

PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

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, November 17, 2011, at 10:00 a.m.

MEMBERS PRESENT:

Legislator DuWayne Gregory, Vice Chair
Legislator Kate Browning
Legislator John Kennedy

MEMBERS NOT PRESENT:

Legislator Jack Eddington - Excused
Legislator Tom Cilmi - Excused

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Legislator Wayne Horsley, Legislative District No. 14
Robert Calarco, Aide to Legislator Eddington
Bobby Knight, Aide to Presiding Officer Lindsay
Michael Pitcher, Aide to Presiding Officer Lindsay
Paul Perillie, Aide to Majority Caucus
Jason Richberg, Aide to Legislator Gregory
John Ortiz, Budget Review Office
Robert Moore, Chief of Department, Suffolk County Police Department
Tracy Pollak, Suffolk County Police Department, Headquarters
Ted Nieves, Suffolk County Police Department
Russ McCormick, Suffolk County Police Department
Michael Applequist, Suffolk County PBA
Joe Williams, Commissioner/FRES
Mike Sharkey, Suffolk County Sheriff's Office, Chief of Staff
Eric Kopp, County Executive's Office
Ed Hennessy, County Executive's Office
Rich Meyer, AME
Greg Fisher, Americans for Legal Reform
Kerry Pecorino, Suffolk County PD, Public Information
Dianne Matus, Suffolk County PD, Public Relations Specialist
Rob Busweiler, SCPD, Public Information Section
Nick Amarr, SCPD, Crime Stoppers
Bill Kirchhoff, Suffolk County Resident
David Tyska, Suffolk County Resident
Brian Cheshire, Suffolk County Resident
Mark Sullivan, Suffolk County Resident
Joyce E. Philbin-Collier, Suffolk County Resident
John DeMelfi, Suffolk County Resident

Don Weiner, Suffolk County Resident
Howard Goldman, Suffolk County Resident
Elena Yigit, Suffolk County Resident
Glen Sbavota, Suffolk County Resident
Jacqueline Harounian, Esq, Wisselman, Harounian & Associates
Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

ACTING CHAIRMAN GREGORY:

Good morning. We're going to start today's Public Safety Committee meeting, led off with the Pledge of Allegiance by Legislator Kennedy.

Salutation

Let's take a moment of silence to remember those that are serving our country overseas.

Moment of Silence Observed

Okay, thank you. I am DuWayne Gregory, Co-Chair of the Public Safety Committee. Chairman Jack Eddington has an excused absence as well as Legislator Tom Cilmi today. We're going to get started with our agenda. With the public portion each speaker will be given three minutes to speak. The first speaker is Greg Fisher.

MR. FISHER:

Good morning, Legislator Gregory, committee. My name is Greg Fisher. I'm a Calverton resident. I'm here in support of IR 1624 introduced by Ed Romaine. It is a very, very simple bill to define child concealment in the law of Suffolk County. Child concealment is not defined anywhere in the State of New York currently, and this comes at the need of left behind parents and abducted children, parentally abducted children. This, according to the National Center for Missing Children, is a very, very common event, with 200,000 events every year.

I have provided documentation to each of the Legislators of Suffolk County, plus extra copies for the committee, a letter of support and a little bit of a description of the events of the taking of my daughter, Anna, and her brother, Clark. Anna was taken at eight months old, Clark was three years old. This matter was not resolved for 25 months.

Many other states, including our neighboring state, New Jersey, have felony statutes that the second a child is concealed it's a felony, so the police can respond and get these children back. Those states are actually much more effective at getting back abducted children than New York State is. We do have statutes on the books that are sometimes believed to apply in these matters. Those statutes are custodial interference is a misdemeanor count, and a felony count for out of state taking, and there must be an intent not to return. We cannot find that those laws are really applied ever, so that's another hole. The only -- I can find no application in Suffolk County. I can find an application of custodial interference felony in the J. Rockefeller case where he did take his daughter to Paris, I believe. That was -- but outside that we can't find those laws applied.

So we have two major holes here. We do not have a condition defined anywhere in New York State, and for what is believed to be the law is never applied here or anywhere else. So we have children at risk in Suffolk County. This creates tremendous cost to the County. In my case alone I would estimate that the cost to the County has got to be at least a quarter million bucks for what we've spent in police and courts and other nonsense. And, of course, as we're going the fill budgetary holes, this does not fare very well.

As well the cost on the children is tremendous. There's no good that comes out of concealed or abducted children. Concealment obviously is not necessary. Children don't have to be concealed, even for their own benefit. Help for children is no more than a phone call away to police, to other responders. So concealment is never justified, but in the rare event it would, of course taking those children to police or other responders would be something that would be prima facie defense. So I'm asking for this law to be passed to define concealment just so we can start to create awareness of the issue and raise a lightning rod for it. Thank you very much.

ACTING CHAIRMAN GREGORY:

Thank you. Kerry Pecorino. My fourth grade English teacher would be proud of me.

MS. PECORINO:

Good morning. My name is Kerry Pecorino. I'm here speaking on behalf of the employees of the Public Information Section of the Suffolk County Police Department. The budget recently passed by the Legislature specifically eliminates 11 of 13 Public Relation Specialists currently working in Police Headquarters. While we can certainly appreciate that the Legislature must make difficult decisions during these trying economic times, I am here to provide the committee information regarding how this decision greatly impacts the ability of the Police Department to perform the necessary functions required to serve the public.

The current budget leaves us two individuals to staff the Police Department's Public Information Section and Crime Stoppers Units. While the members of the Public Information Section are tasked with the front desk duties at Police Headquarters, their job goes well beyond those responsibilities. The Police Department's Public Information Section is considered a critical, essential unit that is operational 24-hours a day, seven days a week. Employees in this section are required to report to work regardless of weather conditions and do not receive holidays off. Public Information Section employees are responsible for communicating directly to the media, as well as the general public, important information that is frequently related to breaking events.

As this committee is well aware, the effectiveness of the Police Department is measured in minutes, not hours. Due to the atypical nature of the timing of police emergencies, the Public Information Section must always be available to immediately communicate information from the department to the media and public. In the past this has included information regarding evacuations related to major gas leaks, providing updates on dangerous road conditions during storms, relaying helpful, identifying information about potentially dangerous criminals who are being sought, and informing the public when these individuals are brought to justice.

The removal of all but two employees from the Public Information Section is not a sustainable plan logistically or financially. The duties performed by the Public Information Section are a vital component to our department, and is a job function we have all taken great pride in since civilians were put into these positions more than five years ago. We are specifically trained for these job functions and every employee in the section has years of prior direct experience working in the media, and have all been hired based on a Civil Service test.

Shortly after these cuts are made, you will likely be forced to come up with another solution to fulfill these functions. If the plan is to use Police Officers to fill these duties, any savings realized by these cuts will quickly be erased. To fill these positions close to a dozen of fully duty Police Officers would need to be taken off the streets. The Legislature obviously believes that more Police Officers are needed, as they added a class of 80 recruits for October, 2012. The civilians in the Public Information Section earn approximately half of what a Police Officer with five or more years of service earns in base pay alone.

During the past five years the employees in this section have developed a strong working relationship with numerous members of the media who cover the department. Suffolk County is considered part of the New York City and media market, the largest in the world. When compared to other county agencies that run public information offices with smaller staff, it must be taken into consideration the sheer amount of information the Police Department needs to release on a daily basis as compared with these other agencies. The Public Information Section at the Police Department distributes nearly 600 press releases annually in addition to providing information on thousands of other incidents that do not garner press releases, as well as investigative inquiries into crime trends.

I thank you for your time. If you have further questions myself or my coworker, Rob Busweiler, who's also here today, would be happy to answer them.

ACTING CHAIRMAN GREGORY:

Thank you. David Tyska.

MR. TYSKA:

Good morning. I just want to let you all know I'm in support of the child concealment bill. My son David Timothy Tyska, date of birth 8-7-2000, age 11, is in real danger. I was in front of a disgraceful Judge named Andrew Tarantino, Jr., who put my son into the care of two pedophiles. He made jokes about it; I was sick to my stomach. I filed papers to get my case transferred into another courtroom, but Supervising Judge David Freundlich just refused to accept my paperwork and kept my case in Judge Andrew Tarantino Jr.'s courtroom. The abuse just kept on continuing. My son David will wind up dead if something is not done. I plead with all of you to help me so I can help my son.

I called Megan's Law and spoke to Laura Ahearn. Never got a return phone call back. I spoke three times to Jeff, and nothing was done. They just kind of blew me off, and I feel it's because I'm a male. There's no help for men out there that have their children victimized. I really hope this anti-concealment bill gets passed so another parent doesn't have to suffer and have their lives ruined like I have and my son.

