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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO  
PRESIDING OFFICER

PUBLIC SAFETY COMMITTEE

LEGISLATOR DENISE FORD  
CHAIR

Theodore Roosevelt Building  
1550 Franklin Avenue  
Mineola, New York

January 22, 2018

1:22 P.M.

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2     A P P E A R A N C E S:

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4     LEGISLATOR DENISE FORD

5                     Chair

6

7     LEGISLATOR STEVEN RHOADS

8                     Vice Chair

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10    LEGISLATOR VINCENT MUSCARELLA

11

12    LEGISLATOR JOHN FERRETTI

13

14    LEGISLATOR DELIA DERIGGI-WHITTON

15                     Ranking member

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17    LEGISLATOR SIELA BYNOE

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19    LEGISLATOR DEBRA MULE

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1                   Public Safety - 1-22-18

2                   LEGISLATOR FORD:     Good  
3   afternoon. I'm going to call the Public  
4   Safety Committee to order, and as we are the  
5   opening committee I am going to ask Legislator  
6   Ferretti to lead us in the pledge of  
7   allegiance.

8                   (Whereupon the Pledge of Allegiance  
9   was recited.)

10                  LEGISLATOR FORD:     At this time  
11   I'm going to ask the clerk to call the roll.

12                  MR. PULITZER:     Thank you ma'am.  
13   Public Safety Committee roll call. Legislator  
14   Debra Mule.

15                  LEGISLATOR MULE:     Here.

16                  MR. PULITZER:     Legislator Siela  
17   Bynoe.

18                  LEGISLATOR BYNOE:     Here.

19                  MR. PULITZER:     Ranking member  
20   Delia DeRiggi-Whitton.

21                  LEGISLATOR DERIGGI-WHITTON:  
22   Here.

23                  MR. PULITZER:     Legislator John  
24   Ferretti.

25                  LEGISLATOR FERRETTI:     Here.

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2                   MR. PULITZER:     Legislator Vincent  
3 Muscarella.

4                   Vice chairman Steven Rhoads.

5                   LEGISLATOR RHOADS:     Present.

6                   MR. PULITZER:     Chairwoman Denise  
7 Ford.

8                   LEGISLATOR FORD:     Here.

9                   MR. PULITZER:     We have a quorum  
10 ma'am.

11                  LEGISLATOR FORD:     Thank you very  
12 much sir.

13                  There are three items on the agenda  
14 today which are clerk items 6-18 11-18 and  
15 12-18.

16                  Clerk item 6-18 -- let the record  
17 show that Legislator Muscarella is here -- is  
18 an ordinance supplemental to the annual  
19 appropriation ordinance in connection with the  
20 district attorney's office.

21                  May I have a motion.   Moved by  
22 Legislator Muscarella.   Seconded by Rhoads.  
23 Thank you.   The item is before us.   Who is  
24 here from the administration to speak about  
25 this item?

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2                   MR. MAY:       Good afternoon madam  
3 chairwoman. How are you today? We have Bob  
4 McManus from the district attorney's. I  
5 notice we also have clerk item 12-18 that he's  
6 here to speak on. Can we call as well?

7                   LEGISLATOR FORD:       We will call  
8 item 12-18. Do I have a motion? Moved by  
9 Legislator Rhoads. Seconded by Legislator  
10 Mule. Both items are before us.

11                  MR. MCMANUS:       Good afternoon.  
12 Bob McManus, district attorney's office.

13                  Item 6-18 is an appropriation for  
14 the Aid to Prosecution Grant that's received  
15 from New York State Division of Criminal  
16 Justice Services. The Aid to Prosecution  
17 Program utilizes grant funds to support the  
18 prosecution of repeat violent and serious  
19 felony offenders by maintaining a staff of  
20 highly experienced prosecutors who work to  
21 achieve convictions and maximum sentences for  
22 such defendants.

23                  The goal of the project is to  
24 expedite the processing of repeat and serious  
25 felony offenders in the following order of

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2   priority. Repeat offenders charged with a  
3   violent felony, violent felony offenders  
4   including but not limited to defendants  
5   charged with the following violent felonies.  
6   Murder, murder, assault murder, manslaughter,  
7   excuse me, assault of a police officer,  
8   kidnaping, rape, arson and possession of a  
9   firearm.

10                   And the third category is repeat  
11   offenders charged with a nonviolent felony  
12   offense who have been previously incarcerated  
13   for those types of offenses.

