

PUBLIC SAFETY COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Public Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, March 19, 2009.

MEMBERS PRESENT:

Legislator Jack Eddington - Chairman
Legislator DuWayne Gregory - Vice-Chairman
Legislator Thomas Baragga
Legislator Daniel Losquadro
Legislator Kate Browning

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
John Ortiz - Budget Review Office
Robert Moore - Chief of Department - SCPD
Alicia Howard - Legislative Aide
Ben Zwirn - Deputy County Executive
Gail D'Ambrosio - President - SC Probationer Officer's Association
Debra Alloncius - AME
Joe Williams - Commissioner of FRES
John Searing - Deputy Commissioner FRES
Vito Dagnello - President SC Correction Officer's Association
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:43 A.M.*)

CHAIRMAN EDDINGTON:

I'd like to get everybody to stand. We're going to start the Public Safety Committee Meeting with Legislator Browning leading us in the Pledge of Allegiance.

SALUTATION

If we could remain standing for a moment of silence for all those that protect and defend our country both home and abroad.

MOMENT OF SILENCE

Thank you very much. Be seated. At the last meeting, I know it was a little pushed because of the weather, and we had two names approved by the citizen -- for the Citizen Corps Council. And at the General Meeting it was tabled because they hadn't come before the committee. And I'd like to finish that by asking Jamie Atkinson and Anthony LaFererra to just come forward for a second at the table. If you would like, you could just sit right at the table there and just introduce yourself, just give us a little background on why you want this job. Thank you.

MR. LAFERERRA:

Good morning. My name is Anthony LaFererra. I've been in the fireman's service for over 30 years. I have worked -- I'm retired from the FDNY EMS Lieutenant. My experience goes back to the Chief's Office with the North Babylon Fire Company. I also have been a coordinator with the County. I'm also part of the FRES Commission, Co-Chairman and right now Vice-President Suffolk County Chief's Council.

I was notified by Commissioner Williams about this nomination to this council, read up on it, and I think I could be of help to this council along with everybody else included to the citizens that pertain to VIP, Cert, and the medical service part of the council.

CHAIRMAN EDDINGTON:

Any questions for this gentleman? No. Thank you, sir.

MR. ATKINSON:

Hi. Jamie Atkinson. I've been at EMS for 11 years. I went from the rank from a Lieutenant Captain, Assistant Chief, 1st Assistant Chief which I hold now for Sayville Community Ambulance, an MTA Police Officer for six years. And I just look forward to bringing all of that experience to this council. And I thank you for this opportunity to serve my County.

CHAIRMAN EDDINGTON:

Any questions or comments? Thank you very much, gentlemen, for your service and your volunteerism.

MR. ATKINSON:

Thank you.

CHAIRMAN EDDINGTON:

Okay. I like to start with the public portion. Each individual will have three minutes to speak. First on our list is Vito Dagnello, Suffolk County Correction Officer's Association, President.

MR. DAGNELLO:

Good morning. I want to thank you for allowing me to speak this morning. I have a serious issue here that I want to bring to your attention. My name is Vito Dagnello, President of the Correction Officer's Association.

Over this past weekend, all of my members received a letter at their home. In this letter, was a letter from this County Executive. I'm not going to get into that, because an improper practice procedure was filed in State PERB on that. My concern and the concern I believe of every law enforcement officer that represents their members here in Suffolk County, that any civilian can FOIL the home addresses and names of the officers and send something out.

This letter came from an Ann McShane who resides here and who claims that she FOILED this through the County Exec's Office and was issued all these names and addresses. Now over the past year, documented in the department, I've had officers followed from the jail, that the Sheriff has taken actions in the department to expedite officers that feel they're being followed that they can contact the duty officer and have a car dispatched.

Over a dozen officers in the last six months have been assaulted in the facility. I'm outraged. And I believe every law enforcement officer here should be also. And I did bring this to the District Attorney's Office, and they are investigating this. And I bring it to your attention that possibly you can step up and do something here also. This is ludicrous.

CHAIRMAN EDDINGTON:

Okay. I'll tell you the truth, I was not aware of that, and I am kind of shocked and dismayed. And as the Chair of the Public Safety Committee, I'm going to ask the District Attorney to make a report for this committee that is that a practice, because I would be personally opposed to giving out those names and numbers of any law enforcement officer because of the potential retaliation. I will ask for the District Attorney to also give this committee a report. In fact, maybe I'll ask them to come to the next committee and address it personally. I'm very concerned. And I apologize that that could even happen. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. To the best of my knowledge, that information is specifically precluded from FOIL requests.

MR. DAGNELLO:

That's my understanding and I always thought it was. But evidentially, this administration doesn't believe that.

LEG. LOSQUADRO:

It appears someone broke protocol, because as I said, to the best of my knowledge, that information is specifically precluded from any public information request for exactly the reasons you stated, whether it be Corrections, Police Department, Probation. Anyone in the law enforcement capacity, their personal information is very tightly guarded.

MR. DAGNELLO:

It just shows the disregard for all County employees that this administration has.

LEG. LOSQUADRO:

Well, I will join the Chairman in endeavoring to find out how this clear breach of security occurred. We had one instance many years ago, thankfully, where, you know, someone within the Police Department had a copy of officers' names, and it thankfully really didn't get out to the public, but it was found in a public setting. And that caused a great stir. And that was someone internal. This being something external is something that is of great concern. Thank you for bringing this to our attention.

CHAIRMAN EDDINGTON:

Thank you very much, Mr. Dagnello. The next speaker is Ray Griffin, President Suffolk County Detectives Association.

MR. GRIFFIN:

Good morning, Chairman Eddington and Members of the Legislative Public Safety Committee. I thank you for allowing me to direct you this morning. For the record, I'm Ray Griffin, President of the Detectives Association. I would like to speak to you today about public safety. When the Sheriff's Department took over the patrol function of the LIE and the Sunrise Highway, all of the Highway Patrol Officers were reassigned to precincts. The Suffolk Detectives were advised and directed they would no longer investigate any incidents occurring on those two roadways.

I had several conversation with the County Executive concerning this issue, explaining that I did not believe that the Deputies received the proper training to handle such things as fatals and crime scenes. He agreed with me, and within two days, the Police Commissioner restored all investigative duties to the Detectives in Suffolk County. Since that time, the Sheriff has permitted his Deputies to become engaged in narcotic investigations within the Police District. Two recent investigations; one occurred during the investigation of a hit-and-run on the LIE, which somehow became involved with an arrest, a narcotic arrest, in the Brentwood area. Another incident involved a stolen vehicle and possession of heroine occurring also on the LIE in the Fourth Precinct area.

When the Fourth Squad Detectives asked the Sheriffs if they could interview the suspect, they were advised that he was not a cooperating suspect, there was no need for him to be interviewed. But through their own press release the next day, they said they -- that he was, in fact, cooperating in an ongoing investigation. Again, we assume narcotics.

There have been other incidents where the Sheriff Deputies have been involved in neighborhood drug investigations within the Police district. My true concern in this is safety, not only for the Detectives of the Police Department, but the Deputy Sheriffs as well. When you have a narcotics investigations, you have targets. Quite often targets know other targets, and it's not unlikely that you could be looking at the same target. If these -- and when they execute search warrants and arrest warrants, they're doing it in plain clothes. We could -- there's a potential for a tragic incident of gunfire between two agencies because they don't know each other, and they think -- one may think they're raiding a house and they think they're drug dealers. So that's my true concern here.

And finally, I would request that this committee caution the Sheriff as to his manpower. According to the Suffolk County Charter, I've been told that the Sheriff's Department's duties lie in Corrections and civil functions. If he's able to offer Deputies to be assigned to joint narcotics task forces, such as ICE, DEA, the East End Task Force and when asked the DA's Office while he's also patrolling the LIE and Sunrise Highway, what is happening to his civil duties? Either the civil function is lacking or overtime is out of control or he has given you erroneous information concerning manpower needs in the past.