I have provided documents, which I would like to submit into evidence, so you can understand the hell my son is going through. I just recently got a picture from my ex-wife and my son is stoned on drugs. Eleven years old and he's high on drugs. This bill has to be implemented so that another child's life is not destroyed. I have all the information so you see that my ex-wife is a proven -- even my stepdaughter wrote that she's a drug addict, and nothing was done to the mother. I mean, she lied in court. Judge Tarantino didn't hold her in contempt of court, and he made jokes about it. You know, anybody who molests a child should really be punished. I also have my ex-wife's boyfriend rap sheet, too, so you can see what type of hell my son's in. Please help pass this bill so another child does not have to suffer. Thank you.

ACTING CHAIRMAN GREGORY:

Thank you. Brian Cheshire.

MR. CHESHIRE:

Good morning, everybody. My name is Brian Cheshire. I'm a lifelong resident of Suffolk County. I'm here in support of bill 1624 and I'm here to help support David Tyska. I've watched David's case go on and on about him trying to get proof to everybody to get some help for his son and he keeps running into dead ends. And, you know, everything that he has there I've looked at. I've watched him call Megan's Law. He's been in touch with Laura Ahearn and she has not, you know, contacted him back. I've been there as he's called.

I, too, I'm another guy who's gone in front of Judge Andrew Tarantino. The Judge had threatened to take away my visitation, you know, due to the fact that, you know, a church matter was involved, you know, and I was told you was not allowed to do that. It didn't seem to, you know, go too far. I have turned around. I have been charged with sexual abuse charges from my ex. They were unfounded, you know, with CPS. There's never been any, you know, repercussions, you know, to my ex for doing stuff like that to try to conceal my own kids from me.

Now, I've called CPS two times in the past and every charge that I bring seems to come unfounded. Okay. My children were kept upstairs, you know, in an attic to where there was no egress for fire safety and I brought that to CPS's attention. They said there was nothing wrong with it and they were going to write what I said off to be unfounded. Now, I went to the Town of Huntington and

they said that that was not allowed, it was against code and it was fire safety danger, you know, and I'm trying with a bunch of other guys to get a lot of stuff changed, and maybe with your help we can get there. Okay? I have nothing else right now. Thank you, everybody.

ACTING CHAIRMAN GREGORY:

Thank you. Jacklyn Harounian.

MS. HAROUNIAN:

Good morning. I want to thank you for allowing me this opportunity.

MS. LOMORIELLO:

Hold the base down.

MS. HAROUNIAN:

I would like to thank you for allowing me this opportunity to testify before you regarding a very important public safety issue, and one of the most important issues, and that is the safety of children who are abducted. I'm standing here with Elena, who is a mother whose children have been abducted. This doesn't just happen to fathers. You just heard from two fathers, but it happens to mothers, too. She's too emotional to speak, but I'm familiar with her case.

My name is Jacqueline Harounian. I am a partner in Wisselman, Harounian and Associates. We're a family law firm on Long Island, and my firm is very active in parental alienation and child abduction cases, which are sadly very common in divorce and custody cases.

Two weeks ago we presented a seminar on these subjects with David Goldman, whose son was abducted to Brazil and not returned for more than five years, and our firm is trying to raise awareness on this issue.

We can all agree that children are among the most vulnerable in our society and they need our protection. In recent days we're hearing about the national outcry about the rape of children by the coach at Penn State, and we've heard about Pennsylvania's very lax child abuse protection laws, and the fact that there's no crime on the books in that state for failing to report a child rape to authorities.

For parents whose children are abducted in Suffolk County, the local government and our public safety officials must provide support and services. And I have seen too often in my own practice that these parents are advised to go to Family Court and action is not taken until the child and the abducting parent are way outside the jurisdiction. To effectively safeguard the welfare of the children in our communities, the law must be proactive and not reactive. And at this stage, what we're seeking to do here today is to simply define child concealment in the IR 1624 bill.

Besides creating awareness on this issue, there is also a goal of criminalizing custodial interference on the County level, because as you heard by Mr. Fisher, Federal kidnapping laws and the New York's Penal Law on custodial interference are not enforced fully. IR 1624 and strengthening criminal laws regarding abduction serve the best interest of children, and once the remedies available to the left behind parent include criminal prosecution on the County level, we can be assured that concealing and abducting a child does not merely result in a slap on the wrist and a civil penalty. In New Jersey and California, among other states, concealment of a child from a lawful parent is a felony.

Parents who seek information and relief from the police and their designees should not be treated as a nuisance or turned away. The NCIC should not be a database that concentrates on locating stolen cars and boats. Stolen children should be the highest priority. Parents who seek help on a child concealment or abduction issue must be given support and assurance that the necessary information

is out there and being acted upon expeditiously and effectively.

ACTING CHAIRMAN GREGORY:

Your time is up. Please wrap up. Legislator Browning does have a question for you.

MS. HAROUNIAN:

Yes. By passing this legislation, Suffolk County will convey the message that our children come first before all else. Thank you.

LEG. BROWNING:

Good morning. Thank you. I think there's nobody here who's not sympathetic towards your concerns, your issue. But my question is this is -- this would be a Suffolk County law, and I know you're an attorney, and that's why I'm asking you. It really requires a Penal Law change in order for this to come into effect. So I'm just curious what you think that this bill is. I'm not a lawyer either, you know, so I'm looking at this, I agree with what you're saying. I'm leaning towards approving this.

MS. HAROUNIAN:

Thank you.

LEG. BROWNING:

But my concern is is that I don't want us to pass something and then you think something is going to happen or change.

MS. HAROUNIAN:

I understand.

LEG. BROWNING:

And I'm looking at this bill as more of just a message to the State to say you need to do something.

MS. HAROUNIAN:

My understanding of the bill is that it's merely to define child concealment. That definition in and of itself, not only does it raise awareness, but it also classifies the offense. Whether it falls under the Penal Law or not, it's something that parents can go to the police with and police can act on. The police and public safety officials, they're the first line of defense. They're the first people that people turn to when a child is taken. And if something happens on a weekend, which frequently, you know, parents will go and pick up their children, their children are missing on the weekend, they have to wait until Monday morning to go to Family Court. That's too late. The police need to act immediately. And even just defining it and creating awareness of it I think will be an enormous benefit to the children in this County.

LEG. BROWNING:

So you think Suffolk County can act on this based on that definition? Because I'm concerned about the fact that we have the Penal Law, which is what our Police Officers have to respond to, versus what the County law is, and I will have Chief Moore get up and speak.

MS. HAROUNIAN:

Well, unfortunately there is a Penal Law that's not being enforced. The fact that a law exists doesn't mean that it's going to be effective. Having a definition in Suffolk County Law certainly can do no harm. It can be the first step towards perhaps doing a lot more. And I understand the limitations of, you know, just having a definition, what can it really accomplish. From our view and from the parents who are suffering it creates a lot, and I think it sends a message to the State that certainly I would think Suffolk County, where there are a lot of homeowners, a lot of families with children, you want to send that message. It's a start.

LEG. BROWNING:

Okay. Thank you.

MS. HAROUNIAN:

Thank you very much.

ACTING CHAIRMAN GREGORY:

Glen Sbvota? Glen Sbvota? Okay. Don Weiner?

MR. WEINER:

Good morning. My name is Don Weiner. I'm here to talk about the child concealment laws, specifically with regards to false allegations. I don't actually have anything prepared. I'm going to talk --

ACTING CHAIRMAN GREGORY:

You have to make sure you press the button and hold it and speak into the mike.

MR. WEINER:

I thought I was. I'm sorry.

ACTING CHAIRMAN GREGORY:

Okay.

MR. WEINER:

I'm here to talk about false allegations and their impact on people, parents, the County, children and such. As I started to say, I don't have anything prepared, I'm going to talk from my heart and from my experiences. Before I go through this, I want to make sure that everybody understands that this doesn't just happen to low income, middle income folks. Prior to -- the last position I held was the Deputy Commissioner of the New York City Department of Health, the third largest public health organization in the world. Prior to that I was the global head of technology for Duetsche Bank, the second largest bank in the world. This impacts everybody, all economic standards.

I filed for divorce from wife in 2006. From the day I filed I was not allowed to see my children. Not by any law, but because of false allegations from my wife. She would not let me see my children. For two-and-a-half years there was CPS, CPS, CPS, all unfounded. We finally went through a custody battle and I won the right to see my children unsupervised. On the first visitation my wife had me arrested. What they didn't know is that there was a hidden recording device, and because of that hidden recording device, I knew I didn't do anything wrong. I was arrested, I lost my position in the City, and for 19 months I could not see my children. The police were made aware two minutes after the incident that there was a hidden recording device, the judges, everybody knew, but nobody would listen to it. False allegations. Nineteen months later I was adjudicated in Suffolk County in CI not guilty of all charges.

