

PROTECTIVE SERVICES COMMITTEE MEETING
Held via Audio Webinar Pursuant to Temporary Emergency Orders

Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday

6:00PM

June 9, 2020

The meeting was called to order at 6:00PM by Chairman Jonke who requested Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislators Nacerino and Chairman Jonke were present. Chairman Jonke confirmed that Legislator Sullivan joined the Audio Webinar moments later.

Item #3 - Approval/ Protective Services Committee Meeting Minutes/ May 12, 2020

Chairman Jonke stated the minutes were accepted as submitted.

Item #4 - Approval/ Fund Transfer (20T103)/ Cover Overtime Expenses Due to Two Full-Time Dispatcher Vacancies for Month of May/ Sheriff Langley (also review by Personnel Committee)

Chairman Jonke stated this matter will also be reviewed by the Personnel Committee. He stated the fund transfer is in the amount of \$8,285.46.

Chairman Jonke stated he would like to digress a moment. He stated he would like to remind his colleagues of the following: please identify themselves when speaking, he will open up discussion on each item to the members of the Committee first and then open the discussion up to the other members of the Legislature, please mute your microphone when you are not speaking and please wait to be recognized by the Chair. He stated he does not believe this will happen, but if things get out of control, he will be forced to mute all the microphones.

Legislator Sullivan stated there have been many discussions regarding the Dispatchers. He stated Sergeant Monroe and several of the Sheriff's Deputies presented a plan to use civilians instead of deputies as Dispatchers. He stated also the nine (9) School Resource Officers (SROs) are available, since there are no schools in session. He stated to see overtime related to the Dispatchers is a little bit concerning. He requested that someone from the Sheriff's Department speak to what is driving the overtime.

Sheriff Langley stated the document clearly states the two (2) vacancies are due to retirement. He stated they have been utilizing three (3) SROs in the Communications Division to help alleviate the overtime. He stated they do have employees taking vacation, and those shifts are covered by overtime. He stated currently there is no Civil Rights List that has been released and the old list is expired. He stated so they cannot hire full-time dispatchers to fill those vacancies at this time.

Chairman Jonke made a motion to approve Fund Transfer (20T103)/ Cover Overtime Expenses Due to Two Full- Time Dispatcher Vacancies for Month of May; Seconded by Legislator Nacerino. All in favor.

Item#5 - Approval/ Fund Transfer (20T099)/ Cover Temporary Expenses Due to Two Full-Time Dispatcher Vacancies for Month of April/ Sheriff Langley (also review by Personnel Committee)

Chairman Jonke stated this fund transfer is in the amount of \$3,856.82.

Legislator Montgomery stated she did contact New York State regarding the availability of the Civil Rights List the Sheriff referenced. She stated that the Dispatcher test was issued in January 2020. She stated she asked them what is causing the delay of publishing the list. She stated they explained they have a new testing process and COVID-19 have both contributed to the delay. She stated she was told they should have an answer shortly of when they will be issuing the list.

Legislator Nacerino stated she had planned to contact Personnel Director Eldridge regarding the delay of the release of the Dispatcher List. She thanked Legislator Montgomery for that update.

Chairman Jonke made a motion to approve Fund Transfer (20T099)/ Cover Temporary Expenses Due to Two Full-Time Dispatcher Vacancies for Month of April/ Sheriff Langley; Seconded by Legislator Nacerino. All in favor.

Item #6 - FYI/ Fund Transfer (20T097)/ Purchase Vest for New Hire/ Sheriff Langley –

Duly Noted

Item #7 - Discussion/ Sheriff's Department Sharing of Disciplinary Records/ Sheriff Langley

