

SUFFOLK COUNTY LEGISLATURE

Hate Crimes Task Force

Minutes

The Suffolk County Hate Crimes Task Force Meeting was held at the William H. Rogers Legislative Building in Smithtown, New York, on Wednesday, September 16, 2009 at 4:00 P.M.

MEMBERS PRESENT:

Leg. DuWayne Gregory, Chairman
Laura A. Ahearn
Reynolds E. Hawkins
Dr. David Scott Kilmnick
Chief Inspector Ty Mojica
Reverend Joan Barrett
Renee Ortiz
Reverend Roderick Pearson
Det. Sergeant Robert Reecks.
Alexander Gutierrez, Chairman, Hispanic Advisory Board

MEMBERS NOT IN ATTENDANCE:

Rabbi Steven Moss
Mohsen Elsayed
Candido Crespo

ALSO IN ATTENDANCE:

Maxvel Rose, Aide to Legislator Gregory
Charlotte Koons, Board member, NYCLU
Andrea Callan, NYCLU
All other interested parties

MINUTES TAKEN BY:

Gabrielle Skolom, Court Stenographer

[The meeting was called to order at 4:07 P.M.]

CHAIRMAN GREGORY:

Okay. Max, do we expect anybody else?

MR. ROSE:

Mr. Moss is unable to make it.

CHAIRMAN GREGORY:

All right. All right. Thank you, everyone, for coming here. We tried a different hour, so I hope that's more convenient for everyone. Thinking down the line, we have two more presentations. We have the one coming up in Riverhead and then the last -- I'm sorry -- public hearing, last public hearing will be in Brentwood. The Riverhead public hearing is the 22nd?

DETECTIVE SGT. REECKS:

Yes.

MS. ORTIZ:

Yes.

CHAIRMAN GREGORY:

So after that, the thought is we'll be here. We'll have -- we'll give an opportunity for organizations to speak such as LIIA or NAACP or, you know, other organizations. We'll ask for maybe other -- the Southern Poverty Law Center, I'd ask to speak; the ADL the Anti-Defamation League had asked to make a presentation. So whatever interested parties or organizations that may want to make a presentation, I figured that we would invite them to a public forum here and they can make their -- you know, give them their 10, 15 minutes to make their presentations. Are there any organizations -- I know, David, I haven't mentioned any organizations in LGBT community. Are there any that we should be looking to invite?

DR. KILMNICK:

Yeah, the -- we can have representatives from our anti-violence project that will come down -- well, from the -- legally that will come down.

CHAIRMAN GREGORY:

Okay. Any thoughts about someone from the Muslim community or Asian community to come and speak? Is there anyone else that has any ideas?

MR. GUTIERREZ:

How about our outreach organizations, like Pronto, the community outreach organizations?

CHAIRMAN GREGORY:

Yup. Sure. Okay. We're pretty good, so maybe what we'll do is by e-mail, if you have any contact information, contact us so that we can reach out to them so we have a set list. You had something, David?

DR. KILMNICK:

No.

CHAIRMAN GREGORY:

Okay. That's item one on our agenda. Maybe we'll actually have a quick meeting. Our next item is Requests for Documentation. I think part of our mission is to evaluate, you know, hate -- in order to evaluate hate crimes, we have to look at our policies, our procedures, look at statistics. So I think it

would be important that we request that information so that we can at least review it. Does anyone have any problems with that? I was thinking maybe going back to 2004, 2003 timeframe.

DR. KILMNICK:

I think that that could be something helpful; however, I'm hoping that today, we can actually take a step back, and I don't -- personally, I don't think that these hearings are working. We're not reaching the intended audience, and there are reasons for that and that I think we should get it all out on the table and talk about it today and start over.

CHAIRMAN GREGORY:

I was going to talk about the public hearings next.

DR. KILMNICK:

Okay.

CHAIRMAN GREGORY:

Does anyone have any specific information that they think we should -- I really can't off the top of my head think of anything else, information that we should be requesting.

DR. KILMNICK:

Maybe we should be requesting information from the community organizations that work with the folks to their documentation of how many people they are working with, what are the issues that they have dealt with in terms of their intake workers, their caseworkers, etc., that may or may not have been reported.

CHAIRMAN GREGORY:

Yeah. See that's what I was kind of thinking, that when they make their presentations, they would talk about that type of information.

DETECTIVE SGT. REECKS:

The documentation that you're looking for, you're looking for the procedures and documentations from the Police Department? I'm not understanding what documentation you're looking for.

CHAIRMAN GREGORY:

Yeah, like -- I mean, I know you're in charge of the Hate Crimes Unit. I don't know what -- as a procedure, I think I understand. I should probably -- I should know it, but I don't know it intimately enough -- I don't think the Task Force members possibly know intimately enough -- what's the process of -- say there's an incident. My understanding is if there's an incident that they deem to be a hate crime but your office is contacted right away, I don't know at what point that triggers that -- and then your office follows through on the investigations.

So one thing I was looking for, what are the incidents, the numbers -- I think I saw a number of 63 incidents -- or whatever the number is, if it's 10 or whatever -- that I think that's important that we have an understanding how many accidents are reported then how many are deemed actual hate crimes? I think it's just, you know, good information to have.

