

PUBLIC SAFETY COMMITTEE

Of the

Suffolk County Legislature

Minutes

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on August 2, 2007.

Members Present:

Legislator Jack Eddington - Chairman
Legislator Kate Browning - Vice-Chair
Legislator Wayne Horsley
Legislator Elie Mystal
Legislator Joseph Caracappa
Legislator Lynne Nowick

Members Not Present:

Legislator Dan Losquadro - Excused

Also In Attendance:

George Nolan - Counsel to the Legislature
Ian Barry - Assistant Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk/Suffolk County Legislature
Kara Hahn - Director of Communications to PO Lindsay
Bobby Knight - Aide to Presiding Officer Lindsay
Dan Truchan - Intern to Presiding Officer Lindsay
DuWayne Gregory - Aide to Legislator Mystal
Greg Moran - Aide to Legislator Nowick
Lori Murphy - Aide to Legislator Losquadro
Linda Bay - Aide to Minority Leader
Paul Perillie - Aide to Majority Leader
Jim Maggio - Budget Review Office
Ben Zwirn - Assistant County Executive
James Dahroug - County Executive Assistant
Brendan Chamberlain - County Executive Assistant
Dennis Brown - Deputy Bureau Chief/County Attorney's Office
Robert Kearon - Division Bureau Chief/District Attorney's Office
Robert Moore - Chief of Department/Suffolk County Police Department
Aristedes Mojica - Inspector/Chief of Dept's Office/SCPD
Joe Williams - Commissioner/Fire, Rescue & Emergency Services
John Desmond - Director/Suffolk County Probation Department
Tom Henry - Suffolk County Probation Department
Vincent DeMarco - Suffolk County Sheriff
Hope Collazo - Director/Community Service Program-American Red Cross
Debbie Eppel - Public Information Office

Catherine Hoake - Suffolk County League of Women Voters
Debbie Alloncius - Legislative Liaison/AME
Mike Sharkey - President/Deputy Sheriffs Police Benevolent Association
Matt Bogert - Vice-President/Correction Officer's Association
John Bogack - CPS Worker
Sean Gillan - Southampton Town PBA
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

*(*The meeting was called to order at 9:39 AM*)*

CHAIRMAN EDDINGTON:

Okay, I'd like to call to order the Public Safety Committee meeting, and Legislator Mystal will lead us in the pledge.

Salutation

If we can just hang in for one more second to honor our men and women that are fighting overseas and those that have given their lives for us and our public safety.

Moment of Silence Observed

And one last second for the police officers that have been involved in accidents in dedicating themselves to ensure our personal public safety; just another second, please.

Moment of Silence Observed

Thank you very much. Okay, we're going to go right to public portion and I have Mr. John Bogack.

MR. BOGACK:

I do have a statement; do you want that before I start?

CHAIRMAN EDDINGTON:

Start whenever you're ready, sir.

MR. BOGACK:

My name is John Bogack, I presently work for the Department of Social Services as a consultant in CPS. Just to give you some background about my involvement in CPS -- and this is going to be an actual issue about the Public Safety Committee before we get to the end of this -- I started in 1969 as a Caseworker, worked 30 years there, retired in the year 2000, came back four years ago as a consultant. Most of my time in the Department of Social Services has been in CPS as a field worker, as an Investigator.

*(*Legislator Horsley entered the meeting at 9:41 AM*)*

When I came back four years ago, one aspect of doing CPS investigations is being able to look at police reports. In fact, the ability of CPS workers to look at these police reports was a reform that was instituted around 1994 in this County after the District Attorney's Office investigated CPS due to a number of questionable cases involving fatalities. Out of that Grand Jury Report came one very good recommendation and that was that CPS workers be allowed to access the Soundex System of the Police Department. That system provides two forms of information to CPS workers, very valuable pieces of information; one is a summary of all police contacts with clients, whatever that happens to be, and the other one is a summary of all arrests. When a CPS worker has that information, they can look for patterns of criminal behavior, they can find active case investigations that are going on in the criminal justice system, they can locate an Assistant District Attorney who might be involved with a family while a CPS investigation is pending or a Probation Officer or a Parole Officer.

I will assure you that when a CPS worker can make these connections to other individuals who are actively involved with a family, the safety of children involved in CPS investigations is maximized because then you have a number of people all working together. But first you've got to find these

people, and generally to find these people, in my experience, you've got to have those reports.

Now, when I first came back four years ago, when you made a Soundex report, generally you got that information back within several weeks; that wasn't so bad, at least it came back within the time span of a CPS investigation which is 60 days. Over the last year or so, those Soundex reports have not been coming back at all within that timeframe; they've been coming back two months, three months later. It's now become a rather persistent problem inside CPS.

Now, I know that efforts are being made to address some of these issues. In fact, I had a contact with your aide and I know that the Police Commissioner is aware of this problem and has promised to add additional staff at some point in the future. But I'm just saying to you Legislators that in '94 the Grand Jury looked at our system, came up with a really good recommendation, the District Attorney concluded that was a good idea, too. I'm sure they had investigators who knew at that point in time that we needed that kind of information to do competent investigations to prevent what exactly the Grand Jury was looking at which is the deaths of children. Now, we can't let this slide any longer. There really has to be an effective conduit of information to CPS workers.

And I know the Police system, it's as burdened as the CPS system. I know they have budget problems, they may have technological problems with dealing with this information, but truly -- truly, truly, truly -- the kids in this County need something better than compromised CPS investigations which are missing information. So I've come to you today in the hopes that someone can start looking into this problem and solve it pretty soon.

CHAIRMAN EDDINGTON:

Thank you very much, and thank you for reaching out to my office.

Chief Moore is already looking into that for us, so we'll be getting more information, so thank you.

MR. BOGACK:

Thank you very much.

CHAIRMAN EDDINGTON:

Sure. Sean Gillan.

