTAL:

Thank you.

MR. LANGAN:

May I --

CHAIRMAN EDDINGTON:

Legislator Losquadro.

MR. LANGAN:

Can I just add something to what the Director mentioned, and it goes to Legislator Mystal's question, how much staff do you need. And I think everybody should be mindful that a staff of 10 covering 24-hours a day essentially means I have a team of two on most of those areas. I actually only have one officer on between midnight and 6 AM, he's, of course -- he, of course, knows that if he needs an assist, he will ask a sector car to join him at a location. But the effective monitoring currently is usually a team of two at any given time. We have a little overlap for a couple of hours a day, but as we get to, you know, where we've been at 50, if we want to go to 100, we're certainly going to increase the possibility of two field responses at the same time.

So to double the staff would effectively give me two teams of two officers a piece to cover Suffolk County. And any one of those hundred some odd cases could demand a field response at any point in time. Many or most, certainly most of our alerts have not required that, but we have to be staffed in order to address needing to be in two places at once. So even if we -- when we double the staff, you're really talking about having two teams of two on at any given time, perhaps one team in the western portion of the County and one team ready to respond in the eastern portion of the County. So the effective number of people at any given time certainly is not 10, we don't have 10 people watching a screen with 55 names on it.

CHAIRMAN EDDINGTON:

Question?

LEG. LOSQUADRO:

Yes. If you could just go back for a second to the economy of scale you were talking about. I apologize, we were just having a little technical difficulty over here, so I missed one portion of that economy of scale comment. But what I wanted to ask you was, is an efficiency taken into account when you are utilizing these systems, when you look at the number of officers necessary and you look at the efficiency of remote monitoring versus -- I guess it's working now -- versus the required field based monitoring of these individuals? At what point did you say that that economy of scale kicks in, that break-even point?

DIRECTOR DESMOND:

I really wasn't addressing the question of appropriateness of utilization of GPS as opposed to field supervision. What I was just addressing was that if you enlarge the program substantially, very substantially, to like 200 units, at that point, you could have paraprofessionals doing the screening, the office work --

LEG. LOSQUADRO:

Right.

DIRECTOR DESMOND:

-- and you could have the peace officers doing the external response work. The point I really want to -- and thank you for bringing this up, because I don't think I stressed it near strongly enough. GPS is just an enhancement. In addition to the GPS officers, most of the individuals that we're supervising are also supervised by regular probation officers that are responsible for their treatment and everything else, so this is an additional layer of staffing that's going on. That's why it's very costly, and with the recidivism rates that I showed you, in most cases, it's really not necessary. I think there's a place for it, but not for everybody. I would be terrified by a State mandate that all sex offenders in the County have to have GPS coverage, because it would be unbelievably expensive and wouldn't provide more than one or two percent increase in community safety, and the cost would be incredible.

LEG. LOSQUADRO:

Well, I understand your point there, you know, but, you know, as a body, we set policy.

I had a few questions. I asked the first one. When a response is warranted, be it through the GPS system or the remote alcohol monitoring system, I was looking at -- I apologize for our roof work. We need to put up one of those signs, "Pardon our appearance while we're remodeling." I just -- I happened to look at the picture of one of your vehicles that I'm assuming your officers respond in, and the equipment in it, please don't take offense here, but seems rudimentary at best compared to what we see in our Police Department, Sheriff's Department vehicles. And your officers are going out and dealing with individuals who could be in intoxicated or otherwise altered state, potentially violent. They're obviously convicted criminals, so they don't know what they're dealing with.

My question to you is, the cars that your officers are responding in, are they equipped with -- because I've asked this question of the Police Department when we were talking about them using alternative vehicles for their responses, and they were always very reluctant, because they wanted what they called the "full package" in terms of not only safety to the officer, but safety to the public as well when they're responding sometimes at a high rate of speed. Are these vehicles equipped with what we would consider or the Police Department would consider a full package, lights siren, other warning devices in which to warn the public that they are, you know, law enforcement or public safety, and to, you know, clear the path for them?

MR. LANGAN:

No.

DIRECTOR DESMOND:

No, I didn't think so.

MR. LANGAN:

We need the lights and sirens package on that vehicle.

DIRECTOR DESMOND:

Yeah.

MR. LANGAN:

You're talking about it needs to be equipped with proper light, emergency lights and sirens.

LEG. LOSQUADRO:

So they're not.

MR. LANGAN:

That -- no. We only have one vehicle for the unit and that vehicle is not fully equipped with lights and sirens.

LEG. LOSQUADRO:

One vehicle?

MR. LANGAN:

One vehicle.

DIRECTOR DESMOND:

There are other --

MR. LANGAN:

We have access to other vehicles.

DIRECTOR DESMOND:

Yeah, there are other vehicles available.

MR. LANGAN:

But one vehicle assigned to the GPS Unit.

DIRECTOR DESMOND:

I don't want to cause panic here.

LEG. LOSQUADRO:

No, I understand.

