

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 Thursday, August 13, 2009, at 9:30 a.m.

Members Present:

Legislator Jack Eddington - Chairperson
Legislator DuWayne Gregory - Vice Chair
Legislator Thomas Barraga
Legislator Kate Browning
Legislator Daniel Losquadro

Also in Attendance:

Presiding Officer William Lindsay - District #8
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant to Counsel of the Legislature
Barbara LoMoriello - Deputy Clerk/SC Legislature
Robert Calarco - Aide to Legislator Eddington
Kara Hahn - Director of Communications/PO Lindsay's Office
Michael Pitcher - Aide to Presiding Officer Lindsay
Bobby Knight - Aide to Presiding Officer Lindsay
Michael Cavanagh - Aide to Presiding Officer Lindsay
Linda Bay - Aide to Minority Leader Losquadro
Paul Perillie - Aide to Majority Leader Cooper
Robert Lipp - Deputy Director/Budget Review Office
Ben Zwirn - Deputy County Executive
Brendan Chamberlain - County Executive Assistant
Ed Hennessy - County Executive Assistant
Dennis Brown - Bureau Chief/County Attorney's Office
Robert Anthony Moore - Chief of Department/SC Police Department
Tracy Pollak - Suffolk County Police Department/Headquarters
Michael Sharkey - Chief of Staff/Suffolk County Sheriff's Office
Noel DiGerolamo - 2nd Vice-President/Suffolk County PBA
Michael Applequist - Financial Secretary/Police Benevolent Association
Patrick Russell - PBA Delegate
Russ McCormack - Sgt-in-Arms/Suffolk Detectives Assoc/Legisltv Chairman
Joe Williams - Commissioner/Fire, Rescue & Emergency Services
John Searing - Deputy Commissioner/Fire, Rescue & Emergency Services
Warren Horst - Suffolk County Fire Marshall
Gail D'Ambrosio - President/Suffolk County Probation Officer's Assoc.
Debbie Alloncius - AME/Legislative Director
Debbie McKee - SC Police Department, Emergency Unit
Hope Callazo - American Red Cross/Director-Community Service Program
Debbie Eppel - Public Information Officer of Suffolk County
Laura Ahearn - Executive Director/Parents for Megan's Law
Chris DiMaggio - Divorce Mediator

Bill Jurow - Resident of Mastic Beach
Glenn Svoboda - Advocate for Men/ALR
Greg Fisher - Resident of Calverton
Dean Murray - Long Island Fugitive Finder Magazine/Website
Edgar Borrero - Nominee/Suffolk County Human Rights Commission
Chestene Coverdale - Nominee/Suffolk County Human Rights Commission
Yu-Wang - Nominee/Suffolk County Human Rights Commission
Yves Michel - Nominee/Suffolk County Human Rights Commission
Monique Michel - Supporting Yves Michel/Nominee
Stephen Walker - Vice-Chair/Institute for the American Family of
Washington D.C.
Tim Ryan - Mastic Ambulance
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken & Transcribed By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:41 AM*)

CHAIRMAN EDDINGTON:

Please rise for the Pledge of Allegiance led by Legislator Gregory.

Salutation

If we could all stand and remain standing for a moment of silence for all those men and women that serve our country overseas and domestically. And in particular, if we could take a moment of silence for Lance Corporal James Argentine who was killed in action and is returning home to Long Island.

Moment of Silence Observed

Thank you and be seated. All right, I would like to start with the Public Portion. And if I could have Bill Ian Jurow come forward, please?

MR. JUROW:

Good morning. Thank you for giving me the opportunity to step forward today. I got an e-mail that the issue of the registry for domestic violence offenders was on for this morning and I'm just looking at it for the first time this morning. I'm a Suffolk County resident for most of my life, I've been an attorney for almost 30 years, and I'm against this registry because I don't feel like joining it. Let's go through some of the points that are in it.

It's apparently to register people who have committed or have been convicted of a list of crimes that are considered domestic violence crimes. My first question would be is this only in Criminal Court or do Family Court or Supreme Court cases also go -- fall within this realm? Because they have a lower standard, they have a preponderance of evidence versus beyond a reasonable doubt. Can somebody answer that question for me?

LEG. GREGORY:

Sure.

CHAIRMAN EDDINGTON:

This really isn't a question and answer period.

MR. JUROW:

All right.

CHAIRMAN EDDINGTON:

This is where you address us.

MR. JUROW:

Let me make that point, then, that if it does include that -- because this is not clear because they don't say from where. And what about if it occurs on default? I think it's important to realize that a lot of these arrests come from family offense petitions which routinely happen in the Family Court. Most attorneys in matrimonial actions say, "Go in, put the pressure on your ex," and they go in, they get a temporary Order of Protection -- half of the petitions I review are not even sworn to -- and then that temporary Order of Protection is rarely heard. Since 2006, I have been involved in several personally where I have been refused a hearing. Therefore, there is now an Order of Protection and the mother of my child can call the Police at any time and claim I did any act. Suffolk County has a rule to arrest no matter what if somebody will sign the complaint. I have shown up with video tapes on multiple occasions showing that the act complained of never occurred. Normally, first Police on-site say, they look at the video, you're going home. Normally then the Sergeant shows up and says, "Guess what? She's signing, you're going to jail." People go that, unlike me, who can't afford an attorney or can't afford to go to trial live with that, and they go to court and they plea bargain thinking this is the end of it.

There are a lot of things here that are simply violations which means you'll get no more than 15 days in jail or a \$250 fine, always it's normally just a hand slapping. Your penalty for not registering here is a year in jail for a violation; that's absurd, and a thousand dollar fine if someone is convicted. The State Legislature --

CHAIRMAN EDDINGTON:

I'm going to have to ask you to wrap up.

MR. JUROW:

-- has already spoken on that subject. And you can't do a double jeopardy by exposing somebody to a new penalty after they plead guilty to that. If you're going to write a law like this, at least make sure that the judge is required to explain that to someone so if they do take a plea they aren't stuck with this.

CHAIRMAN EDDINGTON:

I just wanted to let you know that your three minutes are up.

MR. JUROW:

It's only three minutes? No one told me that.

CHAIRMAN EDDINGTON:

Well, I'm going to inform you.

MR. JUROW:

Thank you very much.

CHAIRMAN EDDINGTON:

And I'll also tell you that is still in public hearing, so on Tuesday you can come and you'll have five minutes to discuss it, if you'd like to come back Tuesday at Riverhead.

MR. JUROW:

At what time, please?

CHAIRMAN EDDINGTON:

Two thirty.

MR. JUROW:

All right, I'll be glad to go through that at that time, and I'll be glad to better educate this organization. I want to thank you for your time.

CHAIRMAN EDDINGTON:

Thank you very much. Chris DiMaggio.

MR. DiMAGGIO:

I want to thank the Legislators for giving us this opportunity to respond to IR 1314 on the domestic violence offender issue. I want to cut this down, I have a four minute -- I'll reduce it to three.