MR. GILLAN:

Hello. My name is Sean Gillan from Southold Town PBA. I come to you today in I guess not such a great light; the east end PBAs have not been happy at all. We have found many things that are upsetting us lately, one is the Sheriff's Department trying to legislate themselves out into the east end, this is a duplication of services. And maybe to give you a little idea of how our policing works out there, is that if there is a child molester in our town, I'm never off work, if I go to Waldbaum's or any store, it's not like I'm in Suffolk, or I should say Western Suffolk. My wife tells me they see him, if I go to the store to get a glass of milk, the store clerk tells me they've seen him. We're a small town out there, so we're very close-knit, we're very in tune with our community. So when this legislation came down -- and I know it was amended, I don't understand why it just wasn't done away with.

And then we get into another area which is a little different, the duplication of services. The Sheriff's Marine Unit, when it first arose there were only two Deputies assigned to it and then now there's 12 Deputies, one Supervisor, now they have a Dive Unit. I just don't understand this anymore. I mean, in times when we're mandated with school taxes and everything else, that this is just more burdensome on us. You're funding a 12 man team on a boat which every east end department already has dive teams, we have rowing boats. When we do like BWI cases or anything like that, our police officers are on the boats. I just don't understand this; I don't know why you're funding this, and we have grave concerns about this.

CHAIRMAN EDDINGTON:

Well, Sean, what I will tell you then is I will be getting some information about it and we'll get back to you concerning it. I do have the Sheriff here who is going to address another issue and I'm sure he can clear at least one of those two for you.

MR. GILLAN:

All right, thank you very much for your time.

CHAIRMAN EDDINGTON:

Okay, that's the last card. Does anybody else want to speak?

LEG. MYSTAL:

Are you going to call up the Police Department?

CHAIRMAN EDDINGTON:

Yeah, I'm going to call them all up. At this time, I'd like to start with Sheriff Vincent DeMarco, I see him here and maybe he could shed some light on that issue and also the issue that I asked you about.

SHERIFF DEMARCO:

Hi, good morning.

LEG. CARACAPPA:

Good morning.

SHERIFF DEMARCO:

What issue do you want me to start with, Chairman?

CHAIRMAN EDDINGTON:

Well, why don't you address Officer Gillan's, the sex offender.

SHERIFF DEMARCO:

Okay. I'm not quite -- the sex offender legislation has nothing to do with me legislating myself anywhere because I don't legislate anything; that was a legislative initiative that I was required to do. Legislator Browning met with the Chiefs of the east end Police Department, discussed their concerns and the legislation was amended to their satisfaction, as far as I know -- and we're just complying with your directive. So that's that.

As far as the Marine Unit, we don't have 12 people necessarily assigned to a Marine Unit. We have two full-time people and we have 12 people who are trained so that if somebody were to be out sick or on vacation, that someone could step in. This was an initiative that was started a few years ago by Sheriff Tisch and it's been quite successful. We work very well with the east end Police Departments, and actually the Town Bay Constable. So we don't have 12 people assigned to a Marine Unit.

CHAIRMAN EDDINGTON:

Thank you. And I think Legislator --

SHERIFF DEMARCO:

And if we did -- let me say, if we did, that's my prerogative, but we don't because that would be a waste; we only have one boat, so what do we need 12 people for?

CHAIRMAN EDDINGTON:

Right. Did you want to ask him a question?

LEG. BROWNING:

Yes.

CHAIRMAN EDDINGTON:

Legislator Browning would just like to touch on those issues with you.

LEG. BROWNING:

I just want to verify something. I know we met with the east end police departments on this particular bill and I know that the intent is only that the Sheriffs do the random checking and the Suffolk County Police Department does it and the east end police were told that if they choose to do that, they can opt out and not have the Sheriff's Department do it. My question for you is that the east end police departments are still the arresting agencies if they find somebody who's violating; correct?

SHERIFF DEMARCO:

Yes. You just reminded me that the reason you gave them the issue to opt out is -- and the reason you asked me to do the random checking and said that they can opt out is because this would have been sort of an unfunded mandate you were putting because it was going to be a County Law and you weren't going to give them any money or resources to do it; so that's true. What was the second part of the question?

LEG. BROWNING:

Well, the --

SHERIFF DEMARCO:

Oh, the arresting agency, right.

LEG. BROWNING:

Yeah, the arresting agency.

SHERIFF DEMARCO:

Yes, we told the Chiefs that if we -- what we did, I sent out a letter out to all the Chiefs telling them that we're getting ready to implement the random checks and looking for cooperation and information sharing and we told them that we would -- any time we did a check we would send a report to their sex offender liaison, whoever they appoint, with the information we found and then they could decide to take action, the action they want to take.

So yeah, we're not looking to take anything away from them, we're just doing the checks that, you know, possibly they don't have the manpower to do, or if they have the man power to do it they can do it themselves.

LEG. BROWNING:

And have any of those Chiefs contacted you and said, "No, we don't want you to do any of this, we're going to do it"?

SHERIFF DEMARCO:

No, not yet.

LEG. BROWNING:

Okay, thank you.

CHAIRMAN EDDINGTON:

Okay. And what I would recommend to Officer Gillian, have your Chief reach out to either us or the Sheriff himself and I'm sure this will be easily fixed.

As far as -- now, we had met with Congressmen Steve Israel and he had given you some information and you had talked to him about the criminal aliens in our jail and I just wanted to get an update on the amounts.

SHERIFF DEMARCO:

Sure. As of the 30th of July, we had 177 illegal aliens that had detainers from Immigration Custom Enforcement, which means these are people that once their case is disposed of that they are going to take, they're not going to get released back out into the public, they're going to take and put them in a Federal holding facility for a deportation hearing.

