

## **HATE CRIMES TASK FORCE**

### **Of the Suffolk County Legislature**

#### **Public Hearing**

A Public Hearing of the Hate Crimes Task Force was held at the Briarcliff College, Waverly Avenue, Patchogue, New York on September 10, 2009 at 5:30 PM.

#### **MEMBERS PRESENT:**

Legislator DuWayne Gregory, Chairman/Legislative District # 15  
Det. Sgt. Robert Reecks, Commanding Officer/Hate Crimes SCPD  
Roderick Pearson, President of the Islip Town NAACP  
Inspector Aristedes Mojica, Commanding Officer/5th Precinct, SCPD  
Reynolds Hawkins, Social Worker/Amityville High School  
Laura Ahearn, Executive Director/Crime Victims Center  
David Kilmnick, Chief Executive Officer/LI Gay & Lesbian Youth Center  
Reverend JoAnn Barrett, Co-Chair/Interfaith Anti-Bias Task Force of SC  
Renee Ortiz, Chief Deputy Clerk/SC Legislature; Co-Chair of the Latino Jewish Council  
Rabbi Stephen Moss, Chair of SC Human Rights Commission, Co-Chair of Anti-Bias Task Force of Suffolk County, Director of Stop Bias  
Alex Gutierrez, Chair of the Hispanic Advisory Board

#### **ALSO IN ATTENDANCE:**

Martha Leon, Resident Translator  
Kimberly Jean-Pierre, Aide to Chairman Gregory  
Maxvel Rose, Aide to Chairman Gregory  
Robert O'Brien, Crime Victims Bureau Investigator  
Richard Oresto, Crime Victims Bureau Program Manager  
Michele Myrta, Advocate of Crime Victims Bureau  
Sonia Spar  
Sanford Hinden  
Linda Lane-Weber  
Minister Thomas Humphrey  
Barrett Psareas  
Nadia Marin-Molina  
Luis Borja  
Cesar A. Malaga  
Pastor Gregory A. Wilk  
John Bogart  
Francisco Hernandez  
Greg Fischer  
Charmaine A. Nygaard  
Michael O'Neill

#### **VERBATIM TRANSCRIPT TAKEN BY:**

Diana Flesher, Court Stenographer

#### **MINUTES TRANSCRIBED BY:**

Denise Weaver, Legislative Aide

## **THE PUBLIC HEARING WAS CALLED TO ORDER AT 5:56 PM**

### **CHAIRMAN GREGORY:**

Good evening everyone. Thank you for coming out tonight. My name is DuWayne Gregory, I'm a Suffolk County Legislator for the 15th District and the Chairman of the Hate Crimes Task Force. So welcome.

First off I want to give a great big thanks to the Briarcliffe College and Helene Siegel who's assistant campus director; she has been marvelous in helping us set up for today's hearing. Lou Commisso, who's a campus director, Andrew Sangiovanni and Joe {Ferrara} of the IT Department. Would you please give them a big round of applause.

### **APPLAUSE**

At the first public hearing people were more, you know, it's like I'm pulling teeth here. Okay.

Today's hearing is an important day for Suffolk County. Today we take an important step forward in improving the relations with our various communities and start to address the horrific acts of hate crimes here in Suffolk County. The rest of New York State, the country and even the world will know that Suffolk County is serious about addressing hate crimes. Myself and the members of the Task Force understand that this is an emotional issue for many people and we ask that you believe us when we say that we are here to help you and listen to your concerns. We just ask that in order to have a respectful and orderly hearing that respect goes both ways. And we ask you to show us the same respect that you ask of us to show you.

Many of us have dealt with hate crimes in the work that we do, as an advocate or in law enforcement or from knowing someone who has been a victim or like myself being a hate crime victim. But in order to address this issue, we have to and should receive input from the community as we gather information for our report.

So again, thank you for coming out here tonight and being part of the process. I will now have, Martha Leon, who's our resident translator translate.

### **Spanish Translation**

### **CHAIRMAN GREGORY:**

Thank you, Martha.

Now we'll have a brief presentation by Detective Sergeant Reecks, the Commanding Officer of the Hate Crimes Unit on the hate crimes law here in Suffolk County -- New York State.

### **DET. SGT. REECKS:**

Good evening. My name is Detective Sergeant Reecks. I'm the Commanding Officer of the Suffolk County Police Department's Hate Crimes Unit. And on behalf of Commissioner Dormer we're here to present to you or give you an idea what a hate crime is. It's a very short presentation. This night is for you, it's not for me. We want to kind of give you the guidelines as to what a hate crime is so that we can all understand what we're talking about.

A little history of the unit that I'm in charge of right now; it's 29 years old. It started out as an anti-Semitic task force. It became an investigative unit in 1989 and that was significant in that we have detectives that are strictly investigating hate crimes.

And then in 2005 we had the name changed to Hate Crimes because that's what we do. When you

call homicide, you know what you're calling them for. When you call arson, you know what you're calling them for. So when you call hate crimes, it helps out a little bit, it's hate crimes.

We need to define the hate crime because there's a lot of misunderstanding out there, there's a lot of bad information out there. And hopefully we will clear that up a little bit for you tonight.

The first part of the hate crime is that I have to have a crime. The fact that somebody calls your name is not a crime. It has to have some type of criminal element to it in order for it to be a hate crime. The interesting part or the difficult part of hate crimes is that most crimes are pretty easy, as far as I'm concerned. A burglary, a guy enters a house illegally to commit a crime within. That's a burglary. A motor vehicle accident, two cars collide or try take up the same spot, it's a motor vehicle accident. So, who, what, when and where is answered.

But with hate crimes, I need the why part. So I need the who, what, when, where and why did it happen. I need the motivation as to *why* this particular crime happened. In order for me to have that I have to do the investigation. I can't have the media doing the investigation. I can't have public advocates doing the investigation. I have to do the investigation. I meaning the police department. If the investigation shows that the motivation was biased related, we will call it a hate crime. If the investigation shows that it is not, it's two guys fighting over a girl, it's not going to be a hate crime no matter how many times they were called the "N" word or made reference to their ethnicity. We will still -- it as a hate -- as a biased incident. And that's why the Police Department giving you two sets of numbers. We have a set of a numbers that go to New York State as a hate crime. And then we have other cases that we investigate that are not hate crimes. The biggest part of a hate crime is the motivation.

So why don't we define motivation? Because motivation is subjective, it's sometimes difficult to know with certainty whether a crime results from the offender's bias. Moreover, the presence of bias alone does not necessarily mean that a crime can be considered a hate crime. Only when the investigation, again, that's the big word here, the investigation reveals sufficient evidence to lead to a reasonable and prudent person to conclude that the offender's actions were motivated in whole or in part by his or her bias should an incident be reported as a hate crime. That definition is not mine; that comes right from the FBI. So I'm not making this up. We need motivation in order to call it a hate crime. And that doesn't mean that we're not going to investigate the crime and still make arrests if it's appropriate, but we won't call it a hate crime.

So who commits hate crimes? Well, we pretty much know the easy one, right? The white guy hits a black guy, it's a hate crime. That's not necessarily true. But it's clear that hate crimes are not part of your DNA. You are not born with a hate DNA component in your blood. It has to be taught. It has to be learned. Like you learn to open a door, like learn to drive a car, you have to learn to hate. Clearly those two have no idea what hate is.