I'm a divorce mediator so I come in contact with divorce couples all the time and I do television on the subject explicitly on divorce reform issues; I have a regular show out here on Wednesdays at 7:30 PM. I've met with hundreds of attorneys and hundreds of litigants who have come across the problems in divorce courts, primarily from Orders of Protection and in the domestic violence area. There's a lot of abuses being taken by attorneys who counsel their clients and you have to know that that does exist; attorneys are counseling their clients. I'm in the middle of mediation right now that has this exact experience, and because of that I'm losing the opportunity to stay in mediation. So the couple prefers to be in mediation, has sought counsel during the mediation and has discovered that they can no longer do that because an Order of Protection is placed on the man, removed him from the house and completely disrupting the possibility of settling the agreement in a that the children can go forward. So I'm very concerned about how this pans out.

Your big problem is that right now the process is get an attorney, counsel a client, defame abuse or domestic violence and get an Order of Protection; that gets them out of the house and that wins custody, game, set, match. It's time to relook at how domestic laws are applied in domestic relations issues, and I have a few recommendations, it will just take another minute.

I recommend you create -- consider mandatory divorce mediation as a first and most immediate effective way to stop domestic violence. In states where mediation is in place, domestic violence has been deterred and reduced; it is a proven advantage in settling disputes effectively, eliminating domestic violence in some areas by significant percentages. The need for this legislation is absolutely imperative.

Also, I want to claim to put the cop back on the street. The Police Officer in the street is a first-hand line of defense and has more of an opportunity to see what is going on in a domestic dispute and can detail that exact while they're there and they don't have to go back to some Legislative mess that bureaucracy gets behind that, chops it up and reduces it to some other fashion and costs years worth of litigation to get themselves out of that. I highly recommend you put the cop back on the street with more responsibility and leave him do what he's trained to do, to take care of that domestic violence issue on the spot. Of course, whatever happens following in the way that you normally handle it, I understand that that has to go on.

So my name is Chris DiMaggio, I'm a divorce mediator. I have a lot of resources in this area, and if you want to find out more information you can watch the show on Wednesday nights at 7:30 PM, Channel 20. Thank you.

CHAIRMAN EDDINGTON:

Thank you, sir. Stephen J. Walker.

MR. WALKER:

Thank you, Ladies and Gentlemen of the Suffolk County Legislature. I'm with M-Now TV, I'm also Vice-Chairman of the Institute for the American Family of Washington D.C. I have 23 years of my life invested in looking at the civil disturbances that effect our families in Suffolk County and across the nation, and I'm here to tell you that this type of bill is dangerous.

Legislator Gregory, in a good faith attempt to deal with the issues on the table, indicates that there are 1.5 million victims of domestic violence a year nationwide. We're a nation of 350 million; 1.5 is a very small number. Of the 1.5 million, statistics will bear that better than 50% of domestic violence allegations emanates from divorce. In the divorce arena, more than 80% of the allegations in domestic violence are designed purely for the purposes of gaining advantage and leverage in a divorce proceeding. The two gentlemen who spoke previous have indicated clearly -- one's an attorney, one's an advocate -- domestic violence is a skewed issue in this nation, more so because it's politically driven not empirically driven.

What comes down the pike as being abuse, quite frankly, is abusive. The civil rights issues that take place in domestic violence courts across this state and across this nation do not afford due process protections. Thirty or 40 years ago family violence wasn't considered violence, then it morphed slowly into the civil arena, then it became quasi-criminal, now basically it's criminal. Take a look at the criminal statutes across this state and across the nation, they all afford due process protections. Those protections are not afforded litigants, the majority of whom are men, in any of the domestic violence scenarios.

Some years ago, this Legislature, by unanimous bipartisan support, signed off on a presumptive shared-parenting bill that was introduced in the Suffolk County Legislature. Gregory Blass and Wayne Prospect I think were the two bipartisan supporters, it was unanimous. That type of legislation has been bottled up in the State Legislature for 20 years. That type of legislation is proactive, it defuses the adversarial process and so much of domestic violence emanates from the fact that we have winner-take-all philosophy; that's what's got to come to a head.

As far as the type of registry you're talking about here, it's very dangerous. Ex parte Orders of Protection are given out like candy canes, here and across the country. Those orders are very, very, very rarely subject to any kind of a finding of fact or a scrutiny based upon the hearing. Attorneys will clearly indicate to women going in, mostly women going in, that that's the manner in which you get leverage; get a temporary Order of Protection, raises the smoke, raise the credibility issue, and once that issue is raised, it's very, very difficult to regain a footing again. And again, the majority of those orders are never reduced to findings of fact; they're plead out. And the process that you're contemplating here would be extremely, extremely dangerous. I'd like you to consider that.

If this Legislature really wants to take a proactive position, take a look at what's necessary. Mediation, as Mr. DiMaggio indicated, adversarial proceedings should be minimized and the Police should have greater authority in being able to determine on the spot the credibility. The mandatory arrest issue is an insult, insult to the

integrity of honesty and an insult to the citizens of this County. Thank you very much for your time.

CHAIRMAN EDDINGTON:

Thank you. Next speaker, Allen -- I can't really make out the last name. Allen, S-U --

MR. SVOBODA:

What's the last name?

CHAIRMAN EDDINGTON:

Well, if I could read it I would tell you. Allen, S-U -- it's blurred.

LEG. GREGORY:

A-L-R?

CHAIRMAN EDDINGTON:

I can't -- it didn't come out clearly. It's representing ALR.

MR. SVOBODA:

That's me, sorry.

CHAIRMAN EDDINGTON:

Would all the Allens in the audience please stand up.

MR. SVOBODA:

Glenn Svoboda, so it's clear.

CHAIRMAN EDDINGTON:

Go right ahead.

MR. SVOBODA:

Good afternoon. Thank you for having me here today. I'm not going to repeat what was just said, that's absolutely the truth. I've been doing this for 15 years. I've worked with Mr. Levy. I used to actually answer the telephone calls with Chris DiMaggio from all the horror stories that we would receive in Suffolk County.

I've been an advocate of men suicide in Suffolk County from the early 90's and I've watched it increase 20% in 2000 and up. So at the time it was four men to one woman in the 90's, it had doubled after divorce to eight men to one woman; now it's ten men to one woman. I've been in contact with every politician, I've worked with Owen Johnson and of course our hero who's no longer with us, David {Sittickman}. And I have a problem because as a divorced father, I got my clocks cleaned and I lost everything I worked for my whole life, including not seeing my children, as a weapon from bogus domestic Orders of Protection; and I want to make that clear, that's what they are, over 80% of them.