So far this year we have turned over 401 illegal aliens to customs for these deportation hearings. Last year, all of 2006, we did 376, so we're already ahead of last year, and that has to do with a couple of things. One is that we were able to add two more Correction Officer Investigators to our Gang Intelligence Unit who do the screening for this and that is -- we've been able to get through more of the inmates in the jail to find out what their status is.

And the other thing is that ICE has finally moved in to the office space that we were able to give them and they're set up with their computers. And just last week we were able to give them, finally give them the access to the Jail Management System, so not only are we going through it, they're going through our jail population as well.

CHAIRMAN EDDINGTON:

So this is cost effective is what you're saying.

SHERIFF DEMARCO:

Oh, sure it is, yeah.

CHAIRMAN EDDINGTON:

What kind of savings do you think we're -- I mean, how long does a person stay there before they leave so that you're paying, we're paying for it?

SHERIFF DEMARCO:

Well, it depends. It's a bigger initiative, too. Last year in our budget you gave me two Bail Expeditors who one of them's function is not only bail expediting but they go through the jail population and look for people who have detainers or holds from other jurisdictions, and we forward a report to the courts on a weekly basis to try and get the Judges to dispose of these charges quicker because we know that either ICE is going to take them out of our jail, Parole is going to come and take them or New York City or Nassau County, somebody is going to take them. So we're trying to speed up that process, that these other people who are wanted by other jurisdictions, get them out of our jail quicker. So it's not just adding the Investigators, it's also that we added two of these Bail Expeditors who are doing this report for the courts.

CHAIRMAN EDDINGTON:

Well, I appreciate your efforts. And certainly, with the Operating Budget coming, let us know how you can help us save more money; I know that that will make across the street happy and if we can do better and save money, that's a good thing.

SHERIFF DEMARCO:

Right. And just with Congressman Israel, what he was talking about was this year we were able to get \$1.7 million of reimbursement from the Federal Government, it's the State Criminal Alien Program; it basically reimburses local municipalities for the costs that they incur for incarcerating illegal aliens. And the President was going to chop that program out of his budget and Congressman Israel was very lucky, he's on the Appropriations Committee and is attempting to restore that. So we got \$1.7 million which is the most amount of money we have ever gotten from that program, so.

CHAIRMAN EDDINGTON:

Excellent. Legislator Mystal.

LEG. MYSTAL:

Good morning, Sheriff.

SHERIFF DEMARCO:

Good morning.

LEG. MYSTAL:

I just wanted to go over the numbers with you a little bit. You said last year you reported 376 illegals to ICE?

SHERIFF DEMARCO:

That ICE actually came and took, right.

LEG. MYSTAL:

Undocumented, ICE came in and took 376 undocumented.

SHERIFF DEMARCO:

Uh-huh.

LEG. MYSTAL:

And this year you're already at 400.

SHERIFF DEMARCO:

Four hundred and one, right.

LEG. MYSTAL:

Four hundred and one and we're only just beginning the eighth month of the year, so you've got another four months to go. To what do you attribute this surge?

SHERIFF DEMARCO:

Well, it can be one of two things. It could be that more illegal aliens are getting arrested, which I don't think that's the case.

What I think is going on is that because we added the two more Correction Investigators and working in conjunction with ICE, that we're just able to scour the whole -- more thoroughly scour the jail population and not let people slip through the cracks and get released back out into the public, they're actually being -- more people are being turned over to ICE because we're able to find them.

LEG. MYSTAL:

You don't have anything to do with arresting people or educating them or convicting them, you get them from the court system.

SHERIFF DEMARCO:

We get them from the courts. But our guys make arrests, too, but we're not targeting --

LEG. MYSTAL:

You make arrests, too, but they have to go through the court system before they get to the jail.

SHERIFF DEMARCO:

Right. These people that we're turning over to ICE are people that have been convicted of a crime, and for ICE to take them, for the most part, they have to be convicted of at least two misdemeanors or a felony, so these are people who are convicted of crimes.

LEG. MYSTAL:

Thank you.

CHAIRMAN EDDINGTON:

Legislator Caracappa.

LEG. CARACAPPA:

Yeah, just to make it a little clearer, Legislator Mystal, and correct me if I'm wrong, Sheriff. There has been no surge, so to speak, in the population of criminal aliens in our jail, that's always at a high level. The surge has been, as the Sheriff has said, is his ability and his staff's ability to move the people that aren't legally ours to hold, move them more quickly out of the jail so it's not taking up our bed space and costing the taxpayers money, that's what the surge is. There's always a high level of illegal immigrants in our jail system, but they're just being moved out quicker.

LEG. MYSTAL:

Thank you.

SHERIFF DEMARCO:

We average -- about 10% of our jail population are illegal aliens, and that's pretty consistent.

CHAIRMAN EDDINGTON:

Legislator Horsley.

LEG. HORSLEY:

Good morning.

SHERIFF DEMARCO:

Good morning.

LEG. HORSLEY:

Just quickly. Have we seen an uptick as far as those people that have been deported back to their countries and actually returning to Suffolk County; do we have any statistics yet or is the Federal Government looking at that issue?

SHERIFF DEMARCO:

We have seen -- I don't have a number for you, but --

LEG. HORSLEY:

I didn't think you did, but I know it's --

SHERIFF DEMARCO:

-- my guys do point out to me, though, when they do find somebody, they're like, "Hey, we turned this guy over last April and he's back in here a year later". It seems like most of those guys that they point out to me, it takes a year for them to get back but they come back.

LEG. HORSLEY:

That's what I suspected.

CHAIRMAN EDDINGTON:

Legislator Nowick.

LEG. NOWICK:

Vinny, along the lines of Legislator Horsley, is that an automatic when they go -- they're taken from our jail, they get deported?

SHERIFF DEMARCO:

No; unfortunately, no. They're taken from our jail by ICE to a Federal holding -- it's usually a Federal prison that's designated for illegal aliens, and then they are -- due process, they go into in front of a Federal Magistrate who will determine if they get deported or not. And I'm told from the ICE agents that I deal with that -- I don't have the numbers but, you know, there are quite a few

who get temporary status to clear up loose ends they have here and they're told to come back in six months to turn themselves in, and whether or not they come back or not is another story.