14                   LEGISLATOR FORD:     You want to  
15   read 12 and any questions we have on both of  
16   them.

17                   MR. MCMANUS:     Item 12-18 is for  
18   the Motor Vehicle Theft and Insurance Fraud  
19   Prevention Program. The funding for this  
20   program provides us with the ability to  
21   investigate and prosecute those who may commit  
22   Medicaid and auto insurance fraud primarily  
23   focusing on undercover activity. The purpose  
24   is to identify individuals who file phoney  
25   accident reports and insurance claims in

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2       addition to health care providers who  
3       fraudulently bill Medicaid for accidents that  
4       are staged or never occurred.

5           Commission of this type of criminal  
6       activity very often involves organized groups  
7       of individuals due to the necessity of  
8       obtaining documentation from witnesses and  
9       medical professionals and para professionals  
10      in order to facilitate the payment of  
11      fraudulently obtained funds.

12           LEGISLATOR FORD:     Thank you.   Is  
13      there any debate or discussion?   Legislator  
14      Rhoads.

15           LEGISLATOR RHOADS:     Thank you  
16      Chairwoman Ford.   Thank you very much for the  
17      presentation.   You did a wonderful job.   Both  
18      are tremendously worthwhile programs.   My  
19      question is actually a budgetary question.  
20      When we have appropriations supplemental to  
21      the annual appropriation is that adding money  
22      to the district attorney?   And it's not just  
23      the DA's office.   Obviously this happens with  
24      all county departments as we receive grant  
25      funds.   Are those grant funds already

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2       accounted for within the budget? In other  
3       words, does the appropriation of an additional  
4       \$500,000 plus we receive from a grant then  
5       free up \$500,000 in money that's already been  
6       appropriated for the DA's office.

7           MR. MCMANUS:     No, sir it doesn't  
8       impact on our general fund budget. The reason  
9       is because these grants come with the proviso  
10      that we are not permitted to supplant other  
11      activities that are budgeted through the  
12      general fund. So the answer to that is no.

13           LEGISLATOR RHOADS:     So this would  
14      be additional enforcement activities  
15      consistent with the grant?

16           MR. MCMANUS:     That's correct.

17           LEGISLATOR RHOADS:     Thank you.

18           LEGISLATOR FORD:     Anyone else?  
19      Legislator Bynoe.

20           LEGISLATOR BYNOE:     Good day. You  
21      mentioned it would be escalating the  
22      prosecution process for violent offenders?

23           MR. MCMANUS:     Yes ma'am.

24           LEGISLATOR BYNOE:     Did I also  
25      hear you say nonviolent offenders?



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2 MR. MCMANUS: Nonviolent repeat  
3 offenders. In other words, chronic nonviolent  
4 offenders. Not someone who is arrested for  
5 maybe two or three times. I guess you refer  
6 to them as career criminals.

7 LEGISLATOR BYNOE: Has the  
8 threshold been created at this point to say in  
9 terms of the number of nonviolent? What kind  
10 of nonviolent offenses? Are we talking about  
11 someone who is repeat offenders for petty  
12 larceny type activity?

13 MR. MCMANUS: The repeat  
14 offenders I'm referring to the definition is  
15 in penal law Article 70. That doesn't say  
16 much and I don't have a copy with me. I will  
17 be happy to provide that information to you.

18 LEGISLATOR BYNOE: I would be  
19 most interested to receive that. Thank you.

20 LEGISLATOR FORD: Legislator  
21 Whitton.

22 LEGISLATOR DERIGGI-WHITTON: Just  
23 getting back to what Legislator Rhoads said.  
24 These are recurring grants, correct? Year to  
25 year payments?

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2                   MR. MCMANUS:     Yes ma'am. You sort  
3 of budget them ahead of time expecting to get  
4 them?

5                   MR. MCMANUS:     Yes. The Aid to  
6 Prosecution Grant we've received for over 25  
7 years. The motor vehicle grant closer to 20.  
8 So yes, we do anticipate receiving these  
9 grants year after year.

10                  LEGISLATOR DERIGGI-WHITTON:     And  
11 just to make it clear, this is a no-matching  
12 grant, correct?

13                  MR. MCMANUS:     No matching grant.

14                  LEGISLATOR FORD:     I have a  
15 question. Jump you all around here. In  
16 regard to the ones with the fraudulent  
17 insurance claims. We get over \$100,000. Do  
18 we keep a record or do we know like through  
19 our prosecution and through the work we do  
20 here in the county to combat this, do we have  
21 an estimate or an idea of how much money we  
22 actually save New York State Insurance by  
23 investigating these crimes? Like if we spent  
24 say \$120,000 they give us to go after these  
25 types of cases to cut down on fraudulent

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2       claims, do we know basically how much money we  
3       may save in the long run by doing this work?

