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SUFFOLK COUNTY LEGISLATURE  
HATE CRIMES TASK FORCE

William H. Rogers Legislative Building  
Legislative Auditorium  
725 Veterans Memorial Highway  
Hauppauge, New York

February 25, 2010  
5:00 p.m.

BEFORE:

LEGISLATOR DUWAYNE GREGORY, Chairperson

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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2 A P P E A R A N C E S:

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4 LAURA A. AHERN

5 REVEREND JOANN BARRETT

6 REYNOLDS E. HAWKINS

7 DR. DAVID SCOTT KILMNICK

8 RENEE ORTIZ

9 REVEREND RODERICK PEARSON

10 DETECTIVE SERGEANT ROBERT REECKS

11

12 A L S O P R E S E N T:

13

14 MAXVEL ROSE

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16 G U E S T S:

17 COLLEEN ANSANELLI, Criminal Justice  
Coordinating Council

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ANDREA CALLAN, ESQ., Suffolk NYCLU Director

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LINDA LANE WEBER, Chair, Dignity for All  
Students Act Committee

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(WHEREUPON, this proceeding convened at 5:00 p.m. Off-the-record discussions ensued, after which the following transpired:)

(Time noted: 5:20 p.m.)

LEGISLATOR GREGORY: Okay.  
Colleen, go ahead.

MS. ANSANELLI: Okay. So this is the basic layout --

THE REPORTER: Would you state your name for the record, please.

MS. ANSANELLI: Colleen Ansanelli, A-N-S-A-N-E-L-L-I, Criminal Justice Coordinating Council.

Okay. So this is the basic layout (indicating). Some of you might have seen the most recent study that we did for the legislature.

Did you even get a copy of this?

LEGISLATOR GREGORY: No, I --

MS. ANSANELLI: I'll make sure you get a copy.

LEGISLATOR GREGORY: -- I didn't get a copy yet. No.

2 MS. ANSANELLI: Okay. I'll  
3 definitely get that to you.

4 Basically it follows that same  
5 basic format, because the impetus for us  
6 doing some work for you the last time  
7 was based on a piece of legislation  
8 where you basically requested that we do  
9 that. So it will follow the same kind  
10 of pattern where we just lay out why  
11 this came about, what the membership  
12 consists of, your meeting times and  
13 dates, the public hearing schedule.  
14 Just -- as it -- you know, look through  
15 it in front of you.

16 And then the public hearing  
17 findings under the overview of the  
18 impact, that's going to be based on --  
19 you folks had hearings that followed the  
20 public hearings?

21 LEGISLATOR GREGORY: (Head gesture)

22 MS. ANSANELLI: Was there ever a --  
23 sort of a summary and review of the  
24 things that stood out that you needed to  
25 look at based on what was discussed at

2 the public hearings?

3 LEGISLATOR GREGORY: No.

4 MS. ANSANELLI: It's all

5 recorded --

6 LEGISLATOR GREGORY: Right.

7 Absolutely.

8 MS. ANSANELLI: -- so it's all in

9 the minutes.

10 LEGISLATOR GREGORY: Right.

11 MS. ANSANELLI: And I have all the

12 minutes. So I'll come through all of

13 the minutes, basically list the people

14 that came before the microphone and

15 testified for the groups they were from,

16 the frequency of which. If somebody

17 came to all four hearings and got up

18 behind the mike and they were -- that

19 will be in there. So it will give

20 everyone a flavor for what did these

21 public forums -- who did they attract

22 and what did the people basically

23 discuss.

24 LEGISLATOR GREGORY: Right. Right.

25 MS. ANSANELLI: Uh-huh.

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LEGISLATOR GREGORY: I think at some point, as a committee, we should probably compile at least some of these that -- well, not some, but the presentations and informations, so as a committee and individually we can go through it and make recommendations through the report --

MS. ANSANELLI: Uh-huh.

LEGISLATOR GREGORY: -- and you do your draft, and we kind of go through that process.

MS. ANSANELLI: Well, the draft of the report will help you do that.

LEGISLATOR GREGORY: Okay.

MS. ANSANELLI: Because it will basically line everything up for you --

LEGISLATOR GREGORY: Okay.

MS. ANSANELLI: -- sequentially, how to look at it.

LEGISLATOR GREGORY: There is one outstanding question that comes to my mind, and that's, we discussed as a committee about information that we

2 had -- we're going to seek from the  
3 police department. You know,  
4 training -- what types of training do  
5 they receive as -- as it relates to hate  
6 crimes or diversity or, you know,  
7 training like that; statistics on hate  
8 crimes in the past.

9 Is that something that you would  
10 request or us as the committee or --

11 MS. ANSANELLI: The way the  
12 legislation is written, it -- it seems  
13 like you would request it and it would  
14 be part of this document.

15 LEGISLATOR GREGORY: Okay. All  
16 right. I wasn't sure if you would -- I  
17 know that's a touchy issue with them,  
18 and I don't want to -- you know, I know  
19 that they're going to be very technical,  
20 possibly, and I want it to come from the  
21 appropriate person.

22 MS. ANSANELLI: Uh-huh.

23 I mean, I'll review it again, but I  
24 basically just looked at it a few hours  
25 ago, and on one of your reports, you

1 Hate Crimes Task Force 2/25/10 8

2 basically spoke about, you know, that  
3 you're going to have to gather  
4 information --

5 LEGISLATOR GREGORY: Right. Right.

6 MS. ANSANELLI: -- from different  
7 entities, and that's -- that was a  
8 request coming from you and not so much  
9 the people doing the study for you.

