

**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, December 15, 2011, at 10:00 a.m.

**MEMBERS PRESENT:**

Legislator Jack Eddington, Chairman  
Legislator DuWayne Gregory, Vice Chair  
Legislator Kate Browning  
Legislator Tom Cilmi  
Legislator John Kennedy

**ALSO IN ATTENDANCE:**

Presiding Officer Bill Lindsay, Legislative District No. 8  
Legislator Tom Muratore, Legislative District No. 4  
Tom Spota, Suffolk County District Attorney  
George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel to the Legislature  
Barbara LoMoriello, Deputy Clerk, Suffolk County Legislature  
Robert Lipp, Deputy Director, Budget Review Office  
John Ortiz, Budget Review Office  
Diane Dono, Budget Review Office  
Robert Calarco, Aide to Legislator Eddington  
Marge Acevedo, Aide to Presiding Officer Lindsay  
Bobby Knight, Aide to Presiding Officer Lindsay  
Kara Hahn, Aide to Presiding Officer Lindsay  
Michael Pitcher, Aide to Presiding Officer Lindsay  
Ali Azir, Aide to Legislator Kennedy  
Chris DeLuca, Aide to Legislator Cilmi  
Seth Squicciarino, Aide to Legislator Vivian Vilorio-Fisher  
Eric Kopp, County Executive's Office  
Ed Hennessy, County Executive's Office  
Dennis Brown, County Attorney's Office  
Robert Moore, Chief of Department, Suffolk County Legislature  
Tad Nieves, Suffolk County Police Department  
Kevin Fallon, Suffolk County Police Department  
Russ McCormack, Suffolk County Police Department  
Noel DiGerolamo, Suffolk County Police Department  
Tracy Pollak, Suffolk County Police Department  
Dr. Scott Coyne, Suffolk County Police Department, Chief Surgeon  
Joe Williams, Commissioner, Fire, Rescue and Emergency Services  
Joel Vetter, Fire, Rescue and Emergency Services  
Anthony V. LaFerrera, Suffolk County FRES Commission Chair  
Tom Tatarian, PBA, Recording Secretary

Gail D'Ambrosio, Suffolk County Probation Officers Association  
Hank Mulligan, Police Conference  
Joseph Delessandro, SC Chiefs Association  
Peter DiPrima, Lakeland Fire Department  
Mitch Savino, Holbrook Fire Department  
Angela Ferrara, North Massapequa Fire Department  
Ben Zwirn, Town of Babylon  
Rick Meyer, AME/Legislative Director  
Ann E. Robinson, Witnesses for Life @ PPF  
Arlene D'Anna, St. Patricks Respect Life  
Eric G. Waxman, Jr., St. James Respect Life Comm.  
Nick Polchynsky, Pro-Life Smithtown  
Marie Mawn, Families for Life  
Irene Muhs, L.I. Coalition for Life  
Robert Buchta, Crisis Pregnancy  
Florence Talluto, Suffolk County Resident  
Larry Cervellino, L.I. Parents for Responsible Education  
John McGowan, Long Island Coalition for Life  
Kimberly Duff, Public Safety  
Lisa Winjum, Planned Parenthood Hudson Peconic  
John T. Broderick, Attorney  
Johanna Cervellino, Parents for Responsible Education  
Ann Cook, Christ the King Respect Life  
Yvonne Spreckels, Public Safety  
Gina D'Andrea Weatherup, Planning Parenthood Hudson Peconic  
Susan Schlomann, Suffolk County Resident  
John T. Sandhaas, Long Island Coalition for Life  
Ellen Sheridan, Pro-Life  
Peter J. O'Hara, Suffolk County Resident  
Peter Bertran, Suffolk County Resident  
Howard Shannon, Suffolk County Resident  
Donna Emma, Suffolk County Resident  
Geraldine Graham, Suffolk County Resident  
Arthur R. Lange, Suffolk County Resident  
Ruth S. Lange, Suffolk County Resident  
Richard Kettel, Suffolk County Resident  
John Hoffman, Suffolk County Resident  
Thomas Caminiti, Suffolk County Resident  
Evelyn Hurtado, Suffolk County Resident  
Colleen Barry, Suffolk County Resident  
Irene Cassillo, Crisis Pregnancy  
Ann Zachry, Crisis Pregnancy  
Chau Lam, Suffolk County Resident  
And All Other Interested Parties

**MINUTES TAKEN BY:**

Alison Mahoney, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Alison Mahoney, Court Stenographer  
Kim Castiglione, Legislative Secretary

*(The meeting was called to order at 10:06 A.M.)*

**CHAIRMAN EDDINGTON:**

Okay. If I could get everybody to stand. We're going to start the Public Safety meeting and I'm going to ask Kara Hahn, Legislator-Elect, to lead us in the Pledge.

*Salutation*

If I could ask you to remain standing for a moment of silence, and please put in your mind Peter Figoski, the NYPD Police Officer that was killed, and also on a more positive note, we're bringing home our men and women from Afghanistan, so --

**P.O. LINDSAY:**

Iraq.

**CHAIRMAN EDDINGTON:**

Iraq, so we have something to be happy about.

*Moment of Silence Observed*

Thank you. Be seated. Okay. I had planned to start my meeting with the Police Commissioner and he was going to give us a report on the Gilgo Beach incident and issue, but I guess he's running late, and I have District Attorney Tom Spota, who also was going to add some information. So I guess what I'm going to do is go to the public portion and we'll just have to wait. Legislator Muratore, thank you for being in attendance to our committee.

**LEG. MURATORE:**

Thank you, Jack. And, you know, for a lot of people that don't know this, this is Jack's last meeting as Chairman of Public Safety. So on behalf of the 80,000 people in the 4th Legislative District I came to say thank you to Jack, for a truly commendable job you have done. I know you have been pulled in a lot of directions by a lot of different people, and you have always done the right thing for the communities in Suffolk County. So, I know it's been a rough road for you, but you ride a motorcycle so you know how to handle a rough road. And, you know, these issues that are here we're facing today and tomorrow, they are not going to go away, but we have a great template now that Jack has left us with. So I just want to say good luck to Jack Eddington, God bless you, and hopefully everything you seek comes through for you in your life and your future. God bless you, Jack. Thank you.

*Applause*

**CHAIRMAN EDDINGTON:**

Thank you very much, Tom. I appreciate that, I do. Very unexpected. Okay, let's get to the first card. Ann Robinson?

**MS. ROBINSON:**

Good morning. My name is Ann Robinson and I have lived in Commack for the last 53 years, and I have Witnessed for Life at Planned Parenthood in Smithtown regularly for the past 18 years. I would like to voice my opposition to the planned -- to the planned bubble bill as unnecessary and an infringement on my Constitutional rights under the First Amendment. Should this bill become law, it will constitute a violation of my rights of assembly and petition, and impose a gag on my right to free speech. So much so that a bill of this kind is guaranteed to be a magnet for litigation. As keepers of the public purse, to bring the cost of this litigation at this time would be irresponsible, especially when you consider the facts which prove that this bill is unnecessary.

We have assembled at Planned Parenthood for many years. During that period of time I have never witnessed an incident of any sort, not of blocking the driveway, not of harassing, not of anything which Planned Parenthood alleges needs remediation by means of this draconian bill. The building on Maple Avenue is situated so that the entrance and the parking are on -- are in the rear of the building. Access to the building is gained through the driveway. Very rarely do any of the clients walk to the facility. They come by private auto or by cab. They drive through. No one bothers them. Often they will stop, roll down the window to find out why we are there. Literature is offered. This is their right and it is our right to give them answers. We stand on the sidewalk, which is rarely used by pedestrians. When someone comes we move aside. We pray the rosary and we say prayers for the babies about to be aborted. We pray for their parents and the staff at Planned Parenthood, as well as a prayer for our country. What is to be gained by attempting to fix something that is not broken.

The violations insinuated in the bill are not true of us, and should Planned Parenthood indicate differently, they have only to prove it. Where, I ask, are the videos? Where are the photos of any one of us doing any of the things listed in this bill? I ask you to believe -- they ask you to believe that this bill is needed in a day where anything can be on image in an instant. We are in full view of the windows of their facility at all times. They could easily snap pictures of us shoving, restraining, grabbing, to quote the language in that bill. We do have our First Amendment rights and we will stand there. We do believe babies are being slaughtered in the Planned Parenthood facility.

**CHAIRMAN EDDINGTON:**

I'm going to have to ask you to wrap up right now, please.

**MS. ROBINSON:**

Excuse me?

**CHAIRMAN EDDINGTON:**

I'm going to have to ask you to wrap up. Your time has been allotted and expired.

**MS. ROBINSON:**

Yes. May I remind you that the sidewalks are owned by the Township of Smithtown and maintained by the taxes of the people of Smithtown. In summary, this bill is not only unnecessary, but costly to defend and it is even possible that you are attempting to legislate on sidewalks over which you have no right to legislate. I thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you. Next speaker, Johanna Cervellino.

**MS. CERVELLINO:**

Good morning.

**MS. LOMORIELLO:**

Hold the button, please, on the base. Continuously hold it. It lights up.

**MS. CERVELLINO:**

Good morning, everyone. My name is Johanna Cervellino. I have resided in Smithtown for 18 years. I have been a crisis pregnancy counselor for 13, and I am a retired high school teacher in Global Studies and in Economics.

*(Legislator Kennedy entered the meeting)*

I'm here to oppose legislation which would attempt to abridge freedom of speech and the right of citizens to assemble peacefully. The Supreme Court has ruled that the heart of our jurisprudence

lies in the principal that citizens have the right to speak with other persons in public places.

Since 1993, when Planned Parenthood established this abortion facility, we have maintained a peaceful and prayerful presence. The participation of those who are involved are mainly senior citizens, gentlemen and ladies, who are in their 60's, 70's and 80's, and one who comes faithfully in a wheelchair; hardly a cohort that would strike, shove, push or obstruct anyone from coming through. It is reprehensible to be described in such negative terms, and despite numerous attempts by Planned Parenthood to harass us with nuisance calls to the 4th Precinct, we have established ourselves as a peaceful and cooperative group. And every time the police came they say hello and good-bye to us, knowing full well we have done none of the things that we have been accused.

A buffer zone would limit our ability to offer women alternatives to abortion, such as the 24 hour waiting period, as well as informed consent. And Planned Parenthood has adamantly opposed passage of such legislation in New York state-wide since they supposedly believe in choice. It would also hamper our ability to help teens who come in who may be pregnant as a result of sexual exploitation and abuse. Planned Parenthood usually does not report those. Therefore, a buffer zone would impede helping women and the unborn as well.

It is contrary to the concept of free speech. In *Schneider versus New York*, excuse me, *New Jersey*, the Supreme Court ruled that one is not to have the exercise of liberty of expression in appropriate places and abridged on the plea that it may be exercised in some other place. One can only surmise that the present bill is to stifle dissent and deny choices and other alternatives for women and the helpless unborn.

On Monday, December 15, a west county Legislature decided to table its law on bubble zone because of the legal ramifications as well as whether or not it could actually be nullified.

Why are we attempting to punish those who are trying to save lives and who are behaving in a peaceful manner? I believe in *Madsen versus Women's Health Center* the Supreme Court ruled in the absence of illegal conduct, a flat ban on all peaceful picketing within traditional public forums, such as a park, street or sidewalk is patently unconstitutional. To prohibit all peaceful picketing --

**CHAIRMAN EDDINGTON:**

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

**MS. CERVELLINO:**

Having no history of violence in a traditional public forum, such as a sidewalk outside of an abortion clinic, the court ruled that it was unconstitutional. Thank you very much for your time.

**CHAIRMAN EDDINGTON:**

The next speaker is Ann Cook.

**MS. COOK:**

Good morning. My name is Ann Cook.

**MS. LOMORIELLO:**

Ann, could you hold down the button there? Keep it down.

**MS. COOK:**

Sorry. Good morning. My name is Ann Cook, and I'm also here to -- in reference to the bubble zone. I would just like to urge the board to vote against this resolution and, you know, I see no reason. There has been no proof or anything against us. I don't see the need for a bill. But I would also like to cede the rest of my time to Eric Waxman.

**CHAIRMAN EDDINGTON:**

He's going to have three minutes right after you.

**MS. COOK:**

I know, but I would like to cede the rest of my time to him also.

**P.O. LINDSAY:**

You can't do that, ma'am. You cannot do that.

**MS. COOK:**

Can't do that? Okay. Well, again, you know, I would like to -- we have not -- I have been peacefully protesting also in Smithtown but also in Huntington, and I know that this is for all of Suffolk. As far as I know, we have never had a problem with the pro-lifers. We have been peaceful and prayerful. Our only weapon is prayer and it's, praise God, it's been very useful and effective. We have saved over 3,000 babies that were scheduled to be aborted in Planned Parenthood in Smithtown. I would urge the board to please vote against this resolution. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Next speaker Eric Waxman.

**MR. WAXMAN:**

Good morning. My name is Eric Waxman from Setauket, New York. In my past life I was a high school principal for over 20 years, and I'm keenly aware of the need for respect and order in a civilianized society. I've been part of a peaceful presence at facilities where abortions were performed in Hicksville, in Hempstead, in Coram, two locations in Smithtown and in Stony Brook, and I'm unaware of any incident as described in this -- in your proposed Legislature engaging in physical activities to prevent access, harass, intimidate individuals trying to access these facilities.

I am aware, and the Suffolk County police records will show, of an assault on the late Dr. Jerome Higgins at 498 Route 111, where someone got out of his car, came over and pushed Dr. Jerome Higgins to the ground, and in so doing caused him to strike his head on a metal sign.

And before you go ahead with this Legislature I think you have the obligation to consult the police records to determine exactly how many complaints have been filed by anyone against those people engaged in peaceful presence. Thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you very much. Gail D'Ambrosio.

**MS. D'AMBROSIO:**

Good morning, everyone. For the record, my name is Gail D'Ambrosio. I am the President of Suffolk County Probation Officers Association. I'd like to share with you some information about the Probation Department's GPS Unit and inform you about the Probation Officers Association position at this time. I believe you're all aware that several months ago our GPS Unit of ten Probation Officers had been reduced to nine officers. In an attempt to further cut costs, the County and the department are proposing to reduce this number to five Probation Officers. The County has also proposed to contract our work out to a Florida based company, who will be assigned to monitor the offenders whereabouts Mondays through Fridays, from eleven p.m. to six a.m. and on the weekends.

While I commend the department for trying to manage costs during this fiscal crisis, we believe that in the long run it may not be as cost effective as they had proposed, not to mention the diminished public safety services that will be provided. The department believes that they will save 187,000 in

overtime costs. However, this was based on figures from 2010, prior to reducing the unit to nine officers and also prior to cutting all non-emergency department overtime day and night. I have not -- I have requested figures from 2011 but have not received them to date.

From a public safety perspective, GPS is the highest level of supervision Probation Officers can provide. We do not believe that an outside vendor could ever be as responsive as a Suffolk County Peace Officer, who has direct contact with the offender, can make necessary offender schedule changes, has access to case records, and knows Suffolk County's geographics.