DIRECTOR DESMOND:

Yeah.

LEG. LOSQUADRO:

All right. Well, take that -- this is one that I see there. But of your other vehicles, are all of your other vehicles that officers would respond in, are they equipped with that package of lights and siren and warning devices?

DIRECTOR DESMOND:

No. We do -- we do have at least one car so equipped at each of our office sites to respond to emergencies, but most of our day-to-day vehicles are not equipped that way.

LEG. LOSQUADRO:

You and I need to speak about a bill to provide you with the funding to do that, because I find that situation, as this Public Safety Committee, that's not only a danger to your officers, but that's a danger to the public. And I wouldn't want to see your officers, you know, who are doing, you know, a great job and they have to go to respond to these situations, put in a spot, and I know, because I have a lot of friends who are on the job who always say, you know, unfortunately, when you're in any law enforcement vehicle, they seem to have magnets inside of them. They tend to attract accidents, even with lights and siren. So having these vehicles so equipped I think is something that's very important that we should make a move to do. And I understand wanting to keep the low visibility profile of them for the type of work that you do, but there are plenty of ways to maintain low visibility and have adequate safety devices to warn the public, provide a safer environment for your officers. So I definitely want to speak to you about that and provide you, or this committee provide you with what's ever necessary to rectify that as soon as possible.

In doing some research on this, I had a couple of questions about equipment. And I know we had heard about it a while ago and I was just wondering if you could give us an update. I know that your department had secured new firearms for the officers and we were going to have a continuity of the type of equipment as -- what brought it to mind was having a sector car provide backup in the event that there's only one officer. God forbid a situation arises, I think it would be very beneficial

to have continuity in the type of firearm that the peace officer and the police officer are using and be able to exchange magazines, if that's -- God forbid that situation were to arise.

Now, I know you were using the Smith and Wesson firearms and were moving to the Glocks; how is that transition taking place?

DIRECTOR DESMOND:

We're about halfway through.

LEG. LOSQUADRO:

Okay.

DIRECTOR DESMOND:

We have a 100 guns, 100 new Glocks and we're starting the transitioning.

LEG. LOSQUADRO:

Starting or you're halfway done?

DIRECTOR DESMOND:

Well, we have the guns and we're doing the training.

LEG. LOSQUADRO:

Okay. How long has that process been taking place and when can we anticipate that being completed?

DIRECTOR DESMOND:

You mean the total transfer to all Glocks?

LEG. LOSQUADRO:

Well, yeah. When did --

DIRECTOR DESMOND:

Probably next year.

LEG. LOSQUADRO:

When did you get the Glocks and when can we anticipate them in the holster of the officer?

DIRECTOR DESMOND:

We got the Glocks at the end of '06 and we have to have our trainers certified with the Glocks, and as soon as they're completed then they'll begin the training. So it will be happening as the year goes on class by class, group by group.

LEG. LOSQUADRO:

Okay. We're four and a half months into that now, and if there's anything that, you know, you need, assistance, contact the Commissioner -- the Chairman of Public Safety here in assistance with coordinating with the PD to get your trainers certified over at our fire instructors, you know, the PD's fire instructors, you know, to help that transition along --

DIRECTOR DESMOND:

Thank you. Yeah, I had met with the Chairman recently about training, because it's always a concern.

CHAIRMAN EDDINGTON:

Right. I have been meeting with the Sheriff's Department also to try to facilitate equipment, having a quartermaster to cover it all so we don't have this lag in getting the equipment, and also the training. So I'm working on that and as soon as we can iron it out, I'll have a presentation made for

all of us.

LEG. LOSQUADRO:

Okay. And that's going to -- that I assume will help facilitate the distribution of other equipment as well as.

DIRECTOR DESMOND:

Right, that's what we're hoping for.

CHAIRMAN EDDINGTON:

For example, just to stay on what Legislator Losquadro is saying, I know your officers have to make night visits at times. And my understanding is, you know, they can't wear descriptive clothing usually because of the firearm and stuff, but I would like to see them get some kind of vest or jacket that says Probation Department, so that the neighbors, when they see somebody running in the house at ten o'clock at night, know they're law enforcement and not a house invasion. So -- and my understanding is right now they really don't have that. So you're in a position where you don't always want to be identified but there are times when you need it, so I think that we would have support to help facilitate you get that kind of equipment also.

DIRECTOR DESMOND:

We appreciate it. Thank you.

CHAIRMAN EDDINGTON:

Okay.

LEG. LOSQUADRO:

And not just -- and Legislator Eddington was, you know, on the same line of questioning that I was on, but I think that's good that we're talking about increasing the efficiency at which equipment is distributed. Again, having discussed this issue, not only are we talking about having some, you know, marked jackets or vests or things like that that the officers can wear, but I understand that there was a delay in even distributing batons to officers or getting equipment for surveillance like something as simple as binoculars. So in working with the Sheriff's Department perhaps with this Quartermaster, I would, again, anything that we can do to help speed up that process for you, because that delay is doing nothing but, you know, putting the officers in danger and consequently, you know, putting an undue burden on the officers and, you know, consequently passing that along to the public as well.