What did this do to me? Well, I couldn't see my children, and because of that, we actually have a break in the 14th Amendment and 16th Amendment Constitutional Laws. Parenting is an absolute right and they took away my due process to see my children. And I brought an Article 78, which is a Constitutional challenge to the State statute. Eight judges recused themselves here in Suffolk County because they knew it was righteous. The 9th judge denied it on a procedural matter and not on its merits. It is now before the Appellate Division, Judge Rivera, and he loves it. He knows that this law is going to change where you cannot put as part of bail statute an Order of Protection on somebody based on ex parte allegation.

So what did this cost me? One point seven million dollars over the last five years. What is this going to cost the County? Well, there's a Federal lawsuit against the Police, the District Attorney,

the County, as well as my ex-wife to be, for tens of millions of dollars. When the Article 78 appeal is granted, and we know it will be because every judge we've ever spoken to said it's absolutely righteous, there's another lawsuit. I don't care about lawsuits. I care about my children. It's all about the protection of my children. They are being abused and child abuse is part of child concealment, it's part of parental alienation and the County employees are allowing this to go ahead. The police are told if there's an allegation arrest, whether there's irrefutable proof or not.

ACTING CHAIRMAN GREGORY:

Excuse me, sir. Your time is up, so please wrap up.

MR. WEINER:

This law must be passed whether it has major impact in Suffolk County or sends a message to the State. Thank you very much. I'll take any questions if you have.

ACTING CHAIRMAN GREGORY:

Thank you.

MR. WEINER:

Thank you very much.

ACTING CHAIRMAN GREGORY:

Dianne Matus.

MS. MATUS:

Thank you. Good morning. My name is Dianne Matus. I am one of eleven Public Relation Specialists whose title was eliminated in the current version of the 2012 budget. We wanted to address you today because we think that once you understand the circumstances of our employment you will see that we are actually helping the County save much needed funds, in addition to providing an invaluable service to all of the citizens of Suffolk County.

We are not sure how both Crimes Stoppers and the Public Information Bureau at Headquarters are to be staffed if eleven out of 13 positions are eliminated. Light duty Police Officers would not be able to replace all that staff, as they already have desk jobs. If they were taken out of their current jobs to fill the Crime Stoppers and Public Information positions, full duty officers would have to take their place, which would be at a far greater cost to the taxpayers than the current situation.

Along with three other Public Relation Specialists I took a Civil Service test in March 2009, scored high, and was hired on August 30, 2010, to be on the Crime Stoppers staff. Many of us interviewed for both the Crime Stoppers and the Public Information Bureau positions. We then passed an extensive SCPD background check. Once we were hired we received extensive on the job training from two Police Officers, our Sergeant and the Public Relations Assistant who had been working in the unit for the past two years and is also included in the list of employees to be laid off. We also independently read Penal Law and studied older tips to learn as much about investigation and interview techniques as we could. We are very proud of how quickly we learned our job and would like you to let you know it is an honor to help law enforcement in Suffolk County catch the bad guys.

The officers we replaced are all retired except one, who is now in the 7th Precinct. No officer lost his or her job when these positions were civilianized. Eliminating our positions suggests that the County is not going to continue the Crime Stoppers program because it cannot be run without two tours of trained staff. Within the first quarter -- three quarter of 2011, law enforcement has been able to make 139 arrests, clear 127 warrants and recover over \$383,000 in narcotics, property and vehicles due to the tips taken by the five civilian Crime Stoppers employees.

This program, which is run by a non-salaried board, is essential to getting drug dealers, gang members and other criminals off of Suffolk County streets. We are very proud that one of our tips

led to the quick arrest of David Laffer in the Medford shooting. We fielded over 450 calls on that case alone, and have received over 800 tips on the Gilgo serial killings.

In addition to interviewing tipsters, we help SCPD by writing crime alerts. We have created 165 of these so far this year. We produce the Suffolk County Section of the *Fugitive Finder Magazine*, which is distributed in supermarkets and laundromats all over Long Island, in addition to presenting PowerPoint talks to criminal justice classes and police interns. We provide law enforcement with posters, a movable lighted display sign to ask the public for help in solving certain crimes, and we produce all of Suffolk's most wanted pieces.

We feel that we have been a great asset to the department since we were hired and at a substantial savings to the County. We all play a major role in helping cement trust between the citizens of Suffolk County, the media and the Police Department. In Crime Stoppers we have cultivated relationships with both law enforcement and the tipsters. These relationships cannot easily be replaced. We are extremely proud that detectives in the precincts and at Headquarters have told us what a great job we do.

Last, but not least, I think I can speak for all of us when I say we love our jobs and being able to work with one of the largest and greatest groups of law enforcement officers in the country. Thank you for listening.

ACTING CHAIRMAN GREGORY:

Thank you. Mark Sullivan. Mark Sullivan?

MR. SULLIVAN:

Yes. Good morning, members of the board. My name is Mark Sullivan. I'm from Brooklyn, New York. I'm here to speak on the bill 1624 and my own personal experiences. I'm going through the sixth year of litigation in the Supreme Court in Brooklyn. My case is in appeal. It has been stated on the record that my wife admitted at trial that she made false allegations to begin this litigation. Because she's claimed to be a victim, and the organization representing her is very powerful, what one would believe would be the right thing to do, was not done.

There is also a credible threat that my daughter will be taken back to China. I lived in China for three years. This is my biological child. I have spoken to the FBI, found to be credible threat. I have opened a case with the U.S. State Department. A case file has been opened with the National Center of Missing and Exploited Children. I, as a pro se litigant have filed not one, but two motions with the same judge, simply asking for an order to prevent my child from leaving the jurisdiction so that the U.S. State Department can put my daughter's name on a no exit list. I have lived with this threat since February of this year.

As other people have pointed out, there are many laws on the books. This is an enforcement issue. If I, as a citizen of the State of New York, in America, cannot petition elected officials to protect my civil rights and my daughter's civil rights, I find it more than ironic when we point the finger at China for its abuses of human rights. By passing this law at the County level here, you do send something up to Albany; that we need protection, we are citizens. Our children deserve the rights of citizens. And hopefully others will take up the good work that this board has done and we will have effective ways to parent our child. The FBI has told me, "Mr. Sullivan, there's no crime here unless and until your daughter gets on an airplane, and we know that once she does, you will never see her again." I thank you for your time.

ACTING CHAIRMAN GREGORY:

Thank you. Joyce Philbin-Collier.

MS. PHILBIN-COLLIER:

Good morning.

ACTING CHAIRMAN GREGORY:

Good morning.

MS. PHILBIN-COLLIER:

It was five years ago to the date when I stood before members of the Legislature with this same theme. I stand before you today because I believe in the values our forefathers intended when they created the Constitution, and not to come today would mean I had given up. I'm speaking about the false allegations, the abuse of Orders of Protection. The abuse of Orders of Protection is not isolated to the Family Court system. It has become the easily executed suburban revenge. The formula for misuse of Orders of Protection is a simple one. Anyone can call the police, concoct a lie, and repeat the lie for a second and third time without any basis of proof, and the police become the vehicles for delivering the false complaint, charging a person with false charges, and ultimately do the unconscionable; arrest innocent, good people and steal away their freedom.

If someone accuses another of burglary, proof would be required before the police would act. Yet, the police exercise no discernment and become willing participants in taking an innocent person's freedom away. The manner in which Orders of Protection are issued and enforced now, and for many years now, holds a presumption of guilt without any need of proof, which absolutely contradicts everything our country was built on. The handling of Orders of Protection leaves the door wide open to abuses infecting our system every day. This is happening, and you can change it. If knowing that an innocent person's freedom is being stolen and that that person is being physically and emotionally violated isn't enough to compel you to enact serious reform as to how Orders of Protection are issued, then consider the enormous waste of resources.

I am a wife and mother who posed no threat whatsoever. I have not so much had a traffic ticket in over 25 years. I was cooperative throughout my entire ordeal, yet it took five police cars, a minimum of ten of Police Officers, to arrive at my home in front of my eight and ten year old children and steal my freedom away with no cause. It does not go unnoticed that real criminals are often invited into the Police Department to be charged and not put through the nightmare that innocent victims of the abusive use of Orders of Protection must endure. Handcuffs, strip searches; I had three. Detainment in unsanitary conditions; I was held for 22 hours being chained to drug addicts, thieves and violent criminals and left in the back of a freezing van in subzero temperatures, waiting to be dragged down into the next level of hell.

When a formula of abuse exists such as the way the Orders of Protection are administered and carried out and it violates innocent people's lives, liberty and the pursuit of happiness and further results in psychological damage of young children, then it is imperative that we, that you, make swift changes to prevent further abuse and further violations. It should be noted that in my case the police acted on a wrong set of paperwork and had no authority to do what they did as the legal proceedings would prove, thereby dismissing my case.

ACTING CHAIRMAN GREGORY:

Ms. Philbin-Collier, your time is up, so please wrap up, please.

MS. PHILBIN-COLLIER:

To continue to do nothing is akin to the silence of Joe Paterno. You can be silent and be an enabler to the continuing violation of innocent people in this country, or you can commit to enacting legislation that will do away with the abuses of Orders of Protection and further send a clear message that with enforcement there will be accountability for filing false reports and perpetuating these abuses. Thank you for your attention.