At this time I am requesting that this matter be put on hold so that the Probation Officers Association and the department can work together to come up with a more feasible alternative. Thank you very much.

**CHAIRMAN EDDINGTON:**

Okay. Hang out for a minute. I just wanted to, before Legislator Browning goes, I want to say that it has been appalling, in my perspective as the Chair of Public Safety, how the Probation Department has been treated in the past. That when you were asked to do more with less you did, and then when early retirement came and you had people that qualified you were told you can't because you're doing more with less, we can't afford to let you go. And now you're being reduced even more. It's appalling, and I'm sorry that this happened while I was involved in public safety.

**MS. D'AMBROSIO:**

Thank you very much, and also thank you for all of your support because you have been fabulous.

**CHAIRMAN EDDINGTON:**

Thank you. Legislator Browning.

**LEG. BROWNING:**

Good morning. You know, the Director was here and spoke about that. I think you were here when he spoke. And my concern, of course, is okay, you have a sex offender, you have some criminal who's wearing a GPS bracelet, and now you have this company that is, you know, you're only going to monitor him Monday through Friday, nine to five, and not on weekends. And you have this company now who is going to monitor the offender when you're not. The Director seems to feel that it can be done, it can be done efficiently. And just out of curiosity, now you're reduced to five Probation Officers. Have you a ballpark figure as to how many people are wearing GPS bracelets right now?

**MS. D'AMBROSIO:**

You know, I'm not a hundred percent sure. I think it's 48.

**LEG. BROWNING:**

Only 48? Okay. I thought it was more.

**MS. D'AMBROSIO:**

It might be, yeah. I don't want to say exactly.

**LEG. BROWNING:**

Okay. So --

**MS. D'AMBROSIO:**

Over the year -- over the course of the year it's more, but at the current time I think it's 48. We have people on SCRAM as well.

**LEG. BROWNING:**

Okay. Are they monitored also by GPS or that's a different unit.

**MS. D'AMBROSIO:**

Yes.

**LEG. BROWNING:**

It's the GPS Unit monitors SCRAM?

**MS. D'AMBROSIO:**

Yes.

**LEG. BROWNING:**

Okay. So now you've heard the Director's comments about how it can be done and it's not going to create a problem. I told him my concern is some Saturday afternoon you're going to have a sex offender walking around in a public park where there's children, and now you have this company in Florida who's going to be monitoring them, and how quickly can this company get in touch with the department and say you have to get somebody over there. That's my concern, you know, the safety of our children, the safety of our communities is of the utmost importance, and I know what you guys are doing on a regular basis. So can you respond to some of his comments how it can be done more efficiently?

**MS. D'AMBROSIO:**

Well, you said it at one of the meetings, you get what you pay for. I mean, a Probation Officer gets the alert within a minute. You know, they know the people, they have contact, they know the Probation Officer who's in charge of the case. I remember, you know, I had somebody -- I can give you an example of somebody I had on GPS and I worked in the same building as the GPS Unit, so there was constant dialogue going on there. You know, I just -- I think it's just something that has to be looked at much more aside from the money factor, you know, the issues here are the public safety. We're giving our work away and once it's gone, do we get it back? And Suffolk has been very -- I don't know if proactive is the word, but we have always taken the lead on things and this is just, you know, another thing to me that unless we really look at this, we're just going to be giving it away.

Will GPS ever keep somebody from committing a crime if they really, really want to commit that crime? No, but I believe that it's a very good deterrent and these guys know. I mean, we're not getting -- we're getting the violent offenders on this, sex offenders, domestic violence offenders, and it's just a matter of time before they know that there's a company out there who's monitoring them and not a Probation Officer. So I just would have a lot of questions about those things.

**LEG. BROWNING:**

I still want to get more information on, you know, other states or other counties that are doing this, what ones have done it in the past and maybe have decided that it didn't work for them. So I think you're right. I'm not comfortable. I think you know the concerns for me in my district that I'm just not comfortable with finding out that some company's doing it. I know you guys know your probationers personally. You know their personalities, you know their traits; a company does not. You know, it's just a number to them, and I am very concerned about public safety when it comes to nine to five, you know, Monday to Friday, and not on weekends. You know, if I know I'm not going to be as strictly monitored on the weekend if I'm on a GPS bracelet, you know, I know I can get into a bit more trouble because I know I'm not being as strictly supervised. So I have some concerns and I appreciate you coming in and talking to us.

**MS. D'AMBROSIO:**

Thank you very much.

**CHAIRMAN EDDINGTON:**

Thank you. Next speaker, Marie Mawn.

**MS. MAWN:**

Good morning. My name is Marie Mawn. I'm President of Families for Life. I am opposed to bill number 1968. I believe that if even one mother is denied an opportunity to be -- if even one mother is denied an opportunity to be aware of the help that is available to help her, to assist her in keeping her child, that that would be an injustice. I have been in front of abortion sites for many, many years. I have seen women stop and look and take the information that will help them to be able to save their child. I've seen that happen often. I have never seen a mother go inside an abortion facility and come out and say I changed my mind, I'm going to save my child based on information that she was given inside the building. Once they enter there they're finished. So please reconsider and oppose this bill. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Next speaker, Nick Polchynsky.

**MR. POLCHYNSKY:**

Good morning. My name is Nick Polchynsky. I live in Smithtown for several years, over 11 years, and I've been a peaceful presence at praying at several reproductive sites around Suffolk County. In all that time I have never witnessed any physical contact or anyone attempt or to try to block anyone from physically coming or going into a reproductive facility. I've never witnessed anyone being denied or, you know, we just try to be a presence of reason to show that there really is a choice, that there's not only one answer to this big problem. And this is not only a Smithtown problem, this is a Suffolk Legislature, so you're going to make a decision on the whole County. It's going to affect a lot of people in a negative way.

Again, I've never witnessed any problems. We peacefully pray. We come from church and pray. We don't go there with intent to harass anyone or disturb. We just want to make a peaceful presence known that they do have another choice, like adoption or a life sent to help to keep their babies. Thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you. Anthony LaFerrera.

**MR. LAFERRERA:**

Good morning. Anthony LaFerra, Chairman, Suffolk County FRES Commission. I'm basically here this morning to say thank you to Mr. Eddington for Chairing Public Safety, what you have done for public safety and the residents of the County, along with your committee. Myself, this is my last meeting as Chairman of the Commission, but I've been recycled. I'll be back next year as Co-Chairman. Jay Egan is our new Chairman for the FRES Commission. Again, thank you very much.

**CHAIRMAN EDDINGTON:**

And thank you, sir. Ellen Sheridan.

**MS. SHERIDAN:**

Good morning.

**MS. LOMORIELLO:**

Press the button on the base and hold it, please. Thank you.

**MS. SHERIDAN:**

Good morning. My name is Ellen Sheridan. I have lived in Hauppauge for over 40 years. I am

also a Counselor, having been so with Planned Parenthood for the past 18 years and at another site prior to that. I or anyone I have ever been with has never interfered with anyone going into an abortion facility. I feel that this bill IR 1968 is totally unnecessary. I am there to hand out literature if a car stops, to give women another choice. So I ask you, please do not pass this bill. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Peter O'Hara.

**MR. O'HARA:**

Good morning. Peter O'Hara is my name. I've lived in Smithtown for -- specifically St. James, for over 40 years. Within that time, I have protested against the -- for the innocence at abortion clinics in the hopes that the young ladies will go against the elimination of human life. Actually as a history teacher for over 50 years I've obviously been exposed to the Constitution, studied it, shared the insights, the cases with my students. And obviously previous speakers before me did very well in indicating that the Constitution, the First Amendment in particular, applies in this case that is this proposed bill that's coming up. And obviously the elimination of our rights. The issue of protest happens to be a very relevant issue worldwide. In fact, *Time Magazine* has for its cover the man or the person of the world is a protestor. Now they're protesting for good hopefully, hopefully, democratic process and standards that we have and we've been blessed for all these years.

We would like them to be continued in our effort to protect the human life at every moment of conception and part of the educational process, because people should be aware of what a human life elimination really means. And what we do when we protest, we give out literature, we pray obviously, and it's all for the benefit of the common good. Because as Legislators, I need not remind you that's what law is meant to do, provide for the common good. And the elimination of human beings is not for the common good. God bless you all. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Florence Talluto.

**MS. TALLUTO:**

Good morning. My name is Florence Talluto. I'm a resident of Centereach for 51 years. I'm here to speak against the so-called bubble zone that is before us. This is not new to Suffolk County. It has been tried throughout the country and has gone through litigation and has been struck down. Planned Parenthood takes my tax money. They're now attempting to take my freedom of speech, and I'm asking you, the Public Safety Committee and the Legislature, why you want to submit this kind of legislation and then have to fund the litigation that would follow it. Suffolk County is in dire financial straits. I don't think that you need to take on this issue that has been found wanting throughout the United States. I'm asking you to defeat this proposal on the basis of pure common fiscal policy. We don't need to go through the courts, because that's where it will be going if it is passed. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Irene Muhs.

**MS. MUHS:**

Good morning. My name is Irene Muhs -- can you hear me?

**MS. LOMORIELLO:**

Press down the button.

**MS. MUHS:**

Good morning. My name is Irene Muhs. I have been privileged to be in attendance outside of

abortion facilities for over 30 years, and I'm not speaking here legislatively, I'm just going to give you my experiences. But in reference with some of the things that were said before, I did keep vigil at one clinic for about seven years. At that time many complaints were registered by people inside of the building, not anybody outside of the building. And so because of that, we had three patrol cars every -- three times a week we prayed there. We had three patrol cars with two officers each, six officers watched us pray for seven years while the crime was going on, this particular town was filled with crime, but they were there watching us pray. So, you know, that's just another side of the story.

I can only speak from my own experience of 30 years speaking to women and girls who are either going in or coming out of abortion facilities. These women are frightened and confused and in great need of someone to reach out a hand to them. Sometimes we know the effects of our presence there right away. More often we learn later, it could be days, weeks, or years. Recently my partner and I were at an abortion facility early in the morning. It was hardly light out on a dreary, rainy morning, when two young women approached us. One of them came over and said to us, "I came here to thank you because last year I came here to abort my baby. Because you were here, I now have a beautiful baby daughter. I'll bring her here someday so you can meet her." I did not -- probably did not speak to her. We were there, they know why we're there. Sometimes they'll come to us and ask us for some information. Other times it's just because we're there and they know they have -- that there is somebody to speak to and somebody will help them.

Another time a big SUV pulled up beside us, we didn't know what to expect. A young man rolled down the window, leaned out and he was smiling and said, "Don't you guys ever leave here, because seven years ago you were here, and now I have a seven year old son because of you."

Another time a women got out of the car in a different facility and she was really, really raging. This woman said to me -- so I stepped out, there were 15 of us there praying, that's all we were doing was praying and she was furious at us. Anyway, I stepped out and I started to speak to her. She said to me I've had an abortion and I've had an adoption, and I'm fine with the abortion but I'm really upset about the abortion (sic). She said, you know, maybe she's with druggies, my daughter's with druggies and maybe she's being abused or molested. And having a medical background, because I was a medical assistant for 29 years, I was able to tell her the rigorous procedure that people go through who adopt people and that wouldn't be happening and that one day --

**CHAIRMAN EDDINGTON:**

I'm going to have to ask you to wrap up, ma'am.

**MS. MUHS:**

Okay. One day she would know that her mother loved her enough to give her life. Anyway, I have never touched anyone who I had spoke to outside of abortion places until this day when I said that to her, and I said if you do think that's why your -- after abortion is what bothers you, here is some information that you can use to -- for healing. There are places to go to heal and places -- people who will help you. And at that point she reached out to me and she gave me a hug and she said thank you.

**CHAIRMAN EDDINGTON:**

Thank you.

**MS. MUHS:**

So if we're not there, who's going to do this for these girls? How are they going to know that there's any people that will help them.

**CHAIRMAN EDDINGTON:**

Could you wrap up, ma'am? You're way over your time.

**MS. MUHS:**

I thank you for your attention and I would ask you to please consider the fact that we all are there to be peaceful and to save lives and to also save the life --

**CHAIRMAN EDDINGTON:**

Thank you very much.

**MS. MUHS:**

I just want to say because of the pain and grief and sorrow that --

**P.O. LINDSAY:**

Ma'am, you're way over.

**CHAIRMAN EDDINGTON:**

Yeah. We're trying not to be rude, but you're not being considerate.

**MS. MUHS:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, thank you. Susan Schlomann.

**MS. SCHLOMANN:**

Hi. Good morning. My name is Sue Schlomann. I live in Smithtown. I'm here about the bubble zone. I would like to ask you, do you really have the authority to write such legislation? Don't we have laws that protect people and property from harm that cover all instances? I don't even believe there are any. Creating a bubble zone appears to me to be an issue oriented or biased infringement on free speech. My free speech. Regretfully, I don't meet with mostly senior citizens or wheelchair bound people on Maple Avenue, but I assert their right to do it and I want my right to do it without literally being sidelined.

I've experienced this issue oriented bias. I was not permitted to rally at Zuccotti Park about two years ago. We had permits, insurance, but the cops kept us out. We were on the adjacent sidewalks. We were in the street. Imagine my surprise when Occupy Wall Street was allowed to occupy the park for months. They had the right and the privilege. Please don't duplicate this kind of bias. Don't stifle the voice of people who assemble peacefully to pray for life, otherwise I want to know where would it end. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. John Sandhaas. John Sandhaas.

**MR. SANDHAAS:**

My name is --

**MS. LOMORIELLO:**

Keep your hand on it.

**UNKNOWN AUDIENCE MEMBER:**

The middle one.

**MR. SANDHAAS:**

I have to hold it the whole time?

**MS. LOMORIELLO:**

Yes, you do.

**MR. SANDHAAS:**

Thank you. My name is John J. Sandhaas. I'm past Presiding Vice Chairman of Long Island Coalition for Life. I'm here to support those who speak against resolution 1968. I live in Freeport. I came here this morning to support all of these wonderful speakers that you have heard, and I am sure you're going to take their words to heart. I'm one of the ones who pray in front of the Hempstead Planned Parenthood facility. I've been in the pro-life movement since 1973 when the Supreme Court made a horrendous decision. It happens to be wrong, as you well know from knowing history the Dred Scott decision was wrong. It was made by the Supreme court. This decision was wrong, Roe versus Wade and Doe versus Bolton.

But I appreciate your listening to all the speakers here. I'm sure you see love here from pro-lifers. I'm not sure you see love from Planned Parenthood facilities, maybe love of money, maybe. I'm sure maybe their intentions might be good. They are not. The destroying of human life given by God from the moment of conception to the end of life is wrong. Patrolman Figoski lost his life defending life. My mother's mother's name was Figoski. I'm probably a long distant relative of this gentleman, but it's generations back. Nevertheless, God bless you in all your work and Merry Christmas.

**CHAIRMAN EDDINGTON:**

Thank you. Lisa Winjum.

**MS. WINJUM:**

My name is Lisa Winjum and I'm the Director of Public Policy and Advocacy for Planned Parenthood Hudson Peconic and I am here in support of the bill, and I do want to say a couple of quick things to you. I know there was a public hearing on the bill where our staff and volunteers testified.