LEG. NOWICK:

Oh, that works. Now, is there --

SHERIFF DEMARCO:

Some people -- like if someone -- you know, if you're a gang member or a violent criminal, that's not going to be the case, they're going to deport you right away.

LEG. NOWICK:

Is there a Federal prison here?

SHERIFF DEMARCO:

But the other people that have less violent crimes, sometimes they will give them the ability to have temporary status to take care of -- you know, if they have family members or something and they're told to return for their deportation.

LEG. MYSTAL:

Yeah, return, right.

LEG. NOWICK:

Uh-huh, they're coming back.

SHERIFF DEMARCO:

Good luck.

CHAIRMAN EDDINGTON:

Well, it sounds like there can be frustration in it, but we all do appreciate every effort that you and the whole correctional institution takes and the Sheriffs. So thank you very much.

SHERIFF DEMARCO:

Okay, thank you.

CHAIRMAN EDDINGTON:

Commissioner Williams, I was just wondering if you would want to just give us a minute on possible hurricane preparedness?

LEG. NOWICK:

You might want to talk about bridge collapses, too.

CHAIRMAN EDDINGTON:

No bridge collapses on Long Island, no; God forbid.

COMMISSIONER WILLIAMS:

I want to definitely reassure you that the Department of FRES, Suffolk County PD, Office of Emergency Management has been working very diligently this past year. We've had numerous drills, we just had a drill yesterday with LIPA. We've expanded our region now, we do have a region, we work very closely with Nassau County, New York City, even Westchester and Urban Area Work Group. We're as prepared as we can be to handle something. We always get better, we constantly look at our plans. Every year we don't get a hurricane but we'll be better next year. This year, if we did get something, I can reassure you, the County, FRES and those emergency workers are ready to handle it.

CHAIRMAN EDDINGTON:

Okay. Legislator Horsley.

LEG. HORSLEY:

Good morning, Commissioner. It's good to see you. And by the way, you did a good job with the hurricane preparedness and the whole program dealing with LIPA, etcetera.

I had a quick question. I got this -- I have this resolution, 1504, authorizing application to the New York State Department of Health for approval of the transfer of the Suffolk County Department of Health Services, Division of Emergency Medical Services, to the Department of Fire, Rescue and Emergency Services; can you tell me about that?

COMMISSIONER WILLIAMS:

I am --

LEG. HORSLEY:

I just got it, I was like, "What is this?"

COMMISSIONER WILLIAMS:

Yes. I do know I was invited to attend the Health Department hearing this afternoon, so --

LEG. HORSLEY:

Yeah, Elie and I were both asking the same thing; "Do you know anything about this?"

COMMISSIONER HORSLEY:

We are coming to that. What this is, what's happening here with the talk about moving, or at least looking at putting EMS into FRES, is that we looked at Westchester County, they have a little bit of a model like this, what's happening would be that the Health Commissioner would still be handling everything to do with health on the EMS end of it.

Looking at the component of EMS, if you look at the 109 fire departments and the 27 ambulance companies in the County, over 60 fire departments run EMS. We deal with the fire departments every single day, my department deals with them every day. What's happening sometimes, when questions come up on the fire end of it or EMS end of it, it's splitting down the middle. Also, too, with our EMS Division, compared to like say the Health Department, they're a very vital part of our emergency response. They get called out the same as we get called out. We all wind up at the same scene. What the first responders out in the field are looking -- have come to us and asked us for this bill was that we would be a lot better off being a part of FRES, a much smaller department. As long as it doesn't effect any of the funding, we spoke to the County Executive about that, that's -- no one wants to lose any of that money. But everybody seems to feel there would be a line, a more direct line and easier to solve maybe some of the problems that are there.

Right now, I don't see any problems in EMS, they do a fantastic job. It would just be, administrative-wise, easier communication. And again, we're all in the same place at the same time, 90% of the time.

LEG. HORSLEY:

Okay. So you are -- you are supportive of the bill, you feel it's the right thing to do. Has the Health Commissioner been involved in this decision making?

COMMISSIONER WILLIAMS:

Yes. I know the both of us will be here this afternoon. We had a meeting --

LEG. HORSLEY:

Okay, I didn't want to -- but it's of interest to this committee as well, so I just wanted to --

COMMISSIONER WILLIAMS:

Yes, absolutely. I do know the first responders, from traveling around the County, I go through numerous meetings, the majority of your EMS and your first responders are in favor of this change. They feel it would be beneficial to them, they have their voice heard, only because of a smaller department, FRES is much smaller than Health. It isn't that they've been ignored by the Health Department, but we work so closely together, it would just be another arm together.

LEG. HORSLEY:

Okay, thank you.

CHAIRMAN EDDINGTON:

Legislator Mystal.

LEG. MYSTAL:

Commissioner Williams, I'm not going to ask you the question now, but would you please bring anybody you want and plus yourself to the Health Committee? I don't want to impinge on this committee, on this issue, so could you please make yourself available for the Health & Human Services Committee this afternoon? Because we have some questions and I'm sure we will discuss it some more.

COMMISSIONER WILLIAMS:

Absolutely, I will be there at two o'clock this afternoon.

LEG. MYSTAL:

Thank you.

CHAIRMAN EDDINGTON:

Okay, thank you, Commissioner.

LEG. MYSTAL:

Mr. Zwirn, you will please --

MR. ZWIRN:

I'll be there.

LEG. MYSTAL:

I will ask you some questions about that, too.

CHAIRMAN EDDINGTON:

If I could get Chief Moore just up for a second, or two.

LEG. MYSTAL:

Or three.

CHAIRMAN EDDINGTON:

And you could just give us some information on that issue about the sex offenders and the libraries and that piece that you were looking into.