If this County is suffering financial hardships, the Sheriff should be required to explain his plans. Will he next offer his employees to take on the responsibilities of the County AME employees? Thank you. Any questions, I'd be glad to answer them.

CHAIRMAN EDDINGTON:

Any questions? Okay. One question, Legislator Gregory.

LEG. GREGORY:

So you are saying now that the Sheriff's Department and the Police do not share information?

MR. GRIFFIN:

That's what I've been told, correct.

LEG. GREGORY:

And why is that?

MR. GRIFFIN:

They're not -- we would normally share, but they're not getting information from the Sheriff's Office, which is a concern -- that's my safety concern obviously.

LEG. GREGORY:

Yeah, absolutely. You guys should be sharing information so that we're all working in the same direction to get the same result.

CHAIRMAN EDDINGTON:

Well, okay. Again, I'm going to ask that -- I don't want to put Chief Moore on the spot at the moment unless he has the answer, but otherwise I'm going to ask that the Police Department clarify or the County Executive, whoever makes the policy there, I'm assuming the Police Commissioner, what are the responsibilities and -- so we can have this clarified once and for all of how you're going to work together. You have to interface in some way.

But my understanding was that you were doing all the investigations. And if that's changed, then we, the Public Safety Committee, needs to know that at least. We may not decide how it's done, but we want to know what is being done. So thank you for bringing this to our attention. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just to follow up on what Legislator Gregory was saying, you know, in a post 9/11 world, I thought the one thing we learned is that all agencies within law enforcement, whether they be in the same municipality or across state lines on the Federal level to the local level have to share information and communicate with each other. It's paramount to public safety, because you never know when one person has a piece of information that might fit into a much larger puzzle, be it a narcotics investigation or, God forbid, in a terrorist investigation. You know, I think we've heard -- I'm sure we're not done, I'm sure we have -- do we have more speakers, Mr. Chairman?

CHAIRMAN EDDINGTON:

We have a couple of presentations.

LEG. LOSQUADRO:

We've heard a couple of things here that are certainly worthy of following up on, I believe, in a more timely fashion than our next schedule would suggest. I know we have an upcoming school break, but if the Chairman would consider scheduling a special session of the Public Safety Committee in advance of our next cycle around that school break, I think it would be prudent to address these questions, because these are things that if left out there, leave many individuals, I believe, in danger.

CHAIRMAN EDDINGTON:

Thank you. And in response to that, I will check with the schedule of the Legislators. But within seven days, I want a response from -- so we can put it on the record from the District Attorney's Office regarding the first situation and from the Police Commissioner regarding this situation. So in seven days, we should be able to get something in writing. And then if we can work a meeting, I have no problem. Legislator Barraga.

LEG. BARRAGA:

Good morning, Mr. Griffin. Let me ask a you question. You know, a lot of the testimony that I am hearing, not just yours, but others has to do with this conflict now between the Sheriff's Office and the Suffolk County PBA. And it all emanates from, you know, the coverage of the Long Island Expressway and what was or was not done months ago. Ever since that time and that decision that was made, this thing has deteriorated rather progressively between, you know, the Suffolk County Police and the Sheriffs.

My question is, and specifically to you, because you spent many years, maybe you still go to Albany, why at the time didn't the head of the PBA get together with the County Executive and the two of

them go to Albany and get the \$12 million? And I'll tell you why I'm asking. Because the way it worked out was that you had the County Executive seeking 12 million. Another county, Westchester County, had gotten some monies in the past, so there was precedent being set.

You're talking a \$215 billion budget. Twelve million dollars is not a lot of money. I mean, there are members of the Legislature in the Senate, in the majority, who come home with more than \$12 million annually. If the two of them had worked together, you would have forced the Legislature to act. Because for many, many years, the one way we used to get out of doing anything was to have a group come in and say, "Look, we want this," and another group from the same area comes in and they want something different. They're not on board. And as long as you're not together, we don't have to deliver. It was a legitimate excuse. But if the both of you, the head of the PBA and the County Executive, had gotten together and gone up there, you would have forced Democrats, Republicans, Assembly, Senators to take some action. And the 12 million was a pittance. It was just a pittance, and you know that, Ray.

MR. GRIFFIN:

I know because I was on the committee for 11 years up there. And what -- we always lobbied for that. And it turned out to be one-House bills, whether it be the Senate saying yes and the Assembly no or the Assembly the next year saying yes and the Senate saying no.

LEG. BARRAGA:

But in the end, if Frayler and Levy had gone up together, put their differences aside and --

MR. GRIFFIN:

Well, I don't know if that was ever approached.

LEG. BARRAGA:

Well, they didn't. That gave the Legislature an excuse to do absolutely nothing. They think, well, the PBA and the County Executive they're not on board. It's an old story. I've seen it happen in many different areas, not just in this particular case. But as a result of nothing happening, all of this has come forward; you know, one group accusing the other, someone doesn't this, we'll get you here, we'll get you there, when in essence, they didn't really develop the appropriate strategy to begin with to get 12 million. And that was not a lot of money.

MR. GRIFFIN:

I agree. In our situation, we don't blame the Deputy Sheriffs for anything. We blame the situation that has occurred. And the situation that occurred in my concern is the concern of the officers involved.

LEG. BARRAGA:

All right. But the strategy initially, that \$12 million, it wasn't handled correctly.

MR. GRIFFIN:

You're probably right.

LEG. BARRAGA:

The head of your union -- the PBA and the County Executive, they should have gone hand-in-hand. I don't care if they like each other, don't like each other, differ on other issues. If they had walked in together looking for the \$12 million, I'm telling you the Legislature would have responded.

CHAIRMAN EDDINGTON:

Thank you very much. Okay. At this time, I'm going to call up Ms. Gail D'Ambrosio, Suffolk County Probation Officer President and anyone else that you wanted to bring up with you. And actually, Mr. John Desmond, Probation Director. The issue before us, as I understand, is firearms training. Let me just preface this. This committee was told that it would be much more cost effective to have the

Police Department do the training. And it came up in a discussion about is it just as safe. Talk to us about the training. Gail, so if you wouldn't mind starting off.

MS. D'AMBROSIO:

Good morning. On January 29th, at the last Public Safety Meeting, Chairman Eddington requested that we give you a presentation indicating the specialty that our training provides so the differences between Police firearms training and Probation Officers firearms training would be clear. Probation Officers are peace officers, they are not Police. As peace officers, within the first year of employment, it is required that we complete one week of basic peace officer training and one week of firearms qualification.

Unlike the Police, Probation Officers do not attend an academy for any of their training. As there are differences in specific training needs, so are there different qualifications for each job. A police officer has an age requirement and must be physically fit to perform their duties. While there's no age requirement and minimal physical requirements for Probation Officers, they must have a Bachelor's Degree with a minimal amount of credits in Social Sciences, thereby once again stressing the need to have a balance between law enforcement and rehabilitation.

When a probation officer enters the home of probationer, they are in a different mindset than a police officer is. The police officer is there in response to a call most likely due to a crime that has taken place or is about to take place. The probation officer is there to conduct a home visit, drug or alcohol testing or a search. Our home visits are unannounced. And although we may go into a home with a specific objective, there may be a completely different situation once inside.

The probation officer must be alert to evaluate, engage and/or deescalate and react depending on the specific situation. One major training difference between the two agencies is that probation firearm instructors concentrate on close quarter combat shooting and reloading. Often Probation Officers find themselves in very confined conditions in a probationer's home or while conducting office reports in County facilities. Many of the homes are dimly lit, necessitating Specific flashlight shooting drills.