MS. LOMORIELLO:

Do you want to submit your notes for the record?

MS. PHILBIN-COLLIER:

Yes, there's four.

ACTING CHAIRMAN GREGORY:

John DeMelfi?

MS. PHILBIN-COLLIER:

I also would just like to say that I am more than happy to volunteer to work with any of the Legislators to make the changes necessary.

ACTING CHAIRMAN GREGORY:

Thank you.

MR. DeMELFI:

Hello, folks. Thank you for letting me speak here today. The green light's on. Thank you, Legislators, for letting me speak here today. Some of the things that Joyce just said, I was going to echo some of the thing same things, but I also have some ideas that you can change with Orders of Protection, false arrest.

I live my life -- it would take me a lot more than three minutes to explain everything, so I will try to make it as brief as possible. Since 1992 on and off I have been arrested falsely, and the credibility of the people who have accused me, if they looked at the credibility and there was any kind of investigation, there never would be an arrest. But I have an idea of how you can stop these false Order of Protection arrests. When the person is being arrested the officer asks the other party who's being accused is this a false allegation. If the person says yes, then they have the right to have them arrested for the false allegation at the same time. Both their freedoms are taken away, so this way if somebody is making a false allegation, they're not going to be rewarded for doing that. I just think it's an idea to eliminate the he said, she said stuff. Our United States Constitution, like Joyce said, is being violated by these laws. Nobody's freedom should be taken away because of an allegation.

I'm currently on probation for a crime I didn't commit because of not just what she supposedly said, there's the dirty District Attorneys and dirty cops. I could show you a police report, which I'll give you, you can see the signature is tainted. The signature was pre-signed, they forced her to sign. She told me three times, they made her sign three blank police statements because they were planning to do this, to have me arrested. They came to a bowling alley where I was bowling, and on that night I got an award, and here's the award to prove that I was bowling at the bowling alley where they said I was somewhere else making a false -- a threatening call. They said I made a call from the bowling alley pay phone, but there is no bowling alley pay phone. The phone number comes back to 567 and I was in Centereach. I was given \$18,000 bail illegally by the domestic judge who jacked up the bail based on an allegation by Detective Ken Buckheit, who said that I said all women should be killed. It was all lies. The whole thing is a bunch of lies.

We got dirty cops, dirty District Attorneys. Somebody has got to protect us from this injustice and false Orders of Protection arrests. I just think if the laws were more just and they did at least an investigation before you take somebody's freedom away. You are not saving anybody's lives by arresting innocent people.

ACTING CHAIRMAN GREGORY:

Mr. DeMelfi, Legislator Browning has a question for you.

LEG. BROWNING:

Just real quick, a question. When you talk about Orders of Protection, when you get an Order of Protection you have to go to court, right, and the judge is the one that issues that.

MR. DeMELFI:

Yes, that's correct.

LEG. BROWNING:

Okay. Because I know you are talking about the Police Officers and the DA's Office, but I'm trying to understand because the judge is the one who issues it, and I've talked to Police Officers that they have to go and respond to Orders of Protection. However, that Order of Protection, they're responding because it exists. It was issued by a judge and they can't -- they can't ignore that call when that call is made.

MR. DeMELFI:

I understand.

LEG. BROWNING:

They're not a judge and jury, so I think it's --

MR. DeMELFI:

There is a lot of false information given to the judge, like he threatened to kill all women. That will give me high bail and force the plea, the unfair plea, which I was put on probation. I was told yesterday I'm going to be violated for not giving up my freedom of speech in these domestic violence classes that I was forced to attend, which I wasn't told I had to attend. And I would not tell them I did anything to her, and so as a result now they're going to violate me and I can be put in jail, again, for something I already went into jail for time for something I never did, and I can prove I didn't do it. I never got my day in court because I didn't have the money for bail. I didn't have the money for big, hotshot lawyers. Somebody who doesn't have a lot of money can't properly defend themselves the way the law is written right now. You've got to change the laws, you've got to.

LEG. BROWNING:

No, it's just I know somebody that has an Order of Protection and the husband had one issued also and falsely, too, and went to court, got his Order of Protection. The issue being is that person will call on his wife and she hasn't done anything wrong, but the Police Officers have to respond to his call. That's the problem is that the judges seem to be giving them out like candy. That's my opinion.

MR. DeMELFI:

The other thing, too, there's no prosecution of women when they're caught lying. There's a double standard here on Order of Protection. They have videotapes, they have punch clocks, they have 15 witnesses. Even when it is acquitted and they know that the woman is lying, they do not arrest the woman. I call for legislation that forces them to arrest the woman when they are guilty and double time in jail.

LEG. BROWNING:

I disagree.

MR. DeMELFI:

That is a form of domestic violence, is false allegations and not being recognized.

LEG. BROWNING:

I just want to say I disagree that the women do not get arrested, because yes they have. And I know that --

MR. DeMELFI:

Not for signing false complaints.

LEG. BROWNING:

I know that for a fact, that a false complaint was made and that person was arrested.

MR. DeMELFI:

I can give you names of three people who are proven to be liars. My ex, 56 police reports with another man. There's evidence out there.

LEG. BROWNING:

It's just when you're blaming the judges and the DA's I think you might want to rethink that because the judges -- sorry, the Police Officers and the DA's, the Police Officers are responding to an Order of Protection. They were not the ones who put that in place, and the DA is not the one that put it in place. It's the judge put it in place so that's where you have to go back is say okay, the judge is issuing this Order of Protection and probably should not have.

MR. DeMELFI:

I think you need to ask some lawyers are women being prosecuted for false allegations, and they are not. That's a form of domestic violence --

LEG. BROWNING:

I know a for a fact --

MR. DeMELFI:

And it should be punished severely.

LEG. BROWNING:

I know a case where it has happened.

MR. DeMELFI:

They are taking people's freedom away.

ACTING CHAIRMAN GREGORY:

All right. One at a time.

LEG. BROWNING:

I'm just letting you know you are wrong because I know, in fact, it has happened. I know the person. I know the female.

MR. DeMELFI:

I've lived it, ma'am. I've been in jail with people. I've heard their stories. I know it happened to me.

ACTING CHAIRMAN GREGORY:

Okay. We're going to move on. Legislator Kennedy has a question for you.

LEG. KENNEDY:

Sir, I just wanted to ask, do you have anybody representing you? Do you have an attorney?

MR. DeMELFI:

Not at this point. Being I was told that I'm going to be in violation I had spoke to Alan Polsky, who represented me previously, and he said he'd be happy to come to court for me.

LEG. KENNEDY:

When you were before whatever judge you were before in Family Court regarding the issuance of an Order of Protection, did you have an attorney at that time?

MR. DeMELFI:

At Family Court? Well, this is -- I was talking about Criminal Court, but being you bring up Family Court, I was in Family Court for two years on a false allegation that I took the keys away from a woman who was trying to -- my ex, who was trying to drive with her child drunk. And they -- the police accused me of picking her up, slamming her to the ground and scraping her knee. She never had that, it never happened to her. There was no scrape on the knee. I went to court for two years and it finally got thrown out of court. But that was the only Family Court issue we are talking about in this instance, but --

LEG. KENNEDY:

Okay. So then over in Criminal Court, if the OP is in Criminal Court and you're without means and you express that to the judge and ask for Counsel, you're going to have to have Counsel appointed for you.

MR. DeMELFI:

There wasn't a question. The problem was that I was locked in jail on high bail and I couldn't get out. I had to make a car payment, my freedom's been taken away. I don't know if you know what it's like to eat jail food, it's garbage. I was forced to take a plea, I wasn't told all the terms and conditions of that plea otherwise I wouldn't have taken it, but I took it to get out of jail. I shouldn't be forced to take a plea because my freedom was taken away unfairly. I shouldn't have high bail on me for lies.

LEG. KENNEDY:

I would encourage you to speak with the attorney, sir. Okay? Thank you.

MR. DeMELFI:

The laws need to be changed, they really do. You have to do something to protect the innocent people.

ACTING CHAIRMAN GREGORY:

Thank you, sir. Howard Goldman.

UNKNOWN AUDIENCE MEMBER:

He left.

ACTING CHAIRMAN GREGORY:

Howard's gone. Nick Amarr.

MR. AMARR:

Good morning, Mr. Gregory, also members of the Legislature. My name is Nick Amarr. I am the President of Suffolk County Crime Stoppers. I've held that position for the last seven years. I'm very proud of the organization, I'm very proud of all the work Crime Stoppers has done, you know, the work with the Suffolk County Police Department and other law, you know, agencies throughout Long Island.