Just one last question, only -- and again, it was back to the whole reason why I think we asked you to come in early to discuss these programs -- comes down to staffing, not just talking about this particular or these particular electronic monitoring programs.

In taking officers to staff these programs, as you said, it's an additional burden, if you will, on your unit, what has happened with -- what have you seen in terms of a trend with the caseload that your other officers are handling; has it increased as a result of this, is your staffing sufficient to meet your current needs?

DIRECTOR DESMOND:

We were lucky in one way, that with the changes in the PINS Laws and the County's responses to that, starting in '05, we've had a significant reduction in the number of juveniles supervised and we were able to move officers from that to cover caseloads to allow us to move some officers over to the GPS.

In terms of caseload numbers, we're in pretty good shape, we're about where we've been the last few years. The numbers are manageable. The area of concern that we have is that there's been a spike in court ordered presentence investigations over the last six months and that's putting some burden on our officers that do the PSI's and we're anticipating that that may lead to additional supervision staff needed in the future, but that's something I think I'll be bringing up in the '08

budget. But for right now, we seem to be doing all right.

LEG. LOSQUADRO:

Okay. You know, it's just a little disconcerting to us when we, you know, see at the same time as the public an article come out in the paper that says that, you know, you're out of the staff to handle something that we've, you know, given you the tools to do. So we want to make sure you have all the tools necessary for your officers to do the job and they have the proper staffing. I know that actually getting those individuals hired is something that's out of our hands. You know, we can put all the funding in place that we want, but, unfortunately, the next step is one that we don't have control over. But I would appreciate you sharing whatever concerns that you have that are ongoing with us, with the Chairman of this committee, so that we can certainly give you and your officers the tools that they need.

And I will be following up with you regarding those vehicles and getting them outfitted as I see as necessary. So thank you.

DIRECTOR DESMOND:

Thank you. Just very quickly, just up on the screen is what the officer sees when he's doing a check using the GPS system. The grid area down there is an exclusion box, so that if a person enters into that and stays there more than a few seconds it triggers an alarm.

And as I had said before, you can have up to 99 of those exclusion boxes on any one offender.

And --

MR. LANGAN:

Can I --

DIRECTOR DESMOND:

Yeah, all right. Yeah, just very quickly.

MR. LANGAN:

What you're seeing here is something that happened, as you can see at the top of the screen, on March the 8th. We talked about how we can go back in time and get a history of movement; GPS tracks movement. And the green arrows -- the arrows themselves are the movement of the individual. The green arrows show us that he's fine, we don't have any issues with that movement or that location. At the bottom left of the screen, you can see it also tracks speed of movement, he was at 55 miles an hour, well within the limits on the Expressway at that particular time, but if you ever see the arrow change to red, he's in an exclusion zone, that's a problem; he passed through an exclusion zone which we set up for this individual in order to generate this record or an example of what it looks like.

Many of the schools are already mapped out by our vendor {Protech}, but we have found some issues, not all the schools are on the screen. We do not rely on {Protech} to tell us where all the schools are and they certainly don't include the certified day-care facilities. We have to geocode every single one of those locations when we get a new case and establish these zones. The zones can be as small as 300 feet or they can be expanded as large as we would like, but no smaller than 300 feet.

So it's somewhat time consuming to set up what are called the rules which include exclusion zones. They can be also inclusion zones, somewhere where we want somebody to be between two periods of time, such as work, treatment, school. And we will get an alert if they are not in the inclusion zone where we want them to be and investigate that as well as trying to find out why they're somewhere where they're not supposed to be. So the grids can -- the arrows can point out showing that they're excluded from that zone or those arrows in the center of the grid can point inward showing that that's where we want them to be, but 99 in total rules.

DIRECTOR DESMOND:

I appreciate your time. Thank you.

LEG. CARACAPPA:

Question on that.

CHAIRMAN EDDINGTON:

One last question, Legislator Caracappa.

LEG. CARACAPPA:

It's very interesting. The exclusion zones, I took notice of the one that was -- looked like on his route to work or wherefore he was going. Now, obviously you're not asking that person to deviate around while in the vehicle, does he have a timeframe or she have a timeframe to get through that zone?

MR. LANGAN:

They can be given a grace period. With the sex offenders, for example, we may have a dozen schools within a five mile radius of their home and we want them to go to work, so they may pass through the zone as a matter of routine on a daily basis and we -- we really need to be alerted about somebody who lingers in a zone, so we can give them a one minute grace period to allow them to travel through the zone without an alert being generated.

LEG. CARACAPPA:

Okay. It wonderful technology.

CHAIRMAN EDDINGTON:

Okay, thank you very much.

DIRECTOR DESMOND:

Thank you very much.

MR. LANGAN:

Thank you.

