

1 JOINT HEARING BEFORE THE NEW YORK STATE SENATE  
2 STANDING COMMITTEE ON CRIME VICTIMS, CRIME AND  
CORRECTION  
3 AND  
STANDING COMMITTEE ON ELECTIONS  
-----

4 PUBLIC HEARINGS:

5 TO EXAMINE THE STATE'S CURRENT PAROLE POLICIES AND  
6 GOVERNOR CUOMO'S EXECUTIVE ORDER ALLOWING  
7 CONDITIONAL PARDONS THAT ENABLE PAROLEES TO VOTE  
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8 William P. Bennett Hicksville Community Center  
9 28 West Carl Street  
10 Hicksville, New York

11 October 2, 2018, at 11:00 a.m.

12 PRESIDING:

13 Senator Patrick M. Gallivan, Chairman  
14 NYS Senate Standing Committee on Crime Victims,  
Crime and Correction

15 SPONSOR:

16 Senator Elaine Phillips

17 PRESENT:

18 Senator John J. Flanagan  
19 New York State Senate Temporary President  
20 and Majority Leader

21 Senator Philip M. Boyle

22 Senator Carl L. Marcellino  
23  
24  
25

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Reentry Specialist  
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Senior Policy Specialist  
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1           SENATOR PHILLIPS: So if everyone could take  
2 a seat, we're going to begin.

3           Thank you.

4           If everyone could take a seat, please.

5           Thank you.

6           I just had to look up and find a clock,  
7 because I couldn't -- didn't know if it was morning  
8 or afternoon, but it is still morning.

9           So, good morning, everyone, and thank you for  
10 coming to the 7th Senate District.

11          My name is Senator Elaine Phillips.

12          I am proud to be hosting this event in my  
13 Senate district today, beautiful Hicksville.

14          And thank you to the Hicksville Community  
15 Center for allowing us to use this.

16          I will be introducing my colleagues in a  
17 second.

18          But today's public hearing is from the Senate  
19 Standing Committee on Crime Victims, Crime and  
20 Correction, and the Senate Standing Committee on  
21 Elections.

22          And the purpose of today's public hearing is  
23 to examine both the statutory procedures parole  
24 board members are required to consider when making a  
25 decision, and compliance with same, as well as the

1 procedures used in issuing conditional pardons,  
2 pursuant to Executive Order 181.

3 And my colleague, in a few minutes,  
4 Senator Pat Gallivan from Western New York, will be  
5 going over today's procedures in more detail.

6 But let me explain -- because I'm not on  
7 either one of these committees, but let me explain  
8 my involvement.

9 And my involvement, really, is taken from  
10 school security, and what the impact of these  
11 pardons were on our schools.

12 And I'm very fortunate to have two school  
13 superintendents who I have dealt with very closely,  
14 who will testify today.

15 But, you know, the most important thing that  
16 we can do in today's day and age is to make sure  
17 that our children are protected.

18 So you'll hear a little bit.

19 In this public hearing, we'll take a  
20 little -- probably more time when it comes to the  
21 impact on our schools and safety here throughout  
22 New York State.

23 So without any further delay, I am truly  
24 proud to introduce the Majority Leader of the  
25 New York State Senate, and the Temporary President,

1 Senator John Flanagan.

2 SENATOR FLANAGAN: Good morning, everyone.

3 I'm delighted to be here.

4 I'm going to have to find my way to Albany  
5 relatively soon, but, great to be with my  
6 colleagues:

7 Senator Pat Gullivan, who's a leader, who has  
8 a stellar background. Actually was a member of the  
9 parole board. So he knows from whence he comes and  
10 where he talks. And we're delighted to have him  
11 down here.

12 And I want to thank Senator Phillips,  
13 Senator Marcellino, and Senator Boyle.

14 You know, the issue that we're talking about  
15 today is one that we all take very seriously.

16 And, we have looked at this from a  
17 public-policy standpoint, from a governmental  
18 standpoint.

19 And I have to tell you, Senator Phillips, for  
20 those of you that don't really know her, she's not  
21 shy. She's not shy at all. She's outspoken.

22 And we spoke at great length about this,  
23 privately, within our Conference, and now publicly,  
24 about this type of issue.

25 And this is the type of thing where we are

1 proud to be public servants and elected officials,  
2 but we also think we have an extraordinary  
3 responsibility to lay out what is exactly involved;  
4 where things are going well, where they're not.

5 We welcome the testimony of the folks that  
6 are here.

7 And I'm hoping that we can make substantial  
8 progress with your input.

9 And, I'm -- I just want to say thank you to  
10 all of you for being here.

11 And a particular thanks to Senator Gallivan  
12 and Senator Phillips.

13 SENATOR PHILLIPS: Senator Boyle.

14 SENATOR BOYLE: Thank you, Senator.

15 I'd like to thank, senator Phillips for her  
16 leadership on this very important issue;

17 Senator Marcellino, and, of course,  
18 Pat Gallivan/Senator Gallivan, for traveling this  
19 way to host this hearing.

20 And, of course, John Flanagan, our leader.

21 This is a topic that I didn't think any of us  
22 thought was going to be a big deal a year ago.

23 A couple sessions ago, I introduced  
24 legislation, after some of the violence and some of  
25 the things that were going on in our schools, about

1 making it illegal to have a polling place in a  
2 school while school was in session.

3 Obviously, on the Presidential election,  
4 there's -- the schools are closed. But for the  
5 other ones, they're often open.

6 Never in a million years at that time, three  
7 or four years ago, did I think that we'd be facing  
8 the prospect of criminals going into our schools,  
9 with students in classroom, nearby, on polling -- on  
10 Election Day.

11 So, I look forward to the testimony of our  
12 experts today, to learn what their feelings are on  
13 this, and, of course, look for potential legislation  
14 to keep our children safe, most importantly, and  
15 families of victims getting the due process they  
16 deserve.

17 Thank you so much.

18 SENATOR PHILLIPS: Thank you, Senator Boyle.  
19 Senator Carl Marcellino.

20 SENATOR MARCELLINO: Thank you very much.

21 Thank you for coming out, and I welcome the  
22 attendance. It's good to see people here interested  
23 in the process.

24 We're here to listen.

25 I'm here to listen, I want to hear your

1        comments, as to what goes on, and what you think we  
2        should be doing, and what you think laws should look  
3        like that might affect this process, and make it a  
4        better process, so we don't have mistakes happening,  
5        and we don't have people let out who, frankly,  
6        shouldn't be.

7                And perhaps we can clarify the voting  
8        process, as to how they can vote, and when they can  
9        vote.

10               So let's hear the testimony.

11               I'm very willing, and ready to listen.

12               SENATOR PHILLIPS: Great. Thank you,  
13        Senator.

14               Senator Pat Gullivan, all the way from  
15        Western New York.

16               So thank you, Senator Gullivan, for traveling  
17        so far.

18               SENATOR GALLIVAN: Thank you, Senator, and to  
19        all my colleagues who are here today.

20               I do appreciate the hospitality; your  
21        willingness to host this hearing on what I think is  
22        a very important topic.

23               So if I -- thank you for your patience.

24               I need just a few minutes to go through a few  
25        things, and then we'll jump right into it.

1           So, the hearing came about as a result of two  
2 different things:

3           So, first, we saw the release -- several  
4 high-profile releases by the parole board of  
5 cop-killers, and it raised concerns.

6           Many of us, our constituents had reached out  
7 to us, questioning, how can this happen?

8           And so, as we looked into it, and began to  
9 focus on the parole board, what my thought was, as  
10 Chair of Crime Victims, Crime and Correction  
11 Committee, and based on my experience, I had the  
12 belief, while some of this is subjective, there are  
13 standards in the law and factors that must be  
14 considered.

15           And I don't think that, in every single case,  
16 several members of the parole board followed the  
17 criteria in the law.

18           And I think it's an obligation of our  
19 Committee to look at it.

20           So the first area that we are looking at  
21 specifically, is the standards of release for --  
22 that is, for somebody to be considered for release  
23 from parole, and, the factors that must be  
24 considered, and the parole board's compliance with  
25 that.

1           That's the first topic.

2           The second topic that is part of this  
3 hearing, that is done in conjunction with the Senate  
4 Standing Committee on Elections, back on April 18th,  
5 the Governor issued Executive Order 181, that would  
6 grant conditional pardon to parolees for the right  
7 to vote.

8           It is, again, many of us had constituents  
9 reach out to us. Many of us shared the same belief.

10          I won't put words in my colleagues' mouths,  
11 but, I believe that the Governor usurped the  
12 authority of the Legislature. That the  
13 Constitution, and in particular, the power of  
14 clemency and pardon, was not intended to do it in a  
15 blanket fashion, or in a mass fashion.

16          It was to look at individual injustices.

17          The lawmakers of this state, through the  
18 election law, placed several prohibitions on voting  
19 under certain circumstances.

20          And, this is something that, in my belief,  
21 should be debated, it should be -- it should be  
22 debated, we should look at all the considerations,  
23 hear from everybody, and then make an ultimate  
24 legislative decision.

25          So the focus is on the gov -- the focus is on

1 the Governor's executive order and the process.

2 This is not intended to be a debate, or focus  
3 on whether or not parolees should have the right to  
4 vote.

5 It's the process.

6 And in some media accounts, and by some  
7 others that have stood up in protest, it's been  
8 mischaracterized.

9 So those are two different -- different  
10 areas.

11 Now, we conducted two hearings, one in Albany  
12 yesterday, and then, of course, we are here today.

13 They're to be taken as one.

14 So we won't go into great detail into both  
15 areas today.

16 We spent a good part of yesterday in that  
17 first area.

18 We heard from a former parole board member.  
19 We examined many of the issues related to parole  
20 release and the standards.

21 Today we will hear, our first panel will  
22 focus a little bit more in the first area.

23 And then, subsequently, we'll spend a little  
24 bit more time on the Governor's executive order.

25 And then, of course, as we wrap it up, we

1 will probably touch on both areas again.

2 But, without us going into what the law says  
3 about the standards of release, we did do that  
4 yesterday.

5 And all of this is videotaped. It's being  
6 streamed live.

7 Both yesterday's hearing and today's hearing  
8 will be available on the Senate website. It will be  
9 part of the record.

10 All the testimony will be part of the record.

11 A report will be issued afterwards for  
12 everybody.

13 And my hope is, that we'll come up with  
14 recommendations, so that the questions that we are  
15 asking, we don't have to ask in the future, and  
16 we're dealing with some of the problems, and,  
17 hopefully, we can do government in a better way.

18 Now, the committees are the ones that have  
19 called this hearing.

20 It's important to know that every member of  
21 the Committee, the Crime and Corrections Committee,  
22 was personally invited.

23 Despite media reports, I personally contacted  
24 several members of the Minority, and personally  
25 invited them.

1 I had several conversations with one of the  
2 committee members.

3 The Ranking Member, in the media account, had  
4 said that he wasn't contacted.

5 That is not accurate.

6 We contacted their office multiple times.

7 I did not get a return call.

8 And I'm very disappointed that they chose not  
9 to participate.

10 They could walk in and participate, and I'd  
11 welcome that.

12 We also invited the Executive, the Governor's  
13 Office, to testify, and the chairwoman of parole,  
14 and the commissioner of department of corrections  
15 and community supervision.

16 They elected not to testify; however, we do  
17 have -- we do have written testimony from each of  
18 them that was entered into the record yesterday, as  
19 well as responses to a request for a tremendous  
20 amount of records related to both areas.

21 And, I am grateful that they did endeavor to  
22 comply with our request for records. It's not  
23 complete yet.

24 They did submit a substantial amount of  
25 records that, again, will all be entered into the

1 official record, and be made available to everybody.

2 But, they did have the opportunity to appear  
3 in person, and, unfortunately, they are not here.

4 So, we will move into this.

5 SENATOR PHILLIPS: (Indiscernible)

6 housekeeping.

7 SENATOR GALLIVAN: Okay. One other thing?

8 SENATOR PHILLIPS: Yes.

9 Oh, one housekeeping.

10 One, please, make sure you know where the  
11 exits are.

12 And, two, I am going to be the person that  
13 keeps us on time.

14 So we're asking each panel group to stick to  
15 about 10 minutes, if you would, please, just for  
16 those that are waiting.

17 So, thank you.

18 SENATOR GALLIVAN: Yeah.

19 So what we'll do, and we'll ask each panel  
20 member, we do -- I know that you've submitted  
21 written testimony, which will be entered into the  
22 record in its entirety, available to everybody on  
23 the website, and the report afterwards.

24 And it would be -- if you're able to do it,  
25 it would be great if you just talked about the high

1 points.

2 I do know that, I forget, that you did want  
3 to read from somebody that's a victim, that  
4 submitted something to you, and that's fine.

5 OFF-CAMERA SPEAKER: (Indiscernible.)

6 SENATOR GALLIVAN: Oh, okay. Got it.

7 LAURA AHEARN, ESQ.: Yeah, I have two  
8 victims.

9 SENATOR GALLIVAN: And that's fine.

10 But, nonetheless, it would be best if you  
11 just tell us what your concerns are, and, let us  
12 answer some questions, and we can move through that,  
13 if possible.

14 So our first panel is:

15 Barbara Connelly, who's the founder of the  
16 Long Island/New York Metro Parents and Other  
17 Survivors of Murdered Victims Outreach;

18 And, Laura Ahern, executive director of the  
19 Crime Victim Center and Parents for Megan's Law.

20 And the reason that victims are relevant to  
21 this is that, the factors that the parole board  
22 must -- among the factors the parole board must  
23 consider is what the victims have to say.

24 The victims have the right to enter a victim  
25 impact statement; either meet with a member of the

1 parole board or submit a written testimony to the  
2 parole board.

3 And that is the area that we are looking to  
4 delve into with you.

5 So it doesn't matter to us which one of you  
6 starts.

7 Alphabetical, perhaps? Or right to left?

8 Your choice. Go right ahead.

9 Thank you for being here.

10 LAURA AHEARN, ESQ.: Good morning.

11 My name is Laura Ahern. I'm the executive  
12 director of the Crime Victim Center.

13 I am so thankful that you are giving me an  
14 opportunity to give victims a voice.

15 Good morning, Senate Majority Leader,  
16 Senator John Flanagan;

17 Chairperson of the Committee on Crime  
18 Victims, Crime and Correction, Senator Gallivan;

19 Senators Marcellino, Phillips, and  
20 Senator Boyle;

21 And distinguished colleagues and guests.

22 I have worked with over 25,000 victims of  
23 violent crime, and that violent crime includes  
24 victims of sexual assault, domestic violence,  
25 stalking, gang violence, assault, arson, vehicular

1 crimes, federal crimes, terrorism, and survivors of  
2 homicide, including the surviving family members of  
3 MS-13 victims in Brentwood.

4 It is really my honor to have this  
5 opportunity to offer testimony on behalf of crime  
6 victims and surviving family members.

7 I'm going to start with New York State parole  
8 policies and procedures.

9 In May of 1971, Herman Bell was part of a  
10 group that lured and ambushed two New York City  
11 police officers, shooting them both in the back and  
12 killing them.

13 Three months after he murdered  
14 Officers Piagentini and Jones, Mr. Bell murdered  
15 San Francisco Police Sergeant John Young in his  
16 station house.

17 His guilt and actions were never in dispute.

18 Their families had to endure eight parole  
19 board hearings.

20 And in the last hearing, by a 2-1 margin,  
21 Bell was granted parole.

22 The response was swift from the family and  
23 police unions across the country.

24 What is particularly telling, however, was  
25 the response from two high-profile elected officials

1 in New York:

2 Mayor de Blasio, who urged the state parole  
3 board to reconsider its tragic and incomprehensible  
4 decision.

5 He wrote to the board, that murdering a  
6 police officer in cold blood is a crime beyond the  
7 frontiers of rehabilitation or redemption.