I'm here today -- in the last 24-hours I was just notified this week about the budgetary cuts and I respect and understand, you know, the tough position that you folks are in with balancing the budget resulting in specific cuts. But here today on behalf, you know, of people in Crime Stoppers, basically here these positions are in jeopardy right now and it's very, very important. I didn't want to rehash what some of the other folks have already said today, but the positions in jeopardy are the

Public Relations Specialist and also the Public Relations Assistants.

I just want people to realize over the last 17 years the tremendous success of the program, and most recently I just want to bring up the amazing statistics where in the last three years alone our rewards have tripled and arrests have tripled. We're having a record year this year. As of tonight, which will be our rewards meeting, we'll be handing out over \$51,000 in rewards this year, in resulting right now I think we're up to about 151 arrests and warrants that have cleared. So in the last three years alone those statistics have tripled like I mentioned before.

The most important part of me being here today is that the program has been here for 17 years. Approximately about 14, 16 months ago the -- it was always manned by, you know, Police Officers. In a major transformation it was civilianized. The people that were put in these positions, and I have to say, the Police Department did a wonderful job getting these people in and trained, because the amazing thing is the operations of Crime Stoppers was never affected, and I was extremely, you know, impressed how that worked.

Also, I just want to mention that the -- actually the civilians that have taken these positions have just done an incredible job. What I mean by that is the fact that there's tremendous responsibilities that they have. Excuse me. First of all, they do all the interviewing of tips on an ongoing basis. Also is the fact that some of the other responsibilities, of course, they're manning the Crime Stoppers hotline, they do text and web tips. They also do the Long Island's Most Wanted show, which is on television, which has been a tremendous success. Also, the *Fugitive Finder* magazine, which we put together in the last five years, we just celebrated our 500th arrest with this publication. They do all the work for that. As a matter of fact, even the FBI now is on the back page. So we are helping all -- both Nassau and Suffolk County and, of course, other agencies catch criminals. It's part of the work that they put together. So this is helping Long Island be a safer and better place.

ACTING CHAIRMAN GREGORY:

Mr. Amarr, your time is up, so please wrap up.

MR. AMARR:

Okay. The most important part that I want to mention today is how professional these people have been and what an asset they are to Suffolk County for safety. They have demonstrated accountability, responsibility, dependability, credibility, durability. And they have just done a really tremendous job and I don't know exactly, you know, in the future without having these individuals there, and under the budget crisis and certain reductions, how they could be replaced efficiently. Thank you.

ACTING CHAIRMAN GREGORY:

You have a question from Legislator Kennedy.

LEG. KENNEDY:

Mr. Amarr, first of all, I applaud you for coming forward. You, sir, actually are part of the advisory board? You are a volunteer advisory board that oversees Crime Stoppers?

MR. AMARR:

Yes. I'm the President. We have two boards. We have an actual acting board, and because of the high rewards, we've actually -- also have an advisory board as well.

LEG. KENNEDY:

Okay. Just a couple of points, sir. First of all, thank you for your time and your volunteerism. I appreciate it. All of the citizens in Suffolk County benefit from the fact that you are willing to give of your time for this important area and this important function.

Secondly, please understand there was no concerted effort on the part of the Legislature and the Budget Working Group. Legislator Gregory and I both served on it. Legislator Browning was there quite often. The piece that I need to have you understand, and we have said this over and over again, is we were handed a budget by the County Executive that contained 710 layoffs, and they were layoffs across the board. I don't want to minimize what your folks have done and the work that they have in there, and I applaud them for taking the task at heart and for studying. We're probably going to have to look at some of how this came to be. But understand that the gentlemen behind you, the offices that your folks assist, 20 of them, 20 Lieutenants were identified to be laid off by County Executive Levy.

What we were presented with, quite frankly, was unworkable, untenable and would have compromised public safety from Amityville to Orient. So in a very compressed period of time, not withstanding the County Executive's comments, we did the best that we could to try to cobble something together that would have us operational next year. Look, not a single one of us wanted to have to see anybody laid off, and quite frankly, there's conversations still going on right now. So, I don't want any of the Public Safety Relations Specialists or anybody else to think that somehow we identified them as superfluous or not doing their job in an expeditious fashion. And I applaud you for bringing this information forward, but remember who set this out in the first instance; it was not us. Thank you for coming out.

MR. AMARR:

Understood. Greatly appreciated.

ACTING CHAIRMAN GREGORY:

Elena Yigit.

MS. YIGIT:

Hello. My name is Elena Yigit. I am married to Ahmet Yigit, a dual citizen of the United States and Turkey. Right now I am citizen of the United States from October 2009. We have three children. Deniz, he born in February, 2001; Timur born in January, 2003; and Anthony was born in December, 2008. I was pregnant with my third son when my children, Deniz and Timur, were abducted by my ex-husband. It happened in August, 2008. And it took me over a month to finally get the police report done, when Missing and Exploited Children organization finally forced the Police Department from West Babylon, took my report of abduction children.

I have sole custody on three my children and I fight right now in the Turkish Court for them. My next court date scheduled for December 20 of this year. Right now it's 1,203 days I have not seen my children. It's been more than three years. And I need the system from the American people, the American government, the country citizenship of my children to help me bring Deniz and Timur back in this country. They are American citizens; they are supposed to grow up here with the freedom. And the father has abducted and he is -- sorry. And he's abusive to them. He was -- broke the law. I have -- sorry. I have an Order of Protection. My children also have Orders of Protection from them. I'm sorry. And I also volunteer to make changes be necessary so please help us. Thank you.

ACTING CHAIRMAN GREGORY:

Thank you. Bill Kirchhoff.

MR. KIRCHHOFF:

Good morning. My name is bill Kirchhoff. I'm a retired New York State Supreme Court Officer. I have been involved in litigation now for 19 years. I've been arrested eight times under false allegations on ex parte Orders of Protection. My case has been one of the most litigated cases in Suffolk County history, costing Suffolk County thousands, if not millions, of dollars. I had 33 unfounded Child Protective Services reports against me before the County Attorney finally stepped in

and advised my wife if she did it again she'd be going to jail.

In my case, I have been denied my children now for 19 years. My eldest daughter is -- my middle daughter is currently abducted and living in the Florida Keys with my ex-wife. My middle daughter has Cerebral Palsy, and is unable to care for herself. My ex got guardianship and illegally removed her from the State of New York. The problem is the system is broken and nobody cares. When I was arrested nobody cared. I was put in jail even though I'm a former law enforcement officer and a former Corrections Officer. Every charge was dismissed. Every allegation with CPS was dismissed. There was no ramifications for the false allegations, and until there's ramifications this is going to continue.

The other problem is Suffolk County Police policy is not to effectuate arrest for custodial interference. Ma'am, you asked a few minutes ago, Ms. Browning, about whether this law would be effective. Suffolk County accept policies all the time and they refuse to follow Penal Law. Custodial interference is a Penal Law. If you go to a precinct and present a valid court order that says you're supposed to have your children at X time, the police refuse to do anything; it's referred to court. That's not a policy. That's a violation of my Constitutional rights and that Police Officer's violating his oath under the cover of authority by his superiors. The system is broken.

Pat Halpin broke the system with his pro-arrest policies, and it's now been continued for 20 years. We need to stop pro-arrest unless you have probable cause. If you have probable cause, lock them up. I don't care whether it's male against female, female against male. But this has to stop.

I have been litigating this. This has cost me every dime that I have, my pension. My house is currently in foreclosure because my ex abandoned it in Shirley, New York, your jurisdiction, ma'am, and moved to the Florida Keys without court permission. I've had a motion pending now for six months. Nothing has been done other than adjournments. I cannot afford an attorney. I am pro se. I have been pro se most of the times in these cases and done the best that I could as a retired court officer. If I cannot get justice as a retired court officer, how do you expect the average litigant that doesn't know how the system works. You have to stop ex parte court orders. When they are granted you have to have a hearing immediately, not six weeks later, not 12 weeks later, and in my case, four years later. When it was tried every charge was dismissed. My firearms were taken from me. I had two attempted homicides on me. The second one, when I had a home invasion, my firearms were finally returned to me, and because of that I've had no further problems. I have never been arrested before in my life and never had any other problem. We have to stop the domestic violence by instituting policies which are pro-family and pro-children, not pro-female as Pat Halpin put into play myself.

And Ms. Browning, I disagree you on your comments that females are arrested --

ACTING CHAIRMAN GREGORY:

Mr. Kirchhoff, your time is up, so please wrap up.

MR. KIRCHHOFF:

-- for false allegations. I was the President of Long Island Dads. I still on a regular basis -- and it shouldn't be either male or female. Somebody files false allegations they should be arrested not on their gender, but on their actions. If anybody has any questions I'm more than willing to answer them.

ACTING CHAIRMAN GREGORY:

Thank you, sir. That is it for all of our cards. Anyone else that would like to speak, please come forward.

MR. KIRCHHOFF:

Thank you.

(Applause)

ACTING CHAIRMAN GREGORY:

Okay. We're going to ask Chief Moore to come up, please. Okay, I couldn't see you behind the podium. Good morning, Chief Moore.

