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3
4 PUBLIC SAFETY COMMITTEE
5
6 OF THE
7
8 SUFFOLK COUNTY LEGISLATURE
9

10
11 **MINUTES**
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14 A meeting of the Public Safety Committee of the Suffolk County
15 Legislature was held in the Rose Y. Caracappa Legislative
16 Auditorium of the William H. Rogers Legislature Building, 725
17 Veterans Memorial Highway, Smithtown, New York on February 6, 2020.
18

19
20 **Members Present:**

21 ***Legislator Tom Donnelly - Chairman***
22 *Legislator Bridget Fleming - Vice-Chair*
23 Legislator Kara Hahn
24 Legislator William Spencer
25 Legislator Leslie Kennedy
26 Legislator Susan Berland
27 Legislator Steven Flotteron
28 Legislator Rudy Sunderman
29 Legislator Samuel Gonzalez
30

31 **Also in Attendance:**

32 Presiding Officer Robert Calarco - District No. 7
33 Sarah Simpson - Counsel/Suffolk County Legislature
34 Lora Gellerstein - Chief of Staff/Presiding Officer's Office
35 Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature
36 Bob Doering - Budget Review Office
37 Craig Freas - Budget Review Office
38 Elizabeth Stroehlein - Budget Review Office
39 Derek Stein - Aide to Presiding Officer Calarco
40 Bob Fonti - Aide to Presiding Officer Calarco
41 Karen Klafter - Aide to Legislator Donnelly
42 Alyssa Turano - Aide to Legislator Hahn
43 Ali Nazir - Aide to Legislator Kennedy
44 Tim Rothang - Aide to Legislator Sunderman
45 Liz Alexander - Aide to Legislator Spencer
46 Dorothy Cavalier - Aide to Legislator Anker
47 Tim Freeman - Aide to Legislator Flotteron
48 Nicole Duckham - County Executive Assistant
49 Anthony Calandrillo - Lieutenant/Chief of Department's Office
50 Anthony Papparatto - Chief of Staff/Suffolk County Sheriff's Office
51 Linda Russo - Principal Financial Analyst/SC Probation Department
52 Doug Sutherland - Deputy Comptroller of Suffolk County
53 Lou Tutone - 1st VP/PBA
54 Jim Roddin - Superior Officer's Association
55 George Michels - Suffolk County Detective's Association
56

1 Anita Halasz - Jobs With Justice
2 Helen Tucker - Jobs With Justice/St. Joseph the Worker
3 Sister Rosalie Carven - Jobs With Justice/St. Joseph's, Brentwood
4 Peggy Fort - Social Action Center
5 Deborah Little
6 Stephen Donnelly
7 All Other Interested Parties
8
9

10 **Meeting Taken By:**

11 Alison Mahoney - Court Stenographer
12

13 **Meeting Transcribed By:**

14 Kim Castiglione - Legislative Secretary
15
16

17 *(*The meeting was called to order at 9:31 AM*)*
18

19 **CHAIRMAN DONNELLY:**

20 Good morning, everybody, and welcome to this February 6, 2020
21 meeting of the County Legislature's Public Safety Committee. I
22 would ask you to all please rise for a salute to the Pledge led by
23 Legislator Susan Berland.
24

25 ***Salutation***

26
27 Please remain standing for a moment of silence in memory and in
28 honor of all those in our armed forces who are serving both here
29 and abroad, as well as all first responders throughout our nation.
30

31 ***Moment of Silence Observed***

32
33 Thank you. Be seated. Again, welcome to this February 6, 2020,
34 meeting of the Suffolk County Legislature's Public Safety
35 Committee. We do have some correspondence that's been distributed
36 to each member of the committee. I believe the gentleman who gave
37 the correspondence is here to speak as well.
38

39 We do have two speakers who would like to address our committee
40 today, so we'll start with Deborah Little, if you can step forward,
41 and on deck, would be Steven Donnelly.
42

43 **MS. LITTLE:**

44 Good morning. My name is Deborah Little. I'm actually giving
45 testimony this morning from the Reverend Kate Jones Calone who
46 couldn't be with us, so imagine her.
47

48 "My name is Kate Jones Calone and I am minister of Word and
49 Sacrament in the Presbyterian Church U.S.A. and the Interim Pastor
50 at Setauket Presbyterian Church. I'm also a member of the New York
51 State Bar.
52

53 On Monday, December 10, 2018, I visited the Suffolk County jails
54 where I was able to observe rooms where inmates are brought for
55 interviews with outside law enforcement agencies. The reliability
56 of our criminal justice system depends on the due process of law

1 guaranteed in the 5th and 14th Amendments to the United States
2 Constitution in the context of criminal cases, where due process is
3 most explicitly outlined by the Constitution. The guarding of due
4 process ensures both fairness and trustworthy outcomes.