But being an advocate, what I've learned now, I watch in the courts with Americans For Legal Reform, I do it this year, I've done it hundreds of times, to watch Suffolk County Courts always want to hand out Orders of Protection against people's orders; they don't even want them. And what we have now in Suffolk County is murder/suicide. The spouse now shoots the other spouse and/or fiance or boy friend and sticks the gun in their mouth, and it's like the plague in this County. I called your Human Rights Commission here, they don't want to do anything, we're always talking to deaf ears. But to have this system to continue, what happens is the spouse thinks their other spouse turned on them because the court rams it down their throat and you go to jail constantly, you can't work, you put them in the

street, no place to go. And I had it in my own family where the ex shot the new husband and then stuck the gun in his mouth, so now the new husband has a hole in his throat while the other one killed himself.

And I see that my town -- you know, Mrs. Browning, I spoke to you at the Democrat meetings. I'm a registered Democrat Committeeman and I know who's honest and who's not honest and it's time we vote for our hearts, not for the parties. And I know both Republican parties, the Democrat parties usually do what's right for the party and that's why I'm involved in it, to make sure that we hear an honest -- and I have to sit here, you keep going, we don't need any more murder/suicide rates in Mastic, Shirley, Mastic Beach.

Furthermore, I would just like to tell you we have a drug infestation problem in Mastic Beach. And I'm very sorry to tell you, I've been involved with all the Inspectors this week, yesterday, and the Police Department is ignoring this. They're going right past these houses. I'm watching. I spoke with Frank {Fugerino} and John {Cisignano} yesterday, don't waste our overpaid Police Department to go out and serve bogus Orders of Protection and the Sheriffs clean-up my community. Thank you very much.

CHAIRMAN EDDINGTON:

Thank you. Legislator Browning has a question for you, if you could just stay.

LEG. BROWNING:

No, not so much on the other issue. I do want you to know that our Police Department is very much aware of what's going on. Sometimes they can't share information with you, but they're not ignoring the drug homes.

MR. SVOBODA:

Well, I've been directly involved with the phone calls this time and I've seen -- I've seen the Police Department literally go past drunk drivers. Now, I'm not the only one, John {Cisignano} will verify it and {Frank Fugerino} doing the Census for the village petition hears it. Now, I've seen it with my own eyes and I'm very, very disappointed what's happening because I know a lot of these policemen. As you know, I'm supporting a policeman in the 6th District Council, I sponsored Tom {Shalero} and believe me, I know -- I know more about these things in here than you think I do and it's very sad. The thing is I know so much, Kate.

LEG. BROWNING:

We can talk later about that.

MR. SVOBODA:

Thank you very much.

LEG. BROWNING:

Thank you.

CHAIRMAN EDDINGTON:

Okay. Is there anybody else who would like to address the committee? All right, then I'm going ask the committee to allow me to take a number of resolutions out of order that deal with the Suffolk County Human Rights Commission, appointments and reappointments. Can I add all of them in one motion?

MR. NOLAN:

To take them out of order?

CHAIRMAN EDDINGTON:

Yeah, all those six.

MR. NOLAN:

Yes.

CHAIRMAN EDDINGTON:

Okay. I'd like to make a motion to take out of order 1687, 88, 89, 90 and 1694 and 95. I'll make a motion to approve (take them out of order).

LEG. BARRAGA:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Barraga. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0)**.

Okay. If there are any members that are looking for appointment, if they could come forward. Just sit up right here. Thank you very much.

Let me just start with the first one, it's a reappointment; ***IR 1687-09 - Approving the reappointment of Carolyn G. Peabody as a member of the Suffolk County Human Rights Commission (County Executive)***.

LEG. BROWNING:

Motion to approve.

CHAIRMAN EDDINGTON:

Motion to approve by Legislator Browning.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

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

Approved (VOTE: 5-0-0-0).

Okay. Dr. Edgar Borrero? Yes, would you just give us a quick rationale why you'd like to be on the committee?

MR. BORRERO:

Yes, I think I could serve the people of Suffolk County by being on the Human Rights Commission. I've had extensive experience being a surgeon in Suffolk County for 20 years. Prior to that, I was in the United States Army. I served on active duty in the Reserve, and prior to that I was in college, in Medical School in Queens. And I saw discrimination, I experienced some of it myself, some of my family members and I feel I could be of assistance to the commission.

CHAIRMAN EDDINGTON:

Okay. Are there any questions? No? Thank you. Then I'll make a motion, ***IR 1688-09 - Approving the appointment of Dr. Edgar Borrero as a member of the Suffolk County Human Rights Commission (County Executive)***. I will make a motion to approve.

LEG. BARRAGA:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Barraga. All those in favor? Opposed? Abstentions?
Approved (VOTE: 5-0-0-0). Congratulations. Thank you.

IR 1689-09 - Approving the appointment of Yves Michel as a member of the Suffolk County Human Rights Commission (County Executive). And sir, would you like to say a couple of words?

MR. MICHEL:

Good morning, Mr. Chairman, and the other distinguished members of this committee. My name is Yves Michel --

LEG. LOSQUADRO:

You have to hold the button down.

MR. MICHEL:

Can you hear me now?

LEG. LOSQUADRO:

Yes.

MR. MICHEL:

All right, I'll start all over. Good morning, Mr. Chairman, and all the other members of this distinguished committee. My name is Yves Michel, and I would like to thank you in advance for the opportunity to appear before you for consideration to be a member of the Suffolk County Human Rights Commission.

Why I would like to serve. I would like to serve this committee because this is a great opportunity to serve and also to contribute to my County, the County in which I choose to live in, work and also raise my family. Moreover, being in a position to help those who are most vulnerable to ensure that they have the opportunity to be heard in a fair and impartial manner, in my opinion, is one of the many reasons that defines public service.

I currently work for the Town of Brookhaven in the Division of Economic Development. I see some of the opportunities that are missed when you do not have proper representation, so I would like to take my expertise, my experience and my knowledge to assist this committee moving forward. Thank you very much.

CHAIRMAN EDDINGTON:

Thank you. I'll make a motion to approve.

LEG. GREGORY:

Second.

LEG. BROWNING:

I'll second.

CHAIRMAN EDDINGTON:

Second by Legislator Browning. All those in favor? Opposed? Abstentions?
Approved (VOTE: 5-0-0-0). Congratulations.

MR. MICHEL:

Thank you, sir.

CHAIRMAN EDDINGTON:

IR 1690-09 - Approving the appointment of Chestene Coverdale as a member of the Suffolk County Human Rights Commission (County Executive).

MR. COVERDALE:

Good morning, everyone. And thank you for this opportunity to come before you to share with you why I feel that I could really serve our community on the human relations board. I have been an educator for 30 years in many of the school districts in Suffolk County. I am now a Professor at Dowling College, and I have always served the community. And I have had many experiences where people really need advocates for such situations that they're in, and I think with my experience and my background that I could really help to continue to serve the community and create the human and international relationships that we all need between us with respect and regard for everyone's needs and personalities. Thank you.

CHAIRMAN EDDINGTON:

Thank you. I'll make a motion to approve.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? Congratulations. *Approved (VOTE: 5-0-0-0).*

IR 1694-09 - Approving the appointment of Dr. Yu-Wan Wang as a member of the Suffolk County Human Rights Commission (County Executive).
Doctor?