CHIEF MOORE:

Good morning, sir. I am Robert Anthony Moore. I am Chief of Department for the Suffolk County Police Department.

ACTING CHAIRMAN GREGORY:

Since you are the Chief Law Enforcement Officer in the room I'm going to ask you to give us your insight, your knowledge, your expertise of the law enforcement and your opinion on IR 1624, if this -- I believe you have addressed this issue before, but there are some members of the committee that have asked you to come forward again and just restate your opinion if that's changed or if it's still the same.

CHIEF MOORE:

Well, I would like to begin by applauding the speakers who volunteered to assist Mr. -- Legislator Romaine in perhaps revisiting this piece of legislation and I would urge he and them to do that. The bit of legislation, when it was first presented, was given to the Commander of our Kidnapping and Human Trafficking Team, as well as to our Special Victims Section. And it was their opinion that the -- this did not add anything to the Penal Law, and as a matter of fact, our officers would continue to enforce the appropriate sections of the Penal Law.

In listening to some of the speakers, I think they realize that even should this pass as written, this will not overturn judicial orders regarding visitation, custody or Orders of Protection. And, two, it sounds as though their concerns and their fears are far larger than what this piece of legislation would do.

So if I could make a recommendation. I think that Legislator Romaine should take up those who volunteered to revisit this, and I'm sure the Police Department would have no objection in sitting down with the Legislator and with the volunteers. And I can't speak for the District Attorney, but if he chose he might want to consider adding someone to the group as well.

ACTING CHAIRMAN GREGORY:

Great. So the Penal Law -- there is a Penal Law that governs this field or addresses this issue. A Local Law, this is a Local Law, would not have precedence over New York State Penal Law.

CHIEF MOORE:

Well, the police are charged under the Penal Law. This really, as far as I -- and, again, I am not an attorney either and I have to defer to my experts, but this merely makes a definition of child concealment. But within that there may be a suggestion that this is going to countermand judicial orders and it's just not. So there may be some confusion on the part of many of these stakeholders when it comes to this resolution. I think it would be in the best interest of all parties to sit down and really hash out what the intent of the Legislator is, what the needs of the speakers are and what the authority of the law enforcement community is. I think once we get everyone into the same room perhaps that would be far more beneficial.

ACTING CHAIRMAN GREGORY:

Right. Okay. Anyone else? Legislator Kennedy.

LEG. KENNEDY:

Chief, we've talked about this before, and it's one of the most -- let's just say it's a complicated area. Domestic law and domestic violence is an extremely complicated, complex and in many cases, very vicious and heinous area as far as the abuse and some of the consequences.

One of the last speakers spoke about Executive Order A1A that County Executive Halpin put into place. I was in County government then; I believe you were a Police Officer then as well. In the area of domestic violence, what was it like before that policy got put in place?

CHIEF MOORE:

Well, for -- I've had nearly four decades in law enforcement, all of it in Suffolk County, and in my experience, when I first began in the mid-70's, domestic violence was a nightmare for everyone. It was a nightmare for the victims, it was a nightmare for the children, it was a nightmare for the law enforcement community, because at that time the law enforcement community had no authority to act. And just as some of the speakers said, that nowadays they are told to go to court to resolve these conflicts. Well, that was the best that the police could do at the time and the suggestion to the victim was to go to Family Court in the morning.

Two, most people in the psychological and social welfare fields had long believed that particularly victims of domestic violence were very unlikely to report the victimization or to follow through in taking action when it came to matters of domestic violence, family violence. A wave started to sweep the United States and that evolved into what we now call pro-arrest policies. And for the law enforcement community, just as there was little that the law enforcement community could do prior to pro-arrest, subsequent to pro-arrest virtually all discretion was taken out of the hands of law enforcement. And this was the attempt on the part of the legislation to recognize that many victims of domestic violence, and particularly those who had been victims for many decades, were very unlikely to move to protect themselves. So it became almost a -- an offensive strict liability where if the victim did say this is what happened, the police had no recourse but to act. That was the pro-arrest aspect.

And you're correct, it was the first Executive Order put out by then County Executive Halpin. And the Police Department has been doing that ever since, not only in Suffolk County and in New York State, but throughout most of the country. Pro-arrest policy is the methodology for addressing these issues, and the theory is listen, if you're -- if this person is being victimized, let's stop the victimization, let's separate the parties, and then they will work that out in court, as opposed to prior where the victim was made to work it out in court but they were still exposed to danger. And that's the theory of it.

LEG. KENNEDY:

The thing that sticks out in my mind that was particularly -- I don't want to say disturbing because it much more than disturbing, but there were a number of particularly grisly homicides and it involved women with Orders of Protection. And I think as happens sometimes in the law, there was a -- an act or a plank put forward that said even in the case where there may not have actually been outright, you know, violence or whatever, we'll sort that out after the fact so that we don't have the potential for those homicides that were occurring where women were literally, with an Order of Protection, being shot or stabbed or beaten to death.

CHIEF MOORE:

Yeah, as I recall there were three incidents in Suffolk County within a short time horizon where in this case they happen all to have been females who were murdered by their male companions. I don't recall if it was husband or common law, and that was certainly part of what spurred then County Executive Halpin to act within the first weeks of his administration. And true, again, the prevailing theory and the Legislature depended very, very, heavily on social welfare experts in coming to the determination, but the prevailing theory is, you know, what would be the lesser evil?

That we make a mistake and someone who is not abusive is removed from the scene, or that we make a mistake and someone who is a victim is murdered. That was the reality in Suffolk County and, in fact, throughout the country. So that is -- has served as the basis for much of what we see as a matter of law today.

LEG. KENNEDY:

I appreciate it and I also -- I commend Legislator Romaine for attempting to try to bring forward some piece of legislation that will try to address some of what some of the speakers here have brought forward, but I also think that you have good advice as far as trying to fine tune it. I appreciate it. Thank you, Chief. Thank you, Mr. Chair.

ACTING CHAIRMAN GREGORY:

I would just add that I did an internship at the DA's Office under DA Catterson while Halpin was County Executive, and I worked in the Domestic Violence Unit, and we saw horrendous stories. I think they were called the Huntley reports.

CHIEF MOORE:

Yes.

ACTING CHAIRMAN GREGORY:

I think there was a person who was under an Order of Protection who actually killed the victim. I remember particularly there was a case where a woman who had an infant child in her arms while her companion beat her with a baseball bat. I mean, horrific, horrific stories. So I can kind of -- in that context I can kind of envision, you know, the County Executive at the time trying to put in a pro-arrest policy to separate the parties. But as Legislator Kennedy mentioned, the Family Court system and divorce process is a horrendous, vicious process where there are false allegations back and forth. The judges, you know, out of fear of being wrong issue Orders of Protection like candy. You know, there has to be a better way. I don't know -- I don't have the answer. I'm not sure that this resolution addresses the answer. But I certainly feel the plight of those that have been falsely accused. The system is flawed and we have to fix it somehow. Legislator Browning, you had a question?

LEG. BROWNING:

No, I think -- I got everything.

ACTING CHAIRMAN GREGORY:

Okay. All right. Thank you, Chief. Oh, yes. Chief, sorry.

(Laughter)

LEG. BROWNING:

Don't go anywhere.

CHIEF MOORE:

I hate when that happens.

ACTING CHAIRMAN GREGORY:

You have a number of your employees who have come here today from the Crime Stoppers and I just want to ask you to shed some light, if you will, on that decision in the budget process.

CHIEF MOORE:

Well, I'm -- forgive me, but I really can't. I was made -- I was not in last week. In the early part of this week when I arrived I had -- and, by the way, you know, I can appreciate someone at the horseshoe mentioned, you know, 710, 88, and now the 88, those are not numbers any more. We're

starting to see names attached to them and it makes my stomach sick. I mean, I know these people. The Crime Stoppers is assigned to my office, Public Information is assigned to my office, so I know these people. The Commissioner has made no statement regarding the proposal, and I would imagine that the next administration may have a stance on it.

ACTING CHAIRMAN GREGORY:

Okay. So there -- just so that the record is clear, there are 12, I believe, or eleven personnel that are on the list, but I believe the department is about 14 people? Or something like that?

CHIEF MOORE:

There are actually a number of police commands that are impacted by the proposal. The EMT's, who are civilians, in the Police Academy. I believe that three of them are being transferred to another agency. And one position is unfilled and it will be abolished, and I believe that three individuals are going to be laid off with the group. The representatives who are Public Information Specialists and Assistant come from actually two commands. One of the commands is Crime Stoppers and the other command is the Public Information Office.

ACTING CHAIRMAN GREGORY:

Okay. Legislator Browning?

LEG. BROWNING:

Yeah. John, I'm curious what the dollar amount is on those positions. Are they paid out of the Police District budget or how are they paid?

MR. ORTIZ:

They're General Fund, approximately \$300,000.