10 LEGISLATOR GREGORY: All right.  
11 Okay.

12 MS. ANSANELLI: But either way, you  
13 know.

14 LEGISLATOR GREGORY: Right.

15 Now, as far as time line, how long  
16 do you think you -- you will need?  
17 Three months? Two months?

18 MS. ANSANELLI: A few months is  
19 good.

20 LEGISLATOR GREGORY: Okay.

21 Now, that's to -- for the whole  
22 process --

23 MS. ANSANELLI: Uh-huh.

24 LEGISLATOR GREGORY: -- the -- the  
25 back-and-forth?

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MS. ANSANELLI: Well, by the time we review everything and comb everything out, and then put it before you and basically say, This is what we have so far, and you guys look and say, Oh, actually, we discussed something further on that so we got some information --

I did contact Renee, and so anything that was given to you, handed in at a hearing or brought to a meeting that someone backed up their testimony, whatnot, she's given it to me, and I'll have to go through that as well. So you will have to look at some of the product and then see from there where you go.

LEGISLATOR GREGORY: Okay.

MS. ANSANELLI: It will help to guide, because what it's going to be, it's going to be a summary of everything from the beginning of this to your ultimate end.

LEGISLATOR GREGORY: Okay.

Now, is there other information? Because my office received, and I'm not

2 even fully aware of where it came from,  
3 like -- I'm going to say surveys, but  
4 statements from, I think, middle  
5 schoolers about hate crimes or what they  
6 thought about hate crimes.

7 MS. ANSANELLI: If it fits in the  
8 context of what you put through in the  
9 resolution --

10 LEGISLATOR GREGORY: Okay. All  
11 right. I'll --

12 MS. ANSANELLI: We're really trying  
13 to answer to the resolution.

14 LEGISLATOR GREGORY: Right. Okay.  
15 Does anybody else have any  
16 questions?

17 (WHEREUPON, there was no response.)

18 LEGISLATOR GREGORY: No?

19 Dr. Kilmnick --

20 DR. KILMNICK: Yes.

21 LEGISLATOR GREGORY: -- you guys  
22 have any questions?

23 Colleen's going through the -- the  
24 process to -- how we're going to compile  
25 the report.

2 And part of the -- what we're going  
3 to discuss tonight also is possible  
4 future public hearings. So that at a  
5 later point would be -- you know.

6 So at what point will you start  
7 to -- kind of start drafting the report?

8 MS. ANSANELLI: As soon as we  
9 review the materials.

10 LEGISLATOR GREGORY: Oh.

11 MS. ANSANELLI: We actually are  
12 doing, between myself and Dr. Momo  
13 (phonetic).

14 LEGISLATOR GREGORY: Oh, okay.  
15 So it won't be a problem for us to kind  
16 of supplement everything with some  
17 future --

18 MS. ANSANELLI: I'm sure we'll have  
19 questions.

20 LEGISLATOR GREGORY: Okay.

21 MS. ANSANELLI: You seem to be  
22 speaking to a document we don't seem to  
23 have our hands on. So if you have that,  
24 give that to us, kind of a thing.

25 LEGISLATOR GREGORY: Okay.

2 MS. ANSANELLI: All right. And if  
3 there's something clearly missing from  
4 the discussion, we'll ask you.

5 LEGISLATOR GREGORY: Okay.

6 MS. ANSANELLI: Okay.

7 LEGISLATOR GREGORY: Anybody else?  
8 (WHEREUPON, there was no response.)

9 LEGISLATOR GREGORY: No?

10 DR. KILMNICK: (Indicating)

11 LEGISLATOR GREGORY: Okay.

12 DR. KILMNICK: After the  
13 introduction section, the next section  
14 where it says, "Overview of the impact  
15 of racial tensions and hate crimes in  
16 Suffolk County," we changed that  
17 language to be a little bit more  
18 inclusive. So we can get you that  
19 language that we changed.

20 MS. ANSANELLI: That's fine. Okay.

21 LEGISLATOR GREGORY: Okay.

22 MS. ANSANELLI: All good?

23 LEGISLATOR GREGORY: Thank you.

24 Have a safe trip.

25 All right. Next we'll have -- on

2 the agenda we have Andrea Callan, Esq.,  
3 from the Suffolk Chapter of the New York  
4 Civil Liberties Union. Actually, the  
5 director.

6 MS. CALLAN: May I approach?

7 LEGISLATOR GREGORY: Sure.

8 That's the lawyer in you, I know.

9 MS. CALLAN: (Handing)

10 Well, I just wanted to thank all of  
11 you, the task force members, for -- for  
12 allowing me this second opportunity to  
13 speak before you.

14 Today, what I'm speaking on is an  
15 issue actually that myself and my  
16 colleague, Linda Lane Weber, who's  
17 behind me right now, have already  
18 approached Legislator Gregory regarding  
19 this issue some months ago. But there  
20 has been some follow-up research and --  
21 so in light of that, I just wanted to --  
22 we wanted to come and present this  
23 research and information to you all to  
24 perhaps not only get Legislator Gregory  
25 on board with this idea, but also to get

2 the support of the Suffolk County Hate  
3 Crimes Task Force with this piece of  
4 legislation.

5 So what you see before you is a  
6 memorandum that's research in the  
7 constitutionality of what we would  
8 call -- well, it would be an amendment  
9 to the current Marcelo Lucero's Law that  
10 was passed -- well, passed by the  
11 Suffolk County Legislature as introduced  
12 by Legislator Gregory last, well, winter  
13 I suppose it was now.

14 So basically, it had come to our  
15 attention that -- it was interesting, it  
16 was a -- a great gesture to pass Marcelo  
17 Lucero's Law, but what -- one of the  
18 problems that we found with it was that  
19 it didn't actually cover the crime for  
20 which Mr. Lucero suffered. That the  
21 previous amendment only covers crimes of  
22 like property vandalization and did  
23 not -- and -- and graffiti and things  
24 like that, did not cover the kinds of  
25 physical assaults and bias crime acts

2 that are included, for example, in the  
3 New York State Hate Crimes Law.