8 Governor Cuomo himself, when asked if he  
9 supported the parole board's decision to release  
10 Bell, said, if he were on it, he wouldn't have.

11 Herman Bell should have never been released.

12 His release appears inconsistent with  
13 New York State statutory procedures regarding  
14 discretionary release on parole.

15 Pursuant to the statute, an inmate's release  
16 must not be incompatible with the welfare of  
17 society, and will not so deprecate the seriousness  
18 of his crime as to undermine respect for law.

19 For some crimes, parole must not be an  
20 option.

21 The current parole board procedures, when  
22 considering whether to deny or grant parole to an  
23 inmate, are revictimizing victims and surviving  
24 family members.

25 Every two years, victims -- at least every

1 two years, victims and surviving family members are  
2 forced to relive the trauma associated with the  
3 often brutal crimes that are committed against them  
4 or their loved one.

5 For victims and surviving family members,  
6 this process effectively amounts to a  
7 state-scheduled posttraumatic stress disorder,  
8 wherein victims or loved ones themselves feel  
9 sentenced themselves to have to relive and recount  
10 the horrific details of the most tragic and hurtful  
11 events in their lifetime.

12 I'm now going to read a statement from  
13 surviving family members of 13-year-old  
14 Kelly Ann Tinyes, and a statement from  
15 Jennifer Brooks, who was 10 years old when the  
16 South Shore rapist kidnapped her from her home to  
17 rape her.

18 Both statements support the need to effect  
19 significant changes in the New York State Parole  
20 Board's process, to prevent victims and family  
21 members from further enduring even more suffering,  
22 not only related to the individual process of having  
23 to appear before the parole board, but the process  
24 leading up to that.

25 On March 3, 1989, Robert Golub lured

1 13-year-old Kelly Ann Tinyes to his home, where he  
2 beat, stabbed, mutilated, and strangled her.

3 He then put her body in a garbage bag like  
4 she was trash, and hid her in the basement.

5 She was found the next day.

6 It was a horribly heinous crime, one he  
7 should spend the rest of his life in prison for.

8 I'm going to read a statement from  
9 Richard Tinyes, Senior, Kelly Ann Tinyes's father,  
10 dated October 1, 2018, which is yesterday.

11 "To Whom It May Concern:

12 "On March 3, 1989, our beautiful daughter  
13 Kelly Ann Tinyes was brutally murdered in the Golub  
14 house down the block from where we live.

15 "Robert Golub was there when Kelly entered  
16 the house.

17 "Robert Golub was waiting for her, and he  
18 beat her head and body so badly, we had to close her  
19 coffin at the funeral.

20 "Kelly's head was beaten so badly it was  
21 swollen to almost twice its normal size.

22 "He then took a knife, and cut her throat,  
23 slashed her breast numerous times, and then he took  
24 the knives and cut her vagina to her anus.

25 "Robert Golub is coming up for parole again

1 in November. And every two years, this family has  
2 to endure reliving what he did to Kelly for months  
3 before the parole hearing."

4 Two years is torment to their family.

5 It should at least be every five years.

6 "At the first parole hearing, they were  
7 allowed to bring" -- "we were allowed to bring  
8 numerous family members with us for support.

9 "Now we're only allowed to bring immediate  
10 family members, which is four people, and two  
11 additional relatives, who aren't allowed to speak.

12 "This has affected our lives in so many ways.

13 "My business was affected because no one  
14 wanted to face the worst nightmare.

15 "No matter where I went, people would stare,  
16 or some people would ask if I was Richard Tinyes.

17 "Wherever I went, Aruba; Florida; Charlotte,  
18 North Carolina; people would recognize us.

19 "My wife, Vicki, is very upset, because she  
20 believes there's a chance that Robert Golub could be  
21 released on parole.

22 "The State should make parole hearings every  
23 five years for murderers, to give peace to victims'  
24 families.

25 "The families should also be able to bring

1 more people with them for support, and those people  
2 should be allowed to be heard.

3 "Sincerely,

4 "The Tinyes family."

5 After a brief introduction, I'm going to read  
6 an excerpt from a statement by  
7 Ms. Jennifer Brooks.

8 The full statement is provided in your  
9 packet.

10 On June 22, 1988, the South Shore rapist,  
11 Scott Carroll, was sentenced to 650 years in prison  
12 for terrorizing and sexually assaulting multiple  
13 women.

14 He kidnapped and raped a 10-year-old child.  
15 That child was named Jennifer Brooks.

16 I'm now going to read an excerpt -- excerpts  
17 from Jennifer Brooks' statement, which are dated  
18 October 1, 2018, yesterday.

19 "My name is Jennifer Brooks, and in 1986  
20 I became the youngest victim of the South Shore  
21 rapist.

22 "I was 10 years old when he kidnapped me from  
23 my bedroom and took me to an empty lot to rape me.

24 "I was lucky that he was eventually caught  
25 and charged in four counties throughout New York and

1 Florida.

2 "It went to trial in three of those counties,  
3 all leading up to convictions on multiple counts of  
4 rape, attempted rape, burglary, sodomy, and in one  
5 case, attempted murder.

6 "For reasons I will never understand, this  
7 man, who was in his 20s at the time of his  
8 sentencing, and was out on parole from a burglary  
9 conviction when he raped all of us, and was given  
10 the chance of parole starting when he was now 51,  
11 plenty of the time to pick up where he left off, and  
12 continue raping little girls and women.

13 "I was glad to be given an opportunity to  
14 speak and deliver a victim impact statement.

15 "It was extremely difficult for me, but  
16 I believed it did matter, so I did it.

17 "The first time, I was told a member of the  
18 parole board was going to be there.

19 "It wasn't explained to me until afterwards  
20 that the people in the room were not members of the  
21 parole board who would hear his case, and were just  
22 going to write a transcript of what I said, to be  
23 delivered to them.

24 "I could have just written it myself if  
25 I would have known.

1 "But, did my in-person appearance matter?

2 "Did it carry any weight than if I just had  
3 written a statement?

4 "I couldn't get any straight answers about  
5 it.

6 "Numerous times over the years, I wrote to  
7 the victims' assistance e-mail address with  
8 questions.

9 "Sometimes, I got no response back at all.

10 "When I got responses, they were always  
11 unsigned, and I had no idea who I was talking to,  
12 and the answers were generally cold and not helpful.

13 "It's a terrifying prospect realizing that,  
14 every year or two, you have to freshly beg for  
15 strangers to care about you enough to keep the men  
16 who terrorized you and dozens of other women away  
17 from society.

18 "So far, parole has come up every two years,  
19 but I've been told that it can be changed to yearly  
20 at any time.

21 "Every time it comes up, I am a mess for  
22 months, stressed out like crazy about what I would  
23 ever do if this guy is set free.

24 "I'm a single mom of an 11-year-old daughter,  
25 and I have no choice but to live where he raped me

1 and where he still has family.

2 "Three years ago I had a close call.  
3 I called to find out whether the parole board made  
4 its decision, and was told that they got an  
5 extension because they wanted to see more of his  
6 trial records, particularly the sentencing notes  
7 which were not in the files because they had been  
8 destroyed after a certain number of years, a fact  
9 that still stuns me.

10 "That was October, and I was told I should  
11 get a decision right around Christmas.

12 "Preparing for Christmas was miserable that  
13 year.

14 "It broke me apart that I had sent in my  
15 victim's impact statement, describing what this man  
16 had done to me, and how he had ripped my life apart,  
17 and that it wasn't enough.

18 "The parole board had heard all that, and  
19 were seriously considering setting him loose anyway.

20 "Thank God they didn't, but the time for  
21 parole came up. I went all out.

22 "Since my story didn't matter enough last  
23 time, I asked everyone I could to" -- "everyone  
24 I could think of to write letters.

25 "I never got instructions about where to send

1 the letters.

2 "So, at first, they were all e-mailing to the  
3 same e-mail address that I was, and getting no  
4 responses. And, finally, I found a website that was  
5 meant for this type of use.

6 "However, right away, friends started telling  
7 me that the form was broken. It was rejecting  
8 letters with nearly any form of punctuation, like  
9 apostrophes or quotation marks. It was severely  
10 limiting the word count of submissions to about  
11 one paragraph.

12 "Many of my friends gave up because, no  
13 matter what they sent, they couldn't get it to go  
14 through.

15 "I'm also told to call in each day, after a  
16 certain date, to find out the decision, or, wait for  
17 a letter in the mail.

18 "Why?

19 "When you have cases like this, how hard  
20 would it be to have someone make a phone call right  
21 away to let me know, so I can sleep again, or  
22 prepare for the worst.

23 "Getting any kind of advice or real answers  
24 has just been about impossible.

25 "And to this day, I have no idea what the

1 parole board considers or doesn't consider, and what  
2 they were thinking before they nearly set a serial  
3 rapist free.

4 "What I want more than anything are two  
5 things:

6 "Much longer periods between parole hearings  
7 and complete transparency about the process.

8 "I want to speak with at least one member of  
9 the parole board that's speaking to him. I want  
10 them to hear my voice, not just his.

11 "I want" -- "I want clear instructions about  
12 what the parole board considers, and I want  
13 compassion and support during this process.

14 "It shouldn't feel like I'm speaking to a  
15 neutral third party when I contact victims'  
16 assistance.

17 "I want them to hear that I'm staying up till  
18 dawn every single day, and working near my front  
19 window so I can watch the house and keep my daughter  
20 safe.

21 "I want them to understand that I spent  
22 four years trapped in my house with agoraphobia, and  
23 I changed my name to make it harder for him to find  
24 me.

25 "I want them to see how hard I fight every

1 single day for my sanity and to live in this world.

2 "And I want to believe that what happened to  
3 me matters, and that it will be used to make sure  
4 that it doesn't ever happen again to the next  
5 10-year-old girl.

6 "Thank you for your consideration."

7 So based on our work at the Crime Victims  
8 Center, with victims of violent crime, like Jenna,  
9 and also surviving family members like the Tinyes  
10 family, and surviving family members of MS-13 gang  
11 victims, I just have some basic recommendations, and  
12 this is on page 7 of my testimony.

13 Pursuant to the statute, an inmate's release  
14 must not be incompatible with the welfare of  
15 society, and will not so deprecate the seriousness  
16 of his crime as to undermine respect for the law.

17 For some crimes, such as the murder of police  
18 officers, the brutal sexual assault and murder of  
19 Kelly Ann Tinyes, and the kidnapping and rape of  
20 10-year-old Jenna Brooks by the South Shore rapist,  
21 parole must not be an option for those types of  
22 heinous violent crimes.

23 Number two: Parole hearings should not be  
24 granted at least every two years.

25 Instead, there should be consideration to

1 longer periods in between, such as maybe five years  
2 for murderers and rapists, to prevent  
3 revictimization.

4 Number three: Surviving family members  
5 should be able to be accompanied to parole hearings  
6 by more than immediate family members, such as  
7 cousins and friends of the victim, for support, and  
8 those people should be allowed to be heard.

9 Number four: Parole board victim-assistance  
10 services should be more responsive and more  
11 transparent to address victims' and surviving family  
12 members' concerns.

13 Clear instructions about the process need to  
14 be provided to every victim and surviving family  
15 member. And if procedures are not followed, there  
16 needs to be a complaint process, a real complaint  
17 process.

18 A real person answering the phone.

19 A real person reading the e-mails that are  
20 coming from tortured family members.

21 Victims-assistance e-mails have to be  
22 responded to, and questions have to be clearly  
23 answered.

24 Electronic forms designed to provide  
25 supporters of victims an opportunity to write

1 letters have to always be functional, and there has  
2 to be quality control. Someone has to be watching  
3 that those e-mails are actually being read and  
4 responded to.

5 Victim-notification process should be  
6 automated via e-mail, like VINE is, or, an automated  
7 call.

8 So, victims-information notification every  
9 day, you can actually register to have a  
10 notification anytime inmate status changes.

11 But you can do the same for parole hearings  
12 as well, and decisions on whether or not they're  
13 going to release.

14 So, in closing, I would like to also express  
15 our strong opposition to Governor Cuomo's 2018  
16 executive order, enabling paroles to vote, as it  
17 grants registered sex offenders access to schools  
18 which serve as polling places.

19 School grounds where children play and  
20 congregate must be a sanctuary from those who  
21 already are determined by New York State corrections  
22 law, "Meghan's Law," to pose a risk to public  
23 safety.

24 Whether that risk is a low risk, a moderate  
25 risk, or a high risk, those are individuals that are

1 deemed to pose a risk to public safety by law.

2 The implications of this order potentially  
3 place children and our most vulnerable at increased  
4 risk, and adequate safeguards are not currently in  
5 place.

6 Registered sex offenders should not be  
7 granted access to our schools.

8 If sex offenders on parole, as well as other  
9 parolees convicted of violent crimes, wish to  
10 exercise their right to vote, we believe they should  
11 be given absentee ballots, postage-paid if they're  
12 indigent, to cast their ballots.

13 Thank you for this opportunity to speak on  
14 behalf of the victims we represent and the  
15 communities we serve.

16 SENATOR GALLIVAN: Barbara.

17 SENATOR PHILLIPS: Thank you, Laura.

18 BARBARA CONNELLY: Thank you.

19 Well, it's almost afternoon, but I'll say,  
20 good morning.

21 Can you hear me okay?

22 SENATOR GALLIVAN: I can, yes.

23 BARBARA CONNELLY: Okay.

24 I want to thank Senator Marcellino,  
25 Senator Phillips, Senator Gallivan,

1 Senator Flanagan, and Senator Boyle.

2 I find it very important at this time in my  
3 life, and in other victims' lives, that this hearing  
4 is taking place.

5 I will say one thing: Laura has echoed a lot  
6 of what has been going on in my life, my family's  
7 life, and at least six other families who have had a  
8 murderer released in the last six months.

9 So these are important things.

10 I was asked to tell a little bit about  
11 myself, and then to discuss the reasons what I think  
12 that would be important.

13 So let me just start with this:

14 My name is Barbara Connelly, and I am a  
15 mother of Kathleen, James, Patricia, Barbara, and  
16 Terrence (ph.). I'm the widow of James P. Connelly.

17 To make this easier on all of us, I chose to  
18 submit a timeline before and after January 1979 with  
19 the parole board, as a view of the Connelly family's  
20 interaction with the New York State Parole Board and  
21 its appointed commissioners.

22 So I'll start this way:

23 In 1972, of May, we moved to Long Island.

24 In 1974, April, we bought a house in Shirley.

25 1976, in January, that house burnt down. We

1 lost everything that we ever had; every little thing  
2 that our children made in kindergarten to put on the  
3 Christmas trees, every little Mother's Day gift,  
4 every little Father's Day's gift.

5 We lost everything, but our family, all of  
6 it, was safe.

7 A teenaged boy named Jimmy Murray was hit by  
8 a car, and died the same night our house burnt down.

9 He had called to see if my daughter Kathleen  
10 could go out for pizza with him and his friends.

11 It was the night before school would start,  
12 after Christmas vacation.

13 We didn't let her go.

14 The next day, the school asked if there was  
15 anything they could do for us.

16 They knew we lost everything in a fire;  
17 clothing, Christmas gifts, pictures, and every  
18 memento, as I said.

19 We asked that they, please, help the family  
20 of Jimmy Murray. We had insurance.

21 1974 to 1978, after rebuilding home and life,  
22 we lived like most other families at the time: Dad  
23 worked, mom stayed home, we took care of the house,  
24 home, and family, even mother watering the new lawn  
25 every single day, 30 minutes a day, keeping

1 (indiscernible) the sprinkler.