DETECTIVE SGT. REECKS:

All right. So then as far as time is concerned -- timeframe is concerned, you have statute of limitations. You have underaged or sealed records. You're not going to be able to get that. I'm just trying to make sure what you're looking for is available. My presentation originally was supposed to be for the Task Force that morphed itself into a opening slide presentation to the public.

I'm very concerned with -- there's going to have to be a lot of redaction in the reporting because, obviously, there are cases that are now closed. There are cases that are very sensitive. I don't even put the victims' names out on a press release. So what exactly are we looking for?

The police procedure will be very simple. I've done that in the presentation. You guys should be able to do that -- know that by heart now. But as far as actual cases, I'm concerned that -- what cases are we looking at? This whole Task Force has turned into a Patchogue Anti-Hispanic Task Force, I think, as Dave has made reference to that we're not getting the target that we're looking for. This is becoming a Patchogue task force that I think has fizzled out, and that's why we need to step back, because I don't believe we're even going past the Hispanics as far as hate crimes are concerned.

CHAIRMAN GREGORY:

Well, I certainly don't want -- I don't want personal information from victims. I don't even want the incident. I just -- you know, I'm not an investigator. I'm not going to look at a case and say, "Oh, well, this should have been a hate crime," or, "It shouldn't have been a hate crime," when it was charged as a hate crime. I think it would just be beneficial for the Task Force to say, "Well, okay. In 2005 or 2006, we had 'X' amount of hate crimes reported -- incidents reported." Then out of that, 11 were deemed hate crimes, and then maybe from there, we had three convictions, whatever the case may be, eight on probation, whatever. So I think those numbers would be beneficial just for every members' individual knowledge, and to see chronologically over the years the incidents, you know, if there's a spike in reports, you know, see how that trend -- if there is a trend, how that goes. I don't think we need to know that Joe Smith was a victim of a hate crime.

DETECTIVE SGT. REECKS:

I'm just making sure we're talking about the entire County and we're not just taking about Patchogue.

CHAIRMAN GREGORY:

Right. Oh, yeah, absolutely, no.

MS. AHEARN:

Can we also categorize that by what type of hate crime? So, in other words, is it gender-related; is it religion; is it ethnicity?

DETECTIVE SGT. REECKS:

I can cover all categories, yes.

MS. AHEARN:

Is there also something that is categorized as biased-related? Because I heard somebody mention something at biased-related. Is there something hate crime and biased-related?

DETECTIVE SGT. REECKS:

Actually, in the report, I think once we finalize this report, that's going to have to be discussed as to what we're calling a hate crime and what we're calling a hate incident. I think we have to finalize the words 'bias' and 'hate.' They go back and forth. So we're going to have to make sure that the language is understood by everybody that when we say bias we're talking hate, and when we say hate we're talking bias; it's hand-in-hand.

But, yes, it can be broken down, the actual hate crimes reported to the State as hate crimes, and the incidents that were reported to the Police Department that had the potential of being a hate crime but the investigation proved differently.

DR. KILMNICK:

Can I just clarify? That's not what I meant in terms of why I don't think the hearings are working, but I'll get to that a little bit later when it's time. So we already have the statistics from the Police Department. You know, if we were just to go upon that, what is the purpose of this Task Force? You know, so the purpose is to really get into the community to hear from the community members, and there's reasons why we're not hearing from the community members because of the way the public hearings are set up, and I imagine we'll get to that soon.

But what we need to get to as well is that there are many people working with these folks that are not part of police reports yet. And that's what we need to, I believe, get some documentation on from the community groups.

MS. AHEARN:

I think what Legislator Gregory was saying is that that was his hope that when the community organizations come in and speak to the Task Force that the hope is they are going to be then providing that information.

DR. KILMNICK:

Well, maybe we can make a formal request instead of, you know, hoping they give us that information. So I think that that would be something more beneficial.

CHAIRMAN GREGORY:

I'd envision that we send the formal request to any organization that we're looking to come forward and we give them parameters; you know, "We would like you to speak 15 minutes or 10 minutes on your views or any information you may have about hate crimes, any documentation or those types of things."

REV. PEARSON:

We have -- the only report we seem to have is the Southern Poverty Center's report. Are there other organizations who have done studies in Suffolk County that we may be able to reach out to get copies of those kinds of reports so that entire discussion is not just centered around the Southern Poverty report? Are there other reports like Erase Racism, have they done a report? Are there any other organizations that have done a report? Because I'm hearing that there are inconsistencies and obviously disputes about the Southern Poverty report, and so are there other reports around, generated that we may be able to get copies of or if there are any that exist?

CHAIRMAN GREGORY:

Not to my knowledge, but certainly I think something -- that's why I felt that it would take us some time to put the presentations together. That's why I wanted to bring up the conversations now. I think -- maybe the Latino Justice [inaudible] --

MS. ORTIZ:

There's reports [inaudible].

CHAIRMAN GREGORY:

There are? Well, we'll certainly reach out and talk to those people who may have more knowledge about if there are reports out there so we can provide it.

MS. AHEARN:

Can we also request from the Police Department the -- what initial training is provided at the academy to new recruits regarding hate crimes and also what ongoing training is provided annually to police -- to patrol officers and detectives?