4 So what we started to talk to  
5 Legislator Gregory about was amending  
6 the -- amending the amendment to the  
7 original law that passed some years ago  
8 and -- before my time. But we would ask  
9 that the amendment to Marcelo Lucero's  
10 Law would actually include the same --  
11 actually, what's the law -- specified  
12 offenses that are included in the  
13 New York State Hate Crimes Law, which is  
14 Section 2, Part 4 of the New York State  
15 Penal Law. And that's included there.  
16 The hate crimes are defined in  
17 Article -- correct me if I'm wrong,  
18 but I believe they're included at  
19 Article 485.05, and then it's in that  
20 Section 3 to get you exactly to that  
21 laundry list of -- of offenses there.

22 So basically, we've also been in  
23 contact -- and Reverend Moss would know  
24 this stuff, but Jeannie's not here, so  
25 I'll just fill in.

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We have been in contact with the Suffolk County Human Rights Commission, and Paulette Bartunek has been attending the meetings where we have discussed this -- this possible amendment.

And so one of the things that we discussed is that the previous versions of this law, the -- the versions that -- in operation now, all of the fines that are collected from this law would go into apparently a fund that would go to benefit Human Rights Day that the -- that the Human Rights Commission puts on for the kids every year. But we were thinking -- Paulette, you know, sort of was -- was saying at our last meeting that, you know, perhaps if this -- this law -- this amendment passed and we are actually going to start collecting substantial fines, that we should try to spread that -- those funds around and not just put them totally towards the Human Rights Day, but also put them towards other preventative programs that

2 may be used in our schools and our  
3 communities to teach about violence and  
4 hate crimes. So that might be something  
5 that we want to investigate further with  
6 the Suffolk County Human Rights  
7 Commission, Rabbi Moss, and Paulette  
8 Bartunek.

9 So just briefly -- and, you know, I  
10 will keep it brief.

11 The memo, it's -- it's a very short  
12 memo. It gets, I think, to the point.  
13 It doesn't bore you with a lot of  
14 legalese.

15 The basic crux of the memo says  
16 that this is an amendment to Marcelo's  
17 Law or, basically, any kind of civil  
18 penalty that -- that comes after a  
19 criminal penalty of this nature.  
20 Keeping to the facts of the kind of law  
21 that we're looking at here, is a  
22 constitutional -- is constitutionally  
23 permissible.

24 One of the questions that we had  
25 first had was, you know, is there some

2 kind of conflict here with this being an  
3 extrajudicial penalty, and the fact that  
4 this was a civil penalty that was added  
5 on top of a -- a crime that had already  
6 been adjudicated before a judge and  
7 the -- you know, the judge didn't --  
8 didn't access this penalty of the law --  
9 the criminal law, the penal law didn't  
10 access this fine to begin with then, you  
11 know, that the civil -- the civil realm  
12 should not be in the business of -- of  
13 doing this.

14 However, when you analyze this  
15 particular amendment under a double  
16 jeopardy analysis, which is the way you  
17 would look at it, it seems to be that  
18 there are a number of different factors  
19 that you would look at -- and they're  
20 enumerated, they're on page 2 -- to  
21 decide whether or not a civil penalty is  
22 actually a criminal penalty, quote, in  
23 a -- in a civil context.

24 And a lot of that -- you know,  
25 you'll see in all that there's seven

2 factors there. But an analysis of those  
3 seven factors -- of those factors, the  
4 ones who were actually applicable to  
5 this amendment, it is our conclusion  
6 that an amendment to Marcelo Lucero's  
7 Law would not be constitutionally  
8 objectionable.

9 I can't speak for what other  
10 conflicts of law may exist on the county  
11 level. Of course, Mr. Nolan would have  
12 to take a look at this and -- and  
13 combine that with his own research.  
14 But, you know, as we stand here today, I  
15 just wanted to -- to say that the NYCLU  
16 has certainly done our -- our due  
17 diligence in terms of a constitutional  
18 question, we don't seem to find a  
19 problem with it.

20 So we would urge you, Legislator  
21 Gregory, and this task force to support,  
22 you know, an amendment to Marcelo  
23 Lucero's Law, and then also to work  
24 on -- you know, working with Mr. Nolan  
25 to ensure that, you know, a version of

2 the amendment is drafted that -- that  
3 really affects the kinds of crimes that  
4 were committed against Mr. Lucero and,  
5 of course, respects, you know, deterring  
6 violence here in our community.

7 So that's pretty much it. If you  
8 have any questions, I'll be happy to  
9 answer them.

10 LEGISLATOR GREGORY: Okay. Thank  
11 you. And thank you for -- you and  
12 Ms. Weber for coming to my office some  
13 months ago and bringing this matter to  
14 my attention.

15 This was a bill that actually  
16 Legislator Horsley originally sponsored,  
17 and he asked me to join in after the  
18 Lucero incident. And -- and as you  
19 rightfully said, it addressed property  
20 crime and, you know, vandalism.

21 I have -- and I thought you  
22 received a copy of it, but I'll make  
23 sure. I have submitted an amendment.

24 MS. CALLAN: Yes.

25 LEGISLATOR GREGORY: It doesn't

2 necessarily address the funding issue,  
3 which we can -- we can fix, but it  
4 certainly addresses the -- it enumerates  
5 all of the hate crime offenses. And in  
6 Article -- I thought it was 458, but you  
7 said 485 --

8 MS. CALLAN: 485.

9 LEGISLATOR GREGORY: Right.

10 So I think that's the important  
11 aspect, and we can kind of tweak it a  
12 little bit to address the funding issue.  
13 So -- and that will be laid on the table  
14 Tuesday.