2 I hated it. Couldn't wait till he got home  
3 on the weekends.

4 My husband was general manager of a small but  
5 well-placed electronics firm.

6 In May 1978 he received a sizable raise,  
7 which included a car, and soon to include paid  
8 family vacations.

9 Life was beginning to look pretty prosperous  
10 for a family of seven.

11 Our remaining -- our oldest child was in  
12 Catholic high school, our remaining four in public  
13 school.

14 Life was beginning to look pretty good.

15 We had a pet dog, like everyone, and mom  
16 taught catechism every week.

17 For three years, we had three Christmas  
18 pageants, which my class participated in and the  
19 families attended, in our home.

20 1978, Christmastime.

21 I share this part because it's the most  
22 important in our lives. It's important for you to  
23 know who we are, and where we were, before Jimmy was  
24 murdered.

25 I told my children to make lists, and we

1 would pick five things from each list.

2 They were to be given allowance, to buy each  
3 of the siblings a separate gift.

4 We did that every year, and it was an annual  
5 outing.

6 They decided to buy mom an identification  
7 bracelet with their money.

8 When they found one they liked, they were  
9 told it would cost additional money to have it  
10 engraved.

11 The most they could afford, after paying for  
12 it, was ten letters.

13 All of them had chipped in \$5 already.

14 If they had the engraving done, they wouldn't  
15 have enough to buy a gift for each other.

16 Kathleen and Jimmy chose the engraving. They  
17 wouldn't buy each other a gift.

18 The front of the bracelet was easy. It says  
19 "Mom."

20 They all struggled for the inscription for  
21 the back.

22 I was told, for two hours, between the oldest  
23 of them, they could only go back and forth, because  
24 they only had put in seven letters.

25 They wanted to put all five of their names,

1 but I can't honestly say which of them came up with  
2 "Love'Us," seven letters, with an apostrophe.

3 I had re-read their lists on the 23rd of  
4 December, and for some unknown reason, bought each  
5 of them one more thing and tagged it "From Santa."

6 Cathy wanted long peacock-feather earrings.  
7 Jimmy wanted a suede head hat.

8 Both gifts I was opposed to, but I did it  
9 anyway.

10 I will never forget the picture of that  
11 Christmas Eve, even when my husband and I watched  
12 them open their gifts, Cathy and Jimmy in  
13 particular.

14 They both looked at each other, and with  
15 surprised faces, and they said, You said you  
16 wouldn't! We weren't going to.

17 Cathy was the first to answer, "I didn't!"

18 Everyone looked at me.

19 You see, they had made a pact, their last  
20 pact.

21 I was Santa, they knew it.

22 Mom, their mom, would never buy the hat, and  
23 the earrings.

24 So, you buy it for me, Jimmy, and I'll buy it  
25 for you, which got changed due to the engraving on

1 the bracelet.

2 Dad and mom did not know about the pact, but,  
3 somewhere, somehow, mom bought them each a Santa  
4 gift.

5 "The happiest Christmas, ever." They have  
6 all said it.

7 Cathy said, they all talked about how lucky  
8 they were, because they had friends who weren't  
9 going to have as much as they.

10 Cathy used her gift-allowance money for the  
11 younger kids' gifts, and put Jimmy's name on them.

12 Jimmy had a friend, Al Young, who was going  
13 to have a baby, and he had lost his job just before  
14 Christmas.

15 Jimmy used his money for them, to help them.

16 I only learned that after 1979.

17 1979, January, Jimmy was murdered at the age  
18 of 15, on January 23, 1979, by 19-year-old  
19 John Duffy.

20 He was chased, and stabbed more than 22 times  
21 in his head, heart, lungs, and back, according to  
22 the Nassau County Medical Examiner report.

23 Lastly, his throat was cut three times.

24 He was left bleeding alone in the cold night.

25 The murderer ran, lied, received help from

1 family and known mob affiliates in Queens, and  
2 disappeared for 18 months.

3 My 35-year-old husband had a heart attack at  
4 the morgue.

5 They didn't recognize it was a heart attack.

6 They gave him a couple of shots of scotch and  
7 they thought it was going to help him.

8 No one knew.

9 He was identifying our son, and he wouldn't  
10 let me go with him.

11 He never worked again.

12 Never.

13 We lost our home, our car, and our financial  
14 stability. Some of us, our health. Not even enough  
15 to pay for a funeral.

16 1980, July, John Duffy returned and turned  
17 himself in with an attorney.

18 He was let out on bail.

19 1980, November, I started a support group  
20 called "FAITH"; Friends Aiding in the Healing, for  
21 parents whose children died in all kind of ways --  
22 accidents, cancer, other illnesses, including  
23 suicide -- in Mastic and Shirley. We met in  
24 St. Jude's Church.

25 I couldn't teach religion classes any longer.

1 It wasn't going be easy to say "turn the other  
2 cheek."

3 Through that group, I was able to give  
4 information on how many children were ill, or died  
5 of cancer, to local politicians who were  
6 investigating the quality of water in our area.

7 I had the only compiled list, as the parents  
8 were members of the support group at the time.

9 That was because of Jimmy.

10 1981, January, while out on bail, Duffy  
11 attacked someone else with a weapon. She was  
12 hospitalized. She was from Huntington.

13 He used a cousin's name, was placed on bail,  
14 and "I guess he slipped through the cracks," they  
15 said.

16 1981, April, I co-founded the first support  
17 group for homicide survivors with another family,  
18 Long Island/New York Parents of Murdered Children.

19 It was the third national chapter.

20 A name change in 1995 to Long Island/New York  
21 Parents and Other Survivors of Murdered Victims  
22 Outreach.

23 I had read about a family in "People  
24 Magazine" in March of 1981.

25 I wrote them a letter, and the rest is

1 history. It was the first Parents of Murdered  
2 Children meeting in Ohio.

3 1981, October to November, Duffy was tried  
4 and convicted of murder. Finally.

5 He had a lawyer, Herb Lyons (ph.), a  
6 well-known mob lawyer.

7 The second victim dropped her charges. She  
8 thought that he was going to stay in prison for a  
9 long time.

10 He was imprisoned that day, and waiting to be  
11 sentenced. He refused seven weeks to show up for  
12 sentencing.

13 1982, January, almost three years to the date  
14 he killed our Jimmy, he was sentenced, finally, to  
15 20 to life.

16 Even though the ADA asked for 25 to life, the  
17 judge "felt bad," he said, in the sentencing minutes  
18 that had got lost, for us too. He felt bad for  
19 sentencing a young man to life in prison.

20 He never mentioned our Jimmy.

21 In those years, we were not allowed to speak  
22 at sentencing.

23 We had nothing that could be said.

24 Our shattered hearts have never been  
25 repaired.

1           We go on.

2           1987, February, I became a widow, with a  
3 16-year-old child to raise.

4           2001, September 11th, first parole hearing  
5 for John Duffy.

6           My picture and my son was on the first  
7 edition of "News Day" that day. It was split with a  
8 picture of somebody they said -- I think they said,  
9 "Criminal within," and it was talking about violence  
10 and terrorism.

11          My picture.

12          It was postponed until October 11, 2011 --  
13 2001.

14          The first parole hearing, there are only five  
15 of us now, four children and mom.

16          We promised my husband we would fight his  
17 release.

18          We did, all the way up until July 2018.

19          2016, July, a notice of decision to release  
20 him, and then an immediate rescission hearing was  
21 imposed.

22          It was both based on information discovered,  
23 which had not been given to the parole board in 2001  
24 and 2007.

25          Videotapes, which were parts of our impact

1       hearings we had submitted, but they were overlooked.

2               2018, July 5th, Office of Victim Assistance,  
3       telephone call.

4               The New York State court overturns the  
5       New York State Parole Board's rescission hearing of  
6       December 16th.

7               2018, July 7th, July 8th, July 9th,  
8       July 10th, July 11th, July 14th, July 15th, I argued  
9       with the New York State Attorney General's counsel.

10              Why, why, were they not asking the New York  
11       State Supreme Court for a leave of their decision?

12              They told me it was being considered.

13              Because that decision for John Duffy was  
14       based on a 2016 Article 78, he would be due to go  
15       out any day, they kept telling me.

16              July 18, 2018, I had a letter from OVA.

17              "He will be released."

18              Nothing else.

19              No date. None "around."

20              Contact this person.

21              Nothing.

22              I have proof of every single thing I'm  
23       speaking about.

24              July -- 2018, July 24th, we found out,  
25       online, he was released.

1           He was either released the 18th and 19th, the  
2           20th or 21st, the 22nd, the 23rd, or the 24th,  
3           because it says his leave picture was taken on  
4           July 18th.

5           But, they told me on the telephone, OVA,  
6           Janet Koupash, that, no, he was let out on the 24th,  
7           one of six violent felons released in the last five  
8           months.

9           I know this is cutting into the 10 minutes  
10          allotted each of us.

11          I've gone over it for days. It's almost  
12          impossible to stay focused at times.

13          I needed to explain why I was involved with  
14          the parole board.

15          I wanted you to see through a large window of  
16          our life that brought us there.

17          Please ask me about the five things I have  
18          listed.

19          Ask what I would change about the New York  
20          State Parole Board.

21          We know it better than most families. We  
22          were in front of it eight times, from 2011 to 2015.

23          Each time he would be denied, he filed  
24          Article 78s, almost every time, which were denied.

25          He had his 2015 hearing late, as he was still

1 waiting for another Article 78 decision.

2 We had five more parole impact hearings,  
3 every six months, from 2015.

4 All together, we had 13 hearings in 16 years.

5 He was able to postpone, just like he did his  
6 sentencing, and parole-commissioner shop.

7 He would go in. If he didn't like who was  
8 there, he would step out and say, I'm not being  
9 heard today.

10 He did that four times.

11 He should not, he should not, have been  
12 allowed to do that.

13 I attended every hearing, except July 5,  
14 2018, when Governor Andrew Cuomo closed the  
15 Long Island roads due to the storm.

16 It killed me that I lived in Shirley.

17 My daughter Kathleen lived in Babylon.

18 Her husband drove us through that storm, to  
19 Hempstead, I think it was, Fulton Street, and  
20 Kathleen gave her impact statement.

21 I had a phone interview that same afternoon,  
22 with the same parole commissioner that Kathleen met  
23 with.

24 And they were not prepared.

25 They mixed up our names. They mixed up my

1 son's name. They mixed up my husband's name.

2 At one point they said, "Your brother John."

3 John was the murderer.

4 In 16 years, we had 13 parole impact  
5 hearings.

6 He was released. We found out online.

7 The letter that I have did not give me a  
8 date.

9 We blame a parole board commissioner, and I'm  
10 going to say her name here: Christina Hernandez.

11 We blame the process that should have been  
12 followed, and was not.

13 I have requested FOIL information in July.

14 I have not received it yet.

15 I would like you to ask me about the  
16 following:

17 The weight of the inmate program, in example,  
18 the COMPAS.

19 I contacted the gentleman who developed the  
20 COMPAS program on the date that I knew there was  
21 going to be rescission.

22 He told me: It wasn't made for murderers.  
23 It was made for inmates.

24 And that he did advise, that when they  
25 consider COMPAS, they should add 15 to 20 percent

1 more, against.

2 They don't.

3 Parole board commissioners, twisting and  
4 twisting verbal input, specifically, to minimize  
5 crime during an inmate's hearing to ensure release.

6 Christina Hernandez, in the hearing, said to  
7 him: Well, it says here, 10 times that you stabbed  
8 him.

9 How dare she put that in that hearing for  
10 him.

11 He stabbed my son 22 times, and it's written  
12 everywhere.

13 Plus, plus cut my son's throat.

14 The necessity to amend Criminal Procedure  
15 Law 380.50, the notification to victims prior to  
16 inmate release from prison, "Jenna's Law," must be  
17 amended.

18 The notification today that we get when  
19 somebody is to be released from prison, a violent  
20 offender, we get VINE calling us six hours after  
21 they get the information.

22 We found it out online.

23 We still hadn't gotten the letter from OVA.

24 The letter from OVA was mailed on the 25th.

25 He was already out.

1           There should be a "parole board commissioner"  
2 checklist as they're going through their hearings,  
3 to make the procedure crucial to our well-being when  
4 a murderer is to be heard, with each checked piece  
5 of review information, and provided to victim  
6 survivors.

7           Also, there should be similar, but not  
8 including, a handbook for families and friends of  
9 victims, just like the handbook for families and  
10 friends of inmates.

11           I am trying to put one together.

12           For all these years, for almost 38 years,  
13 I've been the voice of the victims, helping to try  
14 to do these things for people.

15           When up in Janet Koupash's office, OVA, Well,  
16 Barbara, what do you think we should do?

17           Your letter is faulty to victims. There is  
18 nothing in your letter that can help us.

19           There is nothing -- no one to call us and  
20 say, the murderer is going out.

21           I asked, Were the special conditions put in  
22 place?

23           "Oh, yes, they were."

24           Well, I have a copy of his signed special  
25 conditions:

1 Stay out of Nassau and Suffolk.

2 He was supposed to stay out of Manhattan  
3 where my granddaughter works.

4 He was supposed to stay out of certain places  
5 where our -- I've got 11 grandchildren now.

6 He was supposed to stay away from things like  
7 that.

8 He was supposed to have electric monitoring.

9 He has been made a Schedule 4 -- Level 4.

10 "Level 4" means the least conditions an  
11 inmate has when they get out of prison.

12 He could have stole gum, and gotten -- been a  
13 Level 4.

14 When I asked about that, they said, it was  
15 put in place by the parole board at the hearing  
16 that -- which was Christina Hernandez, who voted,  
17 and got somebody to help her, let him out.

18 My complaint is not about the parole board.  
19 It's about the procedures.

20 Because, to be very, very honest, for the  
21 first eight times that we had to go, we had the best  
22 parole commissioners, ever, decent human beings who  
23 did not want to even hear our story.

24 And after a while, we were told, Don't tell  
25 what happened to Jimmy. We don't want to know that.

1 We want to know how you're doing.

2 Now, we only get one hour.

3 If there is five of us, we have to break it  
4 into, like, 13 1/2 minutes for us to speak.

5 That has to be changed.

6 We cannot have people making those decisions  
7 for us.

8 I don't want to say any more, but Niko (ph.)  
9 knows that we have a complaint against the judge  
10 that allowed all of our information, confidential  
11 information for crime victims, said at every parole  
12 hearing, "This is confidential information."

13 It went out, Judge Richard Mart (ph.).

14 My daughter was chastised for complaining to  
15 him so many times.

16 So what happened to Jimmy doesn't matter any  
17 longer.

18 What's going to happen now, it matters to all  
19 the others of us coming out, all of the other  
20 families that we represent, that Laura represents,  
21 that maybe a lot of other people here represent.

22 That you represent.

23 What's going to happen to them?

24 Changes have to come. We need it.

25 And we need all of you to back us.

1 I'm 78 years old. I started this when I was  
2 38.

3 How much longer is it going to have to be the  
4 voice of the victim, not to be revictimizing  
5 themselves, and all of the others.

6 I present to you.

7 SENATOR PHILLIPS: Mrs. Connelly, thank you;  
8 thank you very much for sharing your story.

9 BARBARA CONNELLY: You're welcome.

10 SENATOR PHILLIPS: Are there questions?

11 SENATOR BOYLE: I have one quick question.

12 You mentioned your son's murderer, when he  
13 was up for the hearing, I guess, for the release, he  
14 walked in and he saw what who was there on the  
15 panel, and then walked back out again?

16 They're allowed to do that?

17 BARBARA CONNELLY: Four times, because he had  
18 an Article pending, Article 78.

19 I asked about it every single time, and they  
20 kept saying, yes.

21 SENATOR BOYLE: Wow.

22 All right. Thank you.

23 BARBARA CONNELLY: But, the good part of that  
24 was, every time that happened, as long as it was  
25 six months, we could fight it again.