CHIEF MOORE:

Good morning. I'm Robert Anthony Moore, Chief of Department, Suffolk County Police Department.

Recently, two pieces of legislation suggesting adding libraries and senior citizen housing, and it's a defined term in the legislation, have been added -- are being proposed for addition to the no resident zones. Now, fortunately, we were able to include the libraries to the existing list, and I have a map that we'll share with you. Unfortunately, we just didn't have the time to include the senior citizen housing, and that will be problematic because, as you know, libraries, schools, the kinds of institutions that have been included so far, are a matter of public record and you can do a Google search and find them. That's really not the case with senior citizen housing. We're going to

have to depend on anecdotal information from our officers from the towns, from the villages, from the east end departments, the Sheriff and other associations and agencies.

But having said that, Inspector Mojica? I'll just take a moment and ask Inspector Mojica to just show you this. Also, I have with me today Detective Lieutenant Grodsky, the Commanding Officer of our Special Victims Section, and if you have any questions regarding our processes, procedures, how we intend to comply with the law, I'll ask him to come up and I'm sure he can answer any questions you may have. This map that you're looking at right now, as I said, this has on it all of the existing buildings and structures as per current law and, in addition, it has libraries; however, it does not include senior citizen housing.

CHAIRMAN EDDINGTON:

Okay. So, I mean, just my initial reaction was that they're going to be living out on one of the forks.

LEG. BROWNING:

Okay, let's approve the bill.

MR. ZWIRN:

Wait a second.

CHAIRMAN EDDINGTON:

If we --

MR. ZWIRN:

Wait a second, I have to look at the map.

CHAIRMAN EDDINGTON:

Immediately, you know, I've got like all --

LEG. MYSTAL:

Ben, they're coming to see you.

CHAIRMAN EDDINGTON:

Where do you live, Mr. Zwirn?

MR. ZWIRN:

If you pass Legislator Schneiderman and Romaine's legislation, if that passes, then that's the only districts we're able to put anybody in.

LEG. MYSTAL:

I said they're going to be all next to you.

CHAIRMAN EDDINGTON:

It's obvious that --

LEG. CARACAPPA:

Well, we can put Ben down for senior housing now, right?

CHAIRMAN EDDINGTON:

Well, I do want to say that as Chair of the Public Safety Committee, this whole committee has been trying to do due diligence and that's why you're here today. We didn't want to just pass anything because it sounds good, we wanted to make sure who will suffer and how we will best protect the people of the community. And I appreciate the work of this committee because that wasn't an easy vote for us to table, to look a little harder, but we did what we thought was right and I want to thank my committee for their support on this. Yes, did you want to comment on this?

CHIEF MOORE:

No, no. He's just here in case the members have questions.

CHAIRMAN EDDINGTON:

Oh. Legislator Browning.

LEG. BROWNING:

Yeah, when I look at the map, obviously you said it makes them all have to move out east, which works for me. However, I'm looking at the tri-hamlet area and I'm looking at Gordon Heights area where I represent, and a lot of those Dotson houses are going to have to close down. And I look at Mastic Beach and the Smith Point area, you're going to force them into those communities? Mastic Beach already has, of the tri-hamlet area, has a larger number of sex offenders, so now we're going to move them out of Shirley and Mastic and move them in to Mastic Beach and I certainly cannot support doing that.

CHAIRMAN EDDINGTON:

We've got Officer Gillan's attention quickly here, too.

LEG. MYSTAL:

He wants to see what he's going to get.

CHAIRMAN EDDINGTON:

By all means, join us. Well, you know, they say a picture is worth a thousand words and I don't usually use that many words anyway, so I'm satisfied. Is there anybody else that needs to look at this presentation? I would like you to just --

MR. GILLAN:

Before you say satisfied, I don't think the north fork is going to be satisfied.

CHAIRMAN EDDINGTON:

No, no, I'm satisfied with the tabling resolution and looking at this further. What I would like you to do, though, just as soon as the people in the audience get a chance to look at this, we'll just sit it over there for a few minutes for the rest of the committee, and maybe we could all get like a smaller version.

CHIEF MOORE:

Oh, absolutely.

LEG. HORSLEY:

Oh, that will make it much clearer.

LEG. MYSTAL:

I'd like to have a smaller version.

CHAIRMAN EDDINGTON:

You have a question for the Chief?

LEG. MYSTAL:

Yes, not on the sex offenders.

LEG. BROWNING:

I have another question on a separate topic.

CHAIRMAN EDDINGTON:

Okay, quick questions. Legislator Mystal.

LEG. MYSTAL:

I want to switch subjects with you for a moment. In the past six months we've had two crashes involving police chases in our streets and I wanted to know -- I know you have a policy somewhere as to how our officers conduct themselves and conduct a chase, a high speed chase on our highway and streets. Are you or is the department reviewing that policy at this point since we've had those two crashes in the past six months?

CHIEF MOORE:

Yes.

LEG. MYSTAL:

Is this policy under review at this point?

CHIEF MOORE:

I brought with me today Assistant Chief of Patrol Robert Ponzo and I'd like him to come up and join me. He can address any specific questions any of the members of the committee may have, and I'll let him talk this time, but just as an overview.

The Police Department doesn't periodically review its procedures and policies, it reviews its procedures and policies on an ongoing basis. So to answer your question, yes, yes, we do. And we don't do it in a reactive fashion, we don't wait for an unfortunate event to occur and then pull out our policies and procedures, dust them off and examine them. So we do that constantly whether or not there is an unfortunate incident, because this administration has provided itself on its proactive approach to public safety.

LEG. MYSTAL:

What is -- if it's possible, I don't know how much you can divulge to the Legislature. What is the current policy? Because they have -- you know, looking over the Internet, I've seen different policies in different states, different localities and different municipalities on how do we react to high speed chases. I don't know if you can answer that question, but I will ask it; what is the policy that is in the Police Department involving high speed chase?