CHAIRMAN GREGORY:

That sounds reasonable. Anybody -- so everyone is fine with that? So what we'll do is, we'll send out an e-mail kind of recapturing what we've talked about, just to verify, give people some time to think about it and if you can have any additional thoughts, just let us know. All right? Now, the Patchogue public hearing. David?

DR. KILMNICK:

Okay. I don't know --

CHAIRMAN GREGORY:

Or public hearing in general.

DR. KILMNICK:

Thank you -- public hearings in general.

CHAIRMAN GREGORY:

Well, okay -- well, let me just back up.

DR. KILMNICK:

Yeah.

CHAIRMAN GREGORY:

So since you -- I wanted to talk specifically about Patchogue. You want to talk about -- the Patchogue meeting, of course, was less of a turnout than we expected but a respectable, I think, amount of people. We had -- how many did we have? We have two people I think that I spoke to, advocates, and we're following up on that.

MS. AHEARN:

Uh-huh.

CHAIRMAN GREGORY:

Or two other --

MS. AHEARN:

Well, no, he -- one was -- no, I'm sorry. There were two individuals that our advocates had spoken with, and we'll follow up with them.

CHAIRMAN GREGORY:

Following the public hearing, there was a Newsday article about one of the gentleman that came to speak, Mr. Hernandez. And I was deeply concerned about what happened or what was alleged that happened and what the -- the governor's announcement. I was in a meeting yesterday with the governor and some other people and his announcement that he's going to ask the district attorney as well as -- David was there as well -- the attorney general to investigate allegations of the gentleman who came forward to -- he was pressured not to testify. Not taking any position on that, I don't know if it's true or not, but I think being a County task force, it can negatively impact us in the impression that we -- that we're trying to -- or the work that we're trying to do in the community and the fact that, you know, here's a gentleman who comes forward and he's being pressured not to testify, so he says --

MR. GUTIERREZ:

Legislator, can I interject on that?

CHAIRMAN GREGORY:

Yeah.

MR. GUTIERREZ:

I'm the chairman of the Hispanic Advisory Board, and I was the one who spoke to Francisco Hernandez, who is a member of the Hispanic Advisory Board, and we have a policy, and I'm pretty sure my advisory board is not the only one with the policy, but our policy is we are not allowed to speak on behalf of the Hispanic Advisory Board to the press. So I specifically told him, "You could say anything you want. Just don't go on behalf of the Hispanic Advisory Board," and that is exactly what I told him. It wasn't Mel Guadalupe that said anything to him that he was going to get kicked out. Nobody told him he was going to be ousted from our organization, okay, because of what he says. No. We specifically told him, and I specifically told him, he cannot go on the count that he is part of the Hispanic Advisory Board if he's going to state an opinion because he does not represent the Hispanic Advisory Board.

We all represent the Hispanic Advisory Board, and if there's anybody that's going to speak on behalf of the Advisory Board is the chairman, which is myself, and I will not do that unless I had everybody together and we speak about what I'm going to say to the press and we're all in agreement.

So that was -- you know, I don't know why he mentioned that he was part of the Hispanic Advisory Board when he shouldn't have, so that caused, I believe, a little bit of raucous as far as the -- and I'm part of the Task Force. I know it's going to come hit us in the face. But that's basically what I explained to him, and we didn't tell that, you know, if he said anything, we were going to dismiss him; no. We just specifically told him, "Please don't go on behalf of the Hispanic Advisory Board. Anything you want, you could say anything you want; just don't make it on behalf of the Hispanic Advisory Board."

CHAIRMAN GREGORY:

Okay. Renee has a comment.

MS. ORTIZ:

I think Legislator Gregory said these are accusations, and they are alleged, and we're not here to decide what the validity to the allegations are. But, like it or not, it's been put out there. The media has pushed it, and now it's going to reflect on this Task Force. And I think there's already issues, which I'm sure David is going to speak further on, but there's already issues about trust, and it's clear that we're not doing what we intend to do and not getting the trust from the community and the people out to speak at these hearings.

So an incident like this, whether it's alleged or whether it's so, that's not for us to decide, but we have to address the fact that it's been put out there, and the media has publicized it, and the community gets a message now, and it's just going to add to the disconnect and to the distrust. And I think we'll see less people at the next hearing after all that's been put out there if we don't address it. We have to address it, whether it's true or untrue, we have to address it because we need the community to understand that this is not the policy of the Task Force, I believe.

REV. PEARSON:

I'm of a opinion that we have to address it. Not wanting to further add fuel to the fire, lots of times in our history in civil rights causes, there's always something that is intentionally put out there to destroy a cause or to minimize the impact of a cause, and this is one of those things that had occurred, allegations being made. It seems to follow the pattern of the civil rights movement that whenever something is being done for the betterment or for the cause of civil rights or justice, that you can expect distractions and that you can expect deliberate distractions. So, while I'm not making an opinion of anyone, these are the type of distractions, and they are deliberate, sometimes to throw off the course. I say that, Brother Chairman, so that we remain focused, so that we do regroup, so that we perhaps make some kind of a response from the Task Force because I'm concerned that the meetings -- the public hearings thus far have been one focus. Other groups have been the targets of hate in our County, and we're not talking about those groups; they are not even present. And while I'm an advocate of all -- of justice for all, we've got to find a remedy; we've got to find a solution to this issue; and we've got to find a remedy so that our report is a comprehensive, all-inclusive report and not just one focus.

