

**PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **July 31, 2002**.

MEMBERS PRESENT:

Legislator Angie Carpenter - Chairperson
Legislator David Bishop - Vice-Chair
Legislator Lynne Nowick
Legislator Joseph Caracappa
Legislator William Lindsay
Legislator Maxine Postal

ALSO IN ATTENDANCE:

Paul Sabatino - Counsel to the Legislature
Doug Sutherland - Aide to Legislator Carpenter
Tom Donovan - Aide to Presiding Officer Tonna
Ed Hogan - Aide to Legislator D'Andre
Terrence Pearsall - Aide to Legislator Lindsay
Rosalind Gazes - Budget Analyst/Budget Review Office
Joe Michaels - Deputy County Executive for Public Safety
Bill Faulke - County Executive's Office/Intergovernmental Relations
John Gallagher - Commissioner/Suffolk County Police Department
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept
James Maggio - Deputy Commissioner/Suffolk County Police Department
Phil Robilotto - Chief of Department/Suffolk County Police Department
Bill Rohrer - Suffolk County Police Department/Public Information
Dave Fischler - Commissioner/Fire, Rescue & Emergency Services
Joe Birbiglia - Nominee/SC Fire, Rescue Emergency Services Commission
Vincent Iaria - Director/Suffolk County Probation Department
Tom Muratore - Vice-President/Police Benevolent Association
Phyllis Garbarino - President/Association of Municipal Employees
Debbie Epple - Director/Public Information Office
Rabbi Steven Moss - Chairman/Human Rights Commission
John Merle - RAP/Reports About Police
J. Jioni Palmer - Newsday
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

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(*THE MEETING WAS CALLED TO ORDER AT 9:44 A.M.*)

CHAIRPERSON CARPENTER:

Good morning. I would just ask everyone to please rise for the Pledge of Allegiance led by Legislator Caracappa.

Salutation

Good morning. I just received a message from Legislator Lindsay, he is on his way, unfortunately was unavoidably detained.

We have two items on the agenda as far as the audits that were done for two of the departments and I'm going to ask -- I have enclosed copies of the memos that we got from the Presiding Officer just reminding us to have the various departments follow-up on these audits just to give us an overview of their read on it, so I would like to ask the police Commissioner to come forward and whomever you would like to bring with you. These were the audits that were done on the Police Property Section and the Special Services Accounts. Good morning, gentlemen. Whenever you're ready.

COMMISSIONER GALLAGHER:

Good morning. Thank you. I'm going to defer to Assistant Deputy Commissioner Maggio who I asked to prepare the department's report to the Legislature and any replies that we have, he and Chief of Department, Chief Robilotto.

DEPUTY COMMISSIONER MAGGIO:

He's going to go first.

COMMISSIONER GALLAGHER:

Okay, so it's a tag team over here. Chief Robilotto will handle the one audit and Commissioner Maggio will handle the other, so whichever one wants to begin.

CHAIRPERSON CARPENTER:

Before you begin, I would just like to -- lest anyone think there is any, you know, real problems out there, audits are done as a matter of course. And just so that we do have some sort of communication, this has been a procedure that's been in place at the Legislature for a number of years; however, for the last couple of years it doesn't seem that many of the committees were really following the procedure. So we're making an effort to get back into that so that these audits are not being done, you know, in a vacuum and just hanging out there and no one is paying any attention to them. Although we all receive copies of them and I know that, you know, we do review them, but this will give you the opportunity to straighten the record on anything that may have not been appropriate or whatever.

COMMISSIONER GALLAGHER:

Thank you. I'm glad that you clarified that. The audits are routine and I don't think I've ever seen an audit where there hasn't been a recommendation for some kind of correction because --

CHAIRPERSON CARPENTER:

Oh, there has to be.

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COMMISSIONER GALLAGHER:

-- if they didn't do that then the auditors would be out of a job pretty soon.

CHAIRPERSON CARPENTER:

Exactly. It's like asking an editor to look at something and see if there's anything they think could be better.

COMMISSIONER GALLAGHER:

So there's always things that we are asked to look at, correct, because the key phrase I always look for in any audit is material, if there's any material deficiencies, which there were not in these two.

CHAIRPERSON CARPENTER:

That's very important.

COMMISSIONER GALLAGHER:

Okay. So with that, I'll let the Chief start off with the audit of the -- review of the audit of the Property Section.

CHIEF ROBILOTTO:

Good morning. Succinctly put, we reviewed the audit in its entirety, we met with both of the auditors that did the work. They -- I would like to go on the record, the department would like to go on the record that they did an excellent job, that we appreciated the time and effort, they did a very thorough job and we accepted every one of their recommendations and we've made all of the changes that they recommended. I would be happy to answer any questions you have.

CHAIRPERSON CARPENTER:

No, and I don't, I don't know if any of the committee members do or not. But I think hearing you say that, it kind of reinforces the validity of that kind of exercise because as we go along over the course of doing business, we sort of fall into patterns of doing things and sometimes having someone from the outside come and look at what we're doing with a fresh set of eyes, they can find things that perhaps could be done in a more productive fashion. So I think that's very important. Does anyone from the committee have any questions or comments for Chief Robilotto on this particular audit? All right, then let's go on to you, Jim.

COMMISSIONER GALLAGHER:

Perhaps, Jim, you could explain a little bit about what the Special Services Account is.

DEPUTY COMMISSIONER MAGGIO:

This was an audit for the period of April 1st, 2000, through March 31st, 2001, in accordance with Resolution 349 of 1995. This is a grant, part of a grant from the State for the Aid to Law Enforcement. Part of that grant, a hundred thousand dollars of that grant actually goes to the special -- what we call the Special Services Account which is run through the Chief of Detective's Office. The Chief of Detective's Office then uses that money to buy and solicit illegal items and activities from the public as part of their routine investigations.

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The Department of Audit & Control basically gave us a clean bill of health. I will read from the audit, it says, "The results of our test did not disclose any instances of non compliance. They did make one recommendation, the one recommendation has been implemented. And at this point in time, as Chief Robilotto said, again, we sat down and we met with the auditors, went over and discussed all the items and they did do a very thorough job as they do every year.