1           SENATOR BOYLE:   Okay.   Thank you.

2           SENATOR PHILLIPS:   Mrs. Connelly, I have one  
3 question.

4           What do you believe the message -- what is  
5 the message that's being sent to the public by  
6 granting these wholesale pardons?

7           BARBARA CONNELLY:   "Politics," that's the  
8 message.

9           SENATOR PHILLIPS:   Thank you.

10          SENATOR GALLIVAN:   Thank you both for your  
11 testimony, and sharing that.

12          And -- yep, go right ahead.

13          SENATOR MARCELLINO:   I just have a question  
14 for Laura, if that's possible?

15          Okay.

16          Laura, in the statement that you presented,  
17 it's a New York State parole policies' procedures,  
18 you talked about, and there were eight parole board  
19 hearings the families had to endure.

20          Is there a reasoning behind this, or a  
21 justification for this?

22          LAURA AHEARN, ESQ.:   I'm sorry, what section  
23 are you referring to?

24          SENATOR MARCELLINO:   The first page, where  
25 you talk about "New York State Parole Policies and

1 Procedures."

2 LAURA AHEARN, ESQ.: That's just my heading  
3 there, to separate out my testimony?

4 SENATOR MARCELLINO: Yes.

5 LAURA AHEARN, ESQ.: What is the question?

6 SENATOR MARCELLINO: This first section it  
7 says:

8 "In May of '71, Herman Bell was a part of a  
9 group that lured and ambushed two New York City  
10 police officers.

11 "His guilt and actions were never in dispute.

12 "The families had to endure eight hearings.

13 "In the last hearing" --

14 LAURA AHEARN, ESQ.: He was granted parole.

15 SENATOR MARCELLINO: -- "by 2-1."

16 Was there a justification given by the parole  
17 board as to why they did what they did?

18 LAURA AHEARN, ESQ.: Well, my guess is, that  
19 they're following the same procedures and policies  
20 that they have already now.

21 So, that's what needs to be changed, because  
22 the procedures that they're guided by are allowing  
23 for the release of individuals, like Bell, who can  
24 murder our police officers, and go back out on the  
25 street.

1           Guys like the South Shore rapist, who attack  
2 women and children, and go to jail for -- or, are  
3 sentenced to 650 years, and then can be released.

4           So, clearly, there's something very wrong  
5 with the procedures they're following in order to  
6 release those offenders.

7           BARBARA CONNELLY: And may I interrupt and  
8 interject on that?

9           SENATOR MARCELLINO: Sure.

10          BARBARA CONNELLY: They used a COMPAS as a --  
11 it's like a -- I'm going to say like a schedule.

12          And any tickets they have gotten in the last  
13 two, three, four, five years, and they know when  
14 they can start to discount some of their tickets.

15          But the COMPAS plays a very big part, because  
16 they mentioned "COMPAS" in every single hearing.  
17 And their good behavior.

18          SENATOR MARCELLINO: Thank you.

19          SENATOR GALLIVAN: To Senator Marcellino's  
20 question, the board in the Bell case did issue a  
21 written decision.

22          That is among the records that we did  
23 request, and we received it, and it will be a part  
24 of the record, their -- the commissioners who voted  
25 in favor, their rationale for it, as well as the

1 opposing commissioner.

2 So we do have that, and that's available --  
3 it will be available for all members.

4 SENATOR MARCELLINO: Thank you.

5 SENATOR GALLIVAN: We do thank you for your  
6 testimony, and willingness to stand up on behalf of  
7 victims.

8 Especially, very sorry for your loss, but,  
9 thrilled that you've been standing up all these  
10 years for victims' voices to be heard.

11 You both were very, very comprehensive in  
12 your testimony.

13 And you should know, some of the victim or  
14 victim groups that testified yesterday spoke to many  
15 of the same things.

16 So, the combination of that, and your  
17 comprehensive testimony, I don't have many  
18 questions.

19 I only have one, and, Laura, it is for you.

20 You talked about the parole hearings not  
21 granted every two years. But then suggested at  
22 least every five years for murderers and rapists.

23 Does that mean a graduated scale, depending  
24 on the severity of the crime, is what you're  
25 suggesting, or recommending?

1           LAURA AHEARN, ESQ.: That's what the Tinyes  
2 family had requested, and also Jenna Brooks as well,  
3 that there be some type of system to -- maybe a  
4 point system, something, to make a determination as  
5 to when it will limit the trauma.

6           So, if you have a guy who -- like in the  
7 Tinyes' case, who committed such a violent, heinous  
8 crime, should it really be an opportunity for an  
9 offender like that to be requesting parole hearings  
10 after two years, after two years, after two years?

11           Like, where we have here, with Barbara, where  
12 she's continually going to try to prevent somebody  
13 from being released.

14           That in itself is traumatizing.

15           So whatever -- whatever type of a system that  
16 the Senate can develop and recommend, I'm confident  
17 that victims and surviving family members would be  
18 supportive of that, because, right now, it's -- it's  
19 at least every two years.

20           So, Barbara was subjected to situations where  
21 it was once every six months, you had said?

22           BARBARA CONNELLY: At the end.

23           LAURA AHEARN, ESQ.: At the end.

24           SENATOR GALLIVAN: Because of the appeals,  
25 and --

1 BARBARA CONNELLY: Because of the appeals.

2 LAURA AHEARN, ESQ.: Right.

3 BARBARA CONNELLY: But I do want to say to  
4 that, because I don't know if you know this, there's  
5 an Assembly bill, and there's a Senate bill --

6 LAURA AHEARN, ESQ.: Yes.

7 BARBARA CONNELLY: -- for those five years.

8 People from our group, the Hennesseys (ph.),  
9 they fought hard for that.

10 I mean, there's no darned reason why it  
11 shouldn't be passed. They don't have to get five  
12 years, but at least it gives them a space where they  
13 can say, well, this is too heinous, and we are gonna  
14 keep you the five years, or it could be two, three,  
15 four, or six months.

16 But five years should be there.

17 LAURA AHEARN, ESQ.: It should be at least  
18 five years.

19 SENATOR GALLIVAN: Thank you both for your  
20 time --

21 BARBARA CONNELLY: Thank you.

22 LAURA AHEARN, ESQ.: Thank you very much.

23 SENATOR GALLIVAN: -- and your testimony.

24 SENATOR PHILLIPS: So if we could have the  
25 New York State Association of PBAs,

1 Daniel Fitzpatrick, and Suffolk County PBA,  
2 Pat Saunders.

3 SENATOR GALLIVAN: And James Hughes,  
4 Suffolk County Detectives Association President.

5 SENATOR PHILLIPS: Thank you.

6 I'm sorry, James.

7 SENATOR GALLIVAN: We do appreciate it.

8 And, let me thank you in advance for the --  
9 your service, and the service of the people that you  
10 represent.

11 Could you each, just for the record, state  
12 your name and your title, and then whatever order  
13 you want to proceed is okay with us.

14 DANIEL FITZPATRICK: Sure.

15 Daniel Fitzpatrick. I'm the treasurer of the  
16 New York State Association of PBAs.

17 JAMES HUGHES: James Hughes. I am the  
18 president of the Suffolk detectives, as well as an  
19 executive board member for the New York State  
20 Association of PBAs.

21 PAT SAUNDERS: I'm Pat Saunders. I'm the  
22 sergeant at arms for the Suffolk County PBA.

23 DANIEL FITZPATRICK: Good afternoon,  
24 Senators.

25 Thank you, Senator Gallivan,

1 Senator Phillips, Senator Marcellino, Senator Boyle.

2 Thank you for inviting us and giving us a  
3 voice to be heard today.

4 As I said, my name is Daniel Fitzpatrick.  
5 I'm a representative of the New York State  
6 Association of PBAs.

7 We're an organization that represents  
8 approximately 40,000 law-enforcement officers in  
9 New York State.

10 I'm here to share with you the perspective of  
11 all law enforcement as it relates to granting of  
12 parole.

13 New York State has always been a leader for  
14 change and innovation, and parole is just one  
15 example.

16 The first use of parole in New York State --  
17 in the United States was instituted in New York in  
18 1817.

19 It has evolved to where we are now, 200 years  
20 in the making.

21 The last major change was in 1998 with the  
22 enacting of Jenna's Law. Jenna's Law strengthened  
23 the penalties for violent felony convictions.

24 As we move forward 20 years from the passage  
25 of Jenna's Law, we find New York a less safe place

1 for both law enforcement and for the community.

2 Earlier in 2018, the New York State Board of  
3 Parole released the most violent of violent felons.

4 In January 2018, Christopher Thomas was given  
5 parole.

6 Mr. Thomas was convicted of the 1984  
7 manslaughter of 10 people, 8 of which were children.

8 Mr. Thomas's sentence was 10 consecutive  
9 prison terms, which could have totaled 83 to  
10 250 years.

11 Judge Ronald Aiello stated that  
12 Mr. Thomas's sentence, as it was his -- it was  
13 intention -- Aiello's intention at sentencing that  
14 Mr. Thomas serve every single day, every single  
15 hour, and every single minute of his sentence.

16 But due to state law, Mr. Thomas's sentence  
17 was capped at 50 years, and was paroled after  
18 serving only 32 years.

19 Think about it: 3.2 years per victim, 8 of  
20 them being children.

21 If Mr. Thomas had to complete the 50 years  
22 of his sentence, he would still be incarcerated till  
23 the year 2035, which is 17 years from now.

24 But by far, for law enforcement, the most  
25 egregious release came on April of this year, in

1 2018, with the parole of Herman Bell.

2 Mr. Bell and his co-defendants  
3 Anthony Bottoms and Albert Washington were convicted  
4 in 1971 of the execution of New York City Police  
5 Officers Joseph Piagentini and Waverly Jones.

6 Officer Jones was once -- shot once in the  
7 back of the head, execution style, by Mr. Bell.  
8 And then Mr. Bell took Officer Piagentini's gun  
9 and executed the officer while he pleaded for his  
10 life, firing 22 rounds into the body of  
11 Officer Piagentini.

12 Mr. Bell and Mr. Bottom were also  
13 convicted of the 1971 killing of San Francisco  
14 Sergeant John Victor Young.

15 Officer Piagentini's service revolver was  
16 discovered in San Francisco shortly after the murder  
17 of Sergeant Young.

18 Mr. Bell was denied parole in his first  
19 six attempts, and it was not until his last appeal  
20 that he took responsibility for his heinous and  
21 cowardly acts.

22 Mr. Washington passed away in prison, and  
23 Mr. Bottom (sic) is still currently incarcerated.

24 If Mr. Thomas and Mr. Bell were sentenced  
25 under today's guidelines, they would still be in

1 prison today.

2 While the laws cannot be changed that  
3 retroactively adjust sentences of a convicted  
4 felony -- violent felony offenders, solutions must  
5 be sought to ensure that the most violent felons be  
6 kept in prison to ensure the safety and community of  
7 our fam -- ensure the safety of our community and  
8 that of law enforcement.

9 As far as the condition of pardons, as we  
10 look to voting rights, the last -- the most glaring  
11 of these issues, as it represents to law enforcement  
12 is: Is law enforcement going to be notified if  
13 these people are going to be voting?

14 If you -- you know, the most -- sex  
15 offenders, are the notifications going to be made to  
16 the police department that they are going to be  
17 voting?

18 And if they are going to be voting, you're  
19 going to have to have an officer at every single  
20 polling place?

21 Which, quite honestly, seems somewhat  
22 impractical.

23 Are you going to notify the detective units  
24 that these sex offenders have to register with?

25 Are they going to escort them there?

1           Are they going to have to notify them before  
2 they go, or are they going to have to notify them  
3 after?

4           There's a whole host of issues which have not  
5 yet to be addressed.

6           The New York State Association of PBAs looks  
7 forward to working with the Senate, the Assembly,  
8 and the Governor's Office to find solutions that  
9 address these issues.

10          Finally, I would like to thank the panel for  
11 affording me the opportunity to speak with you  
12 today.

13          SENATOR PHILLIPS: Thank you; thank you very  
14 much.

15          SENATOR GALLIVAN: Jim.

16          JAMES HUGHES: Good afternoon, Senators.

17          I thank you for the opportunity to appear  
18 before you here today and to speak to you.

19          I want to relate to you the story of a  
20 parolee, and the attempted murder of an on-duty  
21 Suffolk County police officer.

22          The date was November 5, 1980, the time was  
23 1:17 in the morning.

24          On November 5, 1980, a police officer in  
25 Suffolk County's third precinct was operating his

1 sector unit, when he observed an unfamiliar male  
2 subject walking south on Islip Avenue and  
3 Islip Terrace.

4 The subject did not look familiar to the  
5 officer who knew his sector well, and, in fact,  
6 resembled the police sketch of a subject -- of a  
7 suspect doing gas station robberies in the third  
8 precinct.

9 The officer pulled his vehicle near the  
10 subject and engaged him in conversation.

11 The officer spoke to him about our new  
12 President --

13 This was the day after Election Day and  
14 Ronald Reagan had just been elected the new  
15 President.

16 -- and gathered information, to include the  
17 subject's name, home address, subject's  
18 destination -- and the subject's destination at that  
19 late hour.

20 Subject indicated he had lived in Brentwood  
21 and was en route to Bay Shore.

22 After the brief conversation, the subject  
23 continued on his way south on Route 111.

24 The officer, still suspicious of this  
25 subject, ran computer checks on the name and

1 information provided, and radioed a long-time sector  
2 operator in the Brentwood area to inquire if he knew  
3 this subject or knew of anyone that lived in the  
4 address that he provided.

5 Brentwood officer did not recognize the name  
6 provided.

7 Police officer continued to patrol his area  
8 around the area of 111, and a short time later, he  
9 observed the subject again, this time walking north  
10 on 111 and looking into parked cars.

11 The officer again approached the suspect --  
12 the subject and asked what he was doing.

13 He asked the subject if he had any ID on him.

14 Before the officer could exit his vehicle,  
15 the subject approached the driver's window and said  
16 he had a learner's permit.

17 When asked to produce it, the subject stepped  
18 back and reached into his rear waist band.

19 The officer turned just as the subject fired  
20 into the officer's face.

21 The officer threw his arm out, pushing the  
22 subject away from the car, and drew his weapon.

23 The subject continued to fire at the police  
24 officer, and the officer returned fire.

25 After three shots, the officer's weapon

1           became inoperable.

2           The subject continued firing, and then fled  
3 north up Islip Avenue.

4           The officer radioed for assistance, and was  
5 transported to the hospital, where he underwent  
6 surgery for gunshot wounds to the face and leg.

7           "I survived."

8           This case was investigated by the homicide  
9 squad.

10          My assailant was arrested a short time later,  
11 and confessed to shooting the officer, fearing he  
12 would be found to be in possession of the  
13 9-millimeter handgun he carried.

14          The examination of my jammed weapon revealed  
15 that an incoming round from his assailant -- from  
16 this assailant had struck the front trigger guard on  
17 my 38-caliber revolver and rendered it inoperable.

18          It should be noted that this weapon had been  
19 held extended in front of my chest, and had it not  
20 hit the trigger guard, it would, in all probability,  
21 have struck me in the chest and possibly killed me.

22          Investigation revealed the arrestee was on  
23 parole from a robbery conviction at the time of the  
24 shooting.

25          Recovered during this investigation was a

1 list of police officer names the defendant had  
2 planned to kill.

3 The officer described... I'm sorry.

4 I was not on that particular list. I was a  
5 target of opportunity, I guess.

6 The above-subject stood trial for attempted  
7 murder, first degree, and was sentenced, as charged.

8 20 to life he was sentenced to.

9 Today, every year this defendant stands up  
10 for parole, and, periodically, I will appear before  
11 the parole board and let my sentiments be known.

