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PUBLIC SAFETY COMMITTEE
Of the
Suffolk County Legislature
Minutes

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, February 2nd, 2017 at 9:30 am.

Members Present:

Legislator Kate Browning - Chairperson
Legislator Robert Calarco - Vice-Chair
Legislator Kara Hahn
Legislator Bridget Fleming
Legislator Monica Martinez
Legislator Leslie Kennedy
Legislator Tom Cilmi
Legislator William Spencer
Presiding Officer DuWayne Gregory

Also In Attendance:

Sarah Simpson - Assistant Counsel to the Legislature
Jason Richberg - Clerk/Suffolk County Legislature
Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature
John Ortiz - Senior Budget Analyst/Legislative Budget Review Office
Josh Slaughter - Aide to Legislator Browning
Michael Pitcher - Aide to Presiding Officer Gregory
Christina DeLisi - Aide to Presiding Officer Gregory
Alyssa Turano - Aide to Legislator Hahn
Liz Alexander - Aide to Legislator Spencer
Elizabeth Sutton - Aide to Legislator Fleming
Maria Barbara - Aide to Legislator Cilmi
Ali Nazir - Aide to Legislator Kennedy
Eva Greguski - Aide to Legislator Calarco
Greg Moran - Aide to Legislator Trotta
Katie Horst - Director-Intergovernmental Relations/CE's Office
John Marafino - County Executive Assistant
Jason Hann - County Executive Assistant
Robert Braun - Deputy Bureau Chief/County Attorney's Office
Michael Homan - Lieutenant/Chief of Department's Office - SCPD
Kerri Souto - Director of Government Relations/SCPD-Commnr's Office
Vincent DeMarco - Suffolk County Sheriff
Joseph Caracappa - Undersheriff/Suffolk County Sheriff's Office
Mike Sharkey - Chief Deputy Sheriff/Suffolk County Sheriff's Office
Anthony Papparatto - Chief of Staff/Suffolk County Sheriff's Office
Michael Smith - Lieutenant/Suffolk County Sheriff's Office
Kristin MacKay - Director of Public Relations/SC Sheriff's Office
Dr. Michael Caplan - Suffolk County Medical Examiner
Liza Wright - Senior Budget Analyst/SC Medical Examiner's Office
Lou Tutone - 1st Vice-President/Suffolk County PBA
Lou Civello - Precinct Trustee/Suffolk County PBA

1 Jim Roddin - Trustee/Superior Officer's Association
2 John Becker - President/Deputy Sheriffs PBA
3 Artie Sanchez - 2nd Vice-President/Deputy Sheriffs PBA
4 John Cowie - President/Suffolk County Superior Officers Assoc.
5 George Michels - Trustee/Suffolk County Detective's Association
6 Dave Gallagher - Suffolk County Detective's Association
7 Joe Callari - Vice-President/SC Association of Municipal Employees
8 All Other Interested Parties
9

10 **Minutes Taken By:**

11 Alison Mahoney - Court Stenographer
12

13 *(*The meeting was called to order at 9:34 A.M. *)*
14

15 **CHAIRPERSON BROWNING:**

16 Okay, good morning. We will start the Public Safety meeting and we
17 will start with the Pledge of Allegiance led by Legislator
18 Martinez.
19

20 ***Salutation***

21
22 And a moment of silence, as always, for the men and women who
23 protect our country at home and abroad; and we can only hope that
24 2017 is a better year for our law enforcement.
25

26 ***Moment of Silence Observed***
27

28 Thank you. So I was contacted by Probation, Director of Probation;
29 Patrice is unable to be here this morning. And I know Joe
30 Williams, our Commissioner of FRES, has been ill, so we wish him --
31 I believe he has just returned to work, so I'm hoping that he's
32 feeling much better.
33

34 Again, this is our first Public Safety meeting -- oh, wow, I can't
35 believe it -- the first of the year, so I'm just hoping everyone is
36 doing well. And I believe, Deputy Sheriffs, I think you're close
37 to an agreement. Would you like to give us an update on how things
38 are going?
39

40 **MR. BECKER:**

41 Madam Chair, Legislators, good morning. Yeah, we've taken a very
42 positive turn in our negotiations. I've been working very closely
43 with the Chief Deputy County Executive and the Director of Labor
44 Relations, we have the framework of an agreement. There are still
45 some details that we're ironing out, but I'm confident we'll be
46 able to address those and hopefully we'll be presenting to the full
47 Legislature very shortly.
48

49 **CHAIRPERSON BROWNING:**

50 Okay, good. Thank you. We wish you luck. I was hoping for a
51 Merry Christmas, but we'll take anything these days.
52

53 So we have Sheriff DeMarco is here this morning. Sheriff, if you'd
54 like to come forward. There was, obviously, a newspaper article
55 not too long ago about ICE detentions and changes in policy, so
56 that's why I've asked the Sheriff to come to explain what exactly

1 has gone on. And Sheriff, if you don't mind me saying, I thought
2 that that was a press release that you had sent out, to find out
3 that that press article was not from you but from some other
4 people.

5
6 So anyway, I'm going to give you the floor. If you'd like to go
7 ahead and just explain to us what the former policy was and why you
8 stopped turning people over to ICE and what has changed and when
9 you made -- when that decision was made to change it.

09:37AM 10

11 **SHERIFF DEMARCO:**

12 Well, just I could, we never stopped turning people over to ICE.
13 In 2014, Sheriff's Offices around the country were sent a letter
14 from the ACLU regarding two Federal lawsuits -- one in Oregon, one
15 in Pennsylvania -- where the Federal courts ruled that detaining
16 someone for 48-hours based on an ICE detainer, solely on an ICE
17 detainer, after they otherwise would have been released violated
18 the Fourth Amendment of unlawful search and seizure, and because
19 there was no probable cause for the local jurisdiction to hold the
20 person for an additional 48-hours if ICE requested it, which was
21 not always the case.

09:38AM 22

23 I sent that letter to the County Attorney, Dennis Browning, who
24 issued an opinion that said if ICE requests you to hold someone for
25 an additional 48-hours after they would have otherwise been
26 released, you should require a judicial warrant to have probable
27 cause to hold them. The State Sheriff's Association also issued a
28 similar opinion. Fast forward to September of this year, I was
29 made aware that ICE had changed their detainers and their
30 administrative warrants from the Director of the Department of
31 Homeland Security. The Immigration and Naturalization Act gives
32 the Department of Homeland Security the ability to issue
33 administrative warrants; they changed their language and added
34 *probable cause* to those, to that paperwork.

09:39AM 35

36 There were a couple of articles in the end of September, October.
37 I was contacted by Legislator Cilmi and we started discussing, you
38 know, what was going on with this stuff. There is an organization
39 called the Center for Immigration Studies that had Suffolk County,
40 among many counties in New York State, listed as sanctuary counties
41 which we felt was not necessarily the case. We have ICE officers
42 assigned to the correctional facility since 2006 and we fully
43 cooperate and share information with them, so we felt that was
44 erroneous. I know Legislator Cilmi had many conversations with
45 that organization.

09:39AM 46

47 Something to also note is that there's no illegal definition of a
48 sanctuary city; it's sort of a made-up term and everybody -- so the
49 Center for Immigration Studies has their definition of it. The
50 Department of Homeland Security has a loose definition of it, but
51 they never considered us a sanctuary because we fully cooperated
52 with them. There are obviously cities around the country that call
53 themselves sanctuary cities, but there's no legal definition of it.
54 But Suffolk County has always fully cooperated with the Department
55 of Homeland Security in these cases, and through the work of
56 Legislator Cilmi and myself, we were able to have the Center for

09:40AM

1 Immigration Studies see it our way and we are no longer on their
2 list. I think there are just seven counties in New York State that
3 are even on their list anymore, and some of them are still
4 erroneous and the Sheriffs are fighting to be taken off.

5
6 But anyway, so in September of 2016 I was made aware that ICE
7 changed their paperwork. I had a conversation with Legislator
8 Cilmi. On October 18th ICE came to me see me with their new
9 paperwork and they said that they changed their paperwork to
09:41AM 10 address the issues that were brought up in those two Federal
11 lawsuits, so municipalities felt more comfortable that if they did
12 request you to hold someone for an additional 48-hours, that this
13 would deal with the constitutional issue. I sent that paperwork
14 over to the County Attorney, along with a lawsuit, a State Supreme
15 Court lawsuit out of Nassau County that ruled in favor of Nassau
16 County and the administrative warrants and the detainers with
17 probable cause. The County Attorney issued an opinion that said
18 that we could -- that that was sufficient probable cause to hold
19 somebody if we were requested to.

09:41AM 20
21 During that time period between 2014 and December of 2016, all we
22 did was tell ICE that, *Listen, if you want somebody and they're*
23 *going to be released, you just have to take them immediately*, which
24 for the most part they did. So when Dennis issued his opinion, we
25 -- I issued a memo to our record room that said if ICE gives us a
26 detainer that includes probable cause, they also have to give us an
27 administrative warrant which lists probable cause to hold someone,
28 and if they request you to hold someone for up to 48-hours we will
29 do so, and that's where we are now.

09:42AM 30
31 **CHAIRPERSON BROWNING:**

32 So I'm going to leave it -- does anyone have any questions? No?
33 Okay, well, I do.

34
35 **LEG. FLEMING:**

36 Yeah, you go, Kate.

37
38 **CHAIRPERSON BROWNING:**

09:42AM 39 Okay. So basically this policy change -- because obviously when
40 you read it in the paper, it appears that it's a post-election
41 effort on your part. And I know we have had the conversation that
42 this goes back to September, October of last year when you -- when
43 this policy changed. So, you know, curiosity is I know that we
44 read some articles not too long ago, a couple of years ago, about
45 traffic court and people going to jail out of traffic court, and I
46 think there's been some concern from people is, you know, is this
47 people with a minor traffic infraction that maybe didn't pay their
48 fines and fees and wind up in the jail on traffic infractions?
09:43AM 49 And, you know, they're really -- they're not felons, they didn't
50 really do anything that bad, they're not bad people and thinking
51 that, you know, these are the kind of people that ICE is coming in
52 to pick up. So can you clarify what -- when you say probable
53 cause; so what type of people are they that they're picking up?
54
55
56

1 **SHERIFF DEMARCO:**

2 Well, two things. One is when people get remanded from the Traffic
3 Court and wind up in the jail, ICE is not really interested in them
4 unless they have a prior conviction for a crime; a felony, three
5 misdemeanors or a significant misdemeanor. Traffic offenses are
6 not crimes, so I'm not aware of anyone who has ever had a detainer
7 put on them for a traffic offense. But I do have a list of people
8 that I had done last night, so it's the most up-to-date I can get,
9 of the people in the jail that do have detainers on them and their
09:44AM 10 charges. I'm not going to give you their names, some of them are
11 kind of -- well, I don't want to publicize it anyway, but some of
12 them are still ongoing investigations and are sensitive.
13

14 **CHAIRPERSON BROWNING:**

15 But they are obviously --
16

17 **SHERIFF DEMARCO:**

18 But I'd like to read every charge so you guys get -- and it's going
19 to take me a minute, but I want to let you know the type of people
09:44AM 20 that have detainers on them and the people that ICE are interested
21 in. So *Burglary 1; Assault 2; Assault 2; Assault 2; Burglary 2;*
22 *Forcible Touching; Murder 2; Possession of a Forged Instrument;*
23 *Criminal Possession of a Weapon 2; DWI; Leaving the Scene of an*
24 *Accident; DWI with two priors; Rape 2; Sexual Misconduct; Criminal*
25 *Possession of a Weapon 2; DWI; Criminal Possession of a Weapon 2;*
26 *Possession of a Forged Instrument; Sex Abuse 1 with a Victim Under*
27 *13; DWI with a second conviction; Sex Abuse 1; Criminal Possession*
28 *of a Weapon 2; False Impersonation; Criminal Sexual Act; Violation*
29 *of Probation on a DWI; Criminal Contempt; Criminal Trespass;*
09:45AM 30 *Criminal Sale of a Controlled Substance 1; Robbery 1; Aggravated*
31 *DWI, which is a felony; DWI; another felony DWI; Criminal*
32 *Possession of a Weapon 2; another Felony DWI; Petit Larceny;*
33 *Criminal Sexual Act; Rape 1; Aggravated Unlicensed Driver; Felony;*
34 *False Impersonation; DWI with a Previous Conviction; another Felony*
35 *Aggravated Unlicensed; Grand Larceny 4; Grand Larceny 4; Assault 2;*
36 *Assault 1; Sex Abuse 1; Assault 2; two prior DWIs; Criminal*
37 *Mischief 4; Rape 2; Assault 2; Criminal Sale of a Controlled*
38 *Substance 2; Assault 2; Criminal Mischief 4; Assault 1; Petit*
09:46AM 39 *Larceny; Kidnapping 2; Burglary 3; Sex Abuse 1; DWI; Rape 3;*
40 *Possession of a Forged Instrument; DWI with a Prior; Rape 1;*
41 *Burglary 2; Arson 3; DWI with two priors; Rape with an Under*
42 *11-year old victim; Menacing 2; Assault 1; Murder 2; Rape 1;*
43 *Burglary 1; Assault 1. This is an abbreviation, but I think it's*
44 *Operating a Major Drug Trafficking something, I don't know what*
45 *they wrote here; Loitering 1; Sexual Act with a Child; Assault 2;*
46 *Rape 3; Sex Abuse 1; two prior DWIs; Leaving the Scene of an*
47 *Accident; Criminal Possession of a Loaded Firearm; Felony DWI;*
48 *Criminal Contempt; and another Felony DWI. These are the type of*
49 *people ICE is interested in.*
09:47AM 50

51 **CHAIRPERSON BROWNING:**

52 Okay. So we want to keep them here, right, don't we? A lot of sex
53 offenses. And sorry, I -- now, some of them are multiple charges?
54

55 **SHERIFF DEMARCO:**

56 Yeah, this is the top --

1 **CHAIRPERSON BROWNING:**
2 They're not like one person per charge.

3
4 *(*Presiding Officer Gregory entered the meeting at 9:47 A.M. *)*

5
6 **SHERIFF DEMARCO:**
7 No. Well, this is -- every charge I read was attached to one
8 person.

9
10 **CHAIRPERSON BROWNING:**
11 Right.

12
13 **SHERIFF DEMARCO:**
14 But that might not be their only charge they're in here for, I
15 just --

16
17 **CHAIRPERSON BROWNING:**
18 But that's their top charge.

19
09:47AM 20 **SHERIFF DEMARCO:**
21 -- read their top charge. And it also doesn't show their previous
22 convictions.

23
24 **CHAIRPERSON BROWNING:**
25 Right.

26
27 **SHERIFF DEMARCO:**
28 I just don't have the time for that.

29
09:47AM 30 **CHAIRPERSON BROWNING:**
31 So, you know, I know that -- personally, in my opinion -- I'm an
32 immigrant, but I certainly have never done anything like that, and
33 I would expect anybody -- you know, anybody who comes to this
34 country should live by the law. And if you are undocumented, in my
35 opinion, and you're here and you're not doing anything wrong -- and
36 I understand where many of these undocumented people come from, the
37 countries that they're coming from, it's tough. There's a lot of
38 political strife, war, and I understand why many of them want to
39 leave where they came from. Why somebody would want to come and
09:48AM 40 live the way they have to live here just to survive, but when it's
41 better than where they came from, I understand that. But when I
42 hear those kinds of charges and I hear that ICE wants to take them;
43 they're more than welcome to have them and send them back to
44 wherever they came from. That's my opinion, I'm going to stick to
45 it.

46
47 *(*Legislator Hahn entered the meeting at 9:38 A.M. *)*

48
49 **LEG. CILMI:**
09:48AM 50 Kate?

51
52 **CHAIRPERSON BROWNING:**
53 But I think the Presiding Officer had a question, and you're next.