(*Legislator Lindsay entered the meeting at 9:51 A.M.*)

CHAIRPERSON CARPENTER:

Thank you. Are there any questions or comments on either of these two audits? Okay. Well, thank you very much for going through that exercise, we do appreciate it. I did provide everyone with a copy of the Executive Summary of the audits, so I guess everything is in

order.

Why don't we, while you're sitting there, move to any of the resolutions that are on the agenda that you care to comment about regarding the Police Department.

COMMISSIONER GALLAGHER:

Well, let me just start with the top resolution, 1251, expanding the scope of County Forfeiture Law to cover driving while impaired. I had a brief meeting with Legislator Towle about this and I am not yet of the impression that the County Attorney's Office has accepted the principle of the legislation, that's the best way to put it. Perhaps the legal of seizing property as a result of a conviction of a violation I don't think has been resolved in the County Attorney's Office yet, so that would be -- you know, with that basis, from what I had -- subsequent to my meeting with Legislator Towle, my contact with the County Attorney's Office indicated that they still didn't really see that there was -- they saw problems, they did not see a resolution to those problems yet in implementing this kind of legislation.

So with that in mind, you know, we'd recommend that the committee continue tabling the resolution until such time as there is some form of resolution to the problem. We did at Legislator Towle's request, we have prepared some budget statements, you know, some budget analysis of what it would cost should we go into this seizure of driving while impaired vehicles, second conviction of a vehicle where the first conviction was a driving while impaired. But rather than go into that, I think we have to stay with square one which is the legal issue as to the use of a law to seize property where the basis of the seizure is a violation of law, not a crime.

The only other things I would comment on, again, with respect to Legislator Towle -- and I sound like I'm focusing on his legislation -- but in both of the bills that establish a department response to emergencies and department response to manning, staffing of Marine Bureau, I imagine it's Marine Bureau resources, I understand there's been some amendments to his resolution, he told me that he had amended it. And while I'm appreciative of the amendments and I appreciate the attempt to, in effect, make it a more reasonable approach, I still have to register I think just in terms of where I sit as Commissioner of Police register my objection to resolutions

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that direct the staffing of police personnel in any specific kind of manner like that. I think it's best to continue to take the position that if we are not doing something we should be doing that you call this to our attention, but to take the opposite side of that coin and say, "This is what you must be doing, these are the people you must be putting and where you must put them," I think is a dangerous precedent to set in police work, to have a department, a Commissioner told this, "This is where you must place your personnel."

So the net effect of all of this is that I would still object to those resolutions. And I think the Chief wanted to -- Chief Robilotto wanted to comment on that.

CHAIRPERSON CARPENTER:
Chief Robilotto?

CHIEF ROBILOTTO:

You asked that we survey the department regarding IR 1647 at the last meeting, the release day bill.

CHAIRPERSON CARPENTER:

Yes.

CHIEF ROBILOTTO:

The Suffolk County Police Department has a 105 sworn EMS and fire fighter volunteers, 17 civilians for a total of 122 employees. It would cost us 854 release days if the bill is enacted. Roughly, across the board cost to backfill those people on overtime would be just under a million dollars.

CHAIRPERSON CARPENTER:

We also received on that very resolution and a number of others, we received some comments from the FRES Commission; I think everyone has a copy of that memo too. And in addition to the ones dealing with FRES, they also commented on the particular one you're talking about and they too share the opinion. And it was interesting because I think that everyone recognizes that in what Legislators are trying to do with this kind of thing and I'll quote from Mr. Riley's memo, that your hearts are in the right place in supporting the volunteer fire and EMS services, but adopting something like this would be very problematic. So I thank you for your comments also on that particular piece of legislation. Are there any other issues at the department that you would like to bring to the committee?

COMMISSIONER GALLAGHER:

No, I can't think of any right now. We will be reporting to you at some point in the future the results of some changes we've made in the A intelligence gathering operations of the department. That is, you know, it's really changes that are affected by the whole change in the intelligence community since the events of September 11th last year that are now coming down in a more solidified, more structured form. And we will be changing -- we have changed some of our intelligence operations as to dissemination of information through our own department personnel, especially to offices right down to the sector car level. And we're also of course working through the patrol division with some -- and again, I would incorporate that into this

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report, that I would ask you to give me a little more time to finish up the logistics of it, but we're working at the patrol division level with an intelligence -- both intelligence gathering and cooperative effort with certain members of the private sector, both corporate and individual, that deal with what I would have to use in terms as vulnerable entities that are, you know, by intelligence definition vulnerable entities, that is areas where there are some reason to have concern over the material being stored or what is being manufactured there or what services are offered at these entities. And we've identified those, we're reaching out to those vulnerable entity locations to talk to them about things that we would like to have a cooperative effort with them and have information that we would expect to solicit from them as they go about their business day to day. It could be anything from agricultural fertilizer supplies to electrical substation transfer points or natural gas substation transfer points, it's, you know, a whole potpourri of different entities that would fit the definition from the United States Government's various agencies

that define these things as vulnerable entities or sensitive entities, that's another term that's used. So we're working on those and just to let you know, I mean, just to assure you that it's a process that never stops, you know, it doesn't just happen when the headline happens. We've been doing this for some months now, we're doing it -- actually some of it was really under way even before the September 11th attack and everything that we've done since then of course is geared to the heightened sense of urgency that we feel that we have to address these issues.

CHAIRPERSON CARPENTER:

When do you want to come back to the committee with that report?

COMMISSIONER GALLAGHER:

Give me about a few months, into September say.

CHAIRPERSON CARPENTER:

Okay, fine. Well, probably more like October because into September is not a few months, that's almost next month.

COMMISSIONER GALLAGHER:

All right. Well, you may hear, from time to time you may hear from some of your constituents that they've been approached by detectives from our -- again, it's not threatening, you know, we're not coming in a manner which -- we're hoping to not leave them threatened by the fact that we're talking to them, we're hoping to stress and we have been stressing with them, we're talking to you in a cooperative mode, you are not a target but what you do puts you in the category of a sensitive entity and we want to talk to you about how you and I can -- you and the department can work together.

CHAIRPERSON CARPENTER:

Okay. Are there any other questions?

LEG. BISHOP:

Yes.

CHAIRPERSON CARPENTER:

Legislator Bishop.

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LEG. BISHOP:

Good morning, Commissioner.