12 I do not believe that this subject should  
13 ever be paroled, and made those wishes known to the  
14 parole board, because of the fact that he had a list  
15 of police officers he wished to kill.

16 I mean, the desire to kill anyone, be it a  
17 police officer, or the people the police officers  
18 protect, is abhorrent to this society, or should be.

19 It can only be hoped that a parole board will  
20 continue to recognize the threat this man represents  
21 to us all and keep him in prison for the life  
22 sentence he truly deserved.

23 Thank you.

24 SENATOR PHILLIPS: Thank you.

25 SENATOR GALLIVAN: Pat.

1 PAT SAUNDERS: Good morning, Senators, and  
2 assembled guests.

3 My name again is Pat Saunders, and I'm here  
4 on behalf of the Suffolk County PBA and our  
5 president, Noel DiGerolamo.

6 Thank you for allowing me to speak on this  
7 important issue.

8 I begin my remarks with two historical dates.

9 In 1817, New York became the first state in  
10 the nation to enact a good-time law with respect to  
11 prison sentencing.

12 On July 1, 1930, the division of parole was  
13 established in the Executive Branch of New York.

14 In the ensuing 88 years, parole for serious  
15 felony crimes has fluctuated with New York State's  
16 death-penalty arguments.

17 With 201 years of history, New York has the  
18 most experience with parole in the nation.

19 Unfortunately, over the course of the last  
20 50 years, we have wrestled with the issue of a death  
21 sentence, life without parole, and parole for the  
22 crimes we hold as the most vicious.

23 One theme continues to resonate amongst all  
24 the arguments, however: The killing of a police  
25 officer performing his official duties deserves the

1 most stringent of penalties.

2 In the last two years, some of our residents  
3 have seemingly forgot that.

4 A police officer at work is not an  
5 individual. They are representative of society and  
6 our laws and norms.

7 Aggression towards them is an act against  
8 society and demonstrates either complete disregard  
9 or mental illness.

10 After adjudication, if a defendant is found  
11 competent and guilty, the process of parole must  
12 take in account the people's wish to incarcerate the  
13 subject to keep society safe.

14 The killings of Police Officers  
15 Waverly Jones, Joseph Piagentini, and  
16 Trooper Emerson Dillon, amongst countless others,  
17 were not heat-of-the-moment accidental killings.

18 They were planned and vicious assassinations,  
19 and were found to be so by a jury.

20 It boggles the mind how a subject who  
21 committed the ultimate act of evil against another  
22 person, and by extension, all of society, could ever  
23 truly be reformed.

24 The benefit of the doubt should be given to  
25 the victims, their families, and co-workers.

1           The victims were contributing to society and  
2 helping others. The convicted felons were not.

3           New York State's correctional-system  
4 population is rife with prisoners who are eligible  
5 for parole: Serial killers David Berkowitz and  
6 Joel Rifkin, spree killers Colin Ferguson and  
7 Julio Gonzalez, numerous cop-killers who I cannot  
8 and will not identify by name, along with the  
9 infamous Long Island diner felons who committed more  
10 than 100 felonies in a tragic morning.

11           That diner is five miles from where we sit  
12 right now.

13           Is the parole system really designed to let  
14 these felons out?

15           As a lifelong New Yorker, I certainly would  
16 hope not.

17           Reading the parole hearing minutes of the  
18 murder of POs Jones and Piagentini showed me no  
19 sense of remorse or responsibility. Instead, the  
20 felon spoke of his role in a war against society.

21           Do we really believe those feelings ever  
22 change?

23           If these prisoners are purportedly helping  
24 other inmates, I say leave them in prison and let  
25 them continue. The risk to us is too great to take

1 a chance.

2 I'll conclude with an example of parole gone  
3 wrong.

4 In 1967, Joe "Mad Dog" Sullivan was convicted  
5 of manslaughter.

6 In 1971 he escaped the Attica Correctional  
7 Facility, the first person having done so.

8 He was recaptured six weeks later.

9 Amazingly, he was paroled in 1975.

10 Over the course of the next six years, he was  
11 suspected in close to 20 murders as a contract  
12 killer.

13 In 1981 he was convicted of three murders,  
14 and died in prison.

15 Parole is a privilege, not a right, and  
16 should be reserved for non-violent offenses that can  
17 be rehabilitated, not subjects evincing the blatant  
18 disregard of human life.

19 Thank you.

20 SENATOR GALLIVAN: I have one question.

21 Dan, you made reference in your testimony to  
22 "under today's current sentencing standards."

23 Is that a reference to the murder of a --  
24 police officers, punishable by life without  
25 parole --

1 DANIEL FITZPATRICK: (Indiscernible.)

2 SENATOR GALLIVAN: -- life imprisonment  
3 without parole?

4 DANIEL FITZPATRICK: Yes.

5 SENATOR GALLIVAN: And that is a current  
6 status, I believe, from 2005, when the Legislature  
7 enacted that --

8 DANIEL FITZPATRICK: Yes.

9 SENATOR GALLIVAN: -- and the governor signed  
10 that?

11 DANIEL FITZPATRICK: Violent felony statutes  
12 also increased in 1998 with the enactment of  
13 Jenna's Law. And his -- especially, Mr. Thomas's  
14 crime was committed prior to that.

15 SENATOR GALLIVAN: Okay. Thanks.

16 SENATOR PHILLIPS: I have a question for any  
17 of you.

18 Were you notified of the individuals that  
19 were pardoned, particularly the Level 3 sex  
20 offenders, and the murderers, before they were  
21 pardoned, or afterwards? Were you given the  
22 individuals' names?

23 DANIEL FITZPATRICK: I'm sorry, pardoned?

24 SENATOR PHILLIPS: Through this last round of  
25 the Governor's pardoning, were -- was there any

1 notification that --

2 DANIEL FITZPATRICK: Not to my knowledge.

3 SENATOR PHILLIPS: -- these individuals --

4 DANIEL FITZPATRICK: Not to my knowledge.

5 JAMES HUGHES: Nor mine.

6 SENATOR GALLIVAN: Senator Marcellino.

7 SENATOR MARCELLINO: Let me ask you just a  
8 quick question about, the person who is being given  
9 the right to vote, what would you think about the  
10 use of only voting for these people by absentee  
11 ballots?

12 They would not be allowed to go near a school  
13 and enter a building. But if they were going to  
14 vote, they could vote by absentee ballot only.

15 DANIEL FITZPATRICK: I think that would be  
16 acceptable means.

17 I mean, to let a sex offender into a school?  
18 Who has -- who has to answer that?

19 That's ridiculous. That's inane.

20 SENATOR MARCELLINO: Couldn't agree with you  
21 more.

22 PAT SAUNDERS: Senator, I would even say, let  
23 them vote with their parole officer when they check  
24 in for a hearing.

25 If they're being supervised release, let them

1 vote when they respond there.

2 SENATOR GALLIVAN: Senator Boyle.

3 SENATOR BOYLE: I agree, that just the idea  
4 that these convicts are supposed to be -- only be  
5 allowed in the schools between 7 p.m. and 9 p.m.,  
6 just that have you to say that alone makes it so  
7 ridiculous, that it should not happen at any point  
8 in time during the course of the day, if any.

9 But just like to thank you gentlemen.

10 And, Jim, I've known you many years and never  
11 heard that story.

12 Thank you very much for sharing it.

13 And on behalf of you, and other victims,  
14 particularly Diane Piagentini, a constituent of  
15 mine, the widow of Officer Piagentini, in letting  
16 any police officer -- the murderer of a police  
17 officer free at any time makes no sense whatsoever.

18 Thank you.

19 SENATOR GALLIVAN: Thank you, all.

20 SENATOR PHILLIPS: Thank you very much.

21 SENATOR GALLIVAN: Next we will have:

22 New Hyde Park-Garden City Park

23 superintendent --

24 SENATOR PHILLIPS: Dr. Jennifer Morrison.

25 SENATOR GALLIVAN: Oh, I didn't have

1 "Doctor."

2 -- Dr. Jennifer Morrison;

3 Mineola superintendent, Michael Nagler --

4 SENATOR PHILLIPS: "Doctor."

5 SENATOR GALLIVAN: -- another doctor. Sorry.

6 And New Hyde Park Memorial High School PTSA,  
7 corresponding secretary, James Reddan.

8 JAMES REDDAN: Just "Jim."

9 SENATOR GALLIVAN: Jim Reddan.

10 JAMES REDDAN: Everybody else had titles, so  
11 I take it, I'm just "Jim."

12 SENATOR PHILLIPS: I'd like to go -- I don't  
13 think -- I'd like to go on record here.

14 I have a little bit of research that we did  
15 in our office, and let me emphasize the word  
16 "research," because there was no known way -- or,  
17 the way we had to figure this out was complicated.

18 But, in Nassau County, we found 23 sex  
19 offenders, including 9 -- let me repeat --  
20 9 Level 3s.

21 And for those of you that don't know the  
22 difference between Level 1, Level 2, and Level 3,  
23 Level 3s are determined to be the high risk of  
24 repeat offense and a threat to public safety, and  
25 Level 3 sex offenders must register for life.

1           These sex offenders included 10 child  
2 rapists, 14 child victims as young as 2 years old.

3           And it was my office who provided this  
4 information to the Nassau County Police.

5           SENATOR GALLIVAN: So we appreciate the fact  
6 that you are here, and your patience, of course.

7           And as with the others, we are -- it doesn't  
8 matter who goes first. But, when you testify, could  
9 you just start first with your name and your title,  
10 and you can proceed right into your testimony.

11          DR. JENNIFER MORRISON: I guess I'll go  
12 first.

13          Okay. My name is Dr. Jennifer Morrison.  
14 I'm the superintendent of schools of New Hyde  
15 Park-Garden City Park School District, and I'm here  
16 to thank you, first, for having me.

17          I appreciate you listening.

18          And I'd also like to impress upon you the  
19 importance of keeping our children secure and safe.

20          We work tirelessly to keep our children safe  
21 in school.

22          And on Primary, Special, and General Election  
23 days, the law requires schools to allow parolees,  
24 unidentified strangers, and unvetted election  
25 workers to enter and vote in our children's school

1 buildings.

2 We are expected to keep our children safe.

3 Schools have added visitor identification  
4 systems, security guards, security vestibules with  
5 mantraps, and security cameras to do so.

6 Our front doors are locked to our schools all  
7 day, every single day. No one is permitted to enter  
8 the building without first showing photo  
9 identification.

10 On polling days, when children are present,  
11 we are required to leave the doors unlocked, and we  
12 are not allowed to require visitors to present  
13 identification, which poses significant safety  
14 concerns.

15 Anyone on election polling day can walk into  
16 our schools unannounced.

17 Anyone.

18 Anyone can walk into our schools unannounced.

19 Our school buildings were built in the early  
20 and mid-1900s. They were designed to be community  
21 schools for the education of elementary school  
22 children.

23 None were designed with the idea that  
24 visitors would be entering during the school day to  
25 vote, and, certainly, none were designed in an era

1 when anyone even thought of the possibility of  
2 school shootings.

3 In one of our buildings, visitors entering to  
4 vote have to pass by a student classroom and the  
5 nurse's office.

6 Students in our adjacent hallways must pass  
7 these visitors throughout the day to go to the  
8 bathroom, to the nurse, to lunch, to gym, to music,  
9 or to go to mandated services such as speech.

10 Keep in mind, these students are as young as  
11 four years old.

12 In this age of horrific school shootings, we  
13 owe our children better than to have polling in our  
14 school buildings.

15 The board of elections offers no assistance  
16 assuring the safety of our students, teachers, and  
17 employees on election days, nor will the police  
18 department station police officers at our buildings.

19 I asked for that help, and was advised that  
20 the police department would not assign an officer on  
21 election days to be at our polling places; there  
22 simply aren't enough of them.

23 The board of elections will not send security  
24 guards to guard our children, or even our doors.

25 This responsibility falls on school

1 districts.

2 The board of election does, however, send  
3 election workers to our buildings who are not  
4 background checked, and have absolutely no  
5 familiarity with the school-safety plans.

6 Every employee in our school system that  
7 enters our buildings has been fingerprinted as --  
8 and is trained in emergency procedures.

9 Election workers are not.

10 On polling days they are in our facilities  
11 all day long.

12 We have even had instances where election  
13 workers have roamed through our buildings and used  
14 student restrooms while elementary school students  
15 were in there, rather than wait for the staff  
16 bathroom to become available.

17 A few years ago the vote was moved out of one  
18 of our schools, New Hyde Park Road School,  
19 subsequent to a lockdown having been called while  
20 voters were in the building.

21 Voters and election workers ignored the  
22 lockdown, as they were not familiar with the  
23 procedures that we use to keep our children safe.

24 Our school staff, and the police upon their  
25 arrival, were unable to determine who belonged in

1 the building, and who or what might have been the  
2 cause of the lockdown.

3 It was chaotic.

4 As I stated earlier, on election days, we are  
5 not allowed to ask for visitor identification.

6 By Governor Cuomo's executive order, the  
7 rights of approximately 24,000 sex offenders to vote  
8 were restored, and the department of corrections has  
9 implemented a procedure so that sex offenders are  
10 allowed to enter schools to vote after 7 p.m.

11 They must get written permission from their  
12 parole office if they intend to vote at a school,  
13 and then from the school superintendent.

14 I assure you that I will not be granting my  
15 permission for any sex offender to enter my school  
16 buildings and vote, even after 7 p.m.

17 Ever.

18 Our doors do not close at 7 p.m.

19 There are sports practices and other  
20 activities in our school buildings that are attended  
21 by children.

22 Our school buildings are the center of our  
23 communities. They're in use all the time.

24 But even if I deny that permission, how would  
25 we know if a sex offender or a murderer or a

1 cop-killer was entering our schools on a polling day  
2 anyway, as we are not allowed to check  
3 identification?

4 This is why polling does not belong in our  
5 schools.

6 This initiative is misguided, and will allow  
7 dangerous felons, amongst others, into schools to  
8 vote.

9 To keep our children safe, our district  
10 safety plan requires visitors be buzzed into the  
11 building every time they visit, and that, upon entry  
12 into the building, the visitor must show photo  
13 identification.

14 The visitor then receives a badge and is  
15 escorted to the main office.

16 At the main office, the person is accompanied  
17 to their destination.

18 At the end of their visit, they have to sign  
19 out and return their badge.

20 In light of the recent nationwide security  
21 concern, this process should not be expected to be  
22 bypassed on election days as it contradicts the  
23 procedures we have implemented to keep our children  
24 safe on a daily basis.

25 These procedures were implemented based upon

1 recommendations received from the Nassau County  
2 Police Department, among others.

3 The district's request for Nassau County  
4 police officers to provide security at two of  
5 New Hyde Park-Garden City Park schools, Manor Oaks  
6 and Hillside Grade, during the Primary Election,  
7 which was scheduled to be held in both buildings on  
8 Thursday, September 13, 2018, while children were in  
9 the building, was denied.

10 Our request for traffic control during  
11 arrival and dismissal times at Manor Oaks School  
12 located on busy and crowded Hillside Avenue, was  
13 denied.

14 The volume of students, parents, and voters  
15 caused us a significant safety issue at these times.

16 It also displaces our staff from parking in  
17 the limited spaces when they come to work.

18 Our lots become so congested that, last  
19 Election Day, a voter had a car accident in our  
20 parking lot.

21 In addition to all the concerns I have  
22 stated, this is a huge disruption to exactly what  
23 we're supposed to be doing every day, which is  
24 instruction.

25 Using schools as a voting location interferes

1 with library classes and mandated physical-education  
2 instruction for three days:

3 The day before the vote, when the voting  
4 machines and the polling-related items are delivered  
5 and set up;

6 Then the day of the polling;

7 And the day after the polling while we wait  
8 for the board of elections to remove these items.

9 New Hyde Park-Garden City Park School  
10 District is working with Senator Phillips, presiding  
11 Officer Nicoletto, Assemblyman Ed Ra, and  
12 Councilman Ferrara, to have all elections  
13 permanently removed from our school buildings.