DR. WANG:

Good morning. Thank you very much.

CHAIRMAN EDDINGTON:

You've got to hold it a little closer.

LEG. LOSQUADRO:

Make sure the light is lit up.

DR. WANG:

Good morning. Thank you very much. I'm very passionate about public service and was diverse international experience and also in higher education institutions, I can make contributions to be supportive and to lend an ear to listen and to learn laws and to assist our citizens in Suffolk County. Thank you very much.

CHAIRMAN EDDINGTON:

Thank you. I'll make a motion to approve.

LEG. LOSQUADRO:

I'll second that, I just --

CHAIRMAN EDDINGTON:

Yes, second by Legislator Losquadro. And on the motion?

LEG. LOSQUADRO:

Dr. Wang, you referenced your international experience. I just want a little bit more information about your background. Is it in the field of education or --

DR. WANG:

Yes.

LEG. LOSQUADRO:

Could you just elaborate a bit on that for us?

DR. WANG:

I'm current Associate Dean for International at Stony Brook University.

LEG. LOSQUADRO:

Oh, very good, my alma mater. Thank you.

DR. WANG:

Thank you.

CHAIRMAN EDDINGTON:

Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

Congratulations, Ladies and Gentlemen. Thank you very much for your coming today.

IR 1695-09 - Approving the reappointment of Lynda Perdomo-Ayala as a member of the Suffolk County Human Rights Commission (County Executive). I'll make a motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

LEG. BROWNING:

Jack, let them know them they don't have to come back on Tuesday.

CHAIRMAN EDDINGTON:

Oh, yeah. Ladies and Gentlemen, I wanted to let you know, Human Rights Committee. You do not have to come back on Tuesday for the final vote, Ladies and Gentlemen. All right?

MR. MICHEL:

Thank you.

CHAIRMAN EDDINGTON:

Okay, thank you. All right. Okay, sorry for the delay.

Tabled Resolutions

1312-09 - Amending the 2009 Capital Program and Budget and appropriating funds for the purchase of furniture and equipment for the New Fourth Precinct (CP 3184). I'll make a --

LEG. GREGORY:
Motion the table.

CHAIRMAN EDDINGTON:
Motion to table by Legislator Gregory. I'll second that.

LEG. LOSQUADRO:
Just on the motion, Mr. Chairman.

CHAIRMAN EDDINGTON:
On the motion.

LEG. LOSQUADRO:
We get to see the progress every day as we drive by, but I was just wondering if anyone had a -- maybe it would be better for Public Works, but I'm sure the department knows what the anticipated occupation date for the new building is. It seems to be moving along very well.

CHAIRMAN EDDINGTON:
I'm wondering -- I think I saw -- I saw the Chief. Do you have any idea?

CHIEF MOORE:
No.

CHAIRMAN EDDINGTON:
I see a negative head shake, so I guess no.

LEG. LOSQUADRO:
I'll inquire with Department of Public Works, I know they're running the project. So thank you.

CHAIRMAN EDDINGTON:
All right. So we have a motion and a second. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

IR 1314-09 - Adopting Local Law No. -2009, A Local Law to authorize a County Registry for Domestic Violence Offenders (Gregory).

LEG. GREGORY:
It has to be tabled.

CHAIRMAN EDDINGTON:
Table for public hearing. I'll make a motion to table for a public hearing.

LEG. GREGORY:
Second.

CHAIRMAN EDDINGTON:
Second by Legislator Gregory. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

IR 1485-09 - Adopting Local Law No. -2009, A Charter Law to prevent double taxation for public safety services in certain towns and villages (Romaine). I make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

IR 1589-09 - Adopting Local Law No. -2009, A Local Law to ensure the timely filling of vacancies on the Human Right Commission (Montano).

LEG. BROWNING:

I think we just filled them.

CHAIRMAN EDDINGTON:

Yeah, I think we did. I'll make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

IR 1590-09 - Preventing registered sex offenders from maintaining accounts on social networking services (Montano). I'll make a motion to table.

LEG. BROWNING:

Can we have the Commissioner come up?

CHAIRMAN EDDINGTON:

Yeah. Let's make the -- do I have a second?

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Okay, seconded by Legislator Gregory. Commissioner? Director, if you could come forward, please.

DIRECTOR DESMOND:

Good morning. John Desmond, Probation Director.

CHAIRMAN EDDINGTON:

Yes, I think there's some question about whether you would have the ability to facilitate this.

DIRECTOR DESMOND:

Well, we've been conducting a pilot program for the last few months on the use of computer monitoring by indirect means. And our experience thus far is that the software has not really reached the point where it really is useful for large-scale surveillance. Further, a major problem with the software is that it can only be used for laptop and desk top types of computers. It can't be used for any other types of electronic media that are currently in existence and also are coming to market. The hand-held, the small little book-size laptops that allow you to just go on to the Internet that are available for two, \$300, the different telephones, cell phones that

allow you to go on the Internet, none of those can we provide surveillance with with the current equipment.

Further, the amount of data that the software provides to us on just one particular case is actually enormous. It requires a Probation Officer on one case to spend anywhere from two to four hours a week just going through the data. Why it does have the ability to red flag, it doesn't give us a really good oversight of all the activities that are occurring.

I applaud the resolution. I appreciate very much the support. And I think all it really requires would be to just remove, under the RESOLVED, the part directing us to recommend to a sentencing judge and allowing us to make voluntary decisions about which cases would be appropriate. And then I would be very happy to report back to the Legislature at any time on the progress of the pilot program.

I've circulated to you copies of our current sex offender conditions of probation which run to three pages and Exhibit B is the additional conditions that we have developed since we began working with this pilot. That's not a complete recommendation to the courts, that Exhibit B, we're still working on developing additional conditions and changing the wording. But I think you can see that we're trying very hard to provide as much appropriate supervision as we can realistically do

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

Yeah. You know, I think you know my district and the concerns I have and, you know, not too long ago there was a case with a man who was using the Internet, had some kind of a dating service and looking for a woman with children; and clearly, he was not doing it because he was looking for female company.

You know, my concern is I don't know what's been going on with him. I don't know if he's gone back to jail, I don't believe he is, he's still on the sex offender registry, I know exactly where he lives. You know, my concern is is his computer being monitored? You know, I am inclined to support this because they're very crafty, they know how to get around everything. And I understand that hand-held systems, yes, we don't have a monitoring system. But one of the things that I had looked at, and I know Laura Ahearn and I had spoken about it, about working on getting that program, the software for the computers and putting it on the sex offender's computer where he has to pay for -- he or she, I should say -- has to pay for it. I'm not opposed to that. If they want the privilege of using the computer, to go on the Internet, then we need to make sure we know what they're doing.

But if you could respond to the person in my district. I mean, I don't know why he didn't go to jail; as far as I'm concerned he should be in jail, but he's not. Do you monitor this computer?