COMMISSIONER GALLAGHER:

Good morning.

LEG. BISHOP:

We clearly have an increased workload because of the heightened security in this nation and this community. Has the department received any assistance from the Federal Government monetarily, any grants to offset the increase?

COMMISSIONER GALLAGHER:

We have received some reimbursements, at least if we haven't received them --

LEG. BISHOP:

Was it reimbursements for officers --

COMMISSIONER GALLAGHER:
Yeah, who were actually at the --

LEG. BISHOP:
-- at the site?

COMMISSIONER GALLAGHER:
Personnel deployed after the World Trade Center site. And we also have been reimbursed for personnel deployed to the Joint Terrorist Task Force for their overtime and for HIDTA, the High Intensive Drug Trafficking Area which has become part of the, if you will, expanded definition of intelligence operations.

LEG. BISHOP:
I read yesterday that public safety spending, not reconstruction but there's a Federal program to assist states and localities and New York was receiving the lion's share, as it should be, 1.7 billion; none of that is flowing down to the County in any way, there is no program to get it to us?

COMMISSIONER GALLAGHER:
Commissioner Abbott said he has some information.

CHIEF DEPUTY COMMISSIONER ABBOTT:
Some of those funds come down indirectly through HIDTA and through the Joint Terrorist Task Force and they set up electronic systems and databases that we can tie into. I don't believe we've been funded or granted anything directly from the Federal Government but we do share in the overall process by getting the information from those folks.

LEG. BISHOP:
Are we able to quantify our increased costs?

CHIEF DEPUTY COMMISSIONER ABBOTT:
As far as manpower is concerned, absolutely.

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LEG. BISHOP:
All right. And what other equipment or anything?

CHIEF DEPUTY COMMISSIONER ABBOTT:
Anybody that we put into a joint task force we get reimbursed by the Federal Government up to \$10,000 in overtime, as the Commissioner just mentioned.

LEG. BISHOP:
And all this work would be done through a joint task force, we don't do anything ourselves?

CHIEF DEPUTY COMMISSIONER ABBOTT:
Well, we have task forces with customs and we just went into another task force with the United States Marshals and we have an ongoing relationship with the Joint Terrorist Task Force run by the FBI. There's another task force under way, the Attorney General's Working Group they call it which is under the auspices of the FBI and the Justice Department. So there is some duplication at the Federal level and through the State Office of Security but, once again, we share in

all of that.

COMMISSIONER GALLAGHER:

Perhaps another way to answer your question, too, though, Legislator Bishop, is that I don't know that we can say that outside of overtime reimbursements that there's been any direct Federal money coming down to us for operations such as this intelligence network that we've been establishing. What additional costs, if any, are incurred by that, they're mostly personnel costs, although there is some software costs. But no, we haven't -- to my knowledge, we haven't yet been approached. The work at Ground Zero, we did get a million six, \$1.6 million, but that's the reimbursement aspect for the work we did down there.

LEG. BISHOP:

I suspect that when our budget process begins in the autumn, you're going to be making an earnest plea for more resources and you're going to site as part of the backup for that the need for additional resources to meet demands in this area. I just am deeply concerned that money from the Federal Government that is supposed to come down to the localities is not going to come down to us because the state is going to redirect it. This is not only -- this is a larger issue which is lot of accusations now that the president is -- Florida gets almost as much as New York, for example; why is that? And they're making -- the suggestion has been raised that the money is not actually going to flow down to the localities but it's being thrown into State coffers and is used at the State government's discretion. So I want to make sure that we're being heard that our costs are increasing in this area and that we should be receiving the Federal money that's due us.

CHIEF DEPUTY COMMISSIONER ABBOTT:

If I could respond to that, Commissioner?

COMMISSIONER GALLAGHER:

Yes.

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CHIEF DEPUTY COMMISSIONER ABBOTT:

Just in line of that question, Legislator Bishop, the Office of Public Security created by Governor Pataki, when they first started up, they went to Suffolk County; New York City Police and Suffolk County were the first entities involved with creating that entire infrastructure there. We had personnel assigned to help create that infrastructure. We've been assured that, you know, we will get, you know, our fair share of anything coming -- I'm sorry?

LEG. BISHOP:

You get money back on that six million that we've received back?

CHIEF DEPUTY COMMISSIONER ABBOTT:

I'm sorry?

LEG. BISHOP:

Is that part of the six million that we received back?

COMMISSIONER GALLAGHER:

No, 1.6.

CHIEF DEPUTY COMMISSIONER ABBOTT:

One point six.

LEG. BISHOP:

One point six, I'm sorry.

CHIEF DEPUTY COMMISSIONER ABBOTT:

That 1.6 million was for personnel costs at Ground Zero, our uniformed force.

LEG. BISHOP:

Right. So this is an example of what I'm --

CHIEF DEPUTY COMMISSIONER ABBOTT:

I know that our department is well respected, that we're probably ahead of other suburban counties and many urban communities in terms of our preparedness for emergencies and our intelligence network. There's a cost associated with that and I just want to make sure that we're getting our reimbursements on that.

COMMISSIONER GALLAGHER:

Uh-huh.

LEG. BISHOP:

So it's a line of questioning that I'm going to continue in the weeks and months ahead because it's important as we head into a very difficult fiscal time.

COMMISSIONER GALLAGHER:

Okay.

CHAIRPERSON CARPENTER:

Thank you. Legislator Postal.

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LEG. POSTAL:

Thank you. I had some questions about Introductory Resolution 1638 which is establishing an Anti-Gang Youth Bureau for the purpose of educating school children, and my question relates to things that we're currently doing.

I've been present at a number of, I guess, events which were presented by either the Police Department, personnel in the Police Department, a combination, a kind of a panel of people from the Police Department, District Attorney's Office, Probation which, by the way, have been excellent. Wes Daly I think -- I don't always get the name of the organization right, but I think he's President or he's been President of the East Coast Gang --

COMMISSIONER GALLAGHER:

Coast Gang Investigators, yes.

LEG. POSTAL:

-- Investigators association.

COMMISSIONER GALLAGHER:

Yes, and he's a national officer, too.