Much of the qualifications course of shooting by both police and probation is similar, however, probation instructors concentrate more on the protected position. Probation Officers are specially trained in instinctive shooting in close situations with both eyes open. Probation Officers are trained while wearing their vests and all their field equipment. During Police training, there's practical shooting in the morning and state mandated qualifications in the afternoon. Probation has the state mandated qualifications during the first three hours of training and has scenario-based training in the afternoon. Scenario training consists of tactical relevant drills such as discrimination drills which are shoot or no-shoot scenarios.

Because many of our officers go into the field in teams, we also train them on how to work together during a deadly physical force scenario. Probation Officers, unlike police officer, must conceal their weapons, therefore, all of our drills are done using concealed holsters releasing the single retention device and drawing the firearm from concealment. Some things need to be instinctual when getting clothing out of the way and not allowing to interfere with the draw and ability of the weapon to fire.

Weapon retention and disarming techniques are exceptionally emphasized due to our frequent contact with offenders. Our safety concerns are things that police normally don't have to think about. Our situation can change from a comfortable social work atmosphere to an atmosphere that is extremely volatile. We have to be prepared for both.

In summary, any law enforcement professionals, including the FBI, State Police or the Military can teach the mechanics of shooting a firearm. Firearm qualification is not training but rather evaluation. It does not provide Probation Officers situational training needed to keep them safe. An outside agency cannot provide the necessary situational training specific to our department.

Further, during the mechanical portion of training, when each agency trains their own, they can reenforce their own job-specific scenarios. Although a pilot, a bus driver and a ferry captain all engage in transportation, we certainly wouldn't want them to train each other. Thank you.

CHAIRMAN EDDINGTON:

Okay. Any question on this part? Legislator Losquadro.

LEG. LOSQUADRO:

You know, I think you pointed out something that we, specifically I, hadn't heard. You know we've heard about the difference quite a bit, but the fact that all drills that are done in Probation Firearm Training are done from the concealed weapon position, because that's how the officers carry. I think that's something that's a fairly fundamental difference because it gives that much more time in the training scenario to adapt to that carry position versus, you know, an open-on-a-duty-rig position that other law enforcement agencies use. So I think that's something that's very important for my colleagues to note. Thank you for bringing that up.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Okay. It's my understanding that any time a law enforcement officer draws his weapon it's not to maim. It's, you know, for self-defense, to use deadly force. So I'm kind of lost in that concern as to what the difference would be between Police and Probation Officers. Can you elaborate your feelings about that? Because if you're both taught to draw your weapon to defend yourself for safety, then what's the real difference? Distinction other than -- and I understand that there's a different function in the jobs itself, but when you pull out your weapon, everything is the same.

MS. D'AMBROSIO:

Uh-huh.

LEG. GREGORY:

Right.

MS. D'AMBROSIO:

I would hope that it would be the same.

LEG. GREGORY:

Right. So I'm trying to distinguish the distinction as to why the training of the use of firearms would be -- was not adequate or not appropriate to be taught by the Police Department, it should be taught by -- within your department.

MS. D'AMBROSIO:

I think for safety reasons. We come into a home. Many times -- we're supposed to be there. You know, we're not responding to something all the time as the Police would be. They are responding. We come in there, and like I said, we're there for a specific reason; to either do a home visit unannounced to make sure that the probationer is doing what they are supposed to or drug and alcohol testing or a search. So the mindset when you walk in that door is different.

And when you -- when you are there, something, depending on the circumstance, depending on who is there; you know, you can have a parent in one room who -- say, for example, let's use narcotic case where you have a person who has a serious drug problem. You have the -- and when I say -- I think I've said this before, but when I refer to somebody who's -- the parents, I'm talking about it could be a 40 year old man who's living with his parents.

You have the mother who is just wanting that person to be in treatment so badly, and you have the

father who is doing anything to keep the person out of jail, and then you have the person there who might not be very truthful with you, especially about their addiction, and then you have the friends or associates possibly in another room or coming to knock on the door. And you don't know sometimes when you go in what can happen. It can be something, as I said, that seems very routine and okay, and then the next minute, things can be really crazy. You know, I can give you tons of examples. I'm thinking of, you know, a house that I walked into that I had to get through about ten people before I even got into the back room where the person went --

LEG. GREGORY:

Right. But I'm focusing on at that point when things go bad, it's all equal at that point. You use your weapon. I was in the Army, and, you know, the General here, you know, everyone from a cook to -- I was in full artillery, to the artillerymen, infantrymen, everyone got basic training in shooting an M16. Is a cook going to use it in the mess hall? Probably not. But if something were -- if the mess hall were to be attacked, they were trained at the same level as the infantrymen who use their weapon every single day. And that's the kind of mindset that I'm going into, that there should be at least a basic level of training that everyone should go through in using their firearms.

Yes, the mindset is different because you're in different situations, but as soon as weapon is drawn, you know, everything is equal to me. You know, everyone should have the same level of training.

CHAIRMAN EDDINGTON:

I'd like to add something here, because I think Legislator Gregory's analogy is great, because I spent four years in the Navy during Vietnam. And I was trained to use a handgun and a rifle because I was shore patrol, but I certainly wasn't trained by the Marines or the Army, because the way -- the chances of me using my weapon were minimal. And their training had to be much more intense. And I see that as a very good analogy for your department, because you are more like the Navy; you might have to use it, but it's going to be in a totally different circumstance.

And it seems to me that the majority of your training is not the standing and shooting a gun, but the whole process that leads before that. And that the Police Department, their job is that they are to shot. If they're there, they know they're an authority figure, you are not. So to me, and I could be wrong, but it seems pretty clear to me. And that's why I asked Mr. Desmond to come, because I need -- I need some more clarification, because right now, I think the analogy that the Legislator made is clear to me because I wouldn't want the Marines training the Navy, and they certainly wouldn't want the Navy training them. So I do understand that. Legislator Losquadro.

LEG. BARRAGA:

That's the most accurate statement you've made.

LEG. LOSQUADRO:

Coming from a former -- an ex-Marine -- well, always a Marine, actually. On the one hand, I think Legislator Gregory is right. You know, anyone trained as a firearms instructor can teach proficiency with a weapon; you know, hit the target, put your round center mass in, whatever it's going to be, anyone's who's a firearms instructor can teach that. But, like Legislator Eddington said, it's everything leading up to that. When do you draw your weapon? When it is appropriate? When it is necessary to use deadly force? How do you draw that weapon safely so it's not going to be taken away from you? Everything that leads up to you actually using what weapon is the esoteric part of the training. The rote function is the actual firearms training. And I think it's a fundamental difference that has to be addressed between different functions within law enforcement.

CHAIRMAN EDDINGTON:

Any other questions? Okay. Legislator Browning.

LEG. BROWNING:

I'm trying to understand what -- and maybe Chief Moore might be able to respond. You know, I know my husband, being a Police Officer goes the range, and they shoot at targets. Okay? And

then I know that there's times where they take specific training and they will have like a street scene situation, and they do situation training where something might occur. And, you know, I'm trying to understand. When you go to -- do you go to the shooting range where you just do target shooting?

MS. D'AMBROSIO:

Yes.

LEG. BROWNING:

Okay. And who do you do that with?

MS. D'AMBROSIO:

We go by ourselves. They -- would you mind if I ask one of my guys --

LEG. BROWNING:

Well, I'm trying to understand who runs that range. I mean, does the Sheriff, does Corrections?

MS. D'AMBROSIO:

No, the Police.

LEG. BROWNING:

Probation and the Police Department.

MS. D'AMBROSIO:

The Police.

LEG. BROWNING:

Does everybody go to the same range?

MS. D'AMBROSIO:

Right. And we ask for the range for the day.

MR. DESMOND:

Previous to this year, the training for the Probation Officers was done by the Probation Officers at the County range. It's the same facility, it's just that the training was being done by the Probation Officer. Now, the training is being done at the same facility at the range by the Police Officers that are regularly scheduled to the range.