So, for our purposes offenders are from all races, religions and ethnic backgrounds. However, the group that we deal with -- is this still on? The group that we deal with are between the ages of 13 and 19. That's the bulk of my investigations. And interestingly enough, that's nationwide. That's the group that goes out and acts out. That's the group that runs around in packs and attacks people. And since we're here in Patchogue, as we all know, that's pretty much the group that we made successful arrests with in November with the unfortunate death of Marcelo Lucero. And what everyone is forgetting is those arrests were made within seven minutes of the incident. When you watch CSI on television, it takes them 45 minutes with commercials. We did it in eight minutes. Nobody is remembering that part of it. Nobody asked anybody's race or religion when we investigated it; we didn't care. We had somebody who was hurt or injured.

So New York State defines hate crimes as those violations of law committed against individuals or property based on their belief perception regarding -- and there are 11 categories. Race, color, national origin, ancestry, gender, religion. We also have religious practice, which we just recently had; age, disability and sexual orientation. And what New York State has done for us, in the

legislation they wrote, *regardless of whether the perception or belief is correct -- the belief or perception is correct.* And what does that mean? Years ago if someone would have carved a swastika on my car, I can tell you I'm not Jewish, you would go to the police department and they would say, *sorry, Mr. Reecks, you're not Jewish, a swastika, I'm sorry, it's only criminal mischief. It's not a hate crime.* Well now New York State says, *if the person who put that swastika on my car thought that I might be Jewish, that's whole or in part the belief of committing the hate crime, he could have possibly committed a hate crime.* But that's for the investigation part.

Now, the other part of hate crimes everyone is screaming we're not doing hate crimes or whatever, we're still doing investigations for crimes. The hate crime aspect of it elevates the penalty at time of conviction. It does not change anything in the investigation or when I put the handcuffs on somebody. It's at the time of conviction. So a misdemeanor would become a felony. A D felony would become a C felony. Everything bumps up a level. So the severity of a penalty at sentencing is when the hate crime really kicks into effect.

So what do we need you to do? Well some advocates say don't call the police department. Some people say don't trust the police department. But we are the police department and you need to call us in order for us to know what's going on. It's three simple letters -- numbers; 9-1-1. And the reason I say that is because, again, we've been in business for 29 years, we have procedures set up no matter what group you're from, what religion you're from, we have procedures set up that are outlined in our rules and procedures. If it smells like, looks like, could possibly be a hate crime, the uniformed officer is to respond and he is supposed to take control of the scene and notify the Hate Crimes Unit. It's not, you *might* call us. It's not, well, it's Sunday night, we don't want to bother them. It's a holiday. They are mandated to call us. Once they call us for any of these categories, we have seven detectives working or available 24 hours a day, 365 days a year. We will respond. It's not we *might* respond. It's not, we'll see you Monday at 9 o'clock. We will respond. Again, that is spelled out in our rules and procedures.

And we are the primary investigative unit for every case except for a homicide. They take priority because they have special training. So for instance last Friday night at 12 o'clock my phone rang and I was down the street here at 12:30, 12:35. The incident that happened at the church. And we worked 'till eight o'clock in the morning. It wasn't, *ah, it's the weekend, guys, I'm not coming out.*

New York State Penal Law makes it very simple for me as to what laws and what crimes or offenses are a hate crime. Public perception is not one of them. There are 24 specified offenses that you can call a hate crime. And if you quickly peruse this slide **{ Indicating }** because I'm not going to take all your night up, if you notice gang assault is not there. That means I cannot charge gang assault as a hate crime. What that means is the law needs to be expanded. I don't have that tool in the tool box. If I have that tool, I'll use it.

Aggravated Harassment in the second degree, that has been on the books for years. The section we use a lot that deals with the hate part of it is subsection three, where you push, shove, kick somebody because of who they are. And that deals with all the lesser offenses. And I'm not going to minimize it, any offense is too much for me, but it's lesser offenses, it's a misdemeanor.

And then we have Aggravated Harassment in the first degree. If you damage a house of worship and you do more than \$50 worth of damage, and how easy is that today, to do \$50 worth of damage to a church, they haven't changed that law, it's been \$50 for years, it's automatically an E felony. So the church that was attacked or criminal mischief done to the church was more than \$50, we were already investigating it as a hate crime.

What they've added to that section is the swastika. Displaying a swastika is not against the law; however, if you display a swastika to harass or annoy someone, you are committing an E felony. So a swastika hanging in your tree at home as an ornament is not a hate crime. Hang it in front of my house or anybody else's house to intend to annoy them, it will be a hate crime. Again, how do we determine that? The person calls 9-1-1, the procedure kicks into place, the detectives do the

investigation and we determine whether or not it's a hate crime.

They added the noose in 2006. We had a couple of instances out in Southampton where the noose was being displayed or put on peoples' trucks, that is now also a hate crime if it's intended to annoy or harass someone. If you have a noose hanging as a Halloween decoration in front of your house, it's not going to be a hate crime.

Now that I have pretty much said what I have to say tonight, I'm going to let this become a public forum. However, I am offering you my card, my phone number. If you have a group that you want us to do a presentation to, I will be more than happy to do that. We do over 200 presentations a year in the various school districts.

Again, a recommendation that came from the Southern Poverty Law Center that we've been doing for the last fifteen years, we will do those type of presentations. We do it to the Kiwanis Club, we do it to the Rotary Club, we do it for anyone that calls and asks us.

If you have any questions that need to be answered that you don't want to ask tonight, we invite you to call our office, call one of the advocacy groups here, call your local groups, talk to the 5th precinct.

If there is a criminal offense being committed, we are committed to resolving that problem for you.

Mr. Gregory, I'll be more than happy to turn this back over to you and I thank you for your time.

## **APPLAUSE**

### **CHAIRMAN GREGORY:**

Thank you, Detective Sergeant Reecks.

Before I go any further, I would feel remiss if I didn't introduce you to the Task Force. I'm sure they are ready to throw eggs at me in a few minutes. You already met me, of course, I'm the Chairman of the Hate Crimes Task Force. We have Laura Ahearn to my left. We have Reverend JoAnn Barrett, Alex Gutierrez on the far left who's -- he's the Chairman of the Suffolk County Hispanic Advisory Board. Reynolds Hawkins to my right. Dr. David Kilmnick to my left. Chief Inspector Todd Mojica. I didn't recognize him without his uniform. Dr. Rabbi Stephen Moss. Renee Ortiz to the far right. Reverend Roderick Pearson. And you already met doctor -- doctor, oh boy, see, I was going to promote him, I made him a doctor. Detective Sergeant Reecks you already met.

And also we have here with us for those who may need their services we have from the Megan's Law and Crime Victims Center we have advocates over to our left over there, if you could please stand up. Thank you.

So if anyone needs to make a formal complaint, they'll be there to assist you with anything that you need. We have, as you already know, we have people that can translate Spanish for us, Martha you met. We have two other advocates who speak Spanish.

So right now let's go to the cards. All right. We have Sonia Spar. Each person will have five minutes to speak. Thank you.

### **MS. SPAR:**

Good evening. My name is Sonia Spar, Latino Relations Analyst for the Anti-Defamation League.

For almost a hundred years, ADL has been fighting all forms of hate and bigotry. ADL is a leading resource in the fight against hate crimes. Tonight in the town where Marcelo Lucero was tragically murdered, we stand in solidarity with the victimized immigrants of Suffolk County to decry the violence directed at them in recent months.