LEG. POSTAL:

And, you know, I personally have been present when he's made presentations and it seems to me that the successful presentations I've been to address educating families. You know, it seems that you can educate kids and that's important too, but I think the really valuable information comes from making families aware of those signs, those colors, those things that might indicate to a parent that a young person is participating in a gang activity which most of us would not be aware of if we weren't educated.

And also, the other, I guess, major knowledge that I've picked up from participating in these presentations is the need for children to feel secure in a school setting. And it almost seems that where there's weakness in discipline, young people feel threatened and therefore may become involved in gangs for their own self protection carry weapons because there are weapons being carried. So I'm wondering what your perspective is on this proposal and what we're already doing.

COMMISSIONER GALLAGHER:

I honestly do not have that much of a detailed information about the proposal on the gang task force, the youth violence -- what is it, youth violence task force?

CHAIRPERSON CARPENTER:

The Anti-Gang Youth Bureau.

COMMISSIONER GALLAGHER:

Uh-huh. And to the best of my knowledge, you know, it would be whatever we have been doing by way of the kind of information that we can disseminate through these forums and meeting that we go to and by way of our cooperative efforts with the schools. And it's not just, you know, the work of the people like Wes Daly, our COPE officers, too. I think a lot of people don't realize how often COPE officers

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wind up in schools during school sessions, giving special lectures as part of COPE's mission, and COPE officers are often in schools talking about such things as how to avoid being trapped into a gang involvement and how to -- if you feel threatened, who to go to and how to resolve any differences you have with people, if you feel that there's a physical threat against you to go to the police. COPE Officers I think are part, an essential part of that kind of training. But as far as what this task force would do, I'm not -- really I'm not all that up on the specifics of it to comment on it.

CHAIRPERSON CARPENTER:

Actually, if I could.

COMMISSIONER GALLAGHER:

I think we expressed the -- I think the one thing we said was anything that does any -- you know, anything that enhances, you know, the effort to reduce the amount of gang related violence in our schools and on our streets is something we're in favor of.

CHAIRPERSON CARPENTER:

Just on that point, I know I had been speaking earlier with Vinny Iaria from Probation and he had some comments on it because some of these very things that are being addressed in here are being done through the Juvenile Justice Commission that they're involved in along with Joe Michaels who's here, so perhaps we'll bring them up next and

they can speak to it also. Is there anything else, any other questions, comments? Gentlemen, thank you very much.

COMMISSIONER GALLAGHER:

Thank you.

CHAIRPERSON CARPENTER:

Vinny, if you could, if you and Joe Michaels could come forward perhaps as we're just on the subject of the gangs, you can speak to that particular resolution.

MR. IARIA:

Just personally, I think it's a duplication of effort and with limited resource,s I don't think we need it right now. There are -- there's some good ideas in the resolution that can be accomplished in the existing structure of the County. The Police Commissioner already mentioned what the COPE Units do, but we -- the County Legislature has -- well, basically pays for a Juvenile Research Unit in the Probation Department and one of the things that's mentioned in here is an anti-gant curriculum that can be used in schools. We'd be happy to research that and get back to you next month with what's around in the country, what's already been researched. And they mention something about the Central Islip Let's Make a Difference Program, we'll take a look at what that's all about.

But we have a Youth Bureau and I think it's -- you know, they do a wonderful job in doing youth development work. When you do juvenile crime prevention, not only are you preventing gang activity, you're trying to prevent broad-based activities such as substance abuse and delinquency and the same goals of dealing -- you know, getting people to deal with peer pressure and all that are dealt with in those

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programs, so all the towns get money through the County to work on youth development issues. The Legislature has funded some money for the Youth Bureaus to work specifically on gangs and Paul {Sabrowski}, you know, has been working on that area.

So, you know, I think there's a lot in place and I don't think we need a specific anti-gang youth bureau. We have mentoring programs, the Probation Department has a mentoring program and the County has a mentoring program where we're hooking up high risk kids. The Police Department, the Probation Department and The National Guard recently did the Defy Program which is a -- it also discusses keeping kids out of gangs as well as giving them education on drugs; there were over, I guess, about 200 kids from high risk neighborhoods for two weeks this summer where programming was taking place. So my suggestion is let's table this, let us come up with -- do that research. If there's people that need to be added to the juvenile -- the County Executive has a Juvenile Crime Prevention Commission, as you know, and there's a strategic plan in place, we're in the implementation stage of that strategic plan and part of that plan has been youth -- you know, we've sent out a report on the gangs in Suffolk County and what needs to be done to deal with those efforts. There's a law enforcement effort as you know, that's a very targeted effort. The Probation Department has a special gang unit that not only has a gang database that's shared with all the law enforcement agencies, but that we also have a person who's an expert in gangs that has literally done over 50 presentations

around the County and in other parts of the country as well.

So, you know, we do have some people here. If there's -- if Legislator Fields has some specific experts that need to be added to either the Youth Bureau or the Juvenile Crime Prevention Commission, I think that can easily be worked out.

CHAIRPERSON CARPENTER:

Well, I would suggest -- have you spoken to Legislator Fields?

MR. IARIA:

No, I haven't.

CHAIRPERSON CARPENTER:

Okay. Perhaps -- and I appreciate you, you know, offering to come back to the next committee with more of an overview on what's being done, but I think it would be helpful too if you would reach out to Legislator Fields and see if any of these --

MR. IARIA:

We have talked to her staff.

CHAIRPERSON CARPENTER:

Okay, well.

MR. IARIA:

My research person has talked to her staff but I haven't personally talked to her.

CHAIRPERSON CARPENTER:

Well, I think that perhaps a call from you or from Joe --

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MR. IARIA:

Okay.

CHAIRPERSON CARPENTER:

-- as coordinating the Juvenile Justice Commission, it would be very productive. Because, you know, obviously there had to be something that was a genesis for this resolution and perhaps she has some input or some resources that could be added to What we've already got in place; instead of duplicating something, perhaps we can make it better.

MR. IARIA:

Okay.

CHAIRPERSON CARPENTER:

Any questions? Legislator Postal, I'm sorry.

LEG. POSTAL:

Just not having to do with this resolution directly but tangentially, it's -- I know that there was a conference that was held I guess within the past six months to a year at a school at which all school districts were invited to, I guess it was kind of a workshop on this issue of youth gangs, and I don't know that it was very well attended, I don't know that the school districts responded. And in the same vain --

MR. IARIA:

Well, you know, the school districts have this mandate to put a safe school curriculum in place.

