

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 November 15, 2007.

Members Present:

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

Also In Attendance:

George Nolan - Counsel to the Legislature
Renee Ortiz - Chief Deputy Clerk/Legislature
Robert Calarco - Aide to Legislator Eddington
Paul Perillie - Aide to Legislator Jon Cooper
Linda Bay - Aide to Minority Caucus
Lori Murphy - Aide to Legislator Losquadro
Greg Moran - Aide to Legislator Nowick
DuWayne Gregory - Aide to Legislator Mystal
Bob Martinez - Aide to Legislator Montano
Jim Maggio - Budget Review Office
Brian Beedenbender - County Executive's Office
Brendan Chamberlain - County Executive's Office
John Desmond - Director of Probation Department
Bob Kearon - Division Chief/District Attorney's Office
Aristides Mojica - Inspector/Suffolk County Police Department
Debra Alloncius - AME Legislative Director
Daniel delValle - Probation Officer's Association
Michael P. Sharkey - SCSO
Michael Rando - SCDSPBA
Jerry Gilmore - Superior Officers Association
William Mulligan - Superior Officers Association
Rebecca Arthurs - Suffolk County American Red Cross
Mike Bogack
All Other Interested Parties

Minutes Taken By:

Lucia Braaten - Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 9:47 A.M.]

CHAIRMAN EDDINGTON:

Okay. I'd like to start the Public Safety Committee meeting, and we'll start with the Pledge with Legislator Mystal.

(*Salutation*)

And if we could remain standing for a second to honor those that defend our country, domestically and foreign.

(*Moment of Silence*)

Okay. Thank you very much. Okay. I'd like to start with the public portion, and have a representative from the American Red Cross. Rebecca.

MS. ARTHURS:

Thank you. Good morning.

CHAIRMAN EDDINGTON:

Thank you.

MS. ARTHURS:

My name is Rebecca Arthurs. I'm the Director of Emergency Services at the American Red Cross, Suffolk County Chapter. I'm here today to support I.R. 1977, a Local Law that's going to help prevent sex offenders from being housed at our general population shelters during a time of emergency.

Currently, the Red Cross policy is that during a shelter, which is operated completely by volunteers, if a sexual offender enters the shelter and identifies themselves, the Red Cross workers are instructed to contact local law enforcement and have that sexual offender removed from the shelter. There is no rule saying that they have to identify themselves, we just trust that they will. Red Cross shelter workers do not have an affirmative obligation to review shelter resident rosters to identify sexual predators or sexual offenders. We, again, rely on them. This law would ensure the safety of not only the shelter residents, but, also, our shelter workers.

Some of the background of other Red Cross guidance regarding this issue: If requested by law enforcement officials, to provide information, so that we can determine the presence of a sexual predator or offender. Shelter Managers must cooperate with shelter -- if shelter registration has been compiled, we will comply with local law enforcement. The law enforcement officials must provide us with a written list of names of sexual predators or sexual offenders to the shelter manager to be matched to our registration records. In no case can our list or records be copied, released, or loaned to law enforcement officials or taken off the premises of the shelter. The Shelter Manager would defer to local law enforcement officials regarding any decision, whether an individual or shelter registration list is considered to be a sexual predator or sexual offender.

Again, I just want to state that the Chapter supports this law, and we feel like it would be an important way to ensure the safety of our volunteers and those that are housed at time of emergency in a general population shelter. Thank you.

CHAIRMAN EDDINGTON:

Thank you very much.

MS. ARTHURS:

Any questions?

CHAIRMAN EDDINGTON:

John Bogack.

MR. BOGACK:

Hello. Thank you. This is my third appearance about the same issue, which is the SOUNDEX issue. I work in Child Protective Services, as perhaps some of you recall from my other appearances. We request information from the Police on all our clients. There's been an issue about getting these reports back in a timely basis.

Despite my appearances here and promises that some things might change, I really haven't seen any differences. So, I was hoping that perhaps maybe the Legislature should ask someone from the Police Department, specifically. To appear here and explain what issues the Police Department is facing with getting these reports out on a timely basis, not just to CPS, but, I understand, to the Probation Department as well, and maybe to their own police officers in the field, too, and other users of the system. I don't really know what to do, but other than to ask, maybe we need to hear from the Police directly as to what the issues are. Thank you.

CHAIRMAN EDDINGTON:

Okay. Thank you very much. That's all the cards I have. Is there anybody that would like to address the Committee? Okay. Then let's go to the agenda.