The first thing I'd like to say is we serve over 35,000 patients every year in four counties, including Suffolk. Ninety percent of the work that we do is preventive care. It is birth control. It is STI testing. It is HIV testing. We do pregnancy testing and we do options counseling. That means we tell women who come and have a positive pregnancy test what their options are. We have close relationships with local adoption agencies. We provide prenatal care at our centers in Smithtown and in Huntington.

There are a lot of people here today who talk about giving silent witness outside of our health centers. If you were a young woman coming in and you saw just half of them standing out there you, too, would feel intimidated. We have had instances of trespassing. I know that our Security Director spoke at the public hearing on this bill. He spoke about a picketer in a wheelchair who was putting construction cones in our driveway and he had to come out and remove the cones. This same man in a wheelchair most recently was found out back on our property and told to leave. That is trespass. We have had instances where they have used a megaphone and we could hear them inside the building and have had to ask them to leave. Our patients do feel intimidated and harassed. Our staff feel intimidated and harassed.

We are not looking to completely eliminate their right to protest. We are asking for a 35 foot buffer zone around our clinics. It is a buffer -- and other reproductive health care clinics in this County. It is modeled on a Massachusetts law that was upheld by the First Circuit District Court and the U.S. Supreme Court denied cert on this case. It is a reasonable time, place and manner restriction. People can still see them. They can still see their signs that say ugly things about our physicians.

If they are there to pray and not to intimidate and harass our patients by their virtue of their presence, being 35 feet away from the driveway shouldn't make much difference.

And so I would really ask you to think about our patients. I would love to bring one or two or three of my 35,000 patients here to see you. Our patients come to us for confidential reproductive health care. They shouldn't have to give up their right to privacy, their right to get confidential care, the same confidential care every single one of you gets from your physician, to have you protect their safety. So I would ask you to please support this legislation and thank you for listening.

**CHAIRMAN EDDINGTON:**

Thank you. Gina D'Andrea Weatherup.

**MS. D'ANDREA-WEATHERUP:**

Good morning. I'm Gina D'Andrea-Weatherup. I'm the Community Affairs and Advocacy Manager at Planned Parenthood Hudson Peconic. I work in the Smithtown facility and drive in past the protestors every week. I spoke before the -- before all of you at the public hearing last week, and I just want to reemphasize a couple of points about the intimidation and the harassment.

As I said in my remarks at the public hearing, one of our patients related to a volunteer in the waiting room that when she drove in on a day when there were protestors outside, and it was a warm day, it happened several months ago, she had her car windows open. She discovered that someone had thrown tiny little plastic fetus dolls into her car along with pamphlets. That's not prayerful, peaceful protest. The women who accompany our patients on a day when we provide surgical abortion care, the mothers, the grandmothers, the aunts and the friends, they tell us that they don't feel safe, that they feel threatened as they drive in past the protestors. They come inside and they say, "Am I safe here? Why are they out front?"

Women sometimes ask when they call to make the appointment are there going to be protestors there, and they decide to come anyway because this is the health care that they need and they trust us to provide it to them confidentially and safely, and we do and I'm proud of that. All we're asking for, as my colleague Lisa said, is a reasonable time, place and manner buffer zone, a little bit of breathing room for our patients, as well as our staff and our volunteers. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Yvonne Spreckels.

**MS. SPRECKELS:**

Good morning. Thank you for having this public hearing this morning. I'm here to talk to you just a little bit about IR 1968. I oppose it and I ask that you do so, too. Abortion is legal in this country, but it's wrong; and it wasn't too long ago in our nation's history that slavery was legal, and that was wrong; and a black man or a black woman was considered three-fifths of a person, and that was wrong. This bill, by having a 35 foot buffer zone, would silence the voices of those who are standing up for people who can't speak for themselves. I ask you again to please not go through with this bill. I oppose it. I don't stand out in front of Planned Parenthood or any other facility. Most of the folks are gray haired and I commend them for what they do in all kinds of weather, every day, year in and year out, and I'm asking you as human beings to not silence the voice of those who would cry out for people who can't speak for themselves. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Kimberly Duff.

**MS. DUFF:**

Good morning. My name is Kimberly Duff. I have been a Smithtown resident for over 40 years. I am here to urge you to vote against Resolution 1968. I am insulted, offended and outraged that

this shallow ordinance is even remotely being considered. This ordinance is attempting to take away my civil rights. I have a right to free speech, I have a right to freedom of expression, I have a right to peaceful assembly. This ordinance only proves how desperate the baby killing business is. We are a group of peaceful human beings who were given the right-to-life from our mothers, standing outside the quote killing fields, saying the Rosary and numerous prayers. How can any civil human being be so threatened by this? Is it possible we may save one innocent unborn baby from a premeditated murder?

These ordinances have already been attempted in various parts of the country and have failed miserably. In fact, it has already been defeated in the New York City District Court. Does Suffolk County have bottomless funds to defend this desperate attempt to strip me of my Constitutional rights? The burden of proof lies on Planned Parenthood. There are no videos, no evidence, no photos to justify any of this. The Smithtown sidewalks are owned by Smithtown and only Smithtown residents pay for them. I have a Constitutional right to stand on the Smithtown sidewalks.

My father, my three uncles and my two brothers served 55 years in the United States Military combined. Along with all American Veterans, I can assure you that they did not fight for rhetoric like this. If my civil rights are in jeopardy, then every American's civil rights are in jeopardy. Thank you and Merry Christmas.

**CHAIRMAN EDDINGTON:**

Thank you. I have a little trouble reading this card. I think it ends with Derek.

**LEG. BROWNING:**

Let me see.

**CHAIRMAN EDDINGTON:**

Broderick? Mr. Broderick.

**MR. BRODERICK:**

Good morning.

**MS. LOMORIELLO:**

Hold the button on the base down.

**MR. BRODERICK:**

Good morning. My name is John Broderick. I'm an attorney. I came here to -- I came here to point out the obvious. I think you have already thought of it, but I think it's worth repeating, and that's this. The United States Constitution was created approximately 230 years ago. A very important bedrock part of that Constitution was the right -- every American was given the right to associate with every other American, it's really that simple, and to give another American a pamphlet, and that's precisely what pro-lifers do outside the abortion clinics in Suffolk County. They exercise their Constitution right to walk there and to speak to other American citizens and to give them -- perhaps give them pamphlets. That is not illegal. As a matter of fact, it couldn't be more legal. It's written right smack in the Constitution.

Now, that same person who is on the sidewalk cannot harass or grab or shout or cause trouble for someone who is entering the clinic or for employees of the clinic, of course not, but they don't do that. It just doesn't happen. If someone tells you it is happening I suggest they speak to you with a fork tongue. It's just not happening. If they claim it is happening, I ask you to demand from them that they provide proof. How about some proof. How about videos? How about something besides just exaggerated statements.

Again, the Constitution allows people to walk and talk to each other, and that's all we're talking about, and that's all the pro-lifers want to do. There's no reason to put a 35-foot bubble zone, because they're not violating the law.

And the second thing is if they're 35 feet away from the abortion clinic, they lose all practical opportunity to speak to their fellow American citizens who are going into the clinic because they're too far away. Cars come up and pass them, people come up and pass them. They don't even know who is going into the clinic if they are 35 feet away. They don't know who to speak to. Peacefully and prayerfully, and that's exactly what they do. Take a look at the people who testified this morning. Grandmothers, prayerful, good, solid people. They look like somebody who's going to harass and scream and curse at somebody? Of course not because they don't do that. It doesn't happen in front of these clinics.

So I ask you to seriously consider, if you want to consider this bill, to require proof. The other side is saying we want to violate these pro-lifers Constitutional rights. Fine. I ask you to provide proof. You ask them to provide proof. Demand proof. Where's your videos? Where's the detailed statements concerning it? I can guarantee you if you have another -- if it's heard at this Legislature you are going to have even more, you have several today, but you're going to have a lot more pro-life speakers who are telling you the simple truth. They go there to pray. They go there to speak peacefully and prayerfully to these ladies going in. That's all they want. The Constitution guarantees it, always has guaranteed it. Thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you, and I have my last card here is Larry Cervellino.

**MR. CERVELLINO:**

Good morning. Larry Cervellino, Smithtown, for about 30-some years, at Planned Parenthood Smithtown, Maple Avenue, since they opened on 17th of May 1993, about 18 or so years. The -- all that's been said with respect to this restriction on our limiting our free speech capabilities Constitutionally guaranteed, I wanted to quote from a book *Faith and Freedom* by Mathew Staver, where he sites many, many cases that have been gone through the courts and eventually to Supreme Court in many cases. And one of the results come from a case of Schneider versus New Jersey was the fact that the Supreme Court has stated that the exercise of liberty of expression is not to be abridged on the plea that it may be expressed in some other place that is outside of a given buffer zone. There are other cases, Chaffey versus McGregor, where in the observance of illegal conduct a flat ban on all peaceful picketing within a public forum is potentially -- patently unconstitutional. To prohibit picketing, having no history of violence, in a traditional public forum, such as sidewalk outside of an abortion clinic, is unconstitutional.

Having said that and having a substantial history of Supreme Court decisions indicating that -- establishing a buffer zone is unconstitutional, if this body chooses to go ahead with this legislation, IR 1968, than obviously you've ignored all of the precedent that has been set in the past by other courts. Therefore, if you should pass this bill, it would be most -- most egregious condition would be that we would bring a course of litigation against you, and having known that it was illegal in the first place, unconstitutional in the first place, it would not be the body of the Suffolk County Legislature that would be prosecuted, it would be you individual and the persons who knowingly -- knowing that it was unconstitutional and you still passed it.

In addition, all of these matters of harassment and intimidation, all of the -- all of the instances that have been indicated that they're -- already take place, they're all currently prohibited in criminal law. There's no new access legislation that will make them any more illegal than they are today. Broadly written excess bills are generally overreaching. They threaten the guaranteed American rights of freedom of religion, freedom of expression and freedom of association. Pro-life protestors are not violent. As I indicated, I have been outside the Planned Parenthood abortion mill twice a

week for about 18 years.

**CHAIRMAN EDDINGTON:**

If you could just wrap up, sir, please.

**MR. CERVELLINO:**

Thank you. There have been no acts of violence, none whatsoever, only on the part of the Planned Parenthood, the pro-abort people. One of the prior speakers and myself were intimidated by the abortionist himself. He threatened us. We called the police, the police came, took our statement, went into the abortion facility, and they read the riot act to that abortionist. I'll give you his name if you need it. But that's about the only instance we had an opportunity to call the police. Planned Parenthood --

**CHAIRMAN EDDINGTON:**

You are wrapping up, sir?

**MR. CERVELLINO:**

Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Okay, is there anybody else that wanted to address our committee for three minutes?

**MS. ACEVEDO:**

Jack, two more cards.

**MS. D'ANNA:**

I had filled out a card, I don't know why it didn't come.

**CHAIRMAN EDDINGTON:**

Robert Buchta.

**MR. BUCHTA:**

Good morning. My name is Robert Buchta. I'm from Centereach. I have lived in Suffolk County for over 40 years. I heard mentioned in regards to another issue this morning, child welfare, and I'm all for child welfare. The question is when does a child become a child? Most women when they want their baby to be born refer to it as my baby or my child. Those who do not want that particular young person call it a fetus. So we're talking about here terminology. I consider someone conceived in the womb a child, a human being from day one, moment one. And I would hope that all the members of this committee consider a child as a child no matter how small it is. And all those who have spoken before me for the most part agree with that situation. And I would hope that all of you would consider child welfare of the child in the womb. Thank you very much.

**CHAIRMAN EDDINGTON:**

Next speaker, John McGowan.

**MR. McGOWAN:**

Hi. My name is John McGowan and I thank you for the opportunity to speak. I'd like to address my opposition to 1968, legislation about the bubble zone. I'm a writer. I've written books on evacuations, things of that nature. You know, the Vietnam evacuation of prisoners, the Shoreham evacuation hearings. I was over here in the County a number of times on the Shoreham evacuation hearings.

During my time I started monitoring some of the pro-life demonstrations. The West Hartford was the one that particularly got me involved in the right-to-life movement. I assure you that it wasn't

the pro-lifers who were severely abusing other people's rights. Some of those -- there's documented court papers on, you know, some of the abuses that were taken out on pro-lifers.

As far as 1968 in the County, that's what you want to hear about I'm sure, but I believe in free speech. I pay taxes. I have been in this County for about 33 years. I think I have as much right as anyone else to speak on the sidewalk wherever it's needed. In other words, I don't want to be picketing the barber shop or the telephone company. I want to picket Planned Parenthood, and free speech allows the opportunity to use the sidewalk. They can use it, we can use it. It's not there just for Planned Parenthood.

I would address that thing about the cones the young lady mentioned, too. Those cones were there to protect the sidewalk people, not necessarily to block the access to the driver. It was never blocked. It was there because we have someone with a wheelchair going back and forth. We have to stop and bring people out of cars and stuff to join our picket. It was there for that, it wasn't there to block the sidewalk at all. It was not intended for that at all. It's just a misrepresentation that goes on with these organizations.

So I think this is also a free speech issue, which is Constitutionally protected by our Constitution, our government. People have fought and died for these rights. You know, I was called a terrorist once. And there was -- all the bumper stickers on my car. None of these are anything to do with terrorist organizations. It has nothing to do with that at all. It has to do with a pro-life message. I volunteered at the 9/11 attack. I was there ten days. I documented ten days experience there. I was not a terrorist. I've never terrorized anybody.

I don't think I really want to make a case about that, but it's just the distortions that come out from Planned Parenthood and how they try to -- you know, this is what they do. Physicians and people in the medical profession have always had a great disdain for abortion and abortionists, and the reason is because they bring blood into our midst. This is what they do. This is the problem. They do not protect life, they have no spiritual mission. They don't look to heal, save or cure. Abortion is not something that heals, saves or cures, believe me. It is to rid someone of a pregnancy that they don't want, and that is not something that society should protect but should encourage just the opposite, to protect and nourish that child, to foster that child into a human being who can become a good citizen. I thank you for your time to speak. And Merry Christmas to everybody.

**CHAIRMAN EDDINGTON:**

Arlene D'Anna. I got your card.

**MS. LOMORIELLO:**

You have that button on the bottom, it will light up.

**MS. D'ANNA:**

Yes, okay. Very good. My name is Arlene D'Anna, I live in St. James. I have been a resident of Smithtown for 30 years. I also have prayerful presence outside of Maple Avenue in Smithtown for the last seven years, and I can tell you personally no one has ever harassed an individual. People have gone by in a car, and I witnessed one, where she stopped the car, had her baby and had us look at this baby and say, "Thank you, thank you, thank you" with tears in her eyes. "If it wasn't for you people I would have aborted my daughter." It was heartwarming and I'll never forget it.

I have a history of 38 years in the mental health system as a director of in-patient and out-patient services, which incorporated close to -- between the in-patient and out-patient over 8,000 people. Many of these women have had abortions. They came into the hospital because of depression years later thinking back on the day that child would be born, what their birthday was. You can do this in the readings, but in fact it is true. Personal witness over many, many years. And the data will show you differently, different things depending on which survey was taken. But I'm telling you

personally how these women cried and it destroyed their life. If they -- if they had one person there to help them before they got the abortion they would not have done it.