15 MS. CALLAN: Okay.

16 LEGISLATOR GREGORY: Yeah.

17 MS. CALLAN: Fantastic.

18 LEGISLATOR GREGORY: So don't go  
19 through the committee cycle.

20 MS. CALLAN: I would just -- you  
21 know, since -- in terms of the funding,  
22 in the line of where the funding's going  
23 to go, I mean, this was sort of an  
24 informal, you know, brainstorming  
25 session where we were talking with

2 Paulette about -- about, you know, those  
3 funding streams. So I would certainly,  
4 you know, encourage you to talk to the  
5 Human Rights Commission, you know, as  
6 you look through that language. And, of  
7 course, I'll be in touch with Paulette  
8 along the way to decide what, you know,  
9 is the best for the community. And, of  
10 course, the -- the health -- the Human  
11 Rights Commission in doing their --  
12 their using the money -- you know,  
13 that's still an important project that  
14 can't be overlooked.

15 But, yeah, I'm here to -- you know,  
16 I'm happy to consult with you as we go  
17 through this process, and -- you know,  
18 just know I'm here.

19 LEGISLATOR GREGORY: Okay.

20 MS. CALLAN: Thank you.

21 LEGISLATOR GREGORY: All right.

22 Thank you.

23 Anyone have any questions?

24 MS. AHERN: (Indicating)

25 REV. PEARSON: Yeah.

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LEGISLATOR GREGORY: We have Laura,  
and then Reverend Pearson.

MS. AHERN: Hi, Andrea. How are  
you?

I just had one simple question.  
Is it your recommendation to make  
an amendment to retroactively apply this  
civil penalty, or perspective, from  
the date of the amendment forward, or  
retrospectively?

MS. CALLAN: Just -- I -- I would  
say I would not make it a retroactive  
bill. There's a lot of questions --  
legal questions that go into making an  
ex post facto law. So I would -- I  
would -- it would be my recommendation  
as moving forward, this would be a bill  
to be applied.

MS. AHERN: Thank you.

REV. PEARSON: I don't quite  
understand the -- the bill. Somebody  
in -- in -- in two minutes or three  
minutes explain the bill, and then --  
and then maybe my question might not

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even be relevant.

But -- but in posing a -- a civil penalty in the Marcelo situation, we were talking about children. And so does that penalty now go to parents, or would it -- would it be applied to -- to parents, or -- or would it just be to the -- to those persons who -- who are found negligent or guilty by -- by a judge?

MS. CALLAN: Just off the top of my head, it would seem that, you know, in the cases of -- not all cases where you have someone who is committing a bias crime is under the age of 18. Certainly in those cases, I mean, the only way that I can speak is that your parent or your guardian -- guardian acts as your legal representative. So I guess it would be maybe perhaps up to the -- to the County DA's office on whether or not they wanted to prosecute that. I think that that's something that -- that's a good question, I think, that requires

2 further investigation. Clearly, if it  
3 were someone over the age of 18, you  
4 wouldn't have this problem.

5 LEGISLATOR GREGORY: Right.

6 The title was just thought about  
7 after the incident, kind of as --  
8 because it was known as, you know -- I  
9 don't want to say the persona of hate  
10 crimes, but people identified hate  
11 crimes with Marcelo. So this was a hate  
12 crimes statute that Legislator Horsley  
13 and myself felt, you know, out of  
14 respect for Mr. Lucero and -- and -- and  
15 hate crimes in general in Suffolk  
16 County, we should -- we wanted to name a  
17 law after him. But the -- the confines  
18 of the law weren't necessarily specific  
19 to his case as they address property  
20 crime and vandalism, things like that.  
21 And, also, it -- it doesn't just  
22 necessarily address just teenagers. It  
23 address- -- you know, anyone at any age.  
24 So that is something that I can get  
25 further clarification from -- from the

2 legislative counsel, but certainly those  
3 that are of age, we can go after them  
4 civilly and, you know -- and that's  
5 something that hasn't been enforced in  
6 the past, but certainly something that  
7 we can push and pursue in the future.

8 Okay. Anybody else?

9 (WHEREUPON, there was no response.)

10 LEGISLATOR GREGORY: All right. A  
11 quick meeting.

12 MS. CALLAN: Thank you.

13 LEGISLATOR GREGORY: All right.

14 Ms. Weber, you're up. You've got  
15 to keep pace with your predecessors.

16 MS. WEBER: I'm just wetting my  
17 whistle.

18 LEGISLATOR GREGORY: Uh-oh.

19 MS. WEBER: Okay. Can you hear me?

20 LEGISLATOR GREGORY: I can hear  
21 you.

22 MS. WEBER: All right. I just got  
23 my voice back --

24 LEGISLATOR GREGORY: Okay.

25 MS. WEBER: -- from being ill.

2 All right. Good afternoon, members  
3 of the Suffolk County Hate Crimes Task  
4 Force. Thank you for the opportunity to  
5 speak to you about SAVV-Y today. And I  
6 have to say Legislator Gregory and  
7 Andrea Callan made my day with that  
8 presentation about Marcelo's Law,  
9 because that's been a thorn in my side  
10 for a long time the way it was, and I'm  
11 so happy that you're moving forward on  
12 working on that.

13 What I'm going to do with this is  
14 try to give you four sections of a  
15 presentation. They're bolded in the  
16 written copy that you have.

17 The first part would be who I am  
18 and what the mission is of the Dignity  
19 for All Students Committee.

20 Secondly, some evidence of the  
21 new -- for the SAVV-Y program, which I'm  
22 asking you to recommend.

23 And third, what the SAVV-Y program  
24 actually is.

25 And then fourth, what has already

2 been done to initiate the program and --  
3 and make my request for your  
4 recommendation.

5 On your paper there's an added list  
6 in italics, which I'm not going to read,  
7 I don't want to take the time from my  
8 presentation. It's a list of our member  
9 organizations. I think one is missing.