54
55 **P.O. GREGORY:**
56 Thank you, Madam Chair. And thank you, Mr. Sheriff. I was in my

1 office, I just came from a meeting, so I caught some of your
2 remarks, so excuse me if I'm asking something that you already
3 repeated.

4
5 I just met yesterday with some folks who were concerned about, as
6 they will define, the change in your policy, and so I want to kind
7 of get a clear idea of what the process is. So say DuWayne Gregory
8 is an undocumented immigrant, he's detained under your custody;
9 what's next? Does the Clerk -- during in-processing, does the
09:49AM 10 Clerk see if I have any prior arrests or they look at the current
11 charge?
12

13 **SHERIFF DEMARCO:**

14 No, we play no role in determining who's in the country illegally,
15 that's done by ICE. We -- everyone who comes in the facility is
16 booked. When they're arrested at the agency that's arrested them,
17 if it's a printable offense, their prints are sent to the Federal
18 database, Homeland Security has access to that. Sometimes they
19 will send a detainer directly to the arresting agency and they go
09:50AM 20 to court with the detainer already with them, so they already have
21 a detainer.
22

23 **P.O. GREGORY:**

24 So it's based on the fingerprinting? Like how does ICE notify that
25 DuWayne Gregory got --
26

27 **SHERIFF DEMARCO:**

28 A lot of it is biometric through fingerprinting.
29

09:50AM 30 **P.O. GREGORY:**

31 So every person?
32

33 **SHERIFF DEMARCO:**

34 If it's a printable offense, their fingerprints are sent to the FBI
35 database. But there are other ways, like some people self-admit,
36 and other people have already been deported and have come back,
37 which is not a felony. So it just -- I play no role in that.
38

39 **P.O. GREGORY:**

40 Yeah. Well, you won't know that, right --
41

42 **SHERIFF DEMARCO:**

43 That's all determined by ICE.
44

45 **P.O. GREGORY:**

46 -- if they've been deported and they come -- you won't know that
47 because you don't have access --
48

49 **SHERIFF DEMARCO:**

50 No, we don't know. No.
51

52 **P.O. GREGORY:**

53 Right. So I'm just trying to --
54

55 **SHERIFF DEMARCO:**

56 I don't know until they -- and I don't even look at everyone, but

1 when they lodge a detainer they usually check why they're
2 interested in them.

3
4 **P.O. GREGORY:**

5 Yeah. No, I'm just trying to ascertain at what point is it
6 determined that notice is sent to you or given to you that you have
7 to detain this, you know, this individual? Because I've heard
8 several --

09:51AM

9
10 **SHERIFF DEMARCO:**

11 Sometimes it's from the arresting agency. They go to court already
12 for their arraignment with a detainer from ICE. Sometimes it's
13 after they come to the facility and ICE will lodge a detainer with
14 us at that point.

15
16 **P.O. GREGORY:**

17 Right, right. I heard something about a form, or maybe I read
18 that; right, there's a new form? It used to have to be a judicial
19 warrant, now it' --

09:51AM

20
21 **SHERIFF DEMARCO:**

22 I never really had -- I mean, that's an opinion that you needed a
23 judicial warrant. You have a detainer and you have now -- what I
24 worked out with ICE is that they will give us an administrative
25 warrant. I think you weren't here in the beginning. The
26 Immigration and Naturalization Act gives the Department of Homeland
27 Security the authority to issue warrants for illegal aliens that
28 they're interested in, and they changed that form in September of
29 2016 and they added probable cause, because that was the basis of
30 the two Federal lawsuits, to address the concern municipalities
31 had.

09:52AM

32
33 **P.O. GREGORY:**

34 And who -- who initiates -- that's where I'm trying to go, who
35 initiates the probable cause; is that the Clerk?

36
37 **SHERIFF DEMARCO:**

38 Department of Homeland Security.

09:52AM

39
40 **P.O. GREGORY:**

41 Oh, really? Okay.

42
43 **SHERIFF DEMARCO:**

44 Yeah, we play no role in that.

45
46 **P.O. GREGORY:**

47 Based off fingerprints.

09:52AM

48
49 **SHERIFF DEMARCO:**

50 No, based off information, not just based off -- based on
51 interviews, based off fingerprints. If they get a hit on
52 fingerprints, they'll find out if the person has prior convictions,
53 they'll find out if the person maybe is in the country illegally,
54 whatever their criteria is. I play no role in what their criteria
55 will be.

1 **P.O. GREGORY:**
2 But is that everyone that goes to the -- as I understand it, and
3 I'm hoping that you'll educate me, you know, that's why I'm asking.
4 So I know there's several, right, as I understand there are several
5 Federal databases, right? So maybe --

6
7 **SHERIFF DEMARCO:**
8 When someone gets arrested and it's a printable offense, they're
9 printed by the arresting agency, those prints are sent to the FBI
09:53AM 10 database.

11
12 **P.O. GREGORY:**
13 Okay.

14
15 **SHERIFF DEMARCO:**
16 All Federal law enforcement agencies have access to that.

17
18 **P.O. GREGORY:**
19 Right.

20
21 **SHERIFF DEMARCO:**
22 So if there's a hit and the Department Homeland Security is
23 interested, they will contact the arresting agency and lodge a
24 detainer with the -- with the local arresting agency and that
25 detainer will follow them to court.

26
27 **P.O. GREGORY:**
28 Okay.

29
30 **SHERIFF DEMARCO:**
31 They get remanded to the custody of the Sheriff, that detainer
32 comes to the Sheriff's Office with them. If for some reason the
33 detainer was not lodged with the local arresting agency, once
34 they're in the jail the ICE officers will interview them, check the
35 prints, check the database and then issue a detainer. But what ICE
36 does now with me is that if they issue a detainer, they're also
37 going to issue a warrant as well; not a judicial warrant, an
38 administrative warrant from the Office of Homeland Security.

39
09:53AM 40 **P.O. GREGORY:**
41 Okay. And we don't --

42
43 **SHERIFF DEMARCO:**
44 The Department of Homeland Security.

45
46 **P.O. GREGORY:**
47 We don't have ICE officers in the jail.

48
49 **SHERIFF DEMARCO:**
09:53AM 50 No, we do.

51
52 **P.O. GREGORY:**
53 We do, okay.

54
55 **SHERIFF DEMARCO:**
56 They have an office in the jail, they do.

1 **P.O. GREGORY:**
2 So there is, so that's like immediate.
3
4 **SHERIFF DEMARCO:**
5 Right.
6
7 **P.O. GREGORY:**
8 So are they there when someone's in process? Like why are they --
9 what's the need for them to be in the jail if the fingerprint are
09:54AM 10 going to the Federal database and --
11
12 **SHERIFF DEMARCO:**
13 Well, that's not the only -- they need more than one -- I don't
14 know their whole operation, but it's not just one thing. They
15 interview them, they have questions that they have to be asked and
16 that's just part of their job.
17
18 **P.O. GREGORY:**
19 Now is ICE in every jail?
09:54AM 20
21 **SHERIFF DEMARCO:**
22 They're in a lot of jails, but they've been in ours since 2006.
23
24 **P.O. GREGORY:**
25 Oh, okay.
26
27 **SHERIFF DEMARCO:**
28 They've been in Nassau County longer.
29
09:54AM 30 **P.O. GREGORY:**
31 Okay. Now -- so -- and it's not just any offense, right, it has to
32 be like a felony; right, for someone to be detained?
33
34 **SHERIFF DEMARCO:**
35 No.
36
37 **P.O. GREGORY:**
38 No? Just any offense.
39
09:54AM 40 **SHERIFF DEMARCO:**
41 Well, those priorities are set by the Department of Homeland
42 Security. Under secure -- before 2014, under Secure Communities,
43 it was a wider net of people they were interested in. In 2014 they
44 scrapped Secure Communities and they went to the Priority
45 Enforcement Program which narrowed down the priorities, and those
46 priorities, which are about to change, were -- I say were, maybe
47 still are today -- but are a felony conviction, a conviction of
48 three separate misdemeanors, a conviction of a significant
09:55AM 49 misdemeanor, someone who they believe is engaged in terrorism,
50 espionage.
51
52 **P.O. GREGORY:**
53 What's a significant misdemeanor?
54
55 **SHERIFF DEMARCO:**
56 You've got to ask them, they determine that.

1 **P.O. GREGORY:**
2 So if someone is picked up for like driving without a license.

3
4 **SHERIFF DEMARCO:**
5 That's a violation, it's not a crime.

6
7 **P.O. GREGORY:**
8 We have arrested people -- well, I guess that's related to DWI.

9
10 **SHERIFF DEMARCO:**
11 It's still not a crime.

12
13 **P.O. GREGORY:**
14 Right, right, right.

15
16 **SHERIFF DEMARCO:**
17 But also, if you are engaged in criminal gang activity and you're
18 over 16 years old, you don't need a conviction, under the current
19 policy.

09:55AM 20
21 There was one other thing; or if they determine you're a threat to
22 national security. So that's the criteria under priority
23 enforcement, which appears is being scrapped and they're going to
24 go back to the criteria -- it appears, there's nothing -- I didn't
25 anything in writing yet -- that they're going to go back to Secure
26 Communities.

27
28 **P.O. GREGORY:**
29 Okay.

30
31 **SHERIFF DEMARCO:**
32 Or the criteria of Secure Communities, I don't know what they're
33 going to call it. So under that scenario, you -- they're going to
34 be interested in a lot more people, not just people with
35 convictions, people -- if you were just charged with a crime
36 they're going to be interested in you, if you're in -- if you're in
37 the country illegally and you're charged with a crime it appears
38 they're going to be interested in you, but I have not seen anything
39 in writing to that effect.

09:56AM 40
41 **P.O. GREGORY:**
42 Right. Okay? So what's this that they -- I haven't had an
43 opportunity to fully look at it yet. What the Attorney General,
44 his guidance he's put out; have you read that?

45
46 **SHERIFF DEMARCO:**
47 I did and I find it a little hypocritical, because the Governor and
48 the Attorney General seem to be saying one thing, yet I talked to
49 people in ICE after I saw that guidance and it appears that the
09:57AM 50 State prison system fully cooperates with ICE. They go as far as
51 if someone's going to be released and they have a detainer, they'll
52 actually drive them to a correctional facility that's convenient
53 for ICE to come pick them up.

54
55 **P.O. GREGORY:**
56 Oh, that's very helpful.

1 **SHERIFF DEMARCO:**
2 That's what it appears to be, and I actually found some
3 explanations of that by the State Department of Corrections.
4 So it seems to me like, you know, they're not practicing what they
5 preach.

6
7 **P.O. GREGORY:**
8 Okay.

9
10 **SHERIFF DEMARCO:**
11 And again, it's only guidance.

12
13 **P.O. GREGORY:**
14 Right, right.

15
16 **SHERIFF DEMARCO:**
17 We have -- I got an opinion. I mean, I feel very confident in what
18 we're doing based on Dennis Brown's legal opinion, based on my own
19 research.

09:57AM 20
21 And also, you know, a lot of people don't realize this, too, that
22 there is a Federal law, and I think Legislator Cilmi is well aware
23 of this, too. In Title 8 of the United States Code, there are two
24 sections that mandate that local, State and local government don't
25 do anything to harbor illegal immigrants. It's spelled out, if you
26 guys want to look it up yourselves it's section -- it's Title 8 of
27 the U.S. Code, 1373 and 1324. You know, the Tenth Amendment, I
28 believe, is what delineates what Federal functions and what, you
29 know, State functions are and foreign policy and immigration are
09:58AM 30 clearly Federal government issues, they're not State issues. And
31 as -- listen, I'm a law enforcement officer, it's my job to uphold
32 the law, so I'm going to cooperate with ICE and that's why we never
33 stopped cooperating with ICE. Even when those two Federal lawsuits
34 came out, we still fully cooperated with them and they had access
35 to the same information they always had, they just had to -- if
36 they wanted someone, they had to take them the minute they got
37 released, that's all.

38
39 **P.O. GREGORY:**
09:59AM 40 Okay. So your contention is you have not changed your policy
41 position, but the policies -- or as the directives from Homeland --
42 Department of Homeland Security may have changed and you're --

43
44 **SHERIFF DEMARCO:**
45 The Department of Homeland Security changed their paperwork to add
46 probable cause so municipalities wouldn't feel they would be
47 violating the Fourth Amendment.

48
49 **P.O. GREGORY:**
09:59AM 50 Right. And again --

51
52 **SHERIFF DEMARCO:**
53 But -- and now, from 2014 to 2016, if someone was getting released,
54 we told ICE, *All right, you've got to come get this guy right now.*

1 **P.O. GREGORY:**
2 Uh-huh.
3
4 **SHERIFF DEMARCO:**
5 We wouldn't hold them for 48-hours based on, according to the
6 Federal Courts, violating the Fourth Amendment. Now, with the
7 administrative warrants with probable cause, which is transferable,
8 we believe that we are in full compliance with the Fourth
9 Amendment. And if they do request us to hold someone for 48-hours
10 we will; it usually doesn't come up, though, in our County.
11
12 **P.O. GREGORY:**
13 And again, probable cause takes effect when? I know you said if
14 there are people who have committed offenses, that --
15
16 **SHERIFF DEMARCO:**
17 ICE has probable cause to detain someone.
18
19 **P.O. GREGORY:**
20 Because of their prior background.
21
22 **SHERIFF DEMARCO:**
23 Because of whatever box they check on the paperwork.
24
25 **P.O. GREGORY:**
26 Okay. All right.
27
28 **SHERIFF DEMARCO:**
29 Which I can give you a copy of.
30
31 **P.O. GREGORY:**
32 All right. Thank you.
33
34 **CHAIRPERSON BROWNING:**
35 So real quick. So but when you were previously -- the previous
36 policy, and obviously when you got the ACLU notice on the lawsuit,
37 are you now turning less people over to ICE now from what you were
38 previously doing?
39
40 **SHERIFF DEMARCO:**
41 The interesting thing is I don't think the numbers are going to
42 change at all because ICE still -- if they wanted someone they took
43 them, and they just had to take them right away. But the month of
44 December I think we -- Dennis Brown's opinion was December 1st or
45 2nd and we changed, you know, right away, we told ICE, *If you want*
46 *us to hold people, we'll hold people.* We actually -- December of
47 2016 I think ICE took seven people; in December of 2015, when we
48 wouldn't hold them, they took 12. It's not really that big of a
49 difference, but what I'm trying to say is it's not going to change
50 the amount of --
51
52 **CHAIRPERSON BROWNING:**
53 It's not changing --
54
55 **SHERIFF DEMARCO:**
56 What's going to change, though --

1 **CHAIRPERSON BROWNING:**
2 It's not like there's an increase in numbers.
3
4 **SHERIFF DEMARCO:**
5 What's going to change is if they go back to Secure Communities and
6 they're interested in more people, they're obviously going to take
7 more people.
8
9 **CHAIRPERSON BROWNING:**
10 Okay. Legislator Cilmi?
11
12 **LEG. CILMI:**
13 Thank you. Thanks, Sheriff, for that presentation and for the work
14 that you're doing. I know it's out of your purview once they leave
15 your facility, but can you give us a sense of the process once they
16 do leave your facility, once ICE takes them, as you say; and what
17 happens next?
18
19 **SHERIFF DEMARCO:**
20 I can only give you what my conversations with Immigration have
21 been.
22
23 **LEG. CILMI:**
24 Sure.
25
26 **SHERIFF DEMARCO:**
27 I have no direct knowledge. They leave our facility, for the most
28 part they're taken to Barrett Street in Manhattan, there's a
29 Federal Detention Facility there and they are brought in front of
30 an immigration judge, who is an Administrative Judge, by the way,
31 appointed by the Attorney General, which is something I didn't
32 realize. They're not -- they're Administrative Judges. They go in
33 front of a judge, I guess similar to an arraignment-type process,
34 they could be bailed there or they could just be let go. And a lot
35 of times, I guess depending on the judge, they may say -- depending
36 also on the backlog which they have in these Federal immigration
37 courts -- *Okay, come back in six months, come back in a year.*
38
39 **LEG. CILMI:**
40 And at that point they're free.
41
42 **SHERIFF DEMARCO:**
43 They're free, right. Yes. And whether or not they come back is --
44 you know, I have no direct knowledge of that.
45
46 **LEG. CILMI:**
47 Right. So from your perspective, from a practical matter, the
48 change in policy really only effects those that, for whatever
49 reason, if an ICE agent wasn't able to address prior to their
50 release, if they were released on -- they were bailed out of jail
51 or something and for some reason there was no ICE agent there that
52 could actually, you know, hold them or take them.
53
54 **SHERIFF DEMARCO:**
55 Right.
56

1 **LEG. CILMI:**

2 I would imagine there are few, very few cases like that.

3
4 **SHERIFF DEMARCO:**

5 Very few. And there were times that ICE actually has detainers on
6 people. And if we know that, *Hey, this guy's getting out,*
7 sometimes they look at it and they lift the detainer because now
8 they're not interested in him anymore, for whatever -- they just
9 become not a priority; I don't know why. You know, I think a lot's
10 going to change, too.