DIRECTOR DESMOND:

Two different things. The first matter, it's before the court, so it's up to the Judge what the disposition of the case is.

What we currently do is the Probation Officers review the computer operations as often as possible, and when they have suspicions they take the computer or hand-held device or whatever and they bring it to our office where we have a forensic team which then goes thoroughly through the computer to look for

anything. One of the other problems with that experimental software is the fact if you already have things on the computer, it doesn't tell you those are there, it only tells you what new things are being downloaded. There's still a lot of problems with the software.

Again, to go back to your question of surveillance on these things. It would probably take -- if we were going to do the software with all the probationers that are currently on for sex offenders, I'd need somewhere between 12 and 18 officers just to do that because of the amount of paperwork. And again, because it only covers the desk tops and the laptops, I don't have a lot of security, comfort in the fact that I'm actually doing a good job of this type of surveillance. I think under the present technologies, we're better off using the forensic teams and checking whatever computers or electronic hand-held devices that we confiscate for these activities.

CHAIRMAN EDDINGTON:
Legislator Browning?

LEG. BROWNING:
Yeah. You know, I was just wondering, I know Laura Ahearn has been supporting this bill and I know that she's been dealing with it in Nassau County. I was just wondering if we could get some opinion on it from her.

CHAIRMAN EDDINGTON:
Not Laura. Yeah, of course, sure. Come on up. And Legislator Gregory, you had a question for the Commissioner? Let's have him ask the question of the Commissioner and then we'll get Laura.

LEG. GREGORY:
What about from the perspective of the Probation Officers?

LEG. BROWNING:
Yes.

CHAIRMAN EDDINGTON:
Sure. You know what? Let's do it right. Gail, would you come up, forward, too, and let's get everybody here and we'll get the popcorn and we'll do it right.

LEG. GREGORY:
Hi. Good morning, John. Thanks for coming forward. I'm looking at Exhibit B and your "Computer Monitoring Conditions of Probation", and second to last bullet states, "You shall not enter, use or maintain any social networking websites." So we're already doing this, but how are we doing it?

DIRECTOR DESMOND:
The Exhibit B is the proposed new conditions. We're putting them together and then we're going to be meeting with the Judges to have them imposed. If you look at the existing conditions of probation, it kind of covers that stuff already, but we want to nail it down; we want to be precise and exact.

LEG. GREGORY:
So these are proposed?

DIRECTOR DESMOND:
The Exhibit B is the proposed. The new ones that we've developed is a result of working with the software.

LEG. GREGORY:

Okay. So how do we propose to enforce it?

DIRECTOR DESMOND:

Well, the way we propose to enforce it is basically by what I already stated about utilizing forensic people to basically take apart the computers, a particular computer and see what the person has been doing.

LEG. GREGORY:

And we don't have that capability to do that right now?

DIRECTOR DESMOND:

Yeah, we do, that's what I'm saying.

LEG. GREGORY:

But yet you're against Montano's legislation?

DIRECTOR DESMOND:

I'm not against it. I'm just saying that we don't -- the technology is not there to do this for all of our cases. And what we're doing now is we have a select few and we'll probably expand that.

LEG. LOSQUADRO:

If I may, I think I'm following what he's saying. They can do physical examinations of the hardware, they are not currently or do not feel they have the ability to do it remotely; is that --

DIRECTOR DESMOND:

Right, correct.

LEG. LOSQUADRO:

Am I following you in saying that?

DIRECTOR DESMOND:

Right. The remote is very time-consuming and only works on the laptops and desk tops. So I don't want to give anybody the sense that we can actually surveil all activities by these individuals. And also, they can go to a library or to somebody else's computer, use a different password, get on and we'll never know it.

CHAIRMAN EDDINGTON:

Legislator Browning. I'm sorry, did you want to --

LEG. GREGORY:

I'm done. Thank you.

CHAIRMAN EDDINGTON:

Did you want to ask Ms. Ahearn?

LEG. BROWNING:

Well, let me ask real quick. I mean, if the sex offender, one of his issues is he's been caught using the Internet, I mean, do you have the ability to say he can't have a Palm Pilot to access the Internet if you can't monitor it? Sorry, I said Palm Pilot; I mean like a Blackberry.

*(*Presiding Officer Lindsay entered the meeting at 10:20 AM*)*

DIRECTOR DESMOND:

Yes. We have the ability somewhat to restrict the use of computer devices. Part of the problem that we have in this environment is there are more and more court decisions around the country basically saying that a computer is a right not a privilege. So basically what we're looking to do is to limit these individual's use of computers to appropriate business-type activities and such, and we want to totally keep them away from the social networking, from pornographic sites, from lots of questionable sites.

LEG. BROWNING:

Well, when you violate your right then it has now become a privilege, as far as I'm concerned. Laura, if you could speak on the issue as far as the monitoring.

MS. AHEARN:

The Department of Probation can prefer conditions or recommend conditions of probation, but as John had said, it is really the sentencing court that makes that final determination. And what I'm hearing in what he had said is that there's concern about the volume of offenders. But I'm a little confused about that because in Nassau County, it was my understanding -- now we had worked on this exact same legislation with Legislator Mejias and he had worked very closely with Probation. They didn't have to increase the number of PO's with this type of monitoring software because it was -- as explained to me, they were flagging certain sites.

So the case that you were talking about, one of the Level II sex offenders from your community, he was on "match.com", and one of his conditions of probation that was recommended by the Department of Probation, and also approved by the sentencing court, was that he is not to be on any type of Internet social networking site and use the computer to develop relationships, I think that was the actual language in his conditional probation. But he was on "match.com" and he was trying to develop relationships.

So this monitoring software sends a flag to the PO when that offender is on a site that they're not supposed to be on. And yes, it is true, they can go into a library. Yes, it is true they can use other people's computers, all of that is true. However, Probation has to have all the tools that they need if our expectation in the community is that we are going to be safe from those that we know pose a risk to public safety; registered sex offenders. By virtue of the fact that they're Level I, II or III, they're a risk.

Also, what I'm a little confused about is why Nassau County didn't need to add more PO's but in Suffolk they're saying the load would be heavier. The load might be heavier, I think there's two people who are trained and certified for forensics?

DIRECTOR DESMOND:

For forensics, right.

MS. AHEARN:

Steve Larson and --

DIRECTOR DESMOND:

Donna.

MS. AHEARN:

Donna; two phenomenal Probation Officers, very dedicated and committed individuals. And I'm sure if they were capable of being able to go into everybody's

computer, as the condition would allow them to, they would. But the monitoring software doesn't require them to evaluate their computer thoroughly, it does that for the Probation Officer, it gives them flags.

Maybe there's confusion here because of the technology and maybe it would be a good idea for us to have somebody from Nassau explain what the software is that they're using.

CHAIRMAN EDDINGTON:

Let me ask a question here because I'm confused now. You know, obviously public safety is our concern, and Laura, you've mentioned that. I want to know is this a PO staffing issue or is this a technology issue? Because I'm hearing both now.