CHAIRMAN EDDINGTON:

Before I start the agenda. I'm going to allow Legislator Viloría-Fisher to make a brief statement because she has to be somewhere else in three minutes and won't be able to be here for any debate. Legislator, go ahead.

D.P.O. VILORIA-FISHER:

Thank you very much, Mr. Chair. I appreciate it. Clearly I'm here to speak on IR 1143 which is a Local Law to prohibit smoking in passenger vehicles where children are -- in vehicles where children are passengers.

I'm going to ask that you just bear with me. I know I've heard a lot of dismissive remarks regarding this particular resolution and I want you to know where I come from in this. Years ago it had been proposed and it didn't achieve passage; in fact, I think it might have been withdrawn by the sponsor at that time. But I often, when I'm driving in my car, I find it very upsetting to see people smoking in their car with the windows closed and the kids are in the car. You know, I'm an educator by profession, children are where I've spent my life, working with them, and I'm a mother of five children and it's just very emotionally upsetting for me to see that. I have two children with asthma and I know what you -- and I have -- one of my sisters died of lung cancer, she was a lifelong smoker. So I am coming to you from a position of a lot of personal feelings regarding this issue.

And when I -- when I've listened to the arguments regarding passage of this, one of the ones that I

have heard is, "Well, are they going to come into my home next? You know, is government going to be big brother?" That's really not an appropriate -- well, I won't say appropriate, but an accurate analysis because there are many, many rules and laws that designate or that have to do with driving. First of all, you have to have a license to drive, we spent a period of time talking today about licensing.

LEG. CARACAPPA:

Apparently not.

CHAIRMAN EDDINGTON:

Yeah, right.

D.P.O. VILORIA-FISHER:

Well, one would hope that that will be reinstated and enforced fairly and across the board. Because, you know, just recently there was somebody with a suspended license, he didn't have a license, he was driving without a license so, you know, we want to enforce that. We have a lot of restrictions in cars. I mean, you can't -- you have to have a seat belt on when you drive in the car, that's by law; you can't have your windows tinted beyond a certain level, there's a law regarding that; the cell phone restriction, we all know about.

And one of the second arguments that's posited against this particular law is the parental rights; are you going to tell parents how to parent? We tell parents how to parent all the time. We tell parents that they have to vaccinate their children, we tell parents that their children cannot be truant from school, that they must attend school. We have a Child Protective Services Department that protects children, unfortunately, from their parents. You know, parenting is one of the most important jobs in the world and it's a job where there is no training and there are no requirements, and so parents sometimes need the help of government to parent correctly and children need the help of government to protect them from the people from whom they shouldn't need protection, but unfortunately they very often do.

LEG. LOSQUADRO:

(Inaudible).

D.P.O. VILORIA-FISHER:

Dan, you're making me laugh; I'm sorry, I could hear you.

LEG. CARACAPPA:

We're talking about parenting stories.

D.P.O. VILORIA-FISHER:

Yes, I know, I heard that. The next one is about enforcement. It's going to be difficult to enforce this, we know that, but it's enforcement that would probably come out of some other observable violation of law, as the Chief referred to earlier. That enforcement of whether or not a person has a license usually comes out of having had another observable violation, somebody going through a stop sign, an officer seeing that someone's registration or, you know, inspection sticker is not up-to-date and when that person is stopped, if that person is smoking in a car full of kids, then it can be enforced in that manner.

I remember Cameron Alden, when I first proposed this, said, "Well, we should be" -- maybe it was Cameron or maybe it was you, Dan, I can't remember who it was, who I'm quoting, but something about we should have more education. We have been trying to educate people to the dangers of smoking for a very long time. Sometimes we need something to get their attention and, you know, when you have an educational initiative, that doesn't hit the front page of the newspapers and it doesn't go on News 12. But when you have a law that's referring to something, some kind of activity, public activity, that does catch the attention; so that's number one. You can't teach unless you have an attentive audience, you have to have a teachable moment. So once we have people

paying attention, then we can use that attention getting device to teach the individuals.

You know, I have, again, been a teacher all my life and peer pressure is a very, very strong counter-teaching device. When I speak to parents at DARE graduations, I often speak to parents about the peer pressure that parents have also. If a parent or a teenager who has their younger brothers in the car, brothers or sisters in the car, has somebody else who comes into their car who might be a smoker and that person doesn't want to seem like overly righteous in saying, "Put out the cigarette," they're trying to think of an excuse to really forcefully tell someone don't smoke in the car with the kids in the car. If there's a law, then it makes it much easier for, let's say, a young person who has younger siblings in the car or children in the car to say to the smoking passenger, "Look, I don't want you to smoke because I could get a ticket for you smoking in my car."

You know, when the seat belt laws were first in effect, I have children who are old enough that when the seat belt laws were first passed I had kids in my car and I would say to my kids, "Make sure your seat belt is on otherwise a policeman is going to come and stop us." Anybody who is a parent knows that sometimes having that law is just another way of getting people to do things. If you have someone who's in the car and you don't want them to smoke, you can say you have the weight of the law on your side.