Chairman Jonke stated the Legislature has requested the ability to examine disciplinary records pertaining the Sheriff's Department for quite some time. He stated the Legislature has never intended for any of this information to be made public. He stated that he believes it to be more important now for the disclosure of this information in light of the recent happenings in Minneapolis. He stated an Officer with a long history of complaints now faces murder charges. He stated you wonder if his Supervisors could have prevented this tragedy. He stated as elected officials, we become aware of incidents after litigation has begun. He stated as co-employers of the personnel in the Putnam County Sheriff's Office, the Legislators have an obligation to our constituents to be mindful of complaints of disciplinary charges. He stated the Sheriff has hidden behind Civil Rights Law 50-a to prevent the Legislature from learning about disciplinary actions at the Putnam County Sheriff's Office. He stated the legal basis has been proven to be refuted by both Legislative Counsel and the Putnam County Law Department. He stated personally he finds it outrageously reprehensible to have read a post, by our Putnam County Sheriff, on his social media page filled with out and out lies. He stated he believes our constituents deserve more from their elected officials. He stated Civil Right Law 50-a was repealed today from the democratically controlled Senate in New York State. He stated it will

soon be passed by the democratically controlled Assembly and it is promised to be signed by the democratic Governor Andrew Cuomo. He stated today is a sad day for the good men and woman of law enforcement in all of New York State. He stated as Chairman of the Protective Services Committee, for over two (2) years, he has done his best to help the Sheriff's Office. He cited the different matters he has supported and stated he always works to be in the corner of law enforcement. He stated he enthusiastically moved forward with the appropriation of almost \$10 million to build a new communications system which will benefit the County's Deputies, Emergency Services Personnel and our Constituents. He stated again the Legislature does not and never intended to make any information provided public. He stated the Legislature is a coequal branch of government and are entitled to the information to protect the public.

Legislator Nacerino stated she also read the social media posting by Sheriff Langley. She stated although she believes it was a good will effort to appease and offer reassurance it also seemed to incite and divide. She stated this Legislature never requested names and addresses of Deputies. She continued by stating nor would the Legislature be inclined to do so. She stated no member of this Legislature requested unfettered access to personnel records arbitrarily for members of the Sheriff's Department. She stated what the Legislature asked for was accountability. She stated this conversation ensued upon discussion of disciplinary actions taken when violations occur, should confidential data be exposed, or any wrongdoing occurs. She stated the Legislature, as a governing body, should be apprised of such information. She stated the matter also came into discussion with several lawsuits pending, which could ultimately cost the taxpayers thousands, and thousands of dollars. She stated the Legislature asked what measures are taken. She stated the response was that the information for those instances could not be divulged. She stated she does not believe the inquiry was off the mark. She stated there is certainly evidence now throughout the Country whereby calls for accountability and transparency are deemed paramount. She stated for the record, she supports law enforcement and does not support defunding the police departments. She stated she believes this matter took a negative spin because of rumors and miscommunication. She stated she looks forward to working with the Sheriff's Department in a mutual effort to best serve the People of Putnam County.

Legislator Sullivan stated that he agrees with much that has been stated. He stated the Legislature has never asked for personal home addresses or even their names. He stated over many years the Legislature has requested information and are stonewalled by the Sheriff. He stated in this instance the Sheriff stated the Legislature was not privy to the information that was being requested. He stated as County Legislators there is really no information anywhere in the County that this governing body cannot have access to. He stated especially when the matters would be addressed in executive session, which is a confidential meeting. He stated it has been a disheartening answer from the Sheriff, when the Legislators are working to gather critical information that would provide answers to situations that have occurred. He stated the County Legislature and the County Executive have stood behind the Putnam County Residents and Law Enforcement in terms of protecting personnel records. He stated there are circumstances when Legislators should be apprised of information. He stated that he looks forward to the future and the Sheriff providing much more information when it is requested.

Legislator Albano stated he agrees with his colleagues Jonke, Nacerino and Sullivan. He stated the County is exposed to a lot of litigation. He stated it is important that law enforcement acts in

an appropriate manner. He stated that he believes they do for the most part. He stated it is a moral obligation that things are done correctly.

Legislator Montgomery requested confirmation that Chairman Jonke and Legislator Sullivan did not request personnel records from the Sheriff's Department in the Fall of 2019 and again in April 2020. She continued requesting confirmation that the Sheriff informed them that information is protected under the Civil Rights Law 50-a.

Chairman Jonke stated he never asked for personnel records. He clarified the discussion which ensued in relation to the Sheriff Department's use of Automatic License Plate Readers (ALPR), is when the discussion of the Legislature receiving disciplinary reports.

Legislator Montgomery stated maybe it was Legislator Sullivan who requested the personnel records from the Sheriff's Department. She stated Sheriff Langley explained the personnel records of his employees were protected under the Civil Rights Law 50-a, at that time. She stated Civil Rights Law 50-a was put in place "to prevent unwarranted fishing expeditions into a police officer's personnel file". She stated that she believes that is what was being done specific to the discussion of ALPR.