11
12 Another thing is, too, when people go to court with detainers, ICE
13 -- and this could change, too. They were, by their superiors in
14 Washington, they did not want ICE agents going to the courts to
15 pick people up, like going to the public parts of the court, like
16 walking -- *oh, this guy's getting out,* and waiting right outside
17 the courtroom to take him, but that could change, too, so.

18
19 **LEG. CILMI:**

20 Madam Chair, it might be interesting if they would come, to have a
21 representative from Immigrations and Customs Enforcement, as well
22 as maybe from the Administrative Court that does those hearings to
23 kind of make a presentation to us as far as how they handle -- I
24 know they're totally out of our purview, but just from an
25 informational point of view, it might be interesting. Thank you.

26
27 **CHAIRPERSON BROWNING:**

28 We can certainly reach out. I'm not going to say -- you know how
29 that goes.

30
31 **LEG. CILMI:**

32 Right, right, right. Thanks, Sheriff.

33
34 **CHAIRPERSON BROWNING:**

35 There's no guarantee they're going to come, but we can certainly
36 reach out to them. And Vinny, just real quick. You know, because
37 when you were saying about people, you know, once they go in front
38 of the Administrative Judge, I'm curious, have you -- do you track
39 or have you tracked how many people have been picked up by ICE and,
40 you know, you think, *Okay, that's it, we're never going to see them*
41 *again,* but you actually do see them back in the jail?

42
43 **SHERIFF DEMARCO:**

44 Yeah, that happens. I don't have a number for you. You know, I
45 have to run a report.

46
47 **CHAIRPERSON BROWNING:**

48 But it is happening.

49
50 **SHERIFF DEMARCO:**

51 Yeah, I'll tell you a story. Back in, I think it was 2009 or '10
52 where ICE took someone, and we know the person, we found out after
53 the fact. But ICE took them, they were back six months later under
54 a different name, and actually our iris scan technology picked them
55 up. He might have come back in on maybe not a printable offense,
56 but we picked him up with the iris scan and said, *Hey, this guy's*

1 *the same guy.* And we tracked it down with ICE, he was deported,
2 and I believe it was to Guatemala, and six months later he not only
3 got back across the border, he found his way back to Suffolk County
4 and back in the jail. So it happens. That's just one that always
5 stands out to me; I remember it because the iris scan picked him
6 up.

7
8 **LEG. CILMI:**

9 He must really like our jail.

10:06AM 10

11 **CHAIRPERSON BROWNING:**

12 *(Laughter)* I guess. You must have a really nice jail. But anyway,
13 Bridget, do you have a question?

14
15 **LEG. FLEMING:**

16 Oh, I have a few questions, yes.

17
18 **CHAIRPERSON BROWNING:**

19 Okay. Go ahead, it's your turn.

20
21 **LEG. FLEMING:**

22 Good morning, Sheriff.

23
24 **SHERIFF DEMARCO:**

25 Good morning.

26
27 **LEG. FLEMING:**

28 Thank you for being here. And I want to thank you for the amount
29 of time that you've given to me personally, with meeting in your
30 office and the documents that you've shared with me. As I
31 mentioned to you -- well, first of all, you know I've been -- I was
32 an Assistant District Attorney for ten years, I was a sex crimes
33 prosecutor, I was a Chief of a Fraud Unit in Manhattan, so I
34 certainly support your efforts towards keeping public safety and
35 assisting the folks who are out on the street investigating crime
36 and advancing the public safety of the general public. So thank
37 you for that.

10:06AM 30

38
39 I also want to thank you for your assurances that you'll be meeting
40 with some folks who are maybe more concerned than some of the
41 questions here indicate with regard to the fairness of the system
42 and the impacts on vulnerable populations. I can't speak to that
43 myself, but I do know that you are meeting with folks who are
44 advocates for people who may disagree with some of the
45 representations about the immigration system and how this is
46 working or not working. And I particularly appreciate the fact
47 that you are including members of East End communities in that --
48 in those discussions, so thank you. I can't ask those questions
49 but I know they can and I appreciate your open door.

10:07AM 40

50
51 I just want to clarify with regard to your answers to Legislator
52 Cilmi's question with regard to the process. Once you've turned a
53 person over to Immigration, you don't track that or have personal
54 knowledge of statistics with regard to the backlogs, the wait to
55 see a judge, how many get released, how many get held, what those
56 standards are; I mean, that's -- we can find that out probably as

10:07AM 50

1 easy as you, no?

2

3 **SHERIFF DEMARCO:**

4 Yeah, I have no statistics.

5

6 **LEG. FLEMING:**

7 Okay, thank you. And, you know, as I say, I am very supportive of
8 efforts to promote public safety. I also recognize that the
9 relationship of trust with communities, particularly those who have
10:08AM 10 knowledge and are most impacted by crime, is a very important part
11 of the public safety and law enforcement landscape. So in this
12 current atmosphere, I think that -- at least what I'm hearing from
13 my constituents is that that relationship of trust is eroding as
14 quickly as the officers on the street are trying to sure it up,
15 based on some of the things that people are hearing from much
16 higher than our pay grades. So I think that it is important for us
17 to keep an eye on that and to recognize that our public statements
18 and the impacts of our policies are far reaching and are really
19 sort of reaching out to a population that is losing some of the
10:09AM 20 trust that has been developed by our new Commissioner, by yourself,
21 by the folks in law enforcement.

22

23 So I just have a few questions for you with regard to this change
24 that was announced in December. You mentioned that Suffolk County
25 has always fully cooperated with ICE, and I just wanted to have a
26 sense of what full cooperation means with regard -- not only to
27 detention, but information sharing, access, that sort of thing for
28 ICE. So I know that it was your initiative to house ICE officers
29 in the jail. Is there -- I know there's an ICE office in Riverhead
10:10AM 30 in the jail. Is there -- how many agents are in that office?

31

32 **SHERIFF DEMARCO:**

33 They used to be in Riverhead. They're actually -- their main
34 office is in Yaphank, but they do go between both facilities and
35 there are three officers assigned.

36

37 **LEG. FLEMING:**

38 Do they have space allocated in the Riverhead jail?

39

10:10AM 40 **SHERIFF DEMARCO:**

41 No, their office is in Yaphank, but when they have to do interviews
42 they drive out to Riverhead and they just do interviews there, but
43 their work stations are in Yaphank.

44

45 **LEG. FLEMING:**

46 And so you make your interview rooms available to them?

47

48 **SHERIFF DEMARCO:**

49 Yes.

10:10AM 50

51 **LEG. FLEMING:**

52 And to what extent are local resources then utilized in those
53 interview rooms? Is there video equipment, are there phones for --
54 are there interpreters? What local resources are available to the
55 ICE agents in the interview rooms in Riverhead?

56

1 **SHERIFF DEMARCO:**
2 It's an interview room, that's the -- there could be a phone in
3 there. I don't know.
4
5 **LEG. FLEMING:**
6 There's no video equipment.
7
8 **SHERIFF DEMARCO:**
9 No.
10:11AM 10
11 **LEG. FLEMING:**
12 And with regard to detention, we've had some discussion. First of
13 all, you say that probable cause -- you will require probable cause
14 now any time you detain a prisoner for ICE; is that correct?
15
16 **SHERIFF DEMARCO:**
17 Any time ICE lodges a detainer with us, they log an administrative
18 warrant with it as well.
19
20 **LEG. FLEMING:**
21 My question to you is -- oh, by the way, can we get the memo -- you
22 had mentioned to me that you would share with me the memo for the
23 record room.
24
25 **SHERIFF DEMARCO:**
26 I have it.
27
28 **LEG. FLEMING:**
29 I think it would be helpful to put that into the record for the
10:11AM 30 hearing; if we could, Madam Chair.
31
32 **SHERIFF DEMARCO:**
33 I have it here.
34
35 **LEG. FLEMING:**
36 Okay. So does that memo articulate that you need that extra piece
37 of paper, that either administrative or a judicial warrant that has
38 a sworn statement that probable cause has been found to hold the
39 individual?
10:12AM 40
41 **SHERIFF DEMARCO:**
42 It says that a detainer I-247D and an I-200 or an I-205; I-200 and
43 I-205 are administrative warrants, that you need both of those to
44 detain someone for 48-hours.
45
46 **LEG. FLEMING:**
47 Okay, good. So you're saying that you require an administrative --
48 not a judicial warrant but an administrative warrant. Is there an
49 affirmation by the ICE agent on that administrative warrant that is
10:13AM 50 a sworn statement that probable cause has been found to hold the
51 individual?
52
53 **SHERIFF DEMARCO:**
54 They certify -- there's a certification that it was served on the
55 inmate.
56

1 **LEG. FLEMING:**

2 Okay, so this is an important distinction with a judicial warrant.
3 Because one of the things that we've talked about, I know there are
4 some folks who consider the administrative warrant less of a lower
5 standard than a judicial warrant, because obviously a judicial
6 warrant is issued either by a JHO or by a judge after a certain
7 level of scrutiny. I always thought that an agent swore out an
8 administrative warrant and so it was my perspective, as having
9 worked with a lot of law enforcement agents over the years, that if
10 an agent swore that there was probable cause, then for my purposes
11 that's as good as a judicial warrant, but now I think I'm hearing
12 something different. It's not a sworn statement.

13
14 **SHERIFF DEMARCO:**

15 You know, I'd have to read the whole thing, but I don't know.
16 But you have a copy of it, don't you?

17
18 **LEG. FLEMING:**

19 Okay, so let me find it then. I don't want to waste people's time,
20 and I'm going to take a look, but I think that is an important
21 distinction.

22
23 **SHERIFF DEMARCO:**

24 The bottom line is I -- that's really not my concern. My concern
25 is that we -- I have an opinion from the County Attorney, so if an
26 action was brought against Suffolk County, I'm confident and the
27 County Attorney is confident that they can defend it and we are not
28 violating the Fourth Amendment.

29
30 **LEG. FLEMING:**

31 So your concern is less for fairness and more for the liability
32 exposure of the County.

33
34 **SHERIFF DEMARCO:**

35 My concern is for public safety is the bottom line, and I believe
36 that this is sufficient on the constitutional basis. And fairness
37 is we cooperate with law enforcement officials throughout the
38 country, throughout the County, and we share information. You
39 know, after 9/11, the biggest knock on law enforcement and
40 intelligence agencies is they don't share, and we share more than
41 ever right now and part of that is this cooperation. Federal law
42 gives the Department of Homeland Security the ability to issue
43 these warrants for this specific purpose, and I am comfortable that
44 this is sufficient.

45
46 **LEG. FLEMING:**

47 Okay, I appreciate that. I just wanted to clarify something that
48 you mentioned earlier, too, about the fact that Federal law
49 requires us not to harbor immigrants. That I think is true, we do
50 have to provide information under the Federal law with regard to
51 immigration status in these circumstances. But there are many
52 levels of cooperation that I'd like to just talk about a little
53 bit, and I think that we should all recognize that our homeland --
54 I mean our Home Rule law allows states and localities to enact laws
55 within that structure and a lot of the levels of cooperation are
56 not necessarily mandated by Federal law. Federal law cannot

1 mandate --

2

3 **SHERIFF DEMARCO:**

4 You know what, there's a Supremacy clause and the Tenth Amendment
5 does talk about the Federal government. And I don't want to get
6 into a legal debate; I'm not an attorney, you are. But I am very
7 comfortable with our level of cooperation. I don't think we're
8 violating any -- I mean, if you're talking about that you're
9 interested in passing a Local Law that prohibits this, that's
10 something different.

10:16AM

11

12 **LEG. FLEMING:**

13 No, no. All I'm saying to you is if you're relying on the fact
14 that these practices that you are -- that you are -- you have
15 authorized, that you're directing through your memo, are not
16 mandated by the Federal government.

17

18 **SHERIFF DEMARCO:**

19 No, they're not.

20

21 **LEG. FLEMING:**

22 Thank you. I just wanted to clarify that.

23

24 **SHERIFF DEMARCO:**

25 The process of detaining people, no.

26

27 **LEG. FLEMING:**

28 Okay. So then there are a couple more levels of cooperation, as
29 you call it, that I think are very important to consider. So
30 detainee -- so we've now established that if you have this probable
31 cause, it doesn't have to be sworn probable cause, but if you
32 have -- you're assured that there is probable cause based on an
33 agent's assertion of such on these forms; and it's probable cause
34 to support what exactly? Probable cause that they have committed a
35 crime other than being in the country illegally, or probable cause
36 to believe that they are, what is it called, something alien? What
37 is a probable cause to believe, that you need in order to hold
38 someone?

10:17AM

39

40 **SHERIFF DEMARCO:**

41 Listen, it's not my document, it's not my thing. It's the
42 execution of charging documents --

43

44 **LEG. FLEMING:**

45 Oh, no, no, no. I'm asking you as Sheriff what your policy is,
46 what you are directing people to follow. You say if there is
47 probable cause what?

48

49 **SHERIFF DEMARCO:**

50 I don't say -- I don't tell my officers there's probable cause.
51 I say if ICE lodges a detainer, an I-247D, along with an
52 administrative warrant which is an I-200 or an I-205, which include
53 probable cause -- it doesn't say that in the memo, I'm just letting
54 you know. If they lodge a warrant of arrest and a detainer, if
55 they request you to hold them for an additional forty -- up to
56 additional 48-hours, we will hold them, that's all it says. I

10:18AM

1 don't discuss probable cause with -- I'm discussing it with you
2 because that was the subject of the Federal lawsuits and that's the
3 basis of Dennis Brown's opinion.

4
5 **LEG. FLEMING:**

6 Okay. I appreciate that.

7
8 **SHERIFF DEMARCO:**

9 But as far as my office is concerned, they're looking for two --

10
11 **LEG. FLEMING:**

12 Documents.

13
14 **SHERIFF DEMARCO:**

15 Two documents, right.

16
17 **LEG. FLEMING:**

18 Right, which have numbers on them and come from the Federal
19 government. Okay. But we don't know what the -- you talked a
20 little bit about the priorities that are being implemented by the
21 Federal government, and I agree with you that we can't talk about
22 that, we don't know what they are. But to the extent that those
23 priorities change, and you suggested that they are going to change,
24 they're going to broaden.

25
26 **SHERIFF DEMARCO:**

27 It appears that way.

28
29 **LEG. FLEMING:**

30 To what extent will your policy change, or do you intend to keep
31 the same policy regardless of what the priorities of the Federal
32 government are?

