



Committee on Public Safety

~MINUTES~

Monday, March 4, 2019

1:01 PM

Committee Chair: Margaret A Cunzio

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting was held jointly with the Committee on Legislation. With a quorum present, Chair Margaret A Cunzio called the meeting to order at 1:45 PM.

Attendee Name	Title	Status	Arrived
Margaret A Cunzio	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Gordon A. Burrows	D15 Legislator (Minority Whip)	Present	
Kitley Covill	D2 Legislator	Present	
Christopher Johnson	D16 Legislator	Present	
Damon Maher	D10 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	

PUBLIC SAFETY: Capt. M. Busche, Det. G. Lunn DISTRICT

ATTORNEY: M. Liebowitz GUESTS: E.

Lungaro(SPCA).

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Guests: SPCA Westchester, Ernie Lungaro DPS: Captain Mark Busche DA: ADA Mary Ann Liebowitz, Chief of the Animal Cruelty Unit, Glenna Lund, DPS

1. **(ID # 11605) Local Law – Local Law-Amending Chap 680-County Registry for Animal Abuse Offenders:**

Local Law amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders.

Chair Cunzio asked the guests to introduce themselves and began the discussion on the two items on the agenda. She began with Items 116065 which amends Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders. She gave a brief review of the reasons for amending the law and what has happened so far. She noted that there was a bit of loophole and few people were on the registry. She and Leg. Covill reviewed the law and made some modifications to the legislation.

Leg. Covill stated that everybody was probably aware of some of the changes but the biggest change is to also include violations in this as opposed to convictions for a crime

because when somebody comes in and it's their first misdemeanor they are possibly going to take a plea. Chair Cunzio said just for the record, the line now says Conviction shall include a plea or conviction to a violation that includes the factual elements of animal abuse crime as described in this law.

ADA Mary Ann Liebowitz replied that animal cruelty cases typically are held as charged. They are rarely reduced to a violation plea. On the rare occasions when it is reduced, under special circumstances, it would be a disorderly conduct and we have done that on the rare occasion under the Penal Law 240.20 sub 7. Leg. Covill asked how many cases she has had over the last few years. ADA Liebowitz replied maybe 5 at most 10 a year over the past few years. She brought up section 353d-leaving companion animals left in a vehicle. That is a violation.

They see all kinds of people charged with this offense and not all deserve to be charged. When an animal is injured, she has asked the police to charge a misdemeanor. A discussion followed concerning how they decide to handle the situation when a dog is left in a vehicle.

ADA Lieberman was asked if the DA's office had 5 to 10 cases how come there was only one name on the registry? That seemed to indicate a disconnect somewhere. She replied that she does not prosecute these cases. They are from all over the county and she supervises them, reviews them and makes recommendations on what the disposition should be on the case. As for the disconnect it has been a difficult process communicating with the Courts and the Department of Probation in terms of a pre-sentence report. The needs to be more communication done administratively through the courts and that's where she feels the responsibility should be placed in terms of making this part of the disposition.

One of the things they haven't discussed yet is that the only common denominator in terms of who is seeing these cases is the DA's office. The DA's Office could notify the person in court that they have a responsibility. Right now the legislation did ask the DA's office to notify Public Safety, This was changed to shall notify. We are thinking of putting the DA in charge of this or send to send emails. ADA Liebowitz said she would discuss this with the District Attorney. The discussion on who notifies the Dept. of Public Safety and the convicted person continued. The committees agreed they would work with the DA's office on the proper language for the legislation.

Leg. Covill asked Mr. Lungaro how he interfaces with the Animal Control officers. He replied that he is a little different. For instance, if there was a stray dog, Animal Control would handle the dog and bring it to a shelter. He would not do that. His responsibility is animal cruelty investigations. If there is an allegation of animal cruelty within Westchester County, that is his responsibility. The SPCA has a 24 hour hotline and calls will also come from Animal Control Officers directly to his cell phone. They also regularly check pet stores and bring in Ag & Markets and other offices as needed.