The other thing is that when you have a law, again, it becomes a way to teach. With the cell phone laws in effect, I know that we've all said they're not being enforced, but as a parent who has kids who drive, when I got my daughter a cell phone and she was starting to drive, when she got the cell phone she got the blue tooth, that was just part of -- if you're going to have your cell phone in the car, you have to have your hands-free device in the car with you.

So these laws, although you may scoff at them and we all may laugh at ourselves and say we have another law there, we also have to think of public health. And public health is the -- public health and safety is the primary charge of County government and this is the health and safety of our children and we really have to see this as a way of protecting our children. You heard what Dr. Dowling said this morning, I thought he presented very well. And he's representing the Medical Association of Suffolk County. Listen to what he said, think about this and keep an open mind; think of how you're going to be protecting children.

Thank you for listening. Thank you, Mr. Chair, for giving me the opportunity. I'm now five minutes after the time that I was supposed to be someplace. Thank you very much.

CHAIRMAN EDDINGTON:

Drive carefully.

D.P.O. VILORIA-FISHER:

Thank you.

CHAIRMAN EDDINGTON:

I would like to --

LEG. MYSTAL:

Don't smoke.

D.P.O. VILORIA-FISHER:

And I won't talk on the phone.

CHAIRMAN EDDINGTON:

I would like to make a motion to take IR 1186 out of order so the gentleman can get to work. So I'll make a motion.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

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

Okay. Well, let's look at *IR 1186-07 - Appointing a member to the Suffolk County Citizens Corps Council (Michael LeBate) (Presiding Officer Lindsay)*.

LEG. BROWNING:

I'll make a motion to approve.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Browning, I'll second that.
Any questions on the motion?

LEG. LOSQUADRO:

The candidate is here, do you want to have him come up briefly?

CHAIRMAN EDDINGTON:

It's up to -- sure, all right. Michael, would you please come forward?

MR. LEBATE:

The table?

CHAIRMAN EDDINGTON:

Wherever you're comfortable. Legislator?

LEG. LOSQUADRO:

Sure.

MR. LEBATE:

Good afternoon.

LEG. LOSQUADRO:

First we were debating whether or not you look better with the goatee, but --

LEG. HORSLEY:

Yeah, we were just saying, didn't he have a full goatee?

MS. McKEE:

You guys got good memories.

LEG. LOSQUADRO:

You have to have a brain for faces in this business. Well, the standard question for anyone who wants to serve on a board for the County is --

LEG. MYSTAL:

Why

LEG. LOSQUADRO:

-- why do you want to serve on this board? Yeah, it's, I guess, a question of sanity, as Legislator Mystal intoned in that. But why do you want to serve on this and what do you think you'll bring to the County in this capacity?

MR. LEBATE:

Well, you know, anybody in public service knows that part of volunteering is you've got to be a volunteer. I've volunteered since I've been in high school, going back from fire departments to, as

I've gotten hold older in life, coaching. And Bill Lindsay asked me if I would be interested in doing it, I respect the man and of course I said yes, I'd be interested in doing it.

I'm a site safety manager, I've been so since 1985. Even though Long Island doesn't have specific site safety manager-oriented jobs, the city does and I feel safety -- I've also worked at -- I was in charge of 2,000 men on 9/11 down at ground zero, so since then I feel the need for people to be aware. Safety is an issue that I've been doing, like I said, since 1985 and I feel I have a lot to offer to do that, so I have the time and I'd be happy to do it.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN EDDINGTON:

Okay. Any questions? Okay, good. Then we have a --

LEG. NOWICK:

Just --

CHAIRMAN EDDINGTON:

Oh, we have one more. Yes, Legislator Nowick.

LEG. NOWICK:

I think we should ask more questions since Mike sat here for three hours. So how was your day, honey?

MR. LEBATE:

It's hectic.

CHAIRMAN EDDINGTON:

And I appreciate that, Michael, for being here. Okay, then, we have a motion and a second. All in those in favor? Opposed? Abstentions? Okay, motion *approved (VOTE: 7-0-0-0)*.

LEG. BROWNING:

Congratulations.

MR. LEBATE:

Thank you. Have a nice day.

CHAIRMAN EDDINGTON:

Thank you very much.

LEG. MYSTAL:

Mr. Lebate, you don't have to show up on Tuesday in Riverhead.

MR. LEBATE:

Okay.

LEG. MYSTAL:

We have to.

CHAIRMAN EDDINGTON:

We'll re-recommend it. Okay, then, let's get to the rest of the agenda.

Tabled Resolutions

IR 1143-07 - A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk County where children are passengers (Viloria-Fisher).

LEG. MYSTAL:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Mystal.

LEG. LOSQUADRO:

Second.

LEG. HORSLEY:

A public hearing, right?