Chairman Jonke stated Legislator Montgomery is twisting things. He stated for her to mix up the ALPR with disciplinary reports, is fictional. He stated Civil Rights Law 50-a was to protect officers in litigation. He stated again, it is a sad day for all law enforcement in New York State today, with the repeal of Civil Rights Law 50-a.

Legislator Montgomery stated at the March 2020 Full Legislature meeting she was chastised for raising questions about staffing, funding and preparedness of the County's Health Department in the face of COVID-19. She stated at said meeting Legislator Nacerino replied to her by stating the Legislature is not here to micromanage the County Departments, if there is a need demonstrated that the Legislature needs to take action then that would occur. She questioned why the Legislature is micromanaging the Sheriff's Department, if not to harass the County's Sheriff and his team. She questioned why Sheriff Langley is not trusted to deal with discipline matters in his own department. She stated Sheriff Langley has introduced a mandated de-escalation training. He stated this Sheriff took the initiative to bring the de-escalation training to his staff and has gotten the Deputies out of their cars and into our neighborhoods. She stated for the past two (2) weeks Sheriff Langley has stood at public protests. She stated she and his Deputies stood alongside of him. She stated no other Legislators attended in an act of showing support for the police or stood with the people at these protests or the vigils. She stated at every protest the Sheriff stated unequivocally the high ethical standards he holds for his department and his absolute intolerance of bad action among his ranks. She stated Legislator Sullivan seems obsessed with the possibility of a breach of protocol with the ALPR data by the deputies. She questioned what drives that obsession, what exactly is he worried about. She stated in all the ways this Legislature should be engaging with the our departments and show our support, why are you choosing this issue to cause a controversy. She stated the details were not vetted when the Legislature was addressing the Commissioner of Health's response to COVID-19. She stated there was no micromanaging done and the details were not a concern when he was appointed the Commissioner of Health without a Public Health Degree, et al. She stated now this Sheriff is all

about doing the right thing and is faced with micromanaging. She continued by quoting minutes of support for work done by members of the Sheriff's Department regarding the ALPR.

Chairman Jonke stated he does not agree that this Legislature is micromanaging the Sheriff's Department. He stated a request was made for a specific report. He stated a report is provided on a daily basis from the Health Department regarding the COVID-19 cases. He stated no one from the Health Department ever said the Legislature could not have a report or that the reports are protected. He stated there is no micromanaging. He stated Legislator Montgomery used the words "twisting things", he stated in his opinion that is what was just done by Legislator Montgomery.

Legislator Sullivan stated there were so many distortions in the comments made by Legislator Montgomery. He stated the general statements made by Legislator Montgomery, were made with no facts. He questioned if Legislator Montgomery has any documents showing that he and or Legislator Jonke had ever requested personnel files. He stated he has stated many times, he has no problem with ALPRs. He stated like anything else done in the County and in any business, you have to have policies and procedures that would control the data and discuss how the information will be treated. He stated there is an IT Policy, Personnel Policy and the Sheriff's Department has a book full of policies and procedures. He stated he wants the Sheriff's Department to have the ALPRs once a policy is in place. He stated as Legislators they can discuss and ask any questions of the different County offices. He stated that Legislator Montgomery has stated that there are Legislators who do not trust the Sheriff's Department. He stated he does not believe that Legislator Montgomery trusts the Health Department based on how she has treated the members of that Department. He stated that she has been unkind at the very least with the accusations made towards the County's Commissioner of Health recently and in the last year. He stated it is his opinion, that behavior is unbecoming of a Legislator. He stated he believes the Sheriff is doing a fine job. He stated with that said the Legislature is allowed to ask questions and get answers and information on circumstances. He stated a topic he would like to discuss with the Sheriff is his Department's Pursuit Policy. He stated he learned of an event that occurred and would like Sheriff Langley to explain more of this. He stated approximately two (2) weeks ago one (1) or two (2) Putnam County Deputies were involved in a pursuit that took them through several counties. He stated in the process there was a maneuver performed that damaged a Putnam County Sheriff's Department vehicle extensively. He stated he believes that is the type of information that should be brought to the Legislature's Protective Services Committee. He stated and perhaps it would require an executive session. He stated these events are very important. He stated the liability is extremely high for the County. He stated the number of cases and the amount of money the County has paid out on the Lawsuits is tremendous, and a waste of taxpayers' money. He stated as a Legislator he wants to know when things happen, what exactly occurred, what was the Sheriff's response, provide details of the circumstances and explain to this Legislature so that each Legislator is informed of matters that occur in our Sheriff's Department.