5
6 Due process does not, of course, disappear when someone is being
7 held in a County facility and is subject to criminal proceedings.
8 In particular, the rights to not be compelled as a witness against
9 oneself in the Fifth Amendment and the right to Counsel articulated
10 in the Sixth Amendment, persist as fundamental safeguards for
11 liberty and due process. But when a person is being detained and
12 their physical liberty is restricted they can understandably be
13 very unsure about what rights they have in that context. It's
14 especially crucial then to clearly articulate basic protections.

15
16 You can imagine that inmates are regularly brought to different
17 locations in the jail for interactions with all kinds of people,
18 intake officers, counselors, medical personnel and many others.
19 And so if they're called down for a meeting without being told that
20 this meeting is with a representative of law enforcement conducting
21 a criminal investigation, they might not realize that this
22 particular meeting entitles them to rights fundamentally different
23 than all those other daily interactions.

24
25 *(D.P.O. Hahn entered the meeting)*

26
27 For example, at the Riverhead Jail there is a room labeled the
28 Attorney Interview Room or Attorney Visiting Room, which offers
29 space where, as I understand it, inmates can meet with their
30 attorneys, but this is also the same room where law enforcement
31 agencies are given space to conduct interviews with inmates. I was
32 told that when such an interview is to occur, the inmate is brought
33 to the room without regularly being informed about who was waiting
34 for them. The Attorney Visiting Room does not contain any signage
35 in any language, nor is there any oral communication that the
36 inmate is not required to participate in conversations that are not
37 with their attorney, or that they have a right to contact their
38 attorney, ask for an attorney, or to remain silent. No recordings
39 are made of these interrogations and the conversations are in
40 private, small rooms adjacent to an entrance space. When they're
41 sat down in the interview --"

42
43 *(Timer Sounded)*

44
45 Is that my three minutes?

46
47 **CHAIRMAN DONNELLY:**

48 Yes. I'm going to ask you to wrap it up.

49
50 **MS. LITTLE:**

51 Okay. "My faith tradition in common with all faith traditions
52 speaks powerfully to human dignity and basic fairness. I
53 appreciate the opportunity to share that perspective and I
54 encourage you to approve the jail signage resolution.

1 **CHAIRMAN DONNELLY:**

2 Thank you. Legislator Fleming has a question for you.

3
4 **LEG. FLEMING:**

5 Thank you, and thank you for being here. I'm sorry Reverend Calone
6 can't be here, I hope she's okay. I have the opportunity to ask
7 questions, so was there anything that the Reverend wanted to
8 communicate that you, because of the time constraint, you were
9 unable to communicate?

10
11 **MS. LITTLE:**

12 The other thing that I should have gotten to faster is that there
13 is no signage in the Attorney Visiting Room that tells inmates
14 about any of their rights. So it's fairly predictable that an
15 inmate would be confused when they go into a room that is
16 designated as an attorney room and is confronted with a law
17 enforcement officer.

18
19 **LEG. FLEMING:**

20 Thank you. I appreciate your coming and it's certainly helpful to
21 have folks from various religious traditions in the jails because
22 we rely on that in part for information. So I appreciate your
23 being here and thank you to Pastor Calone.

24
25 **MS. LITTLE:**

26 Thank you.

27
28 **CHAIRMAN DONNELLY:**

29 Legislator Berland has a question.

30
31 **LEG. BERLAND:**

32 Hi. I'm sorry, I just -- so are you asking that every time an
33 inmate is moved throughout the facility and enters a room where
34 there may be other people that they should be like re-Mirandized
35 every time they're moved?

36
37 *(Legislator Flotteron entered the meeting)*

38
39 **MS. LITTLE:**

40 No.

41
42 **LEG. BERLAND:**

43 They do know their rights when they get there. They do have an
44 attorney who advises them of that, so what -- I'm trying to figure
45 out why you're asking for them to be re-Mirandized once they're in
46 the system.

47
48 **MS. LITTLE:**

49 That's not what the jail signage resolution asks. It's for written
50 notice in the interview room and outside the interview room that
51 inmates have the right to refuse to speak to whoever has brought
52 them in and to ask for an attorney -- their attorney to be present.