Immigration, like every political issue, has supporters and opponents, but we believe there is a direct connection between the tone of this debate and the daily lives of immigrants across the country and Suffolk County is no different. ADL has documented a growing atmosphere of bigotry and xenophobia and a disturbing increase in the number of violent assaults against Hispanics, legal and undocumented immigrants and those perceived to be immigrants.

For the fourth consecutive year, the FBI has reported an increase in hate crimes directed against Latinos. In Suffolk County last year, more than 60 biased incidents were reported to law enforcement. Sadly, the majority of offenders in New York State were under the age of 25. And one in every five was reported to be 15 or younger.

When a perpetrator targets a victim because of personal and immutable characteristics, the effect is to intimidate an entire community. Victims of hate crimes experience twice as many injuries and four times more trips to the hospital, and tragically some are killed. These crimes demand a priority attention because of their special impact.

As you consider next steps for Suffolk County, we recommend three important action steps that experience have proven to be effective.

First, words have consequences. We urge the leaders of this community to set the tone by speaking out against virulent anti-immigrant and anti-Latino rhetoric.

Second, local law enforcement must forge relationships with immigrant communities. Victims, witnesses and community members need to feel safe in reporting crimes to their local police. This is a tough issue, and where our relationships can help a bridge, we are ready to work with you.

Third, there is a clear need for anti-bias hate crime prevention, education and outreach initiatives for law enforcement, civic leaders, community members and most especially for Suffolk County's youngest residents. ADL is ready to work alongside Suffolk County educators and parents to ensure that our kids have the tools and knowledge to fight hate.

The discrimination, bigotry and hate violence that the Suffolk County has experienced impedes the ability of good people to live in dignity and equality. The task of fighting it cannot fall to its victims alone. All of us have a role to play in making Suffolk a better and safer place to live for everyone. We look forward to working with this Task Force and community communicate to deter and counteract hate.

## **Applause**

### **Testimony Translated Into Spanish**

#### **CHAIRMAN GREGORY:**

Thank you. I also want to announce that we have with us here today from Suffolk County, Mel Guadalupe, who's Director of the Office of Minority Affairs. And he's also a constituent of mine so thank you for coming out here today. Next we have Linda Lane-Weber.

#### **AUDIENCE:**

She's not here yet.

#### **CHAIRMAN GREGORY:**

Okay. Sanford Hinden.

#### **MR. HINDEN:**

Hello, everyone. Thanks for having this hearing. This is a longtime coming. I've been working at peace for about 35 years and did a lot of work with the United Nations on many programs. And I'm

also a community organizer. I'm the Executive Director of the Dix Hills Performing Arts Center at Five Towns College.

I've done a lot of work locally, but I'm grounded locally here in the community. So I really know what people are thinking, feeling and experiencing and what their needs and values are. And I'd like to help create that dialogue.

I personally went through a lot of experiences with violence. I grew up in the Bronx. I was surrounded by gangs. I experienced violence with guns all around me. There were tremendous drugs constantly in the neighborhood. People constantly afraid of each other. Okay? It took me about 35 years to learn to calm down myself. I used to be a rage-aholic. Okay? It took -- I had to go through mediation, training, meditation, conflict resolution, anger management and a dozen other training programs.

The young men who are committing these crimes don't know how to communicate. They can't express their feelings. They can't express their needs. They can't express their values. And they can't make reasonable requests, respectful requests of other people.

The young men who are committing these crimes are bullies because they never learned how to communicate. They don't know how to communicate. They learn how to hurt; hurt people, hurt people. People who have been hurt and abused and neglected learn how to become abusers. So these young men need to learn how to communicate or they're going to be in very serious trouble for the rest of their lives. Everyplace they go, they're going to have trouble. They need to learn how to respectfully communicate their feelings, their needs and make reasonable requests of other people.

The Long Island Men's Center, which I'm a President of, and the other members of the Long Island Men's Center here with me tonight stand ready, willing and able to help youth of all races and religion, particularly young men to learn how to stay out of trouble. Okay. We're willing to help train youth in nonviolent communications techniques, which learns how to express your observations of what's going around you, your feelings, your needs and make reasonable requests. Okay. We're ready to help you. We're ready to help these young men who are going to get in trouble one way or another. Thank you.

## **APPLAUSE**

### **CHAIRMAN GREGORY:**

If anyone hasn't filled out a card and would like to speak, please go to the back, there's a table back there to fill out the yellow card. We more than welcome you to, you know, to contribute to the process.

I feel compelled to also say that we have Colleen Ancinelli, she's in the back. She's from the Criminal Justice Coordinating Council.

And so that you understand what the process that we're trying to do is, we have four public hearings. We're looking to get as much information as we can from the public. We're going to have hearings at the Legislature as well. We're going to be asking organizations and we've already spoken to them like the Southern Poverty Law Council, the Anti-Defamation League and other organizations to come forward and get their ideas about hate crimes and what we can do to address hate crimes.

And at the end of the process, we're going to make a report. And that's where Colleen and her organization comes in very handy because they've done things in the past in an unbiased way. They looked at, you know, racial profiling and things like that. And so they're an impartial organization that is going to make a major contribution to this whole process. So, you know, I'm delighted that they are here and able to take part in the process.

We also have, Paulette Bartunek, the Director of the Suffolk County Human Rights Commission. I apologize.

Our next speaker is Minister Tom Humphrey.

**MR. HUMPHREY:**

I want to thank the Task Force for having this hearing in Patchogue. This is a wonderful thing for you to do.

In the 21st century we're the crossroad in our community. When we turn on the television, we hear people saying on television; illegal, illegal, illegal. We get the message. They are talking about one group of people. The Long Island Men's Center, we stand with this community; the aggression, it's hurt and it's pain.

In the 21st century many men are in transition in their relationship at home, in the workplace and in communities. Many negative images of fathers and men exist in our society. Fathers and men are often predicted in media as overbearing, selfish, prone to doing harm to youth, women and other men. We don't want to set examples to our children that we tolerate hatred.

I was raised in North Carolina. I'm a victim of Jim Crow Law. I know what it feels like to be a victim. That's why we organized the Long Island Men's Center to address issues that affect our society. 94% of men in prison were abused as children. Violent, abused men commit the vast majority of criminal activities in organized crime; drug sales, weapon possession, violence, robbery, only teenage boys commit school shootings.

Don't you think for a minute this pattern that our children in schools, not talking about what's happened to Marcelo Lucero. They know what happened to him and they don't like it. Just like I didn't like what was happening in South when I was child. I was only seven years old and I remember the images of what was going on in those situations. So we can't keep blinded by the fact that these children are not raised what we are teaching them.

So your job as a Task Force is not to sit in those chairs back there and take notes, but do something about it. I'm charging all nine of you to get out and fight for the community. Don't let nobody stop you. You have a job to do and we are counting on you to do it. And we will support you because you're doing wonderful work. That's why I came all the way from Amityville to be here.

Men are trained to be strong and tough, competitive, which may lead to domestic violence being committed by men not trained to control their emotions and behavior and resolve conflict peaceful. Men have a hard time developing and staying in a healthy long-term relationship with their wives and with their children, and communication skills to do social activities in their community and economic skills to have good jobs. We have problems.

At the Long Island Men's Center we're teaching men to go to school, go to college to get a trade, stay out of trouble, respect authority and be honest and loving citizens. Men may feel shame when not earning enough money and return to less than ethical behavior to make ends meet or to keep up a polished image.

We train men at Long Island Men's Center, *look, don't sell those drugs because the cops will come and put you in jail and you only get a dollar a day. It's not worth it.* Our last meeting we had over 30 men in the center listening and being trained by doctors, lawyers, preachers, community leaders in our group.