10 Reverend Barrett can probably  
11 attest to that. You had wanted the Long  
12 Island Council of Churches.

13 REV. BARRETT: (Head gesture)

14 MS. WEBER: Yeah, I noticed that  
15 that was off our most recent lobby  
16 letter for Dignity, so that will be  
17 added. And it's not on this list, I'm  
18 aware -- I'm aware of that.

19 Regarding who I am and the mission  
20 of the Dignity for All Students Act  
21 Committee, my name is Linda Lane-Weber.  
22 I'm a retired English teacher, a past  
23 National Organization for Women chapter  
24 president, founder of the Suffolk County  
25 Coalition Against Domestic Violence, and

2 currently, I'm the Chair of the Dignity  
3 for All Students Act Committee.

4 As I mentioned at the Hate Crimes  
5 Task Force meeting at Briarcliff College  
6 on September 10th, 2009, our committee,  
7 a coalition of community civil rights,  
8 religious, and educational leaders, is  
9 working for the passage and  
10 implementation of the Dignity for All  
11 Students Act, pending -- this is pending  
12 New York State Legislation S-1987A and  
13 A-03661B, which would require anti-bias  
14 education in public schools and  
15 addressing and reporting bias-motivated  
16 acts and incidents.

17 As the second phase of our  
18 committee's mission, the Suffolk County  
19 Chapter of the New York Civil Liberties  
20 Union, Andrea's office, which hosts our  
21 committee's monthly meetings, has put  
22 together a list of currently available  
23 anti-bias educational materials. The  
24 list does not include a presentation by  
25 the Suffolk County Police Department on

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respecting other persons and property and what the penalties for disrespect, such as vandalism, graffiti, and assaults, are, including the increased penalties if these acts are bias-motivated. The resources on the list are available for use by school districts now, but would be in more demand after the Dignity bill becomes state law.

As regards the need for the SAVV-Y program, there is general agreement that young people need to be educated to respect other people and property, and to be informed of the consequences if they do not. Research results, including the Southern Poverty Law Center's "Climate of Fear" report, indicate that numerous vandalisms, assaults, bias acts, and hate crimes are committed in Suffolk County by persons between the ages of 14 and 22 years. Police spokespersons have indicated the need to reinstitute a school visitation

2 program such as DARE, the drug awareness  
3 program, and have said that there's very  
4 limited number of police officers  
5 available to visit schools. News  
6 reports indicate that Nassau County  
7 police implemented a video program  
8 circulated to schools within the last  
9 year called "Crossing the Line," which  
10 teaches respect for persons and property  
11 and informs of consequences for failures  
12 to do so.

13 That is, by the way, narrated by  
14 high school students who demonstrate  
15 that you'll end up with your hands  
16 handcuffed behind your back if you go  
17 along for a bias-motivated ride.

18 The name of SAVV-Y, S-A-V-V, dash,  
19 Y, is an acronym for Students Against  
20 Vandalism and Violence - Yes. "Savvy"  
21 is an American slang word which comes  
22 from the Spanish "saber," which means to  
23 know or understand.

24 Now, what the program is, SAVV-Y is  
25 a proposed school visitation program by

2 the Suffolk County Police Department,  
3 useable as part of Phase II of our  
4 Dignity Committee's mission. The  
5 implementation of the student anti-bias  
6 education is part of the Dignity  
7 legislation. It is a proactive program.  
8 Some Suffolk County Police Department  
9 officers would spend some time and  
10 effort educating on law enforcement  
11 before there are victims, with the  
12 expectation of reducing time and effort  
13 spent responding to calls where  
14 incidents have occurred and there  
15 already are victims.

16 There would be one annual classroom  
17 visit to each 7th or 8th grade Social  
18 Studies class in Suffolk County --  
19 Suffolk County school districts, and one  
20 annual SAVV-Y refresher visit, a  
21 school-wide assembly program for 9th or  
22 10th grade in each school. The visit  
23 content would focus on expectations of  
24 respect for property and persons, with  
25 information regarding school-imposed --

2 in other words, in-house -- penalties  
3 for disrespect such as graffiti,  
4 vandalism, harassment, bullying, and  
5 assaults, and then Suffolk County and  
6 New York State penalties for the same,  
7 and the information would include  
8 increased penalties for the same type of  
9 behavior if it is a bias-motivated  
10 disrespect of property or disrespect of  
11 a person, a hate crime.

12 So Marcelo's Law would be included  
13 in the information that was given to  
14 students, if this program is  
15 implemented. And if it is implemented  
16 without it, probably would be updated at  
17 the Marcelo's -- as Marcelo's Law is  
18 appropriately amended.

19 The districts would invite their  
20 social worker to be present during any  
21 police visits in order to enhance  
22 discussions requiring extra sensitivity  
23 for dealing with bias and bias comments.

24 Student involvement in the project  
25 would be assured by follow-up research

2 and/or writing assignments by their  
3 teachers, and teaching of the "SAVV-Y  
4 salute" by the police instructors. For  
5 the "SAVV-Y salute," taught in the 7th  
6 or 8th grade, when someone asks you,  
7 with his or her hand raised, palm toward  
8 you, "Are you SAVV-Y?" -- meaning a  
9 student against vandalism and  
10 violence -- the answer should be -- who  
11 also understands the consequences, the  
12 answer, with hand raised, should be  
13 "Yes."

14 Additionally, student essay and  
15 poster contests, "Why I am SAVV-Y,"  
16 "Spirit of SAVV-Y," et cetera, would be  
17 open to districts which participated in  
18 the visitation program, with student  
19 winners recognized at an annual summer  
20 SAVV-Y brunch, to which their parents,  
21 teachers, Dignity Committee members, the  
22 police, the PBA, and our elected  
23 officials and representatives would be  
24 invited.