14 In the meantime, we need your assistance to  
15 keep our children safe, and keep the vote and the  
16 parolees out of our schools.

17 Thank you.

18 SENATOR GALLIVAN: Thank you.

19 Dr. Nagler.

20 DR. MICHAEL NAGLER, Ph.D.: Thank you.

21 I wrote "good morning," but it's "good  
22 afternoon" now.

23 Senators, I appreciate the time.

24 My name is Michael Nagler. I'm the  
25 superintendent of Mineola Public Schools. I also

1 currently serve as the president of Nassau County  
2 Council of School Superintendents.

3 I'm going to paraphrase some of my remarks  
4 because they're a repeat of what Jen's already said.

5 What she described as a typical procedure for  
6 a parent entering the building is common in all of  
7 our buildings. That's the new reality.

8 The days where parents just come in to drop  
9 off lunch, and go into the classrooms, are done.

10 In fact, we typically have what we call  
11 "mantraps," which are secured vestibules.

12 They have to leave things there.

13 To get an instrument, if you forgot your  
14 lunch, leave it there. We'll take it to your child.

15 So that's the reality for our parents, and,  
16 obviously, using schools as polling places is a  
17 contradiction to that.

18 As Jen said, the polling place and procedures  
19 contradict all of our procedures for school safety.

20 I would add a few things.

21 In my case, in Mineola, our answer has been  
22 to limit voting to a classroom.

23 We find a classroom with an exterior door.  
24 We put the machines in that classroom. And we use a  
25 separate entrance as a polling place.

1           And we don't want people wandering around our  
2 buildings.

3           We hire security. So we incur the cost to  
4 Mineola, to hire additional security in every  
5 polling place, to ensure the public doesn't wander  
6 to where our children are.

7           In spite of that, we had an incident in the  
8 last Primary.

9           We also -- it's not a very comfortable place  
10 for voters.

11           When you typically go to your polling place,  
12 you'll have five or six machines, based on the EDs,  
13 the ADs, and there's just six, seven people show up,  
14 which doesn't really happen anymore. But, when they  
15 do, it's not really a manageable space.

16           But that's our solution instead of opening up  
17 a gymnasium.

18           When children aren't in the building, voting  
19 really is a non-issue.

20           But it's fairly common practice for schools  
21 to close on Election Day, although, two years ago,  
22 Mineola was open.

23           The reason we were open, is because the -- we  
24 have restrictions on when school can start and when  
25 it ends, and within that timeframe, we have to fit

1 in contractual obligations.

2 All of our districts have different number of  
3 days. In some -- some districts are 186, some are  
4 182.

5 But, that is becoming harder and harder to  
6 fit within that time frame.

7 The granting of new religious -- not new  
8 religious holidays, but, additional religious  
9 holidays has made that more problematic.

10 I'm aware of Senator Funke's bill that  
11 proposes, that it will require schools to close on  
12 Election Day.

13 I think that would further exacerbate the  
14 problem, and that bill does not account for  
15 primaries.

16 So when you have election days, great.

17 Obviously, the mid-term and the presidential  
18 elections, we get a lot more voters. But primaries  
19 pose the same problems.

20 There's also that discussion about early  
21 voting. I'm not quite sure how that's going to  
22 work.

23 But it would certainly be, if you're having  
24 multiple days for voting, that would even exacerbate  
25 the problem even further.

1 I'd like to comment on parolees and voting in  
2 schools.

3 The notion that superintendents should grant  
4 permission for convicted sex offenders to vote in  
5 our buildings is ridiculous.

6 No superintendent is going to agree to that,  
7 and I don't think it's fair to place that decision  
8 in our laps.

9 I am aware that the law dates back to 2006.

10 It doesn't make sense then, it doesn't make  
11 sense now.

12 We really don't want any part of a political  
13 hot potato, especially when the obvious solution is,  
14 just use an absentee ballot.

15 And, frankly, I believe it's a complete  
16 disregard for school communities to have that occur.

17 We're asking for the ability to work with the  
18 board of elections.

19 We understand that voting has to happen.

20 We understand it has to be in accessible  
21 buildings.

22 What -- we're supportive of Senator Phillips'  
23 bill that gives us the ability to decline serving as  
24 a polling place, similar to the discretion allowed  
25 other entities, but not allowed schools.

1           And my colleagues and I are prepared to work  
2 with the board of elections to find alternative  
3 solutions, such as firehouses, village halls,  
4 libraries; the obvious public places, because, at  
5 this point, based on current circumstances, those  
6 venues make more sense.

7           I thank you for the opportunity to testify.

8           SENATOR GALLIVAN: Mr. Reddan.

9           JAMES REDDAN: Thank you, Senator.

10          Good morning.

11          My name is James Reddan.

12          My proudest title is a husband, and dad to  
13 Courtney (ph.), James, and Kelsey (ph.).

14          I am also a veteran of the United States  
15 Army.

16          I appear before you today to offer testimony  
17 in the topic of elections.

18          I have been authorized by a vote of the  
19 membership of the New Hyde -- to express the opinion  
20 of the New Hyde Park-Garden City Park Committee  
21 Against Polling in Schools, by the New Hyde Park  
22 Memorial High School Parent-Teacher-Student  
23 Association.

24          Here with me today, just behind me to my  
25 right, is Danielle Messina and Kathryn Canese.

1           These talented women, along with  
2 Liz Sollecito, are the driving force behind the  
3 committee and the PTSA.

4           I will skip the pleasantries, but thank you  
5 very much for letting me be here. I'm trying to  
6 truncate my statements.

7           SENATOR GALLIVAN: Excellent.

8           JAMES REDDAN: The New Hyde Park-Garden City  
9 Park community began its fight against polling in  
10 our schools before the Governor signed Executive  
11 Order 181.

12           Our issue is, and always has been, the safety  
13 of our children.

14           For many years, three of our elementary  
15 schools were polling locations.

16           It was acceptable in the past, but times have  
17 changed.

18           Our story begins on Election Day, 2014.

19           On that day, at New Hyde Park Road School,  
20 the alarm was triggered and a lockdown was  
21 initiated.

22           Our children, teachers, and staff were locked  
23 in the school for about two hours. Everyone in a  
24 locked office or locked classroom, waiting for the  
25 all-clear; every teacher and administrator complying

1 with the school safety plan.

2 The Nassau County Police, Third Precinct, did  
3 an excellent job, and secured our school.

4 However, during the lockdown, the election  
5 process continued.

6 Voters and poll workers were free to roam  
7 portions of the school, enter and leave as they  
8 pleased; thus, defeating the purpose of a lockdown.

9 We decided on that day polling in our schools  
10 is unacceptable and a potential security threat.

11 Our community organized a petition drive, and  
12 we were successful in removing Election Day polling  
13 from New Hyde Park Road School.

14 Unfortunately, voting remained at Manor Oaks  
15 and Hillside Grade schools.

16 The voting at Manor Oaks is under the control  
17 of the school board. The school board moved that  
18 election in the May 2017 election year to the  
19 Michael J. Tully Park.

20 Through the collective efforts of the  
21 residents in our community, we have been successful  
22 in facilitating the removal of polling from Hillside  
23 Grade School. That happened this year.

24 Our elementary schools were no longer subject  
25 to the potential safety threat. The school safety

1 plan would no longer be compromised by the election  
2 process.

3 For that we thank everyone that helped us,  
4 and the Nassau County board of elections.

5 We breathed a sigh of relief.

6 The board of elections was offered two  
7 reasonable locations.

8 The New Hyde Park Fire District offered the  
9 use of their firehouses.

10 We secured -- also secured Michael J. Tully  
11 Park as an optional site.

12 New Hyde Park-Garden City Park School  
13 District holds their budget and trustee vote at  
14 Tully Park.

15 The site is an approved voting location.

16 Simple, we thought.

17 Tax -- Tully Park is taxpayer-funded,  
18 handicap-accessible, offers a large parking field,  
19 and is a well-known and convenient location within  
20 our community.

21 After offering these locations as  
22 alternatives, the board of elections surveyed these  
23 locations.

24 Progress, we thought.

25 We waited for a decision; we waited all

1 summer.

2 We became aware of the new location when the  
3 board of elections mailed out the voter-registration  
4 cards.

5 Unfortunately, the board of elections  
6 selected New Hyde Park Memorial High School for the  
7 September 13th Primary vote and the November 6th  
8 General Election.

9 We were shocked.

10 What could we do now? The cards were mailed,  
11 the location selected, the Primary two weeks away.

12 We fought back is what we did.

13 We made calls, we sent e-mails, and let our  
14 voices be heard to anyone that would listen.

15 Thankfully, someone did listen.

16 The board of elections changed the location  
17 of the Primary. They moved it to Tulley Park, one  
18 of our original alternative locations.

19 The move occurred one week prior to the  
20 Primary vote.

21 Again, a collective sigh of relief, but we  
22 are not done, our mission is not complete.

23 The board of elections has selected New Hyde  
24 Park Memorial High School as the voting location for  
25 the November 6th General Election.

1           The selection of the high school as an  
2 alternative to the elementary schools is baffling to  
3 us.

4           The same children that attend our schools  
5 have brothers, sisters, cousins, and friends that  
6 attend the high school. The same families are  
7 affected.

8           Today, as I speak to you, 1860 children, aged  
9 11 through 18, are in attendance at New Hyde Park  
10 Memorial High School.

11           1860 children -- our children.

12           The selection of the high school as a polling  
13 location is unacceptable and unnecessary.

14           I have been voting for 39 years.

15           New Hyde Park Memorial High School has never  
16 been a polling location during that time.

17           We are pleading with the Nassau County Board  
18 of Elections to utilize Tulley Park on November 6th,  
19 the same park that was used by the board of  
20 elections to conduct the September 13th Primary  
21 Election.

22           I told you our story because you and I should  
23 not have to fight to remove voting from our schools.

24           We shouldn't have to compromise the safety of  
25 our children because of an election.

1           The perceived inconvenience of moving a  
2           polling location should not be more important than  
3           our children.

4           There are alternatives.

5           We should be afforded a simple solution: Give  
6           the individual school districts the legal authority  
7           to opt out.

8           Before I continue about a possible opt-out  
9           option, I would like to comment on Executive  
10          Order 181.

11          Executive Order 181 went into effect May 1st  
12          this year.

13          The order could, potentially, give tens of  
14          thousands of felons on parole the right to vote.

15          The Governor says these parolees are  
16          disenfranchised voters. That many of them are  
17          contributing to society, and it is unfair to prevent  
18          them from voting.

19          There is no doubt that some of these parolees  
20          will go on to continue productive lives and  
21          contribute to our society. People do make mistakes.

22          But New York State law has a way for the  
23          parolee to restore his right to vote. It is called  
24          a "relief from civil disabilities." It is granted  
25          by a judge by a motion to the Court.

1           But it is also true that there are some  
2 parolees that will never change.

3           Some of those parolees are convicted sexual  
4 predators.

5           Allowing them to vote allows them access to  
6 our schools; allows them to enter our schools on  
7 Election Day.

8           To enter the schools in New Hyde Park and  
9 Garden City Park, you need to produce  
10 identification.

11           If you do not have identification, you do not  
12 get in.

13           Very simple.

14           During an election, the schools have to open  
15 up their doors to the voting public.

16           Schools are not allowed to ask voters for  
17 identification.

18           They have no record of who enters the  
19 building during an election.

20           So it is more than possible that a sexual  
21 predator will feel emboldened by this executive  
22 order, and will enter one of our schools, or wander  
23 around outside, just waiting for the opportunity to  
24 harm one of our children.

25           That, is unacceptable.

1           My community wanted elections out of our  
2 schools before Executive Order 181.

3           Now we believe that it is imperative.

4           In the near future, thanks to  
5 Senator Phillips, it may be possible for our schools  
6 to opt out.

7           Selecting a school as a polling location for  
8 elections poses a serious potential threat to the  
9 safety of our children, staff, and teachers, a  
10 threat that may be easily eliminated.

11           Senator Phillips has proposed legislation  
12 known as S9155. The bill, if approved by the  
13 Legislature and signed by the Governor, would allow  
14 schools to opt out of polling.

15           This is an important step, a commonsense  
16 piece of legislation.

17           We know our communities and the schools that  
18 our children attend better than any county board of  
19 election.

20           Our local elected school boards, and the  
21 superintendents that of our individual school  
22 districts -- of our individual school districts,  
23 know our schools better than anyone else.

24           In fact, school-safety plans are designed by  
25 the superintendent based on the specific needs of

1 their individual schools.

2 Our superintendents, and the school boards  
3 that serve us, should determine if an election may  
4 be safely conducted within our schools, not an  
5 unelected county official.

6 Senator Phillips' bill, if passed, would do  
7 just that.

8 The legislation would give our school  
9 districts the legal right to tell the board of  
10 elections, "Not in our schools, we opt out."

11 Schools cannot enforce a school-safety plan  
12 and conduct an election.

13 School-safety plans and the election process  
14 are mutually exclusive.

15 As I conclude my remarks, I ask all of you  
16 for my help -- for help.

17 Executive Order 181 adds another layer of  
18 uncertainty.

19 It makes no sense to allow a convicted  
20 predator entry into the schools.

21 Schools do not have the financial resources,  
22 nor do they have the manpower, to provide the  
23 necessary level of security.

24 To our elected representatives, vote "yes"  
25 when given the opportunity. Make this bill a law.

1           To all of you in the audience, thank you for  
2 coming.

3           Please call your representatives and urge  
4 them to support S9155.

5           Our communities take school safety seriously.

6           Tell them our schools should not be allowed  
7 to opt out of acting as polling -- should be allowed  
8 to opt out of polling locations for elections if  
9 that individual school district so chooses.

10          Finally, to the Nassau County Board of  
11 Elections: We ask that you do not hold the  
12 November 6th General Election at New Hyde Park  
13 Memorial High School.

14          Tulley Park held the September 13th Primary  
15 vote.

16          Tulley Park should also be the location of  
17 the November 6th General Election.

18          Common sense, and the safety of our children,  
19 should count for something.

20          No one should be allowed to compromise the  
21 safety of our school children because of a vote.

22          The perceived inconvenience of moving polling  
23 out of a school should not trump a child's  
24 well-being or safety.

25          Thank you for the opportunity to offer

1 testimony.

2 Thank you all for listening.

3 SENATOR PHILLIPS: Thank you.

4 [Applause.]

5 SENATOR PHILLIPS: I have a few questions,  
6 but if Senator Boyle or Marcellino --

7 SENATOR MARCELLINO: Go right ahead.

8 SENATOR PHILLIPS: -- go ahead.

9 SENATOR BOYLE: Thank you, panelists.

10 And thank you for your principled stances on  
11 this.

12 As I mentioned earlier, a reference to a bill  
13 that I had introduced a number of years ago about  
14 banning polling in schools, I can tell you that, as  
15 soon as I introduced that piece of legislation,  
16 I was getting barraged by phone calls from around  
17 the state, from board of election commissioners,  
18 telling me, Do you know how much this is going to  
19 cost?

20 And this was before the recent rash of school  
21 shootings.

22 I mean -- and so my question is:

23 I know you talked about mantraps.

24 Do any of you, or do you know of any other  
25 school districts in Nassau or Suffolk county, that

1 have metal detectors?

2 DR. MICHAEL NAGLER, Ph.D.: We typically  
3 don't typically have metal detectors.

4 Other security measures would be panic  
5 alarms, lockdown buttons, security bollards. In  
6 some cases, armed guards.