Please do not deprive us, who are very peaceful, very prayerful outside Maple Avenue, do not deprive us of that. Our people in Suffolk County deserve your attention, deserve your care. All the women as well as all those beautiful babies that have been murdered. Please consider all these things that have been said by the people here tonight. Planned Parenthood is in it for money; we are there for life. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Peter Bertran.

**MR. BERTRAN:**

Good morning, ladies and gentlemen. My name is Peter Bertran, over 20-year resident of Smithtown and over 40-year resident of Brookhaven. I am the son of a Police Officer and the father of a Police Officer. I have a keen respect for the law and order and public safety. I was a youth worker for over ten years, worked in parish outreach for over 30 years. I'm a newcomer to the respect life movement and I must say that the times that I have attended the street appearances I have never witnessed any type of aggressive activity. The activity that I have witnessed has been supportive of the expected mother and family, and I've never seen any -- I think it's a misnomer that there is a condemning mood or philosophy that's expressed. I have never witnessed that. It has always been supportive. As a matter of fact, one of the signs that is frequently displayed is "love them both, the mother and the child." I take my hat off to these folks and the Constitutional issues that have been raised are totally legitimate. To express a differing point of view is in the public good and I know you recognize that. And I thank you for your time and again, I wish you Merry Christmas and a Happy New Year.

**CHAIRMAN EDDINGTON:**

Thank you. Okay. Let me try again. Is there anybody else that would like to address the committee? Of course. Come on up. I needed one more to break my record, so thanks very much for complying.

**MR. SHANNON:**

I thank you for giving me an opportunity to speak. My name is Howard Shannon. I live in Dix Hills since 1966. This bubble bill, I have one word for it, it is discriminatory. It applies only to those who are trying to save the lives of unborn children. If I wanted to protest let's say Macy's because they didn't put Merry Christmas up there, I could go out in front of Macy's, walk back and forth with a sign, talk to people. If I were in a private union --

**UNKNOWN AUDIENCE MEMBER:**

Hold the button.

**MR. SHANNON:**

If I were in a private union, I could also picket back and forth and as long as I wasn't interfering with the business, there'd be no problem. There'd be no bubble. If I were even in a public union where you have the Taylor Law where you don't have the right to picket or protest, I could still go out and protest. I would be there all day protesting. Now, later on I would get the effects of the Taylor bill, but I would not be stopped at that point with a bubble bill. So I get back to one thing. This bubble bill is discriminatory. Thank you. Merry Christmas.

*(The following testimony was taken & transcribed  
By Alison Mahoney - Court Reporter)*

**CHAIRMAN EDDINGTON:**

Thank you. Anybody else? Okay, seeing none, then I'm going to welcome again Commissioner Richard Dormer, Suffolk County Police Department. I have also have reached out to the District Attorney, Tom Spota, because often in the last six years the Police Department isn't sure if they can make a statement based on something that's going on in the court. So District Attorney, if you want to come up now, or you can wait till after, whatever you feel comfortable. Okay.

I don't know if you've ever watched Chris Matthews, Commissioner, but today I wanted to use his line, "Tell me something I don't know." It's obvious that you've gotten some more information. It looks like a wonderful job that's being done by the Suffolk County Police and your staff in keeping it going and not letting it become a cold case. And I guess maybe I've been getting most of my information that I get from Newsday and Channel 12. I'm wondering if you could tell us something at the same time that you tell them so we'll know what's going on when we get our phone calls at our office.

**COMMISSIONER DORMER:**

Thank you, Mr. Chair. I appreciate the opportunity to go through the whole investigation from the beginning up to this point. And again, we will not divulge any information that hasn't been out there already. We won't confirm certain information or certain evidence that may be speculated on or may be coming from law enforcement sources, not Police sources. And so again, I would like to start at the beginning.

May 1st, 2010, a sex worker, prostitute, responds with her driver to Oak Beach which is often Ocean Parkway in the Township of Babylon, and that's patrolled by the Marine Bureau. The Marine Bureau offices patrol that area. At some time during the early morning hours, she becomes very disoriented while she's with her client. The client calls the driver for to get her out of there and take her back to Manhattan. She calls the Police from that residence; this is publicized, this is known, and we have a recording of that. She was on the phone with our operator a very, very short time, didn't know where she was and did mention Jones Beach. The operator immediately switched her to the State Police because that's their jurisdiction. The State Police stayed on the phone with her for over 20 minutes attempting to find out where she was without success.

She runs out of that home into the community of Oak Beach, knocks on a door. The man opens the door and she is standing in front of his door. He asked her if he can help and he says, "I'm going to call the Police." Immediately she runs away, he calls the Police. It now comes into our 911 system again. An officer is dispatched to that call. The officer that responds is not aware of the first call, doesn't know any of the circumstances; I want that to be pretty clear, that this officer responded to that call from a gentleman named Mr. Colletti. When the officer responds to exactly what I told you what he saw, he searched the area without finding her, closes out the call and responds back to his area of patrol.

I should mention, by the way, that in hindsight now, with all this information that has come out with the investigation and the finding of remains off Ocean Parkway, it's very easy to second-guess that officer. Should he have done more? I've been asked that question a number of times. And the officer did everything that he was supposed to do based on the information that he had at that particular time. Subsequently we find out that she's a missing person through her family, because the driver goes back and reports that she's missing in Long Island, and now our Missing Person's Detectives get involved. They commence an investigation. In coordination with her family, they contacted the driver, extensive investigation of the driver and the client at Oak Beach and that whole circumstance surrounding this incident. This was May.

The Detective, along with K-9, did search that area subsequently. And then, as we all know, what happened in December, December 11th, the same year. They went back there, the Detective from the Missing Persons Bureau, with the K-9 officer and they searched Oak Beach which is on the south

side of Ocean Parkway. The officer decides to go across the roadway into the south area of Ocean Parkway, which is the Gilgo Beach area, and started a search with his K-9 partner, the dog, and come upon the remains in Gilgo Beach off the parkway. Everybody at that point that were called assumed that that was the missing girl from May 1st, 2010. Very shortly thereafter, it was determined by the Medical Examiner that it was not her, and the search of that day, that Saturday, was suspended because of darkness. And the Detectives, the forensic people were going back on the Sunday for to continue to process the crime scene, the area around the body where the remains were found.

It rained heavily on that Sunday. They didn't go back till the Monday, which was December 13th. And the same K-9 handler and the dog went back with the Detectives and the forensic people, and he started to check the area and going further west on the -- of Ocean Parkway, and throughout that day came upon three more remains. Now we had a total of four, four remains which, again, were all processed as crime scenes, as homicide scenes. The Medical Examiner got involved. And the biggest issue for the Police Department and the Medical Examiner was the identification of the remains. It took some time, through terrific work by the New York City Medical Examiner who assisted us and our own Medical Examiner's Office working together, the forensic anthropologist. And utilizing DNA databases that contained the DNA of reported missing persons, we identified the four people that had been found off Gilgo Beach and off Ocean Parkway. None of them were Shannon Gilbert, the missing person from May 1, 2010; that was still an open case, still an active case. It was turned over to the Homicide Squad at that time because of the circumstances of the finding of the other bodies.

We -- when we identified them, because their DNA was in the system from their families, we again publicized that information with an attempt to gain information about their activities, thought somebody that may have some information on who they were. As you can imagine, the Homicide Task Force which was created were now actively involved and following up on all their contacts, either through cell phones, computers or otherwise; a very slow, methodical type of investigation.

The District Attorney and I had said on many occasions, this is not *CSI*, it's not *Criminal Minds*. This is going to take a long time because it was going to involve technology and it was going to involve people who were having contacts with strangers, which is not the norm in homicide cases. Serial killer cases are very, very difficult to solve.

It was decided, when the foliage died out over the winter in the Oak Beach area, Gilgo Beach, Cedar Beach area off Ocean Parkway, to commence an extensive search which commenced in April of 2011. That involved Detectives, K-9's, with support from other Police Departments. Fire departments came in with their apparatus, with their bookets (sic) so that the officers could look at the terrain as they moved along the side of the parkway. I should remind everybody, if you don't remember, it's very dense foliage. You can't walk through that area, the dogs can't traverse it. Where the bodies were dumped, they could walk through that area, but there was a lot of brush area, tangled brush that you couldn't see through. And in April they came upon more remains because of this extensive search, and we contacted -- we were in contact with State Police, Nassau County Police, and we suggested to them that they search their area which was west of our jurisdiction, which they did with our assistance, and they came upon two remains in their area.

Everybody knows that now this was a major, major case. It was a major investigation. Probably, I guess, the largest, I think the largest investigation in Suffolk County history. It garnered attention from all over the world, not just from the metropolitan area or from the country, but from all over the world. This was, again, a Long Island story which people picked up on it from all over.

We received hundreds of tips from the public and from sex workers who we had reached out to because we felt that they may have information that would be helpful to move the investigation forward, and we did receive a lot of tips from sex workers. The Detectives involved in the case

have to follow-up on these tips, it takes time. Whether it's phone records, computer records or talking or interviewing individuals, it takes time. Again, the reminder that this is not a one-hour TV show. And I should mention that when we get a phone number or a phone record that we check, we have to subpoena that record through the District Attorney's office. It takes time to get those results back. And when you get it back, there are more numbers attached to that that have to be subpoenaed. This takes months. So, you know, people say, "Why does it take so long?"

While this is going on, we're still looking for Shannon Gilbert. That was an open case. We, you know, felt that we owed it to her family to try to find her. And we stated that many times publicly, that we're going to continue searching for Shannon Gilbert. And our Detectives went back there with K-9 on a number of occasions. As part of our investigation, we were coordinating with the Federal government, with the FBI. And through the efforts of the FBI, we received technical assistance in that we had fly-overs with a Black Hawk helicopter, military helicopter, and fixed-wing aircraft with special, secret sensors on these aircraft, which I am not going to talk about, and they will pick up certain items of interest on the ground, on the area, and it took months to get the results back. When we got the results back, it was decided now for to check these areas of interest, which was done two weeks ago. And we figured it would take two weeks -- I'm sorry, two days. It only took one day and then it was decided that the area where we now subsequently found who we believe is Shannon Gilbert, we decided to go back in that area because of the extra day.

And it's -- I think you're probably reading from the media and watching television that this is a very, very hostile, rugged area, swampy, covered with brush, very difficult to traverse, and the water had receded. The water table in that area, in that hundred acres, it's wetlands, the water comes up to a couple of feet at times, but it had been drained by DPW and the conditions were ideal. So the officers went in there, the Detectives, Marine Bureau Officers, K-9, and the K-9 officer finds a purse that belongs to Shannon Gilbert a quarter of a mile in from the roadway where she was last seen in Oak Beach. And subsequent search revealed other items, personal items in that area. The search continued, because now we believe that she was in that area, and so the search continued and two days ago, approximately a quarter of a mile away from her personal belongings, we found skeletal remains that we believe is Shannon Gilbert. Now, the identification is pending, the Medical Examiner's report which we're waiting. That could take time. We're hoping that we can have that quickly, for the family's sake.

We've been in touch with the family. We've been in touch with the families of the five sex workers that have been identified. We don't think there's any connection between her disappearance and the other remains that were found off Ocean Parkway, and there are a number of reasons for that. The MO is different. The contact with the client is different, completely different. She was driven to that location by a driver who stayed at the scene. We have vetted the people involved in this incident very carefully. The Homicide Detectives and the Missing Persons Detectives have investigated them very thoroughly, they have cooperated very thoroughly. Her body could not have been dumped in where she was found -- if it is her, and we believe it's her -- from Ocean Parkway. You couldn't get through the brush, it's that thick. You can't even see it. Anybody that's down there, whether it's media or Detectives or anybody else, will agree with that; there's no way she could have been dumped from the side of the parkway like the other bodies. We believe that the search for Shannon Gilbert, the extensive search, led us to the discovery of the remains.

The issue of one killer, two killers, three killers for the ten remains that have been found has been discussed. And I've been asked about the theory that it's one serial killer, and let me give you the background on that. When we first got these cases, it takes a while to look at the evidence, you know, review all the facts, take your time and come to a conclusion. Sometimes, you know, you can come to a conclusion that you change your mind on later. The facts of the case indicate one person, and I'll tell you why. In 2000 and 2003, remains of females were found off -- between Exit 70 and 71 off the Expressway in Manorville. One of these remains was identified at that time as a sex worker because of markings on her body. The cases lay dormant; that was 2000 and 2003. In

1996, two legs were found in a bag floating off Davis Park, female legs, just the legs, and that was 1996, Davis Park, which is across from Patchogue as you head across the bay. That case laid dormant. Go forward now to April of 2011, when remains are found off Ocean Parkway are now connected to the two remains found in Manorville and to the two legs found off Davis Park. We believe that all of them are involved in the sex business.

Now, there was, you know, an issue that came up when we found a toddler as one of the remains off Ocean Parkway and an Asian male; this was the April findings. And that was -- you know, the investigators now were puzzled. Why do we have a male? Why do we have a toddler? And I would -- my belief is that people would now think we had more than one killer. But subsequent DNA analysis indicated that the toddler was connected to a female which was dumped seven miles away, west of where the toddler was, off Ocean Parkway. And the Forensic Anthropologist and DNA experts tell us that it's probably the mom, it's the mother. The Asian male, very slight build, small stature, wearing women's clothes; we're summarizing that he was involved in the sex business. And these five people who have not been identified yet are not in the DNA database, which would indicate to us that they were sex workers.

If a young lady was snatched from a shopping center parking lot or from a university someplace, her family would have her DNA in the database. The fact that they're not in the database gives us the indication that they're all involved in the sex business. So the same dumping ground even from miles away. Manorville is over 40 miles away from Gilgo Beach. Davis Park is over 40 miles away. And the dismemberment of the bodies, by the way, is indicative of somebody trying to throw the Police off if partial remains are found and the other remains are miles away.

We believe that this person -- and we still believe it's one killer at this point, unless we get information that would change that. And that's possible in any investigation, where you have to change your theory. But it looks like the killer may have evolved, because four of the -- the first four that we found were not dismembered, that's known, it's not secret, but they evolve over time. And so it's not unusual with killers to change the way they dispose of bodies.

And the investigation is still continuing, working with our partners in the law enforcement field, still working with the FBI. I should remind you that the behavioral -- the FBI Behavioral Analysis Unit came up to Suffolk County, sat with our task force, went over all the evidence and gave us some valuable techniques to follow-up, pursue in this investigation. Our Detectives are still working the case. They're still working on tips, they're coming in daily. And, you know, at the end of the day, I tell people that our Detectives, outstanding Detectives and command staff in the Police Department, will bring this case to a successful conclusion.

The killer has made a mistake, he slipped up someplace. We have to find that mistake, that slip-up. And looking at the history of serial killer cases, they slip up. It can take years for to find this. The technology end of it is very critical. Just know that a lot of the information is old, because some of these cases are old, as I mentioned. And so servers don't keep information forever, and so it's very difficult to retrieve this information. That's what our experts in the Police Department are following up on as we speak.