Legislator Nacerino stated to be honest this sounds more like a political rally than anything else, at this point in time. She stated that she stands behind what she said, "we do not micromanage Department Heads". She stated she has never made any overture to micromanage the Putnam County Sheriff's Department. She stated she and some of her colleagues did inquire about

whether or not disciplinary records can be shared with this Legislative Body. She stated there was no intent for the Legislature to have any enforcement over the actions or directives in relation to the action. She stated Legislators should be apprised of bad situations and kept informed on what is going on. She repeated the request that is the focus of this discussion, is whether the disciplinary information can be shared with the Legislature. She stated she took an oath of office and will continue in her capacity as a Putnam County Legislator to uphold that oath. She stated to say this Legislature is trying to infiltrate or tell the Sheriff what to do as a Department head, is a grand fallacy. She stated the intent is to be informed of what is going on in the County's Sheriff Department because it is important. She stated in light of the circumstances that have occurred in other areas of our country involving Police Officers, this is a matter of critical importance.

Legislator Albano stated he is saddened and frustrated that the Legislators do not stay on topic with the agenda items. He stated this topic is a discussion about the sharing of the Sheriff's Department Disciplinary Records. He stated in light of what has been happening across the Country in the past few weeks, as Legislator Nacerino stated, he does not understand how anyone can question this. He stated he believes it is important for the Legislature to be reviewing the Sheriff's Department Disciplinary Records. He requested his colleagues stick to the topic.

Legislator Addonizio stated she wanted to reiterate that this Legislature never requested any names, addresses or any confidential information to be released. She stated for clarification she is totally supportive of the Putnam County Sheriff's Department and Police Departments. She stated she has voted in support of the Sheriff's Department requests for K-9s, Drones, School Resource Officers and School Patrol Officers, just to name a few. She totally supports the Sheriff's Department. She stated she agrees with Chairman Jonke, this is a sad day, due to the repeal of Civil Rights Law 50-a. She stated for the record in light of the protests that are occurring, she has heard from many of her constituents, who have expressed grave concern, about the consideration to defund Police Departments.

Legislator Castellano stated back to the issue at hand, the talk about Police Reform is a Nationwide topic right now. He stated this discussion of providing the disciplinary records to the Legislature has been discussed in the past. He questioned the Sheriff as to whether it would be possible to provide the Legislature with a quarterly or semi-annual report with the necessary information redacted. He stated the Legislature does not need the Officers names. He stated a code could be set up by the Sheriff's Department identifying the Officers such as assigning a number to each officer. He further explained, just as an example, all the Legislators upon their review of such report see "Officer #1" is on the Disciplinary report more than once, they contact the Sheriff to get a status of the situation with said Officer and whether additional training is needed for "Officer #1". He stated that would be helpful to the Legislators as they work to protect taxpayer dollars. He stated he believes we are co-employers, and this is what he would propose be done.

Chairman Jonke stated it seems this Legislature was always entitled to the Disciplinary Records of the Sheriff's Department. He stated there was a dispute with the Sheriff as to whether that was the case or not. He stated unfortunately based on what is happening in our State Capital, all of this information will end up being open to the public. He stated that is why it is a sad day for law

enforcement in New York State. He stated he would next give Sheriff Langley the opportunity to speak to this matter.

Sheriff Langley stated he would like to begin by encouraging all the Legislators to read his post thoroughly and take a step back and read it again to clearly understand it. He stated at no time did he accuse the Legislative Body of wanting to release any information to the members of the Public. He stated if anyone has any questions about it, please contact him. He stated he would be happy to talk about it. He stated in his post that certain members of the Legislature did want access to that information, which has been admitted tonight. He stated Legislator Nacerino confirmed in her statement tonight that Personnel Records were requested. He stated in those Personnel Records there is personal information.