53
54 **LEG. BERLAND:**

55 Which they're told prior to arriving at the facility, are they not?
56 So each time they're moved around? That's why I have a little

1 problem with this resolution, because I think that at every
2 juncture then, you know, when do you -- you know, when do you not
3 stop reminding them? Or should there be signs in each particular
4 cell, *when you leave your cell remember that you don't have to talk*
5 *to anyone.* I mean, where do you stop?
6

7 **MS. LITTLE:**

8 So this is not as expansive as you're suggesting. This is
9 notification in a particular setting in the jail to remind inmates,
10 who understandably are confused and possibly under the coercion
11 that comes with being detained, to remind them that they do not
12 have to speak to anyone who calls them in for questioning. That's
13 all. It's a sign. It's not asking the officers to re-Mirandize.
14

15 **LEG. BERLAND:**

16 Well, I think in a way it is. So I don't know, I have some issues.
17 All right, thank you.
18

19 **MS. LITTLE:**

20 Thank you.
21

22 **CHAIRMAN DONNELLY:**

23 Legislator Spencer.
24

25 **LEG. SPENCER:**

26 Hold on.
27

28 **MS. LITTLE:**

29 Oh, I'm sorry. So sorry. Since it's not my testimony I --
30

31 **CHAIRMAN DONNELLY:**

32 You can just stay because Legislator Hahn then has a question for
33 you as well.
34

35 **LEG. SPENCER:**

36 Just very briefly. Is it the situation, because I see Legislator
37 Berland's point, but I guess when they go into that room that it's
38 stated for attorney conference, that's the area that appears to be
39 perhaps potentially confusing for someone. So if it was a
40 different room or if that room wasn't labeled for attorney
41 conference, would that be something that would deal with sort of
42 the confusing conflict? I mean, on the other hand like what if
43 this didn't pass but in those interview rooms they removed those
44 signs that said attorney conference rooms. Would that be something
45 that would be helpful?
46

47 **MS. LITTLE:**

48 I'm reluctant to answer that because I didn't actually physically
49 visit the jail. Sorry.
50

51 **LEG. SPENCER:**

52 Okay. I'm just -- because I can see kind of the concern where once
53 they're Mirandized they have their rights and there's a lot that
54 happens in the process. But you're saying that it's kind of unfair
55 if they walk into this room that's labeled attorney conference and
56 they go in there with the expectation that they are perhaps going

1 to be interviewed by their attorney, and then they're faced with
2 law enforcement. I'm sure law enforcement has to identify
3 themselves, but if it's a matter of -- I would love to see other
4 ways where this is important because if it's a matter of that the
5 room is mislabeled, that's kind of deceptive, then there may be
6 another way to go about it. But, okay, thank you.

7
8 **MS. LITTLE:**

9 Thank you.

10
11 **CHAIRMAN DONNELLY:**

12 And Legislator Hahn.

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

15 Thank you for being here.

16
17 **MS. LITTLE:**

18 Thank you.

19
20 **D.P.O. HAHN:**

21 I actually took the tour. I brought the Reverend Calone to the
22 jail and took the tour with her, and I agree with this resolution
23 100%. If there are, you know, small amendments that are being
24 made, someone suggested, then maybe we're not voting on it today.
25 However, I do want to make clear, and I think everyone here who
26 will be voting on this maybe should go down and take a look and
27 listen to the Sheriff's Officer who works at the desk in that room
28 and understand that these inmates are brought down to the room
29 blind, are then surprised by someone either flashing a badge or,
30 you know, in a suit that's about to interrogate them. And
31 sometimes or many times or most times they don't speak English.
32 And so having this sign I believe is an important -- an important
33 step and I think you have to understand the situation that they're
34 in. And recognize, you know, the human confusion that can exist
35 when that happens, and I hope you do and I hope you take the time
36 to go see what is being discussed here.

37
38 **CHAIRMAN DONNELLY:**

39 Okay. Thank you, Legislator Hahn. Anybody else? No? Okay, thank
40 you, ma'am.

41
42 **MS. LITTLE:**

43 Thank you.

44
45 **CHAIRMAN DONNELLY:**

46 Next up we have Steven Donnelly, and on deck is going to be Peggy
47 Fort.

48
49 **MR. DONNELLY:**

50 Mr. Chairman, members of the committee, good morning. I come here
51 today, and I hope that each of you have received the documentation
52 that I left concerning an issue with the Suffolk Police Department.

53
54 On October 31st, 2018, a group of students in West Babylon were
55 assaulted by a group of students from North Babylon. Being the
56 protective grandparent that I am, I tried to identify what was

1 going on. I went to the North Babylon High School. I wasn't
2 permitted in the building, but I did speak with the Director of
3 Security and with a very short identification, basically that
4 perhaps this individual played football and was currently wearing a
5 knee brace, this Director of Security knew all the individuals that
6 I was referring to and the vehicles that they drove.