Det. Lund of Public Safety read the Rockland County law concerning the animal abuse registry. She believes that at sentencing the defendant should be told what is expected of them in terms of fees and when and where to register. Another suggestion was that the information would go to the DA and the DA's office should put them directly on the registry. It was also suggested that a form be designed to be filled out, signed and dated and sent to the Dept. of Public Safety and a signed and dated also goes to the person convicted of an animal abuse offense. Other suggestions were discussed.

RESULT:	PENDING
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2. (ID # 11606) Resolution – PH-Amending Chap. 680-County Registry for Animal Abuse Offenders:

A RESOLUTION to set a public hearing on "A LOCAL LAW amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders.The

public hearing will be held at _____.m on the _____ day of _____, 2019.

3. **(ID # 11632) Local Law – LL-Restricting the Outdoor Tethering of Dogs:**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs.

The discussion of the legislation to restrict the outdoor tethering of dogs continued. Chair Cunzio gave an overview of what the committees had previously discussed. She asked Ernest Lungaro, Director of the Humane Law Enforcement Division of the SPCA of Westchester, for his comments. Mr. Lungaro replied that this legislation would make his job so much easier because you have certain things in the law, such as keeping an area sanitary for the dog to use. Based on his judgment, if he goes there, this is something that he could take immediate action on. He could give them a summons, they could have a fine and there would be something that he could follow up on. Right now, he is limited to using a notice to comply and then he has to come back. The same would be true of the food and water. So it does give him a little bit more power to correct a situation a little bit quicker. He made a suggestion to Section 681.04 Enforcement and penalties. Usually he would be included in that because he is actually a peace officer and suggested that "or empowered peace officer" be inserted.

Leg. Covill brought up the issue of not below 32 degrees or over 90 degrees. Mr. Lungaro said he preferred not putting in specific degrees. There was a discussion and it was decided to change Section 681.01 subsection 3 to read "Weather alert" shall include but not limited to a National Weather Service warning for heat for heat advisory, frigid weather, snow or ice storm, tornadoes, tropical storm, high winds, thunderstorms or floods.

After more discussion on the length that dogs may be tethered, Leg. Barr suggested to the committees that they all read the information that they all received from CLAAW and see if it changes minds on anything discussed.

RESULT:	PENDING
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4. **(ID # 11633) Resolution – PH-Restricting the Outdoor Tethering of Dogs:**

A RESOLUTION to set a Public Hearing on a LOCAL Law amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs. [Public Hearing set for _____, 2019 at _____.m.].

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

1. **(ID # 11596) Communication – HON. BENJAMIN BOYKIN: NYTimes Article - "Jail or Bail? There's a New Option":**

Forwarding a *New York Times* article entitled, "Jail or Bail? There's a New Option."

RESULT: PENDING

2. **(ID # 11615) Communication – HON. MARYJANE SHIMSKY: Yahoo News Article - "Why are Americans in so much pain":**

Forwarding a *Yahoo News* article entitled, "Why are Americans in so much pain."

RESULT: PENDING

3. **(ID # 11616) Communication – HON. MARYJANE SHIMSKY: NYSAC Newsletter - "Bipartisan Conference of NYS County Leaders Sets Priorities for 2019":**

Forwarding the *NYSAC Newsletter*: "Bipartisan Conference of NYS County Leaders Sets Priorities for 2019."

RESULT: PENDING

4. **(ID # 11617) Communication – HON. MARYJANE SHIMSKY: The Guardian Article - "Opioids: Boston trial opens what could be years of reckoning for executives":**

Forwarding an article from *The Guardian* entitled, "Opioids: Boston trial opens what could be years of reckoning for executives."

RESULT: PENDING

5. **(ID # 11620) Communication – HON. MARYJANE SHIMSKY: Center for American Progress Newsletter - "Energy-Efficient Buildings Are Central to Modernizing":**

Forwarding the *Center for American Progress Newsletter* entitled, "Energy-Efficient Buildings Are Central to Modernizing U.S. Infrastructures."

RESULT: PENDING

ADJOURNMENT

Moved by Legislator Burrows seconded by Legislator Barr the Committee adjourned at 3:00 PM.