In closing, we stand strongly with the Hispanic community in Patchogue to finally get the church, to finally get the people, and we know that white men are the ones that does most of this violence when it comes down to hate crime. We know that. So we're asking our brothers on the other side

to come to the Long Island Men's Center. And we're asking them to join us so that we can train them to be honest citizens, respecting every human being in this country. Thank you.

**APPLAUSE**

**CHAIRMAN GREGORY:**

Thank you. I feel that it's also important to recognize a gentleman who particularly since we're here in his community who's done a lot to begin the healing process, particularly after the Lucero killing and that's -- and I apologize for forgetting him because he bears the name of my twin brother so I don't know how I could have forgotten it, and that's Reverend -- sorry, Pastor Dwight Walter, please, would you please stand up and let's give him a round of applause.

**APPLAUSE**

Shortly after the Lucero killing, he's held similar forums like this in his church where they were able to investigate. They had complaints and they were able to investigate numerous complaints in the community. He's done a lot. He's recognized not only here in Patchogue and across the County, New York State, even internationally. You know, we had a long conversation the other day about some of the work he's done, some of the organizations that are looking to work with him. Okay.

We have Linda Lane-Weber; she's -- showed up now from what I understand. Oh, here you go.

**MS. LANE-WEBER:**

If I can stand up.

**CHAIRMAN GREGORY:**

All right. We'll wait for you.

**MS. LANE-WEBER:**

From what I understand I have about five minutes to speak.

**CHAIRMAN GREGORY:**

Yes, ma'am.

**MS. LANE-WEBER:**

I just want to ask a question if I may not using my minutes. Is everybody in the room fluent -- very fluent in English enough to understand any complicated English? Can I ask that? Can you ask --

**CHAIRMAN GREGORY:**

You can and you did, but I can't -- I don't know if I can intelligently answer that for you.

**MS. LANE-WEBER:**

Because my Spanish is not very good.

**CHAIRMAN GREGORY:**

We do have a translator. We have several. We have several translators if you need them.

**MS. LANE-WEBER:**

All right. Thanks. I won't know when anything needs to be translated. Okay. Thank you for inviting me to speak. Greetings to all of you. You're just as interested as I am in solving hate crimes in Suffolk County.

My name is Linda Lane-Weber. I'm a retired English teacher, a past NOW chapter President, co-founder of the Suffolk County Coalition Against Domestic Violence. And presently I'm the Chair of a kind of ad hoc committee called Dignity For All Students Act Committee.

What the committee is it's a coalition of community leaders. Some of them are from the faith community, some of them from the Latino community, some of them from the LGBT community, some from the black community.

And we get together once a month. And we have been lobbying heavily and advocating for the passage of a piece of state legislation called the Dignity For All Students Act. This piece of legislation has been introduced 11 years, passes every year in the Assembly, has not yet passed the Senate. We thought we almost had it this year and then we had the debacle with the Senate ending early. So let me give you the bill numbers because I think the bills are extremely important; then I will tell you what the bill would do, what it would require; then I will tell you how we're trying -- going on try to help implement the law.

The bill numbers in the Senate, which is the one that didn't pass, this is the bill from last year, they get a new number this year, we don't know, is S 1987 (a). The Assembly bill, which is exactly the same, is

A 03661 (b). What this bill would do is it would require the education of students in all public schools to not commit any bias acts whether it's harassment, whether it's assault, whether it's a crime; any manifestations of bias toward a group of something like ten -- a list of something like ten different groups. Race is listed first, I think. It includes sex, sexual orientation, religion, disability, ethnic origin and it even added rape. Nobody can pick on someone, any child make them -- his or her life miserable because they're fat. The state Department of Education just required that addition.

So there would have to be education of students. There are some materials available for school districts that want to do it. They don't have to yet. There's not a whole lot. I'll get to that in a minute. Programs, reference plans, videos, other materials should be brought into the public schools from kindergarten all the way through high school. The law requires staff training so that the teachers and other staff members will recognize when it happens in the hall, if a girl is pinched or called, excuse me, a bitch or anything like that, that they have to address it; can't turn and look the other way; can't pick -- is not permitted to pick on any students.

Staff training. Reporting is required. Repeated incidents, even if they're minor must be reported. The superintendent of schools of the district is required to report it to the Commissioner of Education. Of course, assaults or anything that rises to the level of a crime also has to be reported. But this is significant because it nips that kind of behavior in the bud. Even minor offenses cannot go disregarded. Addressing bias motivated incidents will, we think, preclude them from escalating into hate crimes.

We're also working on the educational component of this, actually Andrea Callan, the Director of the Suffolk COU, is putting together a list of currently available materials. There are about 28 items on the list and I've been calling different people in different groups to ask them *are you going to make sure you get your name on that list?* Because we want these things available for our schools to bring them in.

Right now it isn't required because it's not the law. When it is the law, if an incident occurs where a student is injured in school or psychologically or physically in a bias motivated act and the language is present to indicate that it was bias, then the school would be very, very liable for students to sue if they don't implement this law. We've been meeting for the past, oh, about two months. And our next meeting is not set up yet because we don't know when the Senate is coming back. And we want to continue our lobbying, which is phase one, we're going in to particular Senators' offices. If your Senator is a conservative Senator that doesn't like this kind of liberal education, please call them. When I get involved in any of those --

**CHAIRMAN GREGORY:**

I'm sorry, Ms. Weber, your time is up.

**MS. LANE-WEBER:**

Okay. Well, if want to know more about what we're doing, you can call me 581-5179 or you could call Andrea Callan, 650-2301. And we'd like to request that a representative from the County join us in trying to find ways to make sure that school districts access this list of available materials that we're putting together and using.

**CHAIRMAN GREGORY:**

Okay. If you have -- if you'd like to submit a statement, you're welcome to. We'll put it in as part of the record.

**MS. LANE-WEBER:**

Forgive me, but I didn't have time to type it up -- just my scribbly notes.

**CHAIRMAN GREGORY:**

All right. Thank you.

**MS. LANE-WEBER:**

Do you need me to submit it a later time?

**CHAIRMAN GREGORY:**

That's up to you.

**MS. LANE-WEBER:**

Okay. I'll get the information and I'll type up something for you.

**CHAIRMAN GREGORY:**

All right.

**MS. LANE-WEBER:**

Including the request for a representative from Suffolk County.

**CHAIRMAN GREGORY:**

Thank you.

**MS. LANE-WEBER:**

Thank you.

**APPLAUSE**

**CHAIRMAN GREGORY:**

We also have with us today Caroline Levy from American Jewish Council.

**MS. LEVY:**

Committee.

**CHAIRMAN GREGORY:**

Committee?

**MS. LEVY:**

Yes.

**CHAIRMAN GREGORY:**

I'm sorry. And Dr. David -- Dr. David -- oh, my God, Dr. Luis Valenzuela from the Long Island Regional Alliance. Welcome. Thank you for coming.

## **APPLAUSE**

We have Barrett, excuse me if I mess up your last name, Psareas.

### **MR. PSAREAS:**

My name's Barrett Psareas from the Nassau County Civic Association.

Unfortunately, last year there was a crime that was committed and it was a hate crime and it was committed against a person who was illegal in this country. Now whether someone's illegal or not in this country, the hate crime that was committed against him actually caused his death.