7
8 I went to the 1st Precinct. I spoke with an Officer Pav. These
9 individuals are on their radar. They're members of some gang or
10 group or whatever you want to call it. Nothing really has gone
11 beyond that. They insisted that my grandson come in and make a
12 statement, which he did in December. I was asked to give them six
13 months to look into things. When I returned six months later that
14 officer had retired and his partner had been promoted to Sergeant
15 and assigned to a different command, so essentially I've gotten
16 nowhere.

17
18 I have written to the Commander of the 1st Precinct, to Internal
19 Affairs, to the Police Commissioner, to the Legislature, to the
20 County Executive, to the Suffolk County District Attorney, to the
21 New York State Attorney General and to the Governor. Other than
22 the Governor and the County Executive forwarding my correspondence
23 on to their respective attorneys, I have gotten zero response.

24
25 I have addressed this with Legislator Gregory who, unfortunately,
26 has left your group to join Babylon. He had reached out to the
27 Commander at the 1st Precinct. Unfortunately, in my last
28 communication just prior to his leaving, he had not had a response
29 as according to the information I received from his office.

30
31 So here we are 15 months down the road, an assault charge that
32 should be an assault charge, was told to the parents of one of the
33 people involved after 30-minute response time by the Police
34 Department, and I was like, *You know what? Okay, it's Halloween,*
35 *give them a break,* that this is simple harassment. I have this
36 nasty habit of reading things and I read the Penal Code. It's not
37 harassment. My wife was just -- ran over a skateboard and was
38 threatened with arrest for running over a skateboard in the dark,
39 and when I mentioned the Penal Code to a Sergeant that I called, I
40 was told that any monkey can read the Penal Code.

41
42 *(Timer Sounded)*

43
44 **CHAIRMAN DONNELLY:**

45 So I'm going to ask you to wrap it up, Mr. Donnelly.

46
47 **MR. DONNELLY:**

48 Yes, I am. Thank you.

49
50 **CHAIRMAN DONNELLY:**

51 No worries. This nice lady behind me, Ms. Karen Klafter, who's
52 going to raise her hand, she's going to get your contact info, and
53 since Legislator Gregory is no longer here, I'm going to reach out
54 to the Commanding Officer of the 1st Precinct on your behalf and
55 just try and get some clarification, okay?

1 **MR. DONNELLY:**

2 Thank you, sir.

3
4 **CHAIRMAN DONNELLY:**

5 Thank you.

6
7 **D.P.O. HAHN:**

8 We also have the Commanding Officer in the back.

9
10 **CHAIRMAN DONNELLY:**

11 Next we have Ms. Peggy Fort.

12
13 **MS. FORT:**

14 My name is Peggy Fort. I'm a member of the Unitarian Universalist
15 Fellowship at Stony Brook, both the Social Action and Racial
16 Concerns Committee, and I thank you all so very much for giving me
17 the opportunity today to speak in support of resolution --
18 Resolution 1024.

19
20 As we know, the Suffolk County Police Department sets forth
21 strategies to be implemented in an effort to ensure that persons
22 with limited English speaking proficiency have meaningful access to
23 and knowledge of their rights. That's right from the Suffolk
24 County Police Department's website. There are currently six
25 languages, the six languages the department identifies as those
26 most commonly used by Suffolk County residents. The department
27 offers translations in Spanish, Chinese, Haitian, Creole, Italian,
28 Polish and Portuguese. And as a resident and a retired foreign
29 language teacher from the Longwood School District, I have to say
30 I'm very proud of this policy by our Police Department.

31
32 What Resolution 1024 does is carry over this policy into our jail.
33 Miranda Rights are read to a suspect at the time of an arrest.
34 This is in keeping with the rights of the Fifth Amendment,
35 obviously of our U.S. Constitution. However, in July of 2018, at a
36 session of the Public Safety Committee here, Undersheriff Kuehhas
37 could not specifically say that the Miranda Rights are always
38 provided all the time in a foreign language to a non-English
39 speaker or person with limited English proficiency. Furthermore,
40 from my notes from the same meeting, Officer Kuehhas was unable to
41 specify jail policy when taking an inmate from a jail cell to an
42 interview room. An inmate needs to be informed, as we all know, of
43 the right to remain silent and to have legal representation present
44 when being interviewed.

45
46 In looking up some information about this I found a Supreme Court
47 case, Federal Supreme Court case. It came from the 6th Circuit
48 Court, the Mathis decision, and the Supreme Court, Federal Supreme
49 Court, ruled that a Miranda warning is required whenever an
50 incarcerated individual is isolated from the general prison
51 population and interrogated, i.e. questioned in manner likely to
52 lead to self-incrimination about conduct occurring outside of the
53 prison.