7 It's -- it's reached the point, even --  
8 between Sandy Hook and Parkland.

9 Now, post-Parkland, it's reached the point  
10 where you really can't get in a school building.

11 It's -- there are electronic doors, there's  
12 (indiscernible) keys; there are all sorts of  
13 measures to limit who comes in and out of the  
14 buildings.

15 SENATOR BOYLE: And you can't get into a  
16 school, except one day a year, on Election Day --

17 DR. MICHAEL NAGLER, Ph.D.: Well, multiple  
18 days, because there are multiple --

19 SENATOR BOYLE: -- there's primaries too.

20 And, remember, in Presidential.

21 Because we haven't changed the laws in  
22 New York State, there's a separate Presidential  
23 Primary.

24 So we have three times that it -- it ended up  
25 becoming Presidential Election.

1 I would just add, parenthetically, that, you  
2 know, some of these school-shooters, obviously,  
3 they're evil individuals, but they're evilly smart  
4 too. And they plan things out. We see some of the  
5 shootings.

6 So there's some sicko out there, getting  
7 ready, realizing, when they're -- this is an  
8 opportunity.

9 And, God help us, if we allow that to happen.

10 And I support Senator Phillips' bill.

11 Thank you for your leadership on that,  
12 Senator.

13 SENATOR MARCELLINO: Can one of you go  
14 through the idea of not closing on Election Day?

15 I believe, Mr. Nagler -- Dr. Nagler, that you  
16 had talked about that, that that wasn't feasible.

17 Can you go through that again, please?

18 DR. MICHAEL NAGLER, Ph.D.: We have to start  
19 school in the month of September.

20 The earliest we can do it is September 1st,  
21 by law. And we conclude the last day of regents, by  
22 law.

23 Within that time --

24 SENATOR MARCELLINO: Which is usually around  
25 June?

1 DR. MICHAEL NAGLER, Ph.D.: Well, this year  
2 it's very late.

3 But, normally, it's around the 22nd, the  
4 last -- the third Friday in June.

5 SENATOR MARCELLINO: (Indiscernible)  
6 June 20th, or something like that.

7 Okay.

8 DR. MICHAEL NAGLER, Ph.D.: Within that, we  
9 all have contractual obligations of how many days  
10 our teachers and staff work, as high as 186 days, as  
11 low as 180.

12 We're also mandated, we cannot receive State  
13 aid if we don't have a minimum of 180 days.

14 So all of those things factor in around the  
15 three breaks we take: The February, the  
16 Christmas/Hanukkah holiday, and the Passover/Easter  
17 break.

18 Recently we've been adding additional  
19 holidays. Lunar New Year.

20 And not all of us do -- not every district.  
21 It's based on communities.

22 But, every day you add, you take away a day  
23 of flexibility to get you 182 in.

24 I'm using that as my example, is 182.

25 This year was easy, because the regents ended

1 on the last Wednesday. So we actually gained three  
2 days that we never had before.

3 Next year it will be problematic again. The  
4 way the holidays fall, it shrinks our window.

5 So, sometimes, we need to open on Election  
6 Day.

7 And, again, depending on the polling places  
8 and the district, it's less problematic for some  
9 districts than others.

10 That's why I appreciate the way the bill was  
11 written, is it's the option of the district.

12 If you can manage a secure polling place, so  
13 be it.

14 If you cannot, then it's in your interest to  
15 change it.

16 DR. JENNIFER MORRISON: Especially when there  
17 are other available locations.

18 For example, in New Hyde Park or in City  
19 Park, Mr. Reddan talked about Tulley Park. It's  
20 right across the street from the Memorial High  
21 School.

22 It's got a better facility, better access...  
23 better everything.

24 And the board of elections is choosing to put  
25 the vote in our high school.

1           SENATOR MARCELLINO: Did they give you a  
2 reason for that?

3           DR. JENNIFER MORRISON: I have my guesses,  
4 which I probably shouldn't --

5           SENATOR MARCELLINO: No, I want to know.

6           JAMES REDDAN: No, there was no reason given.

7           DR. JENNIFER MORRISON: I can give you a few  
8 guesses.

9           JAMES REDDAN: Well, we all know why.

10          Because they took it out of our schools --

11          DR. JENNIFER MORRISON: They took it out of  
12 the elementary schools.

13          JAMES REDDAN: -- and they didn't want to  
14 take it out of the school for us, because, if they  
15 did that for us, they might have to do that for  
16 other locations.

17          DR. MICHAEL NAGLER, Ph.D.: I would just add  
18 that the New Hyde Park is an elementary district.  
19 And the high school is Sewanhaka District.

20          So, technically, it's two different  
21 districts.

22          SENATOR MARCELLINO: Different districts.

23          Okay.

24          DR. JENNIFER MORRISON: Same families.

25          DR. MICHAEL NAGLER, Ph.D.: So they did move

1       it out of one district.

2               JAMES REDDAN:   Yes --

3               DR. JENNIFER MORRISON:   Completely.

4               JAMES REDDAN:   -- New Hyde Park is a school  
5       district unto itself.  It covers the four elementary  
6       schools.

7               The Sewanhaka Central High School District  
8       covers five high schools, one of which is New Hyde  
9       Park Memorial High School.

10              Two of the members that sit on the board of  
11       education at New Hyde Park Gardens sit on the  
12       Sewanhaka board.

13              The board of elections knows the location, it  
14       knew our community, and it chose to put it in our  
15       school, when Tulley Park is a better location.

16              First-floor access, handicap-accessible.  
17       A gigantic parking field.

18              No reason, really.

19              In our location, at least in my community, it  
20       might -- this might not be true of all communities,  
21       we have various places to hold elections.

22              The volunteer firemen in our community, both  
23       in the Garden City Park Fire District and the  
24       New Hyde Park Fire District, are more than willing  
25       to offer their firehouses to help us in our cause.

1           The board of elections surveyed New Hyde  
2           Park's firehouses. They surveyed Tulley Park.

3           And they chose New Hyde Park Memorial High  
4           School for the Primary.

5           We fought.

6           Senator Phillips -- we called  
7           Senator Phillips, Assemblyman Ed Ra, Councilman  
8           Town -- Town of North Hempstead Councilman  
9           Andrew Ferrara, and Assembly -- excuse me,  
10          Richard Nicoletto.

11          They helped us; they moved that Primary vote.

12          But they still, at least as far as we know,  
13          intend on holding the General Election at New Hyde  
14          Park Memorial High School.

15          That's unacceptable.

16          The school is not set up for that. Never has  
17          been a polling location.

18          SENATOR PHILLIPS: Let me make one comment  
19          to -- that was stated.

20          We -- I attempted, and in the Senate, to pass  
21          legislation that would give school districts the  
22          option of starting school up to three days before  
23          September 1st and get State aid for it.

24          You can now, but they don't get State aid for  
25          it.

1           And I, literally, almost got booted out of the  
2       Senate chamber by the Minority's party.

3           So much for that idea.

4           I tried, thinking it would give school  
5       districts an option, given the amazing diversity we  
6       have here on Long Island, and, really, throughout  
7       New York State.

8           So, I have a couple of questions for the  
9       school superintendents:

10          How are your schools notified that specific  
11       registered sex offenders would be appearing at your  
12       schools on Primary and election days?

13          DR. MICHAEL NAGLER, Ph.D.: We were not  
14       notified.

15          DR. JENNIFER MORRISON: No, not at all.  
16       We were not notified.

17          SENATOR PHILLIPS: Maybe a phone call from  
18       me.

19          DR. JENNIFER MORRISON: No, I mean, we did  
20       not receive anything --

21          SENATOR PHILLIPS: No notification?

22          DR. JENNIFER MORRISON: -- whatsoever.  
23       No notification.

24          SENATOR PHILLIPS: And was there any  
25       notification given to you when the decision on

1 September 7th was made by the Department of  
2 Criminal -- I think, is it the DOCCS?

3 DR. JENNIFER MORRISON: The department of  
4 corrections.

5 SENATOR PHILLIPS: Thank you.

6 -- was there any notification to you that the  
7 sex offenders would be allowed after 7 p.m.?

8 DR. JENNIFER MORRISON: No.

9 I actually read it in the newspaper.

10 DR. MICHAEL NAGLER, Ph.D.: I received no  
11 notification.

12 SENATOR PHILLIPS: And one of you mentioned  
13 that you provide -- I think it was Dr. Nagler,  
14 that you provide additional security on election  
15 days, and that's a cost.

16 Who absorbs that cost?

17 DR. MICHAEL NAGLER, Ph.D.: The Mineola  
18 taxpayers.

19 SENATOR PHILLIPS: Thank you.

20 SENATOR GALLIVAN: So neither of your  
21 schools, you didn't get any requests at all to do  
22 with sex-offender voting at the school?

23 DR. MICHAEL NAGLER, Ph.D.: No.

24 DR. JENNIFER MORRISON: No, we did not.

25 SENATOR GALLIVAN: You mentioned an incident.

1           You had one incident on Primary Day?

2           What was it?

3           DR. MICHAEL NAGLER, Ph.D.: We had a voter  
4 find their way to a bathroom, and it had fecal  
5 matter on the walls. Had some cleaning to do after  
6 they used the facility.

7           SENATOR GALLIVAN: So more related to your  
8 security concerns, as opposed to the gov -- in  
9 general --

10          DR. MICHAEL NAGLER, Ph.D.: (Indiscernible.)

11          SENATOR GALLIVAN: -- as opposed to the  
12 Governor's --

13          DR. MICHAEL NAGLER, Ph.D.: Yes.

14          SENATOR GALLIVAN: -- so that was unrelate --  
15 incident unrelated to the Governor's executive  
16 order?

17          DR. MICHAEL NAGLER, Ph.D.: Correct.

18          SENATOR GALLIVAN: Is it fair to say that all  
19 of you would agree that you're in the education  
20 business and shouldn't be in the election business?

21          DR. JENNIFER MORRISON: Oh, wholeheartedly.

22          SENATOR GALLIVAN: Is that a fair statement?

23          DR. MICHAEL NAGLER, Ph.D.: Absolutely, yes.

24          SENATOR GALLIVAN: So you know, we did have  
25 testimony yesterday from the New York State

1 Association of School Superintendents, and their  
2 New York State School Boards Association, very --  
3 you know, very similar to all of your testimony  
4 today with the points that you made.

5 And one additional point, and I think, Jim,  
6 I think you mentioned this, about the process  
7 regarding a certificate of release -- relief going  
8 to a judge.

9 DR. MICHAEL NAGLER, Ph.D.: Yes.

10 SENATOR GALLIVAN: This is really just for  
11 information.

12 Their process -- there's another way to do  
13 it.

14 Somebody who has been in state prison can  
15 make application to the parole board as well, and  
16 they have the authority, separately, to issue a  
17 certificate of relief.

18 So, that provision did exist, that they could  
19 ask at any time for that.

20 So I just want to point that out.

21 You did mention the other part in the law.

22 I just want to make it part of the record.

23 JAMES REDDAN: It's on the books.

24 The Legislature passed that, and allowed  
25 everybody to do that, which is why Executive

1 Order 181 really doesn't make sense, because, you,  
2 along with your colleagues in Albany, are the ones  
3 that are supposed to create law; not the Governor.

4 SENATOR GALLIVAN: Thank you all for your  
5 testimony.

6 DR. JENNIFER MORRISON: Thank you.

7 SENATOR MARCELLINO: (Indiscernible.)

8 JAMES REDDAN: Excuse me?

9 SENATOR MARCELLINO: Can we have you on the  
10 record telling him that?

11 JAMES REDDAN: I'll come up to Albany. I'll  
12 shake his hand and tell him, What are you doing?

13 SENATOR GALLIVAN: Thank you again.

14 SENATOR PHILLIPS: Thank you.

15 SENATOR GALLIVAN: Next we have will  
16 James Royall, and, Jared, I apologize, Chausow --  
17 Have I pronounced it correctly?

18 JARED CHAUSOW: Not bad.

19 SENATOR GALLIVAN: -- from the Brooklyn  
20 Defender Services.

21 Mr. Royall, did I pronounce you correctly as  
22 well?

23 Okay. Good.

24 Thank you for your patience.

25 SENATOR PHILLIPS: Yes, thank you very much.

1           SENATOR GALLIVAN: We appreciate your  
2 willingness to be here today, and to testify.

3           And my understanding is, Mr. Royall, you're  
4 going to present the testimony?

5           JAMES ROYALL: Yes, I am.

6           SENATOR PHILLIPS: If I could --

7           SENATOR GALLIVAN: Excuse me.

8           SENATOR PHILLIPS: -- I apologize, for one  
9 more second, because I do want to announce that the  
10 Nassau County Board of Elections have been in the  
11 audience, Mr. Joe Ra and Mr. Steve Marks.

12           I want to thank them.

13           They were unable to testify, but they did  
14 want to listen to the testimony.

15           So, thank you for coming.

16           SENATOR GALLIVAN: And also scheduled to  
17 testify is a representative from the Suffolk Board  
18 of Elections?

19           SENATOR PHILLIPS: Yes. Nicholas LaLota.

20           Nicholas, are you here?

21           SENATOR GALLIVAN: Which we understand, he is  
22 now not going to be able to attend?

23           All right. Thank you.

24           All right. Mr. Royall.

25           JAMES ROYALL: Well, first, I would like to

1 say that, thank you for having me, and, you know,  
2 allowing me to testify on this important issue.

3 My name is James Royall. I'm a reentry  
4 advocate at Brooklyn Defender Services.

5 And we provide criminal defense, family  
6 defense, immigration, civil legal services,  
7 social-work support, and tools for self-advocacy in  
8 nearly 35,000 cases involving indigent Brooklyn  
9 residents every year.

10 As part of the reentry unit, I provide a  
11 comprehensive support for people upon release from  
12 prisons or jails, and direct advocacy on behalf of  
13 our clients while they are incarcerated.

14 I know the meaning of parole release, the  
15 heartbreak and devastation of being denied, and of  
16 the joy when it is granted.

17 I also know the hardship of incarceration for  
18 families.

19 In fact, I'm also here on behalf of the  
20 New Hour in Brentwood, the Nassau County Jail  
21 Advocates, prison families, (indiscernible), and  
22 Universalist Unitarian Congregation at Shelter Rock,  
23 and the Second Chance Reentry.

24 By countless indicators, incarceration  
25 throughout the United States, including in New York,

1 is historically a global anomaly.

2 States, including New York, there are more  
3 people under correctional supervision across the  
4 country than were in the Gulag at its in early  
5 1950s.

6 Until the spread of a mandatory minimum  
7 sentence and regimes that developed as a part of the  
8 War on Drugs in the 1970s and the 1980s, the  
9 incarceration rates across the country had remained  
10 relatively constant for a long time.

11 Here in New York, the average rate of  
12 incarceration was less than 75 incarcerated people  
13 per 100,000 people for a century, until it more than  
14 quintupled during this period, that decade from the  
15 '70s to the '80s.

16 Here in New York State, the stark and  
17 persistent racial disparities in incarceration  
18 rates, and every other aspect of the criminal legal  
19 system, had led many to call it the "New Jim Crow."

20 Notably, incarceration rates for White people  
21 did not substantially rise under the new harsher  
22 sentencing laws and guidelines.

23 Now, thanks to part of the new drug law  
24 enforcement reforms, the current incarceration rate  
25 in New York has fallen by a quarter since its peak

1 in 1999 and crimes rates have plummeted.

2 But, New York's incarceration rate is still  
3 nearly double of that in Maine, and about  
4 3 1/2 times of that of Germany.

5 To truly roll back mass incarceration,  
6 New York must expand parole release for those who  
7 have rehabilitated themselves and transformed their  
8 lives.

9 It has been said that those that had once  
10 been deprived of it is the ones that's closer to the  
11 solution.

12 And, even as New York's prison population has  
13 gradually declined, a number of incarcerated people  
14 age 50 or older jumped by 46 percent.