What I was interested in is the actual -- did they hate this person or did they dislike this person? And, I mean, if you want to put some words on it, according to the Hate Crimes Task Force, I don't know if you can answer, what's the difference between a hate crime and actually disliking someone? Is there a difference when it comes to a crime like that?

### **CHAIRMAN GREGORY:**

Well, what we're asking people to do is to make a statement. We're here to listen.

### **MR. PSAREAS:**

But this is part of my statement. Part of my statement is, is that hate is something, like the Sergeant said, something's that learned. And part of learning is also experiencing. People who commit hate crimes, no matter what it may be, did they experience something and maybe what they learned was hate, that's what they learned. And cross that out -- and onto someone else; which is no matter how you look at it, a hate crime is a very unfortunate for society.

Part of the hate crime that happened with the gentleman that was killed last year over here in Patchogue, I believe, is happening around the country. And that problem is, has to do with illegal immigration. Unfortunately, in this country the government does nothing to protect the citizens against people who are illegally in this country. And what I mean by that is, they're illegal here, they're not supposed to be here. I don't know how to say it, but the Task Force that's here and conveyed today -- excuse me, I'm a little bit cold, that's why -- it's cold in here.

Anyway, I just hope the Task Force does its job proper. Unfortunately, in Nassau County our Task Force doesn't fill forums like this -- they should. And again, regardless of anybody's race, color, religion or illegal status does not deserve a crime put upon them.

And if there's anything that you need -- Nassau County has a Civic Association, can help out in Suffolk County, especially in regards to hate crimes, we'll be much obliged to help. Thank you.

## **APPLAUSE**

### **CHAIRMAN GREGORY:**

Thank you.

Nadia Marin-Molina.

### **MS. MARIN-MOLINA:**

Good evening. I'm speaking today on behalf of the Workplace Project. And I had mentioned that we're also members of the Long Island Immigrant Alliance, which has also spoken before this Task Force.

I'm speaking today to say a few things. One, is that we really appreciate the difficulty and the importance of the task that your Task Force has, which is to seek to understand the causes of hate-motivated violence.

Our organization works in -- we have two offices; one in Hempstead and one in Farmingdale. And our mission is to fight against the exploitation of Latino immigrant workers. We want to promote their full political, economic and cultural participation in the community in which they live.

And we've been working for ten years on issues of hate here in Suffolk County. We started our work in 1999 when there was an anti-day laborer ordinance in the Suffolk County Legislature. That's what brought us to Suffolk County.

But I wanted to speak today about the issue of people coming here to this forum to speak. I spoke to a number of different victims of hate crimes to see whether they would be able to speak tonight. And there were some who agreed to speak who haven't come and a couple have come maybe just to watch. But there is the question, I think, and based on the presentations that have been done and the positive statements that have been made by the police officers who've spoken in the past, you know, you might ask well why do the victims feel intimidated? You know, why would somebody be afraid of coming forward to speak when so many precautions have been taken. And it seems almost like an irrational fear, but it's actually quite rational. And I wanted to tell you a couple of stories to illustrate that.

We -- and I wanted to put this forward before giving you the story, which is that we've had many positive relationships with police officers and police officials in Suffolk County and have admired and appreciated the work that they've done with us with many of the cases that we brought to the police.

In Nassau County we have a similar relationship. Today, in fact, they arrested a contractor for a wage theft and that was because of some workers who had come to our organization and we encouraged to come forward to speak out against what had happened to them.

So the story is the following: There was a member of our organization a few months ago who testified in front of the Suffolk County Legislature. And he spoke on our behalf, he spoke on his own behalf as a victim of a hate crime. He spoke on our behalf as an organization and he said that, you know, part of what he said was that he had been attacked. And part of what he said is that he felt the police hadn't done anything and hadn't informed him about what had happened afterwards. He spoke, everybody listened and that was fine. He actually supported the creation of this Task Force on behalf of our organization and that's wonderful. Right? We want people to participate in the political process and to not be afraid to come up and speak their minds. Right?

What happened after that was within the next few days I started to get phone calls. And I got a call -- within a couple of days, I got a call from the police. And they were very interested in following up. Following up, speaking with him, that's their job. That's fine and that's correct. Right.

However, within the next few days after that I was getting calls three or four times per day, they were asking me for his telephone number, which I could not give because I did not have permission from him to do that. I was getting constant telephone calls asking for his phone number repeatedly. They said they went to his house repeatedly. They went to his previous homes repeatedly. They went to his neighbors' homes repeatedly and questioned his neighbors to see where they could find him. They thought maybe he was homeless so they went to the places in his neighborhood where there were homeless people and they questioned them to see if they could find him.

They -- then the next thing that happened is they came to our office, which is in Hempstead. The police from Suffolk County went to Hempstead to pay me a surprise visit, again, to try to get his phone number. Then showed me a copy of their report and said that I could have a copy of the report if I gave them the phone number. Said that I still could not give -- I really couldn't because I did not have permission from him to do that. And I really wanted him actually to meet with the police, but we couldn't get in touch with him. They said that if they got a call from your bosses saying that I, you know -- what they would say is that I was interfering with their investigation.

And so whether this was intentional or not, this is intimidation. And my worry -- I know my time is up, but my worry is that people who come forward whether tonight or in the next hearing, not find the same kind of enthusiastic follow-up on the part of anybody because it can be intimidating. And I wanted to put that out there both with our experience, and, you know, in terms of the other people who come forward I would hope that you would protect them from that. Thank you.

### **APPLAUSE**

#### **CHAIRMAN GREGORY:**

Thank you, Nadia. Just so that -- for everyone's knowledge, and I'm going off the top of my head, we had two complaints from our last hearing; one was referred to the Human Rights Commission because it was a job related issue. And then the other they were rescheduled for extensive intake interview with our advocates at the Crime Victims Center. And Detective Sergeant Reecks and his personnel at the Hate Crimes Bureau, they were given a heads-up on the potential -- a potential victim.

So we are -- so that those that you may speak to, we are following up and they're not -- we're doing our jobs and they're not being harassed for lack of a better term. Okay.

We have Luis Borja.

#### **MR. BORJA:**

Yes.

#### **CHAIRMAN GREGORY:**

Okay.

#### **MR. BORJA:**

Good afternoon ladies and gentlemen. My name is Luis Borja. I'm from -- I come from -- I come from Ecuador. My English is not too good so that is why I need somebody to help.

#### **CHAIRMAN GREGORY:**

Martha.

#### **MR. BORJA:**

So, thank you.

### **Testimony of Luis Borja Translated into English by Ms. Leon**

#### **MS. LEON: (TRANSLATING IN FIRST-PERSON)**

First of all I would like to thank all the organizers of the hearing for allowing me the time to come hear and speak. And also for taking the consideration of bringing a member of our community that can help translate.

#### **MS. LEON: (TRANSLATING IN THIRD-PERSON)**

He has been to several functions where he has not been able to obtain a translator. He believes that as part of our community we have about 80 to 85% of those community members who do not speak the English language.

#### **MS. LEON: (TRANSLATING IN FIRST-PERSON)**

In lieu of everything that has occurred in our community, this is -- we feel that this is a very needed organization to try to bring light to all of the issues.

#### **MS. LEON: (TRANSLATING IN THIRD-PERSON)**

In the past ten months, which is about the time that he and his community have been organizing,

they have found a lot of issues. He feels that in the past there have been several outsiders who have come into our community -- outsiders that are powerful outside of our community that have come into our community but have not given any positive -- he feels that those outsiders who have come into our community have not provided any help and have affected the outcome of our community.