Legislator Nacerino stated that is not accurate. She stated that there have been instances and in moving forward, that the Legislative Body should be apprised of Disciplinary Action taken. She stated she did not ask for personnel files or personal information. She continued to explain the reason this committee is even having this conversation today is because of an opposing interpretation of the Civil Rights Law 50-a. She continued to reiterate her earlier statements.

Chairman Jonke read a portion of the Sheriff's post, "some members of the Legislature and other members of County Government want to have unfettered access to personnel records of the members of the Putnam County Sheriff's Department". He continued and read, "he has stood before the Legislature more than once on the record in public meetings opposing access to personnel records as some members persist to have those records released". He stated what he read from Sheriff Langley's post is 1,000% untrue.

Sheriff Langley stated there are past meetings when he was asked why the Legislature could not have access to personnel records. He stated that his response was always the same, "under the Civil Rights Law of New York State Section 50-a does not permit me to release them". He stated this Legislature could have issued a Legislative Subpoena. He stated this is all a moot point now. He stated the Legislative Body is good at sending resolutions to the State requesting certain laws not be passed. He stated he does not recall this Legislature sending a resolution to New York State asking and urging them not to pass the repeal of Civil Rights Law 50-a. He stated in reference to Legislator Castellano's request, he has an issue with giving information to the Legislative Body. He stated there has been confidential information shared, in the past, with certain individuals of the public and it has shown up on social media sites. He stated that he needs to determine where the leak is. He stated he is not accusing this Legislature of doing it. He stated by him withholding the information from this Legislature it eliminates the Legislators as a potential suspect of being the one giving the information to the public. He stated that he recognizes the problem may be in his Office.

Chairman Jonke stated he has never requested personnel records. He stated he cannot remember any other Legislator who requested personnel records, other than a disciplinary report. He stated in reference to the Sheriff's comment regarding the Civil Rights Law 50-a reform; the package was pushed through in a matter of a day or two (2). He stated it was pushed through by the Democratically controlled State Legislature and the Governor. He stated there were no public

hearings, no police unions were involved, it was done in a matter of days. He stated to imply this Legislature merely took no action is, in his opinion, disingenuous.

Legislator Sayegh stated to reiterate what was stated by Legislator Sullivan, no one is against the ALPR tool. She stated she wants to make sure that there is a sound policy in place. She stated also regarding the Sheriff posting on social media, Facebook, she is disappointed. She stated that she does not believe the County Sheriff in a professional manner, should be having discussions related to County business on such a platform. She stated this Legislative Body, the Sheriff and the members of the Public are much better served to have these discussions at a Legislative meeting. She stated that she too is saddened that the Civil Rights Law 50-a will be repealed. He stated the intent of said law was to protect law enforcement. She stated she is very supportive of the Putnam County Sheriff and the Deputies.

Legislator Gouldman stated he agrees with much of what was said this evening by his colleagues. He stated this is a moot point since the Senate, Assembly and the Governor will approve the Repeal of Civil Rights Law 50-a. He recommends the Protective Services Committee move forward with its agenda.

Chairman Jonke stated he is very supportive of the law enforcement. He explained that he has gone above and beyond to assist the Sheriff's Department in getting something accomplished this week, that fizzled away today. He stated Sheriff Langley is aware of the work that he put forward to help, he wants to be clear that he is in total support of the men and women of the Putnam County Sheriff's Department.

Legislator Montgomery stated in 2015 there was a case of police brutality in the Putnam County Sheriff's Department. She stated, as she recalls, that the Legislators at that time made no comment, nor any action that demonstrated that they were addressing it. She stated the current Sheriff of Putnam County has introduced training and needs more funding for the training in de-escalation. She stated that is critical training and very much needed. She stated someone made a statement about defunding the Police. She stated that she hopes that is not a consideration of the Legislature. She stated since Sheriff Langley has been in office, his budget has been cut. She stated her hope is that the Sheriff's Department will be provided the funding for the necessary tools and training that they need. She stated she has seen Sheriff Langley in the past few weeks getting berated by members of the public and he de-escalated the situations, one on one at the rallies. She stated he is standing with his rank and file and standing with his people, while following the letter of the law. She stated the Sheriff was following the Civil Rights Law 50-a when members of the Legislature were requesting information, said information was not legal for the Sheriff to share, now that will change.