25 As a start towards acceptance and

2 implementation, suggestions for a  
3 program such as SAVV-Y were made to  
4 Honorable DuWayne Gregory on  
5 November 9th, 2009 by Andrea Callan and  
6 me; they were made to Lou Medina,  
7 Director of the Suffolk County Youth  
8 Bureau, on November 19th, 2009 by Andrea  
9 Callan, Sonia Palacio-Grottola, who is  
10 Treasurer of the National Association of  
11 Puerto Rican & Hispanic Social Workers,  
12 Inc., and me; and were made to the  
13 Suffolk Police Benevolent Association  
14 President Jeff Frayler on January 25th,  
15 2010 by Sonia Palacio-Grottola, Ed  
16 Roldan, who is our Dignity Committee's  
17 representative from the Long Island  
18 Latino Teachers Association, Inc., and  
19 me. All to whom we spoke were generally  
20 supportive of the SAVV-Y program.  
21 Advocates for the program, including  
22 Jeff Frayler, believe that a friendly,  
23 educational interaction with police is  
24 far better for young people as an  
25 initial contact, than first interacting

2 with them during an on-scene  
3 intervention or interrogation.

4 During the meeting with Jeff  
5 Frayler, which was also attended by  
6 Mr. Frayler's assistant, Noel  
7 DiGeralamo, and Detective Janet Cassidy  
8 from Suffolk County Police Department's  
9 Hate Crimes Units, we decided that our  
10 purpose would be best served by a pilot  
11 program implemented in six diverse,  
12 volunteer Suffolk County school  
13 districts. We sought to put together  
14 funding and implementation  
15 responsibilities for the project. We  
16 will try to establish a funding pool of  
17 private sector benefactors, county and  
18 state legislator-acquired grants,  
19 Lucero's Law fine money, with Paulette  
20 Bartunek, Suffolk County Human Rights  
21 Commission Executive Director's  
22 permission, PBA donations, and other  
23 support. Paulette Bartunek joined our  
24 Dignity Committee two months ago.

25 Jeff Frayler is investigating the

2 possibility of the DARE curriculum  
3 writers writing the SAVV-Y curriculum  
4 and what it would cost.

5 Since I have private sector funding  
6 contacts and experience, and since  
7 grants from lawmakers probably would not  
8 be available before 2011, I would write  
9 the private sector grant application for  
10 money to produce the curriculum. I  
11 would also write the letter inviting  
12 districts to participate in the  
13 SAVV-Y -- SAVV-Y pilot program.

14 The PBA would mail out the letter  
15 to all the districts, and we would  
16 select six from the volunteers.

17 Since funding sources require  
18 evaluations of projects, Janet Cassidy  
19 would help get statistics on vandalisms,  
20 assaults, and bias acts in the pilot  
21 districts' catchment area from a variety  
22 of sources before and after the program.

23 The PBA would do the media  
24 publicity, the text and graphics, and  
25 set up public service announcements and

2 public affairs programs to promote  
3 SAVV-Y.

4 Endorsing groups from the Dignity  
5 Committee -- endorsing member groups  
6 with a 501(c)3 tax status would have to  
7 set up a dedicated SAVV-Y account. One  
8 of them -- or the PBA to hold grant  
9 money, brunch ticket sales money,  
10 et cetera.

11 On January 29th, 2010, assisted by  
12 Ed Roldan, I presented the SAVV-Y  
13 program to the Public Safety Committee  
14 of the Suffolk County Legislature.  
15 Honorable Jack Eddington told me the  
16 Public Safety Committee would not  
17 consider endorsing SAVV-Y until I could  
18 show them I had acquired the grant money  
19 for the SAVV-Y curriculum and I come  
20 back and ask again. He also asked  
21 whether I had presented SAVV-Y to County  
22 Executive Steve Levy. I have decided it  
23 would be more beneficial to get a  
24 commitment of funding for the writing of  
25 the SAVV-Y curriculum and additional

2 endorsements for the program, including  
3 the recommendation by the Suffolk County  
4 Hate Crimes Task Force, before  
5 approaching Executive Levy to ask for  
6 his approval of the assignment of two or  
7 three police officers for the SAVV-Y  
8 pilot program.

9 There is a possibility that SAVV-Y  
10 might be tacked on to an existing police  
11 educational visit program, something  
12 connected with HealthSmart or -- but it  
13 would have to be with our SAVV-Y  
14 implementation guidelines and input from  
15 a Dignity SAVV-Y steering group,  
16 currently Ed Roldan -- that steering  
17 group currently is Ed Roldan, Sonia  
18 Palacio-Grottola, and me.

19 I thank you again. I hope I didn't  
20 exceed my time, and I hope you will look  
21 favorably on my request to recommend  
22 SAVV-Y. And if you have any questions  
23 for me -- I do have the Dignity bill  
24 with me, one copy, and I do have  
25 Andrea's list of educational resources

2 with me, which does not include a police  
3 presentation.

4 Thank you.

5 LEGISLATOR GREGORY: Well, thank  
6 you, Ms. Weber, for your presentation.

7 I think the program seems like an  
8 excellent idea. We've got -- we've  
9 received several recommendations for  
10 various programs that we feel that could  
11 address the issue of hate crimes and  
12 diversity inclusion.

13 I've taken the stand that we won't  
14 make any recommendations until the final  
15 report is out, because we'll have all  
16 the information. We'll sit down as a  
17 committee and decide what's going to be  
18 included in the report as a part of our  
19 recommendations. But certainly, we will  
20 consider what you've given us, and if  
21 there's additional information that you  
22 haven't given us, we'll certainly be  
23 glad to go over that as well.