LEG. BROWNING:

No, we had the public hearing.

CHAIRMAN EDDINGTON:

No, it's closed.

LEG. HORSLEY:

Oh, it did? Okay.

LEG. MYSTAL:

It's subject to a public hearing, so it's not with --

MR. PERILLIE:

No, actually it's not.

LEG. MYSTAL:

Okay, still a motion to table.

CHAIRMAN EDDINGTON:

Motion to table.

LEG. BROWNING:

I'll second his tabling.

LEG. CARACAPPA:

I'll second it.

LEG. LOSQUADRO:

All right, I'll second the motion. Just on the motion, very quickly.

CHAIRMAN EDDINGTON:

Okay, we have a motion and a second. Legislator Losquadro.

LEG. LOSQUADRO:

I will just say, and I certainly don't want to belabor the tabling of this, but I will just say that I understand Legislator Viloria-Fisher's point. In fact, I'm recalling personal experience, back in the 70's, as many people did, you know, my mother was a smoker and I unfortunately had chronic respiratory infections when I was younger. My mother quit smoking and miraculously I didn't get respiratory infections anymore. So I understand her point, but at the same time I do not support this legislation because I think we are getting into an area of personal property and legislating morality in and on that personal property and I just think this goes too far and is something that, as

we have said, is unenforceable. So I second the motion to table.

CHAIRMAN EDDINGTON:

I'd like to add on the motion --

LEG. MYSTAL:

Mr. Chair?

CHAIRMAN EDDINGTON:

-- that to quote Legislator Losquadro, I happen to have personal experience in this area as a health educator and drug educator, and I used to greet the kids coming in the elementary school and I was appalled that when doors opened smoke came flying out. And I actually had to intervene on two occasions where I made a home visit to talk to the parents because the kids wreaked of nicotine and were being picked on by kids. So I am very concerned with this.

But to reiterate what Legislator Vilorio-Fisher said, I really believe that we have to educate first and then legislate as a second. And I don't know if we've had -- I've missed the intense education program for this, I haven't heard it. But when I look at the other side, I do understand that driving is a privilege and not a right, so that we could deal with it, but I want to hear more about it so I'm going to support the tabling motion.

LEG. MYSTAL:

Mr. Chair? Let me present the other side. My mother didn't smoke, my father didn't smoke and I had respiratory problems, okay? And what they did was they made me play soccer every day and I got over it.

My main objection to this bill is this, okay. I do not disagree with the effect of secondhand smoking on children. My main objection to it is this, you know, and I take very strong objection to what Legislator Fisher said, that we legislate, you know, children against their parents, you know, for child abuse, CPS, we do all that. What is the next step? Because don't tell me there's nothing wrong -- if there's something wrong with a mother or a father or a guardian smoking in a car and it's endangering a child, what's the leap to the house? That's what I'm saying, if you're going to do it there -- if you're going to ban smoking in the car, you might as well ban it in the house too because the child is exposed to more smoke in the house as the child is into a car.

So, you know, my thing is where do we stop invading -- you know, I was raised in the 60's and I guess for those of you who are a lot younger, 1984 which was a big George Orwell book in terms of Big Brother coming to monitor everything that we do; where does parent responsibility enter into the whole program? Where does -- somebody has to say, "Okay, I cannot do that to my children." Yes, we protect children from parents who are abusing them, who are beating on them, who are not feeding them and not taking care of them, but that's the home, we are doing that. Where does the parent come in and say, "Okay, this is my child, I cannot do that to my child". If you want to ban it, ban it all the way, that's number one. Not just ban it in the car, ban it in the home, ban it anywhere, ban smoking period. If that's -- if we are going to do it piece meal, let's do one-shot; let's make Suffolk County a smoke-free zone.

CHAIRMAN EDDINGTON:

Yeah, baby.

LEG. MYSTAL:

You know, that way then, you know, we don't have anymore problem.

If we're going to go that way, let's make it a smoke-free zone. But I refuse to believe that somehow we as Legislators have to legislate every moral issue. Let's ban alcohol -- and you can take up the alcohol industry, let's ban alcohol in all of Suffolk County, let's ban smoking in all of Suffolk County; you know, we can't do that, we are Legislators. You know, if we want to go that route. We can't have a beer, you can't have a glass of wine, you can't have a shot and you can't smoke.

LEG. BROWNING:

No more Guinness?

LEG. MYSTAL:

Okay, let's ban gambling, let's ban, you know, everything that's bad for us that we do. Let's ban all of it in Suffolk County and then we can be done, we can become the land of no, you know, like what's that little place on Fire Island again?

LEG. HORSLEY:

Ocean Beach.

LEG. MYSTAL:

Ocean Beach, the land of no, you can't eat an ice cream, you can't even walk. Let's do it.

CHAIRMAN EDDINGTON:

Where will you be moving to?

LEG. MONTANO:

I'm moving to Florida with you.

CHAIRMAN EDDINGTON:

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

LEG. CARACAPPA:

Elie the Morman.