LEG. POSTAL:

I know that. But they seem to be resistant, not all of them certainly, but many of the school districts seem to be resistant to recognizing the existence of youth gangs within their school community. And I know that, again, the presentations I've attended, while some of them have taken place in school buildings, not one of them has been initiated by the school or the school district, it's been a parents group or a community group. And --

MR. IARIA:

Well, we've done one at CI at the request of the school district.

LEG. POSTAL:

But that's what I wanted to ask you, whether you feel that --

MR. IARIA:

I can get you a list of all of the --

LEG. POSTAL:

Yeah, that there is a resistance or I guess perhaps some of the school districts are in denial about this. Is it a good proportion of our school districts that recognize they need to address this or is it a small percentage? You know, again, when you come back with additional information, I would be curious about that.

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MR. IARIA:

Okay.

CHAIRPERSON CARPENTER:

Legislator Lindsay?

LEG. LINDSAY:

Fellas, I think, you know, reading this legislation, the attempt here was to try to create some kind of overall steering committee for the various programs within the County. I know Probation has one, the DA has -- I guess that isn't prevention really, that's to prosecute.

MR. IARIA:

Right.

LEG. LINDSAY:

You know, the Police Department, the County Executive all have different programs. Do you think there's a need for a central coordination?

MR. MICHAELS:

Can I answer that? Well, in our formation of the County Executive's committee, we asked just about everybody including the District Attorney, the Legislature to be represented on the committee. You know, the redundancy of this is getting -- it gets to the point where people -- there are so many meetings and so little work. I think we all see that and we're trying to -- you know, we brought everybody to the table if they wish to be at the table, I know that Legislator Carpenter has always attended or her represented has attended the

meetings. We did a rather lengthy study and we published it, we put it together in a format and right now we're at the implementation stage of our recommendations. So it's truly -- you know, we're trying to act in approaching this as one body, one government that deals with this problem for the communities. So --

LEG. LINDSAY:

The answer is no, there isn't a need for another --

MR. MICHAELS:

Yes. Astutely, yes, you're right, the answer is no.

LEG. LINDSAY:

That's what I wanted to hear.

MR. MICHAELS:

As the Director points out, the willingness to accept other people on to the committee is open. As a matter of fact, we very willingly we're looking for people who have additional input, who would like to have additional input into the committee.

MR. IARIA:

And on a -- there is also the Criminal Justice Coordinating Council which specifically has a role of coordinating, you know, this type of activity as well.

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CHAIRPERSON CARPENTER:

Legislator Bishop, did you have a follow-up?

LEG. BISHOP:

Not on this but these two gentlemen are important to another topic that I have interest in.

CHAIRPERSON CARPENTER:

Well, as long as we've expended this, then continue.

LEG. BISHOP:

I will yield to anybody who's on the topic.

CHAIRPERSON CARPENTER:

Great.

LEG. BISHOP:

On alternatives to incarceration, I tried to communities with you by e-mail, I guess there's some bashfulness for that --

MR. MICHAELS:

I'm sorry. I responded to you a couple of times --

LEG. BISHOP:

-- saying call me. Was there a report done on alternatives to incarceration in the last five years focusing on this County?

MR. IARIA:

Okay, talking -- are we talking about a JSAP Report?

LEG. BISHOP:

I don't know, what is JSAP?

MR. IARIA:

The JSAP is the jail study. We constantly do --

LEG. BISHOP:

I thought there was legislation approved at one time which directed a study that looks at alternatives to incarceration, that's not true. Then do -- what studies have you participated in that look at the issue of our current jail population or a snapshot of a jail population at a particular time and whether there is alternatives for that population?

MR. IARIA:

Well, specifically the State came down, did a study of the system, the alternative system so to speak, and what can be done in reducing jail beds, because jail beds have peaked periodically. And basically they looked at what type of individual was in the jail, what kind of bails were involved, so there are a number of people in the jail with low bails, and what programs does the County have in place to keep out some of the pretrial cases.

LEG. BISHOP:

Right.

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MR. IARIA:

Basically there's about 63% of the -- well, 60 to 70% of the people in jail are awaiting trial. There's about another 20% that are sentenced and then there's about 10% that have to do with parole or State-ready prisoners; parole violators, state-ready prisoners. So there's a big bulk of people that if we either speed up the court process or if we offer some pretrial services, we can work on a certain percentage of those cases. There are people obviously waiting trial on serious cases that there's no way that anybody wants them out --

LEG. BISHOP:

Right.

MR. IARIA:

-- but there are a bunch of misdemeanants that are awaiting trial as well that we could move out with supervised release, electronic monitoring and day reporting, and we do move them out but --

LEG. BISHOP:

Who has the study, the State?

MR. IARIA:

Your staff has the study, I sent it to them.

LEG. BISHOP:

That's the study that I saw.

MR. IARIA:

Yeah.

LEG. BISHOP:

Well, that doesn't --

MR. IARIA:

Okay.

LEG. BISHOP:

It doesn't identify, it doesn't specifically say, you know, these 200 people might be out.

MR. IARIA:

Okay. Well, I could get you a report on all of the alternatives that we have and what the recidivism rates are and what the size of those diversions are, you know, how many people are in those programs.

LEG. BISHOP:

From the report that you sent me, if that's --

MR. IARIA:

Yeah.

LEG. BISHOP:

I thought there was additional reports. It looked to me, and I'm obviously not an expert, that there were between three to 500 jail inmates that potentially -- now, I don't know what their stories are or what crimes they're in for, I just know that they're in categories

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that would seem to suggest that there might be an opportunity for alternatives. Has anybody ever done that kind of exhaustive study in our jail?

MR. MICHAELS:

Yes. If I might comment on that. The JSTAT study that Vinny was referring to, it was a snapshot of two years apart taken on approximately the same date two years apart; it went back rather than taking it a present time because we wanted to get some outcomes to be determined. We -- the State sent us two, I would say they were technicians in the field who studied the population, who went in and determined who was in our jail at that particular moment in time, what were the bails, what were the reasons why they were there, were they there -- if they were there for a lesser crime which might have been a misdemeanor, did they have a history of violence and so on.