54
55 So I think I would like it very much if we had this procedure,
56 Resolution 1024, in place so that we would definitely cover this

1 and not open our Police Department and our County up to any costly
2 litigation as a result of not being sure that we can ensure the
3 process required for any inmate. And, furthermore to, of course,
4 ensure an inmate's rights. So I think our notice of rights sign
5 that's being requested covers us on all areas.

6
7 (Timer Sounded)

8
9 I see my time is up. I just think it's great to have a sign that's
10 in English with an English translation in the six languages that
11 our Suffolk County Police Department already has in many, many
12 places and the signage is just a simple and inexpensive way to
13 accomplish a very necessary task.

14
15 **CHAIRMAN DONNELLY:**

16 Thank you, Ms. Fort. Any questions? No? Okay. Would anybody
17 else like to address this committee? I have no other cards.
18 Anybody from the audience?

19
20 **MS. FORT:**

21 No questions?

22
23 **LEG. SPENCER:**

24 You're good.

25
26 **CHAIRMAN DONNELLY:**

27 Okay. Seeing none, we're going to continue to move along. We have
28 no presentations this morning and no tabled resolutions, so we'll
29 get right to our ***Introductory Resolutions***. We'll start with
30 ***Introductory Resolution 1001 - Accepting and appropriating 100%***
31 ***federal grant funds from the U.S. Department of Justice in the***
32 ***amount of \$326,382 for the DNA Backlog Reduction Program FY 2020***
33 ***administered by the Suffolk County Office of the Medical Examiner,***
34 ***Crime Laboratory and to execute grant related agreements (Co.***
35 ***Exec.)***.

36
37 **LEG. SPENCER:**

38 Motion.

39
40 **CHAIRMAN DONNELLY:**

41 I'll take a motion from Legislator Spencer, seconded by Legislator
42 Flotteron, to place on the Consent Calendar. All in favor?
43 Opposed? Abstentions? Motion is carried. ***(Approved & placed on***
44 ***Consent Calendar - VOTE: 9-0-0-0)***

45
46 ***Resolution 1002 - Accepting and appropriating 100% federal grant***
47 ***funds passed-through the New York State Division of Criminal***
48 ***Justice Services in the amount of \$53,518 for the 2020 Paul***
49 ***Coverdell Forensic Science Improvement Grant administered by the***
50 ***Suffolk County Office of the Medical Examiner, Crime Laboratory and***
51 ***to execute grant related agreements (Co. Exec.)***.

52
53 **LEG. FLEMING:**

54 Motion.

1 **CHAIRMAN DONNELLY:**

2 I take a motion from Legislator Fleming.

3
4 **LEG. KENNEDY:**

5 Second.

6
7 **CHAIRMAN DONNELLY:**

8 Seconded by Legislator Kennedy, to place on the Consent Calendar.

9 All in favor? Opposed? Abstentions? Motion is carried.

10 *(Approved & placed on Consent Calendar - VOTE: 9-0-0-0).*

11
12 *Resolution 1003 - Accepting and appropriating 100% federal grant*
13 *funds passed-through the New York State Division of Criminal*
14 *Justice Services in the amount of \$53,518 for the 2020 Paul*
15 *Coverdell Forensic Sciences Improvement Grant administered by the*
16 *Suffolk County Office of the Medical Examiner, Toxicology*
17 *Laboratory and to execute grant related agreements (Co. Exec.). I*
18 *take a motion from Legislator Kennedy, seconded by Legislator*
19 *Sunderman, to place on the Consent Calendar. All in favor?*
20 *Opposed? Abstentions? Motion is carried. (Approved & placed on*
21 *Consent Calendar - VOTE: 9-0-0-0).*

22
23 *Resolution Number 1024 - Directing the Suffolk County Sheriff's*
24 *Office to post certain signage outside of interview rooms at*
25 *correctional facilities (Gonzalez). Do we have a motion to*
26 *approve?*

27
28 **LEG. GONZALEZ:**

29 I'm going to vote motion, please, to approve.

30
31 **D.P.O. HAHN:**

32 Second.

33
34 **LEG. GONZALEZ:**

35 1024.