4           MR. MCMANUS:       The grant progress  
5       report, which is submitted on a quarterly  
6       basis, would include that information. I will  
7       try to get the figures.

8           LEGISLATOR FORD:    But we actually  
9       save them more basically than what we spend?

10          MR. MCMANUS:       Absolutely. This  
11       program is conducted in conjunction with the  
12       insurance industry.

13          LEGISLATOR FORD:    Thank you very  
14       much. Anyone else? Any public comment.

15          MS. MEREDAY:       Good afternoon.  
16       Meta J. Mereday, Baldwin resident.

17                I to have some questions with  
18       regard to the funding. I'm always happy to  
19       here the word grants but it would be nice if  
20       those grants, as Legislator Rhoads asked, if  
21       this would somehow bring down the costs to the  
22       taxpayers. But additional services are as  
23       they are.

24                So I am curious to know again, and  
25       Legislator Ford you kind of brought that up,

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2     if there are any types of numbers? What are  
3     the numbers of the incidents and how effective  
4     have these programs been? We seem to  
5     continually be in race to try to catch the  
6     criminals post event and we're not doing I  
7     guess a great job in terms of the prevention  
8     aspect. Advising people up front of the  
9     issues and the, you know, what can happen to  
10    them. The consequences of their actions. And  
11    we still have a number of residents who are  
12    sadly susceptible to a variety of scams that  
13    are very costly to them. Particularly to our  
14    seniors, veterans et cetera.

15               I'm hopeful that we are able to  
16    move forward with a more proactive aspect in  
17    terms of providing the resources, the  
18    education and the support for our underserved  
19    constituencies.

20               As it pertains to 6-18, I wasn't  
21    quite sure if I heard all of the information.  
22    All of you have all of us out here, for the  
23    most part, at a disadvantage, where this was  
24    geared toward bringing in highly experienced  
25    prosecutors into the district attorney's

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2       office. What do we currently have in the  
3       district attorney's office? Unless I heard it  
4       incorrectly.

5           And as it pertains to 12-18, we are  
6       talking about again the Medicaid fraud and how  
7       prevalent is the situation? And again, what  
8       are we doing proactively to address that? So  
9       that these grants can be used towards -- I  
10      mean again within the parameters of the  
11      grant -- but they can be used towards  
12      education and prevention versus specifically  
13      prosecution.

14           LEGISLATOR FORD:     Good question.  
15      Mr. McManus it would be our understanding that  
16      this grant money that we get from New York  
17      State for both of these items are usually used  
18      towards actual investigations and going after  
19      these criminals? Is there an educational  
20      component to this as well? Or is that  
21      additional or other funding as well?

22           MR. MCMANUS:     In the Motor  
23      Vehicle Theft and Insurance Program there is  
24      no education educational funding, no.

25           LEGISLATOR FORD:     I know you see

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2       commercials on TV where they're warning people  
3       against insurance fraud and everything. But  
4       this is something that Ms. Mereday we can ask  
5       on the state level because all insurance  
6       basically goes through New York State to see  
7       whether or not there could be some sort of  
8       aspect of education. Because I agree with  
9       you, a lot of times you see unsuspecting  
10      people who get caught up in insurance fraud  
11      and they are not criminal at heart but they  
12      get scammed because they don't know any  
13      better. And the next thing you know they're  
14      in jail and the people that drew them in to it  
15      have the money at some island somewhere.

16                   MS. MEREDAY:       And sometimes  
17      they're funding by something. But these  
18      programs are funded by tax dollars that don't  
19      seem to have -- we just want an idea of the  
20      effective nature of these processes that's  
21      supposed to keep bringing people in. Unless  
22      we need to recreate a different wheel we're  
23      just spinning and we haven't left the  
24      building.

25                   LEGISLATOR FORD:       Mr. McManus, if

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2    you can just give us a snapshot for one  
3    quarter how much we actually save. If the  
4    insurance companies can let us see so we can  
5    show the effectiveness of this program.

6           MR. MCMANUS:     That would not be a  
7    problem.

8           LEGISLATOR FORD:   And I just want  
9    to make it clear too that I know she did ask  
10   about when you talked about bringing in  
11   experienced or good district attorney's as  
12   investigators, we already have them. You  
13   meant to give them the tools they need to work  
14   with?

15          MR. MCMANUS:     Yes. As a matter  
16   of fact, this program funds our most  
17   experienced and able attorneys who are  
18   experienced in prosecuting the types of crimes  
19   that I previously mentioned.

20          LEGISLATOR FORD:   And we are  
21   blessed with many of them already. Thank you  
22   so much.

23                 All those in favor of passing these  
24   items 6-18 and 12-18 please signify by saying  
25   aye. Any opposed? The item passes seven to

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2     zero.

3                   We're going to call clerk item  
4     11-18, which is an ordinance supplemental to  
5     the annual appropriation ordinance in  
6     connection with the police department.

7                   May I have a motion. Moved by  
8     Legislator Rhoads. Seconded by Legislator  
9     Ferretti:     The item is before us. Who is  
10    here from the administration to speak about  
11    this?

12                   MR. MAY:     We have Lieutenant Greg  
13    Stephanoff.

14                   MR. STEPHANOFF:     Good afternoon.  
15    Lieutenant Greg Stephanoff from the police  
16    department.

17                   Item 11-18, this item appropriates  
18    \$1 million in funds from revenues received  
19    from United States Department of Treasury of  
20    federal forfeited property. This item is  
21    going to move that money into our budget so  
22    that it can be used. This money is used for  
23    further investigations. If we have to do  
24    anything over patrol. It's also used for like  
25    if we have to put enhanced patrols out there



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2       for any kind of crime that's going on. This  
3       will enable us to utilize the funds.

4                   LEGISLATOR FORD:       That would be  
5       like if you had to added patrols which may  
6       incur overtime and stuff like that, this would  
7       help cover the cost for it?

8                   MR. STEPHANOFF:       You can't  
9       supplement the budget with. We use this for  
10      anything extra in addition to what we have out  
11      there.

12                   LEGISLATOR FORD:       Is there  
13      something like you would do DWI or do we have  
14      a separate funding force for the DWI?

15                   MR. STEPHANOFF:       DWI is a  
16      separate funding source.

17                   LEGISLATOR FORD:       Any debate or  
18      discussion? Any questions? Legislator  
19      Whitton.

20                   LEGISLATOR DERIGGI-WHITTON:  
21      We're going to be using the \$1 million that  
22      was collected now, that's what this says.

23                   MR. STEPHANOFF:       Yes. This is  
24      going to be put into our budget for us to  
25      use. Part of this is -- we're closing out the

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2       books for '17 for the last quarter. Part of  
3       this is for that. The rest is going for '18.

4           LEGISLATOR DERIGGI-WHITTON:

5       That's what my question was. What is the  
6       total amount, do you know, that we have? What  
7       is the total amount that we have in the fund?

8           MR. STEPHANOFF:       In total I don't  
9       know. You mean in all the lines?

10          LEGISLATOR DeRIGGI-WHITTON:

11       Yeah. I was just curious how much we bring  
12       in.

13          MR. STEPHANOFF:       I don't know in  
14       total. I have to look.

15          LEGISLATOR DERIGGI-WHITTON:       So  
16       you don't know how much we bring in yearly  
17       through this.

18          MR. STEPHANOFF:       '17 I don't know  
19       what we've brought in yet.

20          LEGISLATOR DERIGGI-WHITTON:       I'm  
21       just curious to see how much we bring in. If  
22       you get an opportunity.

23          MR. STEPHANOFF:       Sure.

24          LEGISLATOR FORD:       Any public  
25       comment?

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2                   MS. JACOBS:       Pearl Jacobs,  
3   Uniondale.   Regarding item 11-18, I support  
4   any initiative that supports our Nassau County  
5   Police Department.   With the rising crime in  
6   our county attributed to gang activity and  
7   opioid drug abuse we definitely need to  
8   support our Nassau County Police Department in  
9   every way that we possibly can.

10                  Improvements in our communities are  
11   also paramount to reduce crime.   With the  
12   recent approval of the Uniondale Streetscaping  
13   Project I would like to thank Legislator  
14   Abrahams for his recent attendance at our  
15   Nostrand Garden Civic Association in January.  
16   And it is the community's request that  
17   Legislator Abrahams and Counselwoman Goosby  
18   engage in productive communication regarding  
19   this project so that work may begin swiftly  
20   and that would hopefully the broken glass  
21   theory would hopefully decrease crime in  
22   Uniondale.   And again, please support our  
23   Nassau County Police Department.

24                  LEGISLATOR FORD:       Thank you very  
25   much for your comments.   There is no other

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2   business in front of this committee. May I  
3   have a motion to adjourn.

4           All those in favor of passing 11-18  
5   please say aye. Opposed? The item passes  
6   unanimously.

7           There is no other business. Moved  
8   by Legislator Muscarella. Second by  
9   Legislator Rhoads. This committee is now  
10  adjourned. Thank you.

11           (TIME NOTED: 1:40 P.M.)

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CERTIFICATION

I, FRANK GRAY, a Notary  
Public in and for the State of New  
York, do hereby certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic  
notes.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 24th day of  
January 2018

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FRANK GRAY