I'm open to questions. I just tried to give you a broad overview of where we are with the investigation. If you have any questions, if I can answer it, I certainly will. Thank you.

**CHAIRMAN EDDINGTON:**

All right. Before I ask the group, I just wanted to say I really appreciate, as the Chair of Public Safety, your willingness to reach out to other law enforcement agencies and to communicate what's been going on. I, for one, have gotten lots of pieces of information, but I must say that in the six years I've been here, this to me was the best way to inform us so that we now have the chain of how it all happened and rather than piecemeal through the media. I really appreciate you taking

the time to come and let us know how it's going down and what's been happening. And now I'll open it for questions. Legislator Gregory?

**LEG. GREGORY:**

Thank you, Mr. Chair. Thank you, Commissioner, for being here today. My questions are just -- well, I have one question, basically, and that is -- and this is not a criticism, this is just an earnest question. Do you believe that your -- because my recollection -- excuse me, I'm catching a little bit of a cold -- early on was that -- you see, right away that you seem to, you know, come to the conclusion that there was a serial killer. Do you believe those comments or that judgment was productive and the right thing to do?

And I say that in the context that I have a youth caucus of, you know, high school students and we had a meeting, and some of the students were concerned, one girl in particular in North Babylon, she was afraid to walk our streets. And they were saying that that was some of the fear at the time of the high school kids because they thought, you know, in North Babylon, maybe the serial killer is stalking young women in the streets. You know, it wasn't clear, I don't think, that at that point maybe there was a serial killer. I think at one point there might have been -- the thought might have been there may be more than one or -- how has that progressed? I haven't been this close to this type of investigation, so is that normal practice or what was the thought process of coming out and doing that?

**COMMISSIONER DORMER:**

Thank you, Legislator Gregory. And it is important that we give information out to the public. There was a lot of speculation from the media and from people in the law enforcement field. Four bodies dumped in the same area, all prostitutes, young females, and you don't say it looks like a serial killer? I mean, you've got to put it out there.

And, you know, I know that the public may think that we have somebody walking around preying on people, but I was very clear from the outset, and I stated this publicly, that people involved in the sex business had to be careful. This was targeting them. It was a particular occupation involved, it was very clear to us at that time. And so we told people to go about their business, their regular lives. And. You know, again, I mentioned to the people involved in the sex business, I did that publicly, I told them be careful with your contacts, because somebody out there it appears that are preying on sex workers. And you know, it still looks like that and we still warn people in the sex business to be very, very careful. It's still going on, the business is still going on, and, you know, the fear is that this guy is not going to stop.

**LEG. GREGORY:**

Thank you. I appreciate you coming here today and being forthright. And I know there's not much questions that we can ask you without hampering your investigation, so we -- our confidence is in the department and with your efforts to bring this to a swift conclusion. Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Cilmi.

**LEG. CILMI:**

Thank you, Mr. Chairman. Commissioner, thank you for that very comprehensive description of this investigation. Having spoken personally with one of the officers who has been down at that scene, I understand that our Vector Control folks have been exceedingly helpful in terms of navigating through some of the environment that you're having to navigate through in order to conduct this investigation. So I wanted to commend our Vector Control folks in that regard, and maybe you can elaborate a little bit on their involvement.

**COMMISSIONER DORMER:**

Thank you. And yes, I've publicly thanked them and I'm going to do so privately. Without their equipment, we couldn't have moved through that wetlands, that marshy quicksand that they got through over the last week that we were out there. Their vehicle that moves along the top of the surface, and you can stand on that and observe the top of the surface as you move along, was instrumental in the finding of her skeletal remains. So it was really very important and we thank them for that. We thank DPW for their assistance, they were great. They came out there with everything we needed.

And, you know, there was a lot of pressure on the Police Department to find this young lady. It was over a year and a half. And I should remind everybody that we never gave up on that search. A year and a half, over a year and a half, this Police Department continued to search for Shannon Gilbert and massive resources were put in place for to continue to search for her. Not many Police Departments, number one, have the resources to do that and, number two, would continue to search after a year and a half. And so I commend our Detectives, our K-9, our Marine Bureau, and certainly our civilian partners, Vector Control and DPW, for all their assistance in finally, it looks like, bringing this missing persons case to a conclusion.

**LEG. CILMI:**

Just one more question, Mr. Chairman. Commissioner, has there been any -- or what's the extent of the investigation in terms of your interrogation of convicted criminals who may already be incarcerated for similar crimes?

**COMMISSIONER DORMER:**

As I mentioned earlier, this is a comprehensive investigation. And I'm not going to go into all the persons that we may be looking at, the populations that we're looking at. It's certainly extensive, and that's why the task force was put together and for to look at, I mean, all sorts of occupations, all sorts of backgrounds, and they have been doing that for months. They're continuing to do that and we'll continue to do that. And of course all this publicity, by the way, generates more tips. And history tells us that in murder cases and serial killer cases that have occurred before us, tips have come in on the killer. We're well aware of that, that we may have information that will lead us to finding this person. It takes time to run it down, but certainly we're looking at every aspect of, you know, the people that may be involved or the person that may be involved.

**LEG. CILMI:**

You know, I appreciate your -- the position that you're in in terms of revealing information relative to the investigation, and so if you can't speak to this question, I understand.

I guess what I'm interested in is the remains that have been found, do we know for sure approximately how old the latest of those -- not in terms of age, but what year, let's say, the latest of those remains was found that had been -- do you understand what I'm saying; what year they were killed?

**COMMISSIONER DORMER:**

Yes, and it's very difficult. Again, I mention about when you watch *CSI* and *Criminal Minds*, they will tell you exactly how old they were, what date they went missing. The experts that study this stuff and have studied the remains tell us that it's very difficult to pinpoint exactly; I leave it at that. But it's not an exact how long they have been there, but they can give us a starting point and that helps us with the investigation.

The identification of the other five remains is critical. We're working on that as we speak and you may see some more publicity on some of these remains. We'll be reaching out to the public again, you know, asking for help. And so identifying the victims is critical to moving the investigation forward.

**LEG. CILMI:**

Is it conceivable that the remains of the other victims, other than who you expect to be Shannon Gilbert, were killed or left at the same time, roughly within months that Shannon Gilbert went missing?

**COMMISSIONER DORMER:**

I'd rather not get into that, if I may, about the timeframe here. Because again, that's something the investigators know and we haven't put that out publicly.

**LEG. CILMI:**

I appreciate that. And again, my congratulations to the department, all of the members who have been down there involved in this investigation, all of the other departments that have assisted us in the investigation and, again, to any other department non-Police related such as Vector Control who have helped us. Thanks, Commissioner.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Commissioner, thank you for coming before us. And it's a credit to you and to the department that you persevered with this, did not be deterred and continued to approach the whole investigation with all of the resources. And as you pointed out, our Police Department has quite a gamut of resources that have been brought to bear.

Again, I really don't want to ask you any other question at all except one; and if it would compromise things, just simply say you prefer not to answer. Is there -- is there any additional search that is going on in these areas for any other possible victims, or do you feel that that aspect of the investigation has been satisfactorily concluded?

**COMMISSIONER DORMER:**

Yes, the search has been completed at this time, but that could change if we get more information. If we get some information that we don't have right now, that could change. So again, with investigations like this, it can change in a minute; something else comes in, a tip comes in, information. And you know, I don't want to say absolutely that we're finished down there, but right now the search of Ocean Parkway, the north side of the highway is completed. We've completed that fly-over, you know, of sites that were identified by the military, that is completed. And Shannon Gilbert, we believe, pending the Medical Examiner's report -- I always caution, pending her report to us -- and hopefully it will be closed when we get that report.

**LEG. KENNEDY:**

Okay. Thank you. Thank you for being here. Thank you, Chief. Thank you, Mr. Chair.

**CHAIRMAN EDDINGTON:**

Legislator Lindsay.

**P.O. LINDSAY:**

Yeah. Commissioner, do our 911 operators have tracking devices when a phone call comes in? In other words, if I call 911, can they -- do they know where I am?

**COMMISSIONER DORMER:**

Yes, that is correct. But if I may, Mr. Presiding Officer, the call that came in to our 911 system was very, very short.

**P.O. LINDSAY:**

Okay.

**COMMISSIONER DORMER:**

Our operator answered the call from Shannon Gilbert. Shannon Gilbert doesn't know where she is. The operator -- and I listened to the tape. The operator says, you know, "Do you have a landmark?" Just understand, this young lady is from New York City, all she knows is she's gone out to Long Island. She remembers Jones beach, she said, "Jones beach, I'm near Jones beach." The operator immediately follows protocol and switches it to the State Police because that's their jurisdiction, and that's -- that was -- we were finished with the call at that time. The State Police now have her on the phone for over 20 minutes attempting to find out where she is. Again, I listened to that tape, very difficult. I don't know what the State Police capabilities are. All I know is that we do have the capabilities. But our officer -- I mean, our civilian operator, complaint operator followed protocols; that's what you do, you switch it to Nassau County --

**P.O. LINDSAY:**

Okay.

**COMMISSIONER DORMER:**

-- the State Police.

**P.O. LINDSAY:**

But it takes time for that tracking apparatus to indicate where the call is coming from?

**COMMISSIONER DORMER:**

Yes, it does. But it can be done and we have the ability to do that in Suffolk County.

**P.O. LINDSAY:**

Another question about the initial call. The Marine Bureau patrols that neighborhood. Do they do it with land vehicles or by both?

**COMMISSIONER DORMER:**

No, that's land vehicle. It's like a sector, regular sector car.

**P.O. LINDSAY:**

Okay, but it's assigned to Marine Bureau.

**COMMISSIONER DORMER:**

And they respond to calls in these communities of Oak Beach, Gilgo, Cedar Beach. And the State Police patrol the Ocean Parkway. Again, this is the kind of jurisdictional thing that we went into all the time, but they respond to -- and he responded, that officer, to Oak Beach, to this young lady who was at the door, seemed in distress, and that's all he had.

**P.O. LINDSAY:**

Yeah. I mean, do we have any theories of what made this young lady so distressful?

**COMMISSIONER DORMER:**

Well, I don't want to speculate on that. We do have information --

**P.O. LINDSAY:**

Okay.

**COMMISSIONER DORMER:**

-- on her, you know, mental state that morning. And, you know, again, it explains why she was so

agitated, upset and running away from people that wanted to help her, by the way, didn't want to do her any harm. And so it had to do with her mental state that morning.

**P.O. LINDSAY:**

You know, reading -- I don't think I've ever seen so much media attention connected to an open case and so much information in the paper, but it's a fascinating story that I think has intrigued a lot of people, including myself.

You know, the first question I had when I saw that you started searching again last week was why did we go back now, and I think you indicated that we got some information from the fly-overs that indicated that -- is that the reason?

**COMMISSIONER DORMER:**

No.

**P.O. LINDSAY:**

No?

**COMMISSIONER DORMER:**

No, the fly-over of that area didn't indicate anything. She was well covered, it wouldn't have picked it up. But the K-9 people that have been attempting to traverse that area had mentioned to the people that searched the day before, you know, we should go back into that area again. It's an area that we really couldn't check properly. It was swamped, two feet of water at times. You know, when the water table comes up, it's covered with water, you can't get in there, K-9 couldn't get in there. The water was down and so let's give it -- we had another day, we had planned another day of searches. The theory out there was that we got a tip; we didn't get a tip. We had no information that she was in there. It's just a belief that we had from day one, she had to be in that area, or close to that area because that's where she was last seen. And so this continuous search over the year and a half finally paid off, and hopefully we brought this thing to a successful conclusion.

**P.O. LINDSAY:**

You know, I read with interest early in the investigation it seemed everybody agreed that there could be as many as three killers responsible, and just recently it seems to have changed to the single killer theory. I mean, not that -- I mean, theories, I guess, are something that you all operate until you get the forensic proof and whatever, I guess you can't nail that down. But is there something -- is there something that pushed you away from the single theory, from the three killers to the single theory?

**COMMISSIONER DORMER:**

Well, the major change, as we moved along in the investigation, was the DNA from the toddler that was connected to female remains seven miles away. The same MO now, seven miles away, not alongside the toddler and the Asian male dressed in women's clothes. Again, you know, that now indicates that this may be the same person. The Asian male may be involved in the sex business; in fact, it looks like that. Again, that's our theory. All dumped in the same area. Again, Manorville, Davis Park connected to off Ocean Parkway, all connected to each other. All ten bodies connected to each other in separate locations.

**P.O. LINDSAY:**

But definitely a different MO; some of the bodies were dismembered and parts scattered across Long Island and others were just dumped, obviously.

**COMMISSIONER DORMER:**

Well, I mentioned before that killers evolve, they change, and this is throughout history. When you

look at what they do, they change for whatever reason over the years. And we're talking about right now a 15 year span, that's a long time.

**P.O. LINDSAY:**

And the oldest remains were dismembered, the newer remains were as a whole, right?

**COMMISSIONER DORMER:**

Right. Yes, that's correct, which would show the person was evolving or changing how they disposed of the bodies. That's the theory. Now, I should say that if we get information down the road, that theory could change again. Just be -- I caution everybody that that's the nature of investigations; the more information you get, okay, the more chance of you changing your theory or your hypothesis.

**P.O. LINDSAY:**

My last question is kind of a little embarrassing in that I know the Gilbert family are probably very gratified that they think that they found, we found their loved ones. But looking at that operation last week, because of our fiscal woes, I just had to think how much that cost. Do we have any -- have we tracked what the cost is in the investigation so far? Certainly that search last week with all that sophisticated equipment.

**COMMISSIONER DORMER:**

You know, that's something that we paid attention to. And just so you know our philosophy on this, that we weren't going to penny pinch for to bring this investigation in. That's not what Suffolk County is all about.

Having said that, we were very, very cautious the way we spent our money. Very little overtime was spent on that search. It was done during the day when people were working. And so again, I had asked the same questions because you know where I come from with fiscal responsibility. And knowing the situation that our taxpayers are in and that, you know, the County lawmakers are in, we were very, very cautious with that, and the commanders were advised to minimize overtime and they did; it was very, very minimal.

**P.O. LINDSAY:**

But you don't have a number on what it cost.

**COMMISSIONER DORMER:**

No, it takes time for that to come in because people put in their paperwork a week or two later, or at the end of the month. And so you don't get a date today, but Commanders know who's on overtime and they minimized that because we didn't need to utilize overtime on the search. If you're looking for somebody that's deceased rather than somebody that's possibly alive, it changes how you investigate.

**P.O. LINDSAY:**

And don't get me wrong, I am not saying that it was ill spent or anything like that. It's just something that is on everybody's mind, especially with the fiscal conditions of the County.

**COMMISSIONER DORMER:**

No offense taken whatsoever, I understand. And by the way, that was our thought from day one. That's why the searches were conducted during the day when people were working. We commenced on a Monday and then it was through the work week, and so we were very, very conscious of that.

**P.O. LINDSAY:**

And really the last thing is there's been a tremendous amount of information in the media about this

case. If we do catch someone, do you think that will inhibit the prosecution?