36
37 **CHAIRMAN DONNELLY:**

38 So we have a motion from Legislator Gonzalez to approve, seconded
39 by Legislator Hahn.

40
41 **LEG. KENNEDY:**

42 Motion to table.

43
44 **CHAIRMAN DONNELLY:**

45 Legislator Kennedy made the motion to table. I'm going to second
46 the motion to table. Tabling motion goes first.

47
48 **LEG. FLEMING:**

49 On the motion.

50
51 **CHAIRMAN DONNELLY:**

52 On the motion, Legislator Fleming.

53
54 **LEG. FLEMING:**

55 I just have a little confusion, because I thought there were some
56 discussions happening with the department -- with the Sheriff's

1 Department and Corrections Officers with regard to logistics. Not
2 that it's not a great idea, but it needs to be implemented in the
3 most effective way.

4
5 **LEG. GONZALEZ:**

6 Well, there are two others as well, that I think that's where this
7 confusion --

8
9 **LEG. BERLAND:**

10 Use the microphone.

11
12 **LEG. GONZALEZ:**

13 That this is coming as a confusion because there is the entry level
14 and then there is the booklet itself that was shown to us, but the
15 signage that we're asking for at these interview rooms is another
16 issue. I just believe that in these interview rooms that I think
17 that it should be in English and then the translations in the other
18 six languages, which is mandated. I think it's very, very
19 important. I know that there are questions about other issues that
20 they feel are very important where they get a lot of their
21 information in many of these rooms, but I think that that
22 information that the Sheriff and -- is getting -- can be also
23 received in another way, in an office room in front of the Sheriff
24 or the Deputy Sheriffs themselves to get the information that
25 sometimes they need for cases that are outside and occurring
26 outside. But the minimal, the minimal signage in these interview
27 rooms, I think it's -- you know, it's important.

28
29 *(Presiding Officer Calarco entered the meeting)*

30
31 Especially for individuals that may not or they feel scared or they
32 feel that at least that signage should be there to just let them
33 know that if they are going to be interviewed by any entity on the
34 outside that, you know, they have the information that a lawyer and
35 until the lawyer gets there they should remain silent.

36
37 **LEG. FLEMING:**

38 I appreciate the -- I appreciate the underlying effort and I also
39 appreciate the advocates who go into the jails on a daily basis and
40 make these observations. I would be disappointed if this were not
41 an opportunity for those advocates to have a real face time, so to
42 speak, with the Sheriff and the Department of Corrections. We
43 currently have a Sheriff who is very forward-thinking, who is very
44 protective of the rights of the jail population, and so I think
45 from my perspective I found it more effective to have the
46 conversation before the -- we pass the legislation and just to
47 ensure that it's working in the best way possible for public
48 safety. Because I'm also a former criminal prosecutor and, you
49 know, the rules that we have in place under our Constitution are
50 critically important and they're also the needs and concerns of
51 public safety -- the public safety community are also really
52 important to keep the public safe.

53
54 So it's not a crystal clear yes or no, you put a sign up or you
55 don't, I think this is a complex issue. And I'd rather see clear
56 communication that includes both the advocates and the Sheriff's

1 Office before we pass any kind of legislation, so I'm not
2 comfortable at this point. I've spoken with Corrections and I
3 don't think that there's been the kind of conversation that I think
4 would be helpful. I admire your effort, Legislator, but I don't
5 feel comfortable supporting it at this stage without further
6 interaction between the advocates and the Sheriff's Department.

7
8 **LEG. GONZALEZ:**
9 May I?

10
11 **CHAIRMAN DONNELLY:**
12 Yes, go ahead.

13
14 **LEG. GONZALEZ:**
15 All right. So, yeah, I have had conversations with the Sheriff at
16 Yaphank and I've had the conversation with his entire circle there.
17 But I was just sent something that *still would like to meet on this*
18 *particular issue*, so I remove my motion to -- I will support the
19 tabling for right now, yes.

20
21 **CHAIRMAN DONNELLY:**
22 Okay. The other Legislators, you want to ask questions or are we
23 good with tabling?

24
25 **LEG. BERLAND:**
26 Good with tabling.

27
28 **CHAIRMAN DONNELLY:**
29 So we'll stick with Legislator Fleming's motion to table. I will
30 second Resolution 1024.

31
32 **LEG. GONZALEZ:**
33 Kennedy.

34
35 **CHAIRMAN DONNELLY:**
36 Oh, I'm sorry. I'm sorry.

37
38 **LEG. FLEMING:**
39 It was Leslie. I'm the Co-Chair now.