LEG. MYSTAL:

Don't tell Sharpton.

CHAIRMAN EDDINGTON:

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

LEG. MYSTAL:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Mystal.

LEG. BROWNING:

Second.

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

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

LEG. LOSQUADRO:

Abstain.

CHAIRMAN EDDINGTON:

One abstention. ***Approved (VOTE: 6-0-1-0 - Abstention: Legislator Losquadro).***

Introductory Resolutions

1353-07 - A Local Law increasing towing and storage reimbursement to Towns and Villages under county Seizure Laws (Schneiderman). M.

LEG. LOSQUADRO:

I'll make a motion to approve.

LEG. NOWICK:

No, table for a public hearing.

LEG. MONTANO:

Motion to table for a public hearing.

LEG. LOSQUADRO:

Oh, it needs a public hearing?

CHAIRMAN EDDINGTON:

Yes.

LEG. LOSQUADRO:

Sorry.

CHAIRMAN EDDINGTON:

Okay, so we have a motion to table for a public hearing by legislator Losquadro, I'll second that. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 7-0-0-0).**

1362-07 - Donating decommissioned body armor vests from the Sheriff's Office to the United States Department of Defense to protect our citizen soldiers (Eddington). I'll make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning.

LEG. BROWNING:

I want to cosponsor.

CHAIRMAN EDDINGTON:

All those in favor? Opposed? Abstentions?

LEG. BROWNING:

Cosponsor.

LEG. HORSLEY:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor around the horn?

LEG. MYSTAL:

Around the horn.

CHAIRMAN EDDINGTON:

Okay, everybody cosponsor.

LEG. HORSLEY:

They're still okay, though, Jack?

LEG. NOWICK:

Yeah, didn't we talk about this already?

CHAIRMAN EDDINGTON:

Yeah, we did.

LEG. LOSQUADRO:

It's just --

LEG. HORSLEY:

They're still within their warranty or something.

LEG. LOSQUADRO:

No, they're out but they're just used on the vehicles to supplement the armor on the vehicles. They put them on the floor boards, under the seats, things of that nature.

LEG. HORSLEY:

I remember, I got it.

LEG. LOSQUADRO:

Not suitable for wearing on the person anymore.

CHAIRMAN EDDINGTON:

Right

IR 1369-07 - Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services, District Attorney's Recruitment and Retention program (County Executive).

LEG. BROWNING:

Motion to approve.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Browning.

LEG. MONTANO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Mystal. All those in favor? Opposed? Abstentions? ***It's carried (VOTE: 7-0-0-0).***

IR 1375-07 - Authorizing the Suffolk County District Attorney to apply for a subscription to a web-based access to Local Number Portability Enhanced Analytical Platform Telephone Number Look-Up (LEAP) (County Executive).

LEG. BROWNING:

Motion to approve.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Browning.

LEG. MYSTAL:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Mystal. On the motion?

LEG. LOSQUADRO:

It's not a big deal but, I mean, we can get it for Tuesday, but if someone knows what the LEAP System is or what it does?

LEG. MONTANO:

Please come and tell us.

LEG. LOSQUADRO:

Okay. I mean, I know in the insurance industry we had, you know, call directories and other reverse look-up tools that we could use when trying to locate someone, but I'm assuming this is something far more enhanced.

MR. KEARON:

Yes. Good afternoon. My name is Bob Kearon, I'm with the District Attorney's Office. First of all, the resolution is apparently required because of a County SOP dealing with a subscription in excess of \$1,500, this is at a cost of \$1,600, so that's why it's before you.

As I understand it, this web-based subscription will give us the ability to interact with the various telephone providers to identify what phone numbers are given service by a particular company. So that when we need to subpoena toll records for a given phone, we will be able to identify who the subscriber is and what company they subscribe with.

LEG. LOSQUADRO:

Good. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much, Bob. So we have a motion and a second. All those in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 7-0-0-0).**

IR 1409-07 - A Local Law establishing crime prevention requirements for scrap metal processors (County Executive).

LEG. MYSTAL:

Has to be tabled.

CHAIRMAN EDDINGTON:

This has to be tabled for a public hearing. I'll make the motion.

LEG. LOSQUADRO:

I'll second it.

CHAIRMAN EDDINGTON:

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

LEG. LOSQUADRO:

I know we're going to discuss this at greater length, but I was just looking through the resolution and I was very happy to see that vehicle dismantler was also added in to the resolution. I think that gives a much better level playing field to the businesses in Suffolk County who are going to have to comply to this so there's not an unfair advantage for one business over another. So I look forward to discussing this.

CHAIRMAN EDDINGTON:

Absolutely.

IR 1412-07 - Amending Resolution No. 52-2007 (Browning), but I actually don't have --

LEG. HORSLEY:

What it means.

CHAIRMAN EDDINGTON:

-- what it means right here.

LEG. HORSLEY:

Anybody know?