33
34 **SHERIFF DEMARCO:**

35 We'll keep the same policy.

36
37 **LEG. FLEMING:**

38 Okay. So we have heard that there are -- you know, we've been
39 promised by our President-Elect, you know, higher levels of
40 deportation. So I'm concerned about local resources, so that's a
41 big question that I have for you. And one of them is I just don't
42 want this to be another unfunded mandate, right, for our local
43 resources to be used for widespread immigration efforts. So, you
44 know, there's been talk at the Federal level of tripling ICE
45 deportation forces, from 5,000 to 15,000. Are there any plans,
46 that you're aware of, of participating in any raids or
47 participating in any kind of affirmative -- using our Suffolk
48 County funds through the Sheriff's Department or Deputy -- you
49 know, your Deputy Sheriffs to participate in any way with
50 affirmative enforcement of immigration policy alone?

51
52 **SHERIFF DEMARCO:**

53 I'm not aware of that. I did speak to an ICE supervisor yesterday
54 just to see what he thought was changing and he -- the only thing
55 that he sees on the horizon is expanding the -- going back to --
56 the criteria of Secure Communities, not doing community-type

1 enforcement. They don't even --

2

3 **LEG. FLEMING:**

4 But my question is to you with regard to the Sheriff's Department.
5 Is there -- are there any plans currently to assist the Federal
6 government in purely immigration enforcement?

7

8 **SHERIFF DEMARCO:**

9 Can you clarify that? Like doing what we're doing now, or --

10:21AM 10

11 **LEG. FLEMING:**

12 No, no, to set aside the goals and missions that would -- because
13 we have such limited resources. If we are going to have to provide
14 resources --

15

16 **SHERIFF DEMARCO:**

17 Additional resources? Yeah, no, this is purely -- we don't use our
18 resources now. ICE does this stuff all on their own; they
19 interview people on their own, they look people up on their own.
20 We don't provide resources, we give them an office and access to
21 the inmates.

10:21AM 20

22

23 **LEG. FLEMING:**

24 Right. Well, see, that's our job, right? So I need to understand
25 that.

26

27 **SHERIFF DEMARCO:**

28 Right. No, I just didn't know what --

29

10:21AM 30

31 **LEG. FLEMING:**

32 So if you've got an officer who's sitting on a prisoner, that's a
33 resource that's being used.

33

34 **SHERIFF DEMARCO:**

35 No, we don't do that.

36

37 **LEG. FLEMING:**

38 You have said that if you have the probable cause, if you have the
39 correct documentation you will agree to hold someone. This
40 includes if the local charges are no longer enough to keep somebody
41 in custody, then you will still hold that person. If you have the
42 administrative warrant and the other document, you'll hold them for
43 up to 48-hours to give ICE an opportunity; correct?

10:22AM 40

44

45 **SHERIFF DEMARCO:**

46 Correct.

47

48 **LEG. FLEMING:**

49 So that individual is being secured and fed and housed, right?

10:22AM 50

51 **SHERIFF DEMARCO:**

52 Yes, but we --

53

54 **LEG. FLEMING:**

55 So those are County resources; I don't think we should disregard
56 that.

1 **SHERIFF DEMARCO:**

2 You know, we receive well over a million and a half dollars a year
3 through the State Alien Criminal -- yeah, SCAAP, State Alien
4 Criminal Assistance Program to reimburse us.

5
6 **LEG. FLEMING:**

7 Good.

8
9 **SHERIFF DEMARCO:**

10:23AM 10 For not just people we hold after someone would be released, for
11 people we hold that are in the country illegally and meet certain
12 criteria. So even if we don't hold them past a certain time and
13 they're just held here on State charges and then due time and get
14 released, we do get reimbursed a certain amount for that.

15
16 **LEG. FLEMING:**

17 Okay, that's great. And I think that we need to keep our eye on
18 that, because in Secure Communities, there were instances where
19 local resources were expended in order -- because people were being
10:23AM 20 held purely for immigration enforcement. And I just think we
21 need -- if that's happening without Federal reimbursement, I don't
22 want another unfunded mandate, we have a \$194 million deficit. So
23 that's my concern and you've answered that question.

24
25 **SHERIFF DEMARCO:**

26 I'm not aware of us ever holding somebody purely on an immigration
27 thing, other than a short period of time to give ICE a chance to
28 pick them up. But just being held in a local facility purely on an
29 immigration charge, that doesn't happen.

10:24AM 30
31 **LEG. FLEMING:**

32 It does happen. That's exactly what happens, for the 48-hours.

33
34 **SHERIFF DEMARCO:**

35 I just said, except for in that instance.

36
37 **LEG. FLEMING:**

38 But that's expending local resources. I'm glad to hear that we're
39 reimbursed, but it's still expending local resources. Thank you.

10:24AM 40
41 So, and then with regard to cooperation, so the probable cause is
42 going to allow us to hold somebody for 48-hours. And then what
43 other levels of cooperation are there? Are you allowing -- are you
44 -- along with that warrant, that means you'll hold them, it also
45 means that you'll give the ICE agent access to them for questioning
46 purposes in the interview room, right?

47
48 **SHERIFF DEMARCO:**

49 Yeah, or they can go to the housing area. They have -- they work
10:24AM 50 inside the secure part of the correctional facility, so --

51
52 **LEG. FLEMING:**

53 Okay.

54
55 **SHERIFF DEMARCO:**

56 So they have access to walk around.

1 **LEG. FLEMING:**

2 And then do you -- do your officers or do to the Deputy Sheriffs
3 question individuals for whom local charges are no longer holding
4 them and they just have an immigration hold? Will your Deputy
5 Sheriffs or the folks in the jail ask, interview them, question
6 them with regard to immigration status?

7
8 **SHERIFF DEMARCO:**

9 No, we play no role in that.

10:25AM 10

11 **LEG. FLEMING:**

12 Okay. And what about witnesses to crime or victims to crime; this
13 is probably outside of the jail, more your Deputy Sheriffs who are
14 involved in investigations. To what extent do Deputy Sheriffs ask
15 witnesses or victims of crime what their immigration status is?

16
17 **SHERIFF DEMARCO:**

18 I don't think they ask any of them. It's not --

10:25AM 20

19
20 **LEG. FLEMING:**

21 Well, is there -- there's no policy?

22
23 **SHERIFF DEMARCO:**

24 I don't believe there's a policy but there's no -- there's no way
25 for us to know if someone's in the country legally or illegally, so
26 it's irrelevant to us. We don't arrest people for being in the
27 country illegally.

28
29 **LEG. FLEMING:**

10:25AM 30

30 No, I appreciate that. But you're talking about fully cooperating
31 with ICE. And let's face it, there are local law enforcement
32 agencies who are fully cooperating with ICE who put questions to
33 folks that they have either in custody or at station house that
34 they're questioning with regard to their immigration status, no?

35
36 **SHERIFF DEMARCO:**

37 We don't do investigations into people's immigration status.

38
39 **LEG. FLEMING:**

10:26AM 40

40 Okay. Is there a formal policy that you could provide that says
41 that?

42
43 **SHERIFF DEMARCO:**

44 No.

45
46 **LEG. FLEMING:**

10:26AM 50

47 Okay. And with regard to the priorities that you talked about that
48 the Federal government is using in order to issue these documents.
49 You -- we don't have any idea what -- I mean, they've now -- you
50 said that the PEP is no longer in place, but you think they're
51 going back to Secured Communities? I'm just trying to get a sense
52 of what the Federal priorities currently are and whether anything
53 will change based on that. Are they articulated anywhere or do we
54 expect them to be?

1 **SHERIFF DEMARCO:**
2 Well, the Priority Enforcement Program priorities are articulated
3 on the detainer. The -- as far as what's changing is -- and I
4 think I told you this yesterday, all I did was read the Executive
5 Order and, you know, it appears that they are changing -- when I
6 read what that criteria is in there, it appears they're going back
7 to Secure Communities. That doesn't necessarily mean anything to
8 me. It means something to the immigration officers who are going
9 to be enforcing that, but my conversation yesterday is that they
10 have not -- they don't have a working document or a working policy
11 yet.
12

13 **LEG. FLEMING:**
14 Okay. So that as the head of an agency that is fully cooperating
15 with ICE and providing these prisoners with the right
16 documentation, you don't have a sense -- this isn't meant to be
17 antagonistic, Sheriff.
18

19 **SHERIFF DEMARCO:**
20 No, I'm trying to understand.
21

22 **LEG. FLEMING:**
23 I'm just trying to get a --
24

25 **SHERIFF DEMARCO:**
26 Providing the prisoners with what?
27

28 **LEG. FLEMING:**
29 You're providing ICE with the prisoners, right? You're turning the
30 prisoners over to ICE if you have the proper documentation. This
31 isn't meant to be antagonistic, I'm just trying to ask the
32 questions.
33

34 **SHERIFF DEMARCO:**
35 No, no, I just don't understand sometimes what you're trying to
36 say. So we are providing prisoners to ICE when they get -- when
37 they get released ICE picks them up on the way out, yes.
38

39 **LEG. FLEMING:**
40 Well, they're in the jail, ICE is in the jail.
41

42 **SHERIFF DEMARCO:**
43 Right, but then they make arrangements --
44

45 **LEG. FLEMING:**
46 And you turn the prisoner over when they have proper documentation.
47

48 **SHERIFF DEMARCO:**
49 When they're getting released they go to the holding pen and they
50 pick them up and they take them, yes.
51

52 **LEG. FLEMING:**
53 Right. So that's a function that the agency is serving in
54 cooperation with ICE, providing the prisoner to ICE --
55
56

1 **SHERIFF DEMARCO:**
2 Right.
3
4 **LEG. FLEMING:**
5 -- if there's the proper documentation.
6
7 **SHERIFF DEMARCO:**
8 Right.
9
10 **LEG. FLEMING:**
11 Okay (*laughter*). That didn't mean to be antagonistic. I'm just --
12
13 **SHERIFF DEMARCO:**
14 No, no, no, I just didn't understand what you meant.
15
16 **LEG. FLEMING:**
17 Okay, understood. Sorry about that.
18
19 **CHAIRPERSON BROWNING:**
10:28AM 20 Are you done yet, because I have three, four more speakers, four
21 more questions, four more people have questions. Are you almost
22 done?
23
24 **LEG. FLEMING:**
25 I'm almost done.
26
27 **CHAIRPERSON BROWNING:**
28 Okay. Because some of the questions I feel are kind of repetitive,
29 so I just want us to move on.
10:28AM 30
31 **LEG. HAHN:**
32 No, this is very valuable.
33
34 **CHAIRPERSON BROWNING:**
35 Do you have one more question?
36
37 **LEG. FLEMING:**
38 I'm sorry to be repetitive.
39
10:28AM 40 **CHAIRPERSON BROWNING:**
41 No, no, no, it's -- I know I get complaints all the time about the
42 committee going too long, so I just want to make sure everybody
43 gets an opportunity.
44
45 **LEG. FLEMING:**
46 Understood. So do you have the -- so just going back. So you said
47 that's -- you're providing these -- you know, you're releasing the
48 prisoners to ICE and that is going to stay in place regardless of
49 -- regardless of whether the priorities change; that's my question.
10:29AM 50
51 **SHERIFF DEMARCO:**
52 Yes.
53
54 **LEG. FLEMING:**
55 Okay. And this, when you say the Executive Order, you're talking
56 about the travel ban; the President's travel ban?

1 **SHERIFF DEMARCO:**

2 There is an Executive Order on immigration and somewhere down,
3 closer to the bottom, there was something about hiring -- you know,
4 like I said, this is not my thing here, I just read it in the
5 newspaper like everybody else, but there was something about hiring
6 10,000 border patrol agents and hiring X number of ICE agents and
7 it talked about priorities, who's going to be a priority for
8 deportation, and it talked about criminal aliens which are the
9 people that are in State and local correctional facilities that
10 have committed crimes. So that's -- I mean, I'm not an expert on
11 that, I didn't write -- it's not in my purview and ICE gets
12 direction from the head of the Department of Homeland Security,
13 they usually -- when they change something, they will have a
14 meeting, someone from the New York City office will come out and
15 say, *Okay, this is our* -- they did that with priority enforcement,
16 they said, *Okay, we have a new program, Priority Enforcement, this*
17 *is what it is*; I'm sure they'll do the same thing when they get
18 guidance from their superiors.

10:30AM

19
20 **LEG. FLEMING:**

21 Okay. And then the County policy, under your policy, won't change.

10:30AM

22
23 **SHERIFF DEMARCO:**

24 I don't see it changing, unless there's a constitutional issue.

25
26 **LEG. FLEMING:**

27 Okay. And what about if the number of detainees you're required to
28 hold under that, what if that rises? You know, do we have the
29 resources to -- I know you said -- you told me yesterday that it's
30 almost exactly the same now as it was a year ago.

10:30AM

31
32 **SHERIFF DEMARCO:**

33 Right.

34
35 **LEG. FLEMING:**

36 So, but if it were to rise significantly based on these anticipated
37 broadened priorities, are we okay resource-wise?

38
39 **SHERIFF DEMARCO:**

40 Well, I am pretty sure that if they go back to Secure Communities,
41 there will be more inmates in the facility that will have detainers
42 on them. I don't think that we're going to be holding -- as it is
43 now, we really don't hold a lot of people past the time they get
44 released because ICE takes them and it is a priority. We don't
45 want to hold people for 48-hours, we want to get them out, right?
46 And ICE knows that and we have a long-standing relationship with
47 them and we try to -- they try to accommodate us like we try to
48 accommodate them, so.

10:31AM

49
50 **LEG. FLEMING:**

51 I appreciate that.

10:31AM

52
53 **SHERIFF DEMARCO:**

54 So I can't tell you, you know, if we're going to be holding more
55 people for 48-hours. I will tell you that if they go back to
56 Secure Communities, there is no doubt that there will be more

1 people in the jail that have detainers on them.

2
3
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LEG. FLEMING:

And that's just as a member of this committee and of the Legislature, I just hope that you'll keep us in the loop if those numbers start to rise and there's an impact on your resources. I think it's very important that we look at that carefully and figure out what we're doing.

10:32AM 10

SHERIFF DEMARCO:

You know, when we were severely overcrowded, before Priority Enforcement with Secure Communities, you know, I always kept a look to see if us holding criminal aliens past that time for 48-hours was leading to a problem with our overcrowding and it never was, because they would take people in a timely fashion from us. But I will, of course, monitor that; that's something that's important to me as well.

11
12
13
14
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16
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18

LEG. FLEMING:

10:32AM 20

Thank you, Sheriff. I do really want to -- I do really appreciate all the cooperation that you've given to me in terms of understanding this very, very important issue. And thank you for being here this morning.

21
22
23
24

SHERIFF DEMARCO:

I will get you that memo before I leave. It's in here somewhere.

25
26
27
28

LEG. FLEMING:

I know what it's like trying to chase paper. Thank you.

10:32AM 30

31
32
33

CHAIRPERSON BROWNING:

Okay, Rob.

34
35
36

D.P.O. CALARCO:

Thank you, and thank you for being here with us, Sheriff DeMarco. I was just commenting to my -- to Kate that I was having flashbacks, because I think I remember you being here a few years ago about the last time the policy slightly changed and us sitting in these seats.

10:33AM 40

41
42
43

SHERIFF DEMARCO:

I remember.

44
45
46

D.P.O. CALARCO:

Most of us sitting around this horseshoe having this conversation. So two years ago there was a concern, and I'll put this -- you know, start with this. You are elected to uphold the law as the Sheriff of this County, and that includes the Constitution all the way down through our Local Laws. So two years ago there was a concern that holding people on detainers was potentially in violation, had constitutional issues because of the way that ICE, which is another law enforcement entity, was providing those detainers to your office; is that accurate?

10:33AM 50

51
52
53

SHERIFF DEMARCO:

It really wasn't what ICE was doing, it was that if --

54
55
56

1 **D.P.O. CALARCO:**
2 There was a legal challenge --

3
4 **SHERIFF DEMARCO:**
5 It was a constitutional issue based on holding people -- yeah,
6 legal challenge based on --

7
8 **D.P.O. CALARCO:**
9 That they were not --

10
11 **SHERIFF DEMARCO:**
12 State and local facilities holding people for 48-hours.