DIRECTOR DESMOND:

Yeah, I really look at it as more of a technology issue. The problem with the red flags is that it's only a red flag. It tells you if the person has been to a specific site or has put in say a specific name of a specific victim that they're attempting to contact in some way. If the person goes to some other sites that we don't have red flagged, you are not going to know it unless you go through and you evaluate all the information that you have and what this person has done.

CHAIRMAN EDDINGTON:

Okay. So what you're saying is you're looking for -- it's either all or nothing. I'm hearing you say that we can't do it all so let's not do it, and I'm hearing Ms. Ahearn say --

DIRECTOR DESMOND:

No, that's not what I'm saying. What I'm saying is --

CHAIRMAN EDDINGTON:

Well, let me say what I think I'm hearing and then you can tell me I'm not hearing it. But I'm hearing you say that you want the technology that can really do this and do it right and Laura's saying there's technology that could at least do some of it now while we work on getting more technology. Now, okay, tell me what I didn't hear.

DIRECTOR DESMOND:

Really all I'm saying is the problem with the resolution is the use of the word *directed*, which I'm interpreting to mean that I'm supposed to do that on every sex offender case, and I'm saying that it's not realistic, it's not really useful. That if -- I appreciate the rest of the resolution and I think I understand that to mean that we identify cases in which this would be useful and we recommend to the judges that the additional conditions of Probation be placed on the probationers and then we use the software on those cases.

Again, I don't think it's worth while financially at this point to put additional software requirements, this oversight stuff on all the probationers. I think that as the technology improves, I think we'll probably be able to expand it, but at this point I'm not comfortable. I don't think it increases the level of safety as much as everybody would like it to be. I think it needs to be directed toward the individuals.

CHAIRMAN EDDINGTON:

Yes.

MS. AHEARN:

By virtue of the fact that the word *directed* is being used demonstrates, I think, the

understanding that those that are crafting the bill have of how predatory sex offenders are. And Probation Officers of course have -- especially who are -- who have this caseload, they do have a very, very, very comprehensive understanding of how manipulative, how cunning and how crafty sex offenders are at accessing potential victims. But I believe the word *directed* was used -- and I certainly am not the Legislator and don't a hundred percent know his Legislative intent -- however, I believe it is because the word *directed* is very specific and it's not discretionary. And the reason it's not discretionary is because, like the GPS programs, it's discretionary, it's not required. If it is absolutely required, I think I understand that there's a concern that the word *directed* means every sex offender. The word *discretionary* means less of a cost, and our position is we would want that to be directed that it has to be put into place. And that is actually going to be then the decision of the sentencing court, because a condition of probation -- let's keep in mind that the Department of Probation makes recommendations and it's the sentencing court that makes the final decision whether or not that that condition of probation is going to be part of that sentence. So we're asking Department of Probation to be directed to give that as one of the conditions.

CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

No, Gail.

CHAIRMAN EDDINGTON:

Or Gail. You know what, Gail? Wait one second. Legislator --

LEG. LOSQUADRO:

No.

CHAIRMAN EDDINGTON:

Okay.

MS. D'AMBROSIO:

We always support new technology and any innovative ideas that are going to protect the community, especially our children, but we need the resources to do this. If we don't have the resources, it's not going to be done well. We're 42 people down already, we have 42 vacancies, we expect a number of retirements in the next few months; we just can't do more with less.

So I do believe that it will take a lot of monitoring. It's not just about monitoring -- having the software on. It looks like a great program from what I can see, but you have to have somebody interpret it, you have to have somebody go out and act on it and that's where my concern is; we want to do it well and we need the bodies to do it.

DIRECTOR DESMOND:

I would just like to add --

CHAIRMAN EDDINGTON:

Yes.

DIRECTOR DESMOND:

-- that my supervisor for the sex offender section has been in contact with his opposite number in Nassau County and it's not the way it appears, that they're

having a lot of problems with the amount of work that is required to review the data compiled by the software. If you get too deeply into this, you're going to be putting a lot of officers to work just sorting through mounds of data when you've got people being able to use other forms of electronic media to defeat us. It's just not cost effective use of personnel. As the software improves, as our ability to track the hand-held devices and such improves, I think it will become more and more appropriate. I think the current use of forensic teams is much more cost effective and much more suitable for where we are in terms of existing technology.

CHAIRMAN EDDINGTON:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I don't think this was -- you know, we've have been talking about the opportunity cost and that's mentioned in the financial -- fiscal impact statement from BRO of the officers' time. But have we talked about -- and I don't see it in the FIS, about the actual cost of the programs? Is that recommended -- in the sentencing, does the judge make the offender pay for the program if they want to then continue to use their computer? But that raises the question that you brought up about some of the precedent that has been said about a computer being a right rather than a privilege. Will the courts mandate that the offenders pay for this? And if not, does that cost fall back on to the County; and if so, how much is the cost associated with that?

So I know that was a multi-part question.

DIRECTOR DESMOND:

Yeah. Normally in most of the situations with sex offenders, the majority of the cost falls on the sex offender. With the economy being worse, we are encountering more and more of these costs that the County is having to meet, so that is a very much an ongoing concern.

We have a section that attempts to collect fees for all kinds of services on probationers, monthly fees, testing fees, polygraph fees and everything, and we are having increasing difficulties collecting those fees.

LEG. LOSQUADRO:

Okay. But as a matter of sort of standard operating procedure in the courts, the judges seem to be inclined to -- generally speaking, with sex offenders -- be agreeable to charge them for the services or restrictions that are placed on them that cost the municipalities additional funds.

DIRECTOR DESMOND:

Yeah, and it's contained in Exhibit A, the courts order the defendant to comply with any costs of the supervision.

LEG. LOSQUADRO:

Okay, very good. Thank you.

CHAIRMAN EDDINGTON:

All right. I think what I'm going to do, as the Chair, is to reach out to David Majias in Nassau County and I'll talk to him personally and then I will talk to the sponsor and we'll see where we're going to go from here. All right? We have a tabling motion and a second. All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

CHAIRMAN EDDINGTON:

One opposed. Any abstention? Okay. *Tabled (VOTE: 4-1-0-0 Opposed: Legislator Barraga).*

IR 1597-09 - To maintain the integrity, continuity and independence of Suffolk County's Community Oriented Police Enforcement (COPE) Units of the Suffolk County Police Department (Kennedy). I make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? *Tabled (VOTE: 5-0-0-0).*

Introductory Resolutions

1638-09 - Adopting Local Law No. -2009, A Local Law authorizing a wireless communications surcharge (Horsley). This has to be tabled for a public hearing. I'll make that motion.

LEG. GREGORY:

Second.

LEG. BARRAGA:

Second.