LEG. BROWNING:

Yes, I do.

CHAIRMAN EDDINGTON:

Okay, Legislator Browning.

LEG. BROWNING:

George, you want to?

CHAIRMAN EDDINGTON:

Or George, go ahead.

MR. NOLAN:

The resolution that's being amended is a resolution we passed earlier this year that authorized the Police Department and the Sheriff's Department to perform address checks on registered sex offenders. I believe this amendment comes out of some meetings that Legislator Browning had with east end Police Departments specifically. The language regarding -- the original resolution talked about monitoring sex offenders, the language has been fine tuned to state that the Police Department and the Sheriff's Department are authorized to do an initial verification of addresses and thereafter perform spot checks.

Additionally, at the request of the east end Police Departments, I believe, and the villages, if the villages and town outside the Police District request that the Sheriff's people don't come into their towns and villages and perform this function in writing, then the Sheriff's Department will not do so.

LEG. BROWNING:

And I would like to say I did send a copy of this bill to all east end Police and we have not heard any response from them in opposition to it.

CHAIRMAN EDDINGTON:

Okay. Did I have a motion on this; I don't recall. All right, then I'd like to have a motion.

LEG. BROWNING:

Motion to approve.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Browning.

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Horsley. All in favor? Opposed? Abstentions? Okay, *carried (VOTE: 7-0-0-0)*.

Home Rule Messages

HR 05-2007 - Home Rule Message requesting New York State Legislature to authorize the Suffolk County Society for the Prevention of Cruelty to Animals to make inspections and impose fines (Eddington). I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

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

LEG. HORSLEY:

Is that pets?

CHAIRMAN EDDINGTON:

Yeah.

LEG. HORSLEY:

Is it? Good for you.

Memorializing Resolutions

CHAIRMAN EDDINGTON:

Memorializing Resolution in support -- ***MR 14-2007 - Memorializing Resolution in support of New York State Legislation to strengthen penalties for individuals who commit sexual offenses against children (Browning).***

LEG. BROWNING:

I'll make a motion.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Browning.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

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

LEG. NOWICK:

Renee, cosponsor.

LEG. MYSTAL:

Co.

CHAIRMAN EDDINGTON:

Yeah, cosponsor.

MR 15-2007 - Memorializing Resolution in support of State Legislation to toughen vehicular assault and vehicular manslaughter laws (Caracappa).

LEG. CARACAPPA:

Motion.

CHAIRMAN EDDINGTON:

Legislator Caracappa makes a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Mystal. All those in favor? Opposed? Abstentions?

LEG. MYSTAL:

Renee, co.

CHAIRMAN EDDINGTON:

MR 23-2007 - Memorializing Resolution in support of Dignity for All Students Act (Senate Bill S.1571 and Assembly Bill A.3496).

LEG. LOSQUADRO:

Would it be possible, could Counsel just give us an explanation?

The others are pretty self-explanatory. What is the Dignity for Students bill.

MR. NOLAN:

I think this is a really -- could be coined an anti-bullying law.

The legislation would prohibit discrimination or harassment against students on the basis of actual perceived race, natural origin, ethnic group, religion, occurring on school grounds. It would require school districts to develop procedures to create a school environment free of discrimination and harassment; that's what it would do.

LEG. LOSQUADRO:

Is there anything in this legislation -- I just -- it's obviously a very laudable goal. Is there anything in here that would provide any funding to the schools to develop these guidelines and curriculum, or is this another mandate that comes from the State that the schools are going to have to absorb the cost? I just don't know if there's anything in the bill. I know -- I didn't get a chance to read the State Assembly bill, but I know there's been a push for the -- you know, especially after the calculator incident, as we'll refer to it, for the Board of Regents to supply funding when they do these sort of things.

MR. NOLAN:

I don't recall that being in the bill. I think it would be with the district to absorb the cost of developing the guidelines and performing the training.

LEG. LOSQUADRO:

Actually, I just found something, "Provide grants from funds appropriated for such purpose to local school districts to assist them in implementing the guidelines set forth." So that's fine, that's it, it's in there.

CHAIRMAN EDDINGTON:

Okay.

LEG. MYSTAL:

Motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

All right, then. Motion, second by -- motion by Legislator Mystal, second by myself. All those in favor? Opposed? Abstentions?

Motion carries (VOTE: 7-0-0-0).

LEG. BROWNING:

Cosponsor.

CHAIRMAN EDDINGTON:

I will make a motion to recess. And congratulations on making the record --

LEG. HORSLEY:

Not recess, adjourn.

LEG. MYSTAL:

Just say adjourn.

CHAIRMAN EDDINGTON:

I mean to adjourn, sorry. Motion to adjourn and second by Legislator Mystal. Thank you.

LEG. MYSTAL:

I'll get you back for this one.

CHAIRMAN EDDINGTON:

It's a record.

(*The meeting was adjourned at 12:29 PM*)

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

{ } - Denotes Spelled Phonetically