CHIEF PONZO:

Yeah, Mr. Mystal, I'm Assistant Chief Robert Ponzo, Assistant Chief of Patrol. I'm not really able to answer that question publicly for obvious reasons. However, if anybody would like a briefing one-on-one in their office, we'd be happy to do that for you, but at this forum we'd rather not comment.

LEG. MYSTAL:

Okay.

CHAIRMAN EDDINGTON:

Well, I just wanted to add to the Chief that I know a couple of us were contacted by the news, and I think my friend Legislator Caracappa answered it even better than I could. But my main concern certainly is for the public safety of the community, but I want to tell you my primary concern is for that police officer. And I don't think I was quoted as well as I would have liked to be, but that's a person that has to make a decision instantaneously covering everybody's safety and I wanted to make sure in those procedures that the police officer's safety is paramount.

LEG. NOWICK:

Jack, when you get a chance.

CHAIRMAN EDDINGTON:

So, you know, that's why -- maybe we will get us together before the next Public Safety and have you just give us -- so we don't have to have you running to every office, but I will offer that to the group and if you're interested we'll contact you. And you could just give us a -- because it's everybody's --

LEG. MYSTAL:

We can do executive session.

CHAIRMAN EDDINGTON:

Yeah, we'll do an executive session, you know, maybe before or whatever, but we'll work it out. Because I think we want to make sure that it's not questioning -- my mind is not questioning how you do what you do, just to make sure that everybody is being considered. And I, quite frankly, did not know that you're constantly reviewing, you know? I think I'm constantly learning as you're constantly reviewing, so I appreciate that.

CHIEF PONZO:

If I may, it's not just an internal review. I mean, everyone here should obviously know that we are an accredited police agency and all of our procedures and policies have been reviewed by outside experts, including our pursuit policy and it's passed muster; you know, we're nationally acclaimed for it. So I think we'll be all right with this.

CHAIRMAN EDDINGTON:

Legislator Browning?

LEG. BROWNING:

I have been contacted by one of my local ambulance companies complaining about the Suffolk County Police Ambulance and to do with the certification. Again, I spoke to him a couple of weeks ago and he tells me the Suffolk County Police Ambulance was in the Mastic Beach area. Could you please explain what the Police ambulance is for and also maybe get back to me to let me know if the ambulance was in that area a couple of weeks ago and for why?

CHIEF MOORE:

We'll certainly do that. The Police ambulance has two basic purposes, the thing for which it is used almost exclusively is training. As you know, Suffolk County Police Department is actually unique within the country in that all of its recruits, one of the criteria for graduation is they must be Certified Emergency Medical Technicians or EMT's upon graduation; and that's a long-standing practice in Suffolk County, so that's not new, and the ambulance is part of the training for those officers.

A very important use for the ambulance is -- and it happens infrequently, but those are for those kinds of extraordinarily dangerous situations -- for example, a hostage or a barricaded subject who has a weapon -- and we want emergency medical personnel standing by. We're far more comfortable having trained Police Officers -- and by the way, they're the instructors and they are a higher level than merely EMT -- staffing the ambulance. Now, they are not only trained as paramedical professionals, but they also train constantly with our Emergency Services Section, so they're combat-trained as well. And we would be very uncomfortable putting a volunteer into a situation where they are clearly at risk, that's why we have Police Officers.

Again, it's a rare instance that that happens, but generally, if that ambulance does go out, that's the reason for which it's going out. I don't know about the Mastic, we'll get back to you.

LEG. BROWNING:

Okay. Yeah, if you can get back to me, and maybe Mr. Williams can answer on the FRES side. Have you received complaints from ambulance companies, how many ambulance companies, when they had to certify?

COMMISSIONER WILLIAMS:

Our department did not receive complaints directly towards the ambulance. There was an awful lot of concern at the time of the expansion of the Police Department Ambulance into the volunteer service. I think that's been answered numerous times, that was not the case, that's not the County

Executive's case, that's not the Police Department's case. Right now we're working with the Legal Department on an MOU between the County and the volunteers, it's been back to the committee a couple of times, we've made some changes and, again, I think it's back in their hands.

But as far as numerous complaints, no. We've heard from some, I think I've heard from the same people in your district. It's not widespread, it's coming from a small part, but their opinion is very important to us also but we are trying to work that out.

LEG. BROWNING:

Thank you.

CHAIRMAN EDDINGTON:

Legislator Nowick.

LEG. NOWICK:

I just wanted to go back to Legislator Mystal's comment about high speed chases. I would be also very interested in knowing what the criteria is because I have to tell you, it does scare me to death. And I certainly respect the Police Department having to catch the bad guy because that's what they do, and I worry about the Police Officer myself, but I do worry about an innocent bystander.

I was scared to death two weeks ago when a car, a Police car came through an intersection. I can't imagine my daughter having been in that intersection. So I think it's something we need to know about a little bit so we could have a feeling of safety for all of us, the Policeman, Police person, for our constituents and for our families as well. So that would be something I would be very, very interested in. It's always been a bone of contention for me, I worry about that, I worry about the ability to control those cars in high speed, and sometimes I'm in awe of how they do it. So I would also be interested in that.

LEG. CARACAPPA:

I don't want to get started.

CHAIRMAN EDDINGTON:

Okay. Well, thank you very much, gentlemen. And then I would like to have Director Desmond to come up and to address the issue of the GPS and the appropriate placement of sex offenders and so on. Thank you.

DIRECTOR DESMOND:

Good morning. John Desmond, Probation Director. I've just been asked to give you a little additional information today. The Probation Department was supposed to present to the County Legislature last month the report on GPS. Unfortunately, we had a little technical glitch so we couldn't make the presentation, but we're planning to do that this month. I just want to give you a little background regarding the questions of the supervision of sex offenders.