CHAIRMAN EDDINGTON:

Second by Legislator Barraga. All those in favor? Opposed? Abstentions? *Tabled (VOTE: 5-0-0-0).*

IR 1657-09 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security in the amount of \$2,137,726 for the "Urban Area Security Initiative Program (UASI) FY2008" administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive). I make a motion to approve and put on the Consent Calendar.

LEG. LOSQUADRO:

Second; you beat me to it.

CHAIRMAN EDDINGTON:

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? *Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).*

IR 1658-09 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security in the amount of \$1,075,500 for the "State Homeland Security Program (SHSP) FY2008" administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive). I make a motion to approve and put on the Consent Calendar.

LEG. LOSQUADRO:

Same second.

CHAIRMAN EDDINGTON:

Legislator Losquadro seconds it. All those in favor? Opposed? Abstentions?
Approved and placed on the consent calendar
(VOTE: 5-0-0-0).

IR 1671-09 - Accepting and appropriating Federal funding in the amount of \$15,518 from the United States Department of Homeland Security, Transportation Security Administration, for the Suffolk County Police Department's participation in the TSA Vehicle Screening Operation with 85.14% support (County Executive).

LEG. LOSQUADRO:
Motion.

CHAIRMAN EDDINGTON:
Motion to approve by Legislator Losquadro. I'll second that.
All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1673-09 - Accepting and appropriating Federal funding in the amount of \$20,000.00 from the United States Department of Justice, Drug Enforcement Administration, Organized Crime Drug Enforcement Task Forces (OCDETF), for the Suffolk County Police Department's participation in the OCDETF CRUZ Control Investigation and Strategic Initiative Operation with 85.14% support (County Executive).
Motion by Legislator Losquadro. I'll second that. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

IR 1708-09 - Adopting Local Law No. -2009, A Local Law imposing a surcharge on wireless communications service in the County of Suffolk (County Executive). This has to be tabled for a public hearing; I'll make that motion.

LEG. GREGORY:
Second.

CHAIRMAN EDDINGTON:
Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

IR 1715-09- Amending the date upon which the Task Force on Hate Crimes in Suffolk County must submit its written report (Gregory).

LEG. GREGORY:
Motion.

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

IR 1727-09 - Adopting Local Law No. -2009, A Local Law to amend the Suffolk County Emergency Telephone System Surcharge Program (County Executive). This needs to be tabled for a public hearing; I'll make that motion.

LEG. GREGORY:
Second.

CHAIRMAN EDDINGTON:

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

Home Rule Message No. 13-2009 - Home Rule Message requesting the State of New York to amend the Tax Law in relation to requiring a revenue distribution agreement for equitable allocation within Suffolk County for Public Safety purposes of sales and compensating use tax (Senate Bill S.2272 and Assembly Bill A.4789) (Schneiderman). I'll make a motion to table.

LEG. GREGORY:
Second.

CHAIRMAN EDDINGTON:
Second by Legislator Gregory. All those in --

LEG. LOSQUADRO:
On the motion.

CHAIRMAN EDDINGTON:
On the motion, Legislator Losquadro.

LEG. LOSQUADRO:
Just to Counsel; is this a -- I know we've discussed this several times. Is this a population-based breakdown, is it done by the utility company register? I mean, I know there were a couple of different ways that this was proposed. What are these bills recommending?

MR. NOLAN:
Well, it actually gives you two options. A population-based distribution or based on actually an agreement that was reached back in 1994 in terms of how the money would be allocated, which is really reflected in our Charter presently. Under our Charter, we're required to allocate some of this money to towns and villages; this is a State law that would mandate us to do it. Right now we do it voluntarily, this would require us to allocate money to the towns and villages based on one of these formulas.

CHAIRMAN EDDINGTON:
Okay.

LEG. LOSQUADRO:
But the latter formula is something that's already in our Charter?

MR. NOLAN:
It is.

LEG. LOSQUADRO:
Okay. I'd like to look into this a little more.

CHAIRMAN EDDINGTON:
Okay. So we have a motion and a second to table. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

Okay, before I call for an adjournment, I have one more card. And in an attempt to allow everybody to have their say, Mr. Ryan, if you come forward, we'll give you

three minutes.

MR. RYAN:

Good morning, Ladies and Gentlemen. Thank you. And I really don't need this microphone.

CHAIRMAN EDDINGTON:

No, you do for the recorder.

LEG. LOSQUADRO:

For the record.

CHAIRMAN EDDINGTON:

It goes in the record.

MR. RYAN:

Okay. What I'm about to say may upset some people. Montauk Highway is a project that was begun by DPW. We attempted to work with the DPW for the last two-and-a-half years to set up a procedure where they would close the roads. The procedure has been violated three times. This morning was the croup de grace; they've killed somebody. We could not get through, they closed Titmus Drive, never told us. The ambulance comes zooming up there, can't get through, has to go down to Barnes Road, a seven-and-a-half minute delay. We're tired.

You're the elected officials. You're our representatives. Call the DPW, "Gee, we're sorry." Call the engineer on the project; "Well, I gave it to somebody else to notify you." Shame on you. I don't really care who you gave it to or didn't give it to. You didn't follow through; you meaning Mr. Esposito who is the manager. He gave it to somebody else, shame on him, because they didn't follow through and now somebody is dead because of it.

We're not going to cover this up. We've already told the family why we couldn't get an ambulance there. You're the elected officials; if you can't tell Posillico, "Stop right now. Fill Titmus Drive back up", not later, not tomorrow, not when they're finished, then shame on you. Then maybe we need a change. What are we going to do? Are we going to stand here and allow a contractor to make a decision as to who lives and dies in a community? I'm not willing to do that, and I don't think anybody on this committee is willing to do that. So let's get up off our butts and tell Mr. Anderson, "Shut the job right now. Fill Titmus Drive back in, plate it overnight," talk to us, work a system out and guarantee the system works.

We're the volunteers, we go out there 24/7, and you've all supported us many times and I appreciate it. I'm angry; you're damn right I'm angry, and I know one family that's even more angry than me and well they should be. And the answer we get from DPW is, "Yeah, I guess we forgot to notify you." Well, I guess so. When we called Posillico, the girl says, "I don't know nothing. We're not shutting anything down." Well, you know what, folks? You can sit here and not shut it down, at this point it's a disaster already. Thank you very much for your time.

CHAIRMAN EDDINGTON:

Mr. Ryan, I just wanted to comment. I appreciate you coming, we need to hear that. But I want to -- I think I can speak for my whole committee; in fact, for the whole Legislature. At any time, you can call our office personally or come to see it. There's a 24/7 thing, my staff gets in, they look through them. Please don't hesitate to come to any member of the committee with a problem like this, we would seek immediate action. So please --

MR. RYAN:

Mr. Eddington, please do not think that I infer that any member of this committee is part and parcel to disregarding the public safety. I hold every one of you in very high regard. I have personally worked with many of you, including Ms. Browning.