We actually tried not to go into the study with predrawn conclusions because we ourselves had through the Criminal Justice Coordinating Council had a preconceived notion that there were people in the jail that could be out of the jail if there was some intervention of some kind. Our actual review determined that everybody that was in the jail at that time belonged in the jail and -- but there were a very small which I will tell you was a number between 55 and 65 persons who if we had some type of intervention we could move out of the jail. Now, we were looking at it at the same date, the same time but two years apart, and this County has a system of graduated sanctions which we could put people into that would take them out of the jail ranging from just simple probation with a report to electronic monitoring or to day reporting. All of those things were taken into consideration with those 68 people and if we could move them out of the jail and move them into that kind of a setting, we could take them out and create 68 openings. I think that's what you were looking at.

LEG. BISHOP:

Where is that report?

MR. MICHAELS:

That's the same report that the Director was referring to.

LEG. BISHOP:

I read that report, I didn't see anything about 68 people --

MR. IARIA:

I'll have to check to see if you have the full report.

MR. MICHAELS:

It was a percentage of the overall number and as a result of that it might not have come out to a round number, it might have said 4% or 3% or something like that, but we actually quantified it into a number.

LEG. BISHOP:

And that's called the JSTAT Report?

MR. MICHAELS:

Yes.

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LEG. BISHOP:

And it was conducted by New York State?

MR. MICHAELS:

Yes.

LEG. BISHOP:

New York State what?

LEG. BISHOP:

The New York State Division of Criminal Justice.

LEG. BISHOP:

New York State Division of Criminal Justice, JSTAT.

MR. MICHAELS:

Which now --

LEG. BISHOP:

And it was looked at from what -- do you off the top of your head recall the years that we're looking at?

MR. IARIA:

It was '98 population, 1998. Basically, though, if you --

LEG. BISHOP:

Haven't we done innovative things since 1998 and '99?

MR. MICHAELS:

This report was done last year, it was completed and --

LEG. BISHOP:

It was written in 2001 looking at '98?

MR. MICHAELS:

Yes, because we wanted to know an outcome to simply turnaround and look at the population released or not released, we wanted to know how

many of those folks found themselves also back in the jail and there were other aspects of the overview that we wanted to look at; in other words, recidivism and the like.

LEG. BISHOP:

So you'll get me the full --

MR. IARIA:

Yes. I will just mention, though, you know, we looked at a specific day, so if you look at taking 50 people out over the course of the year, that could be significant, especially on a pretrial.

LEG. BISHOP:

Absolutely. So you'll get me the --

MR. IARIA:

Yeah, I'll give you a call and see exactly what you have.

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LEG. BISHOP:

I would appreciate that. Thank you very much.

CHAIRPERSON CARPENTER:

Thank you very much. I'd like to ask Commissioner Fischler to come forward, but before I do, we have a resolution on the agenda, 1773, Approving Rabbi Moss as the Chair of the Human Rights Commission, and I know the Rabbi is here. If there are any questions, you know, if you want to come forward, Rabbi.

RABBI MOSS:

Good morning, everyone.

LEG. POSTAL:

Good morning.

CHAIRPERSON CARPENTER:

We do have this resolution to approve the Rabbi as the Chair of the commission for yet another term. How long is the term for?

RABBI MOSS:

One year.

LEG. BISHOP:

Geez, you need a referendum.

RABBI MOSS:

I'll accept that. Actually, can I say something?

CHAIRPERSON CARPENTER:

Sure, by all means.

RABBI MOSS:

This is now I would assume, I think since I began when Mr. Gaffney took office in this position and on the commission, so this is now my tenth year as Chair. And I want to say that this is the first time I've been asked to appear before the nominating committee and I think even though it's tough, you know, in terms of schedule and time and just getting back from vacation as I have a lot of things to catch up on, but I want to commend this committee and this Chair and all of you

for your diligence. And I think it's wonderful because your interest is just very special to see. And even though some people might view it as an inconvenience, I certainly view it as a very positive aspect of what's happening now our the Legislature.

CHAIRPERSON CARPENTER:

And you've got an opportunity to share the fact that you've been doing this for ten years.

RABBI MOSS:

Yes.

CHAIRPERSON CARPENTER:

Are there any comments or questions for the Rabbi?

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LEG. LINDSAY:

Yeah, I just wanted to thank the Rabbi for your years of service. I think you've done a wonderful job, I know you're a real busy guy and thank you for your help and your years of service to Suffolk County.

CHAIRPERSON CARPENTER:

Thank you. Legislator Bishop I believe has a question.

LEG. BISHOP:

I concur, but my question is have we issued any subpoenas since the commissions been given subpoena power or has the presence of subpoena power enhanced the commission's operations in any way?

RABBI MOSS:

We have not ever issued a subpoena ourselves. We did in the past, and as I recall it was a very small number, I mean, maybe over all these years that I've been involved, maybe three or four times when it was turned over to the State to be able to do that before we had that power. My understanding and my recollection is that we -- although the new legislation might be changing this, but prior to the one that was passed last year, I believe that we did not have subpoena power to subpoena individuals in terms of complaints, but we were given the subpoena power by this Legislature for the purposes of public issues. So that if there was, let us say, a grievance within an entire community of bias and we wanted to hold a hearing, we could subpoena for that but not individuals. And so in individual complaints we turned it over to the State through our Memorandum of Understanding. I believe now with our new law that was passed, which we're still trying to work out all of the kinks of that law, is that we will then be able to do that. And a lot of thought is going -- is being conducted right now in terms of the new legislation, how it's going to work out and through particularly the expertise of our new Executive Director.

LEG. BISHOP:

Has the commission looked at any communities or institutions for patterns of discrimination?

RABBI MOSS:

Not specifically. I think the way that we would prefer to work it, as with many of these kinds of things, is that if a concern is brought to us, then we would in turn look into it. Just to give an example, a number of years ago this was done with regard to volunteer fire departments and discrimination and then we in turn looked into it. I

would rather not go the other way because then it could easily lead to witch hunts and then opens it up to a whole Pandora's Box of problems and looking -- you know, we could look everywhere theoretically speaking. So I think it's best to conduct it this way and have communities come to us or individuals as they do.

LEG. BISHOP:

But that has not happened.

RABBI MOSS:

No.