When the GPS Unit was originally established by the County Executive as a County Executive's initiative, and this was about two years ago now, the original purpose was as an experiment to determine what kind of offenders would best be supervised under the GPS electronic monitoring. The Legislature passed two resolutions instructing the Probation Department to also include in the GPS supervision Level II and Level III sex offenders and requesting the department to report back to the Legislature after one year of the program, which hopefully we'll be doing this month.

I just would like to read briefly from part of the report just regarding the use of the GPS real-time electronic monitoring for sex offenders. Active real-time electronic monitoring utilizing GPS is a young, emerging technology. It's high costs, especially for personnel, renders it impractical for the general monitoring of all offenders. The fact that the majority of sex offenses happen in the residence and/or within the family structure makes this approach useless when attempting to safeguard the community from most sex offenders. This technology is most effective when utilized

on a very selective basis. It should be considered for sex offenders who have offended in the community but only when they are initially placed under supervision and for the purpose of ensuring that they engage in treatment, for those sex offenders who are in treatment and are under supervision but are viewed as being in imminent danger of reoffending by treatment professionals and the Probation staff.

The newly created Suffolk County Sex Offender Court Part should be the mechanism generating most of the use of this technology with sex offenders. The reality that the sexual reoffense rate is under 1% for sex offenders under Probation's supervision strongly indicates the need to be very selective in these cases.

What we have found is that the GPS equipment and the supervision approach is very effective in situations where there is some danger to the community, such as the use of -- such as orders of protection, domestic violence cases, cases involving drug and alcohol. We believe that there is a purpose for this equipment in terms of community safety.

One of the recommendations that will be forthcoming to the Legislature in this report is that no more than 50% of the GPS units should be utilized for sex offenders. We believe that anything above that would not be cost efficient.

*(*Presiding Officer Lindsay entered the meeting 10:25 AM*)*

CHAIRMAN EDDINGTON:

Okay, thank you. If there's no questions?

LEG. BROWNING:

No.

CHAIRMAN EDDINGTON:

Then we look forward to your total presentation in the coming month.

DIRECTOR DESMOND:

Thank you. Have a good day.

CHAIRMAN EDDINGTON:

Thank you.

I want to, before we start with the agenda, just to make a note that Legislator Losquadro has an excused absence today.

Okay, let's start with the Tabled Resolutions.

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. BROWNING:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All in favor? Opposed?

LEG. CARACAPPA:

I'll oppose the tabling, I'd rather just kill it.

CHAIRMAN EDDINGTON:

One opposed to tabling, Legislator Caracappa.

Tabled (VOTE: 5-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Losquadro).

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

LEG. HORSLEY:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Horsley, second by Legislator Nowick. All in favor? Opposed?

Abstentions? ***Tabled (VOTE: 6-0-0-1 Not Present: Legislator Losquadro).***

IR 1409-07 - A Local Law establishing a crime prevention requirements for scrap metal processors (County Executive). I'll make a motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN EDDINGTON:

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

IR 1482-07 - A Local Law prohibiting sex offenders from residing in close proximity to libraries (Romaine).

LEG. MYSTAL:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Mystal, second by Legislator Horsley. All those in favor? Opposed? Abstentions?

LEG. CARACAPPA:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. ***Tabled (VOTE: 5-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Losquadro).***

IR 1503-07 - A Local Law to prohibit text messaging while driving (Schneiderman).

LEG. BROWNING:

I'll make a motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Browning, I'll second that motion.

All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 6-0-0-1 Not Present: Legislator***

Losquadro).

IR 1542-07 - A Local Law prohibiting sex offenders from residing in close proximity to senior housing (Schneiderman).

LEG. BROWNING:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Browning; I'll second that.

All those in favor? Opposed?

LEG. CARACAPPA:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. Abstentions?

P.O. LINDSAY:

Before you call the vote, Mr. Chairman.

CHAIRMAN EDDINGTON:

Yes, Legislator Lindsay.

P.O. LINDSAY:

I would just like the record to be clear on both this bill and the library bill. You know, first of all, the belief is that both these bills were put in to prevent trailers in locations within districts. But more importantly, and I would assume it will flesh out over time, is the warning that we all received from Laura Ahearn from Megan's Law that to be very; very careful with this type of legislation, if it proliferates a banning in different parts of our communities, that we could be hit with some kind of legal action that we're engaging in selective zoning and all of our legislation could be thrown out.

So I don't think it's a wish by this committee or this Legislature to not be very strict and stringent in limiting these people that are a scourge on our society to where they live in our communities, but rather to protect what legislation we have on the books.

CHAIRMAN EDDINGTON:

Thank you, Legislator. And just in response, we just had a presentation by Chief Moore that gave us a visual presentation of that fact, that basically it would be everywhere but -- the two forks would be the only place that you could reside, based on the visual presentation. So thank you for that added comment. Did you --

LEG. BROWNING:

Yeah, please.

CHAIRMAN EDDINGTON:

Legislator Browning on the issue.

LEG. BROWNING:

When this library bill came up, I contacted my local libraries in my district and one of the things that I did on all of my sex offender bills was contact Megan's Law Unit -- Megan's Law, Laura Ahearn, and also who's it going to affect. And again, the random checking, we contacted law enforcement to make sure that we had a bill that was going to work.

When I spoke with the libraries, they said no one contacted them, they had no say in the matter. I am going to be meeting with our libraries to find out what can we do, because this bill says you can't live near one but it doesn't say you can't go into it. And I think we need to be more concerned

about the children that are in the library and if a sex offender walks in to the library, to make sure that our kids and the patrons in the library are safe. So I am going to be meeting with our libraries to talk about this to see what we can do and make a better bill than the one that's currently sitting.