LEG. BROWNING:

Three-hundred thousand for the eleven positions? Okay.

LEG. KENNEDY:

Mr. Chair?

ACTING CHAIRMAN GREGORY:

Yes.

LEG. KENNEDY:

Yeah, I -- I'm sorry I was in conversation. First of all, John, what was the amount associated with the positions, the Public Relations Specialist, approximately?

MR. ORTIZ:

I just did a quick sum on the pay rates. I'm not sure exactly what's in the bill, but between 300 and \$350,000 annually.

LEG. KENNEDY:

All right. Is this a title that's unique to the Police Department, John?

MR. ORTIZ:

I don't know. I just have what's in front of me for the Police Department, but I can check.

LEG. KENNEDY:

All right. If you would get that information I would appreciate it. Thank you. Chief, you alluded to what, you know, my statements that I made before and I don't want to reiterate them. I think everybody knows pretty well at this point what it is that we've been subject to and what we've been

attempting to try to work out. The statistics are impressive. I know that Crime Stoppers has been something that's been an effective tool. I've seen the Most Wanted on public television, and I think any tool that we can use, we as government, to help get information out like that is always advantageous.

You made the statement that the Commissioner did not make any statement regarding these prospective layoffs. Did the Commissioner make any statement about losing 20 Lieutenants for the department?

CHIEF MOORE:

Not that I'm aware of, sir.

LEG. KENNEDY:

Okay. I've always tried to respect the fact that you come here and speak on the behalf of the Commissioner, so I'm not going to ask you personally to try to make a statement that he may not have made. But let me ask you, is it a safe assumption for me to make that if the Police Department, which is now at its lowest number of on board sworn officers in 30 years, had 20 Lieutenants removed effective January first, that it would have an impact on your ability or our ability to provide police protection and do the functions we need to do in the precincts and the department?

CHIEF MOORE:

Well, sir, clearly the 20 Lieutenants, when all is said and done, would not be 20 Lieutenants. It would be 20 Police Officers because of the bump and retreat of Civil Service.

Two, as you know, we're hiring on December 26th 60 recruit Police Officers and it's, I mean, 20 of those 60 individuals, and if you recall I said on the record at the time that I can't imagine that we would hire 60 people on December 26th, have them quit their jobs, uproot their families, and then fire 20 of them two weeks later. I just can't imagine our doing that.

LEG. KENNEDY:

One would hope not. You've also indicated that you've just been back to work so you haven't really had the time to look at any particular planning. Let's just say that this was to go forward and the Public Relations Specialists were to be laid off effective January first. Would that -- what would happen with Crime Stoppers and the other functions that they do now?

CHIEF MOORE:

Well, again, I can't speculate on the part of the next administration. I can tell you that I think that the Crime Stopper function is a vital component of public safety and that will continue. What form that will take will be the decision of the next administration. Prior to the civilians who currently staff the Crime Stoppers, that was staffed by Police Officers. So, again, I really don't know how to answer you other than I don't think that anyone in the public safety community would like to see Crime Stoppers come to an end, because we see a very clear value to public safety in having a Crime Stoppers function.

LEG. KENNEDY:

One of the first speakers, and I'm sorry I don't recall her name, she filled out a card and she talked about the somewhat unique function of the Public Relations folks with the department, and that they work a schedule regardless of whether there are holidays or things like that. I'm a little confused by that. Tell me a little bit more about that.

CHIEF MOORE:

Well, the Public Information Office is available 24/7 because the dynamic nature of police work is too 24/7 and doesn't recognize holidays.

LEG. KENNEDY:

So we have civilians that are working the overnight tours, too? Some of these folks are working a 3 to 11 or an 11 to 7?

CHIEF MOORE:

Yes, and also a midnight component as well.

LEG. KENNEDY:

Is that a straight -- I mean, is there differential that's for them or -- in other words, these are their hours of employment and that's what they work?

CHIEF MOORE:

Yes, sir.

LEG. KENNEDY:

Okay. Does that include Saturdays and Sundays also?

CHIEF MOORE:

Yes, it does.

LEG. KENNEDY:

So it's a 365, 24 by 7 function.

CHIEF MOORE:

(Nodded head yes).

LEG. KENNEDY:

Okay. All right. We may need to talk a little bit about this later on off line. Thank you. Thank you, Mr. Chairman.

ACTING CHAIRMAN GREGORY:

All right. Thank you. Okay. Thank you, Chief.

MR. ORTIZ:

I have the answer to Legislator Kennedy's question. There are two Public Relations Specialist in the Department of Health, and in the Sheriff's Department they have one Public Relations Assistant. There are two Public Relations Directors, one in Health, one in Labor. And DSS has a Community Relations Assistant and the Parks Department has a Community Relations Director.

LEG. KENNEDY:

Thank you. I appreciate it, John. Thank you.

ACTING CHAIRMAN GREGORY:

Okay. All right. We're going to go to the agenda.

Tabled Resolutions

IR 1624, Defining child concealment in Suffolk County. (Romaine)

I am going to make a motion to table based on the Chief's comments here today.

LEG. BROWNING:

I think I'd like to make a motion to approve. I respect his comments and I understand that this is probably -- I don't want to say feel good legislation but, you know, I am concerned that it may not

necessarily be effective as a Suffolk County law, but I think that listening to the testimony today, we need to give a message maybe to the State that this needs to -- that they need to do more on this.

LEG. KENNEDY:

How about I offer a compromise. I'll offer a motion to discharge without recommendation.

(Laughter)

Allow some -- so now you got three of them, you know, with no second to any.

(Laughter)

But it would allow for some dialogue perhaps with the departments and the sponsor. I mean, I'll call the sponsor as soon as I get out of here and we can encourage maybe some further conversation that might occur for us on Tuesday. If there's more to be done then the sponsor might even offer a motion to table.

(Legislator Horsley entered the meeting)

ACTING CHAIRMAN GREGORY:

Like I said previously, my heart goes out to those that came here and testified. I think the attention and focus is a little -- a little misdirected. It should be maybe 300 miles north of us in Albany. You know, I think this, you know, if there's a Penal Law on the books that's not being adequately enforced or doesn't adequately address this issue, the State should be addressing it. But I would second your discharge -- your motion to discharge without recommendation.

LEG. KENNEDY:

Okay. Thank you, Mr. Chair.

ACTING CHAIRMAN GREGORY:

Okay? So we have a second on a discharge.

LEG. BROWNING:

I guess I'll withdraw my motion to approve and I'll second the discharge.

ACTING CHAIRMAN GREGORY:

All right. All in favor? Opposed? Abstentions? The motion is discharged. *(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).*

IR 1839, A Charter Law to provide for fair and equitable distribution of public safety sales and compensation use tax revenues. (Schneiderman)

I make a motion to table.

LEG. KENNEDY:

Second.

ACTING CHAIRMAN GREGORY:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Tabled. *(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).*

Introductory Resolutions

IR 1843, A Local Law to increase the time animal abuse offenders must remain on the County's Animal Abuse Offenders Registry. (Cooper)

This is in public hearings. I'll make a motion to table. Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Tabled.
(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).

IR 1864, Accepting and appropriating 100% Federal pass-through Grant Funds from the NYS Division of Homeland Security and Emergency Services in the amount of \$1,498,751 for the "State Homeland Security Program (SHSP) FY2010" administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements. (Co. Exec.)

I make a motion to approve and place on the consent calendar. Second by Legislator Browning. All in favor? Opposed? Abstentions? Approved and placed on consent calendar. ***(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).***

IR 1865, Accepting and appropriating 100% Federal pass-through Grant Funds from the NYS Division of Homeland Security and Emergency Services in the amount of \$2,247,291 for the "Urban Area Security Initiative (UASI) FY2010" administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements. (Co. Exec.)

Same motion, same second, same vote okay? Approved and placed on consent calendar. ***(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).***

IR 1866, Accepting and appropriating 100% Federal pass-through Grant Funds from the NYS Division of Homeland Security and Emergency Services in the amount of \$108,874 for the 2010 HazMat Grant Program administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements. (Co. Exec.)

I guess Homeland Security doesn't have a shortage of funds.

(Laughter)

I'll make a motion -- same motion, same second, same vote. Approved and placed on the consent calendar. ***(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).***

IR 1873, Accepting and appropriating a supplemental award of Federal funding in the amount of \$1,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 81.50% support. (Co. Exec.)

Same motion, same second, same vote okay? All right. Eighty-one point five zero percent. They like to be precise I guess. ***(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).***

IR 1874, Accepting and appropriating \$12,890 in supplemental sub-granted funds from the Suffolk County Coalition Against Domestic Violence, Inc. For the Stop Violence American Recovery and Reinvestment Act (ARRA) Suffolk County Coalition Against Domestic Violence (SCCADV) 09 Program with 81.53% support. (Co. Exec.)