TABLED RESOLUTIONS

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

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:

Abstentions? One opposed. ***(Vote: Tabled 6-1-0-0 Opposed: Leg. Caracappa)***

I.R. 1503 - A Local Law prohibiting text messaging while driving (Schneiderman).

LEG. BROWNING:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Nowick, I'll second that. All those in favor? Opposed? Abstentions? ***(Vote: Tabled 7-0-0-0)***

I.R. 1542 - 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.

LEG. HORSLEY:

Second.

CHAIRMAN EDDINGTON:

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

LEG. CARACAPPA:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. Abstentions? (*Vote: Tabled 6-1-0-0 Opposed: Leg. Caracappa*)

I.R. 1749 - Requiring all Peace Officer training to be conducted by the Suffolk County Sheriff (Eddington). I'll make a motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN EDDINGTON:

Second by -- who was that? Legislator Mystal. All those in favor? Opposed? Abstentions? (*Vote: Tabled 7-0-0-0*)

I.R. 1797 - A Local Law enacting a Social Host Law to deter the consumption of alcohol by minors (Montano).

LEG. BROWNING:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Browning.

LEG. BROWNING:

Second?

LEG. HORSLEY:

Sure, I'll second that.

CHAIRMAN EDDINGTON:

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

INTRODUCTORY RESOLUTIONS

Introductory Resolution 1977 - A Local Law to prevent sex offenders from being housed at a general population emergency shelter (Browning).

LEG. CARACAPPA:

Table for public hearing.

CHAIRMAN EDDINGTON:

Motion to table for public hearing by Legislator Caracappa.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All those in favor? Opposed? Abstentions? *(Vote: Tabled for Public Hearing 7-0-0-0)*

CHAIRMAN EDDINGTON:

I.R. 1978 - Establishing a Sex Offender Alert Program (Browning).

LEG. BROWNING:

I'd like to make a motion to table. I'm going to be talking with Laura Ahearn, so I need to wait on that.

CHAIRMAN EDDINGTON:

Okay. I got a motion to table by Legislator Browning.

LEG. MYSTAL:

Second.

CHAIRMAN EDDINGTON:

A second by Legislator Mystal. All those in favor? Opposed? Abstentions? *(Vote: Tabled 7-0-0-0)*

CHAIRMAN EDDINGTON:

I.R. 2008 - Accepting and appropriating a grant in the amount of \$189,000 from the New York State Office of Homeland Security for the Buffer Zone Protection Program (BZPP) (06 with) 100% support (County Executive).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Mystal.

LEG. MYSTAL:

Consent Calendar.

LEG. BROWNING:

Consent Calendar.

CHAIRMAN EDDINGTON:

Does it have a second?

LEG. NOWICK:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Nowick, and we'll put it on the Consent Calendar. All those in favor? Opposed? Abstentions? *(Vote: Approved 7-0-0-0)*

I.R. 2009 - Accepting and appropriating a grant in the amount of \$15,660.00 from the United States Department of Justice, Office of Justice Programs, National Institute of Justice for the Suffolk County Police Department's, turn the page, Forensic Digital Imaging Management Improvement Project with 100% support (County Executive).

LEG. BROWNING:

Same motion.

CHAIRMAN EDDINGTON:

Same motion, same second, also on the Consent Calendar. All those in favor? Opposed? Abstentions? **(Vote: Approved 7-0-0-0)**

I.R. 2012 - Accepting and appropriating a grant in the amount of \$98,652 from the U.S. Department of Justice Office, Office of Justice Programs, for the Suffolk County Sheriff's Office to provide Gang Resistance Education and Training for the G.R.E.A.T. Program (County Executive).

LEG. CARACAPPA:

It's a great program.

CHAIRMAN EDDINGTON:

Sounds good to me. All those in -- well, who -- I'll make a motion.

LEG. BROWNING:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All those in favor? Opposed? Abstentions? And we'll put that on the Consent Calendar. **(Vote: Approved 7-0-0-0)**

LEG. MYSTAL:

Is it 100% support?

MR. NOLAN:

Yep.

CHAIRMAN EDDINGTON:

Oh, okay. Okay. ***I.R. 2017 - 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, second by myself, and put it on the Consent Calendar. All those in favor? Opposed? Abstentions? **(Vote: Approved 7-0-0-0).**

I.R. 2064 - A Charter Law to expand sex offender notification requirements to include public libraries.

LEG. BROWNING:

I make a motion to table, because --

MR. NOLAN:

Public hearing.

LEG. BROWNING:

It's a public hearing. But I do believe that I may have to withdraw it, because Lieutenant {Grotsky} said that they may be able to just do it without legislation.