And again, I have a bill pertaining to landlords; nobody seemed to have a problem with tabling that one, not one person had a problem with tabling it. So I don't want to see this is a political issue. I believe that we need to make sure that whatever we're doing, that we're doing for the right -- for the right reasons and for the protection of our communities. And not because it's an election year that we're just going to throw something out there. We just need to make sure that whatever we're doing we're doing it right and that we're not going to be hurting what we currently have. Thank you.

CHAIRMAN EDDINGTON:

Anyone else? Okay, then there's a motion to table and a second. All those in favor? Opposed? One opposed.

LEG. CARACAPPA:

Again.

CHAIRMAN EDDINGTON:

Abstentions? ***Tabled (VOTE: 5-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Losquadro).***

Introductory Resolutions

IR 1690-07 - A Local Law requiring registered motor vehicle dealers to release vehicles only to licensed drivers (Eddington). Motion to table for a public hearing by Legislator Nowick.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All those in favor?

LEG. MYSTAL:

That's to table?

CHAIRMAN EDDINGTON:

Yes, table for a public hearing. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 6-0-0-1 Not Present: Legislator Losquadro).*** And I see Mr. Brown; yes?

MR. BROWN:

Yeah, thank you. I realize it's being tabled for a public hearing and I just wanted to alert the committee to the fact that what we are looking at is a possible preemption issue. I know it's being tabled for a public hearing, so I don't want to say much more about that and next committee round we can talk about it and I'll take any questions anybody might have. Thank you.

CHAIRMAN, EDDINGTON:

Well, on that issue then.

LEG. MYSTAL:

Since you're here.

CHAIRMAN EDDINGTON:

Since you see my name there --

MR. BROWN:

I do, yes.

CHAIRMAN EDDINGTON:

I would rather not wait, let's -- I mean, we can meet privately and then I will inform the committee, but why have you come next time? Let's deal with the issues and the concerns so we can refine it.

MR. BROWN:

Well, we view it that there's a potential preemption issue. The Vehicle & Traffic Law has to be administered uniformly throughout the State, it's in the Vehicle & Traffic Law. And there's a body -- there's a comprehensive body of regulations dealing with what a dealer must do when it sells a motor vehicle and the -- holding a vehicle until a licensed driver drives it away is not part of that body of regulation and that could be viewed as inconsistent with the Vehicle & Traffic Law.

Another issue is that there is at least one Appellate Division case dealing with the very issue in which liability was not imposed upon the dealer for releasing a motorcycle to a driver, to an operator that didn't have a Class 7 license, it was in that particular case. Also in that particular case, the issue came up that it was discussed that there was no violation of the Vehicle & Traffic Law by releasing the vehicle to a non-licensed operator.

Lastly, the control -- there is a section of the Vehicle & Traffic Law that deals with an owner of a vehicle not being able to -- being illegal to entrust the vehicle to an unlicensed operator. With the trend -- with the consummation of the transaction, the dealer is no longer the owner of the motor vehicle, but the purchaser or the registrant or the title holder is the owner of the vehicle. And so you -- so the law really imposes a duty upon the dealer who is no longer the owner of the vehicle to enforce that section, to be an enforcer of that section of the Vehicle & Traffic Law that puts a duty upon an owner not to release a vehicle to an unlicensed operator. Those are the three issues we see.

CHAIRMAN EDDINGTON:

You know, as an attorney, you've given me some good information. As a social worker, the feedback I want to give you is that I would like you to tell me what you like about it and what you see that we can do. So you just gave me the negative part, I want to know what's good about it and how can we make it work. Are you saying that maybe a Local Law would be more --

MR. NOLAN:

This is a Local Law.

CHAIRMAN EDDINGTON:

Oh, it is. Then I guess what I'm saying is you and I have to meet and I want to get the rest of those -- I want to get the other two-thirds of what I'm asking you.

MR. BROWN:

Sure, you want to try and accomplish the same thing.

CHAIRMAN EDDINGTON:

Well, because we are Public Safety and since in my one area we've had three -- two children killed on motorcycles that they bought, drove off the lot and then had accidents, there's a hole somewhere, and I can see it in my position. So I guess what I'm asking is in your position as the County Attorney, put your finger in a hole, help me out, because we're all here concerned with saving children's lives and adults. So how we do it I don't really care and I don't care who gets credit, I just want to fill a hole that I'm seeing in my area and others, in Legislator Browning's, in Legislator Caracappa's and so on.

MR. BROWN:

And we'll be happy to do that.

CHAIRMAN EDDINGTON:

Okay, thank you.

MR. BROWN:

Absolutely.

LEG. CARACAPPA:

Would the Clerk add me as a cosponsor, please, on this fatally-flawed bill?

CHAIRMAN EDDINGTON:

All right, thank you.

Memorializing Resolutions

MR 47-2007 - Memorializing Resolution in support of legislation to prohibit the use of mobile telephones to text message while driving (Senate Bill S.5527 and Assembly Bill A.7820) (Schneiderman).

LEG. MYSTAL:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Mystal. I will send the motion.

And on the motion, I just want -- what?

LEG. MYSTAL:

You can make a motion to kill it or to approve it, I don't care.

CHAIRMAN EDDINGTON:

Well, just on the motion. My sense is that when we read the first part of it, we've already had mobile phones, you can't use a mobile phone, you can't hold it. So I think you guys did some kind of historic resolutions in the past under Legislator Caracappa's, I think, leadership, too, and Legislator Browning -- and Foley. So I don't see the need for this and so that's why I'm recommending or affirming tabling, so.

LEG. MYSTAL:

Go ahead, just call it.

CHAIRMAN EDDINGTON:

Okay. On the motion to table, we have a motion and a second.

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

Okay, then. I'll take a motion to adjourn.

LEG. HORSLEY:

Motion.

CHAIRMAN EDDINGTON:

We have a motion and a second, I'll second that. Have a good day.

*(*The meeting was adjourned at 10:37 AM*)*

{ } - Denotes Spelled Phonetically