LEG. BROWNING:

And do those Police Officers -- and again, I'm looking at Chief Moore -- do those Police Officers work at the range, that's their, you know, five-day-a-week job or seven day a week, whatever it is that they do? So that's their assignment is to work at the range on a regular basis?

MR. DESMOND:

Full time.

LEG. BROWNING:

But then when you have -- you have situation training where, you know, a scenario is set up and you practice, you do do that, no?

MS. D'AMBROSIO:

Yes. Yes.

LEG. BROWNING:

Go ahead.

MS. D'AMBROSIO:

Yes.

LEG. BROWNING:

And who trains you to do that?

MS. D'AMBROSIO:

The Probation Officers. Oh, right, I'm sorry. I'm thinking what we did before January 1st.

LEG. BROWNING:

So when you did the situation training, it's no longer going to be Probation Officers, it's going to be Police Officers?

MS. D'AMBROSIO:

Correct.

LEG. BROWNING:

That's what I'm trying to understand. Because a Police Officer is, you know -- well, they're not all in uniform, but some of them are in uniform, most of them. And they have specific training that's geared specifically to what they do, what their job function is. Your job function is entirely different.

MS. D'AMBROSIO:

Yes.

MR. DESMOND:

It's the same situational training at the situational location. It's at the range.

LEG. BROWNING:

And what about the Sheriff's Department? When -- and I don't know if there's anybody here to answer that. When the Sheriff's Department -- when they do situation-type training, which I'm assuming they would do the same thing, who would train them?

MS. D'AMBROSIO:

The Sheriffs.

LEG. BROWNING:

Okay. And Corrections, same thing? When you are training for situations, the people who know your job are the ones who do it? Okay. I get it. Thank you. Except for Probation. And now it's different for Probation. Everybody else is the same except for you guys. Okay. I got it.

CHAIRMAN EDDINGTON:

Mr. Desmond, did you want to add anything else?

MR. DESMOND:

There have been a number of points discussed, and I just would like to clarify some of them. First of all, I don't think that there's a different mindset at a home visit by a Probation Officer than there is for a Police Officer going into a house. I think both need to do a very rapid and accurate threat evaluation. I think that, as Legislator Gregory accurately pointed out, that when you get to that point where you need to draw firearm, pretty much it's the same situation, it's the same training.

It was also stated -- I'm not sure by whom -- that -- I think maybe the POA President -- that Probation Officers are not authority figures, and I disagree with that wholeheartedly. When a Probation Officer is dealing with a client, that client knows full well that if that Probation Officer finds them in violation of the conditions of their probation, they're going to go back to jail. And very, very often, what they're going to be facing is immediate incarceration Upstate. Very often, these

individuals know exactly what they're dealing with, and that they consider these Probation Officers quite the authority figure, that they know that these people can impact the rest of their lives at that very situation, much more impact than sometimes these individuals dealing with a Police Officer that they're not familiar with or who doesn't know them or their history.

So I think that there is a lot of similarities in the type of training that needs to be done at the range. When you go out to the range, you basically go out in some sort of plain clothes, jeans, whatever. If the weather is warm enough, you're just going to be out there in a shirt and jeans. There's not going to be any real coverup for your firearms. If you're out there when you are colder, you have a jacket on, yeah, there's going to be more of that.

We've requested and the Police Department has talked to us about exchanging information on the use of firearms in plain clothes. I think that much more of what we're talking about here is the culture of the department, and that training starts in the classrooms with the Probation Officer trainees and continues when they're out in the field and hopefully continues throughout their period of time working in the the Probation Department.

It was also spoken about escalation and deescalation. I believe both Probation Officers and Police Officers do exactly the same thing, they attempt to deescalate situations so that the firearms don't have to be drawn. I just feel that there's -- for the small amount of time that you're at the range, the differences between the experiences of the different officers is minimal, that much more it's the culture of the departments and the ongoing training that you receive.

CHAIRMAN EDDINGTON:

Thank you. I just want to start to say that, you know, I want to make it clear that I do have a personal bias and infinity for the Probation Department because many of the members are social workers like I am. And when we keep talking about how, you know, Police Officers and Probation are equal, blah, blah, they are not. Probation has to have a BA, first of all. Many of them are social workers. And I'm telling you right now, I would not want a Police Officer going into a situation looking at it as a social worker, not at all, because he will be dead.

I want Police to do what they do. And when they're called, they know it's a dangerous situation. Probation is just the opposite. They go in and they do that evaluation. And I do feel a little telling you, because you have been through the ranks, but I just don't see it at all as similar. And we talked about money, because that was what I think stimulated this whole change. And I just can't see that if you have a Probation Officer doing it once a week and training everybody or once a month, it's got to be cheaper to reassign that Police Officer for one day somewhere else. It's got to be cheaper. So I just can't see why we would change the Probation Officers and leave everybody the same when, to me, it's such a clear difference in the training and evaluation.

It's rooted in my mind safety. And as the Chair of the Public Safety, I mean, I'm having a real difficult situation here trying to get -- if you could really show me how it's so much cheaper and just as safe, I'd agree. I don't care what anybody else says, but I'm not hearing that. And maybe my colleagues can clarify it, maybe they're hearing something different. But I'm not hearing that. Anybody else? Legislator Browning.

LEG. BROWNING:

I'm still trying to understand how you do your job. I want to know, say, for example, you go to visit one of your clients, okay, and when you walk into the home, say it's a sober home, okay, where there could be 15, 20 people in the home, you walk into that sober home, do you have the right to go to that person's bedroom to check their bedroom?

MS. D'AMBROSIO:

Yes.

LEG. BROWNING:

Now a Police Officer, if he gets a call to that home for a specific reason, is a Police Officer permitted to go to individual rooms, or can he only go to the common area? I know you're looking at me smiling. Chief Moore, can you come up and tell me? Because I'm trying to understand. I mean, I want to know about your training and that you're getting the correct training and the correct people are training you.

So if a Police Officer gets a call to a sober home and he goes into the home and they let him in, does he have permission to go to any of the bedrooms or other rooms other than the common area?

CHIEF MOORE:

Good morning. I'm Robert Anthony Moore, Chief of Department, Suffolk County Police Department. No.

LEG. BROWNING:

Thank you. So that's my point.

CHIEF MOORE:

I'm sorry, ma'am. When a person -- forgive me. When a person agrees to Probation, they agree to surrender certain rights. A Police Officer entering a home has to take into consideration rights that a probationer wouldn't have. So there are instances where the Probation Officer has far more authority than a Police Officer under the same circumstances.

LEG. BROWNING:

What I'm trying to say see and to understand is that, you know, when you walk into that home and now you go upstairs to that person's bedroom, you can check the room. So what is going on downstairs while you're upstairs? And that's my question, is could they be -- you know, could there be somebody downstairs in that home that could possibly cause harm to you? You're by yourself. So how would a Police Officer be able to train you for that type of a situation?

MS. D'AMBROSIO:

Well, that's what I think. But may I just clear something up. I did not say that Probation Officers are not authority figures. I would never say that we don't have authority with the people we work with. We have a lot of authority with them. I just wanted to get that straight. That was not in my presentation.

LEG. BROWNING:

I understand the shooting range issue. I mean, is there additional Police Officers now being brought to work at the shooting range when Probation Officers go for training, or is it the ones who are there all the time are the ones who are there for them? Is there additional Police Officers being brought in the day they train.

CHIEF MOORE:

No.

LEG. BROWNING:

At the range?

CHIEF MOORE:

No.

LEG. BROWNING:

Okay.

CHIEF MOORE:

The schedule for the range is prepared long in advance. The staff of the Suffolk County Police

Academy are cross-trained. So our Officers at the Police Academy in some instances have 30 or more certifications. So they're certified in a broad range of areas. Now, in those instances where another agency with its own range staff comes to the range, the range staff, the Police range staff, do other duties, you know, at the range as well as in other areas within the Police Academy.