40
41 *(*Laughter*)*

42
43 **CHAIRMAN DONNELLY:**
44 So I'll defer. So the motion will remain to table Resolution 1024
45 by Legislator Kennedy and seconded by Legislator Fleming. All in
46 favor? Opposed? The tabling motion carries. *(Tabled - VOTE:*
47 *10-0-0-0. Presiding Officer Calarco is included in the vote).*

48
49 *Introductory Resolution 1034 - Accepting and appropriating federal*
50 *funding in the amount of \$17,500 from the United States Department*
51 *of Justice, Organized Crime Drug Enforcement Task Forces (OCDETF),*
52 *for the Suffolk County Police Department's participation in OCDETF*
53 *operations and investigations with 79.59% support (Co. Exec.). I*
54 *take a motion to approve from Legislator Berland, seconded by*
55 *Legislator Flotteron.*

1 **LEG. FLEMING:**

2 On the motion.

3
4 **CHAIRMAN DONNELLY:**

5 On the motion, Legislator Fleming.

6
7 **LEG. FLEMING:**

8 Can we hear from the Police Department on this?

9
10 **CHAIRMAN DONNELLY:**

11 Yes.

12
13 **LIEUTENANT CALANDRILLO:**

14 Good morning, Legislator. Congratulations on Co-Chair of the
15 committee.

16
17 **LEG. FLEMING:**

18 Oh, thank you. I realize it's Vice-Chair. I'm still under
19 Donnelly.

20
21 *(*Laughter*)*

22
23 And glad for your leadership, Tom. I want to just ask the question
24 that I asked on so many of these Federal pass-through funding
25 resolutions. To what extent -- could you just explain for us who's
26 calling the shots here, what strings, you know, may be attached to
27 this and is there any involvement in Suffolk County Police
28 Department with civil enforcement, particularly with Federal
29 initiatives.

30
31 **LIEUTENANT CALANDRILLO:**

32 This task force is strictly -- it's strictly narcotics
33 investigations. This money here is to cover overtime related to
34 search warrants. When search warrants are conducted our Emergency
35 Service Officers are called in early and it creates significant
36 overtime. This grant here reimburses some of that overtime for
37 Emergency Services.

38
39 **LEG. FLEMING:**

40 And who are the agencies involved in the task force?

41
42 **LIEUTENANT CALANDRILLO:**

43 I'm not sure of every agency on the task force. I know the U.S.
44 Department of Justice oversees this task force. There's no civil
45 enforcement conducted by this task force, it's strictly criminal.

46
47 **LEG. FLEMING:**

48 Okay. You know my question, no civil enforcement. Thank you.

49
50 If I could just ask the Chair, if I could put a question, it's not
51 exactly on this resolution, but we've heard in recent press reports
52 about a homicide in Nassau where there's been some discussion about
53 the release of information with regard to witness identification.
54 I don't know where that is. I heard the Commissioner's walking
55 back some of the comments he made with regard to the impact of the
56 criminal justice reforms. That's Nassau County, we're here in

1 Suffolk County, but as a former sex crimes prosecutor in
2 particular, I was proud to join a letter that I helped to draft
3 asking that we slow down the criminal justice reforms and we ask,
4 we from the Legislature here, ask for a delay.
5

6 My question to you, and I don't mean to catch you off guard, but
7 are you aware just in light of the fact that there are some claims
8 that this is gang-related witness, I know the homicide was related
9 to the requirement of law enforcement to release witness
10 information. I don't know that that's the case there, but I do
11 know that we've had concerns when we saw those criminal justice
12 reforms coming through, particularly myself as a sex crimes
13 prosecutor, both on the identification of witnesses and the fact
14 that offenders may not be subject to being held for, you know, in
15 jail pending their convictions.
16

17 Can you just comment on whether there's concern in the Police
18 Department from the -- from a sex crimes prosecution standpoint
19 there's two things that I'm concerned about. One, that you need to
20 release witness information, I think it's 15 days after Grand Jury,
21 but also that certain offences the judge no longer has discretion
22 to set bail and ensure prisoners return. And so from the
23 perspective of someone who worked with victims of sexual assault,
24 there's a possibility that not only will your offender know your
25 identity, but that they might not be held even on, for instance,
26 burglary of a dwelling, which is an E violent felony.
27

28 So just wondering if the Police Department has begun to assess that
29 here in Suffolk County, if we can be kept informed, and what your
30 thoughts are. I don't mean that you speak for the whole
31 department, but I think it's important as the Public Safety
32 Committee that we start to look hard at what these impacts are
33 before some unfortunate incident occurs.
34

35 **LIEUTENANT CALANDRILLO:**

36 I can state those are all very valid concerns of ours. They were
37 concerns before this was implemented. You hit on two of the big
38 ones right there. We do have concerns on how this will impact
39 witness cooperation in cases, especially third-party witnesses. I
40 don't know -- it's probably too soon to see the impact of that. I
41 have no firsthand knowledge of whether it's impacted any cases here
42 in Suffolk County. The DA's Office might have a better handle on
43 that end of it already.
44

