

Intro. Res. No. 1300-2020

Laid on Table 3/17/2020

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 479 -2020, ADOPTING LOCAL LAW NO. 30-2020, A LOCAL LAW REQUIRING NOTICE OF THE USE OF ELECTRONIC SURVEILLANCE IN RELATION TO CERTAIN DEPARTMENT OF SOCIAL SERVICES INVESTIGATIONS (“Part Four of the CPS Transformation Act”)

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 17, 2020, a proposed local law entitled, "**A LOCAL LAW REQUIRING NOTICE OF THE USE OF ELECTRONIC SURVEILLANCE IN RELATION TO CERTAIN DEPARTMENT OF SOCIAL SERVICES INVESTIGATIONS** (“Part Four of the CPS Transformation Act”); and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that the said local law be enacted in form as follows:

LOCAL LAW NO. 30-2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REQUIRING NOTICE OF THE USE OF ELECTRONIC SURVEILLANCE IN RELATION TO CERTAIN DEPARTMENT OF SOCIAL SERVICES INVESTIGATIONS (“Part Four of the CPS Transformation Act”)

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the use of off-the-shelf electronic surveillance equipment such as Nest, Blink, and Wyze has increased significantly in recent years.

This Legislature further finds and determines that Child Protective Services (CPS) Caseworkers conduct interviews with children who are the subject of reports alleging possible child abuse, neglect and/or maltreatment in the children’s homes, ideally without the parent or guardian who is accused of the abuse and/or maltreatment present so the Caseworker can ascertain information candidly from the child who might otherwise fear retribution from their alleged abuser.

This Legislature further finds and determines that the secret use of electronic surveillance equipment during CPS interviews with children can undermine the Caseworker’s ability to gain honest answers from children, especially if the child knows he or she is being filmed and therefore watched by the parent or guardian who is accused of the abuse and/or maltreatment, while the CPS Caseworker does not know the interview is being filmed.

This Legislature further finds and determines that CPS Caseworkers should require owners or tenants at whose residences CPS interviews are being conducted to attest to the use of electronic surveillance equipment prior to the initiation of any such interview.

Therefore, the purpose of this local law is to require notice of the use of electronic surveillance in relation to certain Department of Social Services investigations.

Section 2. Amendments.

Article X of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows and a new section is added as follows:

Article X. Department of Social Services

* * * *

§ A10-6. Use of Electronic Surveillance

A. Notification Requirement

When a Caseworker is permitted entry into a private residence or business for the purposes of conducting an investigation, which shall include but not be limited to interviews related to a report of suspected child abuse, neglect and/or maltreatment, the owner or tenant must complete a "Notice of the Use of Electronic Surveillance Equipment" form, attesting, to the best of his or her knowledge, to whether electronic audio and/or video surveillance equipment will be used during the Caseworker's visit.

B. Penalties for Offenses

Any owner or tenant who refuses to complete the "Notice of the Use of Electronic Surveillance Equipment" form or falsifies information required to be provided pursuant to this section shall be guilty of a violation punishable by a fine not to exceed \$1,000 for each violation.

* * * *

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), and/or (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing with the Secretary of State.

[] Brackets denote deletion of language.
__ Underlining denotes addition of new language.

DATED: June 23, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 9, 2020

After a public hearing duly held on July 6, 2020
Filed with the Secretary of State on July 23, 2020