LEG. BROWNING:

Okay. You know, I'm more concerned about when you have to train for scenarios. That's where I think that you need specialized training, and it needs to be Probation Officer. I mean, I'm trying to understand. And why is that just Probation and not -- you know, if you have Suffolk County Police Officers working at the range all the time, why is it that they pulled away Probation Officers when you go to the range? Shouldn't they be doing it for everyone? You know, to shoot at a target is shooting at a target. But when it comes to specialized training, I think it's important that you make sure you have the right people training you.

MS. D'AMBROSIO:

Can I just say something again about the mindset? If I went in -- my cousin is in the Marines. And although, you know, it's true what you say about the Police, you would think that they would have the same mindset before shooting somebody with deadly physical force, but if I went into somebody's home with the same mindset that my cousin who was trained by the Marines goes to Iraq with, we'd never be able to rehabilitate anybody. That's the bottom line. So I just wanted that to be clear that the mindset does have to be different from when you walk in the door. Things can change drastically, and that's when our training is important. But I just wanted you to know that.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

I agree. I agree that when you walk in you're mindset is different, but I think once everything has gone bad -- I mean, you don't pull your gun out for -- other than to defend yourself. Everything at that point is equal. You're not saying I'm going to shoot this person to rehabilitate him. You're shooting him because you feel your life threatened. Your life has to be threatened, because if not, you're going to be in jail.

So at that point, my initial perception was just the range part of this that, you know, why shouldn't our Police Officers do the training of that. But I agree that with the situation scenarios it should be Probation because the mindset is different. I didn't know that there was scenarios that were conducted along with the shooting, the range operations that were run by the Police as well.

Yes, they may be trained. If the Sheriffs and others were unable to do their own training, then, you know, that's okay, everything is consistent. But it's not consistent the way it is right now. And you should go in with that mindset. I have a background in criminal justice, you know, so I understand a little bit what you're talking about. I was specifically talking about -- you know, shooting at a target is shooting at a target. You know, you pull -- I pull my finger just as much as you pull your finger on the trigger. It's not going to be much different. You know, you shoot center mass. You're not going to shoot at the toe, you're not going to shoot an arm, you shoot to kill. Okay.

So that part of it, I think is correct. The situation scenarios, that's different, because you work in a mindset and different situations. I mean, Police Officers have to respond to domestic violence situations, yes, but still, the mindset is different. So I think that you should have your own officers, a department, train you in those types of scenarios. But the rote, just the function of pulling a trigger, shooting at plastic targets, I mean, anybody can do that I think.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Quick question. How many rounds per officer are fired during a training, you know, Police versus Probation?

MR. DESMOND:

It's pretty much the same. It's standard course.

MS. D'AMBROSIO:

I mean, I do have the qualification course and I do have some --

LEG. BROWNING:

There's someone in the room, I think, might have an answer. Can we bring him up?

CHAIRMAN EDDINGTON:

It's okay with me. Step to the podium, please.

LEG. BROWNING:

Just tell us -- tell us who you are.

MR. BUCKLEY:

My name is Daniel Buckley. I'm a Probation Officer and a firearms instructor with the Probation Department.

LEG. BROWNING:

Okay. So then you would know how many rounds are fired per Probation Officer in the training versus a Police Officer.

MR. BUCKLEY:

Well, that varies. I can't really answer for the Police Department, but the number of rounds varies depending upon what we're going to do in the second half of our day. The first half of our day is 180 rounds. We shoot three courses of 60 rounds each, which meets the State qualification standard. The following afternoon training, depending upon the scenarios and the situational training we're going to run, it depends on how many rounds are going to be shot that day.

LEG. BROWNING:

Do we have a Police Officer in the house?

CHIEF MOORE:

It's the same.

LEG. BROWNING:

Thank you.

CHAIRMAN EDDINGTON:

Okay. So, again, I mean, I think it's clear that what Legislator Gregory said, anybody could -- could show somebody how to aim and pull at a target. And if that's the case, then obviously, having the people that get paid the least would make it the most cost effective. And that's not what we're doing. In the past, up until January, when the Probation Officers were being training, was there a Police Officer on the scene standing there or doing something?

MR. DESMOND:

No. There are Police Officers full time at the range. So they were -- as the Chief said, the Officers were there anyway. But they were at the range, but they were at the facility.

CHAIRMAN EDDINGTON:

Okay. It's a Friday -- it's a Friday and the Probation Department is being trained by Probation Officers, and the Police Department trainers are there. What are they doing, having coffee? I

mean, I know that isn't happening. So what are you telling me, they're there, but they're not at work doing it?

CHIEF MOORE:

Again, sir, the Police Officer Range Officers generally are not there when other agencies are providing their own firearms instruction staff. They are either assigned to other duties or they take that opportunity to use vacation time and that sort of thing.

CHAIRMAN EDDINGTON:

Okay. So that leads me now back to the -- I mean, obviously the training is different, but I was told this was done because of finances. And now you're telling me that we're using more expensive Police Officers to do the training when we had Probation Officers doing the training. And we've also ascertained that anybody could do the training if they're certified. So I'm not getting -- I'm not getting, and maybe -- I don't see anybody from the County Executive's Office -- but I need to hear -- and that's what I asked originally at my meeting. If you're saying it's cost effective, I need to see it. Otherwise, I'm going to propose legislation to mandate the training by the individual departments. I think I saw Mr. Zwirn. There he is. Mr. Zwirn, I need to have you tell me how we're saving money and maintaining security at the same time and safety.

MR. ZWIRN:

Mr. Chairman, the thought behind it was that the fact that we have to take -- when the Probation Officers have to -- when they're giving the training, they also carry caseloads. That's not their sole function, training. So you're taking them out of their primary function, which is handling cases in Probation and putting them in the range. They have to go out for certification, they have to go out for training. You take them out of their role of -- with the primary function, which is to handle Probation cases. So now you've taken them out and then you're having them do training on a regular basis, you pull them off from that, and then you have them at the range. They're not doing -- they can't do two jobs at once.

So you have Police Officers who are, for the most part, as I understand it, are at the range or nearby or can be schedules who do this for a living, this is what they do primarily. So what is the point? I mean, I've been listening to the debate, and I think Legislator Gregory makes a good point. Training at the range, learning how to shoot a weapon and handle a weapon, if you're certified -- Police Officers certainly are -- nobody's going to say they're not -- they're not certified or qualified to teach any of us how to use a weapon. Situational problems, that's a nuance that has to be done when Probation Officers go out on training with Probation Officers. But the fact of using it -- this was done primarily to try to save money without -- without jeopardizing the training of people who are doing this particular job.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

I had some time to research this a little bit. And what you are saying on its face sounds valid, but the fact of the matter is that Probation firearms instructor carry a full caseload. They don't diminish their caseload at all. And the Commissioner sitting next to you is nodding his head in agreement. And the fact of the matter is they spend less than 10% of their time -- in fact, it's about 7% of their time total for the year in the training function. So again, I mean --

MR. ZWIRN:

That's a lot.

LEG. LOSQUADRO:

-- the Chairman and I are -- being that they carry a full caseload --

MR. ZWIRN:

I understand what you're saying.

LEG. LOSQUADRO:

I don't see the cost savings.

MR. ZWIRN:

We are trying to do -- we are in a crisis situation budgetarily. We are trying to do things a little bit out of box. Probation Department would like to have more Probation Officers. We're trying to keep the Probation Officers out there handling their cases in the field. If they can do more cases in the field because they don't --

CHAIRMAN EDDINGTON:

Mr. Zwirn. To me --

MR. ZWIRN:

And you look at the giant problem that we're facing here, I mean, I'm just saying --

CHAIRMAN EDDINGTON:

Nobody disagrees with you. But it's a bogus argument. We're not -- the Probation Department, they're not giving up one case to do the training.

MR. ZWIRN:

What does that tell you then? We hear every day --

CHAIRMAN EDDINGTON:

It tells me you're doing a good job with what they got.