24 MS. WEBER: Well, I would like to  
25 just --

2 LEGISLATOR GREGORY: Your  
3 microphone --

4 Ms. Weber, you've got to press --  
5 press the button.

6 I can hear you, but the  
7 stenographer may not be able to get it.

8 MS. WEBER: Sorry. I'm sorry.

9 Most of the programs that are  
10 available are programs about getting  
11 along with others, not bullying, how you  
12 can get to know other people, you look  
13 past their -- you look past their color,  
14 their sexual orientation.

15 This program strictly would  
16 focus -- would be focused on law  
17 enforcement in a friendly way, what the  
18 rules and regulations are, and what the  
19 penalties are exactly as imposed by  
20 their school, which police officers  
21 would have to get from the school before  
22 they go into the classroom, by the  
23 county and by the state. It's not a  
24 drug enforcement thing, although they  
25 could mention that drugs often enhance

2 the possibility of committing these --  
3 these acts.

4 We want to strictly keep the  
5 bias-motivated -- focus in there,  
6 because that would make this program  
7 very useable as an educational tool to  
8 implement the Dignity for All  
9 Students -- the state legislation, which  
10 says that students have to be educated  
11 and violations must be addressed by  
12 intervention and education. That's on  
13 page five in the bill.

14 So I would -- just wanted to remind  
15 you that this one is really focused on  
16 law enforcement, which is why we did not  
17 want it presented by social workers as  
18 was suggested by some of our committee  
19 members.

20 LEGISLATOR GREGORY: Okay. And --  
21 and I -- and I understand that. But  
22 there are certain things that are going  
23 on in the legislature, and particularly  
24 with the -- with the police department.  
25 Just earlier today we found out that the

2 county executive is looking to implement  
3 a plan to civilianize 50 to 60  
4 positions. Because we don't have enough  
5 police officers out on the street,  
6 they're taking people from aviation and  
7 other units to put them out in sector  
8 patrol cars because we don't have that  
9 presence.

10 So I don't -- I don't -- at this  
11 point, I don't have enough detail to  
12 know what the end result's going to be  
13 and what -- certainly, I don't know what  
14 the appetite's going to be to take three  
15 officers or how many officers off the  
16 street and put them back in the  
17 classroom. That was kind of the -- one  
18 of the arguments that -- why they did  
19 away with the DARE program. So we'll  
20 have to see.

21 So maybe by the time the report is  
22 done, we'll have more information so we  
23 can make a more balanced judgment on  
24 that; okay?

25 MS. WEBER: Thank you.

2 DR. KILMNICK: (Indicating)

3 LEGISLATOR GREGORY: Yes.

4 You have a question from

5 Dr. Kilmnick.

6 DR. KILMNICK: Hi, Linda. A quick

7 question.

8 It seems to me that this -- this  
9 program is punitive in nature in terms  
10 of the education.

11 Now, when we're talking about  
12 bias -- and I think the purpose of  
13 putting this whole task force together  
14 was to get to the roots of what is going  
15 on here in Suffolk County.

16 How does this program address the  
17 roots of bias? Because it sounds like  
18 it just says if you do it, you know,  
19 you're S-O-L. You know --

20 (Laughter)

21 DR. KILMNICK: You know, that  
22 you're going to have your -- you're  
23 going to be in handcuffs and you're a  
24 bad person. But how does it get to the  
25 roots and the cause of what's really

2 happening, which ultimately is what's  
3 going to change things?

4 MS. WEBER: I think -- I think it  
5 would address one of the major problems  
6 causing the situation in Suffolk County,  
7 because there is a lack of education  
8 about educated feedback.

9 There is a lack of education if you  
10 look particularly at the Lucero  
11 incident, the seven young people  
12 involved in that incident appear to be,  
13 as was said at the task -- task force  
14 hearings, really unaware that there were  
15 going to be penalties for doing that.

16 Many people come, unfortunately --  
17 unfortunately, often from families where  
18 the "N" word is bantered about at home  
19 all the time. Sexual orientation,  
20 people are referred to as "fags" in the  
21 home. This is a recurrent thing. So  
22 naturally the students are in middle  
23 school, 7th, 8th grade, they're getting  
24 mixed messages about how you should  
25 learn to know and appreciate other

1                   Hate Crimes Task Force 2/25/10                   46  
2                   people, even if they're different. And  
3                   from their home in getting the message  
4                   that, Oh, those people are -- because  
5                   there's not clearly means of any  
6                   education that, you may not like them --  
7                   we hope you do, we hope you like people  
8                   who are different, we hope you make  
9                   friends with people who are disabled in  
10                  the school, who are in the Special Ed  
11                  program, we hope you do that; but above  
12                  all else, you cannot kill them, you  
13                  cannot hurt them, you cannot assault  
14                  them, you cannot paint hate signs on  
15                  their lockers or on temples or anyplace  
16                  else, because here are the consequences,  
17                  the school will do this, Suffolk County  
18                  will fine you and your parents, New York  
19                  State will put handcuffs on you.

20                  And we want the kids to know that,  
21                  no, it's not okay to go along with your  
22                  friends for a ride because your friends  
23                  are going to go (inaudible), beaner  
24                  hunting, but -- but they're not going to  
25                  do it.

2 And we've seen this. I saw that in  
3 the -- I saw that in the video, the  
4 "Crossing the Line" video, that tells  
5 kids, you may think it's okay to go  
6 along with your friends and then say,  
7 Well, I didn't do it, I didn't hit him,  
8 I didn't -- you realize that you're an  
9 accessory to performing a bias act or a  
10 bias crime.

11 Kids have not been given that  
12 education. I want them to do it in high  
13 school because most of the act were -- I  
14 wanted to implement SAVV-Y at the high  
15 school level. I was corrected, and I  
16 agree that it really has to be started  
17 earlier, that the first program about it  
18 should be in the 7th or 8th grade. And  
19 that way I think it will be getting at  
20 the root of the problem, which is simply  
21 basically the fact that the education  
22 that it is not all right, no matter how  
23 your family or friends feel about these  
24 people, to pick on them. Nobody is  
25 going to get up and say, It's okay,

2 nobody like them anyway.