DR. KILMNICK:

I have a question. I'm having a hard time understanding how Mr. Hernandez's comments are a reflection of the Task Force. I don't -- it's not-- I don't understand how it's a reflection of our job, that he had the forum to come up and say something, and I don't know how it reflects on us.

REV. PEARSON:

The -- this Task Force says that the Members of the Task Force include a representative from the Hispanic Advisory Board, which is Mr. Gutierrez, and he also being the Chair. I think that's directly impactful on this force.

MS. AHEARN:

What I'm really --

CHAIRMAN GREGORY:

But even further than that, the way that I structured the bill, the County Executive has appointments. And just -- this whole allegation that he may be involved, you know, through someone else or not, pressuring someone to -- not to testify, I think, you know, the view can be, well, he's a part of this Task Force, in a sense, that we kind of condone that possibly. So, you know, even though we don't have control over his actions, and I don't question anyone's -- you know, anyone here or what they've done, but I think the impression -- you know, it's always -- you always got to think about the perception. Laura?

MS. AHEARN:

What's very frustrating for me is hearing community organizations or representatives of those who say they are representing victims saying they are representing victims, but they are not here, and we haven't brought them here. And that's very frustrating to us as victims' service providers because, unfortunately, sometimes those that want to ensure that victims are being provided the comprehensive services they deserve, sometimes they honestly stand in the way of that, we're very frustrated by that, and I'm hoping that when the community organizations are invited that they use that as an opportunity to create those linkages, because it's those victims' services that are going to make them feel much more trusting that they can speak openly and trust us. And when we see even -- somebody had mentioned that at the last hearing that for them they felt misguided by certain individuals coming from other areas and leading them down a path and the path didn't lead to anywhere productive for them. So I'm hoping that when those organizations come that we'll start to see more trust being developed.

DR. KILMNICK:

If I could just interject. That's one of the -- I think that's one of the main issues that we need to address, is that we're expecting people to come to us. We need to go to them. And that's a big, big difference. I had said -- and this isn't an "I told you so" type of thing -- but I had said before we decided where our hearings were going to be that I offered, in terms of for the lesbian, gay, bisexual and transgender community to come down to the center because, from the very beginning, I said that people are not going to feel comfortable coming up in a room with a big microphone where -- and feel intimidated that, whether they are out or not out -- it doesn't matter -- that they just were just not going to feel comfortable with that. I would say that's true for all the communities we're trying to reach. So we need to go to them, and that's where I think we really should take a step back and say, "You know what?" Instead of having a big room with all these seats out there and a microphone in the middle like it's Oprah Winfrey or something that we actually go to the people where they are, where these organizations are taking care of these people and we meet with them, either in a focus group style or individually and without cameras around too.

REV. PEARSON:

I'm sorry to keep belaboring this, but let me just speak on the African-American community and be clear about what I'm saying. The African-American community has said to me that they feel the hearings are one-sided and that we have been the victims of hate longer than anyone in this country. I don't know if that's an accurate statement or not, but I think it has a very close proximity of being accurate. And that it -- because the discussion is one-sided that they are not coming out to speak because it seems that the focus is one-sided or one focus. And so that's the kind of feedback that I have gotten from groups, and I'm concerned about that because if anybody knows about being hated, we do, you know, in this country, and I'm sure there are other groups that can speak for themselves -- the Jewish groups and so many other groups that have been discriminated, and it's -- we're not talking about it, and it's not coming up, and they're not coming because they feel there has not been enough outreach to the African-American community, although there are several African-Americans on this Task Force. I don't know how to remedy this, but I need to bring it up because it is being said, and I don't suppose that the Riverhead hearing will probably, since we went

from 100 participants -- 100 seats filled in Wyandanch to about 70 in Patchogue, according to Newsday, I think that number is going to further decline when we get to Riverhead.

CHAIRMAN GREGORY:

I just want to back up because I think we're kind of -- we're on course, but we're at the wrong point in the discussion. I wanted to stay on Patchogue and the incident that transpired because I put together a statement which I -- I wanted to read it to everyone just so they can hear it and get your thoughts on it:

"The entire purpose of the Suffolk County Hate Crimes Task Force was to encourage hate crime victims to come forward without fear of retribution, and allegations that someone who testified at our hearing at Briarcliffe College was threatened by a County Official are deeply disturbing. If such threats occur, we must find out who issued those threats, discipline that person and make sure that it never happens again. I urged Governor Patterson to have this affair fully investigated so witnesses in the future can be sure they can tell the truth without fear or retribution from anyone."

[Joan Barrett entered the meeting]

That was a statement I thought that as a Task Force we can send so that we can try to at least -- you know, I think it's important that we identify that there is a situation -- we can't ignore it -- and that we send the message that this is not something we can condone and that we look for the -- you know, that we support investigations of this type of behavior.

So I think it impacts what we're trying to do negatively. To go into what we were just talking about, I don't think necessarily think the attendance at Patchogue was because we're going in the wrong direction. I think it may actually be because of the location that we're in and because of the reluctance of the community to come forward. We may not have had -- I don't know. I mean, it's hard to tell, you know, how do you defend a not, a negative. You don't know if it's true or not true. It's just, you know, gut instinct. I think -- I certainly think there's potentially a story to be told there. Now, how do we reach those people to tell that story or to get their input? I mean, that's difficult. We could've done it in a public forum, as we did, going to local -- I don't know -- civic organizations. I don't know how you do that. It may never get that, the response that we think that we may or should have gotten because there is such distrust of people in government in general, And we're perceived as government, even though we're not. We're a function of legislature through a government body.

So -- and I think we made the appropriate step in having a public forum and letting the community know that we want people to come forward and we're going to investigate any allegation of a hate crime that comes forward. I think that's an important message. I think that message is out there. But still, people's comfort levels won't change overnight, and distrust didn't happen overnight. This is -- I've said this before -- this is going to happen -- it's going to take a while to overcome this. We may not fully overcome it at all.

But you're right. We do have to find a way to -- to reach those victims or potential victims whether we send Laura's -- set up meetings where they can come and speak to Laura's advocates. I don't know. I mean, you know -- and to address what Laura said, I completely understand why an advocate would come out and say, "Well, I have victims, but they're not here because, one, they don't trust us, and, two, it's a private thing." You know? No one wants to, not necessarily, broadcast what happened with a victim of a crime. I knew that was a potential risk at the outset.

DR. KILMNICK:

First, I think the statement you put together was great, you know, about -- and I think it follows with the mission of the Task Force in terms of, you know, putting it out there, this was said, and let those in power do what they need to do to investigate it, if it is true or not, because it's not our -- we don't have the jurisdiction to investigate that in the sense of finding out if it's true or not.

But -- I just lost my train of thought. In terms of -- you know, a common theme that has been expressed at both the hearings in Wyandanch and the one in Patchogue, whether it was from advocates, from organization or -- we didn't really have many comments from individuals -- was that there was a lot of fear and intimidation out there. And that seemed to be an overriding theme, I mean, in addition to all the policy -- all the leadership stuff that was talked about in the first meeting in terms of the policies that come from our leaders. And I think that's something that we really need to take into consideration and that it's not those -- you know, without making judgment on those that came to speak, I really see those that have come to speak as not the grandstanders as we were warned about but really as the ones that are in the community on the ground working with the people, and so we have to really take what they are saying seriously in terms of intimidation fear out there and change our course now because it's -- and I'm just thinking about the Patchogue hearing when Nadia spoke -- in terms of that's why we're not seeing people here. You know, and I can guarantee you that Nadia is working with a lot of folks who are victims -- crime victims -- hate crime victims.

MS. ORTIZ:

And, Laura, just to respond to. I speak regularly with the advocates from that community, and Legislator Gregory and I have met with them separately as well, and they have been very supportive, and they have told me on a regular basis that they have tried, really tried to get people to come forward. And it's -- even though they are trusted within the community, it's still that difficult for them to get people to come speak out. So it's not even without really, really -- a strong attempt to get people to come forward. People are really, really reluctant.

DETECTIVE SGT. REECKS:

You know, before --

MS. AHEARN:

I think we would have no problems --

DETECTIVE SGT. REECKS:

Is this thing on?

MS. AHEARN:

-- sending our advocates to them. You know, I think what David is saying is very important for us to take note of. That -- I don't know if there's a way for us to change course for us at that point in time, but the elements that are defined in hate crime: Race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, we would probably be having a lot of hearings because there are a lot of community organizations. I don't know if the Task Force has any ideas on how we could coordinate that in a way where one particular population could come to a particular organization and testify or can be provided crime victim services. We'd be willing to send our advocates, if it's not going to be part of the hearing, we could do that. We just want to be able to reach out to them. Again, because the frustration of knowing that there are victims who needed services, and even with the advocates that are encouraging them to come forward, we'll go to them.

DETECTIVE SGT. REECKS:

I'm going to go the other way, and I'm sorry. This Task Force was to extract what is perceived to be hate crimes that are not being reported. Now, all of the sudden, we don't like the answers we're getting or we're not liking who is coming and talking, and we want to change rules. This Task Force was made to pull out the alleged unreported hate crimes that are running rampant in people's minds through Suffolk County. We haven't heard that yet, and how do we change the rules in the middle of game? The game -- the rules were we are going to listen to victims coming out whether they're through advocates, whether they're through themselves, whether they're going to submit a report. You're not getting that, and now you want the change the rules in the middle of the game. This Task Force, if we go back to the mission statement, was to listen to unreported hate crimes that are happening --

DR. KILMNICK:

It's not --

DETECTIVE SGT. REECKS:

-- that we believe are happening in Suffolk County and that's -- because we're not getting that answer, because we have Nadia saying that we're investigating it too much for them, we're too aggressive, we have an individual who comes out and says that they're working with the Police Department, they're very happy with the Police Department and they don't want outside advocates, that is going to be part of the final report. How do we change rules now because we're not getting what we perceived to be, or what some of us perceive to be, a problem out there? The rules should not be changed in the middle of the game.

CHAIRMAN GREGORY:

I don't think initially my thoughts that, yes, it would be nice to have victims come forward and speak just to detail their feelings about it but, more importantly, it was to provide a forum for them to come forward so that they can report their crimes, whether it's through us or the advocates or the police, but also to have advocates and Joe Blow Citizen to come forward and say -- to give their thoughts about hate crimes. But it was to provide a forum for victims to come forward and to report the hate crimes, of being a victim.