MR. ZWIRN:

-- that there's not enough Probation Officers to handle the caseloads that they have, that we can still afford to take them out of those caseloads and put them in the range and have them go out and get certified so they can train other Probation Officers. That's doesn't make sense to me.

CHAIRMAN EDDINGTON:

You know, what?

MR. ZWIRN:

That means we have enough Probation Officers to do both. Seven percent, that's a lot. That's a lot.

CHAIRMAN EDDINGTON:

To me, what you are doing is actually going to cost us more if you're replacing Probation Officers who have been doing it for less. And you're now having Police Officers do it who no one says makes more money than your group. The County Executive is clear, they make more than any other group. And we're going to put them there to do the training.

MR. ZWIRN:

We'll bring Fred Pollert back here and Connie Corso next week.

CHAIRMAN EDDINGTON:

You know what?

MR. ZWIRN:

BRO can sit down here and then we can talk about the numbers. I mean, that's fine.

CHAIRMAN EDDINGTON:

You know what? I think you missed it. We asked for this meeting to be the meeting. I ask you, bring -- show me how it's cost effective. You haven't. I keep hearing the same bogus argument.

MR. ZWIRN:

Ask Budget Review Office. They're here. We give the fiscals to the Legislature? You asked them to do a review?

CHAIRMAN EDDINGTON:

You know what? I'm not an economist, but I can figure out if Police make more and they're doing the training, Probation makes less and they're not doing the training, I'm not --

MR. ZWIRN:

But there's also an equation that I raise, is that you're taking them away from their primary function, which is to handle Probation cases.

CHAIRMAN EDDINGTON:

They're not. They're doing their caseloads.

MR. ZWIRN:

Then that tells me that we don't need more Probation Officers if we can take 10% of their time and have them training and then train other Probation Officers that we don't need more Probation Officers handling cases out in the field. That's the argument that you're making.

CHAIRMAN EDDINGTON:

No. I think that's an illogical conclusion. It fits with what you are saying, but it doesn't make sense, because then you could just -- you could hire less Police Officers and let the Probation Department do all the firearms training. I mean, your argument is bogus --

MR. ZWIRN:

Why don't you ask Budget Review --

CHAIRMAN EDDINGTON:

-- why don't you just see that?

MR. ZWIRN:

-- Office which works for the Legislature to do an analysis?

CHAIRMAN EDDINGTON:

Either an analysis or a piece of legislation that prohibits that kind of training.

MR. ZWIRN:

With a fiscal review attached to it that we can all look at. That's fine.

CHAIRMAN EDDINGTON:

Okay. Fine. Any other questions? Thank you. Thank you very much. Presiding Officer Lindsay.

P.O. LINDSAY:

Yeah. Before you go to the agenda, I'm going to take advantage of Chief Moore being here to clear up something if you don't mind.

CHAIRMAN EDDINGTON:

Chief Moore, could you come up please?

P.O. LINDSAY:

There was a story this morning in Newsday, and a Newsday reporter called me yesterday about Federal stimulus money for additional cops. Are we applying for it or are we not?

CHIEF MOORE:

I think Mr. Zwirn could better answer the question. The Police Department has been asked to prepare budgetary workups. But as far as the decision to hire, how many to hire, I don't believe that decision has been made yet.

P.O. LINDSAY:

I'm not talking about hiring. Are we applying for the Federal grants?

CHIEF MOORE:

Yes.

P.O. LINDSAY:

We are.

CHIEF MOORE:

Oh, yes.

P.O. LINDSAY:

Okay. That's all I want to know. I'm not asking whether -- you know, I think, you know, if we get the money, I assume we have to hire the cops now, which I think we absolutely need.

CHIEF MOORE:

Okay. I'm sorry. There are a number of stimulus grants. There's a cops-hiring grant, there is the JAG, the Byrne Grant, which has been increased substantially.

P.O. LINDSAY:

What is that money?

CHIEF MOORE:

That's for lack of -- a programs and initiatives grants. This is something that the Division of Criminal Justice Services, our local, the CJCC, they each year receive a few hundred thousand dollars in grant monies which they distribute amongst the members of the council. That has -- that amount has been increased significantly to \$1.3 million. The County Executive's stimulus team has solicited from the agencies a list of programs, initiatives and supply and equipment needs. And each of the department have responded for its part. The Police Department has submitted a list of some 21 programs, initiatives and requests.

The cops-hiring grant is another matter, that's \$1 billion. And that's where I really don't have answers for you right now as to whether or not we're going to be applying for those monies. I can tell you that the Police Department has been submitting information to this stimulus team.

P.O. LINDSAY:

Okay. What had me a little perturbed is sometimes I find out things more from a Newsday reporter than we find out around here. But he told me yesterday that the press secretary for the Police Department said they weren't sure because the funding is only for to help pay Police salaries for three years. And the requirement is you don't layoff any Police Officers for four years. And the question was who is going to pay for them in the fourth year. And I was just confounded about that answer. I don't know whether he got it correctly or not. It sounds like he might have gotten something mixed up, because just -- I mean, it's been pointed out all week here what dire financial shape we're in. And I keep looking at the chart of Police Officers going down, down, down. If we can get the Federal Government to pay for salaries for three years for a new class of Police Officers, it certainly makes sense to me. So you don't know at this point whether we're applying or not.

CHIEF MOORE:

I'm sorry sir, I don't.

P.O. LINDSAY:

Does Mr. Zwirn? Do you know, Ben, are we applying for the Federal money?

LEG. LOSQUADRO:

While he's coming up, through the Chair, over the course of those three years, wouldn't we have a normal rate of attrition?

P.O. LINDSAY:

Absolutely. That's what I'm saying.

MR. ZWIRN:

I was in Albany. I know they were discussing this yesterday in the office, and I was in Albany lobbying for whatever -- whatever help we can get from them. I don't know. But your argument certainly carries water. I mean, usually it's for a one-year program and then we wind up in year two having to foot everything. But this is for an extended period of time, and it sounds like -- it does sound like a no-brainer. I think they were looking to see how many Police Officers they were going to look to ask for that particular amount of money. So then thinking four years down the road, where would we be? But I certainly believe that they're going to apply for a certain amount.

P.O. LINDSAY:

Well, if we get somebody else to pay for it for three years, I think we're ahead of the curve. We should absolutely be able to pay for them in the fourth year.

MR. ZWIRN:

Well, you can plan for it certainly going forward, absolutely.

P.O. LINDSAY:

All right. Thank you, Chief Moore. I didn't mean to put everybody on the spot. But it just was a very confusing conversation I had yesterday. Could I ask Jerry, Mr. Chair?

CHAIRMAN EDDINGTON:

Sure. Go ahead. Just put your mike on, identify yourself and go for it.

MR. GILMORE:

Hi. My name is Jerry Gilmore, I'm President of Superior Officer's Association. In reference to the stimulus and to the cops-hiring program, the deadline for applications are April 14th. So they really have -- don't have too much time to think about it. It used to be one year, now it's three years. There's no limitation on salary. There used to be, you know, a cap. There's no cap on that. It includes benefits and everything else. It is a no-brainer.

P.O. LINDSAY:

It sounds like a good deal to me.

CHAIRMAN EDDINGTON:

Thank you. Okay. Let's go to the agenda. Tabled Resolutions.

IR 1904-08, Establishing community safeguards from registered sex offenders placed in emergency housing. (Schneiderman)

LEG. LOSQUADRO:

Motion to approve.

LEG. GREGORY:

Motion to table.

CHAIRMAN EDDINGTON:

I have a motion to approve by Legislator Losquadro. Motion to table by Legislator Gregory. I'll

second the motion to table. Okay. The motion to table goes. I have a second. All in favor?
Opposed?