15 So the elderly population has grown as the  
16 New York's population, overall, has declined.

17 These are mostly men and women who have  
18 committed serious crimes decades ago, or who have  
19 taken advantage of every opportunity permitted by  
20 the difficult incarcerated environment to turn their  
21 lives around and make amends, and want to rejoin the  
22 fabric of society, their families.

23 And, when I say "make amends," is giving  
24 back.

25 It's making sure 10, 12, 20 people don't do

1 the same thing that one person did a long time ago.

2 That's a beneficial process.

3 That's very beneficial for the state of our  
4 affairs.

5 That is the order of the day.

6 Yet, far too often, New Yorkers, especially  
7 older adults, are dying in prison after being denied  
8 parole multiple times, including nearly 1,000 such  
9 deaths under the current governor.

10 We can and must safely expand parole release,  
11 and that is the key --

12 [Cell phone ringing.]

13 I don't know how that happened.

14 Excuse me.

15 SENATOR GALLIVAN: Glad it was yours, and not  
16 mine.

17 JAMES ROYALL: It was mine.

18 I'm sorry.

19 [Laughter.]

20 JAMES ROYALL: -- so -- yet, far too often,  
21 New Yorkers, especially older adults, are dying in  
22 prison after being denied parole multiple times,  
23 including nearly 1,000 such under the current  
24 governor.

25 We can, and must, safely expand parole

1 release, while reinvesting the savings produced by  
2 decreased populations and meaningful support in  
3 crime -- and meaningfully supporting crime victims  
4 and their families, including those who themselves  
5 have committed -- who may have committed crimes.

6 One of the things about safely expanding  
7 parole release and reinvesting in savings, that is  
8 definitely my favorite line, "the order of the day."

9 When you are able to use individuals that has  
10 once have been the problem, and they are now the  
11 solution, and they have been evaluated, they are not  
12 their worst mistake.

13 You know, there's an evaluative process.

14 They have spoke about the risk assessment,  
15 but it's not just the risk assessment alone.

16 You know, there's a whole history, a  
17 historical background, on this individual.

18 They are being (indiscernible).

19 We're not saying let all individuals that  
20 are -- the mistake they made 20, 30, 40 years ago,  
21 even 10 years ago.

22 We're saying, evaluate these individuals, and  
23 let them go if they pass that test.

24 This is how we can bring safety and justice  
25 to New York, and stop the cycles of trauma and

1 violence.

2 We must come together and work together.

3 John MacKenzie's tragic death is a symbolic  
4 of a broken parole system that continues to  
5 undermine the presumed rehabilitative nature of our  
6 criminal legal system.

7 Presumed rehabilitative nature of our  
8 criminal legal system.

9 John was an extraordinary person, a  
10 Long Island resident, who took full responsibility  
11 for his serious crime, and did everything to make  
12 amends.

13 He started a victim-awareness program,  
14 obtained multiple college degrees, and helped  
15 countless young men transform their lives through  
16 group therapy and direct mentorship.

17 He would have been a crucial asset to the  
18 community if given the chance.

19 In fact, Justice Maria Rosa of the  
20 New York State Supreme Court in Dutchess County held  
21 the parole board in contempt for refusing to give  
22 any justification for denying Mr. MacKenzie's  
23 release beyond his original crime.

24 After throwing out an earlier denial, and  
25 ordering a new hearing, at which the board's

1 decision was virtually the same, the New York State  
2 parole risk assessment, COMPAS, had found that  
3 70-year-old John MacKenzie posed absolutely no  
4 threat to society, but he was still denied parole  
5 for the tenth time.

6 A week later, he committed suicide. He  
7 hanged himself with a sheet.

8 His adult daughters will never see him free,  
9 or at all, despite all that he did to make positive  
10 changes in so many lives; not only his self, but so  
11 many lives.

12 That is (indiscernible) that repeated in  
13 unjustifiable parole denials wreak on our loved ones  
14 and community members.

15 That is why Brooklyn Defender Services joins  
16 with our allies in the parole justice movement to  
17 say, Bring our elders home.

18 In addition, I applaud Governor Cuomo's  
19 executive order, giving people on parole the  
20 opportunity to vote, which turned the page on a  
21 shameful Jim Crow error policy, and helped to affirm  
22 our state's commitment to democracy.

23 Any rollback of this long overdue reform  
24 would be a huge injustice and an embarrassment to  
25 our state.

1           The fact that some politicians may have  
2 managed to link expanded voting rights and alleged  
3 public safety threats is -- excuse me, let me say  
4 that again.

5           The fact that some politicians have managed  
6 to link expanded voting rights with alleged public  
7 safety threats is reminiscent of the infamous  
8 southern strategy of stroking wide fear and anger.

9           So I ask, please, can we come together to  
10 improve safety and end the injustices of our state  
11 without demonizing people, without demonizing us?

12           We need to come together and work together.

13           Thank you.

14           SENATOR PHILLIPS: Thank you, sir.

15           SENATOR GALLIVAN: Thank you, sir.

16           [Applause.]

17           SENATOR GALLIVAN: You did make some  
18 recommendations in your written testimony, on  
19 "Conclusion," a reference to two different bills  
20 that I am familiar with, and the composition of the  
21 parole board.

22           So I do note that, and that will be part of  
23 the record also.

24           I've got a question, but, you what?

25           Let me first say, at the very end, you talked

1 about coming together and working together.

2 I concur, I share that.

3 And I think if we had more of that in public  
4 service, we would do much better for our  
5 communities.

6 So, thank you for saying that, and keep  
7 talking to your elected officials about that, all of  
8 us.

9 I appreciate that.

10 Beyond that, question in two areas.

11 It's pretty interesting to me, and this is  
12 among the reasons that I articulated earlier for  
13 holding these hearings, specifically with the parole  
14 board itself.

15 My observation has been:

16 That we've got those that might focus on law  
17 and order are unhappy with the parole board.

18 Those that focus on inmate advocacy are  
19 unhappy with the parole board.

20 Those that are elected as Republicans seem  
21 unhappy, have expressed unhappiness.

22 Those elected as Democrats have expressed  
23 unhappiness.

24 Upstate, downstate, east and west.

25 So, clearly, there's an issue.

1           So I want to ask you about two different  
2 areas, unless you're satisfied that these areas are  
3 adequate.

4           The first has to do with transparency of the  
5 parole board operations, and second has to do with  
6 parole board accountability.

7           And I'm curious if you have any thoughts  
8 about either one of them.

9           JAMES ROYALL: Well, I think that the answer  
10 to both questions is with this one answer:

11           I believe that the standards and the  
12 structured 259-i -- Executive Order 259-i, that's  
13 standard, and the risk assessment is standard.

14           I believe those are some viable structures;  
15 however, it has to be followed.

16           That's the broken part of the parole system  
17 for me.

18           For the other side, the broken part is that  
19 they are letting individuals go. Some individuals  
20 are coming home.

21           However, there is one individual that may be  
22 released out of ten, may have, I would call it  
23 "recidivate." Then there's a big hoopla about that.  
24 And then the other nine individuals has to suffer  
25 for that.

1           So that's a broken part, and they blame that  
2           on the parole board.

3           But that's the individual.

4           That's -- I don't believe anything is  
5           100 percent.

6           That's one out of 10 that they missed, but  
7           everybody else shouldn't have to suffer from that.

8           So the tools that's in place should be in  
9           place, and it should be followed.

10          SENATOR GALLIVAN: Okay. Thank you for that.

11          Other questions?

12          SENATOR PHILLIPS: I have a question for  
13          Mr. Royall.

14          Thank you.

15          And, again, I want to echo what  
16          Senator Gallivan said; that this is -- it really  
17          seems to be a broken system. And the only way we're  
18          going to fix it is we all work together.

19          So, thank you.

20          You used the word "presumed" rehabilitation.

21          And I carefully listened to you use the word  
22          "presumed."

23          So, please, correct me if I'm wrong, but it  
24          sounds like the system isn't great when it comes to  
25          rehabilitation.

1           Do you have suggestions on how we might  
2           legislatively guide the parole board, or to help  
3           that rehabilitation process?

4           Isn't that what our goal is for an  
5           individual?

6           JAMES ROYALL: Well, the rehabilitation  
7           process, for me, is not a job of the parole board.

8           SENATOR PHILLIPS: Right?

9           JAMES ROYALL: It's the job of the prison  
10          system.

11          SENATOR PHILLIPS: Of the prison system.

12          JAMES ROYALL: So, I don't believe that  
13          there's many structures in place inside the prison  
14          system, created by the prison system, that speaks to  
15          rehabilitation.

16          On paper, you might see that they have a  
17          school in every prison. They may have programs in  
18          every prison.

19          And for the paper, it looks good.

20          But individual (indiscernible) --

21          SENATOR PHILLIPS: But in reality?

22          JAMES ROYALL: -- in reality, of course, it's  
23          not like that.

24          It's like a basketball team has beautiful  
25          people on their team. It looks like they're going

1 to win, and then they're in last place.

2 So, what actually happens, when I said --  
3 also spoke about self-rehabilitation, self-advocacy,  
4 these individuals, they utilize those programs, they  
5 ace those programs, and then they're stuck. There's  
6 no more left.

7 When they're sitting in front of the parole  
8 board, they speak about all of the  
9 incarcerated-individuals' created programs, or the  
10 organizations that have created programs, that  
11 programs that are viable to society, programs that  
12 speaks to recidivism.

13 Not programs that just speaks to education,  
14 which there is none there.

15 You know, you have two to, maybe, three  
16 different types of educational systems in there.

17 You have an adult basic education system, and  
18 that's for anybody that is not over, I believe, the  
19 ninth-, or eighth-grade, reading level.

20 Everybody goes into this one class.

21 Everybody is not on the same level.

22 Then you have the pre-GED and GED class. And  
23 we know what those are about.

24 So, I believe they just have to restructure,  
25 really look at these things inside of the prison,

1 restructure it, because it's presumed from the  
2 outside, from society, that rehabilitation is going  
3 on, and that's why individuals are getting released.

4 But, they are getting released because of the  
5 creative programs; those programs that speaks to the  
6 growth, the programs that speaks to the development,  
7 the programs that are progressive, that allows them  
8 to speak to their transformation, to their paradigm  
9 shift, and make the release.

10 SENATOR PHILLIPS: Thank you.

11 I'd like to just mention one thing.

12 It's slightly off topic, but, through the  
13 Heroin and Opiate Task Force that  
14 Senator Fred Akshar -- who else is co-chairing --  
15 and Senator Jacobs, and there's someone else, but  
16 I can't remember -- and Senator Amedore -- thank  
17 you -- we did public hearings across New York State,  
18 to listen on how the Senate could get involved and  
19 help the epidemic that we have throughout our  
20 country.

21 And one of the many things that we heard was  
22 in our jail systems.

23 And that it was Sheriff Apple in the  
24 Albany County that showed us, that if we could  
25 invest some state dollars, our taxpayer dollars,

1 into programs in the jail system, the level of  
2 recidivism goes down significantly.

3 So, I am proud to say, here in Nassau County,  
4 we were able to give them over \$200,000 just a  
5 couple weeks ago for exactly that; to help sponsor  
6 rehabilitation programs when it comes to drug  
7 addiction, so they can capture these individuals so  
8 the recidivism rate goes down.

9 JAMES ROYALL: That's great.

10 SENATOR GALLIVAN: Well, thank you for your  
11 testimony.

12 SENATOR PHILLIPS: Yeah, thank you very much.

13 SENATOR GALLIVAN: I would like to thank  
14 everybody for their testimony, and their patience,  
15 of course.

16 Oral testimony, as I mentioned earlier, is --  
17 will be available immediately on the Senate website  
18 from yesterday and today.

19 Ultimately, all the written testimony, the  
20 various information-request submissions, will also  
21 be on the Senate website.

22 The written testimony will not be immediate.

23 And the ultimate report that comes out of  
24 this, and recommendations, again, can be found  
25 there.

1 I would like to thank -- oh, sir, go right  
2 ahead, if you have more.

3 JAMES ROYALL: I do have one additional thing  
4 I just wanted to mention.

5 When I was speaking of John MacKenzie, that's  
6 a serious situation.

7 The individual committed suicide.

8 He was a very progressive individual. Very.

9 There's a lot of individuals in there like  
10 John MacKenzie, and they're going to the board,  
11 getting hit eight times.

12 I know of a fellow named Marvin Lewis.

13 He's a graduate of RTA (rehabilitation  
14 through the arts). He has numerous college degrees.

15 He hasn't had an infraction within 30 years.

16 He doesn't have a homicide, or anything like  
17 that, but he do have involvement -- (indiscernible)  
18 involvement with a police officer.

19 The police officer is not opposing his  
20 release, yet he's still getting hit.

21 These are the things I'm talking about.

22 You know, this individual is helping  
23 individuals inside. He's doing a lot, he's reaching  
24 out.

25 And these are the very things, before we, you

1 know, have these individuals killing themselves, you  
2 know, we have to look into this stuff.

3 You know, and accountability is a big part of  
4 it, which you spoke about. You gave dollars to the  
5 prison system.

6 There has to be accountability somewhere  
7 here, because giving it just to the system, somebody  
8 in the system is not doing their jobs.

9 So there has to be some type of  
10 accountability, measurement, some type of barometer,  
11 for our dollars that's going in there.

12 SENATOR GALLIVAN: That's exactly what I was  
13 getting at with the transparency and accountability.

14 So we get to the point of, the law is the  
15 law, currently. We have factors to consider and  
16 standards to meet.

17 It's my belief that the board hasn't followed  
18 that, and -- all standards in all the cases. And  
19 I think other people share that.

20 But then beyond that, I don't know that  
21 there's any mechanism in place, from the Executive  
22 Branch, to ensure that they're -- they are following  
23 the standards.

24 They are independent; however, there should  
25 be some sort of check and balance, in my view, that

1 if they're not doing what the law requires, that  
2 somebody can address the individual.

3 And it might just simply be training.

4 It might be greater transparency in  
5 reporting; that there's more public reporting of  
6 their activities that are out there.

7 But that's actually what I was getting at,  
8 the point that you made.

9 And thanks for bringing that up.

10 JAMES REDDAN: All right.

11 SENATOR GALLIVAN: Okay. Are you good now?

12 JAMES ROYALL: Yeah.

13 SENATOR GALLIVAN: All right.

14 I am going to turn over in a moment to  
15 Senator Phillips.

16 But I just want to remind people about  
17 everything, it will be on the website, ultimately.

18 And I thank everybody for being here, and  
19 dealing with these very -- in my view, very  
20 important public-policy topics.

21 And I'll turn it back over to our Long Island  
22 Senators.

23 SENATOR MARCELLINO: Excuse me.

24 What's the deadline for anybody submitting  
25 written testimony?

1           Is there a final deadline?

2           SENATOR GALLIVAN: No, but we can make one.  
3           We can go one week from -- seven days from  
4           today.

5           That was not asked.

6           SENATOR PHILLIPS: So I just would like to  
7           end, to thank you all again for coming to the  
8           7th Senate District, particularly Senator Gallivan  
9           who traveled the farthest, Senator Marcellino and  
10          Senator Boyle, for participating in this;

11          For the school board superintendents;

12          For the PTA, or, PTS, participants here;

13          For the Nassau County Board of Elections, for  
14          being here to listen;

15          Law enforcement;

16          And the defenders' organizations.

17          But probably the -- our heartfelt thanks to  
18          those, the victims' families, who were kind enough  
19          to come and share their stories.

20          So have a wonderful afternoon, everyone.

21          God bless you all, and God bless our great  
22          country.

23                   (Whereupon, at approximately 1:16 p.m.,  
24          the public hearing concluded, and adjourned.)

25                                   ---oOo---