One of those incidents was -- one of the examples of the incidents that have occurred is what happened to the gentleman in Patchogue, Milton {Balduca}. That individual did not feel that he could speak to someone that would help him --

**MS. SPAR:**

No, no, no, that's not what he's saying.

**MS. FLESHER: (COURT REPORTER)**

You have to go up to the microphone. I cannot hear, I'm sorry.

**MS. SPAR: (NOW TRANSLATING IN FIRST-PERSON)**

The individual who suffered the incident did not come forward because he had spoken with someone who told him that he was going to help him.

**MS. LEON: (NOW TRANSLATING IN FIRST-PERSON)**

That was one of the reasons why Mr. Milton {Balduca} did not want to speak out. In lieu of the incident that occurred they have had to take -- I'm sorry -- in lieu of the incident that occurred --

**MS. SPAR: (NOW TRANSLATING IN FIRST-PERSON)**

And if given the fact that Mr. {Balduca} did not feel like coming forward, he and other communities advocated -- they decided to get together and speak with him. And there is another sergeant on probation side, I forgot his name -- Inspector Mojica, he can testify that what he is saying is true.

And I would like to say to everyone who's here and all the media that is attending this hearing that the Hispanic community is willing to cooperate and to contribute. Where not here to do any damage.

**APPLAUSE**

We want to work as a team and we know that the effort that we have to put together is from everyone.

**APPLAUSE**

**CHAIRMAN GREGORY:**

Thank you. Mucho gusto. That's it for me.

Mr. Cesar Malaga.

**MR. MALAGA:**

Cesar Malaga, Hispanic American Association.

I tried to educate Suffolk County Legislators and the school board for the last 15 years about immigrants. They don't know much about it. We have Legislators who introduced bills about the Latino immigrants. I am a crime victim of hate. I was screamed at, insulted, dehumanized and traumatized not by a young man but by an elected spokesperson on a school board. As a crime victim, you do not understand you have to be a crime victim to see how you feel. I have depression, not willing to do a thing, not to attend a meeting, activities, not to participate in activities. I have not attend -- I have not attended the Long Island Immigration Association since that incident happened with the school board. Finally, I asked the Long Island Immigration Association for help.

Now I would like to read to you that after being insulted and traumatized by the school board, that I finally have the guts to write and come up at the next meeting of the school board. Now I want you to listen because this is what I had to say at that meeting.

### **SOME TESTIMONY IS QUOTED FROM HIS STATEMENT NOW BEING PLACED IN THE RECORD**

"I would like to be given the time to address the school board without interruption. I was called liar at the last school board meeting. If any other person besides Cesar Malaga addressed the school board, I am sure that person will not be told *you do not represent the taxpayers; you represent Cesar Malaga, not told, how dare you ask about the school expenses?* Yes, I am an immigrant and proud to be an immigrant. I am also proud to be a US citizen and a US army veteran. The West Babylon taxpayers --

### **APPLAUSE**

The West Babylon taxpayers that do not endorse school budgets or any candidates. What you saw and heard at the last meeting is that what happens to Latinos and also to Latino school children. They are humiliated and treated like they are nothing. Their peers insult many Latino school children. I'm sure you are aware what took place with to a Latino school boy in East Hampton." There are many other cases like that, but the news media does not report all. The problem in East Hampton they tried to kill the kid with a chain saw.

"Some of us residents have many years of experience in accounting and knowledge about budget, expenses, value of money, productivity and know various ways of cutting expenses. We are not uneducated people because we are immigrants.

The meeting before the last one, there was a taxpayer who made studies about contracts with the teachers, salary increase -- annual increase -- salary increases. He paid \$14,000 to get the contract with the teachers. He spent many hours analyzing the salaries and increases. This board did not even ask for a copy of that study nor tell the taxpayer *we will look into it and we'll get back to you and thanks for the report.* But as usual the board put the taxpayer down, as usual. Teachers' contracts should be available at public libraries so that taxpayers can be able to read, analyze. It should not be a secret.

You mentioned about mandates. (Inaudible) Now you mention about mandates. The federal and state who mandates should provide the funds to implement the mandates. I do not know if this school board knows the annual cost of mandates. The Congressmen in Washington, the Assemblymen and Senators in Albany should get the funds necessary to implement the mandates. If you do not know the cost of -- or ask for the money, they will not provide the funds.

Finally, it appears to me based in the previous school board meetings that some residents do not have a knowledge concerning immigrants, legal or illegal. What happened many years ago the people immigrate to the United States is not the same today. People in Europe got into a ship bound to the USA; they arrive in Ellis Island. If they were checked and they didn't have any disease, they were allowed to come into New York. These people did not apply for a visa for the United States. Today you have to wait 12 or more years for a visa to enter the United States.

This school should have immigrants to address students about immigration. The students should not judge immigrants based on what they hear at home."

And finally I'd like to say that, you know, we have to educate the children. The parents of those children who hate immigrants, they're a lost cause. You cannot do anything. It's like a tree. The tree's crooked. And that big tree that's crooked, there's nothing you can do but we have to educate the young children to live along with immigrants because they'll learn a lot about immigrants. This

country's made by immigrants and immigrants built this country. So we should all work together for the future of this country. They should not be hating us immigrants. Thank you very much.

## **APPLAUSE**

### **CHAIRMAN GREGORY:**

Our next speaker is Pastor Gregory Wilk.

### **PASTOR WILK:**

Hello everyone, Legislators and Anti-hate and Bias Task Force and visitors here. Again, I've been Pastoring the Abundant Life Ministry for 29 years. We're in Holbrook. We're a multicultural ministry. I'm presently on the Anti-graffiti Task Force of Suffolk County and part of a pilot program anti-violence under Suffolk County Youth Director, Louis Medina, a pilot program in Bellport to fight against the hate and violence that's in our County.

Also I was an educator for 12 years. And four years of those 12, I taught in Brentwood. For four years I was Education Director of the church in Patchogue here. So I have kind of a sense of the community, the needs of the community and what's going on. I'm also on the executive board of Crossroads Council Center. And I will address the need, I believe, that it's necessary for the Council's component.

I would share with you that about six months ago we received a message from Gladys Carrion, the Commissioner of the Office of Children and Family Services, looking for the faith based community to help break the syndrome from the cradle to the jail cell in the -- of people of color. And we were asked to go to a correctional facility in Brentwood that there was seriously some trauma in December between gangs that were in the correction facility. We started going there in -- in January and proudly to say we were at the graduation ceremony in June. And many of these girls that went back to the Bronx and to Queens in holistic healing of hate -- victims of hate in their community.

I'm saying this to say that the faith based community is a central component in this problem. We can legislate morality. We can enforce morality but we need heart change. And we need to direct our attention to the young people, young people. So proudly to say that I'm a part of a process, of a move on Long Island, is that many, many people in clergy, faith based are turning to young people to empowering people. And it is there that we can see the change that will take place in our community.

I'm a father, a grandfather of two Filipino grandchildren and two Latino grandchildren. I have an adopted daughter from nine months old that's Korean. And I can share with you a little story quickly. Is that we were in one school district and my daughter being oriental, and I used to say Asian but that's no good anymore, but oriental, and she was picked on by people of color, hair pulled and various insults made to her. So we moved to another school district and -- not because of that but we moved to another school district. And there was things on the bus. She was called various names that are not edifying. And so I wanted to take things in my hands as a father. And fortunately I backed off from that. I did the right thing and worked with the school system.