**COMMISSIONER DORMER:**

I should mention, by the way, that when you see this information in the media, some of it is made up, some of it is fiction. And I reach out to reporters through public information to tell them, "You're writing fiction." I don't know why they do it, but they do it.

The other point I want to make is that a lot of the information will source "*law enforcement source*", it won't say "Police source". I have no idea where it's coming from, I can't control that. All we can control is our own operation in the Police Department, our Detectives, our homicide people; they keep this stuff close to the vest. In fact, they don't tell me everything, which is fine. I don't want to know everything because if it leaks, they can't say, "Dormer leaked it. He's talking to somebody." So I only get information on a need-to-know basis, and so that's how we run these operations. We're as frustrated sometimes as anybody when we see information that we were keeping close to the vest and it gets out. But again, all sorts of sources, for whatever reason, like to let this information out. And will it be detrimental to the investigation down the road? Time will tell. Time will tell. Hopefully not, hopefully not.

And I should say, by the way, when we have a case like this where everybody wants to know what's going on -- I mean, this is a big case -- you don't want to be keeping everything buried because people will fill in the vacuum. The media will fill in the vacuum, they'll have to fill it in. You might as well give out information that's not going to hurt the case, but that the public should know about. I think that we're an open society. I talk about the Police Department being transparent without in any way damaging the investigation. So we're very careful with that. And I thank all of you, by the way, that couched your questions with, "If you can't answer, we understand," and I appreciate that.

**CHAIRMAN EDDINGTON:**

We've got a couple of more questions, I just wanted to -- you made me smile because it sounded like a conversation you and I had about a year ago about transparency and letting out information and taking heat from the media. So I'm glad you came along. We've got Legislator Browning that wanted to say something.

**LEG. BROWNING:**

You did mention about over the weekend and you mentioned about suspending it on Sunday because of rain, and I'm thinking back --

**COMMISSIONER DORMER:**

(Shook head no).

**LEG. BROWNING:**

Oh, you didn't?

**COMMISSIONER DORMER:**

No.

**LEG. BROWNING:**

Okay. But you did suspend -- you did mention suspending the search over the weekend. My concern is that I know you're talking about financial issues, however, when you think you're on to something, to me, to suspend something over the weekend -- you know, why did you suspend the search over the weekend?

**COMMISSIONER DORMER:**

Well, if I may clarify. I mentioned the search or finding of the first body on December 11th of 2010,

and that was on a Saturday. They found the first body, a K-9 officer found the body, the remains, and now they were going to go back on that Sunday for to process the scene further. It rained that Sunday, they suspended it till the Monday because of the weather. And so they went back on the Monday and that's when they found three more remains. Now, as to why we suspended the search this weekend, if that's what you're alluding to.

**LEG. BROWNING:**

Right.

**COMMISSIONER DORMER:**

They had been out there all week. The equipment -- very harsh environment, by the way; cold, wet. I was down there. The people were miserable, and I said to the Chief of Detectives, "They need a break." And they wanted to keep going and I said, "No, they need a break. They need to take a breather." It's like a military operation, if people don't rest, go home, get warm, take a shower, okay, and come back Monday fresh, and that's what they did. And we were going to continue the search all through the week, and so it was a strategic issue with waiting till Monday. It had nothing to do with the weather, it had to do with our officers.

And by the way, civilians, there were a lot of people down there walking through the swamps looking for something. If you do that over time, you start to lose your edge, you start to not see things, you start to get tired. And they were tired, because I looked at them myself, I talked to them, and they were tired and wet and cold, and it was a miserable terrain. And so we suspended it on Friday afternoon when it got dark and then picked it up Monday.

**LEG. BROWNING:**

Okay. I'm just -- you know, like I said, I think if you're on to something, I can't imagine suspending it. And if the officers are willing to continue to move forward, obviously let them do their job.

**COMMISSIONER DORMER:**

You know, again, we make decisions like that. The officers would keep going forever. Our job as Commanders is to manage it. And I mentioned before, I mentioned before, this young lady hadn't been seen in over a year and a half, she was deceased. We would have gone forever if we thought she was alive. She wasn't alive, we didn't think she was, we were looking for her remains. We protected the scene with officers that weekend because it was a crime scene. And so, again, they brought it to a successful conclusion. As many of the Commanders said to me after they found her remains, "That was a good decision that was made Friday. It gave everybody a fresh start on Monday."

**CHAIRMAN EDDINGTON:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

Yeah, I'm sorry. I appreciate the committee's indulgence and the Commissioner's indulgence, certainly. You mentioned that you're hopeful that with the discovery that you can bring at least the Shannon Gilbert portion of this investigation to a close. The other remains that were found, can you share with us whether or not any of those remains are part of other investigations, either by this jurisdiction or by other jurisdictions?

**COMMISSIONER DORMER:**

We're the main players in this investigation. Again, we're in contact with NYPD because one of the victims that we found had been a missing persons case in New York City, long before we got it. That wasn't brought to a conclusion until we found the remains later. And so we worked very closely with New York City. We're the main players right now, it's our case. Again, any other law

enforcement agency would be assisting us if they get information. And by the way, they send information to us on a regular basis where they get a tip, they arrest somebody that might have information, it's funneled into the task force.

**LEG. CILMI:**

Okay. So you would agree that although we may, in fact, be able to identify the latest remains as Miss Gilbert, that the investigation itself will really not conclude until such time as, you know, we find the killer of either Miss Gilbert, and I understand that it's our position that her death may have been accidental, but that we find the killer of the other remains; correct?

**COMMISSIONER DORMER:**

Well, we're -- it's pending, the Shannon Gilbert case is pending the Medical Examiner's report. Hopefully she can give us the manner and cause of death. Again, I caution that that's very difficult, she's been out there in the elements for over a year and a half. But we're awaiting the results from the Medical Examiner and then we'll make a decision on her case.

**LEG. CILMI:**

Okay.

**CHAIRMAN EDDINGTON:**

Okay. Do you have any questions for us or any last minute statement?

**COMMISSIONER DORMER:**

Yes, I do, but I'd like to mention something to the committee before I finish up; if I may, with your permission?

**CHAIRMAN EDDINGTON:**

Of course, take all your time.

**COMMISSIONER DORMER:**

This has to do with the budget which was just passed which impacts the EMT training at the Police Academy. I am certainly not going to in any way get involved in your budget process; I never did that, I'm not going to do it now. But I want to point out there were some items that you may want to take into consideration, or the full Legislature may want to take into consideration as we move forward.

The EMS training facility is conducted at the Suffolk County Police Department. We have 24 recertification classes scheduled in 2012. These are multiple and mutual certification courses. We'll have over 600 Police Officers that have to be recertified. And I know the Presiding Officer is very interested in this process.

We're uniquely -- the Police Academy, which is a Region I Training Center, that means it's the main training center in this region, metropolitan area, has been doing this EMT training for many, many years. To decent -- to send this training to another unit somewhere in the County, and I assume it's to save money, I read the budget item or budget line and it indicated they were going to save overtime, Police Officer overtime. I just wanted to point out that that EMT training is conducted by five civilians in the Police Academy. They don't generate any overtime. The Police Academy also schedules the officers, which is a very, very difficult task since our officers work around the clock. It has to be managed very carefully for to mitigate overtime for the officers. You have to train when their training day comes up and such; very, very critical.

We train our special operations teams, our special teams such as Emergency Services, MedCAT team. We trained them in combat situations, which is special training and so on. I could go on. I don't want to take too much of the committee's time, but I want you to look at this very carefully as

you move forward in 2012. And I caution that looking at it from my end and talking to people in command staff, it's not going to save any money by moving it around, but it will create an issue with training for our officers who are first responders on the street.

I have Deputy Inspector Kevin Fallon, who's the Commanding Officer of the Police Academy, and I want him to answer any questions you may have, or maybe if he can make a quick, brief statement. I'd appreciate you taking the time to listen to the Inspector.

**INSPECTOR FALLON:**

Thank you, Commissioner. I guess my major concern is when I'm looking at Budget Amendment No. 2, the Omnicode DO-59, and it talks about transferring two Emergency Medical Services Officers and one Emergency Medical Training Officer from the Police Department to the Department of Health, and one Emergency Service Officer to the Department of Fire, Rescue & Emergency Services. And the purpose is apparently to consolidate and streamline emergency medical training for the first responders and emergency medical technicians to maximize effectiveness and generate revenue while reducing overtime coverage for Police Officers, and it talks about the net result being a reduction of \$337,061 in the Police Department.

My concerns, as a trainer, is I don't fully appreciate how -- where it talks about consolidating and streamlining it, how is that going to happen when, in fact, we're going to take these workers out of the Police Department and put them into two different agencies? It seems to me that the planning, the organizing, the scheduling, the budgeting, the communication, the coordination is going to be that much more complicated. And we talk about saving overtime; I'm not quite sure I understand where that money would come from, because right now we have civilians doing the instructor work in EMT staff. And again, so it does not involve Police overtime, and any Police Officers going there for training do not go there on overtime.

So again, I do have a number of concerns and questions about the other resolutions also. And with me is Dr. Scott Coyne, he's the Chief Police Surgeon and our Medical Director. I know some of the issues involve the medical issues in particular, he has some concerns and, Doctor, you may want to address some of those.

**DR. COYNE:**

Yes. Good morning. As the Inspector and the Commissioner just spoke, we have significant concerns about the legislation, about its effectiveness. As the Inspector just said, we really don't understand the revenue enhancement or cost or expense control that the legislation is going to promote. Right now the Police Academy maximizes all revenue; this is a fixed amount reimbursement per student from the State. Wherever the training is conducted, the revenue is going to be the same.

As Commissioner Dormer said, our facility has been open for almost 25 years. We have a model program of EMT training. We -- Suffolk County EMS system is a volunteer-based system. Our officers are the first responders to almost every 911 call in Suffolk County, before ambulance and the rescue squads get there. That's the reason they were trained initially to become EMT's. As an EMT, they can continue care and ride in the ambulance, which they often do.

We have advanced life support. The MedCAT team, which is a tactical combat team, trained in our academy for high risk Police operations. For instance, active shooter situations; we respond to shootings where local EMS will not enter because the safety of -- or the lack of safety of the zone. The Police Officers go in, they're advanced life support, we go in under the principals of tactical combat care. This is trained at the academy and this is strictly in the purview of law enforcement training, not civilian-based EMS training.

The track record. As a Medical Director, I am totally impressed with the quality of our training facility. Only three months ago, New York State conducted an audit through Suffolk County Department of Health and the audit concluded that our training program meets and exceeds every standard of training in New York State. Just last week the American Heart Association, because we have 350 AED's deployed in the field and we teach CPR and principals of cardiac resuscitation, the AHA, American Heart, concluded the same, that we meet and exceed all standards.

The transfer of our staff closes the doors of the Police Academy as a training center. We have an outstanding program. There will be no revenue enhancement or cost control by doing this. In fact, it's going to lead to interagency complexity, because the transfers are going to go to Department of Health and FRES, Fire Rescue. We don't understand how the training can be conducted effectively, or more effectively through an interagency plan than it is right now centralized in the Police Department.

Part of the training, as I mentioned, is tactical in nature which is in the purview of law enforcement and not civilian-based EMS curricula. This is very important. We've had a number of shootings, our officers, our MedCAT team particularly, have responded in the past three months, have been on-scene where the active threat remains in the immediate area and have provided life saving interventions in those situations.

Our people, our wonderful responders, the Police Officers. In this volunteer EMS system in Suffolk County, our Police Officers -- and we have over 1,200 EMT's, it's a model that we developed 25 years ago -- they are the ultimate first responders. They're the difference frequently between life and death because they're at the scene first before the volunteers are able to arrive. Our concerns are very profound, because closing the doors and closing this educational facility and potentially changing the level of response of our Police Officers is going to seriously impact the EMS system in Suffolk County.

The legislation was passed apparently, by its face, to save money. We don't realize -- we don't see how that would happen. Two years ago the National Counties awarded our Police Academy -- they singled out as a model program our MedCAT Team as a model advanced life support tactical combat team. We are proud recipients of that. We're getting glowing audits from the State, from the American Heart, and we are performing these services every day. We train not only Suffolk County Police Officers, we train other law enforcement, we train Fire Rescue personnel.

**P.O. LINDSAY:**

Doc, I don't mean to cut you off, all right?

**DR. COYNE:**

Yes, sir.

**P.O. LINDSAY:**

But we passed a budget because of the extreme fiscal strain we're under. The budget that was given to us was to layoff 22 Superior Officers; we chose not to do that. We chose to pare down the Police Department in the civilian sector. This is one way that we did it and only the County Executive-Elect can modify the budget in January. So I appreciate -- and this is no shot at the Police Academy. It's a matter of, guys, we don't know where to get the money from. But I would strongly suggest that you talk to the County Executive-Elect and the incoming Police Commissioner about this, because we can't modify it now; we can't modify the budget until February to take effect in March.

**DR. COYNE:**

And I understand that, sir. We were just giving our perspective on this at the Commissioner's request.

**P.O. LINDSAY:**

Okay.

**DR. COYNE:**

On this legislation and its impact it may have on the Police Department.

**P.O. LINDSAY:**

It isn't legislation, it's part of a budget. We're not voting on anything today. The budget was passed.

**DR. COYNE:**

No, I understand that, sir. I think for future reference and future consideration, that's what we're talking about.

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

Mr. Chair, can I pose just one question to the Doctor? And the Presiding Officer is right, there is nothing for us that we can do now, but I think him being before us and him offering some of what I think is expert testimony or advice, and if I can just ask a couple of quick questions.

**CHAIRMAN EDDINGTON:**

Emphasis on the word quick.

**LEG. KENNEDY:**

I'll try to do it in about three or four. Good afternoon, Doctor. Thank you for being with us. How are you?

**DR. COYNE:**

Fine. Thank you.

**LEG. KENNEDY:**

Good. How long have you been a physician, sir?

**DR. COYNE:**

Thirty-one years.

**LEG. KENNEDY:**

Okay, very good. And you're a surgeon by trade?

**DR. COYNE:**

No, by trade I'm an Interventional Radiologist. I'm a specialist.

**LEG. KENNEDY:**

Very good. Thank you. How long have you been a Police physician, a physician attached to the department?

**DR. COYNE:**

The Suffolk County Police Department, 20 years coming up in 2012.

**LEG. KENNEDY:**

Okay, very good. And here's my question, it's very simple; in your medical opinion, are the people of Suffolk County better served by having our Police Officers as certified Emergency Medical

Technicians?

**DR. COYNE:**

Undoubtedly so, yes.

**LEG. KENNEDY:**

Okay. And do you believe that the way that they're trained now is superior to the way that they might be trained in alternative methods?

**DR. COYNE:**

Yes, sir, I do.

**LEG. KENNEDY:**

Okay. Thank you. Thank you very much.

**CHAIRMAN EDDINGTON:**

All righty. I appreciate you guys coming. Yes?

**COMMISSIONER DORMER:**

If I may, Mr. Chair?

**CHAIRMAN EDDINGTON:**

You may.