3 The law likes them and other people  
4 like them. And so through law and other  
5 people, we'll be friendly.

6 LEGISLATOR GREGORY: Anybody else?

7 (WHEREUPON, there was no response.)

8 LEGISLATOR GREGORY: Okay.

9 All right. Thank you, Ms. Weber.  
10 Have a safe trip home.

11 MS. WEBER: Thank you.

12 LEGISLATOR GREGORY: Okay. Next on  
13 the agenda, I wanted to talk about --  
14 and we had talked about this in the  
15 past, about future public hearings but  
16 on a smaller scale. Not public as they  
17 were before, but, you know, public in --  
18 in the sense of a reaching out to the  
19 community, and we wanted to get a  
20 truer -- not a truer sense, but a -- I  
21 guess a more intimate setting, if I can  
22 use that word, to reach out to those  
23 communities that may be reluctant to  
24 come forward.

25 Does anybody -- I know that we had

2 the -- we passed out the opinion -- the  
3 legal opinion from the counsel that we  
4 can exclude the media, but we still have  
5 to maintain a quorum, because we were  
6 looking to have maybe two or three  
7 people. So we'd at least have to have a  
8 minimum of seven people.

9 But I do think it's important that  
10 we try to meet in a non-public forum to  
11 those who -- day laborers, the -- the  
12 lesbian/gay community -- the LGBT  
13 community, excuse me, and other  
14 communities that may be reluctant to  
15 come out in a forum like this, so we can  
16 get their feedback.

17 Does anybody have any -- anything  
18 to say about? Anybody volunteering?

19 DR. KILMNICK: I'll volunteer to go  
20 wherever.

21 LEGISLATOR GREGORY: Okay. Thank  
22 you.

23 Now, in the past, David, you had  
24 offered your -- your facility to host a  
25 public hearing. Is that still

2 available?

3 DR. KILMNICK: We -- we could offer  
4 the -- the Long Island LGBT Community  
5 Center as a place for, you know, the  
6 LGBT community, certainly, but also if  
7 you wanted it to have for -- for other  
8 communities as well. So --

9 LEGISLATOR GREGORY: Okay. Great.  
10 Anybody else?

11 MS. AHERN: I'd be willing to go to  
12 additional hearings as well.

13 LEGISLATOR GREGORY: Okay.

14 Yeah, my concern is that we should  
15 try to do this within the next couple of  
16 months so that we can give Colleen  
17 and -- and her people enough time to go  
18 through everything, and for us to sit  
19 down as a committee, because we have --  
20 there's a lot of reading that we're  
21 going to have to go through individually  
22 so that we can be informed and make our  
23 recommendations and kind of give the  
24 feedback to Colleen and her -- her  
25 people are going to need so that we can

2 make the best presentation possible.  
3 Because this report's going to go to the  
4 full legislature, we want to make sure  
5 that they understand the work that we  
6 put in, and we have, you know, put a lot  
7 of thought into it, a lot of work into  
8 it, that we've reached out to every  
9 corner of the county and -- and every  
10 organization that has an interest, and  
11 we sought their input.

12 We're reaching out to other  
13 organizations as well, and I'm going to  
14 talk to Reverend Pearson about that. We  
15 had some communication with Tracy  
16 Edwards from the NWCP as with contact in  
17 the Muslim communities. We're going to  
18 ask them to come forward in the future  
19 to make presentations or give us their  
20 recommendations. But if there's any  
21 other organizations, groups, please give  
22 them to us so that we can schedule them.  
23 You know, because we're looking at  
24 August. You know, so three months from  
25 that is May -- right -- June. So, you

2 know, it's already March.

3 So get that information to us so  
4 that we can, you know, do everything in  
5 a timely fashion.

6 REV. BARRETT: (Indicating)

7 LEGISLATOR GREGORY:

8 Reverend Barrett.

9 REV. BARRETT: So -- so what we're  
10 looking to do then is to find out any  
11 organizations that would host at least  
12 seven of us and -- and have one of these  
13 meetings so that people can come and  
14 hear more information?

15 LEGISLATOR GREGORY: Yes. Yes.

16 REV. BARRETT: Just look around --  
17 so put the word out and see how many  
18 places will get -- and we have to get  
19 seven of us, at least, to be there.

20 LEGISLATOR GREGORY: Right. It's  
21 going to be tough, but it's not  
22 impossible.

23 Okay. Anybody else?

24 (WHEREUPON, there was no response.)

25 LEGISLATOR GREGORY: Okay. Meeting

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dates.

We've already checked with the --  
the clerk's office. March 18th at  
5:00 p.m., or March 22nd, or March 25th  
at 3:00 or 5:00 p.m. are the next best  
possible dates. So my office will be  
contacting you guys to kind of firm  
those dates up, so check your calenders  
and -- so we can try to keep things  
going; okay?

Okay. All right. So we have no  
more business, and we stand adjourned.  
So please get home safely, and thank you  
all for coming.

(WHEREUPON, the meeting of the  
Suffolk County Hate Crimes Task Force  
adjourned at 6:10 p.m.)

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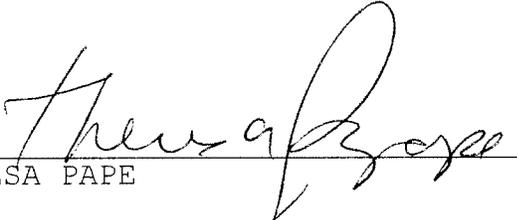
C E R T I F I C A T E

I, THERESA PAPE, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the foregoing is a true and accurate transcription of the stenographic notes taken herein.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of February 2010.

  
\_\_\_\_\_  
THERESA PAPE