As security discovered that it was a white young man that was Jewish. And his father was so apologetic when he was caught. And apologized to us for the insults to my daughter. I'm saying that to say this; is that we got to minister to the victims as well. And I'm not saying it's not being done, but I think that it needs to be done, it needs to be funded. The families of the victims need to be ministered to.

Also, if you can help us as a County Legislator develop a declaration of anti-hate and violence statement that can be given to the clergy that can be read, be posted in the various places of worship, that we can starting together, working together to solve this problem and move forward. Thank you so much.

## APPLAUSE

### CHAIRMAN GREGORY:

John Bogart.

### MR. BOGART:

I'm a president of no organization. I just live here in Patchogue Village. And I've been sitting here trying to think of different things to recommend since that's what you're looking for. So --

### MS. FLESHER: (COURT REPORTER)

Speak into the mike. Speak closer to the mike.

### MR. BOGART:

I'm sorry. I'd like to make -- is that better? Yes. I can hear myself now. I'd like to make several recommendations to the police and one to the District Attorney's Office actually. And these are based on my impressions, just an ordinary citizen who lives in the village and sometimes has to walk through the various parts of the community where hate crimes are being committed. And I certainly -- sometimes I have a sense of fear myself because the same gangs that target Latinos can also target another person just like me. I'm an elderly person. And we're just as much a possible victim as anybody else. So it's not just the Latino community that's threatened in this community. It's everyone, too.

So, actually I don't know where Detective Reecks is but I wouldn't -- his statement is quite correct. On the day of Marcelo Lucero's death, the police officers acted without discrimination. All those officers did a great job. But one thing that I have noticed since then is the Police Commissioner, I don't believe, and perhaps you can stop me if I'm wrong, has ever taken those officers, that whole bunch of them, and commended them for their actions. This is an imbalance where a police officer will get a press conference with the County Executive and the Police Commissioner because they delivered a baby, but those individuals who smashed a racist gang go without any kind of recognition. The Police Department must attach some recognition for the extraordinary actions that were taken by the police. That's one thing.

Secondly, not all the people who have been involved in these hate crimes have been caught. Several weeks after the Lucero death, a constable in Patchogue Village broke up a gang of 8 to 10 individuals who had assaulted two individuals, Latin individuals, Latinos. None of those people that I'm aware of were ever caught. They're still at loose. And this points to the one -- some of the aspects of dealing with hate crimes, which is the -- we're dealing with cowards who hide in the shadows. The police need to support the community and every single tool they can get to get those people. We need those people cleaned out of our community.

One thing I've been thinking about is certainly rewards, because there are people out there who will snitch on their friends for money. And I don't think that there is -- I don't think there's a particular way, for example, if I wanted to contribute \$500 just to deal with particular hate crime that was occurring in my community for me to do so today. Maybe there is. If there is, that needs to be communicated to a community so that those of us in the community who detests these acts and want them to stop can contribute. So that's suggestion two.

And suggestion three is this: The events of cowards, where we have three individuals incredibly after all this has happened, three cowards in the middle of the night commit another crime, what I think we also need here, and this is my suggestion to the District Attorney is, let's get some of these people convicted. It's now seven or eight months later since the first incident, perhaps those three individuals, if they had known that all those guys were Upstate, might have been restrained. I mean that's the theory of law enforcement. Arrest and send them to jail. And not sometime later. As quickly as possible. All the people involved here need some closure. The victims do, their family members do and our community does, too. Get them into jail. That's my comments to the District

Attorney. The original group, the group that you -- that you helped arrest, Sergeant Reecks, another good job, and anyone else that comes along. That's my recommendation.

### **APPLAUSE**

#### **CHAIRMAN GREGORY:**

Thank you very much, Sir. Francisco Hernandez.

#### **MR. HERNANDEZ:**

Hello there. Actually I think the person who spoke before hit it right on point. I think that it's great -- especially to see that coming from a resident of Patchogue. I myself am a resident of Patchogue of the Village. I live on Ocean Avenue. I'm also a victim that you saw from the report and I am an advocate for the community. The sad part is that it took an incident to happen to me to start advocating for my community and start fighting not just for Hispanics, for every person, every religion. I advocate for every person. I mean, I fight for Italians, also, the rights for Irish people, African Americans, Chinese. I have a Muslim now that is on board with me now, which is working together where we helped put a family in a home.

The sad part is that there is a Hate Crimes Unit here on Long Island. And I heard Mr. Reecks say that it's been here since for 29 years. For 29 years this Task Force has been here. Now what's going on? I mean, if there are so many incidents in that report that have been reported -- the Hate Crimes Unit never came and approached me as a victim of two different incidents. And my family also has been victims of. They never even asked me questions on what happened. You could read in the report there that it was called a criminal mischief. And that was the attitude that Suffolk County Police did have. That's why the victims are very suspect of the police here. And that's the reality.

I'm not here to start a problem. What I want is solutions. As members of the Task Force remember that the first immigrants of this country, the first founders were immigrants. And in their constitution they said we were all created equal. And we will all be judged by one person at the end of the day.

I ask you please -- I know we might have other reasons of changing things on the Task Force. Well, let's change some of the policies within the police department. I know Mr. Mojica is new here at the police department as an Inspector, but there are things that have happened within the Fifth Precinct that it's -- I can't believe that there are procedures that go on. I asked Mr. Reecks the other day about a procedure of taking my license away as a victim. And they tell me, you know what? It's at the precinct. And my license was taken away because they said they have to verify who I was and if I was here legally. My father's an American citizen. My grandfather's an American citizen. My grandfather fought for this country. My father fought for this country. I was born here.

You see what comes up from the top -- the word that comes from the top -- maybe Mr. Levy is not a racist. And I think not. But there are ignorant people here. And those words have actually been listened to by young people. I mean, young people hear these words. And they take action for these words. What we must do is somehow tell our leaders, our public leaders that have been elected that they should watch what they say in public. The President can't say things in public. He's watched every second for anything he says. Every elected official should be held accountable also. I believe so. And I think it's up to the Task Force also to come up to each officer, and not just Mr. Levy but every politician, anybody that's in the board of the school department, any judge, any police officer and teach them and tell them that they're being held accountable on the words that they say in front of the public, especially if I'm paying your salary. Thank you.

### **APPLAUSE**

#### **CHAIRMAN GREGORY:**

Than you, Mr. Hernandez. I hope that -- you said you had spoken to our people already. If you

need any services, we're here; okay? Next is Greg Fischer.

**MR. FISCHER:**

Hi, I'm Greg Fischer, a resident of Riverhead. I want to underscore what Mr. Hernandez said actually which was -- pointing to police training. And I want to talk about specifically gender based bias where men are denigrated, where reports aren't taken. So we have a police training tape going around now on domestic violence which says treat every domestic violence call as a attempted murder upon the woman. It actually says that. And police have come to me and say this is ridiculous, you need to do something to stop it. So I would like you look into that and stop the tape. We shouldn't be training police to have a bias attitude when they enter a household. What does an attempted murder mean? Come with your guns drawn and point it at the guy in this case.

I've given statistics to the Legislature on domestic violence showing how -- what we commonly believe is no longer correct. And the new studies actually say that women are provocateurs of domestic violence more than men now. But we're not implementing changes in procedures in this County. We're still demonizing men.