Chairman Jonke stated the Sheriff's opinion that he was not permitted to share the requested information has been refuted by Legislative Counsel and the County's Law Department. He stated also for the record, the Legislature has not cut the Sheriff's Department budget.

Legislator Sullivan stated Legislator Montgomery mentioned that training is desperately need, he would like to know her basis for making that comment. He stated as Legislator Montgomery should know, part of the negotiated contract that was just agreed to with the Sheriff's Deputies

and Police Benevolent Association (PBA) included what was requested in terms of training. He stated it was totally based on the request made by the Sheriff's Department in terms of what they need. He stated to say training is desperately needed without any facts or backup is just a reckless comment. He stated he would like to request that the Sheriff repeat his comments about suspects and that he needs to eliminate the Legislature as a suspect.

Sheriff Langley stated his comments have been recorded, so they can be listened to for the exact wording. He stated what he was communicating is that there is a leak somewhere and ways to eliminate leaks you need to plug up certain areas to find where the leak is.

Chairman Jonke requested clarification that the Sheriff does not want to provide information to the Legislature because he is afraid the Legislators will leak it.

Sheriff Langley stated he needs to eliminate possibilities of where a leak is.

Chairman Jonke stated this is a yes or no answer.

Sheriff Langley stated it is not a yes or no answer. He stated also for clarification, the Legislators are not co-employers. He stated that the County Executive and Sheriff are co-employers. He stated in fact the Legislators stated that they are not co-employers during the contract negotiations, therefore they were not involved with the negotiation of contracts.

Legislator Nacerino stated for the record she was the one who stated she would not be in favor of defunding the Police Department. She stated tonight's conversation has been negative and she does not believe it has to be. She stated all we all want is what is best for the people of Putnam County. She stated the Legislature does respect the Sheriff's Department and she believes that respect has been demonstrated many times over. She stated the Legislature has confidence in our Sheriff's Department. She stated these are tough times that are upon us. She stated that she believes it would be better to join forces and work in a more coherent way for the betterment of the people in Putnam County. She stated the Sheriff is 100% correct, the Legislators are not co-employers.

Legislator Sayegh stated in reference to Sheriff Langley's statement about plugging up the Legislature by not providing information, the Legislature is an elected body of government that represents the taxpayers, the people who fund the County itself. She stated cutting off information deemed shareable with the Legislature is cutting off the taxpayers and the people the Sheriff's Department protect. She stated she disagrees with that aspect.

Legislator Addonizio stated she wanted to clarify that she has been contacted by many of her constituents after seeing the rallies and the vigils on Facebook and they had concerns because people were seen holding signs that read "defund the police". She stated for the record she does not support defunding the police, nor do her constituents.

Legislator Castellano stated he was the one who used the term co-employers. He stated for clarification he meant that Putnam County and the Sheriff's Department are obviously Putnam County Employees. He stated he recommends if New York State does repeal Civil Rights Law

50-a that this Legislature send a letter to the State and our local State representatives communicating that we are not in support of that. He stated he believes the Sheriff will also be willing to sign said letter. He stated he does not see why it would not be possible for the Legislature to receive even a semi-annual report to see what is going on in the Sheriff's Department. He stated he is not looking for the report to have any personal information. He stated the purpose for the Legislators is for the purpose of when Legislators need to vote on a settlement of a lawsuit and see the same names come up, it can be taken care of. He stated he sees that as being part of the financial responsibility to the residents of Putnam County. He stated he has no doubts that the Sheriff is doing a fantastic job. He stated but he would like to see a redacted report with no names on it and believes it can be easily done. He stated again he would like to be on record that he would be in favor of penning a letter to the State saying we are not in favor of the Repeal of Civil Rights Law 50-a.

Sheriff Langley stated he just received news that the Repeal of Civil Rights Law 50-a has been passed out of the Senate and Assembly, it is on its way to the Governor's Office. He stated the Governor has publicly stated he is in support of the appeal. He stated his appreciation to Legislator Castellano for his recommendation to send a letter, but it is too late.