**COMMISSIONER DORMER:**

Very briefly. This will probably be my last appearance before the Public Safety Committee. Many months ago, even before the election, I announced that I was leaving at the end of the year, and that's my schedule. I'm leaving on my own. I have almost eight years in one of the -- I guess one of the best jobs that you could get anywhere. Here I am, an Irish immigrant, off the boat, ended up as Police Commissioner in the second largest County Police Department in the United States; San Diego County is number one, Suffolk County is number two.

I'm very proud of being in this organization, being part of this great community that gave me the opportunity, by the way, to attain this type of position. That's what this country is all about. I love this country, I love what it stands for. I love the Police Department, I love what it stands for. And as I leave, I'm leaving the department in good hands, the men and women of the Police Department who have worked very hard over the last eight years to keep crime down, okay. Over 20% crime is down in Suffolk County since I became Police Commissioner in 2004. And so the men and women of this department, I thank them for everything they've done for the people of Suffolk County.

And I, again, wish everybody here a Merry Christmas, a Happy New Year, happy holidays. I hope it's a healthy new year for everybody. And I hope that the fiscal issues that you deal with are going to be a thing of the past soon, because I know it's a burden on everybody sitting in front of me. And also the departments that have to work very hard under difficult situations for to serve the people that pay their salaries. Again, thank you very much. God bless everybody. And I'm sure I'll be -- maybe reading about you and smiling. And I know you're leaving, Jack. Wish you the best. Even though sometimes we had contentious times, we still kept it professional and I appreciate that. So God bless you again and good luck.

**CHAIRMAN EDDINGTON:**

Thank you very much. Okay.

*Applause*

I've been wanting to say this, so. In the criminal justice system, the people are represented by two agencies --

*(\*Laughter\*)*

-- the Police Department that investigates and the DA that prosecutes. And we have the DA right here, and if Mr. Spota could come forward and just give any insights and comments. Thank you.

**DISTRICT ATTORNEY SPOTA:**

Thank you very much for inviting me. Your letter, quite frankly, asks that I appear before the committee to give you whatever relevant information I might have with respect to the multiple investigations that are being conducted on Gilgo Beach. Let me just start by saying I absolutely commend the men and women in the Suffolk County Police Department and all the other agencies who have been working on this very, very complex case involving multiple crime scenes. And of course some of the remains are old, which makes it immeasurably more difficult. They've done an outstanding job.

As far as giving information, I should tell you that the District Attorney's Office, the way we conduct our investigations, we never publicly speak about investigative techniques, critical information that we derive at a crime scene or confidential theories of how a crime or crimes may have been committed. Because to do so, in my view, only will tend to minimize or impair or obstruct an investigation, and it does nothing -- to put it probably more plainly, it does nothing to advance the efforts to find the people who are responsible and to bring them before the bar of justice and convict them. In fact, it may even have a negative -- I know one of the Legislators had asked the Police Commissioner, "Do you think that publicly disclosing so much information is helpful." I disagree with what his conclusion is. I think that publicly disclosing theories or relevant, critical information that is found at crime scenes does just the opposite, and certainly that will come out. Any good defense attorney is going to be questioning the Police Officers with respect to how could you have all these multiple theories, what was happening, so on and so forth.

So with that in mind, I do want to just address one issue that was brought up before by the Police Commissioner himself when he says that the theory is that there is only one killer; I very, very much disagree with that theory. I don't know of anybody in the Police Department who is actively conducting the investigation who shares that theory. And quite frankly, the Commissioner and I unilaterally stated at a press conference in May that there is no evidence that all of the remains found are the work of a single killer. I was shocked, I was surprised when I got a call from one of the media one evening asking me why have we changed our theory from multiple killers to a single killer; I had no idea what that reporter was talking about. I immediately called the Chief of our Homicide Bureau, Janet Albertson, who is working hand-in-hand every day with the Homicide Detectives and she was dumbfounded. I had her call some of the Homicide people, they knew nothing about this theory.

So I just wanted to go into -- and quite frankly, I don't know why there was this unilateral change in theories. And I would never -- I would never even discuss this publicly except I think that the facts that have been disclosed so far do not bear out a single killer theory at all. The forensic foundations are misplaced. The homicides of the women who we have identified is Miss Costello, Miss Barthelemy, Miss Barnes and Miss Waterman are very clearly related. The similarities in the disposal of their bodies and other very critical forensic evidence that I am not going to discuss makes it very clear that those women were killed by one particular killer, or killers maybe.

The homicides of the two women whose remains were found at both Gilgo and Manorville, that young woman we have identified as Jessica Taylor. The other woman is yet unidentified; we do know it's a female. They are clearly related to each other and are no way related forensically to the homicides of Miss Costello, Barthelemy, Barnes and Miss Waterman. The manner in which their

bodies were disposed of, the manner in which they were killed are similar to each other and distinctly dissimilar to the women that I previously mentioned, the first four. The forensic evidence very clearly shows that whoever killed and dismembered Ms. Taylor and the other unidentified woman whose remains were found partially in Manorville, partially in Gilgo, went to great lengths to prevent their identities from being disclosed. Even to the extent of trying to remove a tattoo that was on the body of Miss Taylor. The other woman whose remains were originally found, also in Manorville and later in Gilgo, that woman has never been linked to the sex trade industry. We don't even know who it is. We have no clue at this point, hopefully we will. But there is absolutely no evidence that that person, that woman has been linked to the sex trade. And the reason I say that is because the Commissioner's theory of one killer is based upon the fact, as he stated here just before, that all of these people are related to the sex trade. We don't even know half of them, we have not yet identified who these people are.

I emphasize that the death of Miss Taylor and this other unidentified woman and the disposal of their remains, that person went to great, great efforts to conceal their identities. The person who killed Miss Barthelemy and Barnes and Costello and Waterman made no effort to hide their identities at all, none whatsoever.

The toddler, the Commissioner originally mentioned -- I am told, I did not see the show -- I was told on national TV he related that the toddler was related to one or two of the -- one of the Manorville women; that is not so. As he correctly told you today, the toddler has been related forensically by DNA to one of the remains of the woman who was found in Nassau County. To say that the woman who was found in Nassau County is in the sex trade industry is -- I don't know how he can come to that conclusion; we have no idea who that person is, no idea. The child had no apparent trauma and we don't know the cause of death of the child yet.

The male that the Commissioner spoke about, there is no evidence -- yes, he was dressed in female clothing. There are people who cross-dress, we all know that. But the manner in which he died, the cause of death are absolutely different from all of the others, all of the others. I just wanted to point that out, because I just think that we can't seem to understand, and I don't think it's healthy for us to be talking about a single killer theory. Quite frankly, I would not have discussed a multiple killer theory except for back in May when we went all through this with the Commissioner standing right now next to me, there were so many inquiries because of information that was being given out to the media, people were confused. And the Commissioner and I stood next to each other and we went through this in greater, far greater detail than I'm doing today. So that's why.

I have to tell you that in our office, the DA's Office and the Homicide Squad work hand-in-hand. The moment that the Police are called to any crime scene and they determine it to be a homicide, the prosecutor is called out immediately, they're right there and that's the way we've always worked it. And for me to have to call a prosecutor to answer a question from somebody in the media that we now have a different new theory, it's disturbing. It really and truly is disturbing. And I just wanted to bring that to your attention. It makes -- in my view, it just makes a very difficult investigation even more difficult.

**CHAIRMAN EDDINGTON:**

Well, I appreciate your openness and frankness. It certainly informs us and that's all -- we just want -- at least I always just wanted to know what I could pass on to my constituents.

**DISTRICT ATTORNEY SPOTA:**

Yeah.

**CHAIRMAN EDDINGTON:**

And not anything that you felt was going to jeopardize your investigation. So I appreciate you coming and at least clearing that up because, I mean, you know that's what's being discussed all

through the communities, and at least we can respond intelligently. Is there anybody that had a question for the District Attorney?

**DISTRICT ATTORNEY SPOTA:**

It's being discussed throughout the communities because it's being -- it was something that was stated on national television, and I only wish that we had had the opportunity beforehand to sit down. To this day, from the day he made that announcement, he has never ever mentioned it to me. He has never mentioned it to the prosecutor and to my knowledge, none of the Homicide Investigators who were assigned to Gilgo investigation; I may be wrong on that, but I don't think so.

**CHAIRMAN EDDINGTON:**

So maybe I should take the blame, because I've been asking him for six years to be more open and communicative and he has at the last minute, but way over the top. Did anybody have a question for the DA?

**P.O. LINDSAY:**

Just to thank you for your patience in waiting and responding to our request for information. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. And have a good holiday, if we don't see you.

**DISTRICT ATTORNEY SPOTA:**

Thank you. You too.

*(The following was transcribed by Kim Castiglione, Legislative Secretary)*

**CHAIRMAN EDDINGTON:**

Okay. We have to do the agenda?

**LEG. CILMI:**

Minor detail.

**LEG. KENNEDY:**

Mr. Chair, on the agenda we've had many speakers here as you well know, and thank you. I'm going to make a motion to take IR 1968 out of order so we can hopefully have them get home before dinner.

**LEG. CILMI:**

I'll second.

**CHAIRMAN EDDINGTON:**

Okay. I have a motion and a second to take IR 1968 out of order. All those in favor? Approved? Okay, we'll take it out of order.

So we have in front of us ***IR 1968, A Local Law to protect public safety at reproductive health care facilities.*** (Viloria-Fisher)

**LEG. KENNEDY:**

Okay. I'm going to make a motion to table, Mr. Chair.

**LEG. CILMI:**

I'll second that.

**CHAIRMAN EDDINGTON:**

Okay. I have a motion to table and a second. On the motion, Legislator Browning.

**LEG. BROWNING:**

Well, I believe there's been some questions as far as the legislation was written, how it was drafted, and I'd like to kind of get some clarification. I believe the County Attorney -- I don't know if Mr. Brown is still here.

**CHAIRMAN EDDINGTON:**

He's here.

**LEG. KENNEDY:**

Yes, Mr. Brown is here.

**CHAIRMAN EDDINGTON:**

Two attorneys are always better than one, right? Can we have George? All right. Let me have the attorney, Mr. Brown.

**MR. BROWN:**

Was there a question? I'm sorry, I didn't hear it.

**LEG. BROWNING:**

Yeah, I believe there was some questions as far as how the bill was drafted. I mean, I know -- we have had legislation in the past to try and prohibit, you know, people from gathering, loitering, whatever you want to call it, which is something I never supported, simply because the people over here today talking about their right to protest and do what they wanted to do. I said I wouldn't support, you know, that bill back then because it would prohibit everybody from being able to have their First Amendment right. But I'm just curious, is there an issue with this bill as far as how it's drafted right now?

**MR. BROWN:**

Well, if the bill were adopted by the Legislature and approved by the County Executive it's -- it would be presumed to be Constitutional, and anybody that had challenges with respect to the bill, they would have a heavy burden in showing that it's unconstitutional. There's a severability clause in the bill so that if any of the provisions were found to be vague or ambiguous or maybe difficult to enforce or somehow -- some people said discriminated against, it was discriminatory. I won't go that far, but let's say a court found that some portion or portions of the bill are found to be vague or ambiguous, those portions could be carved out and the bill would still be a good bill, still be a good County Law.

**LEG. BROWNING:**

We passed a bill not too long ago with the funerals and prohibiting people from protesting military funerals and keeping them at bay. What's the difference between that and this one?

**MR. BROWN:**

Well, with respect to this bill, this bill is to -- this bill seeks to stop people from interfering with access to clinics where abortions are offered. The other type of -- the other bill dealt with protests at funerals, either at cemeteries or churches or synagogues, with respect to soldiers who had died. And the protest, in those cases, were -- had to do with policies of the military, I believe, with accepting gays in the military and of that nature. And that bill originally arose out of a case that was argued before the Supreme Court of the United States a couple of years ago, and those types of protests with certain types of reasonable restrictions, because people do have a right to protest, with certain types of reasonable restrictions was upheld and this -- that bill that was sponsored by Legislator Stern attempted to codify some of those parameters that were set forth in that Supreme

Court case.

**LEG. BROWNING:**

I'm not sure if I got the answer I wanted.

*(Laughter)*

**P.O. LINDSAY:**

Why don't you ask George.

**LEG. BROWNING:**

Maybe George --

**CHAIRMAN EDDINGTON:**

Can you tell us what he said first?

*(Laughter)*

**LEG. BROWNING:**

I'm trying to understand what the difference is because, you know, I respect their right -- to me what they're doing is a form of protest.

**MR. BROWN:**

In Legislator Stern's bill certain distances were established where people could carry on protest.

**LEG. BROWNING:**

Right.

**MR. BROWN:**

This bill does also have a 35 foot zone around clinics as well.

**LEG. BROWNING:**

But it doesn't -- and it's not prohibiting their right to protest.

**MR. BROWN:**

Well, if you're asking me the question is the 35 foot reasonable or unreasonable, if that would qualify as some type of unconstitutional restriction. When a restriction is placed on speech there has to be a legitimate interest that's being regulated, and it can't be too excessive. So people have a right to have access to the clinics, but people also have a right to speak and to protest that abortions are allowed in the United States. So if -- so the regulations have to balance the rights of people to seek access to the clinic and the right of people to speak.

**LEG. BROWNING:**

I'm -- George, you want to jump in?

**MR. NOLAN:**

Well, I would just say a couple of things. First of all, I believe we could pass a bill that creates a buffer zone around these clinics. However, an issue has been raised about the way the bill is drafted, that the provision related to the 35 foot buffer may be overbroad in that it basically states people cannot be in that 35 foot zone. So I believe if we passed this bill we would have to amend it early next year, soon as possible, to make it clearer. For example, the way the bill is drafted now a person walking in front of the clinic to go -- having nothing to do with protesting abortion, a person just walked by within the 35 foot zone, they could technically be in violation of this law. So the bill has to be tightened up, the language has to be tightened up. We could do it now except that at the

end of the year all these bills will die. Or if we can pass it, we could amend this bill early next year if there is a sponsor willing to do that.

So I think we can pass a bill that creates a buffer zone around these clinics, that's within our power in my opinion, but, you know, this is a drafting error really by me. I think we need to tighten up the language of this bill at some point to make it so that it would withstand a challenge.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN EDDINGTON:**

Yes, Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. First as to the comments by our Legislative Counsel. I appreciate the fact that you are providing us with two alternatives, George, but I would say to you as the Legislator who has three of these reproductive health facilities in his legislative district, and has indicated to Planned Parenthood I would be happy to speak with them, and for that matter insist that any criminal conduct is prosecuted swiftly and expeditiously, I would urge my colleagues not to go ahead and burden my constituents with conduct that is legal and protected conduct, which is something as simple as passing on a public sidewalk in Smithtown. That is not something that we're in the business of doing. In my eight years here, I've never seen any of us willfully move forward to selectively put citizens in jeopardy for merely moving across a public sidewalk.

I'll then go further and ask Mr. Brown if we can, and/or George, in this area, some of the elements of the bill are absolutely duplicative of both State and Federal criminal statutes that we have in place. Isn't that correct?

**MR. BROWN:**

That's correct.

**LEG. KENNEDY:**

So in other words, if we look to the New York State Penal Code, this conduct is by definition made a misdemeanor.

**MR. BROWN:**

There's a Federal Law and State Law that seek -- that protects the same type of access to clinics that this bill seeks to do.