I'll make a same motion, same second, same vote, okay? ***(Vote: 3/0/0/2 Not Present: Legislators Eddington and Cilmi).***

IR 1894, Approving an increase of one vehicle in the fleet for the Suffolk County Sheriff's Office through the Federal Asset Forfeiture Program. (Co. Exec.).

Counsel, do we know what this is about?

MR. NOLAN:

Well, under Chapter 186 of the Code if a department wants to purchase an additional vehicle they have to get our approval as well. There's no description of the vehicle in the resolution or the backup that I can see. It just says the vehicle will be used for law enforcement purposes and shall be obtained at no cost to the County because they are using forfeiture moneys.

ACTING CHAIRMAN GREGORY:

Okay. Chief Sharkey is here.

CHIEF SHARKEY:

This vehicle is a vehicle that was forfeited as a result of one of our cases with the DEA Task Force, and is obtained at no cost to the County.

MR. NOLAN:

Not buying it.

ACTING CHAIRMAN GREGORY:

I'm sorry. A vehicle obtained through the DEA?

CHIEF SHARKEY:

It's an asset that was forfeited through one of our cases that we were performing with the DEA Task Force.

LEG. BROWNING:

Can I ask? So you're not actually buying the vehicle, it's basically something that's being given to you by the Federal government?

CHIEF SHARKEY:

It's something that we -- yes, it's a forfeited vehicle through the Federal Asset Forfeiture Program.

LEG. BROWNING:

What kind of vehicle is it?

CHIEF SHARKEY:

Well, we use these in vehicle's in undercover operations. That's why we don't put the description of the vehicle in the resolution.

LEG. BROWNING:

They're not buying it.

CHIEF SHARKEY:

I'd be more than happy to discuss that with you off the record.

ACTING CHAIRMAN GREGORY:

Legislator Kennedy, you had a question?

LEG. KENNEDY:

I don't want to play cat and mouse with you on this, Chief. And as a matter of fact, you are right. It compromises safety. But you know what, Mr. Chair? Could we suffer just like then a 30 second

adjournment so we can find out from the Chief? I'll leave it at that. Can we just go into executive session for two minutes to have a conversation with the Chief?

MR. NOLAN:

Why go into executive session, what's the --

LEG. KENNEDY:

Because I'd like to have a conversation with the Chief that goes a little bit further to discuss --

MR. NOLAN:

Why don't we take a break for two minutes.

LEG. KENNEDY:

Okay. Can we take a break for two minutes, then, Mr. Chair?

ACTING CHAIRMAN GREGORY:

We'll take a recess.

LEG. KENNEDY:

Thank you.

(The meeting was recessed at 11:36 AM and reconvened at 11:42 AM)

ACTING CHAIRMAN GREGORY:

Okay, ladies and gentlemen, we're back in session. We left discussions at IR 1894. Did you get information sufficient to satisfy your curiosity?

LEG. KENNEDY:

I still have some questions as far as how the vehicle is going to be used and things like that, but I'm also sensitive to the fact that the departments have been running out of cars and there's not much to be put in place. So once again I'm going to offer a motion to discharge without recommendation and I'm going to have a conversation with the Sheriff prior to Tuesday.

ACTING CHAIRMAN GREGORY:

Okay.

LEG. KENNEDY:

Just fill up my dance card a little bit more. How's that?

MR. NOLAN:

It's a go.

ACTING CHAIRMAN GREGORY:

Offered the motion to discharge without recommendation.

LEG. BROWNING:

Okay.

ACTING CHAIRMAN GREGORY:

Are you going to second that motion?

LEG. BROWNING:

I guess.

ACTING CHAIRMAN GREGORY:

Second by Legislator Browning. All in favor? Opposed? Abstentions? Discharged without recommendation. *(Vote: 3/0/0/2 Legislators Eddington and Cilmi not present).*

IR 1899, Appropriating furniture and equipment funds for the new replacement correctional facility at Yaphank (CP 3008).

Good, you're here. I was going to ask you how much are we looking at? I don't have the resolution in front of me.

CHIEF SHARKEY:

This resolution is four and a half million dollars.

ACTING CHAIRMAN GREGORY:

There was -- I believe this time last year there was a similar purchase or was that with the 4th Precinct?

LEG. KENNEDY:

Yeah, that was the 4th Precinct. It took a year and a half. So how about the we table it?

(Laughter)

CHIEF SHARKEY:

That would be fine if you don't want to open the facility.

LEG. KENNEDY:

Is it going to take that long for us to go ahead and get it, Chief? How much lead time do we need?

CHIEF SHARKEY:

This is the second half of the funding. We have been submitting orders into the purchasing system over the course of the last year. We are now at the end of that funding. This funding covers equipment and furniture that we need, that the Department of Health needs, and to a lesser extent, DPW needs, to open the facility.

LEG. KENNEDY:

This is jail medical? This is the jail medical stuff?

CHIEF SHARKEY:

This is for the entire facility.

LEG. KENNEDY:

Yeah.

LEG. BROWNING:

I can't see not passing something like this. I mean, we're going to have a white elephant?

LEG. KENNEDY:

Yeah, yeah. Go ahead.

ACTING CHAIRMAN GREGORY:

Now Chief, since we're on the jail, are we on schedule to open? I mean, I think the latest public date was April time frame? I've heard possibly we may have to move that back?

CHIEF SHARKEY:

Our anticipated schedule is still that we're going to have the building turned over to us December, January. I just toured the building last week. It's virtually complete. They are doing some of the last minute work now and we anticipate it being about a four month time frame to enable us to start moving inmates into the facility. Of course, we have the oversight of the Commission, which is going to ultimately say this is when you can and cannot begin occupying with inmates.

ACTING CHAIRMAN GREGORY:

All right. Thank you.

LEG. BROWNING:

On that note, we were actually saying maybe we'd like to come and see -- I know I was there while it was under construction. I think it would be --

LEG. HORSLEY:

Field trip.

LEG. BROWNING:

-- a good thing to come see it. It's close to home for me.

CHIEF SHARKEY:

I'd be more than happy -- if you would like to contact my office I'd be more than happy to arrange that.

LEG. BROWNING:

Sure. We'll do that.

LEG. HORSLEY:

You guys will organization that?

LEG. BROWNING:

Yeah.

ACTING CHAIRMAN GREGORY:

Short-term trip.

(Laughter)

All right. Thank you. We're getting a little punchy here. All right. I have a headache but --

(Laughter)

LEG. BROWNING:

I was thinking something.

ACTING CHAIRMAN GREGORY:

All right. So we have a motion -- no. I make a motion to approve.

LEG. BROWNING:

I'll second.

ACTING CHAIRMAN GREGORY:

Second by Legislator Browning. All in favor? Opposed? Abstentions? Approved. *(Vote: 3/0/0/2 Legislators Eddington and Cilmi not present)*

IR 1910, Directing the Department of Fire, Rescue and Emergency Services to maintain a list of sites that are contaminated or store potentially dangerous materials in Suffolk County. (Romaine)

LEG. BROWNING:

Can we hear from the Commissioner?

LEG. KENNEDY:

The Health Department -- we had that. We had this for hazardous materials. We get a list from the Health Department. You have to register.

LEG. BROWNING:

Okay. Can we have the FRES Commissioner?

ACTING CHAIRMAN GREGORY:

Yes. Joe?

LEG. BROWNING:

I just, you know, I think John already said it. I would have thought that would be a Health Department function.

MR. WILLIAMS:

Yes, it is right now. We currently get information from the Health Department and from DEC and we also had a good number of these places that are required to report to us on a Level I, Level II type of contamination through the insurance companies and all.

I've seen a copy of this bill and I want to go on record as saying that there's no way that Suffolk County Fire Rescue can accomplish the mission that this bill is asking us to do. Suffolk County Fire Marshals, under the Charter, do not inspect privately owned property. All they do is inspect County-owned or leased property. To get a substantial list like this they're asking us for, I would need a minimum of two more people in my department just to handle this program.

Right now we do have reporting coming in. It's -- the town fire marshals do this service, but also our Health Department is very much involved with the DEC. But reading the bill the way I interpret it it's going to be every -- it doesn't specify amounts, which is kind of laid out in the Tier I and Tier II ordinance, but this does not require -- there's no audit, so we would have to have every hardware store, everything that has any type of hazardous material in it, any store, box store, anything. The capabilities of doing that to accomplish it the way this bill is written is unaccomplishable. We just can't do it at FRES.

LEG. BROWNING:

So has the sponsor had any discussion with you on this?

MR. WILLIAMS:

I have reached out to the sponsor's office and have not heard back yet.

LEG. BROWNING:

Okay. I'll make a motion to table.

ACTING CHAIRMAN GREGORY:

I will second that. All in favor? Opposed? Abstentions? Tabled. ***(Vote: 3/0/0/2 Legislators Eddington and Cilmi not present)***

That is our agenda. We stand adjourned. Thank you.

(The meeting was adjourned at 11:49 A.M.)