13
14 **D.P.O. CALARCO:**
15 That you were holding people without -- you know, a violation of
16 constitutional issues --

17
18 **SHERIFF DEMARCO:**
19 Without probable cause, right. Yes.

20
21 **D.P.O. CALARCO:**
22 -- because ICE wasn't providing you with something that was valid
23 to hold them on.

24
25 **SHERIFF DEMARCO:**
26 Yes, that's correct.

27
28 **D.P.O. CALARCO:**
29 Okay. So what has happened in the intervening is they have now
10:34AM 30 amended that and they are issuing you warrants to assure that you
31 have legal standing to hold those individuals; correct?

32
33 **SHERIFF DEMARCO:**
34 They are issuing administrative -- and just to be clear.

35
36 **D.P.O. CALARCO:**
37 An administrative warrant.

38
39 **SHERIFF DEMARCO:**
10:34AM 40 There's a difference between administrative and judicial warrants,
41 because if you talk to -- if you talk to people on the other side
42 of this, the advocates for the immigrants, they will say, *Well,*
43 *that's not a judicial warrant.* But these are administrative
44 warrants from the Department of Homeland Security and they
45 changed -- they added probable cause to them to address concerns
46 municipalities had based on those Federal lawsuits, yes.

47
48 **D.P.O. CALARCO:**
49 Okay. So when you were holding them -- you're holding individuals
10:35AM 50 for 48-hours for ICE to come and pick them up to do whatever it is
51 that ICE decides they need to do with that individual, right?

52
53 **SHERIFF DEMARCO:**
54 Yes.

55
56

1 **D.P.O. CALARCO:**

2 And it's 48-hours after -- when they would normally be released
3 from us, meaning they either serve their time or they made bail and
4 they were supposed to be released from the jail?

5
6 **SHERIFF DEMARCO:**

7 Yes.

8
9 **D.P.O. CALARCO:**

10:35AM 10 Okay. If we received something from, say, Nassau County's Police
11 Department who were asking us for somebody because they believe
12 that they have somebody who is a suspect in a crime there, would
13 you hold them for an additional period of time in order to transfer
14 custody to them?

15
16 **SHERIFF DEMARCO:**

17 Yes.

18
19 **D.P.O. CALARCO:**

10:35AM 20 Okay. So what we're talking about, in essence, is these
21 individuals, for one reason or another, ICE has reason to believe
22 and has probable cause to believe that they have a potential action
23 against them and that's why they're asking for them, and you're
24 agreeing to hold them for 48-hours because they are issuing you
25 that administrative warrant.

26
27 **SHERIFF DEMARCO:**

28 Yes.

29
10:36AM 30 **D.P.O. CALARCO:**

31 Okay. So -- and this isn't a very far departure from what we were
32 doing before. Have we ever held anybody for longer than 48-hours?

33
34 **SHERIFF DEMARCO:**

35 No.

36
37 **D.P.O. CALARCO:**

38 No.

39
40 **SHERIFF DEMARCO:**

41 We usually don't even hold them for 48-hours because they take them
42 before that time. But, you know, in the case that we had to hold
43 them for 48-hours we would; but not longer than 48-hours, no.

44
45 **D.P.O. CALARCO:**

46 What would be the result if you told the Federal government that
47 you weren't going to hold them?

48
49 **SHERIFF DEMARCO:**

10:36AM 50 They would have to come and pick them up right away, which is what
51 they did between 2014 and --

52
53 **D.P.O. CALARCO:**

54 But is there any legal requirement for you to hold them? If they
55 issued that warrant and you said, *Well, I don't think that I want*
56 *to hold this person for whatever reason, I'm going to release them*

1 anyway; is there a liability to the County for not holding the
2 person?

3
4 **SHERIFF DEMARCO:**

5 I think that's still up to interpretation. There are people that
6 would say there is no legal requirement, that it is a request and
7 there are -- there is some case out there that it's really a
8 request. But I believe now -- I believe that if they're giving us
9 a warrant that I feel obligated to hold somebody, just like I would
10 hold somebody if the military police asked us to hold a deserter, I
11 would hold them even though that didn't come from a judge.

12
13 **D.P.O. CALARCO:**

14 In essence, you're treating this the same as you would treat any
15 other request from another law enforcement entity, saying that we
16 had somebody that was of interest to them and you're willing to
17 hold that person so that that entity can come and take custody.

18
19 **SHERIFF DEMARCO:**

20 I don't know if I would hold somebody for 48-hours just on somebody
21 saying, *Oh, we want to talk to them.*

22
23 **D.P.O. CALARCO:**

24 Well, I mean, that they produce something that was -- you know,
25 rose to a level that said that law enforcement entity has a very
26 reasonable probable cause to want to have -- take custody of that
27 individual.

28
29 **SHERIFF DEMARCO:**

30 Yes.

31
32 **D.P.O. CALARCO:**

33 Okay. I think that's all the questions I have.

34
35 **CHAIRPERSON BROWNING:**

36 Thank you. Monica?

37
38 **LEG. MARTINEZ:**

39 Thank you. Good morning.

40
41 **SHERIFF DEMARCO:**

42 Good morning.

43
44 **LEG. MARTINEZ:**

45 This is just to kind of wrap things up, but --

46
47 **SHERIFF DEMARCO:**

48 Thank you.

49
50 **LEG. MARTINEZ:**

51 All right, so in terms of ICE now changing the words, the wording
52 in their policy to now *probable cause*, this now obviously expands
53 the scope as to how someone can be detained. So for example, if
54 someone comes in to your facility, are you now reporting any
55 infraction and/or violations to ICE now that there's a probable
56 cause coming down from ICE?

1 **SHERIFF DEMARCO:**
2 We don't report anything to ICE. They do this all on their own.
3 All we do is give them an office, computers -- actually, they're
4 their computers, they just hook up on the network -- and, you know,
5 access to the facilities to do interviews.
6
7 **LEG. MARTINEZ:**
8 Okay. And how often are they there?
9
10:39AM 10 **SHERIFF DEMARCO:**
11 They are there Monday through Friday, I don't know, 7-3, 8-4, 9-5,
12 I don't know, something like that.
13
14 **LEG. MARTINEZ:**
15 Okay. And just to clarify, everything you read, those violations
16 and felonies and charges, that was one charge per individual that
17 you said?
18
19 **SHERIFF DEMARCO:**
10:39AM 20 That was --
21
22 **LEG. MARTINEZ:**
23 The top charge.
24
25 **SHERIFF DEMARCO:**
26 That was their top charge, but each one --
27
28 **LEG. MARTINEZ:**
29 Is one individual.
10:39AM 30
31 **SHERIFF DEMARCO:**
32 Right. I think there were like 68 people with detainers last
33 night, so that's 68 charges I read off.
34
35 **LEG. MARTINEZ:**
36 Okay.
37
38 **SHERIFF DEMARCO:**
39 Attached to individuals, and that was their top charge.
10:40AM 40
41 **LEG. MARTINEZ:**
42 Okay. And now -- thank you for clarifying administrative warrants
43 and what the definition is. Does this mean that judicial warrants
44 are no longer being accepted?
45
46 **SHERIFF DEMARCO:**
47 We've never received a judicial warrant ever. It's very hard. ICE
48 agents really can't get judicial warrants except for in the case of
49 a final order of deportation or if somebody entered the country,
10:40AM 50 left and came back. ICE agents don't get the judicial warrants.
51 I've never seen a judicial warrant.
52
53 **LEG. MARTINEZ:**
54 So these advocate groups --
55
56

1 **SHERIFF DEMARCO:**
2 From Immigration.
3
4 **LEG. MARTINEZ:**
5 These advocate groups that are fighting for these individuals,
6 they're asking for judicial warrants; is that the issue?
7
8 **SHERIFF DEMARCO:**
9 Their interpretation of the probable cause is that you need a --
10:40AM 10 that it can only come from a judge.
11
12 **LEG. MARTINEZ:**
13 Got it, okay.
14
15 **SHERIFF DEMARCO:**
16 I believe that's what they're saying.
17
18 **LEG. MARTINEZ:**
19 Okay. And I think we have a meeting coming up, right, with the
10:41AM 20 particular group?
21
22 **CHAIRPERSON BROWNING:**
23 Yeah, next Friday I think? The 10th, I believe.
24
25 **LEG. MARTINEZ:**
26 Okay. And then I know that Bridget brought something along the
27 lines in terms of reimbursements. Do you happen to know if we have
28 saved any money in terms of -- let's say, for example, if there is
29 a prisoner who was supposed to stay in our jail a little longer but
10:41AM 30 now are being released within those 48-hours, have we seen a
31 savings in the County in regards to that? Does that make sense?
32
33 **SHERIFF DEMARCO:**
34 No (*laughter*).
35
36 **LEG. MARTINEZ:**
37 So let's say, for example, you have someone there, right. But for
38 whatever charge it is and, you know, before ICE comes in, and we
39 didn't even know they were being detained but now there's knowledge
10:41AM 40 that these individuals are not here legally and they would have
41 stayed in our jails longer; have we seen a savings in the County in
42 terms of those that are being released a lot sooner than if we were
43 to have kept them?
44
45 **SHERIFF DEMARCO:**
46 No, because -- I still don't quite understand your question.
47 I don't know if you're maybe misunderstanding something.
48
49 **LEG. MARTINEZ:**
10:42AM 50 Well, I guess what we're trying to figure out is when ICE takes an
51 individual, okay --
52
53 **SHERIFF DEMARCO:**
54 Right.
55
56

1 **LEG. MARTINEZ:**
2 Obviously they're no longer in our jail.
3
4 **SHERIFF DEMARCO:**
5 Right.
6
7 **LEG. MARTINEZ:**
8 You know, having an inmate in our jail costs us, what, about two
9 something a day?
10:42AM 10
11 **SHERIFF DEMARCO:**
12 Right.
13
14 **LEG. MARTINEZ:**
15 Now, if they would have been with us longer -- just withdraw the
16 question (*laughter*).
17
18 **SHERIFF DEMARCO:**
19 No, they wouldn't have been --
10:42AM 20
21 **CHAIRPERSON BROWNING:**
22 I know what you're trying to ask.
23
24 **LEG. HAHN:**
25 No, I think that's where I'm going. So do you ever -- do they ever
26 take someone who would have stayed, you know, for a charge -- for
27 charges --
28
29 **SHERIFF DEMARCO:**
10:42AM 30 No.
31
32 **LEG. HAHN:**
33 They never take someone, they let us --
34
35 **SHERIFF DEMARCO:**
36 They can't take someone until their State charges are disposed, or
37 if they got bailed out they can take them. But if someone gets
38 convicted here in Suffolk County of a burglary and they're going
39 Upstate for five years, that detainer will follow them up to the
10:43AM 40 State prison and they will get them when they get out of State
41 prison.
42
43 **LEG. HAHN:**
44 So it's not like they try to deport them before they -- they serve
45 their full time before they're deported?
46
47 **SHERIFF DEMARCO:**
48 They have to do their full time before ICE can take them. I mean,
49 they have --
50
51 **LEG. HAHN:**
52 Okay.
53
54 **SHERIFF DEMARCO:**
55 But if they did get bailed out on a burglary charge, ICE can take
56 them and deport them before their State charges are done, if that

1 process happens quick enough.

2

3 **LEG. HAHN:**

4 Okay.

5

6 **LEG. MARTINEZ:**

7 Okay. So I guess pretty much what my questions. And obviously I
8 can only concur with what Kate said, you know, in that we need to
9 make sure that everyone who is here is obviously abiding by the
10 law, whether they're undocumented or not, you know. That's really
11 what law enforcement is all about and making sure our communities
12 are safe. And I just want to thank you and obviously all your
13 correction officers who work there and our Deputy Sheriffs for
14 being out there and our law enforcement who is always there and
15 making sure that our communities are safe. So I thank you for
16 that.

10:43AM

17

18 **SHERIFF DEMARCO:**

19 I'm sure they appreciate that. Thank you.

10:44AM

20

21 **CHAIRPERSON BROWNING:**

22 Okay. Doc Spencer?

23

24 **LEG. SPENCER:**

25 Thank you, Sheriff. I'll be right to the point. I am looking for
26 some clarification with regards to -- some of the terms that we're
27 using when we say that someone is detained versus incarcerated. I
28 think some of the stories I heard nationally at some of the
29 airports where someone was detained and they were placed in a room
30 and as far as being fed or access to medication or their ability to
31 move about. Tell me, what does it mean when we say that someone is
32 detained? Like the police pick up someone, they take them to the
33 local precinct where there's a holding facility and they're turned
34 over, I guess, to the Sheriff's custody. What does that look like
35 and does that vary depending on if it's someone that's accused of a
36 violent crime versus someone that's accused of something that is
37 maybe a misdemeanor or something?

10:44AM

38

39 I mean, there's a high level of ignorance in my case, so it's hard
40 for me to articulate the question. But I'm just trying to get a
41 sense of someone that is detained, what are they able to do, where
42 are they held? What -- and is it the same as someone that's
43 incarcerated.

10:45AM

44

45 **SHERIFF DEMARCO:**

46 You know, if someone's arrested, you know, for a misdemeanor or a
47 felony and they're brought to a holding facility in a precinct,
48 they're both put in cells. I mean, you're not --

49

50 **LEG. SPENCER:**

51 Uh-huh.

52

53 **SHERIFF DEMARCO:**

54 They're detained. You know, in the correctional facility we have a
55 classification system and, you know, what housing area you're in is
56 determined by your classification and that has to do with behavior,

1 your charge, the type of charge you have and the seriousness and
2 past behavior in the correctional facility, if you've been there
3 before, health issues. So is that what you're looking for?
4 Everybody's kept in cells.

5
6 **LEG. SPENCER:**

7 Sure, I get that. And are they -- so they're classified. So, I
8 mean, let's say you have someone that is held on relatively a minor
9 charge that could be someone that has had -- has never been
10:46AM 10 detained before, perhaps a young individual that may be not
11 accustomed to perhaps a rough environment, someone that's very --
12 you know, they come in. Are they placed in a cell with other
13 individuals, are they separated, or is there a chance that they can
14 be assaulted by other detained individuals, are they isolated?
15 What does that look like; what's the policy there?

16
17 **SHERIFF DEMARCO:**

18 We don't -- in the jail everybody has their own cell. But when you
19 are going through the arraignment process and you're in a District
10:47AM 20 Court detention facility, you are held in a cell with many other
21 people.

22
23 **LEG. SPENCER:**

24 Okay. And there's no --

25
26 **SHERIFF DEMARCO:**

27 I mean, we do by law have to separate minors and stuff like that.

28
29 **LEG. SPENCER:**

10:47AM 30 Sure.

31
32 **SHERIFF DEMARCO:**

33 Regardless of their crime; you know, you can't have certain age
34 groups with adults.

35
36 **LEG. SPENCER:**

37 So would there be a chance, if there is someone that isn't -- their
38 status is uncertain where they can't speak English, where they are
39 placed in a holding area with other individuals. Is there constant
10:48AM 40 monitoring? Is there a chance that they could be abused or
41 assaulted or anything? I mean, obviously there's a chance, but how
42 carefully are they monitored and protected in that regard?

43
44 **SHERIFF DEMARCO:**

45 You know, the State Commission of Corrections has minimum standards
46 on supervision of people that are incarcerated and detained. Every
47 detention facility, whether it's in a Police precinct or a
48 courthouse, also falls under the New York State Commission on
49 Corrections minimum standards, and there are supervision standards
10:48AM 50 that have to be met. So is there somebody standing in front of the
51 cell, you know, the whole time? No, but there are required tours
52 to be made and it's not necessarily a big area.