CHAIRMAN EDDINGTON:

Okay.

LEG. BROWNING:

So I'm going to talk to them.

CHAIRMAN EDDINGTON:

Okay. We have a motion to table, I'll second that. All those in favor? Opposed? Abstentions?
(Vote: Tabled 7-0-0-0)

CHAIRMAN EDDINGTON:

I.R. 2101 - A Local Law amending Chapter 270 of the Suffolk County Code, frequently known as the "DWI Seizure Law" (County Executive).

LEG. CARACAPPA:

Motion to table pending public hearing.

CHAIRMAN EDDINGTON:

Motion to table by Legislator Caracappa, I'll second that. All those in favor? Opposed? Abstentions?
(Vote: Tabled for Public Hearing 7-0-0-0)

LEG. CARACAPPA:

Mr. Chairman.

CHAIRMAN EDDINGTON:

Yes.

LEG. CARACAPPA:

I make a motion to add Legislator Losquadro to the majority of the votes.

CHAIRMAN EDDINGTON:

Absolutely.

LEG. LOSQUADRO:

Thank you.

LEG. MYSTAL:

Second.

LEG. BROWNING:

Second, third, anyone.

CHAIRMAN EDDINGTON:

Second? Okay. Let me see. And I want to -- before we adjourn, I'd just like to thank all the members of the committee. This is always a good committee. We're always here, and I appreciate your support. Legislator, did you want -- no?

LEG. NOWICK:

May I ask --

CHAIRMAN EDDINGTON:

Okay. Then --

LEG. NOWICK:

Wait, wait, I'm not done.

CHAIRMAN EDDINGTON:

Yes.

LEG. NOWICK:

May I ask a member of the Commissioner, Police Commissioner's Office, to come up just to ask a question?

CHAIRMAN EDDINGTON:

Sure, sure.

LEG. NOWICK:

Anybody that represents the Commissioner.

CHAIRMAN EDDINGTON:

Could I have somebody representing the Commissioner to just -- Legislator Nowick would like to ask a question.

INSPECTOR MOJICA:

Inspector Aristides Mojica, Suffolk County Police Department.

LEG. NOWICK:

Good morning. How are you this morning?

INSPECTOR MOJICA:

Good. How are you?

LEG. NOWICK:

Maybe you can move that a little closer so it --

INSPECTOR MOJICA:

Okeydoke.

LEG. NOWICK:

I just wanted to ask you a question about the DARE Program.

INSPECTOR MOJICA:

Okay.

LEG. NOWICK:

Have there been a lot of changes? And could you share with the committee all of the changes?

INSPECTOR MOJICA:

I don't have information to provide you along these lines, but I do know that Chief Moore advised me to advise you that he would be contacting you, every single one of you, today to talk about the DARE Program, so you'll be hearing from him today.

LEG. NOWICK:

So the program has been changed effective when?

INSPECTOR MOJICA:

Again --

LEG. NOWICK:

You don't know.

INSPECTOR MOJICA:

You're going to hear -- that's the purpose of him calling everybody here today. And again, I don't have information on details or what specifically is going to happen.

LEG. CARACAPPA:

They're changing the DARE Program?

LEG. NOWICK:

They are changing the DARE Program, so you know. And I don't know if the committee knows, but from what I understand, it's not going to be all police officers, there's going to be Health Department, Health Educators, and I just wanted to know for sure what it was, how they were going to change it, what's going to be taught. And unfortunately, none of us know about it yet, so we'll be looking forward to hearing it. Thank you.

INSPECTOR MOJICA:

That was definitely conveyed -- he asked me to convey that he would be contacting the members of the committee to advise them of what's going on, what the details are, and so on.

CHAIRMAN EDDINGTON:

Legislator Caracappa.

LEG. CARACAPPA:

My question to Counsel would be a move of that policy direction. If it is taking police members, police officers out of the classroom, would that be an internal move by the Police Department, or would that require legislation and a policy directive through legislation from this body?

MR. NOLAN:

This is similar to a discussion we had the last meeting, that if the Legislature does not agree with the policy that the Police Department is pursuing, it should state the policy that it wants via resolution, saying that it wants to continue with police officers doing this program.

LEG. CARACAPPA:

Well, if it is going to be the case and it's going to come out that that is going to be the policy moving forward with the Police Department, I would like to sponsor a piece of legislation, put it on the record now, to make sure the policy that is currently in place with the DARE Program stay in place, keeping police officers in the classroom. I tell you, it works. It's the only part of DARE that actually does work. It's the only part of DARE that resonates with the students. Maybe the curriculum needs to be tweaked, maybe some of the things that are taught within the classroom in that program aren't appropriate or need to be updated, but the one thing that works with the DARE Program is that officer bonding with those students at an early age and creating relationships with those students, friendships with those students that last literally a lifetime. And to pull that out of the classrooms and to change the policy in that way would basically destroy the one good thing left as it relates to the DARE Program.