**LEG. KENNEDY:**

Right. As a matter of fact, the Federal Law goes so far as to make repeat offenses a felony. Felony. I'll share with my colleagues contact to the 4th Precinct this morning related that there was no body of arrest records or prosecutions associated with this organization. So I would say to my colleagues that what we're looking at is a solution in search of a problem. Therefore, I'd ask you to table it, and as I've said, I would be happy to move forward with something such as this if it were a pervasive and supported incident in my legislative district, or for that matter anybody else's, but as of right now it is not. Thank you.

**CHAIRMAN EDDINGTON:**

Okay. I think I'm -- my tendency is to go by the rule that my father used to say, that your freedom ends where my ears and nose begins. So, you know, I think that if you're yelling and screaming and shouting and in some cases using a megaphone, I think it's intimidation and bullying. I don't care if you're 88 years old or you're 14 years old, and I abhor it no matter where it comes, just that alone. So I'm not going to be supporting the tabling. I'm going to make a motion to approve.

**LEG. GREGORY:**

I'll second that motion, Mr. Chair. My -- if I may. My concerns are to what wasn't said today. I know that the opponents of the bill stated that, you know, the language in the bill, there's no shoving or interfering, but the question that comes to my mind instantly is -- and it was omitted by those who spoke before, that they're handing information out to people that are trying to enter the center. I'm very familiar with the center on the corner of 111 and what is it, Nesconset?

**LEG. KENNEDY:**

347, yes.

**LEG. GREGORY:**

And on more than one occasion I have seen demonstrators outside or protestors. How is it possible that someone protesting on a sidewalk has access to someone entering a building that's on the facility if they're not entering the premises. So immediately comes to mind that they're leaving the public sidewalk, entering the facility, some have called it trespassing, but at least on the property, approaching these people as they're exiting their cars or entering the building or entering their cars after exiting the building. Preferably the other way around I guess. That could be intimidating, I would imagine, to a 20-something year old female, 120 pounds, and you have -- I have always seen four or five people. I imagine if more than one person approaches this young woman who, you know, I don't think anyone will say this is an easy decision for a woman to make, mentally and emotionally distraught, is approached by a stranger and having information put in her face. And I'm sure there are comments to persuade this person to change their decision, how you can define that as not being intimidating. If it's strictly to protest I don't see anything wrong with a 35 foot buffer, but when you're invading or entering someone's personal space, approaching someone on private property, I can easily see how that would be intimidating to a person.

**LEG. KENNEDY:**

But a public sidewalk is not private property.

**CHAIRMAN EDDINGTON:**

Hold on a second.

**LEG. KENNEDY:**

Okay.

**LEG. GREGORY:**

No, what I said was they're exiting -- I mean, obviously, I mean they're not on 347 going into the facility. They're going into the parking lot, parking their vehicle, entering the building. Those who testified earlier today said well, we approach them and give them information. Well, they're not exiting the parking lot to go to the sidewalk to go into the building, so it must be that the protesters are exiting the sidewalk, entering the parking lot as these people are trying to enter the facility and giving them information.

**UNKNOWN AUDIENCE MEMBER:**

No, no. It's a driveway.

**UNKNOWN AUDIENCE MEMBER:**

No.

**CHAIRMAN EDDINGTON:**

There will be silence out there. You had your chance and we listened for over an hour. Now it's our turn to discuss it and debate it.

**LEG. GREGORY:**

That's the only logical conclusion I can see, if they are entering the private property to approach someone, please, you know, take this information and whatever the case may be. The physical assault -- I don't know, I have never witnessed that, but certainly approaching someone, you can't approach someone from a sidewalk if they're on the premises. That's just commonsense I think.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

You know, I was thinking about supporting this and getting it out to the floor for next week, but I -- based on the information from Mr. Brown and from George, I'm a little concerned about the constitutionality of this, and if we're going to pass a bill we need to pass it right the first time.

You know, I'm not going to get into the issue of whether abortion is right or wrong. You know, nobody likes abortion, but not every woman who walks into Planned Parenthood is going in for an abortion. They do provide a service to women who -- especially those who are poor who need assistance with either birth control or if they are pregnant and want to continue with that pregnancy. But I do have an issue with -- if someone is trying to throw information in their faces because you might be throwing information at their face that they're not even going for an abortion but they're feeling intimidated.

So I respect everyone's right to protest, whether it be a peaceful prayer protest or, you know, yelling out loud. You have that right as American citizens to be able to speak up because where I came from I wasn't allowed to do that when I was younger. You would have got arrested or shot at, and so I will never support ever trying to prevent anybody from speaking their mind.

I am concerned, like I said, I do believe that we need to make sure that we restrict and respect the rights of the people who go into the center. So I think what I would like to do is see a tabling motion today and maybe the new Legislator will be entrusted in picking that up and maybe crafting the bill where it would respect the rights of the protestors, but also the rights of the people who go into the Planned Parenthood centers.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chair, we have listened and we've heard the debate. I've tried to articulate the concerns I have. I will certainly speak with Legislator Gregory and yourself and all my colleague Legislators. Having spent many Saturday mornings going past the 111 and 347 location, I can assure you that protestors are physically outside the building. And as a matter of fact, there are some issues about whether or not a 35 foot stay away from the perimeter of the property might put them physically in the middle of the intersection, which would then be a gross injustice.

I've gone through the Supreme Court legislation on it. One of the representatives from Planned Parenthood talked about an appropriate time, place and manner restriction, but it's actually the test these days is the least restriction on speech and content.

Mr. Chair, I agree with you a hundred percent. Nobody should be subject to criminal conduct. And what you just articulated is criminal conduct, and what I've explained and encouraged Planned Parenthood to do if they are subject or their patients are subject to criminal conduct, is to request that a Police Officer come and to make an arrest. We have a methodology in place to address criminal conduct without this bill.

It is flawed, and quite frankly, as being one of the members on the Ways & Means Committee, who's been privileged to sit on the Ways & Means Committee, I can't in good conscious support something that may result in yet another lawsuit with a judgment against the County of Suffolk County. Because as the Presiding Officer says, we're broke. We have no money. And as an officer of the court, I'm duly bound to uphold the Constitution of this country and the State of New York, and Roe v. Wade is the law of the land. This, in my mind, is not so much a question about abortion as it is free speech. And these people are articulating a right to free speech, just as the national socialist party did when it marched in Skokie, Illinois with Nazi swastikas. Free speech is not always pretty speech, but that's why it is called free speech, and that's what we protect in this country.

I'll ask that the vote get moved.

**CHAIRMAN EDDINGTON:**

Okay. I have a motion to table and a second. All those in favor? Opposed? Opposed.

**LEG. GREGORY:**

Opposed.

**CHAIRMAN EDDINGTON:**

Abstentions? Okay. The motion is tabled. *(Vote 4/2/0/0 Legislators Eddington and Gregory Opposed; Presiding Office Lindsay is included in the vote)*

I want to apologize to the Labor Committee Chairman, Mr. Cooper. We are going to be few minutes over here.

**Tabled Resolutions**

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

**P.O. LINDSAY:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table. I'll second that. All those in favor? Opposed? Abstentions? *(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)*

*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)*

I will make a motion to table.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? *(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)*

*IR 1924, A Local Law to broaden enforcement of the County's outdoor wood-burning furnace laws. (Eddington)*

I will make a motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? *(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)*

*IR 1969, A Local Law to amend the selection process for certain members of the Portable Fire Extinguishing and Automatic Fire Extinguishing Systems Licensing Board. (Co. Exec.)*

I'll make a motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? *(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)*

*IR 1984, Approving an increase in the fleet for the Suffolk County Sheriff's Office, at no cost to the County pursuant to a DWI seizure. (Co. Exec.)*

I will make a motion to table.

**LEG. CILMI:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

I have a motion to approve. Second to the motion to table. All those in favor? Opposed?

**P.O. LINDSAY:**

To tabling?

**CHAIRMAN EDDINGTON:**

To table, yeah. We don't have a second for approve.

**LEG. CILMI:**

Opposed to tabling.

**CHAIRMAN EDDINGTON:**

Okay. One opposed. *(Vote: 5/1/0/0 Legislator Cilmi opposed; Presiding Officer Lindsay is included in the vote)*

*IR 2035, A Local Law to increase certain administrative fees for Probation Department. (Pres. Off.)*

**P.O. LINDSAY:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Lindsay. I'll second that. All those in favor? Opposed? Abstentions? *(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)*

## Introductory Resolutions

***IR 2070, Accepting and appropriating a grant in the amount of \$120,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels VIII Program with 82.29% support. (Co. Exec.)***

I'll make a motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)***

***IR 2076, Accepting and appropriating Federal funding in the amount of \$16,000 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 81.53% support. (Co. Exec.)***

Same motion, same second. All those in favor? Opposed? Abstentions? Thank you. ***(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)***

***IR 2077, Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 81.53% support. (Co. Exec.)***

Same motion, same second. All those in favor? Opposed? Abstentions? ***(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)***

***IR 2116, Setting Police Department fees. (Pres. Off.)***

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Lindsay. I will second that. All those in favor? Opposed? Abstentions? ***(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)***

***IR 2124, Appropriating funds in connection with safety improvements at Police firearms shooting range (CP 3111). (Pres. Off)***

**P.O. LINDSAY:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Lindsay. I will second that. All those in favor? Opposed? Abstentions? ***(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)***

***IR 2125, Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135). (Pres. Off.)***

**P.O. LINDSAY:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Lindsay. I will second that. All those in favor?

**LEG. GREGORY:**

I have a question.

**CHAIRMAN EDDINGTON:**

On the motion.

**LEG. GREGORY:**

This is just a replacement vehicle, Counsel?

**P.O. LINDSAY:**

Maybe, Mr. Chairman, I could just clarify because I'm the sponsor of most of these resolutions.

**CHAIRMAN EDDINGTON:**

Sure.

**P.O. LINDSAY:**

These are all appropriating resolutions for projects or equipment that was put in the Capital Budget that the County Executive saw fit not to move forward with appropriating the money. If we don't do this the funding will die. Because we appropriate the money doesn't necessary mean that we have to go forward with the purchase or the project, but it keeps the money alive for the next Police Commissioner, the next County Executive, to decide whether they want to move forward with it or not.

**LEG. GREGORY:**

But it is replacements vehicles.

**P.O. LINDSAY:**

I believe so.

**LEG. GREGORY:**

Right, okay. Thank you.

**CHAIRMAN EDDINGTON:**

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? **(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)**

***IR 2132, Appropriating funds in connection with the purchase of additional helicopters (CP 3117). (Pres. Off.)***

**P.O. LINDSAY:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Lindsay.

**LEG. CILMI:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Let me second the motion, and a motion to table by Legislator Cilmi.

**LEG. KENNEDY:**

I will second the motion to table for purposes of discussion.

**CHAIRMAN EDDINGTON:**

Okay. We have a motion and a second to table. Okay, on the motion. Legislator Cilmi.

**LEG. CILMI:**

If we have somebody here from the PD who can speak to this. I believe, correct me if I am wrong, Budget Review, but I think this is a seven and a half million dollar purchase.

**MR. LIPP:**

That's correct.

**LEG. CILMI:**

Is there anyone from the department hierarchy that could speak to this, to the need for this helicopter? It's just, you know, I recognize that it's in the budget, it's just that it's a tremendous expense at what we all know is a very difficult time, and I would just like an explanation.

**P.O. LINDSAY:**

I don't see anybody here, but I would suggest that it go to the full floor and be discussed, because if it doesn't get out of committee now it dies. And from what I know about it, and the worthiness of it or not I agree it's a huge expense. But this is to trade-in one of our single engine helicopters, which really isn't appropriate for rescue missions, medical rescue missions, for a twin engine. At one time we had two twin engines, we had two single engines, and this is to revert back to that policy. And again, this is a project that maybe we would want to assess whether we want to move forward, but I don't think it should be done at the committee status. I think it should move forward, we should get more of a report, because, again, if this -- if it dies in this committee it's dead.

**LEG. CILMI:**

Well, I mean, in deference it's -- there's always an opportunity in our next Capital Budget cycle to put it back in.

**P.O. LINDSAY:**

Yeah, but you wouldn't be able to do this now until 2013. We can't do it next year.

**LEG. KENNEDY:**

Mr. Chair, there are some questions that I have that I think are only going to be able to be satisfied by contact with the department, but obviously we should give the body the opportunity to make this decision. As you've pointed out so many times, and unfortunately you and I know far too well, 2012 is bleaker than 2011 has been and, you know, the debt service has been an elusive piece that is projected to climb exponentially. So I will offer a motion to discharge without recommendation, but between now and Tuesday I guess I'm really going to need to see what the status of the fleet is and whether or not this is really a necessity for next year.

**P.O. LINDSAY:**

That's fine.

**CHAIRMAN EDDINGTON:**

Okay. Then we have a motion to discharge without recommendation.

**LEG. CILMI:**

I will withdraw my tabling motion.

**CHAIRMAN EDDINGTON:**

Okay, and then I will second the discharge without recommendation. All those in favor? Opposed? Abstentions? Okay. *(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)*

*IR 2146, Appropriating funds in connection with upgrade and reinforcement of Hauppauge tower (CP 3238). (Pres. Off.)*

**LEG. KENNEDY:**

I'm going to make a motion to approve on this one, but I need somebody to tell me the physical location. I'm familiar with two different towers here in the Hauppauge area, and I need to find out. Robert, is this the one up on the Expressway?

**MR. LIPP:**

I'm not sure which one it is.

**LEG. KENNEDY:**

Because that one is used by Federal agencies. I know they transmit signals as far away as Jersey. U.S. Marshal is on that, several emergency frequencies are off of it, but we don't know? Does anybody from the County Executive's Office know?

**MR. LIPP:**

The only thing I would say is it's planning money. It's not necessarily a priority. It could probably be deferred, but I would have to defer to the department how important they thought it was.

**LEG. KENNEDY:**

How much is it for?

**MR. LIPP:**

It's for \$100,000.

**LEG. KENNEDY:**

Okay. I'm going to withdraw my motion to approve. I will make a motion to table.

**LEG. CILMI:**

I will second.

**CHAIRMAN EDDINGTON:**

Okay. We have a motion to table and a second. All those in favor?

**LEG. GREGORY:**

You said motion to table?

**CHAIRMAN EDDINGTON:**

Yeah.

**P.O. LINDSAY:**

Why don't you discharge it with recommendation again and get more information on it.

**LEG. KENNEDY:**

Okay. Oh, all right. Then I will withdraw due to discharge without recommendation and --

**LEG. CILMI:**

I will second the --

**LEG. KENNEDY:**

I'll have a better handle on it by Tuesday.

**CHAIRMAN EDDINGTON:**

Okay. We have a discharge without recommendation, Legislator Kennedy; second by Legislator Cilmi. All those in favor? Opposed? Abstentions? **(Vote: 6/0/0/0 Presiding Officer Lindsay is included in the vote)**

Okay. This ends my tenure as Chair of Public Safety. It's been enlightening and entertaining. Thank you very much. Bye-bye.

***(Applause)***

***(The meeting was adjourned at 1:13 PM)***