53
54 **LEG. SPENCER:**

55 Okay. And if someone is being held -- so they're picked up for
56 some reason and it's sorted out that perhaps that this wasn't the

1 person that we should be picking up, that they're cleared, they
2 have an alibi, and there's reasonable evidence there that for what
3 they were being held by Suffolk County is no longer valid. So now
4 they're in that interim where there's a 48-hour period for ICE to
5 pick them up; you indicated that now you're going to honor this
6 because it's coming from another agency. Are those individuals who
7 have been perhaps vindicated in the interim or in the preliminary
8 investigation? I mean, I'm sure it happens all the time, that
9 there's a concern, they're picked up, they're brought down, they're
10 held, it gets sorted out. This person shouldn't be here, they're
11 innocent, they were just passing by the wrong place at the wrong
12 time, but now they're in this 48-hour period. Are they treated any
13 differently as far as their detention? They're not released,
14 right; is that correct?

15
16 **SHERIFF DEMARCO:**
17 They're still held in the facility.

18
19 **LEG. SPENCER:**
20 They're still held in the facility? Okay. I mean, that's
21 obviously concerning. You know, I am no longer believing
22 everything that I watch on TV, but it's -- these questions are kind
23 of these in-between zones where you hear a lot of the stories of
24 human suffering and things of that sort where someone that really
25 perhaps -- you know, the officer, at the time well-intentioned, but
26 may have just gotten the wrong person.

27
28 And then as far as when you are detained, so you're just getting
29 the regular meals? Are you allowed to -- is it what you hear, you
30 get one phone call? You know, what --

31
32 **SHERIFF DEMARCO:**
33 The one phone call thing is usually --

34
35 **LEG. SPENCER:**
36 I know. I mean, again --

37
38 **SHERIFF DEMARCO:**
39 That's an agency thing. In jail you can make as many phone calls
40 as you want as long as they're collect calls.

41
42 **LEG. SPENCER:**
43 All right, I'm out of my element here, I'm a doctor here so you're
44 helping me out a lot. There's no way -- and I've taken a tour of
45 the --

46
47 **SHERIFF DEMARCO:**
48 All the inmates can make collect calls.

49
50 **LEG. SPENCER:**
51 They can make collect calls, okay. So if we go to this safer
52 community policy, you know, I know it's my personal concern locally
53 that everything we do, that we do it in such a way that there's
54 dignity and that we don't have unnecessary pain and suffering for
55 innocent individuals. And we talk about 48-hours as if, you know,
56 *Oh, that's a short period of time.* And you know, I can tell you

1 with being someone that's always been on, I hope, the right side of
2 the law, being detained for an hour is terrifying, it's absolutely
3 terrifying. And I understand that we have to do it, I'm not in any
4 way saying that there shouldn't be policies that we shouldn't have
5 people follow the law, but if there's anything that you could do,
6 and you have proven yourself to be one of the utmost humanitarians.
7 And I just want to make sure that -- I mean, the intention is in
8 the detail, we use detain, it's such a sanitized word; *Oh, they're*
9 *being detained*. You know, they're locked up, they're in jail,
10 they're being held, they have to, you know, use the bathroom in
11 front of everyone. You know, it's a -- there's a lot of -- it's
12 emotionally terrifying. And I just want to -- you know, obviously
13 with the staff that we have, protecting the officers comes first.
14 But I do want to make sure that in Suffolk County that we maintain
15 the high standards of dignity and humanitarian concerns that we've
16 always had; that's important to me, Sheriff.

10:52AM

17
18 **SHERIFF DEMARCO:**

19 We don't treat anybody any different because of their race or
20 anything or their status with us. If they are in our facility,
21 they all get treated the same, they all have the same entitlements
22 that the rest of the inmates have.

10:53AM

23
24 **LEG. SPENCER:**

25 Sure, I get that. I wish there was a type of situation -- I
26 understand that if someone is found to be innocent and they're
27 being detained, that they may be locked or they may be secured
28 perhaps in another area where there is a bathroom and there is --
29 you know, whether or not it's a conference room or something where
30 they could -- but again, that's another story and I shouldn't
31 belabor this committee for that. And it may just reflect a high
32 level of naivety on my part, so I apologize for that. Thank you,
33 Sheriff.

10:54AM

34
35 **CHAIRPERSON BROWNING:**

36 Okay. Is Kara here?

37
38 **LEG. HAHN:**

39 Yes.

10:54AM

40
41 **CHAIRPERSON BROWNING:**

42 Oh, okay. Kara.

43
44 **LEG. HAHN:**

45 Okay, I'm going to be all over the place. Before I forget, though,
46 my Aide just mentioned that the Legal Aid phone number that's
47 posted at the jail is one number off from our number, the Legal Aid
48 number is. And we get a collect call every day, just about, from
49 the jail, somebody looking for Legal Aid, but we can't tell them
50 the way it is. We can't accept the call, you know, because it's a
51 collect call, but we can't tell them the reason. So hopefully
52 these people try again or know that it's not Legal Aid saying
53 they're not taking the call; you know, hopefully that gets worked
54 out. So, I just don't want them to think that --

10:54AM

1 **SHERIFF DEMARCO:**
2 I'm sure they try it again.
3
4 **LEG. HAHN:**
5 Hopefully they try again and redial is all that I'm saying.
6
7 **SHERIFF DEMARCO:**
8 Or we can get Legal Aid to change their number.
9
10:55AM 10 **LEG. HAHN:**
11 (*Laughter*) Well, no, if it's a mistake, I don't know if it's
12 misposted or if it's --
13
14 **SHERIFF DEMARCO:**
15 I'll check.
16
17 **LEG. HAHN:**
18 Yeah, just check that.
19
20 **SHERIFF DEMARCO:**
21 It's your office number that it's close to?
22
23 **LEG. HAHN:**
24 Yes. But if -- I just hope that if they were told that the person
25 denied the call, that they don't think Legal Aid is denying them
26 the call and that somehow they still get connected to Legal Aid
27 when they need it, that's my hope.
28
29 Okay, I do apologize, I was a little late because of personal
10:56AM 30 reasons this morning and I didn't get to hear your presentation.
31 I will listen to it again -- I will listen to it, go back and
32 listen to the tape recording since we have that available on-line.
33 If anybody listening at home missed his presentation, you can
34 listen to the recording, sometime later on today it'll be posted
35 on-line. But I did hear you answer some questions about
36 reimbursing us for the cost of these detentions; so the Federal
37 government will reimburse us for the 48-hour hold when we hold
38 them?
39
10:56AM 40 **SHERIFF DEMARCO:**
41 It's more than 48 -- it's anyone who is -- there's a criteria, and
42 I don't have it in front of me; my grant guy probably does, but he
43 probably doesn't remember it either. But anybody who is classified
44 as a criminal alien, somebody who's in the country illegally and at
45 this point probably convicted of misdemeanors or felonies, whatever
46 the criteria is we apply. We go through our whole jail management
47 system, find out how many of these people we have that fit the
48 criteria for this particular grant and we put it in. Do you
49 remember what the number was, the new one that just came out?
10:57AM 50 How much money did we get from SCAAP, the most recent?
51
52 **CHIEF PAPARATTO:**
53 I think about a million and a half.
54
55 **SHERIFF DEMARCO:**
56 A million and a half dollars we get. But it's not --

1 **LEG. HAHN:**
2 You're talking about individuals who were convicted and we're
3 housing them for their serving their time.

4
5 **SHERIFF DEMARCO:**
6 Well, it depends if there is a -- it doesn't include everybody and
7 it has nothing to do with detaining people for 48-hours.

8
9 **LEG. HAHN:**
10 Right. So we don't get reimbursed for the cost.

11
12 **SHERIFF DEMARCO:**
13 No, I'm not saying -- some of those people fit the criteria. It's
14 a complicated formula, but the 48-hours has nothing to do with it.
15 Like I'm not concerned that that costs us money, because we usually
16 don't have to hold people for 48-hours anyway, they work there,
17 they take them.

18
19 **LEG. HAHN:**
10:58AM 20 It would be -- maybe it would be good to know how many hours we
21 were not reimbursed for these folks; not today.

22
23 **SHERIFF DEMARCO:**
24 Impossible, that's impossible.

25
26 **LEG. HAHN:**
27 And then the other -- so I still don't -- and I apologize, because
28 I am not an attorney.

29
10:58AM 30 **SHERIFF DEMARCO:**
31 That's all right.

32
33 **LEG. HAHN:**
34 I still don't understand what it takes to get an administrative
35 hold. Like what it takes for ICE to get and what do they have to
36 do to have on administrative warrant?

37
38 **SHERIFF DEMARCO:**
10:58AM 39 I don't -- that's -- if they meet the criteria -- ICE sets the
40 criteria, the Department of Homeland Security, of people who are,
41 in their mind, deportable, or should be put in deportation
42 hearings. If they meet the criteria, they issue the detainer and
43 an administrative warrant along with it. Now, those are questions
44 that I don't set any criteria, they set the -- the Department of
45 Homeland Security probably comes from up above.

46
47 **LEG. HAHN:**
48 But what you are deciding, I mean, this is --

49
50 **SHERIFF DEMARCO:**
51 I don't --

52
53 **LEG. HAHN:**
54 This is a discretionary action on your part to hold them for the
55 48-hours, so you are deciding that --

56

1 **SHERIFF DEMARCO:**
2 Some people may say it's discretionary, I don't necessarily believe
3 that.
4
5 **LEG. HAHN:**
6 But you did say that -- I mean, I'm not trying to be argumentative,
7 but you did say that it was not mandated.
8
9 **SHERIFF DEMARCO:**
10 That's an opinion, but not necessarily my opinion.
11
12 **LEG. HAHN:**
13 Okay, so we're in legal questions here.
14
15 **SHERIFF DEMARCO:**
16 Right.
17
18 **LEG. HAHN:**
19 Okay.
20
21 **SHERIFF DEMARCO:**
22 But I am comfortable holding people that ICE is interested in.
23 There's a reason why they want them.
24
25 **LEG. HAHN:**
26 And would you be comfortable -- I think you said, and I just want
27 to confirm, that there's not a single person that's being held for
28 immigration status only.
29
30 **SHERIFF DEMARCO:**
31 Well, after -- once -- if they're being held for that 48-hours, if
32 they would have -- if somebody came and bailed them out, now we're
33 holding them for ICE to come get them, they are only being held on
34 that warrant.
35
36 **LEG. HAHN:**
37 No, no, no, I mean --
38
39 **SHERIFF DEMARCO:**
40 But, I mean, is there someone in the jail just on an immigration
41 issue? No, we're not a Federal prison or a Federal detention
42 facility. You know, we do on occasion have prisoners from the U.S.
43 Marshal.
44
45 **LEG. HAHN:**
46 No, but I mean that their warrant, their warrant; the reason why
47 they're able to give the administrative warrant is because there's
48 reason to believe they've committed some list of crimes that you
49 mentioned.
50
51 **SHERIFF DEMARCO:**
52 No, they do that because there's reason to believe that they can be
53 put in deportation hearings is what it really comes down to, based
54 on whatever their criteria is.
55
56

1 LEG. HAHN:
2 Okay. Maybe we can talk off-line on this and --
3
4 SHERIFF DEMARCO:
5 Any time.
6
7 LEG. HAHN:
8 -- you can really bring me up to speed.
9
11:01AM 10 SHERIFF DEMARCO:
11 It's easier if you have the forms in front of you.
12
13 LEG. HAHN:
14 Yes. Okay, and then this is back to the Deputy Sheriff actions,
15 because from a law enforcement side, I have heard the Police
16 Commissioner talk about how important this is. You said your
17 Deputy Sheriffs don't investigate immigration status.
18
19 SHERIFF DEMARCO:
11:01AM 20 They don't.
21
22 LEG. HAHN:
23 However, with regard to victims and witnesses, by just asking the
24 question about status, it can have a chilling effect.
25
26 SHERIFF DEMARCO:
27 Sure, I agree.
28
29 LEG. HAHN:
11:01AM 30 So I'm concerned. You said that there's no policy; I was hoping
31 that maybe that can be worked out, that it's clear to your law
32 enforcement, the Deputy Sheriffs, that that question doesn't get
33 asked of victims and witnesses because of that chilling effect.
34 And we want to get the criminals, not the victims, we want to get,
35 you know, the serious criminals. And so I hope that maybe you can
36 establish -- could consider establishing a policy.
37
38 SHERIFF DEMARCO:
11:02AM 39 I mean, there's no benefit in asking a victim or a witness if
40 they're in the country illegally because we don't have the ability
41 to enforce Federal laws.
42
43 LEG. HAHN:
44 Thank you. I don't have Dennis Brown's opinion, I guess I can get
45 that later from him, or if you could pass that out if you have it
46 with you.
47
48 SHERIFF DEMARCO:
49 I'll get it to you.
11:02AM 50
51 LEG. HAHN:
52 Okay, that's it for now, but I look forward to talking to you in
53 more detail. There was a meeting that was mentioned for next
54 Friday?
55
56

1 **CHAIRPERSON BROWNING:**

2 Yeah.

3

4 **LEG. HAHN:**

5 Is that something that we're all invited to?

6

7 **CHAIRPERSON BROWNING:**

8 Yeah. I was reached out to by Make-the-Road and I know -- you
9 know, to clarify this, when a lot of this is going on, and it's not
10 just on this issue, but I know that the Sheriff has always reached
11 out to the immigrant advocates, not just on this occasion but other
12 occasions, and I know he's met with them frequently on other
13 issues. So I was contacted by them and I said I would meet with
14 them; however, I want the Sheriff there because I don't want the he
15 said/she said. I know Monica said she would come, it's
16 February 10th, I can't remember what time it was; 10:30?

17

18 **SHERIFF DEMARCO:**

19 I don't remember off the top of my head.

20

21 **CHAIRPERSON BROWNING:**

22 At 10:30 on the 10th, which is I believe next Friday. So I was
23 going to extend the invitation, if anyone else does want to attend,
24 you're more than welcome to come. In Yaphank; at the jail in
25 Yaphank?

26

27 **SHERIFF DEMARCO:**

28 I thought it was at Touro.

29

30 **CHAIRPERSON BROWNING:**

31 Huh?

32

33 **SHERIFF DEMARCO:**

34 I thought it was at Touro. I think they changed it to Touro Law
35 School.

36

37 **CHAIRPERSON BROWNING:**

38 Oh, they changed it?

39

40 **SHERIFF DEMARCO:**

41 I'm not sure.

42

43 **CHAIRPERSON BROWNING:**

44 Okay. Do you have room? Because I have no idea, I've been trying
45 to find out how many people they actually have coming.

46

47 **SHERIFF DEMARCO:**

48 I think my secretary told me yesterday that someone called for
49 that.

50

51 **CHAIRPERSON BROWNING:**

52 We'll find out.

53

54 **SHERIFF DEMARCO:**

55 I had another meeting scheduled with the Empire Justice Center
56 who's an advocate group, and I think they may have combined --

11:03AM

11:03AM

1 **CHAIRPERSON BROWNING:**

2 Is that where you're meeting, at Touro?

3

4 **SHERIFF DEMARCO:**

5 I think they somehow, Make-the-Road and Empire Justice spoke to
6 each other and they combined the meetings.

7

8 **CHAIRPERSON BROWNING:**

9 Oh, okay.

11:04AM 10

11 **SHERIFF DEMARCO:**

12 So I'm not -- I'll check.

13

14 **CHAIRPERSON BROWNING:**

15 Your guess is as good as mind.

16

17 **SHERIFF DEMARCO:**

18 I'll check on that.

19

20 **CHAIRPERSON BROWNING:**

21 Well, that's the thing, I've been asking to confirm how many people
22 are coming so we know what size room we need.

23

24 **SHERIFF DEMARCO:**

25 It sounds like it's going to be big. And I just want you all to
26 know, too, that when I received Dennis Brown's latest opinion in
27 December, I reached out to all the advocate groups. You know,
28 while we disagree on this, I do -- listen, they have a job to do,
29 that's their mission and I understand, I have a job to do, and I
30 did reach out to them and explain what was going on before it
31 happened. You know, I think communication is good. And even if
32 you disagree, it's still always good to keep that line of
33 communication open, so.

11:04AM 30

34

35 **CHAIRPERSON BROWNING:**

36 Right. And I think there's a difference in interpretation. I
37 think they want to interpret what you said to them. You know, I
38 know that you've been very good explaining it here today, as you
39 have in the past with me, and I'm okay. You know, if these are
40 people and you read those top charges, I'm sorry but I know that
41 some of those people came out of my district, some of them probably
42 came out of Monica's district, and I personally don't want those
43 people back on street in my district. I'm not okay with that. If
44 they are criminals and likely to commit more crimes, they don't
45 belong on our streets. It doesn't matter what their status is,
46 whether they're undocumented or they're American citizens. It is
47 what it is. You know, we have to be concerned about the safety of
48 our residents. I have no objection to what you're doing. Again,
49 it's not your policy, it's ICE's policy, and I understand that you
50 respect another law enforcement's request; that's what you're
51 doing. I believe -- I'm sorry, Tom, but I think you have a
52 question?

11:05AM 40

53

54 **LEG. CILMI:**

55 Yeah, just a couple of quick follow-ups. Just taking off of what
56 some of my colleagues here have asked and mentioned. With respect,

11:06AM 50

1 Sheriff, to the cost associated with the 48-hour detainer and, you
2 know, if for some reason they had to remain in the jail for, you
3 know, an additional 48-hours before ICE took them out of the jail,
4 certainly there's cost associated with that. But what we can't
5 forget, though, is that there's cost associated with them being in
6 the jail in the first place, and there's cost associated with them
7 committing the crime that they committed in the first place, and,
8 you know, let's not set aside that cost. And I think the money
9 that we are reimbursed from New York State is money used to
11:07AM 10 basically sort of reimburse us for that overall cost and not just
11 the cost of the 48-hours.
12
13 **SHERIFF DEMARCO:**
14 That money comes from the Federal government.
15
16 **LEG. CILMI:**
17 From the Federal government.
18
19 **SHERIFF DEMARCO:**
11:07AM 20 But it is called the State because it --
21
22 **LEG. CILMI:**
23 I see. Okay, my mistake.
24
25 **SHERIFF DEMARCO:**
26 Just so you know.
27
28 **LEG. CILMI:**
29 Yep, yep. And, you know, to Doc's point about the emotional terror
11:07AM 30 that's involved in being incarcerated or secured in such a way, you
31 know, again, let's not forget emotional terror that the victims of
32 many, if not all of these criminals have felt.
33
34 With respect to what happens with the detainee once the detainer is
35 issued, my understanding -- and correct me if I'm wrong -- is that
36 they're just -- they're maintained in the same condition,
37 basically, as they had been previously. They're not put into a
38 separate kind of holding cell or something, right?
39
40 **SHERIFF DEMARCO:**
11:08AM 41 No, they stay --
42
43 **LEG. CILMI:**
44 They stay in the same jail cell that they were in. There's no
45 difference in the way they're cared for or the dignity in which
46 they're treated in jail, as dignified as that may or may not be.
47
48 **SHERIFF DEMARCO:**
49 That's correct.
11:08AM 50
51 **LEG. CILMI:**
52 I certainly -- having been through both jails, you know, I
53 certainly commend you and appreciate the conditions that we afford
54 our inmates, recognizing that it is jail after all. But they're
55 certainly not deplorable conditions by any stretch, they're quite
56 nice for a jail.

1 And the last question I had, Madam Chair, this is totally off this
2 topic, but --

3
4 **CHAIRPERSON BROWNING:**
5 Sure.

6
7 **LEG. CILMI:**
8 -- in my view, worth -- you know, a question worth asking because I
9 think it's a program that we do that was started by the Sheriff and
10 inspired by many others and helped along by Legislator Lindsay.
11 The vets pod in the jail, how's that working out?

12
13 **SHERIFF DEMARCO:**
14 Wonderful. We recently -- because it's only been about a little
15 more than six months, we're starting to gather some data on
16 recidivism and some of our results, I don't think we have it all
17 together yet, though. But it's very positive, we get a good
18 feedback from the veterans and the officers that are working with
19 them, and also the service providers that are coming in, the
20 not-for-profits that are working with them, we get excellent
21 feedback. We have the VA involved as well, so.

22
23 **LEG. CILMI:**
24 Right. Well, it's an awesome partnership and an awesome program,
25 and I hope it's working. Look forward to results. Thanks,
26 Sheriff.

27
28 **CHAIRPERSON BROWNING:**
29 Okay. Doc Spencer?

30
31 **LEG. SPENCER:**
32 I'm glad I was able to be on the speaker list behind my colleague
33 Tom there. You invoked my name and I think it's important to make
34 sure, and I think that when I did state the question I was talking
35 about in the situation of someone that is completely innocent. And
36 any time there's a victim and our officers are putting themselves
37 on the line, my first priority is to those constituents and
38 victims, and I just want to make that very clear --

39
40 **LEG. CILMI:**
41 No doubt.

42
43 **LEG. SPENCER:**
44 -- for the record.

45
46 **LEG. CILMI:**
47 No clarification necessary.

48
49 **LEG. SPENCER:**
50 And just a brief follow-up as far as we keep hearing this number
51 48-hours as opposed to two days. Is that 48-hours, because
52 obviously Friday night tends to be a busy time where there are
53 things that are happening. Is there -- so something that takes
54 place on a Friday afternoon or a Friday night, there is this form
55 that comes across. The 48-hours expires Sunday night; does that --
56 is that person then released or is that just an approximate

1 48-hours? Is there literally a clock that's ticking, or would they
2 be held to Monday morning? And I'm talking about in the case of an
3 individual that is -- has an ICE order that comes across, but as
4 far as what we're holding them for it's deemed that it was a
5 misunderstanding. So what happens when the 48-hours is over if ICE
6 hasn't taken them into custody?

7
8 **SHERIFF DEMARCO:**

9 I shut it off, I thought I was out of here.

10
11 **LEG. SPENCER:**

12 Okay (*laughter*).

13
14 **SHERIFF DEMARCO:**

15 It's a hard 48-hours. If the 48-hours is up and ICE doesn't come,
16 we'll call them and say, *Listen, you're not here*, and out of
17 courtesy they'll lift the detainer.

18
19 **LEG. SPENCER:**

11:12AM 20 Okay. And, you know, to be clear, we're in -- I admire what you
21 have to do in these difficult times and I think the security over
22 our constituents in this country is job one. But I think it
23 wouldn't be fair if I didn't -- being someone that over the course
24 of my life, traveling about this country -- and I respect the work.
25 I have a great relationship with all levels of law enforcement in
26 Suffolk County; they know that I look out for them and I admire
27 what they do. But I'm an individual that has been stopped and
28 pulled over and detained, and for a lot of different reasons of
29 just maybe being in the wrong neighborhood. And to pretend like it
11:13AM 30 doesn't exist and that -- you know, I want to make sure that we --
31 as far as the objective issues of keeping this country safe, I
32 fully support it. But I want to make sure that where an officer is
33 in a position where they're making a judgment call and something is
34 later sorted out, then I think that I fully support that officer.
35 But I just want to make sure that we have a policy that innocent
36 individuals, besides obviously -- I mean, you know, they're here
37 perhaps where we don't know the circumstances, but I just want to
38 make sure that they're treated with dignity and respect.

39
11:14AM 40 **SHERIFF DEMARCO:**

41 Of course.

42
43 **CHAIRPERSON BROWNING:**

44 Okay. Rob, you have a -- Mr. Braun, I think the question's for
45 you.

46
47 **D.P.O. CALARCO:**

48 Yeah, it's a little bit more of a legal question I think, and I
49 don't know if the Sheriff is the appropriate person to ask the
11:14AM 50 question to. It's because we are asking for two separate things
51 from ICE at this point in time, not just the detainer request which
52 does say on the top of it that it's voluntary. But we ask for that
53 warrant that -- granted, it's an administrative warrant, not a
54 judicial warrant, but does a warrant carry a different level of
55 authority that would require us to detain the individual under the
56 law of -- under the authority of the warrant?

1 **MR. BRAUN:**

2 I haven't seen the County Attorney's December opinion personally,
3 but my understanding is that the issuance of the warrant --

4
5 **D.P.O. CALARCO:**

6 You don't have to hold the button down.

7
8 **MR. BRAUN:**

9 The issuance of the warrant along with the request provides
10 assurance, at least on its face, that there is probable cause to
11 detain the individual on the basis of the fact that they are likely
12 to have violated immigration laws.

13
14 **D.P.O. CALARCO:**

15 No, I understand that. And I also -- I think that's an important
16 distinction as well, because the detainers and the warrants, while
17 ICE uses to make a determination on their priority of who to
18 enforce the law upon, what they are enforcing to these detainers or
19 asking to be able to enforce through action as immigration law, not
20 any other type of law.

21
22 **MR. BRAUN:**

23 Correct.

24
25 **D.P.O. CALARCO:**

26 Right, they're not attesting the person had committed a felony
27 here, they're attesting that they believe the person violated
28 immigration law.

29
30 **MR. BRAUN:**

31 Well, apparently -- and I'm making some assumptions here -- when
32 the person was arrested by the local authorities and their
33 fingerprints were processed and sent to the national database, they
34 corresponded in some way with something that led Immigration and
35 Customs Enforcement --

36
37 **D.P.O. CALARCO:**

38 Sure. No, I understand that.

39
40 **MR. BRAUN:**

41 -- to believe that they were in violation of immigration laws.

42
43 **D.P.O. CALARCO:**

44 The individual ends up in the care of the Sheriff because, for some
45 reason or another, law enforcement believed that person committed a
46 crime that landed them in the custody of the Sheriff, and they got
47 fingerprinted and those fingerprints -- everybody's fingerprints
48 goes through this FBI database and for some reason or another it
49 sent off alarms to immigration authorities that they may have an
50 interest in this individual.

51
52 **MR. BRAUN:**

53 Right.

1 **D.P.O. CALARCO:**

2 What they give us, when this give us this detainer and the warrant
3 is asserting that they believe this individual violated immigration
4 law and they are enforcing that law, they're asking for us to hold
5 that person so they can bring them up on charges.

6
7 **MR. BRAUN:**

8 Correct.

9
10 **D.P.O. CALARCO:**

11 But my question was more to does the warrant carry a different
12 level of authority that requires our cooperation that the
13 detainer -- which clearly says on the top of it it's a voluntary
14 detainer request -- carries?

15
16 **MR. BRAUN:**

17 I believe, as Sheriff DeMarco said, it addresses the issue that led
18 the Sheriff to previously say under the old process that there
19 wasn't enough to continue to hold these individuals beyond -- but
20 whether it becomes mandatory or not.

21
22 **D.P.O. CALARCO:**

23 Yeah, the question is more of do we have a liability issue or a
24 compliant issue if we fail to hold somebody who we have a warrant
25 for.

26
27 **MR. BRAUN:**

28 I don't know. I mean, without seeing Dennis' opinion and having --
29 perhaps analyzing it myself, I don't know the answer to that
30 question. I know that if we were to ignore a judicial warrant, we
31 could in theory be guilty of contempt. I don't know what the --

32
33 **D.P.O. CALARCO:**

34 But that's a judicial warrant or an administrative warrant.

35
36 **MR. BRAUN:**

37 But an administrative warrant, I don't know what --

38
39 **D.P.O. CALARCO:**

40 That's a lower level type of document than the judicial warrant and
41 so therefore it may or may not have -- Sheriff, you had a
42 different --

43
44 **SHERIFF DEMARCO:**

45 No. What I think, though, and what I will do, which I'm sure
46 Dennis will love, I will ask Dennis to look at Title 8 of the US
47 Code and those two sections and see if those two sections mandate
48 us to -- if he believes they mandate us to adhere to that
49 administrative warrant, we'll get an opinion from him.

50
51 **D.P.O. CALARCO:**

52 Yeah; if you're not asking for it, I'm asking for it, because I
53 think it's a valid thing for our legal department to give us an
54 opinion on.

1 **MR. BRAUN:**
2 I will bring that back to the office.

3
4 **D.P.O. CALARCO:**
5 Thank you.

6
7 **CHAIRPERSON BROWNING:**
8 Bridget.

9
10 **LEG. FLEMING:**
11 Yeah, if I could, just to follow up on that. So I think it would
12 be important to have the County Attorney look at the difference,
13 because my understanding until this morning was that the
14 administrative warrant was a sworn document, like an arrest warrant
15 and, you know, like a charging instrument, but it's not, according
16 to what I'm looking at. So the immigration detainer, the request
17 for voluntary action, has -- that's I-247D.

18
19 **SHERIFF DEMARCO:**
20 Yeah.

21
22 **LEG. FLEMING:**
23 Has A and B; A being, you know, this person is an ICE priority
24 because, and it lists it; and then B, probable cause exists that
25 they're a removable alien because, and then it goes into the
26 criminal conduct. Is that an either or, the A or B? They could
27 check a box on either A or B and the warrant -- and the request is
28 valid? Or do they do -- they have to do one of each?

29
30 **SHERIFF DEMARCO:**
31 I have one that's filled out here somewhere.

32
33 **LEG. FLEMING:**
34 That would be helpful.

35
36 **SHERIFF DEMARCO:**
37 On this particular one --

38
39 **LEG. FLEMING:**
40 And I said it backwards; I think the A is the criminal history of
41 the individual, or the criminal status, and B is the ICE status.

42
43 **SHERIFF DEMARCO:**
44 I have the box checked in A and the box checked in B.

45
46 **LEG. FLEMING:**
47 Okay, that makes sense to me. So if that's the case -- and this
48 will probably be a question for you, Bob, or Dennis -- what's the
49 difference then? Because what Dennis' opinion says is that
50 probable cause -- we are now assured, because of the administrative
51 warrant, we are now assured that probable cause exists. You know,
52 the standard to which that's being asserted is different from what
53 I thought is a little lower than a normal arrest requires, but --
54 and I think that might have constitutional implications. But
55 besides that, Document 247-D does require probable cause. So the
56 addition of an unsworn warrant that asserts probable cause doesn't

1 seem to add anything to the equation.

2
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9

SHERIFF DEMARCO:

I think the other thing you've got to look at, too, which I never did is the Immigration and Naturalization Act, the section that talks about the Department of Homeland Security and administrative warrants. Or something Dennis -- I'll point out to Dennis, too, to look at that.

11:21AM 10

LEG. FLEMING:

I think it would be helpful to clarify. Thank you.

11
12
13
14

CHAIRPERSON BROWNING:

Okay.

15
16
17
18
19

LEG. FLEMING:

And I don't think we can get the ICE agents to change their policy, but the fact that it's not sworn seems to me that it changes what this adds to the equation. Thank you.

11:21AM 20

CHAIRPERSON BROWNING:

Okay, Kara.

21
22
23
24
25

LEG. HAHN:

Can you request that sworn statement from the ICE agents? Can that be part of your policy? Is that --

26
27
28
29

LEG. FLEMING:

Do we do it in a tweet?

11:22AM 30

(*Laughter*)

31
32
33
34
35
36
37

SHERIFF DEMARCO:

You know, if the County Attorney gave me an opinion that that would be required I would do it; but other than that, I'm not looking to do that, no.

38
39

LEG. CILMI:

That was funny, you have to admit.

11:22AM 40

41
42
43

LEG. HAHN:

Can we require you to do that? (*Laughter*). Okay, thank you.

44
45
46
47
48
49

CHAIRPERSON BROWNING:

Wow. Okay. I think you are going to be free to go, but I want to say thank you for coming in certainly clearing up a lot of questions and concerns. And I have to go back to what Doc Spencer said about, you know, being a good humanitarian since you've been the Sheriff. Jail population has dropped. I mean, how much -- I know now you've been there 11 years and you made a commitment to save taxpayers dollars by not having to continue to build the bigger jail and the population has dropped. You have the SLAP Program, which I know that's something that we talked about way back when you first came in. I know the prisoners love it, the community loves it. The youth program that you have in there is certainly helping with recidivism, the vets pod that you have.