CHAIRMAN EDDINGTON:

Legislator Nowick.

LEG. NOWICK:

And just to go a little further from what I understand, and I'll be waiting for confirmation today, instead of -- Joe, just so you know what I was to understand, was instead of twenty-six police officers in DARE, it will be diminished to ten, and then the program, from what I understand, will be taught by teachers and backed up by the officers. And I think that what you're saying is true, I think that students look up to these police officers, and that's where the success comes in. Unfortunately, we don't know the facts until we speak to the Commissioner, and, hopefully, that will be soon.

LEG. CARACAPPA:

Well, actually --

CHAIRMAN EDDINGTON:

Legislator Caracappa.

LEG. CARACAPPA:

Counsel, actually, for me sponsoring it would be I guess a fait accompli due to my short tenure left, so I don't think it would actually -- I don't think we have enough time, because it would expire at the end of the year. So, if that is the case, I would urge my colleagues on this committee, if not the committee as a whole, to sponsor the resolution, and I'll be added as a cosponsor, so it does have at least a chance, once a policy is actually established. I don't want to jump the gun just yet, but if it is established that this is the case, that even one police officer is taken away from this program, that a resolution be put in.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I think Legislator Caracappa enumerated the concerns that many of us have raised over the years regarding a change in the DARE Program, and the benefits that we see of having a uniformed officer in direct contact with those children at an early age. So this is disheartening to sort of get this information secondhand, but I look forward to getting a complete accounting from the Police Department regarding this. And I know myself, I'm sure Legislator Nowick, and hopefully many of my other colleagues, will be willing to carry this ball and make sure that regardless of how the program has changed, that the facet that we see as so important remains in place, so thank you.

CHAIRMAN EDDINGTON:

Legislator Mystal.

LEG. MYSTAL:

Thank you, Chair. Joe, do you remember what year we had that Task Force we did the study on there, do you remember what year was that? I'd like to see, if we're going to sponsor a resolution, to have that as a backup, you know.

LEG. CARACAPPA:

We did our report when we were considering -- actually we did some -- a pilot program in some school districts to add DARE into -- a secondary DARE into the middle schools, and that was about, as Legislator Nowick just whispered, about six years ago. It was I think spearheaded by Legislator Binder at that point in time --

LEG. MYSTAL:

Yeah.

LEG. CARACAPPA:

-- who was a big advocate for the DARE Program. We also looked at studies that the Robert Wood Johnson Program had done in the past on DARE, its effectiveness and/or ineffectiveness. And again, the curriculum had come out within that Robert Wood Johnson report as something that possibly could change, get better, progress with the times, so to speak, but the one thing that it did say, and it's a fact, is what I mentioned earlier. The one absolute positive and the one constant that has made a difference in children's lives out of the program is that relationship, that bond with the police officer.

And one further thing, to -- if we're going to throw -- again, I don't know if this is the case. If we're going to throw the curriculum and the teaching of that curriculum onto school districts and the teachers, you know, we always -- we always complain about unfunded mandates thrown upon us. Could you imagine the County government throwing an unfunded mandate on school districts at this point in time? We talk about consolidation, we talk about ways of cutting school taxes, we talk about ways of bringing everyone together, and here we would be, absolutely being hypocrites taking

a great program that we offer through our Police Department and throwing it on their backs, and making them and the school taxpayer pay for it. And again, it certainly wouldn't be as effective. Even though our educators are great ones, it's a certainly different area, and we would be hypocrites in that regard.

CHAIRMAN EDDINGTON:

Legislator Mystal.

LEG. MYSTAL:

I just wanted to know, could the Clerk Office try to dig up those reports, because I think, if, in fact, the report, you know, says, you know, what Legislator Caracappa is saying, it would be good backup for whoever wants to sponsor --

CHAIRMAN EDDINGTON:

Right.

LEG. MYSTAL:

-- this resolution.

CHAIRMAN EDDINGTON:

Actually, I read it two years ago when I first came in. To kind of go on the theme that Legislator Losquadro often says, I have 30 years of experience in drug education. Before there was a DARE Program, I taught it, I taught it. It's funny, when you do research, everybody draws from the same research, and the DARE Program, when it first came out, I said, "They stole my program." And I did it two weeks consecutively, rather than 16 individual lessons, but they're very strikingly similar. So I do have a little background in it, and I would be willing to talk to the Police, and I will be, about what's the best way and who's most effective. And I think, in this area, bar anybody here, I think I know what I'm talking about. So it's the message that's most important that gets out there. And I know it's not mandated, so we've got to deliver that drug prevention message. We can't give up on the message. Who delivers it is -- we have to determine, and I think we'll be talking to the Police Commissioner. And the fact that the police are a great role model, we've got to make sure that that is part of it. How we do it, I think that's what we're going to be talking about. Yes, Legislator Browning.

LEG. BROWNING:

Yeah. When you were talking about unfunded mandates, BOCES has a program that they offer, and it's free to the schools. In fact, I have a couple of elementaries in the William Floyd School District that weren't using that program, and it's a K through 5 program. It's offered to the teachers at no cost. It can be introduced and put into the curriculum, that the schools actually have decided that they want to do this. And it's not an unfunded mandate, it's something that's offered to them, it's a good program. I got to see it.

I understand the need for our kids to have the exposure to the Police Department, especially in many school districts, because of the attitude. I'm not against the DARE Program. I have three children who have been through the DARE Program. My two oldest ones tell me, you know what, it really didn't make a difference, because when the kids go home, what they learn at home is how they're going to be.

The other thing is, I know we have police resource officers are now going to be in the high schools. And I think, if we're going to target kids and drug education, we really need to be targeting middle school kids to the high school kids, rather than, you know, the K through 5. I like the BOCES Program that they have, but I really do think that it's important that we start targeting those middle school kids, because those are the ones that, you know, are going to get themselves into trouble, and that we have an opportunity to try and save them before they get worse. So I'm not speaking against the DARE Program, but I think there's something more that we need to do to target those middle school programs.

CHAIRMAN EDDINGTON:

Legislator Nowick.

LEG. MYSTAL:

Before we go, can we let him go? He's sitting there.

LEG. NOWICK:

Oh.

CHAIRMAN EDDINGTON:

Oh, yeah. Does anybody have any questions for --

LEG. NOWICK:

Well, not until we get the -- any further information.

CHAIRMAN EDDINGTON:

Okay. Then thank you very much for your comments.

INSPECTOR MOJICA:

Okay.

LEG. NOWICK:

Legislator Browning, I do understand that this might be intertwined with the Eastern BOCES, and that might be what you're talking about.

LEG. BROWNING:

Yeah, yeah.

LEG. NOWICK:

But I will say one thing, that while you're right, it should go into middle schools, because that's a very dangerous age, I have always thought that you have to start early, before they get to middle school.

LEG. BROWNING:

With the BOCES?

LEG. NOWICK:

With any type of training. This program, you might be surprised to see, is more of a health program that they're intending to do, rather than a drug and alcohol. So we'll wait for someone to contact us, but I don't know yet what it's really going to be about.

LEG. BROWNING:

But we keep DARE until --

LEG. HORSLEY:

What is the timeline on this, Jack?

CHAIRMAN EDDINGTON:

I don't know, but what we will do is once we've been contacted, we'll get together. I'll get the committee together and we'll discuss this totally, too, as a committee, and then see where we go from there. Legislator?

LEG. MYSTAL:

I think the point that Legislator Caracappa was trying to make is that this thing can be done administratively without our knowing. And I think what Legislator Caracappa was to suggest to us is

that we make it our policy. So when you ask what the time line is, I don't know what the -- I don't know if we even have a time line. It may be in, a foot, already, and it may be being done already. And by the time we get wind of it, it's a fait accompli and it's a done deal, so --

LEG. CARACAPPA:

Unless we undue it.

LEG. MYSTAL:

Yeah, unless we undue it. That's what I'm saying. I think what Legislator Caracappa is suggesting is that, you know, we get as much information as we possibly can, and somebody sponsor legislation quickly to at least do something about that, about the policy change. You know, we're looking at it, is it a policy change, or is it an administrative change? We're saying it's not -- it's a policy change, and they're -- probably the other side will say, you know, it's in-house, administration.

CHAIRMAN EDDINGTON:

Right. Well, we will be getting the information, because, you know, change is often threatening, but we need to look at it, is it a good change or a bad change, and then we'll make a decision and see where we'll go from there. Okay. If there's no other comments, then I'll look for a motion to adjourn.

LEG. MYSTAL:

Second.

CHAIRMAN EDDINGTON:

I make the motion, and second by Legislator Mystal. Thank you very much.

[THE MEETING WAS ADJOURNED AT 10:12 A.M.]