CHAIRMAN EDDINGTON:

Right. No, I don't -- I guess what I'm just saying is I didn't hear that at all. I just want you to explain to the rest of the members of your force that if there is ever another problem, please don't hesitate. Because I know you could call DPW, but if you call one of these Legislators, we will be on the phone. So please, you know, just let's keep communication between us, just like you did today, but you could come to any one of our offices. Legislator Browning in Mastic is available all the time.

MR. RYAN:

I know Legislator Browning, we've been there, she's worked with us. We worked out a guarantee with Mr. Esposito who is the manager of the project. Well, I guess -- this is the third time now and this is the croup de grace, this is the one that's serious. The last two we worked around, the last two we didn't make a big deal about. The last two we just said, "Hey listen, you know what happens," all right? But when somebody loses their life and when somebody from a contractor who's working for you, me and us says, "Oh, well, that's what happens"; that's unacceptable.

CHAIRMAN EDDINGTON:

Correct, correct. And we totally agree.

MR. RYAN:

And as far as losing the money, if they backfill the whole and plate it, I don't really give a damn if they lose the money. I don't really care, and neither should you.

CHAIRMAN EDDINGTON:

Well, I think if you've been following my Public Safety Committee, I think you can see pretty well that that's our statement.

MR. RYAN:

Exactly.

CHAIRMAN EDDINGTON:

Public safety first.

MR. RYAN:

That's why I'm here, Jack.

CHAIRMAN EDDINGTON:

Finance is second. So I appreciate you coming. Thank you very much.

MR. RYAN:

I took time off from my own company to come down here when this happened this morning after being notified by my company.

CHAIRMAN EDDINGTON:

Right. Well, thank you very much for informing us.

MR. RYAN:

Thank you very much.

CHAIRMAN EDDINGTON:

Okay. No one else here wants -- oh, okay.

LEG. LOSQUADRO:

Somebody else wants to speak, or he already spoke?

CHAIRMAN EDDINGTON:

Oh, you know what? You'll have to give -- take the card, please, so I know who we're talking to.

MR. FISHER:

Here, this is to go around the shoe.

CHAIRMAN EDDINGTON:

Okay, just identify yourself, please, and you have three minutes.

MR. FISHER:

My name is Greg Fisher, resident of Calverton. I also publish a little political newspaper, it comes out from time to time. This isn't to -- this is for a bill that's already been tabled today, but I want this in the record; it's in opposition to 1314, an enhancement of the domestic violence reporting.

One of the problems is there is gross misreporting of domestic violence, these are ex parte orders; you run in there, you get your order signed. I don't know if the prior testimony today covered data, but Letterman, who was accused of courting somebody in New Mexico by hand gestures over the television and the Judge instantly signed the Order of Protection Ex Parte; this happens all the time, it happens in this County. As well, a female reporter experimented with the domestic violence system in New Jersey by getting an order signed against her cat. So this happens all the time, it's used for leverage in divorce proceedings or other proceedings. It happens between family members that are not in matrimonial, contested matrimonial, it happens under -- to forward guardianship abuse and elderly abuse. So this is really a bad idea to enhance the system at this time.

I testified in 2004-2005 before this body to ask that we enforce perjury laws and sought to eliminate, reduce these false reports, and I'm going to give you a hypothetical situation. Mom starts to hear voices, the voices tell her to kill the kids, burn them alive. Mom all of a sudden decides that she's never been a resident of New York State, even though she gave birth to the kids in the house and lived here for five years. Goes to Wyoming, which is considered a safe harbor state officially -- Suffolk County is unofficially -- but goes to Wyoming, safe harbor state, gets an Order of Protection instantly. Nobody was in Wyoming, doesn't matter, gets the order signed. That order is accounted full faith and credit across the entire United States, including Suffolk County, gets entered automatically in New York State. That person would wind up on this register, the person who was the defendant of that order. They would never be able to defend themselves in Wyoming for economic or other reasons, logistical reasons, because what happens usually then is the violations start. They say, "Oh, the person is stalking me, they're calling me," whatever it is, it's false. Now there are warrants in Wyoming, now they have a big problem in Wyoming, they can't go to Wyoming, but New York gives it full faith and credit. In the meantime, what happens with these orders, too, is there's a check-off box for temporary custody of children. What you've done, really, with this delusional parent, is get instant child custody and completely thwarted the New York Courts. It could take years to get this fixed.

Now, that might be a hypothetical, but those children that came in with me? Those two children were victims of this abuse, this abuse. It took over a year for the New York Courts to decide that the proper jurisdiction was in New York. This is a real scenario, this happens.

So this bill is very dangerous. Not only that it continues to criminalize the falsely accused parent, it continues to criminalize them, has them lose their career, lose their savings, and fighting in two different states. So please accept this as my testimony for -- against -- in opposition of this bill, it's very dangerous. We do need to improve our enforcement of the perjury laws. Thank you, sirs and madams.

CHAIRMAN EDDINGTON:

Legislator Gregory would just like to ask you a question.

MR. FISHER:

Yeah, please.

LEG. GREGORY:

Okay. I have sat quietly. Have you actually read the bill?

MR. FISHER:

Yes, I did. It talks about a County-wide registry for those people found guilty. Unfortunately what happens --

LEG. GREGORY:

Guilty, right. Not Orders of Protection, people guilty of murder, stalking, 13 delineated crimes none of which -- all of which go beyond an Order of Protection which is just the beginning of the process. You have to have a conviction and -- you know, so it goes through our court system. And I understand, I appreciate you and others that have mentioned that during matrimonial proceedings that Orders of Protections are issued on both sides back and forth.

MR. FISHER:

Well, not back and forth, that's a flaw too. We commonly don't do cross orders; if we did cross orders, that would be better, actually, too, it would discourage.

LEG. GREGORY:

But the bill specifically addresses those that are convicted.

MR. FISHER:

And quite understandably.

LEG. GREGORY:

Not presumed -- not that there's an allegation, but convicted; that's the point that I want to make.

MR. FISHER:

What we notice -- what we normally see, and I've sat in these courtrooms quite a bit, Judge Murphy and others, Horowitz, etcetera, is we find a lot of people entering guilty pleas because they can't afford the legal work. And with the crisis we have now with the lack of Legal Aid attorneys, there's more and more of that. So what we have in a sense is another kind of poor people's tax for the fees that they would have to pay that are proposed here.

CHAIRMAN EDDINGTON:

You know, I just wanted to tell you -- I appreciate your comments. We're going to have Tuesday a meeting where this will be -- you'll have five minutes to discuss this and then we can debate it. This really isn't the time to debate it.

MR. FISHER:

Yeah. Well, I'm entering this into evidence, I'd be glad to come back Tuesday. Thank you all.

CHAIRMAN EDDINGTON:

Okay. Thank you.

All right, I'll make a motion to adjourn.

LEG. GREGORY:

Second.

LEG. LOSQUADRO:

Second.

CHAIRMAN EDDINGTON:

Second by everybody. Okay, thank you very much. Thank you for being at the committee.

*(*The meeting was adjourned at 10:50 AM*)*

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