Legislator Sullivan communicated that the Legislature has been responsive to the Sheriff's Department in many instances. He cited a time when an update was requested on a matter that occurred in Mahopac, but the Sheriff's Departments reached out to the Legislature and expressed concern about discussing the matter for safety reasons. The Legislature agreed. He stated unfortunately months later, there has been no information provided on the incident. He stated the Legislature needs to be informed, and there is no information that should not be shared. He stated with confidential information it will be addressed in Executive Session as it always it. He stated he wants to make sure the taxpayers are receiving the best services they can for the money.

Sheriff's Captain Ortolano stated for clarification, the actual bill to repeal Civil Rights Law 50-a, (50-a) was originated in the beginning of 2019. She stated the Sheriff's Association and the PBA submitted letters opposing the consideration of the repeal. She stated as far as the Law, 50-a, the position of the Sheriff's Department, which she acknowledged differs from the interpretation of others. She stated the Sheriff's Department position is that 50-a does not confer unrestricted and unfettered power. She stated the Sheriff's Department is not trying to hide bad acts. She stated their purpose is to protect the civil rights and the personal rights of the Sheriff's Deputies. She continued to explain her interpretation. She stated she acknowledge that the Legislature has the right to these documents if it is in furtherance of the Legislature's official functions. She stated pursuant to County Law 209 an investigation could be conducted and records can be requested and subpoena records. She stated that is what the Sheriff's Department wanted the request of the Legislature pursuant to an official function. She stated the fact that the matter is addressed in an Executive Session does not prove that it is part of an official function. She stated she knows that the County Attorney did provide a legal interpretation as well. She stated that that there is a section that they provided that reiterated what she stated. She explained the County Law Department cited that the only information to be turned over not only has to be done in Executive Session, but it should only consist of file determinations made to the Sheriff's Disciplinary Background not unsubstantiated complaints. She stated in summary an open

investigation, that information cannot be shared with the Legislature because it is not a final determination.

Chairman Jonke stated the Legislature was not requesting information related to an open investigation.

Captain Ortolano stated there was a mention of a quarterly report. She stated they could not include the unsubstantiated complaints.

Chairman Jonke stated there is some confusion with this request.

Senior Deputy County Attorney Dina DiBlasi stated the memorandum she submitted to the Legislature provided an explanation to the inquiry to the Law, which has now been repealed, and what the cases say, offering in support of the law itself, with the exception that applies to the disclosure of disciplinary records and the parameters that were outlined for that disclosure in the Attorney General's opinion for the purpose of an official government function.

Legislator Montgomery stated she is sensing that it was unclear what Protective Services Chairman Jonke and Legislator Sullivan were asking for. She stated to her as an employer in the past, she does know the real difference between records of disciplinary action and Personnel Records. She stated she believes they fall under the same lines. She stated she can understand the frustration of her colleagues requesting information and not getting it. She stated it is much like the information she has requested from the County's Health Department. She stated the response she received would be a violation of the HIPAA (Health Insurance Portability and Accountability Act) Rights. She stated that she believes we can do a better job about getting information from the different County Departments, because we need the information to do our jobs as Legislators.

Chairman Jonke stated he would next be asking Under Sheriff Cheverko to address this matter. He stated he is on the line and has been waiting to speak.

Under Sheriff Cheverko stated in his many years in different roles in Law Enforcement in Westchester County, he can say he never provided a briefing to the Board of Legislators in Westchester County on ongoing or current investigations. He stated those are not privileged conversations. He stated discipline is an adverse employment action and subject to lawsuits, he wanted to provide that information to this discussion. He recommended that as a group a meeting be held with the County Attorney to discuss what information is permissible to be shared.

Legislator Albano stated we all understand that ongoing investigations cannot be shared. He stated the information that has been requested is once a decision is made on a disciplinary action matter, he would like to know what disciplinary action was taken.

Under Sheriff Cheverko stated even the final outcome is subject to litigation and a federal lawsuit. He stated as an employer they need to adhere to the strict guidelines.

Legislator Montgomery stated the 50-a law has been repealed, so the information that was requested is available. She stated she hopes moving forward we can all do a better job in communicating with the different departments to get information that is needed. She stated she was directed to go to the Health Department's website to get the information she was looking for and stop requesting it from the Health Department. She stated maybe the Sheriff's Department could do the same. She stated she wanted to thank the Sheriff and his Deputies for all they do and particularly in the past weeks. She stated on behalf of her district she thanked the Sheriff and his Deputies for attending the many rallies that were very moving and very peaceful. She stated at times she knows the Sheriff was up against some aggression, but his handling of those incidents kept things very calm. She stated she wanted to thank Sheriff Langley from the bottom of her heart for keeping the people safe and allowing them to exercise their first amendment right.

Chairman Jonke read a portion of the legislation that was passed in the Senate today. He stated again he sees this as a sad day for law enforcement and is ashamed that New York State did this.

Sheriff Langley explained the repeal of 50-a will also affect Firefighters and the EMS Personnel.

Legislator Sullivan stated that Legislator Montgomery listed Chairman Jonke and himself only. He stated Legislator Nacerino is a member of the Protective Services Committee also. He stated over the past three (3) years the Legislature has never received a report about any disciplinary action taken by the Sheriff. He stated he would like this to change moving forward. He stated he would like to see this as part of a normal report that the Legislature receives directly from the Sheriff's Department. He stated that he would also like to thank the Sheriff and his Deputies for their hard work this past week. He stated it is a tough time in this area and in the rest of the Country. He stated their efforts allowed people to do what they wanted in a safe and healthy manner.

Item #8 - Update/ NYS Commissioner of Corrections Evaluation of the Inmate Population in Putnam County Jail - Recommended Number of Officers on Duty/ Sheriff Langley

Chairman Jonke stated this came from a conversation at the May 12th Protective Services Committee Meeting. He stated Legislator Sullivan requested that an evaluation be conducted by the Commissioner of Corrections of the County's Inmate population versus the number of Officers required to be on duty. He requested that Sheriff Langley provide a status of this matter.

Sheriff Langley stated after the May 12th meeting he contacted the Director of Operations for the NYS Commissioner of Corrections. He stated the response was that they would be happy to conduct a staffing analysis, but they are not available to do it until sometime in 2021. He stated if the Legislature would provide a letter requesting a staffing analysis be conducted, he would be happy to follow up with the Director of Operations and get the analysis scheduled. He stated since COVID-19, they are cancelling their yearly cycle reviews for 2020.

Item #9 - Update/ Town of Southeast Fireworks Event- Projected Security Costs/ Sheriff's Department/ Sheriff Langley

Chairman Jonke stated that he and Legislator Castellano serve on the Southeast Fireworks Committee. He has asked Legislator Castellano to speak to this item.

Legislator Castellano stated he would like to begin by stating Sheriff Langley has done a wonderful job the past years with providing security at this annual event and at a much more manageable price. He stated as always, the Fireworks Committee began planning this event in January 2020. He stated the firework company was selected and the date, July 3 was chosen to hold the event. He stated unfortunately the event cannot be held, unless the County is in Phase IV of the COVID-19 Re-Opening, which is being run by the Governor. He stated the projection is that Phase IV will begin July 7th. He explained he had been told that the Phase IV date was going to move up to start on July 3rd. He stated at this point with no confirmation of that a decision had to be made. He stated the Fireworks Company has been working with them and the fund raising fell short compared to past years. He stated they have decided to move the Fireworks Celebration to August 22, 2020. He stated that date will coordinate with the Brewster Fire Departments 150 anniversary. He stated this will be a great celebration of our First Responders, Essential Workers and America. He stated that it will be in honor of their sacrifice and dedication through the past months. He requested that the Sheriff's Department plan to provide the coverage as in past years at the August 22 event.

Sheriff Langley requested that the request be sent in writing. He stated he will draw up a response plan.

Item #10 - Other Business

Chairman Jonke made a motion to waive the Rules and approve the Other Business; Seconded by Legislator Nacerino. All in favor.

a) Approval/ Revise Resolution #99 of 2020- Budgetary Amendment (20A022)/ Sheriff's Department BCI Public Safety NYS Division of Criminal Justice Services Grant

Chairman Jonke explained a correction must be made to resolution #99 to make sure the funding comes out of the appropriate budget line.

Chairman Jonke made a motion to approve Revise Resolution #99 – Budgetary Amendment (20A022); Seconded by Legislator Sullivan All in Favor

Item #11 - Adjournment

There being no further business at 7:25PM Chairman Jonke made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Deputy Clerk of the Legislature Diane Trabulsy.