DETECTIVE SGT. REECKS:

Again, a forum to provide for alleged victims --

CHAIRMAN GREGORY:

Right, alleged victims.

DETECTIVE SGT. REECKS:

-- to come forward.

DR. KILMNICK:

It's -- it's --

DETECTIVE SGT. REECKS:

You're not getting that, and now you want to change the rules.

DR. KILMNICK:

No, no. It's to examine the sources of tension --

DETECTIVE SGT. REECKS:

I've listened to everyone else talk. I am saying that you're changing the rules in the middle of the game.

DR. KILMNICK:

It's not changing the rules.

DETECTIVE SGT. REECKS:

Let's go through the other two hearings as we did the first two hearings, and then if you want to come up with another procedure that apparently you're looking for, then we do that. But to change the rules with two hearings down and two hearings to go is not the way this Task Force was set up.

DR. KILMNICK:

First of all, something is not working, it's not a bad thing to change it. And secondly, the purpose of the Task Force is to examine the tensions in Suffolk County that are causing the hate crimes. That's very different from what you said, Detective Reecks and --

DETECTIVE SGT. REECKS:

It's Detective Sergeant Reecks, and it's the perceived not working.

REV, PEARSON:

Can I interject?

DETECTIVE SGT. REECKS:

The last time I checked, the rules were "Let's listen to the people that are coming out and talking." We're -- you're not getting that, so now you're saying, "There's still a problem, but we're not hearing about it." So I'm saying the four hearings have to go the way they went. After the four hearings, you want to change the rules for the next procedure, that's fine. Your perceiving there's hate crimes out there that aren't being reported. Let's see what the forum says; let's see what the advocates say after that; but you cannot change the rules halfway through the game. We're playing football. Let's continue playing football. Let's not make it to softball because we don't like the results of the first two meetings.

DR. KILMNICK:

I'm sorry, but people's lives are not a game, and when we're talking about what -- the tensions in Suffolk County that are causing these hate crimes -- hate crimes --

DETECTIVE SGT. REECKS:

Perceived hate crimes.

DR. KILMNICK:

It's not about what happens in the first quarter, second quarter, halftime or third quarter or fourth quarter. It's about what's happening every single day in their lives, and we're not getting that information, which is what this Task Force is about. Let me --

DETECTIVE SGT. REECKS:

You're not getting it, or you're not getting a perceived of what you believe is going on out there?

DR. KILMNICK:

Hold on. If you --

CHAIRMAN GREGORY:

One at a time.

DR. KILMNICK:

I allowed you to finish. Let me also say that we start out the meeting with a presentation at 5:30 that I think is part of the problem.

DETECTIVE SGT. REECKS:

That was your choice.

DR. KILMNICK:

And I'm not saying -- your slide presentation is wonderful. It's nice if it was given in a high school but not in the forum that we are doing, because what it's doing is saying, "Yes, this is what a hate crime is by the law. If you don't have something that fit on one of these slides, then, you know what? Don't come up here and talk to us about that."

It also, with all due respect, Detective Sergeant Reecks, the presentations have really been quite defensive, in my opinion, in terms of saying that -- that you have a very difficult job and that the police has a very difficult job, and it becomes more about your job than about the purpose of what we're there for. And I think that if we do continue in this game that -- and I know it's not popular to say this, but you know what? If we're going to have any credibility, in terms of in the end, in terms

of what we set out to do, we need to stop right now and come up with another game plan, I guess. But it's setting up a really unsafe environment or intimidating environment in the beginning.

DETECTIVE SGT. REECKS:

Again, this comes back to this presentation that was presented was supposed to be presented to the Board. This Board voted on this was such a wonderful presentation -- and we can pull the records from the other two meetings -- that we should do this for every presentation. And I objected at that point and everyone overruled me and said, "No, absolutely. This sets the pace," and again, now we want to change the rules. This was not about me. It's not about the Police Department. It's about reporting hate crimes. That's what it was, and it was defining what a hate crime is and what it's not. This is a hate crime task force. This is not an arson Task Force. This is not, you know, whatever task force. This is a hate crime Task Force. We're defining what a hate crime is.

Now, we don't want to do that. Now, we just want to open it up and let anybody come in and talk about anything. I think this is -- it's not going the way that some people perceived it was going to go, and now we want to change. We want to stop the presentation. What to be put in front of that now? What do we say now at the beginning? I'm having a very difficult time that either we've had predetermined thoughts of what we were going to get and we didn't get that and now we're not happy. But it is what it is. This is a hate crime task force. People have the opportunity to come and talk. If they're not talking, then we have to address it a different way, but we cannot change the open hearing in Riverhead, and we cannot change the open hearing in Brentwood to a different game plan.

CHAIRMAN GREGORY:

And I tend to agree with you, Detective Sergeant Reecks. I think that in the format that we've set out that -- I find it, your presentation, to be educational. People on the Task Force don't necessarily understand what the law is. I think that's informative, and people should have that information. Whether people don't speak because of the information that you provide, we can never tell. I mean, there are people that Reverend Pearson has spoken about, spoken to me as well, from the African-American communities. They didn't speak, but they had complaints about their thoughts about, you know, hate crimes and how it affects the African-American communities. So there are going to be people who are not going to speak regardless. We can't pin that all on your presentation.

And I think the end product will be -- should be -- I'm hopeful that it will be even more informative that people, you know, have an understanding of the true definition of what a hate crime is; you know, our evaluations or our findings of what hate crimes have gone on as far as the reports and getting the sense of the feelings and the thoughts of the community and the input from the community. That's all important. We can't -- you know, I had gentleman that approached me. I was at an event. He says, you know, "The police, sir, they are violating my civil rights. They are hating against me because I'm African-American. I made a right turn, and the guy pulled me over, and he asked me to get out of the car and he frisked me." I said, "Well, you know, what happened? Do you have any prior experience with this --" "Yeah. I just got out of jail six months ago, and I've been in and out for 10 years, and" you know, "I was selling drugs," and this and that, and, you know. So you start hearing his story, but he feels this cop is hating against him, he's a hate crime victim. You know, they may be busting his chops, but he's not a hate crime victim, and you hear stories like that all the time.

People -- you know, you can't minimize people's feelings about it. It may not be criminal but certainly morally wrong, but how do we define that? How do we have people come forward and say, "Well, I'm a victim of a hate crime because," you know, "someone said something to me." I was just walking -- you know, I'm up for election. I was walking in an area and two kids -- it was in Amityville -- two kids drove by and called me the 'N' word. I turned around. I'm like, "Oh, do I report it to Sergeant Reecks?" You know, you live with it; you move on. I'm not going to come up to our forum and report that. It's horrible. You know, if I would've caught up to the kids, we would have had a nice talk. But, you know, there are people that fear that. They don't understand what

the law is, so I think it's important that we lay that out. Does that make the potential victim or the person feel better? No. There's an issue of race and prejudice that we don't have to deal with personally, but as a community, we should deal with. And I think dealing with our small pie of -- in this whole big picture of hate crimes, I think that would address the overall picture of racism and prejudice and gender bias.

REV. PEARSON:

Legislator Gregory, to get back to your -- do you need a motion or something for that statement to be accepted by the Task Force so that you can go ahead and release that statement?

CHAIRMAN GREGORY:

Certainly, if you're willing to make one.

REV. PEARSON:

I so vote. I make the motion that the statement that Legislator Gregory has proposed to us in response to the allegations made by Mr. Hernandez be adopted as our statement to be released.

CHAIRMAN GREGORY:

Anybody have a second?

MS. ORTIZ:

Second.

CHAIRMAN GREGORY:

All in favor?

MS. AHEARN, REV. JOAN BARRETT, MR. HAWKINS, DR. KILMNICK:

[Voted affirmatively by a show of hands]

CHAIRMAN GREGORY:

You need to verbalize that. All in favor say, "Aye."

MS. ORTIZ, REV. PEARSON, MS. AHEARN, REV. JOAN BARRETT, MR. HAWKINS, DR. KILMNICK:

[In unison] Aye.

CHAIRMAN GREGORY:

All opposed?

DETECTIVE SGT. REECKS:

Nay.

CHAIRMAN GREGORY:

Abstained?

INSPECTOR MOJICA, MR. GUTIERREZ:

[Voted affirmatively by a show of hands]

CHAIRMAN GREGORY:

All right. The ayes have it.

Moving on with the public hearings themselves.

MR. HAWKINS:

Can I -- can I --

CHAIRMAN GREGORY:

Oh, sure. Certainly.

MR. HAWKINS:

You know, it's really difficult because I've had quite a few people come up to me and say, "If I'm going to come to a forum and report anything, what's in it for me?" You know, and as simple as that sounds, people do not come up to report things that happen to them personally. They have their own fears already. But then it's like, all right, what am I going to get out of it? Is anyone going to even address it? Is anyone going to do anything about it? And that's where I think the buck stops, because nothing really happens. They don't feel that anything is going to happen.

CHAIRMAN GREGORY:

Right. See, and that's, again, the overall problem that we have. We may have more of an effect when we do our final report and evaluations than we do as we go through the process because people look at us, at our end product and say, "They were really concerned about what went on. They really put out something that was thoughtful and helpful. They were okay after all. It wasn't just a sham committee" But as we go through the process, people say, "Oh, well, I don't know if I feel comfortable coming forward." And that's a problem we're just going to have to deal with. It's unfortunate, and we'll to reach out. I've been meeting with people personally and trying to reassure them that, you know, we want to do the right thing; we want to hear your concerns; and if you know of anybody that's a victim, have them come forward. You know, they don't have to come to the public hearing, but we have advocates there. They don't have to speak to us, but they can speak to them so that we can get them the services that they need and have -- you know, follow-up on sending that information to the proper authorities. You know, that's a tough nut to crack. But we have -- you know, once that information is passed on, we have no control over that. You know, we're not an oversight body, nor intend to be, but we want to make sure people are getting services that they need and their concerns are being dealt with.

MS. AHEARN:

I also wanted to just say that I believe that Detective Sergeant Reecks' presentation is very informative and absolutely necessary because education is part of this process. For anybody who's been the victim of a crime, any crime, it's a -- they're catapulted into a criminal justice process with expectations that are far beyond what reality is, whatever the crime is, and that's true of every type of crime that we deal with when we are dealing with victims. So the educational component is so important because those expectations become more realistic. And when we're dealing with a situation that is as sensitive as it is now, I think that it's even more important that that's part of the process.