LEG. LOSQUADRO:

Opposed

CHAIRMAN EDDINGTON:

One opposed, Mr. Losquadro. Any abstentions? **TABLED (Vote: 4-1-0-0 Opposed: Legislator Losquadro)**

IR 2207-08, A Charter Law to prevent double taxation for police services in certain towns and villages. (Romaine)

I make a motion to table for public hearing.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Seconded by Legislator Gregory. All in favor? Opposed? Abstentions? **TABLED (Vote: 5-0-0-0).**

IR 1028, Establishing new procedures for housing homeless sex offenders. (Schneiderman)

I'll make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Seconded by Legislator Gregory.

LEG. BROWNING:

Can I have an explanation?

CHAIRMAN EDDINGTON:

Okay. Legislator Browning would like an explanation.

MR. NOLAN:

This resolution would establish a policy where Suffolk County Department of Social Services would be required to place sex offenders in need of emergency housing services in a facility located in the same Police Precinct they are in at the time services are requested.

LEG. BROWNING:

Chief Moore, have you looked into this at all? Because obviously it appears that the precinct is where they are going to be. Is this where they would actually house them, on precinct property?

MR. NOLAN:

No. It just says it would be somewhere within the boundaries of the precinct. I should mention also that if the sex offender comes from one of the five East End Towns outside the Police District, placement will be arranged at the existing trailer at the Correctional Facility. That's for the five East End Towns.

LEG. BROWNING:

Okay. Can I ask you about -- okay. I'm trying to understand where they're trying to go with this. My concern is I'm going to wind up with a whole lot more new sex offenders in my district, and I

think we've got our share. Do you have comment on that as far as the precincts are concerned?

CHIEF MOORE:

No. It's a Department of Social Services issue. Any comments would probably have to come from the Department of Social Services. The Police Department, as you know, doesn't -- doesn't actually do the physical placement of the individuals.

LEG. BROWNING:

But you do have your Sex Offender Unit, so they would know where they came from. And again, so now what you are saying is if you got arrested in the Seventh Precinct, you have to come back to the Seventh Precinct whether you live there or not? I'm trying to understand that? No. I'll support the table, because I certainly don't want to see that we're going to wind up with too many in my district.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I'll just point out, that's why I made a motion to approve 1904. I think -- I can't speak for the sponsor, but I think he's trying to find something innovative in the absence of getting 1904 approved, which I think would address many of the concerns Legislator Browning has, concerns that I have. I think it establishes very good safeguards. I do share some of the concerns that Legislator Browning has. You know, people don't necessarily commit these crimes where they live. And, you know, there may be an area with a higher concentration of an accessible school or playground that people may congregate around. I don't think doing it by Police Precinct is necessarily the best idea, which is why I supported 1904.

LEG. BROWNING:

I'd like to respond to that.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Most sex offenders, specifically pedophiles, their targets are people they know. So it could possibly be in the district that they live or in their own home. And I think Laura can probably agree with that, that the majority of sex offenders do know their victims. And it could be a child in the family that is their victim.

LEG. LOSQUADRO:

Yet you still don't think it's a good idea to do it by precinct.

LEG. BROWNING:

I know that Laura has spoken on that issue, because I know I have some emergency housing in my district that is a problem. And I don't want to see nine more of the homeless sex offenders being focused -- there are certain areas that are saturated. And this is something I've been battling for a long time. So I'm not prepared to start seeing these homeless sex offenders being moved to my district for temporary housing. Yes, we have to come up -- I understand their argument --

LEG. LOSQUADRO:

I couldn't agree with you more.

LEG. BROWNING:

-- with the jail. But I'm not going to agree to let them come back to my district or any other district. I think DuWayne can agree, he's got his share.

LEG. LOSQUADRO:

Through the Chair.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Which is why I think that a solution such as the one proposed by Legislator Schneiderman, which -- which says, and I will -- I will pull from his legislation here -- "that more than four registered sex offenders in emergency housing in a single community as defined by zip code."

You know, I think that is a solution that works for Legislator Gregory's community, Legislator Browning's community, my community, everyone's community. I think it lowers the concentration overall. It does not create these hot pockets that we have right now. So I mean, I know we're on 1028. I think we are all basically in agreement that this is something that would need some work. There's a tabling motion I say we move on.

CHAIRMAN EDDINGTON:

Legislator Browning, you wanted to ask Laura Ahearn to come make a comment?

LEG. BROWNING:

Yeah, she's here, so I'd kind of like to get her input on it.

CHAIRMAN EDDINGTON:

Okey doke.

MS. AHEARN:

Laura Ahearn, Executive Director of Parents for Megan's Law and the Crimes Victim Center. We've continually supported the placement of registered sex offenders at the Correctional Facility, and we are still very supportive of that current placement. And we are open to other policies or other ideas that aren't going to cause further problems for other communities.

And also, one of the bills, and I'm not sure, I don't have both of them in front of me, but one of these bills was actually considering the placement of offenders in trailers at precincts. And that is -- that may be at first glance a good idea until you actually think about the implications. You have victims going to precincts to report crimes. And the potential for a registered sex offender to actually view child and adult victims of sex crimes approaching the precincts.

And also, it's not even addressing the potential confidentiality, operational kind of things that are going on in precincts. You have law enforcement vehicles parked in the back or on the sides, they have staging -- these are staging facilities for major law enforcement initiatives at the precincts. So currently, the bills that have been proposed are not ones that we're going to support. We continue to support the placement of offenders at the Correctional Facility.

LEG. LOSQUADRO:

Mr. Chairman, I'd just like to point out, what you just quoted, Ms. Ahearn, is IR 1028, which is before which apparently no one on this committee is prepared to support. So thank you for your comments though.

MR. ZWIRN:

If I might just jump in, because I've worked on this issue on behalf of the County Exec's Office. I have gone to a number of meetings out in Riverhead. The Police Department looked at trailers in Police Precincts. Legislator Romaine was advocating for this out at the Riverhead meeting we had. And I asked him at that time, I said, "Has anybody done a study? Which -- you know, where would that -- where would that be appropriate?" And the Police Department did that. And the only place

that really meets the criteria is at the Seventh Precinct in his son's district, his Legislative district, in the Town of Brookhaven.

So nobody wants to have to deal with this problem. These are homeless sex offenders that we're dealing with. Others are placed through Parole or by the State. But these are the ones that have no place to go. And the thought was to try to put them in a facility, while not behind the barbed wire at the Correctional Facility, on the grounds so they would be segregated from children, from people in the community where they could do harm. And the other challenge I made that night --

LEG. LOSQUADRO:

Mr. Chairman, what does this have to do with the bill before us? Could we just call the vote, please. I mean, this is the price of tea in China.

MR. ZWIRN:

If I just might finish. I said if there was a problem -- we thought this was the best solution to a bad problem. And if the Legislator -- and I asked Legislator Romaine and Legislator Schneiderman, if you have other places that you think in everybody's district where it would be a safe place to put them, that we would look at that. But we haven't heard anything.

CHAIRMAN EDDINGTON:

Okay. So you agree with our tabling is what you're saying? So you're in support of what we're doing right now?

MR. ZWIRN:

Well, we'll support whatever you guys decide to do.

CHAIRMAN EDDINGTON:

Thank you. Counsel.

MR. NOLAN:

I just wanted to mention to the committee members that because this impacts the housing of DSS recipient clients, we've passed a couple of resolutions in the last year having to do with that. And the State Department of Social Services tells us we cannot implement those laws. So that's an ongoing problem. We can pass resolutions like this, but if the State Department of Social Services directs our local department not to implement or enforce them, they won't.

CHAIRMAN EDDINGTON:

Okay. Thank you. I have a motion and a second. All those in favor? Opposed? Abstentions?
TABLED (Vote: 5-0-0-0).

IR 1102, A Local Law to amend Local Law No. 1-2000 to increase civil penalties for acts of bias in Suffolk County ("Marcelo Lucero's Law"). (Horsley).

LEG. GREGORY:

Motion to approve.