11:22AM 50
51
52
53
54
55
56

1 There are so many things that you have done over the past 11 years
2 in that jail that I believe has kept the number of people down.
3 And so maybe -- and again, I don't know, and I know there are some
4 newer Legislators, I don't know if they've ever taken the tour of
5 the jail, I know we've done that in the past. And I know Monica
6 talked about children of people who are being incarcerated, the
7 courts do have a place for the children and there is procedures for
8 that. But certainly, if anybody wants to do a tour we can do that.
9 But if you could, just finishing up, you know, give us an update on
10 what the population is in the jail over the past year, two years,
11 whatever you've got right now.

11:24AM

12
13 **SHERIFF DEMARCO:**

14 Well, three or four years ago we were close to 1800, during the
15 Christmas week we were down to 1160 something. And this is a
16 seasonal time where we go back up, so now we're back up to 1300, in
17 March it'll come back down again. But we have not even been close
18 to -- I mean, there was a point we were pushing 2,000 and it was
19 very concerning, so. And, you know, it's a collaborative effort.
20 You know, crime is down significantly here in Suffolk County due to
21 the work of our police officers, the work of our correction
22 officers and our Deputy Sheriffs. You know, just our youth program
23 alone --

11:24AM

24
25 **LEG. CILMI:**
26 Probation.

27
28 **SHERIFF DEMARCO:**

29 And Probation. The youth population in the jail, because of the
30 youth program -- and it's really because people aren't coming back.
31 Only 16% of the people that participate in our program, along with
32 Judge Camacho, wind up recidivating and that's huge, huge, huge;
33 and that population has been cut more than half, so that's
34 significant.

11:25AM

35
36 **CHAIRPERSON BROWNING:**

37 Okay. Well, I don't believe there are any more questions. So I
38 want to say thank you and we'll see you next Friday and I'll let
39 you know who else is coming, besides myself and Monica. Thank you.

11:25AM

40
41 **SHERIFF DEMARCO:**
42 Did you get the memo?

43
44 **LEG. FLEMING:**

45 Yes, thank you. It's going to go into the record.

46
47 **CHAIRPERSON BROWNING:**

48 Okay, I believe Dr. Caplan is here. Doctor, I have a quick
49 question for you about -- how are you doing in your staffing levels
50 as far as your staff? I'm kind of hearing that you have a few
51 people that are out which has kind of caused a little bit of an
52 overtime issue for some people; yes, no?

53
54 **DR. CAPLAN:**

55 I'm sorry, Legislator Browning.

56

1 **CHAIRPERSON BROWNING:**

2 Sorry. I've heard that you have -- there are some people out, I
3 believe, who perform the autopsies? I'm not sure. I've heard you
4 had some staffing changes lately.

5
6 **DR. CAPLAN:**

7 Yeah. No, it's really been more of an issue with the
8 investigators. So the death investigators who are the physicians
9 assistants who actually, you know, respond to the scenes of death
10 or, you know, obtain the initial information.

11
12 Yeah, we had some issues. We have eleven full-time death
13 investigators. We had an issue where we had three of them on a
14 medical leave for different conditions; so yeah, we were tight for
15 a couple of months. Since that time we have gotten two of them
16 back, and then the third person is supposed to be coming back in
17 mid-February. So that was -- yeah, so the issue wasn't with the
18 pathologists doing the autopsies but with the investigators who
19 actually go to the scenes.

20
21 **CHAIRPERSON BROWNING:**

22 Okay. So, you know, if you're saying certainly -- you know, we
23 always have had concerns, and I know Doc Spencer has talked about
24 it often about, you know, grieving families and victims of crime,
25 that we're making sure that there's no time lapses in providing
26 them with the information they need.

27
28 **DR. CAPLAN:**

29 Yes.

30
31 **CHAIRPERSON BROWNING:**

32 Okay? Doc, of course, has a question.

33
34 **LEG. SPENCER:**

35 Hi. I had a family that made an inquiry recently where they lost a
36 child to an overdose, and the mother was actually with the child
37 as they were unresponsive, EMS was responding and she had a chance
38 to embrace and the child that was brought in had ACLS and was
39 pronounced at the emergency room. And the father came in and
40 wanted to give the child an embrace, I guess while they were dead
41 but still warm, relatively, and I think that they were stopped and
42 said, you know, this is a crime scene, this is an investigation,
43 you know, we have to look at it. And I think that the remains were
44 taken into custody by the Medical Examiner and examined. I know
45 that they're trying to preserve evidence, but the parents' concern
46 was that when this was taking place that there were dozens of
47 medical professionals that were doing CPR and taking off clothes
48 and disturbing evidence, and then at that period of time that they
49 were really emotionally distressed, they weren't permitted to have
50 contact.

51
52 From an evidence point of view, and then just as far as if you are
53 coming to pick up the body, what's the time period before family
54 could have access? And do you believe that there is on overdose
55 situation that a father having a parting embrace would disturb
56 evidence that would be critical in terms of solving potentially why

1 that overdose occurred or where the drugs came from.

2
3 **DR. CAPLAN:**

4 Legislator Spencer, I'm not familiar with this particular case, but
5 it certainly brings up an important question, so I would say this.
6 You know, when we got to a scene and somebody has passed away,
7 we're given a set of information as to what we believe happened,
8 that's our hypothesis. It may change as the investigation goes on,
9 of course, but we're given some presumptive information. If the --
11:30AM 10 if there's not a high suspicion of a homicide or a criminal act,
11 then I don't see just from, you know, being reasonable why a short
12 embrace, you know, would be an issue at all. I will say that
13 clearly, though, it depends on the particular case.
14

15 And to your point, yeah, if there's been a lot of medical
16 intervention already to try to -- you know, to try to resuscitate
17 or revive the person and it has been determined not to transport
18 that person to a hospital, I don't see a problem with that. I do
19 think that from our standpoint what we need to do, though, and this
11:31AM 20 is my responsibility, is to provide guidance for our investigators
21 at scenes as to, you know, what we can reasonably allow or permit
22 the family to do.
23

24 **LEG. SPENCER:**

25 That would be really helpful to me. And I think that this family,
26 they've reached out to me just as far as some direction and perhaps
27 setting up a meeting with yourself and representatives of
28 investigators who might be at the scene to clarify that, it would
29 give this family substantial relief. Thank you.
30

11:31AM 31 **DR. CAPLAN:**

32 Exactly. And just to take an adjective that was used for Sheriff
33 DeMarco, humanitarian. We try to our best ability in the Medical
34 Examiner's Office to be as humanitarian as we can under the
35 situation, but that's certainly something that needs to be
36 addressed. I appreciate it.
37

38 **CHAIRPERSON BROWNING:**

39 And I was going to add, Lieutenant Homan, I promised you, but is
11:32AM 40 that a law enforcement policy? Is that a policy within the Police
41 Department when -- in a situation like that? I don't want to put
42 you on the spot but, I mean, obviously if a situation like that
43 occurs -- you don't know, the law enforcement officer doesn't know
44 why that person passed away for sure; correct?
45

46 **LIEUTENANT HOMAN:**

47 Good morning. In this particular situation that's being described,
48 as the doctor said, it would be a crime scene and one of our first
49 priorities would be to preserve that crime scene and we would be
11:32AM 50 acting in accordance with that. We're not -- at that point in
51 time, we're not certain of all the facts that precipitated that
52 event, so in an effort to provide long-term closure for the family,
53 potentially it's a crime scene investigation so we would be
54 handling it as such which would be to not allow the crime scene to
55 be further disturbed at that point in time.
56

1 **CHAIRPERSON BROWNING:**

2 Okay. So I would assume, then, this would be a conversation with
3 the Commissioner and Chief Cameron and the ME's office, you know,
4 how to handle that type of situation for the family. Because I
5 don't know, if the Medical Examiner is not the one that's making
6 that policy, I would assume it's the PD; right? So maybe reach out
7 to them. But I believe, Kara, you have a question?
8

9 **LEG. HAHN:**

10 Yes, also overdose related. I think I heard you speaking -- I
11 think it was you speaking about the case of overdose where
12 synthetics, synthetic drugs have been used and it's very difficult
13 to identify them in the remains? Is there -- and that's got to be
14 difficult, too, for parents and family members, you know, not to
15 really know what happened and as time, you know, passes. Are there
16 resources that you need? Are there tests that we're just not able
17 to conduct or don't have the resources to conduct in those
18 instances, or is it a case where the drugs just are ahead of us in
19 the technology game and we don't -- there's no test out there to
20 find these synthetics.
21

22 **DR. CAPLAN:**

23 Legislator Hahn, I would say that it's more the latter, but I don't
24 think the situation is as bleak as that. But you're right,
25 basically what's going on with these synthetic drugs, and we're
26 talking about the biggest class being the synthetic cannabinoids
27 which are basically not chemically related to marijuana, but they
28 act on the same sites in the brain where marijuana binds to, and
29 that's the biggest challenge of all. These are synthetic
30 substances that, you know, have been determined to be controlled
31 substances, Scheduled 1 controlled substances in a small number of
32 them, but there are thousands that are out there. And so yeah,
33 it's not so much an issue that we don't have the potential to
34 analyze them, it's that without knowing what their chemical
35 structure is, in order to screen for these you have to have some
36 idea of what you're looking for.
37

38 So I would say that, you know, it's something that we're very aware
39 of and that's why one of the things that we are trying to do in the
40 toxicology lab is to try to identify, you know, the instrumentation
41 which is going to give us the best chance, you know, of having the
42 broader scope to identify and detect some of these synthetic drugs.
43

44 **LEG. HAHN:**

45 Do you work with our local research institutions on this kind of
46 thing, like with the medical centers on Long Island? You know, I
47 know that we have just great, brilliant minds on all sides of us
48 that -- you know, I don't know if that's something that -- put them
49 to the test.
50

51 **DR. CAPLAN:**

52 Yeah, I think that's -- that's something we have really not done
53 formally so far, but that's certainly something that, you know,
54 with our toxicologists, and if there are some people that have
55 specific expertise in those areas, I would be, you know, completely
56 open or willing to have some kind of collaboration there.

1 **LEG. HAHN:**
2 Excellent. We should talk more. Thank you.

3
4 **CHAIRPERSON BROWNING:**
5 Okay. Thank you, Doctor. I don't believe there are any other
6 questions.

7
8 **DR. CAPLAN:**
9 Thank you.

11:37AM 10

11 **CHAIRPERSON BROWNING:**
12 So with that, I do want to say, two gentlemen in the back of the
13 room here that I introduced myself to, Will and TJ, who are new
14 members of our Budget Review Office and I want to say
15 congratulations and welcome.

11:37AM 20

16
17 So, and I know that we have the retirement tonight for our
18 Detective union is Billy Plant, so we wish him well and enjoy his
19 retirement, as we had lost recently Tim Morris from the SOA. So
20 I'm hoping that they're both enjoying their retirement, as short as
21 it is right now. But anyway, moving forward, I believe Jimmy
22 Hughes is taking over, correct? Okay, he will be the new
23 President. And the new President is John Cowie for the SOA. So
24 we'll make sure everybody has their contact information if they
25 need it.

26
27 We'll start with introductory -- oh, ***Tabled Resolutions, 1776-16 -***
28 ***Adopting Local Law No. -2016, A Local Law to ensure fair employment***
29 ***in Suffolk County (Presiding Officer Gregory).*** I believe --

30
31 **D.P.O. CALARCO:**
32 Motion to table.

33
34 **CHAIRPERSON BROWNING:**
35 Motion to table by Legislator Calarco. Second, Legislator Fleming.
36 All in favor? Opposed? Abstentions? **It is tabled (VOTE:**
37 **8-0-0-0).**

Introductory Resolutions

11:38AM 40

41 ***1007-17 - Adopting Local Law No. -2017, A Local Law to eliminate***
42 ***alarm registration renewal fee for Residential Buildings***
43 ***(Browning).*** Motion to table for public hearing.

44
45 **LEG. FLEMING:**
46 Second.

11:38AM 50

47
48 **CHAIRPERSON BROWNING:**
49 Second, Legislator Fleming. All in favor? Opposed? Abstentions?
50 It is ***tabled for a public hearing (VOTE: 8-0-0-0).***

51
52 ***1009-17 - Accepting and appropriating 100% grant funds received***
53 ***from the New York State Division of Criminal Justice Services in***
54 ***the amount of \$293,010 to the Suffolk County District Attorney's***
55 ***Office.***

1 **LEG. SPENCER:**

2 Motion to approve and place on the Consent Calendar.

3
4 **CHAIRPERSON BROWNING:**

5 Okay, and that was *for the Motor Vehicle Theft and Insurance Fraud*
6 *Prevention Grant Program (County Executive)*. That motion to place
7 on the Consent Calendar and to approve --

8
9 **D.P.O. CALARCO:**

10 Second.

11
12 **CHAIRPERSON BROWNING:**

13 -- by Legislator Spencer. Second, Legislator Calarco. All in
14 favor? Opposed? Abstentions? It is *approved and on the Consent*
15 *Calendar (VOTE: 8-0-0-0)*.

16
17 *1016-17 - Accepting and appropriating 100% Federal grant funds from*
18 *the U.S. Department of Justice in the amount of \$168,708 for the*
19 *DNA Backlog Reduction Program FY16 administered by the Suffolk*
20 *County Office of the Medical Examiner, Crime Laboratory and to*
21 *execute grant related agreements (County Executive)*. Same motion,
22 same second, same vote. (*Approved and placed on the Consent*
23 *Calendar - VOTE: 8-0-0-0*).

24
25 *1017-17 - Accepting and appropriating 100% Federal grant funds*
26 *passed through the New York State Division of Criminal Justice*
27 *Services in the amount of \$24,112 for the 2016 Paul Coverdell*
28 *Forensic Sciences Improvement Grant administered by the Suffolk*
29 *County Office of the Medical Examiner, Crime Laboratory and to*
30 *execute grant related agreements (County Executive)*. Same motion,
31 same second, same vote. (*Approved and placed on the Consent*
32 *Calendar - VOTE: 8-0-0-0*).

33
34 *1018-17 - Accepting and appropriating 100% Federal grant funds*
35 *passed through the New York State Division of Criminal Justice*
36 *Services in the amount of \$24,112 for the 2016 Paul Coverdell*
37 *Forensic Sciences Improvement Grant administered by the Suffolk*
38 *County Office of the Medical Examiner, Toxicology Laboratory and to*
39 *execute grant related agreements (County Executive)*. I thought
40 this was the same but it's a little different. So, same motion,
41 same second, same vote. (*Approved and placed on the Consent*
42 *Calendar - VOTE: 8-0-0-0*).

43
44 *1019-17 - Accepting and appropriating a grant in the amount of*
45 *\$133,233 from the New York State Division of Criminal Justice*
46 *Services for the Suffolk County Police Department's 2017 Motor*
47 *Vehicle Theft and Insurance Fraud (MVTIF) Prevention Program with*
48 *80% support (County Executive)*. Motion by Legislator Martinez.
49 Second by Legislator Cilmi; is that good?

50
51 **LEG. CILMI:**

52 Yes.

53
54 **CHAIRPERSON BROWNING:**

55 All in favor? Opposed? Abstentions? It's *approved (VOTE:*
56 *8-0-0-0)*.

1 **1023-17 - Adopting Local Law No. -2017, A Local Law to change the**
2 **standard for admission of evidence at hearings before the Suffolk**
3 **County Human Rights Commission (County Executive).**

4
5 **LEG. MARTINEZ:**

6 Motion.

7
8 **MS. SIMPSON:**

9 You have to table.

10
11 **CHAIRPERSON BROWNING:**

12 Motion to table by Legislator Martinez for public hearing. Second,
13 Legislator Hahn. All in favor? Opposed? Abstentions?
14 It's **tabled for public hearing (VOTE: 8-0-0-0)**.

15
16 With that, we have nothing more on the agenda, I believe, so I will
17 call for adjourn.

18
19 **(*The meeting was adjourned at 11:42 A.M. *)**

11:41AM

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