And also, recognize that when somebody believes, as Legislator Gregory said, that they're the victim of a hate crime because it feels like it's hateful. It may not fit and more likely will not fit within the definition of the law that Detective Sergeant Reecks and the Hate Crimes Unit in all of New York State has to do deal with in our penal code. So that will come to, as we move forward and we gather information and we keep our eyes open to these cases that people are saying, "I was a victim of a hate crime," and we start to understand and pick it apart with Detective Sergeant Reecks' help, we can help to make recommendations that will make the definition of a hate crime more workable for law enforcement.

REV. BARRETT:

I think that's important too. The presentation is very helpful but to do something after that -- what -- we are here -- we are here now. This is what we have to work with. Is there something wrong with that we need to change that? We need to find out. What's going on? Do you find things not working? What are the sources of it? What's in it for me? Well, I don't want it to happened again, or I want something to -- you know, a different result as opposed to that nor happen to somebody that I know, you, know, and having a way of putting this all together in a way that it works.

So I think something just said thereafter -- after the presentation more that clearly defines -- we

want to know the sources. We've got pretty good information, I think, so far. The reports and suggestions that were given to us, a lot of this information -- I have been reading up on a lot of it -- there's been some other good reports out there. But -- and, you know, it's helpful for us to put, like you said, the final product together and that's something to stress too. It's the final product is what we're working towards. This is only a piece. Each time we get together with other people, it's only a piece.

REV. PEARSON:

I want to throw something out that's going to upset everybody, but I got to throw it out. I think that -- and I don't want to speak for everybody for Detective Sergeant Reecks -- I think everyone sitting here believes we have a problem of hate in Suffolk County. What's not yet been proven yet, and I think that is the mission of this Task Force, is, is there a hate crime problem in Suffolk County? And I'm not saying there is or isn't. There is a hate problem, but is there a hate crime problem in Suffolk County? And I think that's the mission of the Task Force to find out if it is. So far, the emphasis of one or two incidents does not answer the question one way or the other.

And so my question to the Committee is how do we get the information we are seeking? Give us suggestions for how to get the information that we are seeking so that we can give a responsible answer to, yes, there is a hate crime problem in Suffolk County or, no, there isn't. How do we get the people to come out and to come -- and to speak? I don't know how do it. But that's what I'm trying to extract now. How do we get them out? Are there suggestions that we can give to Legislator Gregory on how to do that?

MR. HAWKINS:

I have one suggestion. It seems like in Patchogue there was a lot more talk about these problems being school-aged kids and the educational part, and being a social worker in the school system in the high school, I think it could be helpful if surveys or any kind of questionnaires are distributed to kids in the school anonymously with some of these questions on there, you know? And this is one way of being able to see what are some of the problems of just the thought process of these kids.

MR. GUTIERREZ:

That is being done through the Student Congress for Justice that they're having, and I think their kickoff is at the end of the month. I think it's September 30th. But that's basically their objective, is to send a message and receive input from the students.

MR. HAWKINS:

Well, then, we need to find out what schools are doing it and what schools aren't because, I'm going to tell you, my school is not doing it.

MR. GUTIERREZ:

Well, the one that's in charge of that right now is Lou Medina. He is the Director of Youth for Suffolk County, and he has a really nice program going with a lot of the students, and they had a kickoff not too long ago in which the whole auditorium was full. They had it over at the County Executive building. Every school in Suffolk County was supposed to send representatives, and most of them did.

MR. HAWKINS:

Well, then, you know, I think it would be interesting to find out from the information that what schools were represented, to find out what schools were not and the reasons why.

DR. KILMNICK:

There was -- I mean, I think just to go back to what Reverend Barrett said is that I think there was good suggestion there, and I think in terms of a link between the presentation by Detective Sergeant Reecks to opening up the hearing is saying that, "Okay. You know what? This is legally what a hate crime is, and this is legally what the Police Department and other folks have to work with in terms of the law." However, that doesn't mean you cannot come up and speak about what

happened to you if you didn't fit into one of these slides. I think that that is something that can perhaps open up a safer type of environment. I think that that is a good suggestion.

And in terms of a survey, the Unity Coalition, which was formed in Patchogue after the death of Marcelo Lucero put together a survey, which I think, you know, we could probably obtain and replicate and find out what the results were in the Patchogue schools after that that examined all sources of hate, and I think that that was a wonderful instrument that they put together.

CHAIRMAN GREGORY:

Great. Thank you. Anyone else have any thoughts?

MS. AHEARN:

If the Task Force is amenable to this, if maybe you could reach out or Renee could reach out to whichever organizations the Task Force would identify as those or organizations that might represent a certain group, and what we could do is the Crime Victims Center could establish a day that we could have our advocates, like a day at their convenience, and we can be available for victims' services as part of the outreach for the Task Force.

CHAIRMAN GREGORY:

And also in conjunction with that, I think any organization that we're aware of, we can send out a survey so they can send it out to their members and they can hopefully bring that information back to us in addition to other efforts we're looking to do.

Okay. All right? Not having anything else, I guess we'll be adjourned. Thank you.

[The meeting was adjourned at 5:06 P.M.]