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LEG. BISHOP:

So the residents of Suffolk County have not come to the Human Rights Commission at all and suggested that there are institutions or communities where there's evidence of discrimination?

RABBI MOSS:

Not warranted -- well, like I said, we did that with the volunteer fire department situation a number of years ago; we didn't hold a hearing for that, although we did call people to our commission and we had a number of meetings on that. In terms of the Police Department has been brought to our attention concerns and we've worked with the Police Department on those issues. So we haven't held public hearings as such but issues have been brought to us over the years and we worked on them in various ways.

LEG. BISHOP:

But again, none of those issues fall into that category of communities or institutional patterns except for the fire departments and the Police Department in way back years.

RABBI MOSS:

No. But certainly we would welcome -- and obviously in terms of any --

LEG. BISHOP:

I would suggest then maybe there's an outreach issue; it just doesn't seem to jive. I'm sure many people understand that problem still exists. Do you believe that problem still exists in those areas?

RABBI MOSS:

In those specific areas?

LEG. BISHOP:

In Suffolk County, do you believe that there is --

RABBI MOSS:

Yes.

LEG. BISHOP:

So do I and so it would seem to me that --

RABBI MOSS:

Most definitely, in other areas as well.

LEG. BISHOP:

Right, absolutely. That's why it's an important position. Thank you.

CHAIRPERSON CARPENTER:
Thank you. Legislator Postal.

LEG. POSTAL:

Yes. First I would like to thank Rabbi Moss. Rabbi Moss is a very hands-on member and Chair of the Human Rights Commission. He's -- when we worked on the resolution which was adopted in the summer of 2001, I think it was, he was an active participant in all of the meetings that took place as the resolution was prepared and put

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together. He also -- I've seen Rabbi Moss in a number of different arenas, he's present at just about everything; if he's in Suffolk County and there's an event or an activity that's related to human rights he's there. I've been at his temple and I've spoken with members of his congregation and I know that his commitment to human rights is not something that he's engaged in only in his capacity as a member of the Human Rights Commission because members of your congregation have told me about things you've done and how much those things have meant to them.

I also met with the Director of the Human Rights Commission, the Executive Director yesterday, and I know she has a number of plans, one of which will dovetail with that outreach that Legislator Bishop is asking about that I think is very innovative and will be very effective. I wanted to ask a number of years ago the Human Rights Commission had a program called BUT, Bring Unity To Youth; does that still exist?

RABBI MOSS:

Not as a Human Rights Commission program. Paulette has talked about bringing it back. What BUTY was is Bring Unity To Youth and it was a program established in high schools, obviously participatory -- participating high schools, not all of them did this -- and they would form sort of a BUTY club, if you want to call it that, and then they would in turn have these clubs get together from various schools. So what would happen would be is that let us say a school in a predominantly Hispanic-type neighborhood would get together in a school which is majority white population and they would do joint programs together and it was just a wonderful program. There were some, as I remember -- because actually BUTY really was at its heyday before I became involved, there was also some funding for that. It just kind of fell apart for a number of reasons, probably some of them funding, others having to do with the schools now because before BUTY there really were no human clubs, there were -- in different high schools, there was not a sharing. This has changed to a great extent today and I think that there are more human relation clubs, there's more sensitivity days in schools, there's more of a sharing than there was then, although I think that we could never do more -- we could never do enough in terms of having programs that open up the lives of children to other children.

LEG. POSTAL:
I --

RABBI MOSS:

Especially I would like to see this particularly in one of the areas which is often missed, because I know there are many programs for

elementary school, there are many programs for high school and one of the areas that is missed is the element -- is the junior high school level on all levels of our involvement. And as I've discovered through the Stop Bias Program, as you know the program, is that the majority, over 80% of those who commit bias crimes are between the ages of 15 and 19. So that that Junior high school level, age level is so very vital for our involvement and I would personally love to see more programs involved in that level, including the ones that were mentioned before with the violence.

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LEG. POSTAL:

I thought BUTY was extremely effective and I think that despite the increase in human relations clubs, there are still schools which are almost universally populated by students of color. So that there's absolutely no interaction --

RABBI MOSS:

Right.

LEG. POSTAL:

-- with other students and there are other schools, probably far more in Suffolk County, which are almost a hundred percent white and so again, there's no opportunity to get to know people of color.

RABBI MOSS:

Right.

LEG. POSTAL:

So I would be very happy to see that continue. And again, thank you very much for all that you do and all that you have done.

RABBI MOSS:

If I may, just because I alluded to the budgetary problem, is that whenever you have an extra club in school a teacher has to be paid for it. And then if you begin bringing schools together, obviously you have to pay for buses, and obviously I would think this is a worthy program for that. But anyway, Paulette is going to work at trying to bring this back as best as possible.

CHAIRPERSON CARPENTER:

If I could, I know that there has been -- there is this children's commission that's been in place and I'm pretty sure that you're familiar with it, I co-chair it with Maryann Fifer of YES, and we put this together in response to a juvenile justice grant that required a public policy board. And we were a little innovative in reaching out to the members of the board in involving not just the schools, the traditional people that you would think would be involved with youth, but also the mall because that's a place where kids hang out, the supermarkets because they very often employ young people after school, and all were stakeholders in our youth.

And last year, and this year also, we had five districts that -- the same concept of what you're talking about with BUTY we had talked about where kids come together in a confrontational mode sometimes when they're from different schools because they don't know one another, and they'll meet at the mall and there will be an interaction that's less than positive. Well, we had developed an opportunity for the kids from four districts -- West Islip, Central Islip, Bay Shore

and Brentwood -- to work together on an art mural project that is being displayed at the mall and also a fashion show. And it involved kids from the different districts and, you know, the first time that they met they were kind of in their own little groups and little by little they learned that they had more to share and more in common that they had that was different. This year they did the art mural again only we were able to secure permission from the mall management to have them do it on the outside buildings of the mall. So if you go

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to the Westfield shopping town in Bay shore, the west side of the mall you will see this incredible art mural that was done by students from all these districts and they are just -- you know, friendships have developed from it and they know that, you know, the kids from, you know, school X are not the enemy. So it's really had a positive effect. So if sometimes even, you know, it doesn't have to be as focused sounding as a human relations club or a program, but sometimes things like this that, you know, seem benign are really bringing them together in ways that they did not expect could happen and be positive. So check that mural out.