I want to point to a little bit of a personal incident with Riverhead Police refusing to take a complaint on a felony, custodial interference. And it's not the first time. It's better known as kidnapping. We actually don't have a kidnapping statute in the state for parental kidnapping. We do have statutes for stranger kidnapping but not parental kidnapping. In New Jersey and many other states the second a child is concealed by one parent, it is considered a kidnapping out of the state. Unfortunately in this County, we chose to kill memorializing resolutions and other ways that we would communicate to the state and tell them we have a problem here, that we need certain legislation. But we kill those resolutions and we have no way of communicating from this Legislature officially to the State of New York. They asked the State Legislature to make any changes in the law. That was foolish. That needs to be changed. We need a way to communicate our needs for legislation to the State of New York.

So, here's my personal incident. I was running for Riverhead Town Board two years ago. September 17th was my primary day. And my children were abducted. They were concealed. They were taken out of state. Their mother was not well. Hearing voices, telling her to burn the children alive. The police would not process my parental kidnapping complaint. The courts took a longtime to get involved. The mother claimed she never lived in New York, never. We had our children in the house, actually home births. She claimed she never lived in New York. The family court believed her, gave the matter to the Wyoming Courts to decide.

It took over a year before the Wyoming Courts figured out that, well, you know, this kind of is a New York matter. But they didn't return all. They don't have an integrated courtroom. They returned some of them. So I'm still fighting this in Wyoming and New York after two years. So, still problems. Children now living with the mom in a very small room in a trailer in an industrial court that's highly polluted with heavy metals and lead in Wyoming. That and other reasons constitutes a danger to the children. Heavily documented, about one inch thick sworn statement provided to the Riverhead Police and the courts. And Lieutenant Pecker from the Riverhead Police Department will not execute an arrest or make -- or file a complaint. I can't get it done. Gave it to the District Attorney. Can't get it done. We have this logic that -- we think it's -- we think it's logical, the kid's with his mother, they'll be okay. It's not always true. In this case it's not true. Documented dental neglect, physical neglect, harm; harm that might go on forever in this environment of toxicity and heavy metals.

So basically we have -- we have to review our policies on gender bias. We have to get back to other kinds of hate crimes that we've talked about there. We commonly see the statistics for men are greater than for women. We see that enforcement against black men because it's far greater for men than black women. We're not being fair. And some of the legislation proposed, and Mr. Legislator, and I called you five times trying to talk about it, never got a call back. But it is to perpetuate a certain myth. It's a myth. So we need to stop this myth of male on female violence

just look at violence. Look at each case individually, each case for what it is, and not allow any bigotry -- bigotry to influence our decisions and our enforcement. Thank you.

### **APPLAUSE**

#### **CHAIRMAN GREGORY:**

Okay. We don't have any more cards, but is there anyone in the audience that would like to speak that hasn't filled out a card, please -- sure. Just please state your name.

#### **MS. NYGAARD:**

Hi. My name is Charmaine Nygaard. I got some e-mail from Renee and that's why I'm here. When I was 18 I left New York and went to Houston and was appalled by the treatment of the African American citizen. If you rode on a bus, you had to get off. If you went to use the bathrooms, they were on separate floors. Restaurants, the African American couldn't use it. I voted for Robert -- John F. Kennedy that year. And since then I've voted republican, democrat, independent, all over the place. I campaigned for Barack Obama and I expect some changes to be made. I'm so sad to see what's happening in this nation. I'm sorry I'm upset, but my heart breaks for these people. They don't need to be treated this way. We're all equal. Stop putting them down, please.

### **APPLAUSE**

#### **CHAIRMAN GREGORY:**

Thank you, ma'am. Michael O'Neill.

#### **MR. O'NEILL:**

Hello, my name is Michael O'Neill. I am from East Hampton. Suffolk County has a long history of racism that is very deep. And it is said that Suffolk County is the most segregated County in the northeast and one of the most segregated Counties in the United States. Out of this tradition and this legacy, it is not surprising that there is such contention between peoples. We know there's unequal schools. Until about 15 years ago there was heavier taxes in certain districts than wealthy districts. Higher taxation in poorer districts than in wealthy districts, so.

But hate crime is not unique to Suffolk County by any means. I think that the biggest problem of hate crime is the underreporting of a hate crime. And there are many reasons for that. It is not just police culture. It is not just the police interpretation of hate crime law. It's all of Suffolk County's institutions. When is the last time you heard a school report a hate crime incident? But in my district hate crime incidents occur at the high school every semester. Why isn't the police chief out to every school every semester telling kids their rights? They don't have to put up with slurs. They don't have to put up with pennies tossed at them on the ground as -- this happened many times in East Hampton. It is -- it's a matter of leadership. And I think the emphasis on blaming the -- or singling out the police is a mistake.

Why do not the hospitals ban together and have practices that identify hate crime and report them? They are on the front lines of violence. Why not just the schools, but many other places hate crime is ignored because hate crime is ignored from the very top down. In Liverpool England, which has a population of 500,000, 62 languages are spoken there daily, a very diverse population. Suffolk County has a population three times the size, yet Liverpool reports 75 hate crimes a month and the police chief now has a campaign going on in Liverpool to encourage people to report hate crime to make certain their neighborhoods and their streets can be made safe.

Where is our Police Commissioner and where is our Executive going out, making -- initiating campaigns to raise people's awareness how hate crimes is so divisive and destructive in our communities. Suffolk County reported, I think, eleven hate crimes last year. So in Liverpool they report more hate crimes in one month than Suffolk County with three times the population reported in five years. Something is desperately and tragically wrong. And the reason I think that there's

underreporting -- there are many reasons -- but it's fundamental to understanding what the problem of hate crime is. Because if we have no idea of its extent, there's no way we can institute psycho social solutions to the problem and other solutions in the schools to combat hate crime.

I thank you very much. I'd like to end with two incidents that illustrate some of the points I've been trying to make. And they occurred in my Town of East Hampton. One five foot two man from Ecuador was driving to a church choir practice. The guy behind him went into a road rage and followed this guy to the place where they were having the rehearsal and he attacked him in the driveway. The other guy was six four. Anyway, the guy was beat up. There were slurs. There were witnesses on the balcony watching it and witnesses on the ground floor that pulled this guy off of him. The police initially charged him with a hate crime, but the prosecutor dropped the hate crime law because he said there were not serious enough injuries; there were only bruises and a cut lip.

Now where in the world does the prosecutor come up with this false interpretation? Nowhere in the law says that it has to be a severe injury. And what's severe? A broken bone? A stab wound that goes through the body? I'm not sure. But the laws are left to the interpretation and the implementation of authorities that seem to have little idea of the law.

Someone mentioned another crime in East Hampton where a boy -- a school -- a high school boy was chased by a chain saw.

**CHAIRMAN GREGORY:**

Mr. O'Neill, can you please wrap up?

**MR. O'NEILL:**

Yeah. I'm sorry. And the police chief said that the 16-year old boy wielding the chain saw could not be arrested and charged with a hate crime because he was a minor. This is the police chief. Now I don't know how it can be done but unless there is leadership from the very top, there will be no solution to this problem of rampant hate crime. Thank you.

**APPLAUSE**

**CHAIRMAN GREGORY:**

Thank you. Is there anyone else in the audience that would like to speak? Okay. Not seeing any hands, I'll make an announcement that our next public hearing will be Tuesday, September 22nd in Riverhead. It's going to be at the Culinary Arts and Hospitality Center at the Suffolk County Community College. And that's it. We are adjourned. Thank you for coming out tonight.

**THE PUBLIC HEARING CONCLUDED AT 7:40 PM**

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