45 **CHAIRMAN DONNELLY:**

46 Lieutenant, I'm going to let you off the hook here and kind of take
47 over. So I'm just going to take a point of personal privilege for
48 a couple of minutes with reference to the New York State Criminal
49 Justice and Discovery Reform that was enacted January 1st of this
50 year. So this committee back in early fall took a very, very
51 strong stance in its concern and opposition in the way it was being
52 implemented. We penned a letter to the Governor, as well as to the
53 New York State Legislator and New York State Assembly about our
54 very, very deep concerns.
55
56

1 That being said, through the Presiding Officer's Office this
2 committee is going to start several meetings with the Sheriff's
3 Department, Sheriff Toulon, as well as the District Attorney and as
4 well as the Police Commissioner. Information only, where we're
5 going to get data on the impact of the discovery and the impact of
6 bail reform.

7
8 I think it goes without saying how concerned every member,
9 regardless of their political party, is concerned about the way
10 that this was enacted this year. We've heard several instances of
11 terrible tragedies and that's to be avoided, and I commend
12 Legislator Fleming for bringing this to light, but rest assured
13 that this committee is engaged every day on this particular issue,
14 continue to lobby the Governor's Office as well as our New York
15 State officials for an immediate, you know, remedy to the current
16 situation. So, Legislator Fleming, thank you for your leadership.
17 I hope I answered some of your questions.

18
19 **LEG. FLEMING:**

20 Thank you, Mr. Chairman. And I would only ask that as we go
21 forward with that that we include our law enforcement agencies on
22 the ground to see if we can capitalize on the kind of advocacy that
23 we can bring to Albany to sort of demonstrate what's happening on
24 the ground.

25
26 **CHAIRMAN DONNELLY:**

27 Yes, of course. Thank you, Legislator Fleming.

28
29 **LEG. FLEMING:**

30 Thank you. Thank you, Lieutenant.

31
32 **CHAIRMAN DONNELLY:**

33 So moving along in our Introductory Resolutions. We have
34 Resolution 1034. I will make a motion to approve, seconded by
35 Legislator Flotteron. All in favor? Opposed? Abstentions?

36
37 **LEG. BERLAND:**

38 I thought I was --

39
40 **MS. ELLIS:**

41 Yes, we did.

42
43 **LEG. BERLAND:**

44 You -- well, you said that before.

45
46 **CHAIRMAN DONNELLY:**

47 Well, we had a lot of discussion. I got a little derailed.

48
49 **LEG. BERLAND:**

50 Do whatever you want.

51
52 **CHAIRMAN DONNELLY:**

53 All right. The motion was by Legislator Berland, seconded by
54 Legislator Fleming -- seconded by Legislator Flotteron. All in
55 favor? Opposed? Abstentions? Motion is carried. *(Approved &*
56 *placed on Consent Calendar - VOTE: 10-0-0-0. Presiding Officer*

1 ***Calarco is included in the vote).***

2
3 Moving along. Resolution 1048 - ***Accepting and appropriating 62%***
4 ***State Aid reimbursement funds awarded by the New York State Office***
5 ***of Children and Family Services to the Suffolk County Department of***
6 ***Probation for the Supervision and Treatment Services for Juveniles***
7 ***Program (STSJP) Program Year (PY) 2019-2020 (Co. Exec).*** Motion by
8 Legislator Sunderman, seconded by Legislator Kennedy. All in
9 favor? Opposed? Abstentions? Motion is carried. ***(Approved &***
10 ***placed on Consent Calendar - VOTE: 10-0-0-0. Presiding Officer***
11 ***Calarco is included in the vote).***

12
13 Resolution Number 1082 - ***Requiring that individuals receive***
14 ***information about available resources upon release from County***
15 ***correctional facilities (Gonzalez).*** So -- first, does anybody want
16 to make a motion to approve? Seeing none, I have a motion to table
17 from Legislator Gonzalez, seconded by Legislator Fleming. All in
18 favor? Opposed? Abstentions? The motion is carried. ***(Tabled -***
19 ***VOTE: 10-0-0-0. Presiding Officer Calarco is included in the***
20 ***vote).***

21
22 We have no Procedural Motions, no Home Rule Messages and nothing
23 subject to call. No need for an Executive Session this morning.
24 I'm going to make a motion to adjourn, seconded by Legislator
25 Fleming. We are adjourned. Thank you.

26
27 ***(*The meeting was adjourned at 10:07 AM*)***

DATE

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