LEG EDDINGTON:

Motion to approve by Legislator Gregory, seconded by Legislator Browning. All those in favor? Opposed?

LEG. BARRAGA:

On the resolution.

CHAIRMAN EDDINGTON:

On the resolution, Legislator Barraga.

LEG. BARRAGA:

On the resolution, as long as there's an understanding that this bill has nothing to do with deterrents. All this bill is going to do is increase civil fines. And, you know, what affect does that have on a potential perpetrator in a bias crime? Is that going to stop him to say, well, you know, it used to be thousand, now it's going to cost 5000 or 10,000 or 20,000? It's just raising civil fines. It has nothing to do with deterring bias crime.

I understand the money goes to the Suffolk County Human Rights Commission, all right, for programs that they're going to implement. But as long as there's a basic understanding that it's not really going to affect someone on the street who wants to commit these crimes. They'll continue to do so. They don't take into consideration what the cost is going to be financially to them. Most of time they don't have two nickels to rub together.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

I respectfully disagree with my colleague. I think that given the right attention and focus the hate crimes have been given as of late, you know, a law like this is the right deterrent. Those who will seek to do acts like this will think second -- will have second thoughts about committing those acts, because, you know, the fines, the civil penalties, are so significant that that they will be a deterrent in my mind. Will it prevent all acts of hate crimes or bias crimes? No. But I think it will provide some level of deterrents that will be a benefit to our communities.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I'll basically reiterate the comments that I made in the past regarding civil penalties. I'm basically in complete agreement with Legislator Barraga in saying that I don't think the civil penalties are much of a deterrent at all. I'll just echo the comments that Legislator Barraga made and say that if we want to do something, on the one hand, I agree with Legislator Gregory, it's about attention, it's about education, but I think we should also be lobbying for much more significant minimum incarceration periods. I think that's a true deterrent.

CHAIRMAN EDDINGTON:

Legislator Gregory.

LEG. GREGORY:

Again, I appreciate my colleague's comments. I think there's an aspect of this that I've mentioned before, and I think that we tend to overlook. There is an aspect of hate crimes that has an economic impact to it. I was in Brooklyn giving an interview about my Hate Crimes Task Force, and one of the interviewers said to me, "You know what? Those cops out in Suffolk County and Nassau County, they don't like us City folks too much. You know, I have family in Coram and in Hempstead, and I don't like to come out there," because they're afraid that they're going to be a victim of hate crimes. I say, "Absolutely not. You know, we're not a biased County, we're a great County."

I've lived and traveled all over this country, and I've come back to Suffolk County. And growing up in the era of Howard Beach and other incidences of racial implications place, there are places that people have a hesitancy to visit. And I don't want Suffolk County to be one of those places. So I think with the -- and, you know, the impact of that is the people who have families here, they have second thoughts of coming to Suffolk County, meeting their families. And when they don't come to Suffolk County, they don't shop in our stores, they don't recreate in our parks and things like that. And that has an economic impact to our counties.

So those who commit acts of violence, particularly hate crimes, you know, it had a doubling impact.

There's an impact that I think, yes, you know, these small amounts are not going to turn our economy around, but I think it sends the right message that we have significant civil penalties attached to hate crimes because of the compounding affect that hate crimes have to our economy.

CHAIRMAN EDDINGTON:

Okay. Thank you. We have a motion and a second. All those in favor? Opposed? Abstentions?

APPROVED (Vote: 5-0-0-0).

IR 1122, A Local Law to ensure fire hydrant operability and safe water pressure levels in Suffolk County. (Eddington)

I make a motion to table for public hearing.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Seconded by Legislator Losquadro. All those in favor? Opposed? Abstentions? **TABLED (Vote: 5-0-0-0).**

LEG. LOSQUADRO:

Madam Clerk, I just want to make sure that I am listed as a cosponsor on the bill. I'm pretty sure I am. Just double check.

IR 1127, Approving the appointment of John Carney to the Suffolk County Citizens Corp Council. (Co. Exec.)

LEG. GREGORY:

Motion to approve.

CHAIRMAN EDDINGTON:

Is Mr. Carney here? Yes. Would you step forward, please? I'll make a motion to approve, Legislator Gregory will make a second. And if you could just give us a little intro.

MR. CARNEY:

Good morning. My name is John J. Carney. Currently I'm the Chief of the Brentwood Fire Department. I've been a member of the department for over 23 years, second generation volunteer firefighter. Currently I'm employed by the Town of Islip at Mac Arthur Airport as an airport rescue firefighter. I'm also part of the Islip Town HAZMAT Team, Team Leader. I believe my experience would bring -- would help the CERT Program and the board with the future of the program.

CHAIRMAN EDDINGTON:

Thank you for all your expertise and your service. I have a motion and a second. All in favor? Opposed? Abstentions? **APPROVED (Vote: 5-0-0-0).** Thank you very much for coming this morning.

IR 1132, To adopt the amended Suffolk County Pre-disaster Mitigation Plan as approved by FEMA on January 14, 2009. (Co. Exec.)

LEG. LOSQUADRO:

Motion to approve.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Motion to approve, seconded by Legislator Gregory. On the motion.

LEG. LOSQUADRO:

Just a brief explanation.

CHAIRMAN EDDINGTON:

Yes.

LEG. LOSQUADRO:

I guess we have to submit this plan to the Federal Emergency Management Agency and get their signoff on it.

CHAIRMAN EDDINGTON:

Mr. Williams.

LEG. LOSQUADRO:

And perhaps if you could just tell us what was amended.

MR. WILLIAMS:

Yes. I have a member of my staff, Bob Sheron, who will explain to you. He's handled this thing for the last two years.

MR. SHERON:

Good morning. Bob Sheron. Yes, we prepared an original mitigation plan which was approved by FEMA. The amended plan included the Towns of East Hampton and Brookhaven. FEMA approved that plan, and now we're asking the Legislature to adopt it, which is the final step of approval.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Are there any towns that aren't included now, or were those the last two that were not included?

MR. SHERON:

The Town of Islip is preparing their own plan as well as the Town of Southampton. So they are not included.

LEG. LOSQUADRO:

Okay.

CHAIRMAN EDDINGTON:

Okay. I have a motion and a second. All in favor? Opposed? Abstentions? **APPROVED (Vote: 5-0-0-0)**. Thank you, gentlemen.

MR. WILLIAMS:

It's just important too, Legislator, to mention that we reached out to every town. And it was actually voluntary and they just went on their own.

CHAIRMAN EDDINGTON:

Thank you.

IR 1143, Approving the re-appointment of Vincent Bologna, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.)

I make a motion to approve, seconded by Legislator Gregory. All in favor? Opposed? Abstentions? **APPROVED (Vote: 5-0-0-0)**.

IR 1144, Approving the re-appointment of Kenneth Capon as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.)

Motion to approve by Legislator Gregory, I'll second that. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

IR 1145, Approving the re-appointment of Richard Keller as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.)

Motion by Legislator Gregory, I'll second that. All in favor? Opposed? Abstentions? **APPROVED (Vote: 5-0-0-0).**

IR 1146, Approving the re-appointment of Scott Thebold as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.)

Motion by Legislator Losquadro, seconded by Legislator Gregory. All in favor? Opposed? Abstentions? **APPROVED (Vote: 5-0-0-0).**

IR 1159, Accepting and appropriating grant funds received from the State of New York Unified Court System, 10th Judicial District, and Suffolk County Sex Offense Court. (Co. Exec.)

LEG. LOSQUADRO:

Counsel, is this 100% grant?

MR. NOLAN:

It is.

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calendar.

CHAIRMAN EDDINGTON:

So moved. I'll second that. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (Vote: 5-0-0-0).**

Seeing no other business, I'll make a motion to adjourn, seconded by everybody. Thank you very much for your attention this morning.

(*THE MEETING WAS ADJOURNED AT 11:09 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY