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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO
PRESIDING OFFICER

LEGISLATIVE SESSION

County Executive and Legislative Building
1550 Franklin Avenue
Mineola, New York

Monday, March 22, 2021
1:15 P.M.

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

LEGISLATOR RICHARD J. NICOLELLO

Presiding Officer
9th Legislative District

LEGISLATOR HOWARD KOPEL

Deputy Presiding Officer
7th Legislative District

LEGISLATOR DENISE FORD

Alternate Presiding Officer
4th Legislative District

LEGISLATOR KEVAN ABRAHAMS

Minority Leader
1st Legislative District

LEGISLATOR SIELA BYNOE

2nd Legislative District

LEGISLATOR CARRIE SOLAGES

3rd Legislative District

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2 LEGISLATOR DEBRA MULE
3 5th Legislative District
4
5 LEGISLATOR C. WILLIAM GAYLOR III
6 6th Legislative District
7
8 LEGISLATOR VINCENT T. MUSCARELLA
9 8th Legislative District
10
11 LEGISLATOR ELLEN BIRNBAUM
12 10th Legislative District
13
14 LEGISLATOR DELIA DERIGGI-WHITTON
15 11th Legislative District
16
17 LEGISLATOR JAMES KENNEDY
18 12th Legislative District
19
20 LEGISLATOR THOMAS MCKEVITT
21 13th Legislative District
22
23 LEGISLATOR LAURA SCHAEFER
24 14th Legislative District
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LEGISLATOR JOHN FERRETTI, JR.
15th Legislative District

LEGISLATOR ANDREW DRUCKER
16th Legislative District

LEGISLATOR ROSE WALKER
17th Legislative District

LEGISLATOR JOSHUA LAFAZAN
18th Legislative District

LEGISLATOR STEVEN RHOADS
19th Legislative District

MICHAEL PULITZER
Clerk of the Legislature

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2 LEGISLATOR NICOLELLO: We're
3 going to start the meeting with the Pledge of
4 Allegiance as we always do and then if you
5 would please remain standing after the pledge
6 we will have a moment of silence for several
7 individuals. But I'd ask Legislator Ford to
8 lead us in the pledge.

9 Legislator Rhoads.

10 LEGISLATOR RHOADS: Thank you
11 Mr. Presiding Officer. I just wanted to have
12 a moment of silence for someone who is no
13 stranger to this chamber and to anyone who is
14 involved in Nassau County government, Town of
15 Oyster Bay government, John Joseph Budnick,
16 who was a regular at our meetings who passed
17 away quite suddenly on Thursday.

18 I had the privilege of meeting John
19 when I was 12 or 13 years old. He was always
20 someone who would give you the shirt off of
21 his back. He had a wealth of experience,
22 tremendous amount of knowledge and was willing
23 to share that experience and knowledge with
24 anyone.

25 John was a former Nassau County

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2 district attorney. I believe a former Oyster
3 Bay town attorney. Was civically involved in
4 more organizations that you can count. As an
5 individual you always hope that you would be
6 able to try to make a difference, use your
7 gifts and talents to make a difference in the
8 world around you and John had his own unique
9 way of doing that but do it he did.

10 John is someone who certainly will
11 be sorely missed by everyone in this chamber,
12 and I will miss hearing him thank us for
13 putting up with him, which I think was his
14 famous line, but we really didn't have to
15 because you could tell from the onset the
16 passion, dedication that he had for the people
17 of Nassau County and for trying to make Nassau
18 County government work for them. John will be
19 sorely missed. So I would ask that you join
20 me in a moment of silence for John.

21 LEGISLATOR NICOLELLO: Legislator
22 Walker.

23 LEGISLATOR WALKER: Just to add
24 to that for John. John actually grew up in
25 Hicksville, so I knew him since he was a young

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2 boy and Steve really said it all. Just to
3 John bless you because that's what he would
4 say to us. At every meeting he'd thank us for
5 putting up with him and then say God bless you
6 all. To John, God bless you and I know he's
7 looking down and smiling. Certainly he put
8 input into our heads because he always gave
9 his input. That was something he didn't have
10 a hard time doing.

11 I'd also like to ask you for a
12 moment of silence for Vincent Pinto. His mom,
13 Janice, worked in our clerk's office and she
14 now works -- in our legislative clerk's
15 office -- and she now works over in the Board
16 of Elections and his dad is the commissioner
17 of parks in the Town of Oyster Bay.

18 Vincent was only 18 years old.
19 Sadly, Vincent was born with many, many health
20 issues. He was blind. He was on a bed really
21 his entire life. But that little guy was such
22 a fighter and unfortunately he just couldn't
23 get through this past Sunday, so they lost
24 Vincent. Keep Vincent and certainly the
25 entire Pinto family in your thoughts and

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2 prayers.

3 LEGISLATOR NICOLELLO: Legislator
4 Birnbaum.

5 LEGISLATOR BIRNBAUM: Yes. I'd
6 like to talk about an esteemed member of the
7 Great Neck community Donald Ashkenase. For
8 nearly four decades he served on the Great
9 Neck school board and he was still serving.
10 And he was involved in many hospitals in
11 management of them. Served briefly at NUMC.
12 He was involved with UJA. He was an
13 accountant. He was married with three
14 children, many grandchildren and his loss is
15 deeply felt by many. My heart goes out to his
16 loving family. His wife Karen, his children
17 and grandchildren and all of the community.

18 LEGISLATOR NICOLELLO: A moment
19 of silence please. Thank you.

20 The plan for today is that in a
21 moment the clerk is going to call the roll.
22 After that there will be -- he has a number of
23 items of public comment that he's going to
24 indicate who has submitted those items and
25 they will be made part of the record.

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2 Following that, we will do the
3 consent calendar, which both sides have agreed
4 that further debate or discussion is needed on
5 those items. So, in order to have the
6 administrative officials who are here for the
7 consent items be on their way back to work we
8 will move those and then go right into the
9 police reform plan. Mike, can we the roll
10 call please?

11 MR. PULITZER: Thank you Rich.
12 Roll call. Office of the Clerk of the
13 Legislature. Deputy Presiding Officer Howard
14 Kopel.

15 LEGISLATOR KOPEL: Here.

16 MR. PULITZER: Alternate Deputy
17 Presiding Officer Denise Ford.

18 LEGISLATOR FORD: Here.

19 MR. PULITZER: Legislator Siela
20 Bynoe.

21 LEGISLATOR BYNOE: Here.

22 MR. PULITZER: Legislator Carrie
23 Solages.

24 LEGISLATOR SOLAGES: Here.

25 MR. PULITZER: Legislator Debra

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2 Mule.

3 LEGISLATOR MULE: Here.

4 MR. PULITZER: C. William Gaylor
5 the Third.

6 LEGISLATOR GAYLOR: Present.

7 MR. PULITZER: Legislator Vincent
8 Muscarella.

9 LEGISLATOR MUSCARELLA: Here.

10 MR. PULITZER: Legislator Ellen
11 Birnbaum.

12 LEGISLATOR BIRNBAUM: Here.

13 MR. PULITZER: Legislator Delia
14 DeRiggi-Whitton.

15 LEGISLATOR DERIGGI-WHITTON:
16 Here.

17 MR. PULITZER: Legislator James
18 Kennedy.

19 LEGISLATOR KENNEDY: Here.

20 MR. PULITZER: Legislator Thomas
21 McKevitt.

22 LEGISLATOR MCKEVITT: Here.

23 MR. PULITZER: Legislator Laura
24 Schaefer.

25 LEGISLATOR SCHAEFER: Here.

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2 MR. PULITZER: Legislator John
3 Ferretti.

4 LEGISLATOR FERRETTI: Here.

5 MR. PULITZER: Legislator Arnold
6 Drucker.

7 LEGISLATOR DRUCKER: Here.

8 MR. PULITZER: Legislator Rose
9 Marie Walker.

10 LEGISLATOR WALKER: Here.

11 MR. PULITZER: Legislator Joshua
12 Lafazan.

13 LEGISLATOR LAFAZAN: Here.

14 MR. PULITZER: Legislator Steven
15 Rhoads.

16 LEGISLATOR RHOADS: Present.

17 MR. PULITZER: Minority Leader
18 Kevan Abrahams.

19 LEGISLATOR ABRAHAMS: Here.

20 MR. PULITZER: Presiding Officer
21 Richard Nicoletto.

22 LEGISLATOR NICOLELLO: Here.

23 MR. PULITZER: Thank you.

24 Presiding Officer, I'd like to submit for the
25 record the public comments that we have and

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2 the following are the people who put in their
3 thoughts. First is Arolyn Do. Second Elle
4 Lagalante from Bayview. Sorry Bayville.
5 Deana Davoudias. Robert Perez Menendez.
6 Rachel Chambers. Unified speaker comment is
7 about the civil service appointments. And
8 Marianna Hoitt-Lange legislative division 11.
9 I will distribute and thank you.

10 LEGISLATOR NICOLELLO: Thank you
11 very much. As I said, we will move on to the
12 consent items. These are all items that went
13 through committees a couple of weeks ago.
14 It's been agreed by the Majority and Minority
15 that these items do not require any further
16 debate or discussion and I will call them
17 altogether.

18 Item 7, Ordinance 19. Eight,
19 Ordinance 20. Nine, Ordinance 21. Ten,
20 Ordinance 22. 11, Ordinance 23. 12,
21 Ordinance 24. 13, Ordinance 25. 14,
22 Ordinance 26. 15, Ordinance 27. 16,
23 Ordinance 28. 17, Ordinance 29. 18,
24 Resolution 25. 19, Resolution 26. 20,
25 Resolution 27. 21, Resolution 28. 22,

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2 Resolution 29. 23, Resolution 30. 24,
3 Resolution 31. 25, Resolution 32.

4 Motion by Deputy Presiding Officer
5 Kopel. Seconded by Legislator
6 DeRiggi-Whitton. Any debate or discussion?
7 Hearing none, all in favor of those items
8 signify by saying aye. Opposed? They carry
9 unanimously.

10 Now, we are going to item 26 on the
11 calendar, which is a resolution to adopt the
12 Nassau County Police Reform and Reinvention
13 Plan. That is moved by Legislator Ford.
14 Seconded by Legislator Walker. That puts this
15 item before us.

16 There's going to be an amendment in
17 a while but before we get to amendments and
18 debate among the legislators we have an hour
19 set aside for a presentation by the
20 stakeholders in this and actually being headed
21 up by Mr. Fred Brewington. Mr. Brewington, if
22 you would like to begin the presentation.

23 MR. BREWINGTON: Please don't
24 start running the clock. With the permission
25 of the chair I'd like to turn this over to our

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2 first presenter who will be Shanequa Levin and
3 then we will proceed to the podium so that we
4 carry through with our presentation for the
5 next hour. Thank you.

6 MS. LEVIN: Thank you for having
7 us. My name is Shanequa Levin and we've come
8 here today to introduce amendments to the
9 county's plan. We know that you will not
10 implement the whole People's Plan but we are
11 hopeful that you will amend the county's
12 plan.

13 Nassau ranks one of the lowest in
14 equity. Out of 500 Nassau ranks 467. One of
15 the lowest in equity. Among the county's plan
16 we want you to include these proposals because
17 this is how you take steps towards equity, by
18 including the People's Plan proposal. If you
19 want to do anything about Nassau's ranking,
20 because it's horrible, these are some of the
21 steps that you can take.

22 Nassau's plan that they presented
23 is definitely not the way. It doesn't really
24 do anything. Nassau's plan has no Civilian
25 Complaint Review Board. Nassau's plan has no

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2 inspector general's office. Nassau's plan has
3 no oversight. Nassau's plan has no data
4 collection bill. Nassau's plan does not have
5 the Right to Know Act. Nassau's plan does not
6 have the need for consent to be searched.
7 These are very crucial things. This is how
8 you create equity.

9 Voting for the Nassau plan as it is
10 without the amendments that we're going to be
11 suggesting that you add to it is like saying
12 that racial profiling is okay in Nassau
13 County. I see some of you aren't listening,
14 you're not paying attention to me at all. You
15 got your heads down. I'm here. I'm here.
16 Right? We've all been here working doing the
17 jobs that people have been paid to do but we
18 have people here that have been volunteering.
19 So, at least you can give us the respect of
20 giving us your ears and your eyes and paying
21 attention.

22 Because this is real. This is
23 about my life. This is about my family's
24 life. This is about my children's life. This
25 is about my friend's life and my neighbor's

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2 life and we deserve your attention.

3 Nassau's plan, if you vote for it
4 as is, it is saying that racial profiling is
5 okay. You need to acknowledge and face the
6 racism that exists in Nassau County. We can't
7 sit here and pretend like it doesn't happen.
8 Like there isn't bias in racism and policing.

9 Black people are pulled over and
10 are 5.3 times more likely to be arrested and
11 that's according to your own data. We're
12 pulled over more but guess what? We're least
13 likely, 29 percent least likely to actually
14 have contraband on us. But why are we still
15 pulled over more? That's because of bias and
16 racism and it's your job to do something about
17 it. You can't just let it continue that way.
18 We can't continue to have a policing and
19 community safety system that was rooted in
20 slave patrols.

21 It is time. It is on your watch.
22 Are you going to just vote for the county's
23 plan? It's not April 1st yet. You can still
24 do things to amend the county's plan. You
25 still have time to do the right thing. To go

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2 down in history as one that is on the right
3 side of justice. Is that what you're going to
4 be able to go home and say that you did not
5 care? You're okay with racial profiling? Or
6 will you go back and say I did the right thing
7 today? I amended this plan so that way it
8 really includes equity and justice.

9 Last week in front of you
10 Commissioner Ryder said to Legislator Bynoe
11 that this whole reform is about trust. No,
12 it's not. It's not about trust. It's about
13 identifying the bias and racism in policing
14 and doing something about it. That's what
15 it's about.

16 Bias and racism in policing exists
17 and that's what the governor's mandate is
18 making you all do to address that. Not just
19 focus on building better community
20 relationship with the police. That's not it.
21 That is not how we make it a more just society
22 for all of Long Islanders. And that makes
23 sense for him to say that because the plan
24 that they put out does nothing to really
25 address the bias and racism. The fact that he

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2 thinks it's just about building trust shows
3 why their plan lacks real structural reform.

4 Ryder also says that we are not
5 Minneapolis and that this is not Chicago. But
6 he seems to keep forgetting all of the names
7 that were taken here on Long Island. He seems
8 to forget all of the people that were beat
9 here on Long Island. He seems to forget the
10 \$55 million that we had to pay due to their
11 misconduct. That is real and that is here.

12 So, no, we're not Minneapolis or
13 Chicago. We are Nassau and we are doing this
14 right here. Let's not turn a blind eye to
15 what's really happening here in Nassau. Let's
16 fix it. Let's do something about it. You
17 can't cure racism. You can't cure bias. You
18 can't train it away. But what you can do is
19 change the structural system that allows for
20 it to happen. You can create amendments and
21 policies and legislation and codify laws to
22 make sure that all community members will have
23 equitable treatment in encounters when it
24 comes to law enforcement because this is
25 happening here. Right here in Nassau.

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2 I say this to you, we have tons of
3 people that have endorsed the People's Plan.
4 Long Island is ready for change. We have
5 organization after organization, person after
6 person, mom after mom, dad after dad.
7 Organizations, groups, business leaders,
8 activists, social justice people, your
9 neighbors, your voters. Who have all taken
10 the time to endorse and support the proposals
11 of the People's Plan. They are looking at you
12 to be their leaders because they elected you
13 and they are telling you we support the
14 People's Plan. Please show them that you're
15 taking this seriously and that you too will
16 support the proposals of the People's Plan
17 because it's not too late.

18 It's not too late to amend this and
19 make it actually equitable and justice for all
20 like your pledge said. It's your turn to make
21 that happen.

22 I would like to submit the list of
23 names into the record of all of those that
24 endorse the People's Plan because it's
25 important that you know what the people want

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2 you to do. Thank you.

3 LEGISLATOR NICOLELLO: You can
4 submit that to the clerk's office right here.

5 MS. LEVIN: Next up we have Emily
6 speaking about mental health.

7 Before she starts, we're not going
8 to stop. It's doesn't end April 1st. It's
9 not over. We're going to continue advocating
10 for real reform. And summer is coming and
11 people are ready to be outside. And it's time
12 for people to go and door knock for you. And
13 trust me, they won't be door knocking for
14 people that don't care about Black lives.
15 Thank you.

16 MS. CAUFMAN: Thank you
17 Shanequa. Good afternoon everyone. My name
18 is Emily Caufman. I'm here as a
19 representative of Long Island United to
20 Transform Policing and Community Safety. I
21 was one of the co-chairs and am one of the
22 co-chairs of the crisis response working group
23 along with New York Social Action.

24 As I've shared before, we've had a
25 large working group of moms, social workers

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2 educators, lawyers, former police officers,
3 community members directly affected who have
4 worked together to create a crisis response
5 alternative based on research that we've
6 studied, based on programs that we've talked
7 to that are currently in existence throughout
8 this nation.

9 I've met with many of you and I've
10 showed you their pilot programs. I've met
11 with many of you and given you the names of
12 the people in Austin that we can get on the
13 phone tomorrow to help Nassau County begin to
14 transform our crisis response to ensure that
15 folks facing a mental health crisis, folks
16 facing substance use crises, folks facing
17 houselessness crises, get the needed
18 supports. Because mental health and
19 behavioral health programs have been defunded
20 for many years and it is time that we invest
21 resources into our community to give the
22 proper care and response.

23 Before I go on with amendments for
24 mental health crisis I want to stop and take a
25 moment to echo what Shanequa Levin just said

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2 and what you will hear others say which is
3 that Executive Order 203 was mandated for
4 every legislative body throughout this state
5 to address the very real problem of racial
6 disparities and racial bias and racism in
7 policing in our policing systems.

8 I also watched last week's
9 hearing. And I did hear you, Commissioner
10 Ryder, say we're swept up in a national
11 conversation. We're not Minneapolis and we're
12 not Chicago. We're Nassau County. So, yes,
13 you're going to hear us continue to talk about
14 Nassau County where the Washington Post
15 reported that over the last five years, from
16 2015 to 2020, \$55 million, and that is just
17 what we know, I will repeat that because it's
18 astounding, \$55 million have been paid out of
19 taxpayer money to settle police brutality
20 lawsuits. That is not okay. That is not okay
21 for community members.

22 I will direct you to the People's
23 Plan and our proposal about liability
24 insurance so taxpayers are no longer saddled
25 with that. But the rest of our plan and the

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2 amendments we are offering today starts to
3 make inroads to make structural reforms to
4 ensure there is sincere accountability, to
5 ensure that we have the right people doing the
6 right job because racism in policing is real
7 here in Nassau County.

8 And I understand for the white
9 legislators there. I am a white woman. I
10 understand how challenging it is to
11 acknowledge racism. I get it. And I get that
12 you and I have not experienced it. I get that
13 too. But what I'm asking you to do, as Susan
14 says, is to hold two thoughts in our head.
15 Two things can be happening. You and I can
16 have relationships with the police department
17 that are wonderful. You and I can also
18 acknowledge that that is not everybody's
19 reality. And you and I will start to reclaim
20 our humanity and start to become better
21 community members and better human beings when
22 you stand with us and fight to ensure that
23 every community member in Nassau County, every
24 Black community member, every Latino community
25 member, every Muslim community member, every

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2 community member feels the safety that you and
3 I feel because that's possible.

4 And we have proposals here in this
5 plan and amendments we are offering that start
6 to make those structural changes. And I can't
7 think of a reason in the world why we wouldn't
8 want that type of safety for everyone. I know
9 I do. I do believe you do and I am urging you
10 to use this moment to show Nassau County that
11 you are serious, that you care about Black
12 lives and that you will use your position of
13 power to do what you can to make those
14 improvements.

15 So, with regard to Nassau's plan, I
16 am excited to see some movement on mental
17 health crises and I thank the mental health
18 task force that was put together that was led
19 by Commissioner Ryder and Dr. McCummings, who
20 worked to say we do have a problem in our
21 crisis response system. We can make it
22 better. And I'm grateful for that and the
23 community is grateful for that.

24 And I see that you're working
25 towards a dual response and that's a step in

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2 the right direction.

3 And I see that in the plan you're
4 also working to expand the mobile crisis teams
5 in order to expand about ten more clinicians
6 and employees to create five additional teams
7 and that's great. Because we want to ensure
8 that when a behavioral health crisis happens
9 the right responders come to the scene to be
10 able to offer the right resources.

11 So, what I'm asking and I have
12 here, which I would like to submit to the
13 clerk for public record and then I'm also
14 offering for any legislator who has the
15 courage to offer this as an amendment to the
16 plan, we have copies for everyone so all of
17 you can do it.

18 We are asking, number one, that
19 Nassau County collect, publish and analyze the
20 data with regard to this new dual response
21 system. This data will include things such as
22 the nature and description of the call. How
23 are the calls being coded. Who are the who
24 are people dispatched. What was the order of
25 arrival of dispatch. We need to understand if

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2 we have enough mobile crisis teams to actually
3 be able to get to the scene or if we need to
4 expand that.

5 We need to understand the
6 responders to the scene, the role of mobile
7 crisis at that scene as well as the police and
8 we need to know the outcome of that
9 interaction.

10 Analysis of this data will assist
11 the Nassau County Police Department, the
12 mobile crisis teams and publishing it will
13 assist the public and community members, like
14 myself and so many others, who are interested
15 in working to build our community. We want to
16 together better assess the effectiveness of
17 this dual response in order to determine if
18 there are call types which mobile crisis is
19 able to effectively manage without police
20 presence thereby reducing costs to taxpayers
21 and increasing police efficiencies and
22 allowing police to do the job they are trained
23 to do and ensure that people are getting the
24 right responses.

25 So I'm asking that we study this

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2 new model so that we can see what's happening
3 and if it's going as it has gone everywhere
4 else in this nation that has tried this we can
5 continue to move forward with it. That's our
6 first piece.

7 Secondly, we are asking that Nassau
8 County implement a pilot program. I've talked
9 to many of you about this. I've even sent
10 over the details of Denver's pilot program
11 that was started back in June. I will remind
12 folks it was very small. \$200,000. They
13 collected data and after six months, and I
14 will submit it to anyone else who hasn't
15 received it, after six months the data proved
16 so effective they just expanded the program by
17 seven times the funding to \$1.4 million.

18 So, we are asking for the creation
19 of a pilot program where the mobile crisis
20 unit creates responder teams, as they have in
21 other cities, composed of clinicians, trained
22 peers, crisis responders and medics in order
23 to respond to noncriminal, nonviolent mental
24 health, substance use and homelessness crisis
25 without the presence of police officers.

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2 We are asking that Nassau County
3 consult with cities who are doing this such as
4 Denver and Austin. I will give you the
5 contact information and set up those calls.
6 They currently implement effective nonpolice
7 responses to noncriminal, nonviolent 911
8 calls. And we want you to work with them to
9 design your pilot program. As well as to
10 propose how to skill the pilot when it's
11 appropriate to do so.

12 Additionally, we learned that
13 Nassau County can pursue funding for this
14 pilot through the recently passed HR 1319, the
15 American Rescue Package, through which the
16 federal government is working with
17 jurisdictions to carry 85 percent of the cost
18 for the development and maintenance of
19 nonpolice community-based mobile crisis
20 intervention systems. This is a movement that
21 is sweeping the country. If Nassau wants to
22 be leading police department, we expect, we
23 hope that this county will join with cities
24 across the country, follow best practices and
25 start moving towards a public health crisis

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2 response for public health crises.

3 I'm submitting this to the clerk
4 and I ask any and all legislators to please
5 submit it as an amendment. Thank you. Next
6 is Tyrel Dozier.

7 MR. DOZIER: Hello everyone. I
8 appreciate you allowing me to be here today.
9 My name is Tyrel Dozier, and I am a member of
10 LIU United to Transform Policing and Community
11 Safety and Long Island Network for Change.

12 I expected to walk into this
13 chamber very disappointed. As I stood out in
14 front of this legislature with the blue
15 ribbons draping the path inside, a symbol of
16 the model Blue Lives Matter, a motto only
17 created in response and in opposition of Black
18 Lives Matter, I realized that most likely my
19 words will fall on deaf ears. I realized that
20 my life most likely will fall on deaf ears.
21 The lives of your constituents most likely
22 will fall on deaf ears. I was filled with
23 disappointment.

24 Last time that I was here
25 addressing you all I mentioned the fact,

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2 according to your own Nassau County Police
3 Department data, that Black community members
4 here in Nassau are 5.3 times more likely to be
5 arrested than White community members.

6 Last time I addressed this chamber
7 I said that when you look only at drug arrests
8 Nassau County Black community members are four
9 times more likely to be arrested than White
10 community members even though all research
11 across the United States states that Black and
12 White community members commit drug offenses,
13 use and selling of drugs, at similar rates.

14 I said that if you all pass a plan
15 that neglects to begin to address this
16 disparity it will be a tragedy. Unfortunately
17 it appears, based on Laura Curran's plan, it
18 appears that this legislature is okay with
19 tragedy. It is okay to send to the state a
20 plan that doesn't have a single significant
21 structural reform embedded within it. It is
22 okay to maintain the status quo that ensures
23 that Black community members here in Nassau
24 County are more likely to be arrested, more
25 likely to be stopped, more likely to be

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2 searched, more likely to have a use of force
3 used against them. It is okay. A tragedy.

4 And every single legislator who
5 votes yea on this plan without embedding key
6 amendments into it are complicit. You are
7 complicit in this tragedy.

8 Now I would like to offer up an
9 amendment that I believe would significantly
10 improve this plan. Last week Legislator Bynoe
11 posed to Commissioner Ryder a scenario on
12 whether someone seemingly nervous, having the
13 jitters was the exact language she used,
14 during a traffic stop constitutes enough
15 reasonable suspicion to engage in a vehicle
16 search. Nervous.

17 Commissioner Ryder responded, and I
18 quote, If you have a moment and I say please
19 keep your hands where they are. May I just
20 see your license and registration. And you
21 start moving your hands, reaching down by the
22 glove box, what are you reaching for? May I
23 see your license and registration. And then
24 when the hand moves to the glove box what are
25 you reaching for?

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2 Interestingly enough, last time
3 that I was here I spoke, I stated how as a
4 Black driver deciding whether or not to pull
5 out one's registration from a glove box can
6 seem like a life or death decision.
7 Commissioner Ryder in his own words shows us
8 why.

9 I was on a call last week with a
10 Black grandmother and she said that she has an
11 emergency line with her driving age
12 grandchildren so that when they get pulled
13 over by the police to make certain that they
14 can contact someone and have a witness. That
15 someone is able to care for them during that
16 encounter.

17 So, when Legislator Bynoe asks
18 should nervousness, nervousness be considered
19 probable cause, an answer that I think any
20 sane person would clearly say no, of course
21 not, nervousness, jitters, that is turned into
22 a well, why are you nervous? Not from a beat
23 officer, not from a rookie cop but from the
24 commissioner of the Nassau County Police
25 Department. I can tell you that if

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2 nervousness is rational for reasonable
3 suspicion to be pulled over by the police and
4 searched then every single Black person in
5 America is guilty here in Nassau County.
6 Nervousness?

7 The amendment that I pose to you
8 all today is, in alignment with legislation
9 from Oregon and policies, right around the
10 corner, policies from the Suffolk County
11 Police Department, the Nassau County Police
12 Department will prohibit the practice by
13 officers of asking questions unrelated to the
14 objective of a traffic stop. Including
15 requesting consent to engage in a vehicle
16 search during traffic stops for routine
17 traffic violations. Exemptions to this policy
18 is only when an officer can and has documented
19 exigent circumstances where the officer sees,
20 hears or smells something that gives them
21 probable cause to move past the objective of
22 the traffic stop. The policy and procedure
23 will be included in the academy training
24 curriculum and, additionally, the Nassau
25 County Legislature will move to codify this

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2 policy into county legislation.

3 I present this amendment to the
4 clerk to be submitted for public record and
5 ask that a legislator submit this as an
6 amendment here today.

7 And the beauty of this amendment is
8 that based on Commissioner Ryder's own
9 testimony last week, pretextual stops are only
10 utilized to identify a perpetrator and ensure
11 the wrongful arrest doesn't occur. That means
12 you only need a license.

13 And if that is the case, then the
14 inclusion of this amendment would have
15 absolutely no bearing on current practice
16 according to his testimony last week. Yet it
17 will go a long way to mitigate the fears of
18 community members. I will remind you that
19 this policy is exactly being put in to Suffolk
20 County's police reform plan. Right around the
21 corner.

22 I also would like to pose another
23 amendment adopted from the People's Plan and
24 inspired a component of Suffolk County plan.
25 Police officers will hand people a card at the

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2 end of a vehicle, bicycle or pedestrian stop
3 with their name, rank, badge number, command,
4 date, time, reason for the stop, duration of
5 the stop and outcome of the stop.

6 Again, I present this amendment to
7 the clerk to be submitted for public record,
8 and I ask that a legislator submit this as an
9 amendment today.

10 This is called the Right to Know
11 Act because community members have a right to
12 know why they are stopped and who stopped
13 them. It is not enough, as the commissioner
14 suggests, to say that names and badge numbers
15 are already on police uniforms. It is not
16 enough, as the commissioner suggests, to say
17 that in every circumstance all Nassau County
18 police officers tell community members why
19 they are stopped.

20 I'll be honest, a push-back against
21 this is dumbfounded. If something as simple
22 as ensuring each stop results in documentation
23 given to the person who's stopped and that
24 could help garner community trust why wouldn't
25 the county adopt this practice? Why wouldn't

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2 you adopt this practice? It begs the
3 question, what is it that the police
4 department has to hide?

5 It goes back to what was said last
6 week, that this isn't Minneapolis, this isn't
7 Chicago, this is Nassau County. The same
8 Nassau County that over the past five years
9 settled police misconduct cases that amounted
10 to at least \$55 million. What is it that you
11 have to hide?

12 Commissioner Ryder said this plan
13 is about trust. But it's not whether the
14 Nassau County Police Department deserves
15 community trust but whether they are willing
16 to earn the community's trust. And adding
17 these two amendments and the other amendments
18 that we will share will be a clear signal that
19 the department is willing to earn this
20 community's trust.

21 Finally, I'm going to end and going
22 to say this. Your constituents and your
23 community members deserve better. They
24 deserve better than a plan that fails to
25 address even the appearance of

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2 accountability. They deserve better than the
3 status quo maintained by legislators' fears
4 instead of doing the hard work of leading and
5 creating legislation based on data and
6 research. They deserve better than a
7 government that is okay with pretending that
8 antibias training, park, walk and talk and
9 body cameras are going to somehow be the
10 panacea for 5.3 times more likely to be
11 arrested.

12 And because they deserve better, I
13 walked into this chamber extremely
14 disappointed. But then I remembered, and I
15 think it will behoove you all to remember this
16 too, that the winds of change are here. That
17 politics might have a way of blinding this
18 chamber to them but they are raging around
19 you. And that those who hunker down and drop
20 anchor will find an unforgiving tempest. But
21 those who pitch their sail and allow
22 themselves to be carried will be welcomed with
23 the fruits of a new land. This is the civil
24 rights movement of this generation. It is
25 just the beginning. And you all need to

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2 decide what side of history you're going to be
3 on. Thank you. Susan Gottehrer will now
4 speak.

5 MS. GOTTEHRER: Hi. Good
6 afternoon. My name is Susan Gottehrer. I am
7 here today as a member of Long Island United
8 to Transform Policing and Community Safety and
9 Long Island Advocates for Police
10 Accountability.

11 It's really hard to follow that
12 because there's just so much that's
13 bewildering about this but I'm going to get a
14 little technical with everybody on the way
15 this plan is put together.

16 We've all been working very hard
17 and I know that you have as well. I have to
18 thank you for the vigilance that I've seen
19 many of you, not all of you but many of you
20 put into this. You've been communicating with
21 us. You've been making time for us and I do
22 want to thank you for that.

23 But I really want to emphasize that
24 this -- it's not about individual people.
25 It's not about even talking about good cops or

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2 bad cops. This is about institutions. This
3 is about governments. It's about checks and
4 balances and it is about power. P-O-W-E-R.
5 Power.

6 I don't think there's anybody up
7 here who would suggest that any body of
8 government that has power should just be
9 trusted. I don't even know how those words
10 are uttered. It's about an institution that
11 carries the awesome power of the state and the
12 authority and ability to change lives or take
13 lives on a dime. And recognizing that fact
14 means that we also have to recognize that no
15 agency or government or governing body,
16 regardless of the service provided or the
17 intentions of those in charge of the
18 institutions is beyond being checked. Because
19 last time I checked we the people don't just
20 turn our lives over to government and say we
21 hope for the best. We trust you. They may do
22 that in other countries but we don't do that
23 here.

24 I don't think there's any one of
25 you that would want somebody from the other

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2 side of your political persuasion to be
3 unchecked. It's civics 101. It is beyond me
4 how this plan does not have oversight. It has
5 a little bit of oversight. I thank you for
6 what you did put and we will get to that.
7 That is why Congress has the power to practice
8 oversight over the executive branch. It's not
9 personal. It's smart government. It's not
10 about good intentions. It's not about
11 trusting any one individual. It's about
12 checking power. Anyone that doesn't recognize
13 that should not be in a position of power.

14 Now, looking at the legislation
15 itself, I'm sorry, the plan itself, aside from
16 the fact that it looks to be that somebody
17 said to the police commissioner are these the
18 things that are okay with you? Oh, okay, then
19 that's what we'll put in the plan. These are
20 the things that are not okay with you? We
21 won't put it in the plan.

22 I want to remind you all that you
23 have until April 1st. We are passing out
24 amendments. They are very common sense
25 amendments. We are asking you to not vote on

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2 this today and we are asking you to take these
3 amendments into account and I will go over a
4 couple of them.

5 But the bigger problem with this
6 plan is that it leaves it up to the people and
7 the advocates to track, monitor and God only
8 knows how we're ever going to enforce. I'm
9 speaking from experience. We've had a
10 language access plan in this county for
11 decades and we are still desperately trying to
12 get it implemented. So many provisions of
13 it.

14 So the problem with this plan and
15 what we are asking an amendment for is that a
16 lot of this plan is ensconced inside police
17 policy. It's hidden inside policy manuals,
18 directives, memos, whatever it is, practice
19 and we are asking that it be legislated as
20 much as possible. That it be legislated.
21 Codified. Because otherwise it leaves it up
22 to the advocates and the public to try to find
23 out what's going on, to try to figure out how
24 it's going on, where it's going on, when it's
25 going on. And again I'm going to say this,

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2 we've been trying to do with the language
3 access plan for decades.

4 Part of the problem with this plan
5 is very technical and I believe that there is
6 some sort of strategy to count on the fact
7 that the public doesn't know this. This plan
8 cannot be only policy. It has to be
9 legislated. There has to be as many possible
10 pieces of this plan codified into legislation
11 with enforcement mechanisms and monitoring.
12 And there's a piece that's going around that
13 you guys will have.

14 So, the reforms are hidden from the
15 public. Worse, it leaves the policy
16 voluntary. So, if it's just police policy
17 it's really voluntarily. Between not being
18 able to see what's going on and it just being
19 internal police policy it's really up to the
20 police commissioner to get it done. And who
21 is watching the police commissioner? Well, we
22 don't have a CCRB and we don't have an
23 inspector general's office so how convenient
24 is all this? It's voluntarily. And then the
25 advocates and the public have to exhaust

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2 themselves trying to figure it out. I think
3 that they're counting on that and I think that
4 they're counting on the public not knowing
5 this. That, my friends, is what contempt
6 looks like. So, we're asking that you codify
7 it. There are so many components of this plan
8 that also are hidden.

9 The other thing is body worn
10 cameras footage for example. It seems to me
11 that the body cameras are being sort of used
12 as a talking point as we're all for
13 transparency and we don't need anything else
14 because we have the body cameras. Which we're
15 glad we have the body cameras but it's a tiny
16 piece. A tiny, tiny piece.

17 On top of that, we have to go ask,
18 we, again the public, the public has to kill
19 itself to try to find out, to try to obtain
20 the body camera footage. Again, you're
21 counting on the advocates and the public to
22 exhaust themselves trying to figure it out.
23 So that's what's wrong with the body camera
24 footage. There's also a policy -- an
25 amendment we're recommending relating to body

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2 cameras that I will go over in a second.

3 Concerning vigorous oversight like
4 the inspector general's office and the CCRB,
5 we're happy for the addition of the
6 legislative oversight. Really happy about
7 that. But I just have to say, if we get a
8 legislature that is majority one party or the
9 other that does not care to conduct oversight
10 over the police, if this stays in the realm of
11 just a policy suggestion and is not legislated
12 the legislature will not have to conduct
13 oversight and there goes the whole ball game
14 on oversight.

15 In addition to, please codify that
16 biannual hearing. We're also re-asking for
17 the CCRB and the inspector general's office.

18 As far as the answer that the
19 attorney general's office is the one that will
20 conduct oversight that one shows the most
21 contemptibility. I don't know how many of you
22 have ever tried to get a state agency, a state
23 oversight agency, to monitor all the places
24 it's supposed to monitor. We can't get the
25 SCOC to do what it's supposed to do. And for

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2 the Nassau County jail there's a funding
3 issue, there's a capacity issue, there's just
4 a staffing issue. And the same thing for the
5 attorney general's office. It's not
6 intentional. It's just that the answer to
7 oversight in Nassau County is take it to the
8 attorney general if you have a problem.

9 Again, the onus is on the public
10 and the advocates. Not okay. We need local
11 oversight. That answer also shows contempt
12 for the public because they're counting on the
13 public not to know that. Advocates know it.
14 The public doesn't.

15 I will finish up and I will say
16 we're passing around amendments. I'll
17 actually go over the body worn camera
18 amendment which is related to the footage but
19 also to a separate piece. The policy piece.
20 When the policy governing the use of body worn
21 cameras is developed we would like this to be
22 an amendment to the plan. We would like for
23 there to be public inclusion of community
24 members and experts in body worn camera policy
25 about who's activating them. Where is it

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2 stored. When is it on. When it is off.
3 Who's making those decisions. These are
4 really important decisions and we don't want
5 them done with some consultant that was hired
6 that we know nothing about.

7 We'd also like the amendment to
8 include full disclosure of the consultants.
9 Who are their clients? This goes for vendors
10 as well. Who are their clients? What are
11 board of directors? What are the board of
12 directors connected to? This whole thing on
13 surveillance equipment can be a racket and we
14 need public disclosure on connections about
15 all the people that are taking part in all of
16 this.

17 As I said, the Right to Know. We
18 are asking for codification in legislation in
19 as many places as possible. Otherwise, it's
20 all voluntary. It's voluntary. So, I will
21 leave you with that. Thank you.

22 MS. GREY-OWENS: Good afternoon.
23 I'm Julie Grey-Owens, executive director of
24 Gender Equality New York, a nonprofit that
25 advocates for gender expansive people

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2 including transgender, gender non-binary and
3 intersex New Yorkers. I'm also a member of
4 the Nassau County Jail Advocates and I've been
5 training transgender cultural competency to
6 the recruits at the Nassau County Police
7 Academy since 2017.

8 I have submitted a five-page
9 response to the portion of the amended draft
10 of the Nassau County Police Reform EO 203
11 entitled Encounters with Transgender Persons.
12 As well as the overall plan to provide
13 possible improvements in language and
14 demographics.

15 Page one of your packet you should
16 see it as an Excel spreadsheet. Shows
17 specific improvements to the transgender
18 policy that should be included before
19 submitting this plan to Albany. The page is
20 followed by the actual procedure Exhibit-AE.
21 I will tell you that the policy is sound but
22 does need some modifications. The policy
23 issues are as follows.

24 First of all, the need to include
25 terminology for gender non-binary people,

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2 including the name of the procedure and adding
3 the definition to the term. These are people
4 who do not identify as transgender and who do
5 not feel male or female and who may have
6 behaviors and appearances that don't conform
7 to social expectations. They all share a
8 deep, persistent unease with being associated
9 with the gender binary that they're assigned
10 and prefer using gender neutral pronouns like
11 they, them and theirs.

12 The need to add the term cisgender
13 to the definition section, which speaks of
14 people whose personal gender identity matches
15 the sex designation given to them at birth.
16 The need for this definition will be explained
17 shortly.

18 Throughout the arresting procedure
19 there is no mention of the requirement to ask
20 for and use the person's personal pronouns by
21 the police officer. Misgendering by using the
22 wrong pronouns is considered harassment in New
23 York State law.

24 During the initial steps of the
25 stop and question section of the procedure

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2 there is no mention of the department's search
3 policy of conducting same sex searches as part
4 of the gender indicated on the government
5 identification unless the person requests
6 otherwise. This department guidance is shown
7 later in the process but needs to be placed
8 upfront at the first mention of searching the
9 person.

10 In regard to gender classification
11 on the arrest processing paperwork, if the
12 person does not have a government ID the
13 classification uses the self-attested gender
14 identity. In other words, what is your gender
15 identity? Okay, I'll put that on the report.

16 If the person has a government ID
17 the officer is instructed to use the sex
18 designation on the person's ID. A person
19 should not be punished and triggered just
20 because they have a government ID.

21 In regard to placement in secure
22 holding location, the procedure directs the
23 desk officer to consider the privacy of all
24 arrestees. As it's been explained to me, all
25 arrestees means the other people who are

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2 potentially incarcerated. This is a
3 discriminatory process as law enforcement
4 should not be able to refuse a person their
5 preferred housing based on unfair and
6 discriminatory reasons such as anatomy or
7 genitalia, sexual orientation or the
8 complaints of cisgender people who are
9 incarcerated. Imagine if placement of Black
10 people was determined by the comfort of White
11 people who were incarcerated.

12 I have included a copy of the first
13 two pages of the department's bias incident
14 hate crime procedure which has a wonderful
15 definition of bias, bias incident, gender and
16 gender identity. These definitions need to be
17 used throughout the report because as an
18 example there is a significant difference
19 between the term gender and the term gender
20 identity. These definitions must be used
21 throughout the report and I've listed numerous
22 pages and sections where these changes are
23 needed.

24 I just want to be clear, we are now
25 not talking about just the transgender policy,

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2 we're talking about the policy 410 pages
3 worth.

4 Further, in regard to documenting
5 bias, the listing of racial, slash, ethnic
6 bias should include gender identity bias.

7 There are also issues regarding
8 demographics throughout the report.
9 Information reports that involve gender issues
10 are shown with only male and female
11 demographics. In order to recognize those who
12 are gender expansive and their issues means
13 that a third designation, and I'm suggesting
14 you use the designation TG and B which stands
15 for transgender gender non-binary.

16 If our community is not properly
17 measured we cannot address problems that are
18 specific to us. An example is on the last
19 page of this report rank, sex, race,
20 demographics of the current staff of the
21 Nassau County Police Department. If a
22 community of people is not shown how can we
23 note a problem in hiring and take steps to
24 solve it? If you are not measured you are not
25 treasured.

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2 Finally, there are multiple forms
3 in the report that shows only male and female
4 as sex designation. This will become a severe
5 issue when the Department of Motor Vehicles
6 adds the third gender X to New York State
7 driver's licenses. There must be more than
8 two sex designations.

9 These changes must be made if
10 Nassau County truly means that they're
11 committed to fostering trust, fairness and
12 legitimacy while working towards reducing
13 racial and gender disparities. I urge you to
14 add these recommendations to the final plan
15 submitted to Albany. Thank you.

16 MR. BREWINGTON: Good afternoon.
17 First, I thank Presiding Officer Nicoletto for
18 your leadership. I thank you also for your
19 attention to making sure that there was ample
20 opportunity to be heard. I also want to say
21 this with deep earnest feelings that Denise
22 Ford, we may never agree on everything but I
23 am sure that we agree on one thing. That you
24 did what you thought was important to make
25 sure that people got heard. I thank you for

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2 that. That's important for us to acknowledge
3 each other in times when we find ourselves in
4 different positions. Yes? We find ourselves
5 many times at a place where we say I disagree
6 with him or her fervently. But that does not
7 mean that we don't remain civil. That does
8 not mean that we don't remain engaged and it
9 does not mean that we have to stay where we
10 are.

11 Because the reason why people give
12 breath to issues such as these that we find
13 ourselves talking about today is because they
14 are paramount to who we are as Americans. My
15 ancestors and I can only go back three
16 generations. They came over in the hull of a
17 ship. But when they came here they were
18 treated as though they were less than. And
19 anybody that's treated as though they are less
20 than in our society needs to be recognized
21 first. It needs to be identified, second.
22 And then we need to change it, third.

23 We are at the third point now
24 because we've already, that being many of the
25 people in this chamber, know that there is a

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2 difference in the way people are treated in
3 Nassau County by their own police department.
4 I've asked the county executive and the
5 commissioner to admit that. They have refused
6 to admit that there are racial disparities
7 with regard to arrests in Nassau County. That
8 is a problem because when you don't admit that
9 there is a problem you cannot heal yourself.
10 You can't say I don't have cancer and then not
11 go to the doctor and not expect to die.

12 We have something that is
13 burgeoning underneath our own skin and we need
14 to deal with it legislators. If indeed you
15 say well, I really don't see that. Let me
16 tell you I do. And let me tell you there are
17 hundreds, no thousands of people in Nassau
18 County that do. Some of them are listed on
19 that very long list of people that said adopt
20 the People's Plan.

21 The reason why I went to this
22 brother back here and I took this sign because
23 I represented Christopher Wade's memory. And
24 it cost the county \$2.5 million for a rogue
25 officer who they knew was doing the worst

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2 things possible to people of color and they
3 did nothing except for pay the bill.

4 The time for change is now. And
5 part of the problem that we have today is that
6 people don't want to change. They use those
7 dreaded nine words, that's the way we've
8 always done it as an excuse for not making a
9 change. Change is going to come. Yes, it
10 is.

11 Let me just borrow, because I love
12 music. Do I love music? There's a song that
13 says wake up everybody. No more sleeping in
14 bed. No more back with thinking it's time for
15 speaking ahead. Think ahead.

16 May 25th, 2021 will be the first
17 anniversary of the killing and murder of
18 George Floyd. April 1st comes before that.
19 You have the opportunity as legislators to
20 make the changes that need to be made so that
21 you are not embarrassed by those people who
22 will take to the streets and raise questions
23 and raise their voices and push the limit such
24 so that there is no good debate going on in
25 the public square. Now is the time.

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2 And part of what I want to just
3 stress -- by the way, we're getting towards
4 the end of our presentation Mr. Chair and
5 Madam Assistant Chair and Deputy and we tried
6 to do this in a respectful way. We have
7 abided by your rules. We have adhered to your
8 limitations even though we were treated
9 differently the last time we were in this
10 chamber. We forgave but did not forget.

11 But we want to be real clear. When
12 I say we, I'm speaking for thousands of people
13 who endorsed the People's Plan and put their
14 blood, sweat and tears into it. Those
15 individuals I'm speaking for when I say we
16 also have an expectation that when they go
17 into the voting booth on that Tuesday in
18 November that they can have some level of
19 confidence that when they cast their vote for
20 whomever they choose who may be up here with
21 the crown of incumbency on them that they can
22 push or use that pen now.

23 There's a real concern and you need
24 not stick your head in the sand. Everybody
25 knows it when you stick your head in the sand

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2 there's only one thing sticking up. That does
3 not have to be the case. Mr. Kopel got that.

4 The real point that I want to drive
5 home as I talk about the Civilian Complaint
6 Review Board is that there is a need for real
7 accountability not to one's self but to the
8 people who give the power in the first place.
9 Accountability is severely lacking in what's
10 been proposed by the county executive. For
11 the life of me I don't understand, or maybe I
12 do but don't want to understand, why there is
13 no accountability built into this plan right
14 now. Things like an inspector general.
15 Things like a full and complete Stat Act.
16 Things like a CCRB. Things like the Right to
17 Know. Things that make it common sense that
18 if indeed you want a police department to be
19 responsible and responsive to the people that
20 any sane person would say that makes sense.

21 I believe that you're all sane
22 people and I believe that you believe that
23 makes sense. I also believe that some of you
24 are afraid. And there are people in here that
25 have a little emblem on their lapel that deals

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2 with unions and union money and all that
3 stuff, it needs to be out of the equation
4 right now.

5 And part of what we need to do is
6 step back, say on this one you can say what
7 you want but I'm going to swing with the
8 people. Because the People's Plan makes
9 sense. It's well researched. It's better
10 researched than anything proposed by, you
11 know, fourth floor. But the reality is that
12 this is the time.

13 So, let me hand up a couple of
14 things and then I'm going to talk about the
15 CCRB and I'll sit my derriere in the chair.
16 I'd like to hand these up because this is
17 today's opinion from Newsday. Some of you
18 read that paper. It's an op-ed that they were
19 good enough to print by myself and sister
20 Shanequa writing on behalf of three major
21 organizations that put the People's Plan
22 together with the help of others and it speaks
23 to the problems. It also speaks to how to
24 solve those problems.

25 I will hand this up right now.

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2 Folks can get it. But as I talk about the
3 Civilian Complaint Review Board I got to take
4 you to a different time and different place
5 and I'll sit down in a moment.

6 I want to take you to places like
7 when the Constitution of the United States was
8 penned. And that every black person who is in
9 this room at that time would have been
10 considered less than human. You and you and
11 me and some of these other folks would have
12 been considered less than human. If that
13 doesn't send chills down your spine and make
14 you want to sit up in your chair you need to
15 think about that.

16 Because this is a time when we can
17 start to reverse that 400 years of history.
18 Don't say I wasn't there. It didn't happen on
19 my watch. Because each of you that are up
20 there thinking that are the beneficiary of
21 that. And it's okay to have that
22 conversation. It's okay to talk about that.
23 Because that's all of our shared history.

24 So, when we ask for accountability,
25 yeah, you better believe. Why? Because it's

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2 time that people start answering to us as a
3 community and not live in silos where they
4 believe that they can do anything and say
5 anything they want because that's exactly what
6 happened to Christopher Wade. Many of you may
7 not know his name. He got shot nine times.
8 Five times in the front, four times in the
9 back. And the officer said I thought he had a
10 gun and the officer was never disciplined.
11 The complaint was never fully investigated.
12 And the presentation by the district attorney
13 in the grand jury was officer, you felt afraid
14 for your life, isn't that true? Oh yes,
15 absolutely. And the grand jury exonerated
16 him.

17 But the jury who heard all the
18 facts, that went to the scene and looked and
19 saw how he could lie. And how a pastor looked
20 down from a window and saw Christopher Wade
21 being shot in the middle of his head as an
22 officer said I told you to shut -- using the
23 MF word and testified under oath, that was
24 never heard by the grand jury in the
25 appropriate way. That's why it cost the

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2 county \$2.5 million.

3 There was a need in that case for
4 an independent body to do an evaluation of
5 what happened with Christopher Wade and look
6 at in a real way. There was none. It was
7 covered up by the police. It was covered up
8 by Nassau County and indeed it was covered up
9 by the district attorney's office and I say
10 that not lightly.

11 Each of you needs to understand
12 that accountability today is being asked for
13 in this chamber in a civil way. That's why
14 I'm bringing you from today to May 25, 2021.
15 CCRB is a good response in part to
16 accountability. So are the other things that
17 we spoke about.

18 But I just want to end with this.
19 That if indeed it can't be done in the quiet
20 of a hallowed chamber we will go to the
21 streets. I will be there, all 64 years of my
22 life, right out in front until I lose my
23 voice. Because there's not a young Black man
24 that's going to get beat again, who's going to
25 get killed again, who's going to be abused

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2 again or get afraid of going to their glove
3 compartment to get their ID and their
4 registration while I am here on God's green
5 earth. I'm not going to give breath to it.

6 If you think that my pledge is
7 serious, what do you think 16, 17, 18, 19, 20
8 year olds are saying in their hearts every
9 time they get pulled over? They're afraid,
10 they're angry, and more important, they are
11 distrustful. If you want to change that,
12 because whether or not we like it or not, and
13 I say everybody, Long Island is going through
14 a change right now. It is one of the most
15 segregated places in the country. We know
16 that. We've heard that touted all over the
17 place. But the reality is that the growth of
18 its communities of color are starting to flex
19 their muscles politically and intellectually
20 and we will come like a wave to help you
21 change your mind.

22 So, I encourage you all legislators
23 two motions are requested. One, that somebody
24 move that the matter of voting on this be
25 tabled until a date closer to April 1st.

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2 Second, that one of you or more of
3 you take these amendments that we provided to
4 you and move them from the floor. Or if
5 you're going to adjourn this matter for
6 purposes of considering what has been
7 presented to you, place them appropriately
8 within the seven-day rule before the
9 legislature for adoption and/or the county
10 executive agreeing to make them part of her
11 plan.

12 We can celebrate on May 25th that
13 there has been real change in Nassau or we
14 could be at logger heads in opposition to each
15 other.

16 The Reverend Adrian Brewington, who
17 I have to take the garbage for out every
18 night, tells me that peace is a better way.
19 That agreeing is a better way. My faith tells
20 me that that's a better way. But even Jesus
21 turned the tables over in the temple. Be ye
22 warned and also be ye encouraged because
23 that's why we're here today.

24 I'll hand up my amendment at this
25 time and we thank you for giving ear to our

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2 voices but now we ask you to give votes to our
3 voices.

4 LEGISLATOR NICOLELLO: Thank you
5 Mr. Brewington. I don't believe there's a
6 need to have a presentation again by our
7 commissioner who has spoken a number of times,
8 but if anyone on the dais has a specific
9 question they want posed now is the time to do
10 it before we start considering amendments.
11 Again, I'm not calling for another
12 presentation. We had a presentation. But if
13 there's a specific question that needs to be
14 asked at this time. One moment legislator
15 Solages. Legislator Ford has a question and
16 then you do I take it as well.

17 LEGISLATOR FORD: Good
18 afternoon. Thank you very much Presiding
19 Officer.

20 LEGISLATOR NICOLELLO: I think
21 we're going to ask the commissioner to come
22 up.

23 COMMISSIONER RYDER: I'll yield.

24 LEGISLATOR FORD: Commissioner
25 Ryder, thank you. Can you just clarify for

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2 us, because I know that some of us were a
3 little -- we have a difference of opinion in
4 regard to the 911 bureau and the tiered
5 response and how those calls are going to be
6 handled. Some of us think one way some of us
7 took it another way. I would really like to
8 have complete clarification on the response,
9 the way that the tiers are going to work.

10 COMMISSIONER RYDER: Again, the
11 confusion comes in the fact that we did have
12 legislation and also the EO 203. It's all
13 about educating the public about when they
14 should or when they should not call 911. If
15 we can educate them that in a nonemergency,
16 nonthreatening type situation to call mobile
17 crisis directly, our service provider
18 directly, that's a plus for us. That's better
19 service for, again, that victim.

20 The second part of that is once you
21 call 911, the 911 operator has a script. CB
22 operator has a script in front of her or him.
23 He will read that or she will read that and
24 then decide if there's no threat, there is no
25 violence, there is no emergent situation that

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2 there can be a referral directly to mobile
3 crisis. We will then contact mobile crisis.
4 CB will stay on the line. Once mobile crisis
5 speaks to the victim or the victim's family
6 and says -- they'll tell our 911 operator we
7 are aware of this individual. We know what's
8 wrong. We have it from here. There's no
9 threat. There's no emergency. Okay, thank
10 you and 911 will disconnect.

11 If the questions get answered a
12 different way, then of course 911 will
13 dispatch police along with a police ambulance
14 and dual response from mobile crisis. They
15 will be notified and they will respond. These
16 are between the hours of eight o'clock and
17 midnight. The reason we do it between eight
18 o'clock and midnight that is the majority of
19 the calls. Very few come in the after hours.
20 That doesn't stop us from them reaching out to
21 mobile crisis from the scene by phone.

22 Once we're on the scene and we are
23 almost probably 99 percent of the time be
24 there before the mobile crisis, we have the
25 situation under control. Johnny, for

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2 argument's sake, is sitting on the couch and
3 good. We will notify mobile crisis. They
4 will come in. Once they are comfortable, we
5 will step outside and they will address the
6 problem at hand. If there is a need for us to
7 stay we will stay. Once it's a medication
8 question or something that could have been
9 handled differently they will make that
10 decision. They are the experts. They are the
11 providers. They will tell us if one, he or
12 she has to go to the hospital or the person
13 can stay here, we got the medication and
14 everything's okay.

15 All those numbers, all that data
16 will be collected. All those numbers -- and I
17 heard earlier as was Emily speaking and we're
18 meeting with Emily next week -- is that all of
19 that data will be collected. All of that will
20 be researched. We will research the dual
21 response and of course we will come back and
22 analyze that to what is the best way to serve
23 our victims, our public.

24 LEGISLATOR FORD: So you'll sort
25 of move towards an embracement to a certain

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2 degree of the plan that was Emily Cauffman's in
3 regard to --

4 COMMISSIONER RYDER: It is a
5 piece of the People's Plan. It is a piece of
6 Emily's statements that she said here and it's
7 also a piece of what our experts at mobile
8 crisis tell us.

9 LEGISLATOR FORD: I know that
10 with the 911 bureau that is like the first
11 point of contact for so many people. I just
12 want to make sure that we start the process in
13 that respect because to me it's very, very
14 important. I know especially for the
15 training, and, you know, since we're going to
16 be revisiting this in six months, I think it
17 is, we will be looking at the 911 bureau and
18 hopefully have an audit done so that we can
19 see how the calls have responded. And we will
20 at least then, for our own comfort, be able to
21 see what has been happening and what possibly
22 needs to be improved upon.

23 Aside from that -- just have to
24 change my glasses. Then offline I will also
25 give you my thoughts that I perhaps might be

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2 some recommendations on my part that I would
3 like to after all of this.

4 I think for the traffic stops, I
5 know that Legislator Bynoe had brought it up
6 in regard to people being nervous and it made
7 me realize, I guess it didn't connect at that
8 point for me, there are many reasons why some
9 people may have certain movements in a car
10 that can be misrepresented or misinterpreted
11 by police officers.

12 We have in my family, we have a
13 neurological disease called Huntington's unit
14 disease. What that does is it starts
15 debilitating a person. So while a person may
16 be quite capable of driving a car or being
17 able to walk, they end getting what they call
18 career movements. So, like maybe while, so
19 may be -- and their sense of nervousness may
20 be heightened because of being stopped by
21 police. Not that they would be doing anything
22 illegal. They just happen to have a disease.
23 A sickness.

24 I think when you look at that, you
25 may have somebody who's moving, even if they

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2 stopped them in the street or something. You
3 might have people almost looks like they want
4 to fight you but they're not. They just can't
5 help it. They can't control their movements.
6 I think that I would like to see something
7 perhaps come up with so that we can better
8 address that if things happen.

9 Because I know in speaking to my
10 niece, who has been involved with this, that
11 in the past there have been people who've had
12 these types of conditions, and whether or not
13 they're Parkinson or whatever, there's so many
14 different illnesses that people have that we
15 take a look at that. Maybe we should have a
16 different set of eyes taking a look at the
17 traffic stops in regard to that or just
18 stopping people.

19 COMMISSIONER RYDER: The context
20 of which that was taken was if I would search
21 a vehicle. When would I be permissible to
22 search a vehicle and at the consent and when
23 would it not be consent. When would the
24 exceptions apply. That was the example that I
25 gave for that exception. That's a Supreme

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2 Court decision. Not a Pat Ryder made up
3 decision.

4 We collect all the data. As
5 Mr. Brewington explained way on in his first
6 presentation here that the data was
7 insufficient. I agree. I concur. The data
8 we posted was the data that we had. From
9 going forward, and we have since January 18th,
10 collected all of that data.

11 The people in the car that we can
12 identify or not identify. The race of the
13 individuals. The reason for the stop. If the
14 car was searched. All of that. And as of
15 today, we are 100 percent compliant on our car
16 stop data regarding it. How do I know that?
17 Because every single police car in Nassau
18 County is GPS'd. You don't move throughout
19 the county as a cop in Nassau without us
20 knowing where you are. Every radio will be
21 GPS'd as the new system rolls in. The body
22 worn cameras as they move forward will be
23 GPS'd. A cop can't move in this county while
24 he's working without big brother watching down
25 and knowing where he is.

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2 So, when we talk about technology
3 and data collection it's the data collection
4 and the technology that's being gathered on
5 our cops. We know we they are. They can't
6 say I didn't do that car stop. Bring up the
7 GPS data. We find it and now we do the
8 comparison.

9 LEGISLATOR FORD: What happens if
10 you do a traffic stop or just stop somebody in
11 the street and they don't have the ability to
12 be able to respond to say like there's no
13 reason to search my car? I mean, because not
14 everybody should have their car searched.

15 COMMISSIONER RYDER: In the
16 consent process there's three things. You
17 must voluntarily, intentionally and
18 knowingly. You have to be aware that you have
19 given consent. I do the car stop and I said
20 he gave me consent and he says he didn't. I
21 got that. In the newer age, coming in
22 September, October, it's on video. My name is
23 on video. Part of the new body worn camera is
24 that I will announce who I am, police officer
25 Ryder and I will tell the individual I am

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2 wearing a body camera. That's part of the
3 policy that we're moving forward with.

4 And then we will say the reason I
5 stopped you is for A, B, C. And if he does do
6 a further movement, if there is marijuana in
7 the car, whatever allows us, drunk driver,
8 allows us to get into that vehicle that will
9 all be on video to be shown and
10 accountability. You can't lie against the
11 video.

12 LEGISLATOR FORD: When the police
13 officer stops do they have a hand-held
14 computer when they stop?

15 COMMISSIONER RYDER: The computer
16 is back in the car.

17 LEGISLATOR FORD: They would go
18 back to the car, input everything. Does it
19 have any ability to print or anything?

20 COMMISSIONER RYDER: It does
21 print the tickets right there on-site, yes.

22 LEGISLATOR FORD: They actually
23 then would give a ticket or a citation?

24 COMMISSIONER RYDER: It also
25 gives them an explanation of what they can do

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2 if they need to file, excuse me, to disagree
3 with the summons or not.

4 LEGISLATOR FORD: If somebody
5 doesn't get a -- are they allowed to ask to
6 say why am I stopped and then have the police
7 officer tell them why they were stopped?

8 COMMISSIONER RYDER: It is in our
9 department policy that we must give that when
10 asked, yes.

11 LEGISLATOR FORD: Do they do it
12 in writing or is it just verbal? I'm asking.

13 COMMISSIONER RYDER: It's a
14 verbal response.

15 LEGISLATOR FORD: I might have a
16 question later. I don't want to hold up.

17 LEGISLATOR NICOLELLO: I just
18 want to clarify. This part is for people with
19 actual questions for the commissioner. We're
20 all going to have an opportunity to make
21 statements later on before the vote. If you
22 have a statement to make you may want to wait
23 until we get ready to vote. If you have a
24 specific question for the commissioner by all
25 means.

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2 Legislator Mule.

3 LEGISLATOR MULE: Yes, thank you
4 Presiding Officer. I do have some questions.

5 So, I think it's a very compelling
6 argument. I'm sorry, I will put in my video.
7 I can't see myself here.

8 I think it's a very compelling
9 argument that no one can police themselves.
10 And when I was a member of the school board
11 we, by law, had to have independent auditors,
12 three different kinds of auditors, come in to
13 audit our books and that came out of the whole
14 Roslyn financial scandal in the Roslyn school
15 district. So, I really do think that that's a
16 very compelling argument. How does the plan
17 address these concerns since there is no CCRB
18 or inspector general?

19 COMMISSIONER RYDER: We do, first
20 of all, we audit our books also yearly by
21 Deloitte.

22 LEGISLATOR MULE: I'm not talking
23 about finances.

24 COMMISSIONER RYDER: You did.
25 You said your budget.

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2 LEGISLATOR MULE: I did. I think
3 you said -- sorry.

4 COMMISSIONER RYDER: I don't
5 think teachers, in discipline, are brought in
6 by outsiders to be audited, are they? No,
7 they're not.

8 LEGISLATOR MULE: Well, that's
9 true.

10 COMMISSIONER RYDER: Doctors,
11 lawyers they all get judged by their peers.
12 We are judged by those, that management, the
13 professional police department of Nassau
14 County. They handle that judgement. So, we
15 take the data, we will make all the data
16 public. We will analyze it any way that it's
17 requested. We're not hiding nothing.

18 When it comes to the discipline we
19 will then explain that discipline. We will
20 bring it here to the Public Safety Committee
21 and explain the findings on those that have
22 been disciplined.

23 LEGISLATOR MULE: Commissioner,
24 what would be the reasons for not having
25 either an inspector general or CCRB?

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2 COMMISSIONER RYDER: There are
3 numerous layers of oversight on the police
4 department. Starts with supervisors,
5 commanding officers and what we call the blue
6 team. That is our early intervention. On top
7 of that there is the internal affairs unit,
8 there is the district attorney's office and
9 now the inspector general as of April 1.

10 LEGISLATOR NICOLELLO: You mean
11 the attorney general?

12 COMMISSIONER RYDER: Sorry.
13 Attorney general as of April 1. So, all of
14 that oversight is on top of the police
15 department now. Our members are GPS'd. We're
16 wearing body cameras to hold us accountable.
17 At any stop, any interaction with the public
18 that body camera will be on. And in fairness
19 to the public, we will announce that the body
20 camera is on. That is one of the best
21 policies that we follow in looking at New York
22 City who does it.

23 LEGISLATOR NICOLELLO: Just ask
24 the ladies and general let the commissioner
25 speak. When people ask questions they want to

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2 hear what his response is.

3 COMMISSIONER RYDER: From the
4 accountability side, from the data collection,
5 the body worn cameras, the GPS that are on
6 both our radios, our cameras and our cars and
7 then of course the layers of inspection from
8 internal affairs, district attorney, attorney
9 general. And then on top of it, like I said,
10 we go back to the body worn camera. Any
11 conflict and we will play the camera video.

12 LEGISLATOR MULE: As I understand
13 it the Suffolk plan includes a liaison to the
14 attorney general. Is that provided for in
15 this plan?

16 COMMISSIONER RYDER: There is 75
17 and 70(b), both of those are liaisons to the
18 attorney general. In 70(b) that is the one
19 that addresses in custody death on duty or off
20 duty. In custody or not in custody. There's
21 a liaison for that. And now there will also
22 be a liaison regarding the complaint office of
23 the attorney general.

24 LEGISLATOR MULE: Thank you.

25 LEGISLATOR NICOLELLO: Legislator

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2 Drucker.

3 LEGISLATOR DRUCKER: I don't have
4 any questions.

5 LEGISLATOR NICOLELLO: You have a
6 statement later on, right? Legislator Bynoe.

7 LEGISLATOR BYNOE: Good afternoon
8 Commissioner. So, I want to refer to the
9 letter that I sent last week. Were you given
10 a copy of that letter that I sent to County
11 Executive Curran regarding the early
12 intervention system?

13 COMMISSIONER RYDER: Yes, I was.

14 LEGISLATOR BYNOE: It also
15 inquires about performance evaluations of the
16 officers.

17 COMMISSIONER RYDER: Yes. In
18 your letter, yes.

19 LEGISLATOR BYNOE: Later on I was
20 able to spend some time reviewing the PERF
21 report that was done in 2017 and the PERF
22 report, I only got it Monday after asking for
23 if for years, for the last four years, I
24 finally got a copy on Monday after session.
25 So I spent some time going through it.

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2 The EIS system that was described
3 in this PERF report, the study that was done
4 specifically for Nassau County Police
5 Department, stated that we should have an EIS
6 system and that it should have different
7 indicators in terms of warning signs and it
8 shouldn't just pop out someone just because
9 they have three warnings. That they should be
10 tiered and have different levels of corrective
11 action based on the type of response, the type
12 of warning that they receive or discipline.

13 But more importantly, I really have
14 a problem with the fact that we're not doing
15 performance evaluations. It's clearly stated
16 in this PERF report that we should be doing
17 these evaluations on a regular basis. And I
18 understand that it will require impact
19 negotiation. I requested that this be amended
20 in the plan and like all the other amendments
21 that we requested, most of the other
22 amendments that we requested, it was kicked
23 back. We could have included that as a
24 recommendation even if it had to be
25 negotiated.

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2 COMMISSIONER RYDER: I can't
3 include something into the plan that has to be
4 collective bargaining.

5 LEGISLATOR BYNOE: We included
6 body cameras. That still has to be bargained.

7 COMMISSIONER RYDER: Again, the
8 SOA agreed to it. The PBA at the time had
9 agreed to it. Their contract was not voted
10 through. But again, the county exec had said
11 that she will go forward with it no matter
12 what and we'll deal with it in bargaining
13 later.

14 LEGISLATOR BYNOE: So, even the
15 SOA agreeing -- the agreement is there but it
16 still needs to be negotiated. That's the
17 reason why we hired the consultant is to
18 create the procedures around using the cameras
19 and then those procedures have to be
20 negotiated with the union, correct?

21 COMMISSIONER RYDER: Correct.

22 LEGISLATOR BYNOE: Impact
23 negotiations, correct?

24 COMMISSIONER RYDER: Yes.

25 LEGISLATOR BYNOE: If we could

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2 include that aspect of accountability into the
3 plan why can't we include the aspect of
4 performance evaluation even though we know it
5 has to be negotiated?

6 COMMISSIONER RYDER: I believe in
7 your letter you asked us if it can be included
8 in the collective bargaining going forward and
9 I believe the answer back was yes, it will be.

10 LEGISLATOR BYNOE: No, it
11 wasn't. The exact answer was it was provided
12 to bargaining team, the negotiating bargaining
13 team, and that the team would then discuss
14 it. It didn't say yes, we're going to be
15 doing evaluations.

16 COMMISSIONER RYDER: I did not
17 say that. I did not say yes, we're going to
18 do evaluations. I meant yes, it would be
19 considered in the collective bargaining.

20 LEGISLATOR BYNOE: But the whole
21 purpose of my request to the county executive
22 was for there to be some consideration for
23 this to be added into the plan. That's the
24 whole purpose was for it to be included in the
25 plan but instead it was not.

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2 COMMISSIONER RYDER: Okay.

3 What's the question?

4 LEGISLATOR BYNOE: The question
5 is, why was it not included?

6 COMMISSIONER RYDER: Because at
7 the time it's got to be bargained and to put
8 that into the plan. We put our plan forward.
9 That was presented here on the last date I was
10 here, last Monday, and that's the plan.

11 Again, these things going forward,
12 again, I think Shanequa said it earlier and
13 she's right. It doesn't end April 1st. It
14 does not. I've had conversations with
15 Mr. Brewington and Ms. Edwards and I agree
16 that we can continue to look at things. We're
17 not saying we want a division and this is it,
18 this is the game plan and that's what we're
19 going forward with. A lot of these things
20 will continue to be discussed as we go
21 forward. That is the intention of why we kept
22 the PACK alive and that is why we continue to
23 have the dialogue.

24 LEGISLATOR BYNOE: I don't
25 disagree that this has to be fluid movement.

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2 That it can't start and stop here. I 100
3 percent support that and will require that.
4 But at the end of the day this is an
5 opportunity, a historic opportunity to make
6 change. I think that not including many of
7 the items that we requested to be part of the
8 plan, inclusive of having a third party, and
9 independent party, look at complaints that
10 bubble up out of the police department. Along
11 with looking at performance measures. Along
12 with including a diversity consultant to come
13 in and look at not just our recruitment but
14 how we train and the like. Having someone
15 that comes in and evaluates our data. There's
16 so many things that should have been included
17 whether it was in the form of a CCRB, an
18 inspector general's office. There needed to
19 be a little bit more meat on the bone on this
20 plan.

21 And just the mere fact that we
22 wouldn't even include performance evaluations
23 in there and I think stating that it couldn't
24 be in the plan for the mere fact that it
25 hasn't been negotiated that doesn't pass

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2 muster for me. Because, quite honestly, body
3 cameras are in there like I stated.

4 So, it just seems like there's a
5 real unwillingness to kind of move some of
6 this stuff from just something that we're
7 talking about to actual action and it is
8 perplexing to me that something, some of these
9 simple things just can't be achieved. I just
10 feel like we're banging our heads up against
11 the same wall over and over. We've been
12 having these discussions for quite some time
13 now.

14 COMMISSIONER RYDER: We opened it
15 up for public comment. We put it out there
16 for everybody to comment. That recommendation
17 came after we submitted our plan.

18 LEGISLATOR BYNOE: So did the
19 Majority. Then their plan was modified. Then
20 the county's plan was modified to reflect it.

21 COMMISSIONER RYDER: Again,
22 because it was already in there and it wasn't
23 a major change to the plan.

24 LEGISLATOR BYNOE: Quite
25 honestly, our letter to the county executive

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2 it was signed by the Minority Leader, came
3 before the Majority's request, before, but yet
4 they weren't included. You know, I understand
5 that you don't have the full authority to make
6 amendments to the plan. So, I'm speaking to
7 you because you're here as a representative of
8 this administration. So, I understand
9 upstairs folks have the ability to make that
10 modification and they did not. But by
11 extension of being a part of that
12 administration I'm speaking to you today.
13 It's not acceptable just to say that the plan
14 was already submitted. It just wasn't. It
15 could have been modified up until the time we
16 sat down here. It could have been modified.
17 This is not acceptable. Thank you.

18 LEGISLATOR NICOLELLO: Legislator
19 Solages, did you have questions or you're
20 going to make a statement?

21 LEGISLATOR SOLAGES: Thank you
22 very much. Good afternoon Commissioner.
23 Previously one of the speakers,
24 Mr. Brewington, mentioned and several of them
25 made reference to the fact that here in Nassau

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2 County Blacks are 5.3 more likely to be
3 arrested than Whites. They are not pointing
4 fingers or saying anyone is racist for that.
5 But they're saying, reasonably, that is a
6 clear example of a racist institution. Point
7 blank, an arrest rate of 5.3 Black males to
8 White males is that a symptom, quality or
9 reflection of an institution that is racist?

10 COMMISSIONER RYDER: If that
11 institution is the Nassau County Police
12 Department I said to you before and I'll say
13 it again no, it's not. Our car stops, our
14 arrests are all based on probable cause. They
15 don't get thrown out when they go to court.
16 It's not like the DA is saying all these cases
17 got to get thrown because there was no
18 probable cause to make the arrest. It's an
19 evidence-based approach, it's probable cause
20 and then the arrest is made. We equally
21 disburse --

22 LEGISLATOR SOLAGES: But Blacks
23 do not account for anywhere the number of
24 people in this county compared to Whites but
25 they are arrested 5.3 times more likely. How

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2 do you explain for that sir?

3 COMMISSIONER RYDER: Again, we
4 base all of our arrests on probable cause.
5 Once probable cause has been committed, a
6 crime has been committed --

7 LEGISLATOR SOLAGES: And racial
8 biases don't play a role in that?

9 COMMISSIONER RYDER: Not at all.

10 LEGISLATOR SOLAGES: How can you
11 be in a position to change history of racism
12 if you're not even acknowledging it? Listen
13 to the question. Work with me here.

14 LEGISLATOR NICOLELLO: He's not
15 answering that question.

16 LEGISLATOR SOLAGES: Sir, you've
17 allowed me the chance to speak. I'm
18 speaking. Thank you very much but please do
19 not interrupt.

20 LEGISLATOR NICOLELLO: But he's
21 not answering that question.

22 LEGISLATOR SOLAGES: Please, help
23 me to explain this to my son, my seven year
24 old son, a Black male, how am I going to
25 explain to him that he would likely not be

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2 able to be arrested when the arrest rate at
3 now is 5.3 compared to one. Help me explain
4 that to him.

5 LEGISLATOR NICOLELLO: That's not
6 a question.

7 LEGISLATOR SOLAGES: That's a
8 question. Yes, it is. And when I asked him a
9 similar question at a previous hearing he
10 mentioned his son being pulled over. We're
11 not talking about Mr. Ryder, your son. We're
12 talking about Mohamed. We're talking about
13 Jamal. We're talking about Jose. We're
14 talking about a lot of young males, again, 5.3
15 to one.

16 COMMISSIONER RYDER: Does my son
17 not get as nervous as your son? I told you
18 the story and my son was a wreck.

19 LEGISLATOR SOLAGES: You cannot
20 compare your son to Jose, Jamal.

21 COMMISSIONER RYDER: I'm not
22 comparing my son.

23 LEGISLATOR SOLAGES: Your son,
24 just like me when I was in high school in
25 Franklin Square had a PBA card. So, please,

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2 do not compare your son to these individuals.

3 Your son has privilege.

4 LEGISLATOR NICOLELLO: Hold on.

5 If there is a question for him make the

6 question.

7 LEGISLATOR SOLAGES: The question

8 is, how does he explain that an arrest rate of

9 5.3 to one is not an element, symptom,

10 reflection of a racist system?

11 LEGISLATOR NICOLELLO: He already

12 answered that question. Next question.

13 LEGISLATOR SOLAGES: He's the

14 police commissioner of Nassau County. He's

15 responsible for every arrest bad and good that

16 they make.

17 LEGISLATOR NICOLELLO: He

18 answered the question. If you have another

19 question go ahead and pose it.

20 LEGISLATOR SOLAGES: If he cannot

21 answer that question what's the point of this

22 hearing?

23 LEGISLATOR NICOLELLO: He

24 answered it. If you have another question go

25 ahead and ask it.

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2 LEGISLATOR SOLAGES: I asked the
3 question. Commissioner, can you please
4 answer?

5 LEGISLATOR NICOLELLO: No, he
6 answered it. You're not asking him the same
7 question multiple times. You're simply not.
8 He answered it already.

9 LEGISLATOR SOLAGES: He's helping
10 the witness. I have no more questions.

11 COMMISSIONER RYDER: Our arrests
12 are based on probable cause.

13 LEGISLATOR NICOLELLO: Alright.
14 Minority Leader Abrahams.

15 LEGISLATOR ABRAHAMS: Can you
16 hear me Presiding Officer?

17 LEGISLATOR NICOLELLO: Yes.
18 Questions. We'll have time for statements
19 later.

20 LEGISLATOR ABRAHAMS: Just one
21 question. I apologize.

22 LEGISLATOR NICOLELLO: You're
23 breaking up Kevan. There's an issue. Maybe
24 we can have him call and put him on the
25 speaker.

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2 LEGISLATOR ABRAHAMS: Not too
3 sure what's going on. Can you hear me? Let
4 me try logging off and coming back on. Is
5 that all right?

6 LEGISLATOR NICOLELLO: I can hear
7 you now.

8 LEGISLATOR ABRAHAMS: Hello?
9 Hello can you hear me now?

10 LEGISLATOR NICOLELLO: That's
11 good.

12 LEGISLATOR ABRAHAMS: Can you
13 guys hear in the chamber?

14 LEGISLATOR NICOLELLO: Yes. Can
15 you hear me?

16 LEGISLATOR ABRAHAMS: I can hear
17 you just fine.

18 So, I just wanted to, again, I just
19 want to ask a question and I'm sorry, I
20 apologize if this question was asked because
21 my audio kept cutting out. But I have two
22 areas I want to talk to the commissioner
23 about. The first area is related to the use
24 of force that I started to talk about a little
25 bit last week. And the second area I want to

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2 reengage in regards to something the
3 commissioner said regarding I thought he
4 said -- policing themselves and talked
5 about -- but I will get to that in one
6 second.

7 Commissioner, I want to thank you
8 for directing me to the county website, which
9 I was aware of. However, the county website
10 does not exemplify what -- if I'm
11 understanding what the county police
12 department has posted on the website, it
13 indicates the times use of force has been used
14 in Nassau County. And one of the things that
15 it reminds of is demographics in the use of
16 force in the year 2020. If I'm understanding
17 the chart correctly, 167 males there has been
18 forced used against versus -- 31 females.
19 However the data --

20 LEGISLATOR NICOLELLO: We're
21 trying to reach him by telephone. Kevan, can
22 you hear me?

23 LEGISLATOR ABRAHAMS: -- of the
24 males are 35 percent of Black --

25 LEGISLATOR NICOLELLO: We're

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2 having trouble. We'll get you on the cell
3 phone and we'll put it up to the mic and we'll
4 be able to hear you. He's going to have to go
5 back to the beginning of his question though.

6 LEGISLATOR DERIGGI-WHITTON: I
7 apologize but we really couldn't hear you so
8 I'm going to put you on the microphone. Go
9 ahead.

10 LEGISLATOR ABRAHAMS: Sorry for
11 everyone in the chamber. I apologize. I'm
12 not too sure what's going on with my Internet
13 service but apparently it's not that well.

14 Anyway, I don't know how much you
15 have heard but I was asking questions in two
16 areas I wanted to cover Commissioner. One was
17 the use of force demographics. The
18 information that is posted up on the county
19 website. And two, in regards to a CCRB just
20 based off of your more recent comments today
21 that I just have some clarification on.

22 Just to start with the use of
23 force. The chart that you had referenced last
24 week that I guess you directed me to one of
25 the pages I was asking some of my questions

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2 from was page three I believe. The use of
3 force demographics has it broken out by male
4 versus female. Do you have that chart in
5 front of you or are you familiar with that
6 chart?

7 COMMISSIONER RYDER: I do not but
8 I'm sure the number you are reading is
9 correct.

10 LEGISLATOR ABRAHAMS: The number
11 that is indicated indicates that there are 167
12 males where force had to be used. 31
13 females. Also it indicates that of the males,
14 the 167, 37 percent were White, 35 percent
15 were Black and 20 percent were Hispanic. As
16 it pertains to the females, 68 percent were
17 White, 19 percent were Black and ten percent
18 were Hispanic.

19 Now, knowing the demographics of
20 the county and looking at the male side,
21 before I get to my question in terms from last
22 week, there seems to be a disparity as it
23 pertains to use of force when it comes to
24 males, but primarily males of color because
25 the demographic numbers do not fit to what the

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2 county's ratio of population is. I just
3 wanted to know if the police department had a
4 response to that?

5 COMMISSIONER RYDER: So, the data
6 that you're looking is compared to obviously
7 the use of force data. Use of force is
8 collected from its lowest intrusion to the
9 most aggressive. Sometimes that use of force
10 may be tightening of handcuffs. That they're
11 too tight. That you push them against the car
12 when you arrested them. That's all part of
13 what we call use of force. We collect that as
14 a total number. Then it breaks down to the
15 final findings. Again, and it's either a
16 neglect of duty, unprofessional conduct,
17 unlawful conduct, improper tactics and most of
18 them end up in that world of improper tactics.

19 LEGISLATOR ABRAHAMS: I
20 understand that but I'm talking about the
21 racial disparity. As I said before, we all
22 know the demographics and the makeup of the
23 population of the county of Nassau. I'm
24 asking for a response in regards to 55 percent
25 of the male number, the 167, is made up of

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2 people of color. But I don't believe, as we
3 look at the population of the county, that the
4 people of color represents -- seems like a big
5 disparity. Use of force when it comes to
6 males, based on this chart at least, I'm going
7 based off of your chart, it appears that use
8 of force is being used on people of color at a
9 higher rate than their White counterparts. Am
10 I reading your chart correctly?

11 COMMISSIONER RYDER: You're
12 reading the chart correctly. That data is
13 correct.

14 LEGISLATOR ABRAHAMS: I'm asking
15 what's the department's response to that? I
16 can't believe, based on what you just told me
17 about the different types of use of force,
18 that that's a sufficient answer. If I'm
19 looking at this correctly, 55 percent of
20 people of color force is being used against
21 them. Is there any particular information you
22 can provide to this committee or this body
23 that substantiates why, I mean, by a rate of
24 probably two to one African-Americans and
25 Latinos-Americans have to use force on them

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2 more?

3 But then when I look at females,
4 the female, thankfully, is, and not that we
5 want to see use of force on anybody, but the
6 female numbers appears to more meet the
7 demographics of the county. But the male
8 numbers seem to be jumping through to a two to
9 one ratio.

10 COMMISSIONER RYDER: The data
11 that we've given you is the data that we
12 collect. That data reflects those that resist
13 arrest or that force was used. There's many
14 probably deep reasons that we can try to
15 figure out why those resist arrest. I don't
16 know the answer to it. I know that the data
17 is the data.

18 LEGISLATOR ABRAHAMS: I
19 appreciate the data being the data and I
20 appreciate the fact that the data wasn't --
21 not that I would accuse you of that --
22 manipulated or changed. But I think again
23 this goes back to what I was talking about
24 before. And that's why I don't know if this
25 legislative body is ready to really have tough

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2 discussions about how we combat biases and
3 race if those are issues that are confronting
4 us today in terms of the use of force
5 demographics. I don't know the reason per
6 se. I don't have any facts to tell me what
7 the reason is.

8 But the fact that we would allow
9 this to happen in our county where we know
10 there's tremendous disparity on how males are
11 being treated and to not have a response today
12 on this day, March 22nd, but then go forward
13 and vote for a plan that we don't even know
14 that if males are being, I'm sorry,
15 African-American, Latino males, are being
16 treated unfairly, we don't know the answer.
17 We know the data but we don't know the
18 answer. But to go forward and not know the
19 answer with still those question marks doesn't
20 seem like we're doing a great service for the
21 people of Nassau County today. I truly
22 believe that we should at least be able to
23 respond to this question on why the
24 difference.

25 I envision part of the difference

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2 is, as I heard from and I totally cut out, I
3 heard from Legislator Solages, is that
4 African-Americans, Latino-Americans are being
5 arrested at a higher ratio than their White
6 counterparts. I'm guessing that's the reason
7 to why I'm seeing this disparity here today.
8 But now this goes from an arrest to where
9 force is being used, which is a whole other
10 level beyond the arrest. I'm concerned that
11 we don't have a response to this today.

12 COMMISSIONER RYDER: One of the
13 reasons is you got to understand the
14 definition of what the force is that's being
15 used. Again, I think Chief Sewell presented
16 that correctly last week when she discussed
17 the levels of force. We may go from, again,
18 he pushed me when I was standing next to the
19 car. He shoved me down in the cellar at
20 headquarters where we have video and then we
21 dispute those with the video.

22 Many of our cases that have been
23 going forward for excessive use of force that
24 have been unfounded were unfounded because of
25 video.

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2 Again, moving forward with body
3 cameras, six months from now I'm going to have
4 a better answer for you after we go through
5 with body cameras about why and to show that
6 if it is the fact that those that are
7 resisting or is my cop doing something wrong.

8 LEGISLATOR ABRAHAMS:

9 Commissioner, that's great for six months down
10 the road. My only concern is that today --
11 we're voting on a plan today and the plan
12 today doesn't address the disparity. So,
13 we're saying to 167 people in this county,
14 which I know a lot of people will pooh-pooh
15 it, it's not enough, but they are people.
16 They're humans. There are 167 people that we
17 are telling today that there was a disparity
18 potentially in your case and we're doing
19 nothing about it. To me that's a concerning
20 thing. But let's move on.

21 One of the things I asked also in
22 regards to the demographic data was how many
23 complaints of these 167 were filed were there
24 any complaints filed to your attention
25 regarding any of these use of force of the 167

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2 or out of the 31 females?

3 COMMISSIONER RYDER: I
4 apologize. You mean to my attention?

5 LEGISLATOR ABRAHAMS: Or to the
6 department. Were there any complaints filed
7 that were related to these cases of use of
8 force?

9 COMMISSIONER RYDER: Yes. Every
10 time there is an excessive use of force case,
11 whether there is a complainant or not, it is
12 investigated.

13 LEGISLATOR ABRAHAMS: You said
14 excessive use of force.

15 COMMISSIONER RYDER: Any use of
16 force.

17 LEGISLATOR ABRAHAMS: These are
18 not all excessive use of force. These are
19 just use of force, right?

20 COMMISSIONER RYDER: Any use of
21 force case it goes into our blue team and from
22 there it is investigated.

23 LEGISLATOR ABRAHAMS: You're
24 saying of these 198 cases that were use of
25 force in 2020 all of them have been

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2 investigated by the police department?

3 COMMISSIONER RYDER: That is
4 correct.

5 LEGISLATOR ABRAHAMS: In any of
6 those cases was the force determined by the
7 police department to be excessive?

8 COMMISSIONER RYDER: I don't have
9 those numbers in front of me.

10 LEGISLATOR ABRAHAMS: I'm sorry
11 Commissioner? I hate the fact that we're
12 doing this with a cell phone I can barely hear
13 you. You said no, you don't have the data or
14 no, there were no --

15 COMMISSIONER RYDER: I do have
16 that data. I will make that data available.
17 It is on the public website.

18 LEGISLATOR ABRAHAMS: I'm on the
19 public website as we speak. Where would I
20 find that page.

21 COMMISSIONER RYDER: At the
22 conclusion -- the numbers are in there. I
23 will get it for you if it's not there.

24 LEGISLATOR ABRAHAMS: You can
25 direct me. I'm on your page now. Is it on

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2 the same site as the charts?

3 COMMISSIONER RYDER: I'm not on
4 the site so I don't know exactly where it is.
5 But I can get you all the use of force data
6 that you're asking.

7 LEGISLATOR ABRAHAMS: I think we
8 need to see that because I would like to know
9 of those 198 cases -- this is what I was
10 driving at last week -- of these 198 cases I
11 need to know how many of them by the police
12 department were determined to be excessive.
13 Because this goes to the issue -- look,
14 Commissioner, this is not about you. I've
15 always said that. This is not about you.
16 This is about making sure we foster integrity,
17 independence and accountability in our police
18 department. The only way we do that is by
19 making sure that the people of this county
20 know and trust that there will be fairness
21 within that. And I think you can only do that
22 by independence.

23 That being said, if we are not able
24 to give those answers to the residents today,
25 I'm not just talking about the residents in

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2 the chamber, I'm talking about residents in
3 general, the 1.3 million people, we have a
4 problem. In order to do that we truly have to
5 look towards having an independent body. It
6 has to exist. Because without it you cannot
7 be able to foster that level of trust.

8 Also, I think I heard it from
9 Shanequa a little bit earlier on today, she
10 talked a little bit about the fact that it's
11 important because we all have biases. I have
12 them. You have them. Everyone has them.
13 It's important that we don't act on them. I
14 think from that standpoint, I thought one of
15 her comments was very important, is that how
16 do we ensure that if police officers are
17 acting on them, how do we ensure that there
18 are repercussions for them? And how do we
19 ensure that the police department is making
20 sure that they have an independent review and
21 look at this?

22 It's funny, I'm going to shutdown
23 after this, it's funny, last week I said and I
24 got into a little bit of trouble, last week I
25 said it and I'll say it again. The governor

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2 of New York wanted to appoint the chief
3 justice to ensure that that person, that chief
4 justice, investigated his particular situation
5 that he's going through. Every single
6 politician in this state uproar, that they
7 would not tolerate the governor appointing
8 someone to investigate a situation which he
9 also appoints. Because no one will trust, and
10 the governor should know this, no one will
11 trust the outcome because no one trusts the
12 fact that you can investigate or you can have
13 someone that you appoint investigate you so
14 you can investigate yourself.

15 I say the same thing about the
16 police department. And I'm surprised that
17 there's not enough people jumping up about
18 this. The same thing we are saying about the
19 governor, where every single politician I can
20 think of jumped up and said this can't happen,
21 should be the same politicians that are
22 jumping up today when we're talking about the
23 police department policing themselves.

24 So, I think from that standpoint it
25 is very important and vital. And I'm going to

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2 continue to fight for it. If not for today, I
3 will continue to fight for it when this comes
4 up again and again.

5 It is extremely vital that there is
6 an independent extension entity for the police
7 department. If not for the integrity piece
8 but it's important for the trust piece.
9 That's what we're missing, the trust piece.
10 You have to have people that actually believe
11 that there's a department and trust in the
12 department. And all the well intention that
13 can happen, 99 percent of the cops are good.
14 We know the stories already. We see the
15 stories. We see every single month the cops
16 that come in and we reward them for being top
17 cops every single month. We look forward to
18 getting back to those days where those stories
19 are phenomenal. But all of that could be
20 erased if the people don't trust their
21 department. That's why I think it's so vital
22 that we do this.

23 I just want to thank you again. I
24 apologize for my audio and internet issues but
25 that I believe is vital and that was my

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2 question. But if you can get that information
3 for me, Commissioner, on the use of force I
4 would appreciate it.

5 COMMISSIONER RYDER: Sure. But
6 to answer the question in the comparison of
7 your analogy there with the governor. The
8 district attorney is an independent office and
9 elected independently from this body or the
10 county exec. The AG is an independent office
11 elected by the people upstate and areas
12 throughout the state of New York and her
13 office is independent from the police
14 department's office.

15 As far as the data and going
16 forward and explaining the outcome, we have
17 said in our plan that we will come forward
18 biannually -- even if the Public Safety
19 Committee wants it more current -- and we will
20 go through each complaint, we will tell you
21 the status of the complaint and we will give
22 you the outcome of the complaint when it's
23 founded and go in detail.

24 But outside of that -- 50A
25 requires -- outside of that we've also agreed

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2 for the public, those who make complaints that
3 they will have a rolling dashboard that they
4 can go to and get the updates and the status
5 of their complaint.

6 So, there is independency. There
7 is oversight and there is also accountability
8 right here to all of you here at this
9 committee.

10 LEGISLATOR ABRAHAMS: Okay. Just
11 to respond to the AG. I thought you had said
12 last week Commissioner that the police
13 department in cases that would be subject to
14 potential review by the AG, who I think will
15 do a phenomenal job in investigating these
16 cases, I thought that not every case would go
17 to the AG. I thought you had said that last
18 week.

19 COMMISSIONER RYDER: Every single
20 case must be forwarded to the AG. If not, the
21 AG has the right to hold me accountable and
22 actually terminate me in her powers if I do
23 not forward any investigation forward.

24 LEGISLATOR ABRAHAMS: Say, for
25 example, a police officer uses a curse word or

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2 I heard in one case one of my constituents as
3 they were arresting someone they threw him up
4 against a gentleman's car. A gentleman that
5 wasn't being arrested's car and the car got
6 dented and that person wanted to file a
7 complaint, those types of things would still
8 ratcheted up to the AG?

9 COMMISSIONER RYDER: They will be
10 sent to the attorney general, that's correct.
11 We will conduct our investigation and at the
12 same time it will be sent to the attorney
13 general. They will be entered into the early
14 intervention system by the attorney general
15 that looks for five, I think it's five in two
16 years. Ours is two in 12 months.

17 LEGISLATOR ABRAHAMS: Okay.
18 Because I thought I was under the impression
19 that not all the cases would be subject to
20 potential investigation by the AG. But you're
21 saying today that every single complaint, no
22 matter how big, such as use of excessive force
23 versus something that is more minor in nature
24 such as a police officer not, you know,
25 disclosing or leaving his proper information,

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2 you're saying no matter what that may be the
3 case in every case if a complaint is filed by
4 one of our constituents it will go to the AG?

5 COMMISSIONER RYDER: So, if that
6 data was not sent up to the attorney general
7 how would they ever do an Early Intervention
8 Program? It has to be sent.

9 LEGISLATOR ABRAHAMS: Okay. Like
10 I said, Commissioner, I thought I heard you
11 say something differently last week. But if
12 you're saying that every single complaint is
13 going to go to the AG that is a step in the
14 right direction. I still believe if the CIA,
15 Department of Justice can all have an IG I
16 can't believe why Nassau County wouldn't.
17 It's a step in the right direction. It would
18 still force the independence and it wouldn't
19 be relying on an outside authority such as the
20 state, who is going to be overseeing well over
21 55,000 police officers throughout this
22 county. It still would go a step in the right
23 direction to have our own. I still stand
24 proud by our IG because I truly believe that
25 office provides a level of independence as it

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2 pertains to contract procurement that this
3 county needed at a very crucial time. I still
4 believe that our police department can serve
5 from an independent IG just as much. But
6 thank you again.

7 LEGISLATOR NICOLELLO: Legislator
8 Gaylor.

9 LEGISLATOR GAYLOR: Thank you
10 Presiding Officer. My question is for the
11 commissioner. We're in a county with three
12 towns, two cities and I believe on last count
13 it was 71 villages. Can you explain what the
14 county -- how the county plan interacts with
15 each of those villages and towns? Because my
16 understanding is each of the villages is free
17 to adopt their own plan for reform which they
18 bring before their own legislative bodies and
19 vote on that. So, maybe you could talk
20 briefly about that. And then how the county
21 plan either supersedes, overlays, overlaps
22 these 71 village plans. I'm not sure what the
23 interaction is. If I could get some
24 clarification I'd appreciate it.

25 COMMISSIONER RYDER: So, with the

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2 townships it's a little different then the
3 city of course. The cities of Long Beach and
4 Glen Cove. The townships it's really
5 addressed by the 18 village police departments
6 or city police departments. We work closely
7 with them as far as, as you know, on crime
8 fighting and other uses of resources in the
9 department.

10 We also work with them regarding
11 the plan that was put forward here today.
12 They created their own plans. They put them
13 forward and we spoke to them about mobile
14 crisis. Mobile crisis is used by the
15 villages. It's a county asset. So the
16 village will reach out. The same process.
17 Most of the villages use their own 911
18 operators. So they will they train their
19 operators. They will work with us to make
20 sure that the mobile crisis gets the early
21 warning and for the dual response.

22 But most of the times in a mental
23 health crisis case we don't send -- and this
24 is not a knock on the volunteer fire
25 departments at all -- but we don't send the

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2 volunteer ambulances. We send the police
3 ambulance. Because the police ambulance has
4 that additional training and things to deal
5 with that mental crisis.

6 LEGISLATOR GAYLOR: So, then I
7 guess it would be fair to assume that each of
8 the 17 different police departments has 17
9 different plans that may or may not look like
10 the county plan?

11 COMMISSIONER RYDER: That's
12 correct. They have similarities. And where
13 we do have the overlap like mental health, but
14 there are other items that's up to that
15 individual village.

16 LEGISLATOR GAYLOR: Would the
17 county plan also provide the coverages that
18 the town bay constables and maybe those public
19 service officers that work for the town that
20 aren't really in a police department how are
21 they affected by this county reform?

22 COMMISSIONER RYDER: They get a
23 joint response from us. They get the same
24 assistance as -- those are independent not law
25 enforcement villages that have their

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2 governance.

3 LEGISLATOR GAYLOR: Thank you
4 very much.

5 LEGISLATOR BYNOE: Commissioner,
6 I have an additional question. The floor has
7 been yielded to me. I want to go back to the
8 topic that you were having, the conversation
9 you were having with Minority Leader
10 Abrahams. I think where he's I wouldn't say
11 getting confused, I think the point he was
12 trying to make regarding the investigations by
13 the AG was based on a conversation that we had
14 last week.

15 So, I went through the categories
16 of complaints and you stated that the AG would
17 get complaints of excessive use of force,
18 false arrest, improper tactics and procedures,
19 negligent of duty, racial and ethnic bias and
20 unlawful conduct, unprofessional conduct. You
21 didn't state it, list it the way I did but you
22 acknowledged those things would bubble up to
23 the AG's office once there were several
24 incidents, five incidents, correct?

25 COMMISSIONER RYDER: No.

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2 Unprofessional conduct basically that's the
3 blanket that covers everything. That would be
4 sent to the AG. They get sent right away.
5 They're the early intervention we're not.

6 LEGISLATOR BYNOE: When we got to
7 violation of department rules is where you
8 said no, that would not go to the AG. I think
9 that's the category that Minority Leader
10 Abrahams was referring to. So violation of
11 department rules are local. That's a
12 localized issue. It doesn't bubble up to the
13 AG?

14 COMMISSIONER RYDER: That's
15 correct.

16 LEGISLATOR BYNOE: That's what he
17 was referring to. So, yes, there should be an
18 independent eye on I think on all of these
19 complaints but I want to ask this question.

20 Who is tasked with categorizing the
21 complaint? Because if we want to categorize
22 it as a violation of just department rules if
23 there was no blatant excessive use of force.

24 COMMISSIONER RYDER: There is a
25 use of force committee headed up by the chief

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2 of department. A use of force doesn't come in
3 and say it's -- it will come in and say it's
4 categorized as unprofessional conduct. But
5 when the narrative is read by that they review
6 it and say no, this should have been kicked up
7 or should have been kicked down and that's how
8 it's handled. Along with the internal affairs
9 and inspector.

10 LEGISLATOR BYNOE: How many
11 violations of department rules -- I know you
12 don't have it.

13 COMMISSIONER RYDER: I can tell
14 you this --

15 LEGISLATOR BYNOE: That's
16 troubling to me that we can put it, create the
17 bucket and if we just keep putting everything
18 in as a violation of department rules.

19 COMMISSIONER RYDER: No, it's
20 not. In 2017, 2018, 2019 those are the
21 numbers you used before and the Minority
22 Office has spoke about. During that same
23 period we took 900 days of pay from our
24 members. Pay from our members. You know what
25 they're for? You lost your ID card. You

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2 didn't follow the right process on the
3 paperwork. All of these stem from an
4 investigation of a he said she said.

5 But when we start looking into the
6 paperwork and everything else there's
7 mistakes. That's how much we hold them
8 accountable. On top of the fact that we
9 suspended numerous and fired several.

10 The oversight on this police
11 department and these very professional
12 individuals that sit to my right down here
13 they take it very serious because that
14 standard, the actions of one officer can
15 destroy a whole police department and we know
16 that and we are on top of that and we
17 investigate it.

18 And yes, they may not come back as
19 unprofessional all the time or excessive force
20 all the time. There's a reason why. If we
21 broke down every single case, and as I said, I
22 will come forward and do that every six months
23 and show you exactly how we judge our
24 officers. I'll show you video. I'll show it
25 all to you.

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2 It will give you an example of the
3 way we investigate and how thorough. You
4 heard Jed Painter say it himself here from the
5 DA. It is the most thorough investigation
6 that he ever gets across his deck is what
7 comes out of the internal affairs office. We
8 go to great lengths to show either our
9 officer -- if he's wrong we're showing him
10 wrong. If he's right we show he's right.
11 Because if he's wrong those challenges then
12 come. And I have to go to that Article 78 to
13 terminate him. But I got to make sure I'm
14 right. Because of that investigation that's
15 how we get there.

16 LEGISLATOR BYNOE: I'm just going
17 to echo the sentiments of the Minority Leader
18 on this particular issue because we have to
19 restore trust. Thousands of people marched.
20 There's a lack of trust. So, I sit here as an
21 aunt to five nephews who routinely tell me
22 about how they feel when they engage with
23 police. They're nervous. They're scared.
24 They're intimidated. I hear it from my
25 district residents.

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2 And to have these categories of
3 complaints that are then, you know, internally
4 they're put into buckets, put into certain
5 categories and not have some level of
6 accountability created through having a third
7 party play a role in that I think it's a
8 terrible practice.

9 I understand that you state that
10 other entities are reviewed by their peers.
11 But when a police officer gets it wrong and
12 it's bad or they go rogue or there's a problem
13 that's not identified with that officer it can
14 lead to death. And that in itself is a crime
15 to me if we don't do what's right at this very
16 moment.

17 I think when you talk about one
18 officer can ruin a department, I think Derek
19 Chauven ruined the way departments are viewed
20 right now across this country. I would
21 actually say I'd go further and probably say
22 it's a worldwide issue. We watched this man's
23 life get taken with a knee on his neck and we
24 can't proceed as business as usual. We just
25 can't. This is the time to make sure that

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2 something like this doesn't happen here in
3 Nassau County. This is a preventive motion.
4 This is not punitive. It's preventive. We're
5 trying to prevent something like that
6 happening here.

7 I think having this third party,
8 this independent review of how our officers
9 are evaluated during these complaints, is
10 single-handedly the most important part of
11 accountability. We cannot hang our hats
12 solely on body cameras. It just can't be.
13 Thank you.

14 LEGISLATOR NICOLELLO: We will
15 move on to the amendments. What we have is
16 first we have an amendment in the nature of a
17 substitution which is the amendments we had
18 proposed that were incorporated into the
19 county executive's plan. I know that the
20 Minority has amendments. We will consider
21 this first and then obviously the Minority can
22 make their amendments as well.

23 With respect to clerk item 64 of
24 2021 we have an amendment in the nature of a
25 substitution. The amendments have been

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2 incorporated into the county executive's plan
3 as additional backup to the items that we are
4 now considering.

5 Need an amendment. Moved by
6 Legislator Ford. Seconded Legislator
7 Schaefer. In terms of the amendment that's
8 been, again, already incorporated into the
9 county executive's plan. Does anyone have any
10 debate or discussion on those amendments?
11 Hearing none, all in favor signify by saying
12 aye. Those opposed? That amendment passes
13 unanimously.

14 Now to the members of the Minority,
15 do you have amendments that you are going to
16 propose today?

17 LEGISLATOR SOLAGES: Your Honor.

18 LEGISLATOR NICOLELLO: Thank you
19 Mr. Solages. Can you talk to some people
20 about that?

21 LEGISLATOR SOLAGES: Presiding
22 Officer, many reasonable remarks were made
23 here today by many persons who I again thank
24 for coming here today. Reasonable amendments
25 and some amendments were considered that were

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2 in existence for a short amount of time than
3 these other amendments that we've been
4 considered for a very long time and they have
5 not yet been offered or accepted.

6 So, I would offer a number of these
7 amendments that I have received. Specifically
8 the amendments with respect to the CCRB and
9 the IG, language access, traffic stops, the
10 Stat Act. So respectfully, your Honor, there
11 is an amendment to Nassau County police reform
12 I would like to offer these.

13 LEGISLATOR NICOLELLO: Thank you
14 Legislator Solages. Unfortunately, they would
15 not be timely for today. However, I'll say
16 that those amendments, for the most part, are
17 not new. What they have done is break out
18 many of the proposals that were in the
19 People's Plan which was submitted to us. We
20 really had those proposals for weeks now. So,
21 it's not really separate amendments. They
22 could have been made weeks ago but you chose
23 not to.

24 LEGISLATOR SOLAGES: Respectfully
25 Presiding Officer, since April 1st is nine

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2 days away, excuse me more than nine days,
3 today is the 22nd. April 1st would be what,
4 nine, ten days away, respectfully, your Honor,
5 with respect to the seven-day rule I would
6 then make a motion to table these hearings so
7 that we can have these amendments considered.

8 LEGISLATOR NICOLELLO: Legislator
9 Solages makes a motion to table and seconded
10 by Legislator Bynoe. All in favor of the
11 motion to table signify by saying aye. All
12 opposed? Nay. Let me understand it. Was it
13 all members of the Minority voting aye?

14 LEGISLATOR ABRAHAMS: Record me
15 as a yes Presiding Officer. Yes to table.

16 LEGISLATOR NICOLELLO: So the
17 motion to table fails by a vote of 11 to
18 eight. 11 votes against tabling, four votes
19 for it so the matter is still before us.

20 LEGISLATOR SOLAGES: Presiding
21 Officer, I make a motion to appeal to actually
22 please reconsider.

23 LEGISLATOR NICOLELLO: That gets
24 appealed to me you know.

25 LEGISLATOR SOLAGES: We have

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2 enough time to do so. What would be the
3 harm? We have thousands of persons. We have
4 mothers, fathers who are worried about their
5 Black sons and we have, again, like the
6 Minority Leader said, we have a sizeable
7 amount of our population that we at least need
8 to consider the impact that these amendments
9 would have upon their lives.

10 Yes, it's important to discipline
11 individuals for missing their ID card but it's
12 important to also discipline individuals for
13 misconduct based on racial lines. Yet the
14 department doesn't have information about
15 that. So, respectfully, and I find that
16 that's not likely, I respectfully I ask that
17 we make, again, to consider this motion to
18 table. We have nothing to lose here. We have
19 enough time before April 1st. Thank you.

20 LEGISLATOR NICOLELLO: Thank you.

21 MS. GOTTEHRER: The amendments
22 that are proposed are not exactly what you
23 think they are in response to the ones that
24 were accepted from the Republican side.
25 They're different. So, I would ask you,

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2 before you characterize them as the same thing
3 that's in the People's Plan, have you read
4 them?

5 LEGISLATOR NICOLELLO: I didn't
6 say they were the same. I said for the most
7 part in sum and substance it's the same theme
8 that was the People's Plan. Which I will
9 admit was a very professional document.

10 MS. GOTTEHRER: I'm asking that
11 you please read them because they have been
12 adapted since the Republicans amendments have
13 been put in.

14 LEGISLATOR NICOLELLO: We have
15 the understanding, the gist of what's being
16 proposed. And the big ones, the civilian
17 complaint review board and the inspector
18 general which we've been aware of.

19 MS. GOTTEHRER: So then you
20 haven't read them; is that correct?

21 LEGISLATOR NICOLELLO: I mean,
22 you just handed them to us. We understand
23 based on the comments that were made during
24 the hour-long discussion the gist of those
25 amendments. And, for the most part, they were

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2 what the themes and proposals of the People's
3 Plan. We are ready to go ahead and vote on
4 the police reform plan today.

5 LEGISLATOR SOLAGES: As per the
6 county charter, I make a motion specifically
7 to Legislator Denise Ford to reconsider
8 please.

9 LEGISLATOR NICOLELLO: You're
10 saying Legislator Ford has the ability to do
11 what?

12 LEGISLATOR SOLAGES: To
13 reconsider the motion.

14 LEGISLATOR NICOLELLO: Actually
15 to make a motion to reconsider you have to be
16 on the prevailing side of an item. Since the
17 motion to table was defeated you're not on the
18 prevailing side. So only one of the 11 of us
19 can make a motion to reconsider.

20 LEGISLATOR SOLAGES: I appeal to
21 my colleague from Long Beach, Legislator
22 Denise Ford, who conducted a very fair hearing
23 in which she took the time to listen to
24 everyone's concerns. I know she can do that
25 for about seven more days. To the Honorable

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2 gentlewoman from Long Beach may you please
3 reconsider?

4 LEGISLATOR FORD: Thank you very
5 much Legislator Solages. You know it does,
6 this whole issue does give me reason to pause
7 and think there's a lot of information that we
8 have received from both sides of this issue.
9 If my vote would have made a difference, but
10 it wouldn't because it still has the majority
11 not to proceed with the table.

12 But my commitment to everybody here
13 is that it is an important issue. It really
14 and truly is. And it strikes deep into the
15 heart of all our communities. Whether or not
16 you're a resident of color, with our police
17 department, with our police officers. I think
18 the most important thing is that we keep an
19 open mind. That we make sure we do our
20 follow-up. We don't let this slip by us.
21 Whether or not -- and so many people did
22 express, especially our Minority Leader, about
23 biases. We have to move beyond it. We have
24 to take a look to see what are we doing with
25 ourselves? And we need to make better

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2 communities for everybody. And if we're
3 failing in that we need to know.

4 For me, I think I'm not going to
5 belabor this because I know there's a vote
6 that needs to be taken. We have to take a
7 look at everything that we're doing. For me,
8 some of the amendments that have been given in
9 regard like the Stat Act, the full act,
10 working especially with our mental health
11 units we're making these changes. Subtle as
12 they may be and maybe they're small steps, but
13 I believe that they're steps forward. So be
14 it. There are some things I would like to see
15 amended even further than what we've done so
16 far.

17 So, I think that this is going to
18 be an ongoing discussion and perhaps maybe
19 today we'll pass the reform plan to be sent up
20 to Albany to make sure that we comply with the
21 governor's orders but this is not over and it
22 won't be over.

23 LEGISLATOR NICOLELLO: We're
24 going to go to the vote. But before that, I'm
25 going to offer legislators an opportunity to

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2 have a statement. So, anyone who is
3 interested please speak your mind. Just let
4 me know who's going first. Actually, anyone
5 on the Minority want to add anything?
6 Legislator Drucker and Legislator Bynoe. Who
7 else? Carrie.

8 LEGISLATOR DRUCKER: Thank you
9 Presiding Officer. I don't think any of us
10 here on the legislature can deny the fact that
11 we are living in transformative times and we
12 have reached a tipping point in this country
13 on so many levels.

14 The governor's executive order
15 imposed a deadline to come up with a reform
16 plan that addresses the injustice and inequity
17 that systemically and institutionally exists
18 in our state and our county. While the
19 process of formulating this plan was supposed
20 to be an amalgam of collaboration and
21 contribution from all stakeholders resulting
22 in one comprehensive plan we instead received
23 two plans. While we, as legislators, were
24 forced to consider and meld together
25 expeditiously.

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2 After incorporating some important
3 components of the People's Plan and after
4 accepting the suggested amendments this
5 legislature -- of this legislature we now have
6 a final plan that incorporates many of the
7 ideals and goals that we all envision for a
8 better, safer and more equitable police
9 force. A plan which seeks not only to protect
10 our residents but also seeks to protect and
11 support our officers.

12 As it has been said many times over
13 the past couple of months, our work is not
14 done today. As Commissioner Ryder has said,
15 the county plan is a living, breathing and
16 adaptable document and I fully expect to
17 partner with him in holding to this
18 commitment. I pledge to be a partner in this
19 ongoing and enduring process for as long as
20 I'm around. We will need to continually
21 evaluate changes to determine what is working
22 and what isn't and implement additional
23 measures in the future.

24 Today we begin to rewrite history
25 as a starting point not as a designation. I

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2 vote today in support of the county's plan.

3 LEGISLATOR NICOLELLO: Thank you
4 Legislator Drucker. Legislator Bynoe.

5 LEGISLATOR BYNOE: When I joined
6 this legislature back in 2014 a very
7 unfortunate incident was caught on film from a
8 store and it was an incomplete story because
9 of the distance from the store to the
10 encounter with police and a local resident.
11 It was then that I started out on a quest to
12 get every police officer equipped with a body
13 camera. That was in 2014. Here we are in
14 2021 and we still don't have body cameras.

15 I do see some hope with body
16 cameras on the horizon given the commitment of
17 the county executive and the fact that she's
18 at the bargaining table with the union, with
19 the PBA. I'm happy to see that it's included
20 in this reform plan.

21 I'm also happy to see that some of
22 the work that Legislator Lafazan and I
23 partnered on in 2020 is also included in this
24 plan by way of the mental health component.
25 And I thank Commissioner Ryder and

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2 Commissioner McCummings for their and I also
3 thank the authors of the People's Plan because
4 they enhanced that discussion.

5 But ultimately it's just not
6 enough. It doesn't go far enough. It lacks
7 accountability to the extent that there is no
8 third party, no independent review of
9 complaints. And for that reason, I am going
10 to vote no on this plan.

11 LEGISLATOR NICOLELLO: Legislator
12 Solages.

13 LEGISLATOR SOLAGES: The fact
14 that there is no CCRB, the fact that there is
15 no inspector general, no oversight, no data
16 collection bill, no Right to Know Act, no Stat
17 Act. The plan does not address a tragedy of
18 5.31 Black males being arrested for every one
19 Black male in Nassau County.

20 Many speakers here today, and I
21 thank the people who are part of the People's
22 Plan and also the administration for
23 presenting two different views or visions.

24 Nevertheless, this body has an
25 obligation as a legislative body to create

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2 laws, not policy or signing on to policy, but
3 to create laws that would require individuals
4 who work for the state, local police, to ask
5 for, to provide, for example, the reason for
6 the stop or their name or their badge number.
7 But, unfortunately, this body has failed to
8 provide that legislation.

9 It is for these reasons that this
10 plan proposed falls far short of any
11 expectation of accountability, transparency
12 that we need here in Nassau County. If the
13 police department is willing to earn the
14 community's trust then these reasonable
15 amendments would have at least been honored.

16 For these reasons, I am not voting
17 in favor of this plan. Thank you.

18 LEGISLATOR NICOLELLO: Legislator
19 Mule.

20 LEGISLATOR MULE: Thank you
21 Presiding Officer. Last Memorial Day George
22 Floyd was murdered before the world's eyes at
23 the hands of the very people who were sworn to
24 protect and serve the public. This is not the
25 first time that this has happened and

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2 unfortunately it will likely not be the last.
3 Say their name became a rallying cry across
4 the country. However, from this tragedy an
5 opportunity present itself, police reform.

6 What can be done to make sure that
7 communities of color feel that policing works
8 as well for them as it does for the White
9 members of society? The governor sent that
10 opportunity to the local governments who
11 oversee their police departments with the
12 mandate to create a plan around that concept.

13 So, here we are today to vote on
14 the plan being presented to the legislature by
15 the county administration. I can honestly say
16 that I have spent more time on this subject by
17 far than any other legislation presented
18 during the time I have been a member of this
19 body. I believe it is crucial to get this
20 right.

21 At the same time, I know that no
22 plan will make everyone satisfied or will be
23 considered perfect. So here are the factors
24 I've considered in taking my position on this
25 legislation.

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2 First, I was unhappy to find out
3 that the original plan was written without the
4 assistance of the very groups that were
5 assembled by the county to formulate said
6 plan. In my opinion, this was an unnecessary
7 shot in foot for this process. It created a
8 tremendous amount of ill will and mistrust.

9 On the plus side as a result, the
10 People's Plan was created which provided us
11 with a wealth of research and data for moving
12 forward. I am pleased to see that the county
13 has incorporated many of the ideas into their
14 plan. These include greater use of mobile
15 crisis team for mental health calls.
16 Improving the 911 system. The collection of
17 data. Regular and transparent reporting of
18 data. Community surveys. Body cameras.
19 Increased and improved antibias training.
20 Improved recruiting and retention of minority
21 candidates for the Nassau County police force
22 and language access.

23 The plan doesn't necessarily align
24 one-to-one but they're similar enough to make
25 me feel comfortable with them. The

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2 differences as I see them are in the areas of
3 the CCRB, the inspector general and the SROs.

4 With regards to the SROs, as a
5 former school board member I am not in favor
6 of the concept. However, in speaking with my
7 districts I have found that there are
8 differences in the definition of an SRO. My
9 understanding is that this means a police
10 officer is embedded in the school building and
11 I believe that that is the definition used by
12 the People's Plan.

13 According to the superintendents in
14 my district, it means they have the cell phone
15 number of the POP cop and therefore quick
16 access to the police should the need arise.
17 So, I'm comfortable with keeping SROs
18 providing this is the definition.

19 The discipline of children should
20 remain with the schools.

21 The CCRB and the inspector general
22 are not in the county plan and I wish they
23 were. However, the recently enacted state
24 laws empowering the state attorney general to
25 handle complaints of misconduct by the police,

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2 combined with increased legislative oversight
3 on our part is a step in the right direction
4 for accountability and transparency.

5 Before us today is the county
6 police reform plan. I heard from many people
7 on this issue who have urged me to vote both
8 yes and no. I plan to vote yes for the county
9 plan. It's not perfect but it addresses
10 enough of the fundamental ideas of EO 203 to
11 convince me in affirmative direction.

12 The commissioner has stated on the
13 record that this is a living document and it
14 can be revised as needed. I strongly ask that
15 this body do its due diligence to follow up on
16 the newly collected data within the next few
17 months and on a regular basis forever after to
18 make sure this plan accomplishes what it needs
19 to do. Thank you.

20 LEGISLATOR NICOLELLO: Thank
21 you. Minority Leader Abrahams?

22 LEGISLATOR ABRAHAMS: Thank you
23 Presiding Officer. Can you guys hear me?

24 LEGISLATOR DERIGGI-WHITTON: I'm
25 going to call you Kevan.

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2 LEGISLATOR NICOLELLO: So far so
3 good.

4 LEGISLATOR ABRAHAMS: I thank you
5 Delia. I think it's all right. Delia's been
6 my translator in this process with my horrible
7 internet service but I apologize to the folks
8 in the chamber again.

9 Look, I just want to continue to
10 reemphasize I obviously, as we all can see, I
11 see the way this vote is going to go today. I
12 respect each of my colleagues' position. I
13 don't want to dismiss what the county has been
14 able to accomplish in terms of putting
15 together this plan and demonstrating the hard
16 work that is necessary to not only put
17 together this plan but then to also go
18 forward.

19 However, I will say that hard work
20 is not going to be determined by the amount of
21 pages you put into a plan. I saw Suffolk did
22 a thousand pages. Obviously the People's Plan
23 did 300 and the county did whatever amount
24 they did. But ultimately hard work is going
25 to be determined by how many people actually

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2 believe that this police department may trust
3 the police department. That hard work is
4 going to take a lot more time. It's not going
5 to be done overnight. It can't be done in a
6 year. We've got a lot more work to do. And
7 because the results may not go in the
8 direction I would want and believe it should
9 go, I still believe and still think it
10 warrants putting in the work to be able to
11 continue to foster the trust and the
12 understanding.

13 I said it before and I'll say it
14 again, we got a lot of work towards building
15 the trust. And obviously the thing that we're
16 not talking about today is we have to have the
17 ability to have the very difficult
18 discussions. Those discussions unfortunately
19 need to happen. They need to happen between
20 police and community, legislators and
21 administrators, police commissioners and
22 county executives.

23 We have to have a very difficult
24 discussion regarding race if we're ever going
25 to move forward. And there has to be an

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2 understanding that both sides want to agree.
3 I truly believe that we missed that
4 opportunity since the death of George Floyd.
5 But it doesn't mean that we can't be able to
6 move forward from this point.

7 It would be very easy for each and
8 everybody that didn't get their way or some
9 that did get their way to be able to go into
10 their respective corners and forget this ever
11 happened. Or it would be very easy to go into
12 our respective spots and on one side just
13 choose to protest without debate and
14 discussion and at the same time to sit on one
15 side, another side, and be able to say we got
16 our plan and we're good to go.

17 I still encourage us all because,
18 like I said before, nothing will get done
19 without the possibility that every single
20 person in this county believes in their police
21 department. We still have the work to do so
22 that trust can be generated.

23 As I said before, whether it's a
24 CCRB or inspector general, independent
25 inspector general, both being absent, as well

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2 as all of the things that we wrote in our
3 letter being absent from this plan, I
4 unfortunately will have to vote no to this
5 plan. Thank you.

6 LEGISLATOR NICOLELLO: Legislator
7 DeRiggi-Whitton.

8 LEGISLATOR DERIGGI-WHITTON:
9 Thank you. I want to mention also that in any
10 negotiation no side walks away completely
11 happy. But I do think that a number of the
12 steps here will make this process a more fair
13 process, a more open process.

14 And I want to say something. I
15 have a little bit of insight into the police
16 occupation. I was married to a police officer
17 for a long time, and I just want all of you
18 here to understand that we need you more than
19 ever to be there and to be the good
20 representative of how many there actually are
21 of you that try to do the right thing every
22 day when you get up and you get dressed and
23 you leave your family.

24 Yes, there have been a few bad
25 apples, I know that. And yes, some steps have

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2 to be made to ensure that those people are
3 given the correct help and they are held
4 accountable. And I think everyone in this
5 room agrees that that's the case.

6 But I don't want you to think that
7 we're condemning you for all your actions. I
8 know there's a lot of good that happens every
9 day. I hope that -- as legislators we're
10 supposed to represent our communities and I
11 think that we all do that. But I don't want
12 you to feel that we're going against you
13 either because we need you to help protect our
14 communities also. Which is what you have
15 done. And in my impression you have done it
16 quite well over the time I have been here.

17 Again, I thank you for being open
18 to criticism. It's never easy. I know
19 politicians are criticized quite often. No
20 matter what, I take it to heart even if it
21 doesn't apply to me sometimes. But please
22 continue to be the good example that we need
23 to have the trust that we have in Nassau
24 County and please know that we're here for you
25 as well as our communities. So thank you.

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2 LEGISLATOR NICOLELLO: Legislator
3 Birnbaum.

4 LEGISLATOR BIRNBAUM: I will be
5 brief. We've heard a lot of testimony and
6 it's clear that hours upon hours of hard work
7 went into developing a plan. It was mandated
8 that we had to come up with something, approve
9 a plan by April 1st. Yes, we could go on with
10 this process for weeks, months and keep
11 improving it.

12 So, at our meeting today we have to
13 form a conclusion. We must vote on it. And
14 after listening to everybody and reading
15 volumes of paper, seeing all the improvements
16 that could possibly be made, I feel a lot of
17 good has come into this plan. A lot of good
18 amendments. A lot of hard work definitely.

19 On behalf of our police department
20 I know you've spent so much time speaking to
21 community groups, interfacing whether by the
22 virtual means you've had to do in the last
23 couple of months. Before that going out into
24 communities talking to people. And I know the
25 People's Plan everybody sat down and really

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2 did a thorough examination of how we can
3 improve Nassau County's police. We compared
4 our police to police all around the country.

5 There are a lot of good ideas. But
6 I feel today the plan in front of us with the
7 amendments is a great starting point. Yes, we
8 can make changes moving forward and we will.
9 I don't think any of us will forget that it is
10 our job, especially the members of the Public
11 Safety Committee, to hear the data and we will
12 be hearing it. I'm happy that now we are
13 moving forward into a time we'll have more
14 information than ever, whether it's the GPS,
15 the body cam, and make informed decisions on
16 how to proceed. With that being said, I will
17 support the plan today.

18 LEGISLATOR NICOLELLO: Legislator
19 Rhoads.

20 LEGISLATOR RHOADS: Thank you Mr.
21 Presiding Officer. I want to thank everyone
22 that's been a part of this process and will
23 continue to be a part of the process moving
24 forward.

25 I think that the tragedy that

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2 happened to George Floyd and what's occurred
3 since then has really given us an opportunity
4 for a lot of self-reflection. I think that's
5 what the governor's executive order was
6 ultimately about. To make sure that we went
7 through this process and gave a vehicle so
8 that all sides can feel invested. Because we
9 talk about all sides but it's not really all
10 sides. We're all supposed to be kind of one.
11 Trying to make sure that all of Nassau County
12 citizens feel invested in the process. Trying
13 to make sure that all of Nassau County
14 citizens feel invested in the county and that
15 we're all working towards the best interests
16 of each other is sort of the ultimate goal for
17 all of us.

18 I share Legislator Drucker's
19 disappointment in the sense that I wish that
20 there had been maybe a little more
21 collaboration early on in the process. But at
22 least I'm happy that we, here at the
23 legislature, had the opportunity to sit down
24 not as Republicans and Democrats but as
25 members of the Nassau County Legislature

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2 representing all the citizens of Nassau
3 County, all 1.4 million through our 19
4 districts, to listen to what was presented by
5 the administration. To listen to what was
6 presented as part of the People's Plan and
7 some of the ideas that came up from our own
8 members in the legislature and suggestions
9 that we had from members of the community and
10 put together a plan that makes progress. And
11 we're all ultimately saying the same thing
12 which is that there's still continued work to
13 be done. I think we recognize that.

14 I think that what you're hearing
15 from both sides of the aisle is the continued
16 commitment to making sure that we're moving
17 forward towards that goal of a Nassau County
18 where we all feel included and where we're all
19 kept safe.

20 But I want to say that the plan
21 that ultimately is going to come out of today
22 is a plan that may not accomplish everything
23 that everyone was looking for. That is a part
24 of differing opinions. But it's also a plan
25 that is a work in progress. We're up against

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2 a hard deadline of April 1st where something
3 has to be in place.

4 There are questions that have been
5 asked that even today that we simply don't
6 have the answers to. But I think we may be
7 providing some of the tools that we need to
8 get to achieve those answers and in the future
9 we will be having continued conversations to
10 move this plan and some various components to
11 it forward as we learn more and as we continue
12 to evaluate.

13 But I just want to say thank you to
14 both the Presiding Officer and to Minority
15 Leader Abrahams who have I know worked
16 tremendously hard in making sure that we had
17 the opportunity to be able to hear all of the
18 arguments. And I want to thank both the
19 police commissioner and the police department
20 for their hard work in putting together the
21 plan that was presented to us from the
22 administration.

23 And I also want to thank the
24 members, I guess Mr. Brewington and the
25 members of the various organizations that put

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2 together the People's Plan for giving us so
3 much to think about.

4 Again, this isn't a conversation
5 that ends today, but we do want to make sure
6 that we put in the bank the progress that
7 we've made to this point by advancing a plan
8 in compliance with the April 1st deadline as
9 we look towards the future in moving that
10 forward.

11 I guess in a awful lot of words I
12 sort of said the same thing that everybody
13 else is saying. I guess that's usually the
14 case.

15 LEGISLATOR NICOLELLO: Thank
16 you. I would just add that this legislative
17 body, particularly the Public Safety
18 Committee, has done its due diligence. Before
19 today there were over 15 hours of hearings.
20 We've had meetings with stakeholders. We've
21 spent hours pouring over the various plans and
22 documents. In my judgement, the amended
23 reform plan is responsive to the requirements
24 of Executive Order 203.

25 In particular, I appreciate and was

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2 impressed by the fact that this plan changed
3 in particular in response to the People's
4 Plan. Many of those suggestions were
5 incorporated and when suggestions were not
6 incorporated there was an explanation as to
7 why it wasn't recommended.

8 There are certain things we are
9 going to completely disagree over and one of
10 those things is that I reject that the Nassau
11 County Police Department is a racist
12 institution. What is an institution? It's
13 people. Over the years we have had
14 interactions obviously with the commissioner,
15 with the chiefs, with the inspectors down to
16 POP officers, with the top cops, with their
17 families, with the representatives of the
18 collective bargaining organizations and all of
19 them obviously know who we are and there's
20 that level.

21 But when we're in the communities
22 officers don't know who we are. We interact
23 as well with your line officers all the time.
24 They have no idea that most of us are on the
25 legislature. But those interactions have been

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2 uniformly good. The people who are working
3 for this department, the cops, are hard
4 working, dedicated, courageous. It was only a
5 few months ago, a year ago, we were all
6 sheltering in our homes and the police were
7 out in the streets answering calls. That's
8 not lost on us. So this is not a racist
9 institution.

10 The bottom line is the Nassau
11 County Police Department has been tremendously
12 successful. We have the lowest crime rate in
13 a generation. A crime rate that equals what
14 we had in the '60s. Our neighborhoods are by
15 and large safe. But we do have continuing
16 threats and we need to focus on those threats
17 and make sure that our department going
18 forward continues to meet the rising
19 challenges of drugs, gang violence, more
20 sophisticated crime of the 21st Century.

21 This plan embraces reform in
22 recruitment, training, data collection,
23 response to behavioral situations and many
24 more other areas but does not erode the
25 effectiveness of the Nassau County Police

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2 Department.

3 Just as important, the department
4 must continue to update us by annual
5 reporting. A report on body cameras within
6 six months. A report on recruitment within
7 six months. So the process is ongoing.

8 For all those reasons I support
9 this plan and intend to vote aye. I would
10 also echo Legislator Rhoads' thanks to the
11 commissioner and his staff, to Mr. Brewington
12 who was a gentleman throughout and especially
13 to my colleague Denise Ford, chair of the
14 Public Safety Committee, who put tremendous
15 time and effort into this and I think you did
16 a fabulous job.

17 Any other comments or suggestions?
18 Hearing none, let's vote on the item. All in
19 favor signify by saying aye. Those opposed?
20 Is that three? The police reform plan passes
21 by a vote of 16 to three. I want to thank you
22 all for coming and we'll take a break now for
23 ten minutes.

24 (Meeting recessed at 4:10 p.m.)

25 (Meeting reconvened at 4:29 p.m.)

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2 LEGISLATOR NICOLELLO: Call the
3 legislature back into session. It appears
4 that I neglected to call several items on the
5 consent calendar and I'll call them now. Item
6 27, Resolution 34. Item 28, Resolution 35.
7 Item 29, Resolution 36. Item 30, Resolution
8 37. Item 31, Resolution 38. Item 32,
9 Resolution 39.

10 Moved by Legislator Drucker.
11 Seconded by Legislator Kennedy. Again, those
12 are consent items. It's been agreed that
13 there will be no further debate or
14 discussion. All in favor of those items
15 signify by saying aye. Those opposed? They
16 carry unanimously.

17 Now, we have a couple of items on
18 an emergency agenda. I think we need to
19 establish the emergency first. We'll do the
20 hearing first and the emergency item. Clerk
21 item 33 of 2021 is a resolution consenting to
22 the set aside by the rector, wardens and
23 vestry of Grace Episcopal Church a/k/a Grace
24 Episcopal Church of certain land for cemetery
25 purposes.

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2 34 of 2021 is a resolution
3 consenting to that acquisition and use by the
4 Nassau Knolls Cemetery Association, Inc. of
5 certain land for cemetery purposes.

6 Motion to open the hearing by
7 Legislator DeRiggi-Whitton. Seconded by
8 Legislator Bynoe. All in favor of opening the
9 hearing signify by saying aye. Those
10 opposed? The hearing is open.

11 MR. INGHAM: Good afternoon. My
12 name is Mike Ingham from the firm of Carmen,
13 Callahan and Ingham, 266 Main Street
14 Farmingdale, New York, and I represent the
15 Grace Episcopal Church in this application.
16 With me here today is Reverend Hillebrand who
17 can also speak to the application.

18 We especially thank Legislator
19 Kennedy for proposing our application. It's a
20 fairly straightforward application. The Grace
21 Episcopal Church was founded back in 1844. A
22 long time ago. They originally had their
23 church and their cemetery on the north side of
24 Merrick Road. They required about six and a
25 half acres directly south of the original

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2 church on the south side of Merrick Road.

3 At this time the old cemetery is
4 completely full. So the application under
5 Real Property Law 451 is to set aside a
6 portion of the south side property for a new
7 cemetery use.

8 We have gone through the
9 application process. We certainly put our
10 notice of hearing in Newsday for six weeks.
11 The affidavit of posting was filed.

12 I must say for the record, that
13 Mr. Otsuni and Mr. Clines were extremely
14 helpful in this process and Mr. Lemoine was
15 also very helpful as well.

16 If there are any questions from the
17 legislature we'd be certainly pleased to
18 entertain them now.

19 LEGISLATOR NICOLELLO: Are there
20 any questions? Hearing none, thank you.

21 MR. INGRAM: Thank you members of
22 the legislature and thank you Mr. Otsuni and
23 Mr. Clines, especially Legislator Kennedy.
24 Thank you very much.

25 LEGISLATOR NICOLELLO: Motion to

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2 close the hearing by Legislator Bynoe.
3 Seconded by Legislator DeRiggi-Whitton. All
4 in favor of closing the hearing signify by
5 saying aye. Those opposed? Carries
6 unanimously. The hearing is closed.

7 Now we have to establish an
8 emergency for voting on the items. Legislator
9 Kennedy makes a motion to establish the
10 emergency. Legislator McKevitt makes a motion
11 second to that motion to establish an
12 emergency with respect to items 33 of 2021 and
13 34 of 2021. All in favor of establishing the
14 emergency signify by saying aye. Those
15 opposed? Carries unanimously. Emergency is
16 established.

17 Now we can vote on the resolutions,
18 33 of 2021 and 34 of 2021. Moved by
19 Legislator Birnbaum. Seconded by Legislator
20 Ferretti. Any debate or discussion? All in
21 favor signify by saying aye. Those opposed?
22 Carries unanimously. So those resolutions are
23 passed.

24 We have to go to several items on
25 the calendar. We're actually going to go to

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2 item three first. That's a vote on a proposed
3 local law. It's a local law to amend Chapter
4 12 of the Nassau County Administrative Code in
5 relation to the Department of Public Works'
6 approval of building permits and curb cuts
7 pursuant to Section 239-F of the New York
8 State General Municipal Law.

9 Moved by Deputy Presiding Officer
10 Kopel. Seconded by Legislator Rhoads. That's
11 now before us. Deputy Presiding Officer
12 Kopel.

13 LEGISLATOR KOPEL: Thank you
14 Presiding Officer. This local law was
15 precipitated by the fact that historically the
16 239-F, which is required for all developers
17 who want to build anything on a property that
18 adjoins any county-owned property. The
19 county gets the right to certain approvals for
20 any such construction plans.

21 Now, under New York State law, the
22 county is given ten days, literally ten days,
23 to approve or disapprove after which time the
24 county would lose the right to object to any
25 aspect of the plan and the other relevant

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2 municipality would be able to go ahead and
3 issue an approval if it otherwise complied
4 with the municipality building code.

5 In practice however, the approval
6 or disapproval by the county, comments by the
7 county always went beyond ten days and
8 sometimes went into months and even years.
9 Without going into why that happened, I would
10 simply note that this has been a problem for
11 the simple reason that it costs a fortune. It
12 cost developers a fortune because they're
13 paying interest. They're paying interest on
14 dead property. Can't be used. Dead money.
15 They borrowed money to buy the property.
16 They've hired architects and engineers and so
17 forth and that property is just sitting
18 there. Loses money for the county and people,
19 for the school districts and other
20 municipalities. Once a new property is
21 developed and constructed it is taxed
22 accordingly. It's almost many, many times the
23 amount that it had been taxed as vacant land
24 or as an old decrepit property.

25 There has been a blue ribbon panel

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2 that the administration has established to try
3 and go ahead and streamline this process in
4 recognition of the problem. They've done a
5 wonderful job. They've come up with many,
6 many good solutions. Many of which have
7 already been implemented and some of which are
8 being implemented. This local law does not
9 impact on those. Those proposals will go
10 ahead and it's up to the administration to go
11 ahead and implement them.

12 All this local law does is codify
13 the amount of time within which these
14 procedures have to go forward and conclude.

15 So, in essence, what it says is
16 this is essentially a 30-day period after an
17 application within which the Department of
18 Public Works has to go ahead and approve or
19 disapprove, submit comments, for this
20 property. For the development.

21 After the 30 days, if it hasn't
22 been done, the fees that have been paid to the
23 department would decrease by 25 percent.
24 Another 25 percent every ten days thereafter.
25 So that after a two-month period when the fees

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2 that have been paid reach zero the application
3 would automatically be deemed approved by the
4 DPW and the other municipality would be able
5 to go ahead. And this is provided that a
6 licensed architect or engineer certifies that
7 the development plans otherwise meet all the
8 requirements of the law.

9 Now, there are some additional
10 provisions here. I'm not going to go through
11 all of them. There was one which some people
12 have gotten a little bit confused, so I wanted
13 to clarify it. That is that in certain
14 instances the DPW can request a meeting with
15 the applicant to clarify what it is that the
16 plans indicate. What happens in that case is
17 that if the DPW asks for such a meeting and
18 specifies a date, from that date on if the
19 applicant is unable to meet on that date, the
20 days from the date specified by DPW until the
21 applicant does actually meet with DPW will
22 toll the time period within DPW has to act.

23 So that, just for example, if DPW
24 submits a request on day seven for a meeting
25 on day ten and the applicant is unable to meet

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2 on day ten and is unable to meet until day 20,
3 DPW would have the 30-day period extended by
4 ten days.

5 I think that if this is passed, and
6 I recommend to all my colleagues that we do go
7 ahead and pass it, it's good for our
8 constituents and it's good for the county.
9 It's just plain good government to make sure
10 that these things move along smoothly. If
11 anyone has any question I'd be happy to
12 respond.

13 LEGISLATOR NICOLELLO: Any
14 comments or questions? Legislator Birnbaum.

15 LEGISLATOR BIRNBAUM: Thank you.
16 I sat on that blue ribbon panel as did
17 Legislator Schaefer and we spent many hours
18 discussing how to improve upon the process.
19 When I last asked for this I guess it was
20 motion to table legislation that was a little
21 bit different than the one you are proposing
22 today, but I was waiting to hear from the
23 commissioner of DPW to see what changes had
24 been implemented. Is there anybody here
25 today --

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2 LEGISLATOR KOPEL: Let me just
3 tell you before that, we've engaged in
4 discussions with DPW and they've given us some
5 suggestions and we have tried to incorporate
6 them as best we can. So, it is my belief, and
7 I'm not going to put words into anyone else's
8 mouth of course, but I believe that we've met
9 their objections and their comments and for
10 that reason we're going to offer an amended
11 law in the nature of a substitution for the
12 original one that we tabled. We tabled it for
13 that reason and we amended it.

14 LEGISLATOR BIRNBAUM: Again, I
15 will ask is there anybody here today from DPW
16 who can speak to us about this?

17 MR. ARNOLD: This is Ken Arnold,
18 commissioner of Public Works.

19 LEGISLATOR BIRNBAUM: Could you
20 tell us your opinion of this piece of
21 legislation and could you also fill us in on
22 what changes have been implemented since we
23 last spoke?

24 MR. ARNOLD: Sure. As Legislator
25 Kopel mentioned, this legislation we did

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2 discuss and as it's currently written it gives
3 the department 30 days to review each plan
4 submittal and either approve or reject. If it
5 was rejected, another set of plans and we
6 would again have 30 days to review. It does
7 incorporate, which is important, the ability
8 to have meetings and ask for further
9 information from the applicants to help
10 resolve these in a more timely manner.
11 Because we know one of the biggest reasons why
12 a plan takes so long is because the applicants
13 have trouble sometimes understanding what we
14 require and sort of looking to eliminate a
15 loop of where we don't get what we need from
16 the applicant in plan submittals.

17 The biggest change was allowing
18 meetings and polling during that process.

19 LEGISLATOR BIRNBAUM: Could you
20 tell us how many plans have been submitted
21 that have taken longer than 30 days? How have
22 you been doing in the last several months or
23 within the last year in this time period?

24 MR. ARNOLD: Sure. When this
25 item was first submitted we went back and

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2 looked at our timing and since that point
3 we've been turning around our plan reviews in
4 that 30-day period. That is doing that
5 without a fully implemented program. It's not
6 fully implemented. There are two items
7 outstanding for us to take care of. One is
8 which is hiring a second engineer. Which we
9 have interviews set up currently and we have
10 applicants that we're talking to.

11 And the second is going totally
12 electronic plan reviews. That's going to be
13 initiated April 1st. We have the last of the
14 computers being put together for that goal of
15 plan reviews electronically.

16 LEGISLATOR BIRNBAUM: Have you
17 received the new large scenes that you said
18 you had ordered and were waiting to receive in
19 order to use the new program?

20 MR. ARNOLD: Half the team has
21 them, half the team is waiting for them.
22 That's the thing we need to get done for April
23 1st.

24 LEGISLATOR BIRNBAUM: I just want
25 to know in your opinion is this piece of

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2 legislation necessary or is it moot because
3 you have been doing everything in 30 days or
4 less?

5 MR. ARNOLD: Remember legislator
6 the panel was looking for us to do things in a
7 30-day turnaround. I believe with the current
8 staffing and the additional staffing we will
9 continue to do the 30-day turnaround that we
10 have been doing. There's always the challenge
11 of not getting complete plan sets. Hopefully
12 the meetings will help expedite that. But I
13 am comfortable in saying that receiving plan
14 sets we can get comments or rejections or
15 approvals within 30 days of each submittal.

16 LEGISLATOR KOPEL: I would add,
17 by the way, in response to your question as to
18 whether it's moot, is that right now we're
19 lucky to have a very dedicated and hard
20 working and responsive commissioner of DPW in
21 Ken. We've had quite a few years of
22 experience. We might not always be so lucky.
23 Things do tend to deteriorate over time.

24 LEGISLATOR BIRNBAUM: Except that
25 we do hear he's intending to hire one

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2 additional person and receive more screens --

3 LEGISLATOR KOPEL: That's all
4 wonderful but as I say --

5 LEGISLATOR BIRNBAUM: -- which
6 will make the electronic process speed things
7 up. In your opinion will that help to improve
8 your system right now? If you had an
9 additional person and receiving more screens
10 would that even help the process move along
11 more smoothly?

12 MR. ARNOLD: Like I said, we've
13 been in a COVID emergency so plan site reviews
14 are down slightly. That's why I'm very
15 concerned about getting the second person on
16 board because we know at some point things
17 will pick up again. Also it gives me
18 redundancy. Right now I've been running
19 30-day reviews but everybody's in doing the
20 work. If I have a vacation or illness I'll
21 have a backstand to get that done. So, I
22 would say, you know, getting things quicker
23 than 30 days could happen on occasion but 30
24 days is the department's goal to keep turning
25 around our plan sets.

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2 LEGISLATOR BIRNBAUM: I'm just
3 wondering, Commissioner, did COVID change the
4 way you do things? Rather than of course
5 having one-on-one meetings you learned to do
6 things virtually?

7 MR. ARNOLD: Yes. The department
8 was transformed by COVID where we eliminated
9 almost all our paper. Everything is
10 electronic now. Submittals, letters,
11 complaints. We get very little paper. And
12 the plans that we get for 239 will help the
13 department move not only towards that review
14 being paperless but all our reviews on
15 projects going paperless.

16 LEGISLATOR BIRNBAUM: With that
17 being said, I think we should withdraw this
18 resolution. I don't really see why we even
19 need it if the commissioner of the department
20 is testifying that he's needing this and
21 things seem to be getting better.

22 LEGISLATOR KOPEL: I think I
23 responded to that. This certainly doesn't
24 hurt. The department says it can meet the
25 law. The law has been widely I won't say

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2 disregarded but the state law has not been
3 complied with in the past. This does provide
4 a requirement as to how the county is going to
5 respond in the future. And neither Ken nor --
6 it's safe to say that neither Ken Arnold nor
7 all of his employees are going to be there
8 forever. And things do change and this is
9 there to ensure that it does get done
10 correctly.

11 LEGISLATOR BIRNBAUM: I hear what
12 you're saying but I think it really is not the
13 job of the legislature to micromanage the
14 departments and I think we can say that about
15 any department. If you don't return a call
16 within ten days. If you don't respond to a
17 letter within 20 days. There's a lot of
18 decisions to be made by departments.

19 LEGISLATOR KOPEL: We can
20 disagree on this. That's okay.

21 LEGISLATOR NICOLELLO: Legislator
22 Schaefer.

23 LEGISLATOR SCHAEFER: Thank you.
24 So, yes, as Legislator Birnbaum said I was a
25 part of the panel and I really do believe that

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2 very good work was done. I thank you
3 Commissioner certainly for all of your help
4 and input with that because, as you said,
5 things are moving forward and very good ideas
6 came out of putting this panel together and
7 having very open discussions. So, I just have
8 a couple of questions for you Commissioner.

9 Number one, with regard to hiring
10 that other person, do you have any kind of
11 timeline or like when are you looking to make
12 that hire?

13 MR. ARNOLD: The what we call
14 PRFs to get approved by OMB I'm in discussion
15 with them right now. They understand the
16 urgency of getting it done. We have a
17 candidate lined up. I just have to make sure
18 she meets all our requirements with civil
19 service. That has to be reviewed. If those
20 two things go well I would hope to have this
21 candidate sometime in May.

22 LEGISLATOR SCHAEFER: Thank you.
23 Then my other question. As to the component
24 that requires applicants that have 40,000
25 square foot or larger projects to meet with

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2 you, what percentage of the projects that you
3 have or that you've seen come through the
4 county tend to be of that 40,000 square feet
5 or larger?

6 MR. ARNOLD: It's a small
7 percentage but it's a percentage that is very
8 complicated and detailed and usually gets into
9 signals and other items that require extensive
10 reviews and that's why it's very helpful.

11 LEGISLATOR SCHAEFER: Would you
12 say that's the number 40,000 square feet that
13 kind of leads to a more complicated review as
14 you put it or is there a different number that
15 you think would be better?

16 MR. ARNOLD: That's the number
17 that I talk to my planning group about and
18 they came back and said that would be the
19 number that we would expect to have this
20 conversation.

21 LEGISLATOR SCHAEFER: Okay.
22 Thank you.

23 LEGISLATOR NICOLELLO: Legislator
24 Birnbaum.

25 LEGISLATOR BIRNBAUM: Hearing

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2 that an additional personnel will be hired in
3 May I would like to make a motion to table
4 this and examine the numbers. Let's have some
5 data presented to us maybe in June and see if
6 it's drastically down to 15 days even or way
7 under 30 and there are no cases above 30 I
8 think we can reexamine it. But I would like
9 to make a motion at this time to table this.

10 LEGISLATOR NICOLELLO: Is there a
11 second?

12 LEGISLATOR DERIGGI-WHITTON: I'll
13 second it.

14 LEGISLATOR NICOLELLO: Motion to
15 table. All in favor of the motion to table
16 signify by saying aye. Opposing the motion to
17 table signify by saying nay. Motion to table
18 fails by a vote of 11 to eight.

19 LEGISLATOR SCHAEFER: Can I ask a
20 question?

21 LEGISLATOR NICOLELLO: Yes.
22 Legislator Schaefer.

23 LEGISLATOR SCHAEFER: I'm sorry,
24 I don't have the legislation right in front of
25 me. I just have the general information. Is

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2 it supposed to be implemented right away?

3 LEGISLATOR KOPEL: There's no
4 date put in there. But the department, by the
5 way, the 40,000 square foot thing that entire
6 provision was as requested by the department.
7 It was not in the original submission.

8 LEGISLATOR NICOLELLO: Actually
9 the effective date is 60 days after its
10 adoption.

11 LEGISLATOR KOPEL: And the
12 department says that it's meeting the
13 requirements now.

14 LEGISLATOR SCHAEFER: 60 days
15 takes us into May anyway. Thank you.

16 LEGISLATOR NICOLELLO: Any other
17 debate or discussion? I think we need an
18 amendment in the nature of a substitution.
19 Amendment will clarify that DPW's time limit
20 to review applications after requested
21 information is received it tolls the initial
22 time period for the number of business days
23 applicant is unable or refuses to a meeting
24 requested by the commissioner and requires the
25 applicants with a 40,000 square foot or larger

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2 project to meet with the commissioner prior to
3 submitting a building permit and allows
4 parties to agree to a different timeline
5 re-requesting information and issuing
6 comments.

7 Motion by Legislator Kopel.
8 Seconded by Legislator Ford. Any debate or
9 discussion on the amendments? Hearing none,
10 all in favor signify by saying aye. Those
11 opposed? The amendment passes by a vote of 11
12 to eight. We have 11 votes positive. It's 14
13 to five, with the Majority as well as
14 Legislators Bynoe, DeRiggi-Whitton and Drucker
15 voting in the affirmative of the amendment.

16 Now we have the item as amended.
17 All in favor of the item as amended signify by
18 saying aye. Those opposed? I believe again it
19 passes by a vote of 14 to five, correct?
20 Yes.

21 Back to item one which is a local
22 law to amend Section 1602 of the Nassau County
23 Government Law of Nassau County in relation to
24 notification of meetings and agendas for the
25 Planning Commission.

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2 Moved by Legislator Walker.

3 Seconded by Legislator Kennedy to open the
4 hearing. All in favor of opening the hearing
5 signify by saying aye. Those opposed?
6 Carries unanimously.

7 This legislation is the result of a
8 compromise between the administration and the
9 Majority. We had adopted legislation back in
10 December that was vetoed by the county
11 executive. After negotiations it was agreed
12 that that legislation would, with amendments,
13 would be reintroduced. So that what's new
14 here is that in the case of a proposed zoning
15 or planning action as referred to the Planning
16 Commission for a recommendation pursuant to
17 Section 239-F less than one week in advance of
18 a scheduled meeting the Planning Commission
19 must post an addendum to the agenda including
20 the item on the official website as soon as
21 practical after the referral is received.
22 Otherwise, it's required that the publication
23 be seven days prior to the meeting.

24 There's also a new provision with
25 respect to individuals who may request to be

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2 included on a standing distribution list for
3 agendas.

4 Any debate or discussion on this
5 matter? Hearing none, need a motion to close
6 the hearing. Moved by Legislator Walker.
7 Seconded by Legislator Schaefer. All in favor
8 of closing the hearing signify by saying aye.
9 Those opposed? Carries unanimously. The
10 hearing is closed.

11 We move to item four for a vote. A
12 local law to amend Section 1602 of the Nassau
13 County Government Law in relation to
14 notification of the meetings and agendas for
15 the Nassau County Planning Commission.

16 Moved by Legislator Walker.
17 Seconded by Legislator Schaefer. Any debate
18 or discussion? All in favor signify by saying
19 aye. Those opposed? Passes unanimously.

20 Now is item 2. A local law to
21 amend the county government law of Nassau
22 County to expand disclosure requirements to
23 permittees under use and occupancy permits for
24 county property.

25 Moved by Legislator Rhoads.

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2 Seconded by Legislator Ferretti to open the
3 hearing. All in favor of opening the hearing
4 signify by saying aye. Those opposed? Carries
5 unanimously.

6 Just briefly, Nassau County
7 previously enacted laws that provide for
8 disclosures for individuals and organizations
9 who enter into contracts and agreements with
10 the county requiring the disclosure of certain
11 information including lobbyists, principals,
12 other information including campaign
13 contributions.

14 It has come to our attention as a
15 result of a use and occupancy permit issued
16 for the property on the Sands Point Preserve
17 that these individuals who entered the use and
18 occupancy permit were not required to do so.

19 It specifically came to our
20 attention because the individuals who are
21 renting the structure on Sands Point Preserve
22 contributed \$10,000 to the county executive's
23 campaign the day it happened and had
24 previously contributed over \$100,000 we
25 believe.

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2 So, this law changes the existing
3 law by expanding the disclosure requirements
4 to individuals on county property pursuant to
5 a use and occupancy permit.

6 I will turn it over to other
7 legislators but I will just note one thing.
8 We are not going to be voting on this measure
9 today. The use and occupancy language may
10 have to be narrowed somewhat so that we don't
11 capture someone using a field or something
12 like that. In any event, any legislators want
13 to speak on this. Legislator Rhoads.

14 LEGISLATOR RHOADS: Sure. I
15 think the presiding officer obviously captured
16 the essence of the legislation very well.
17 Obviously our goal is to make sure that the
18 legislature and the public has the information
19 that it needs in order to be able to evaluate
20 the motivations and the wisdom of entering
21 into contracts with various vendors doing
22 business with the county of Nassau.

23 This particular situation, which
24 arose out a proposal that was before us on
25 January 11th with respect to the Mill Floors

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2 property at the Sands Point Preserve, came
3 before us. It was actually in the name of
4 Smith and DeGroat Real Estate. The lease
5 itself was executed in the name of the
6 county's landmark portfolio manager, which is
7 Smith and DeGroat. As a result, the
8 disclosures were submitted for Smith and
9 DeGroat as opposed to the individuals who
10 would actually be residing in this mansion
11 that exists on -- county-owned mansion that
12 exists on county-owned property.

13 It came to our attention, as the
14 presiding officer indicated, after the Rules
15 approved this based on the disclosures that we
16 received that a contribution from those
17 individuals on the day of the Rules Committee
18 vote was recorded in the amount of \$20,000.
19 And upon further investigation, there had
20 been, since 2017, approximately \$119,000 in
21 contributions to County Executive Laura
22 Curran's campaign from those individuals.

23 Whether that had any bearing on the
24 decision to enter into this particular
25 contract or award this particular contract to

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2 those principals we have absolutely no idea.
3 But that is information obviously that I'm
4 sure the legislature would have liked to have
5 known at the time we were going to be voting
6 on that item.

7 So, the legislation here seeks to
8 close that loophole. As the presiding officer
9 indicated, we will be looking to change the
10 language slightly because as it's currently
11 worded it would go from situations like what
12 we're talking about with respect to Mills
13 Floors but would also encompass somebody
14 looking to get a picnic permit to use Cedar
15 Creek Park. We don't want to go overboard.
16 But by the same token, we do want to capture
17 some of the larger potential use and occupancy
18 agreements that the county does enter into to
19 make sure that we have a complete picture of
20 everything that's going on before we actually
21 vote and so that the public can be ensured
22 that there are no contributions that are being
23 made in exchange for a governmental benefit.

24 LEGISLATOR NICOLELLO: Thank you
25 Legislator Rhoads. Anyone else? Hearing

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2 none, Legislator Rhoads makes a motion to
3 close the hearing. Legislator Ferretti
4 seconds the motion. All in favor of closing
5 the hearing signify by saying aye. Those
6 opposed? Carries unanimously. I guess the
7 vote is 18 nothing.

8 Item six, an ordinance authorizing
9 the county executive of the county of Nassau
10 to execute an amendment to a successor
11 agreement with the Nassau Health Care
12 Corporation.

13 That is moved by Legislator
14 Drucker. Seconded by Legislator Birnbaum.
15 So, the item is before us. Do we have anyone
16 from the administration to speak on this?

17 MR. NOLAN: Good afternoon.
18 Chris Nolan with the Office of Management and
19 Budget. I'm joined virtually by Conal Denion,
20 deputy county attorney.

21 As you noted, this is an amendment
22 to the successor agreement between Nassau
23 County and the Nassau Health Care
24 Corporation. The main purpose of the
25 amendment with a key driver behind it was to

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2 resolve claims for services and other amounts
3 that date back many years. Many of these
4 claims often lacked complete supporting
5 documentation and the passage of time and
6 turnover of key staff sort of presented
7 further challenges to resolving them.

8 However, through sustained good
9 faith negotiations, we have been able to bring
10 closure to this process which will result in a
11 \$30.8 million payment to NHCC from the
12 county. And it also includes other changes to
13 various provisions of the successor agreement
14 and its related agreements.

15 Conal, I don't know if you want to
16 go through any of the additional provisions of
17 the agreement. Of the amendment.

18 MR. DENION: Certainly Chris.

19 So, going forward with the 2020
20 amounts, the agreement sets up a timetable for
21 NHCC to present its claims by March 31st for
22 the 2020 claims going forward and the county
23 would have until June 30th of that subsequent
24 year following the year end to resolve claims
25 and pay.

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2 Another provision is that the
3 county shall be a payer of last resort for
4 services provided by NHCC after payments by
5 Medicaid, Medicare, private insurance.

6 The agreement also clarifies that
7 all payments by NHCC, other than for jail
8 inmate services, are subject to the offset for
9 debt service that's guaranteed and paid for by
10 the county.

11 It also provides that there shall
12 no advanced payments or acceleration by the
13 county to the hospital. It clarifies that the
14 county's pro rata share of retirement and
15 termination benefits for former county
16 employees does not include the value of leave
17 taken prior to termination.

18 LEGISLATOR NICOLELLO: Are there
19 any questions? We're good. Thank you both
20 for your patience in waiting all day. Any
21 debate or discussion? Hearing none, all in
22 favor signify by saying aye. Those opposed?
23 Carries unanimously.

24 Need a motion to adjourn.
25 Legislator Walker makes a motion to adjourn.

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2 Seconded by Legislator DeRiggi-Whitton. All
3 in favor of adjourning signify by saying aye.
4 Those opposed? Carries unanimously. Thank
5 you.

6 (Meeting was adjourned at 5:06
7 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 26th day of
March 2021.

FRANK GRAY