RABBI MOSS:

Okay, we'll do that.

CHAIRPERSON CARPENTER:

Again, I'm going to ask that we take 1761 out of order, make that motion, second by Legislator Postal. Excuse me, that is 1773-02 (P) - Approving Rabbi Steven A. Moss as the Chair of the Suffolk County Human Rights Commission (County Executive). Legislator Postal, would you like to that make that motion?

LEG. POSTAL:

I would.

CHAIRPERSON CARPENTER:

Great, and I would second that. All those in favor? Opposed?

LEG. CARACAPPA:

Opposed.

CHAIRPERSON CARPENTER:

The resolution is approved (VOTE: 5-1-0-0 Opposed: Legislator Caracappa). Okay, thank you very much, Rabbi.

RABBI MOSS:

Thank you very much. And also, I just want to say, as I did last time, we would like to see the appointment of a liaison for our commission.

CHAIRPERSON CARPENTER:

Yes, I spoke with the Presiding Officer about that.

RABBI MOSS:

And also I'd like to invite Legislator Bishop to one of our commission meetings to express the thoughts that he did before because I think they're very important. And to come from me, it's not the same as from yourself and so I'd like to invite you to one of our meetings, if I may.

LEG. BISHOP:

Absolutely.

RABBI MOSS:

Because I think the communication that we're doing now is wonderful and unfortunately it doesn't happen that often within different aspects of government coming together and talking and sharing. So thank you.

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CHAIRPERSON CARPENTER:

Thank you very much. Commissioner Fischler, if you would. And I would ask that you bring up the gentleman who has been kind enough to join us this morning who is being proposed to be appointed to the FRES Commission. We have a number of reappointments and new appointments and Joseph was able to be here this morning, however, Joe Arcuri and I believe Jay Egan were not. Why don't we begin. Joseph, if you would, tell us a little bit about yourself and why you would like to be on the commission. And then, Dave, maybe you can speak to the other two gentlemen that were not able to join is.

MR. BIRBIGLIA:

I'm a retired police officer, I spent 25 years with the New York City Transit Police, I left there as a Lieutenant. I have been with the fire service since 1976, I am in my second term as a Commissioner. I feel that the fire service is changing, it's becoming a place of rules and regulations and it's becoming harder and harder for the new people coming in to understand. I feel I can make a difference in helping these people move up the ladder in the fire serve itself.

CHAIRPERSON CARPENTER:

Thank you very much. Does anyone have any questions or comments? Dave, if you want to speak to the other two appointments.

COMMISSIONER FISCHLER:

Sure. On 1754, Joe Arcuri, while it shows a new appointment, Joe really was an active member of the FRES Commission for over ten years; He took a little sabbatical and now he's coming back. So while that little break makes it a new appointment, Joe has been very active and very productive on the commission. He represents the Town of Babylon Fire Chiefs Council in the Town of Babylon Volunteer Firemen's Association. And Jay Eagan represents -- is an ex-Chief of Selden. Let me just go back to Joe; Joe is an ex-Chief of West Babylon Fire Department and a current Commissioner in west Babylon.

Jay Egan is an ex-Chief of the Selden Fire Department, he's been very active within the County structure. He currently serves as a Vice-President of the Suffolk County Fire Chiefs Council where this appointment is from. Jay travels his job, he's involved with hazardous materials particularly working with hospitals, he's on the road a lot and it would be a hardship taking a day off of work, as almost everyone else would.

LEG. POSTAL:

Madam Chair?

CHAIRPERSON CARPENTER:

Just to the point of Jay's time constraints, but I just need to know that he is able to give the time to go to the commission meetings on Wednesday evenings.

COMMISSIONER FISCHLER:

He attends the meetings and special meetings. He works his schedule to be at the meetings, he works around that.

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CHAIRPERSON CARPENTER:

Great. Legislator Postal.

LEG. POSTAL:

I would just like to make a quick comment about Joe Arcuri, and I have the feeling that the same could be said about all the members or nominees to the FRES Council but I don't know the others. But I will say that Joe is probably one of the most dedicated people I have ever met; you would think this was his not only full-time job but time and a half job. He's -- you see him not only in the West Babylon Fire Department, you see him at the Babylon Town Chiefs meetings. He is a real leader, he is a mentor to people coming up through the departments. Joe is on the phone, I know Legislator Bishop will agree with me, we hear from Joe, whether by phone, by letter or both, whenever there's an issue before the Legislature that has an impact on the fire and rescue services. So this is somebody who is an asset not only to the fire and rescue services in the Town of Babylon, but to the entire County. And, you know, again, I'm talking about Joe Arcuri but I'm sure the same is true of all of the other individuals.

COMMISSIONER FISCHLER:

Exactly.

CHAIRPERSON CARPENTER:

Dave, I just would like to ask, with all of these appointments and reappointments, if you're comfortable with all of them, especially the reappointments, that they have been participatory at the FRES Commission meetings and wherever necessary.

COMMISSIONER FISCHLER:

Most definitely. They all participate, they're all representatives of their towns, that's where the nominations come from. Their own Chiefs Council and firematic organizations put forward their names so they're active in the fire service, they participate, they're involved not only locally but also at other County organizations such as Chiefs Councils, Suffolk County Fire districts or Suffolk County Volunteer Firemen's Association in which Joe will be that representative.

CHAIRPERSON CARPENTER:

Thank you very much. Are there any other questions or comments? Thank you very much, Mr. Birbiglia. Thank you very much for coming down, we do appreciate you offering to give the time to Suffolk County.

Dave, are there any other -- I know that you've spoken to the personal release day resolutions at our last meeting, but are there any other comments on any of these resolutions?

COMMISSIONER FISCHLER:

I would just like to maybe just for questions that were directed to the Police Department before by Legislator Bishop concerning some of the funding. I'm not familiar with the \$1.7 billion that was indicated, but I'll tell you about some of the other funding that has

been coming down.

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LEG. BISHOP:

It was in yesterday's Times.

COMMISSIONER FISCHLER:

Okay, I didn't see that. If you have the article, if you can send it over I'd appreciate it. But I'll tell you what's been happening in the past.

In terms of reimbursement for activities related to the World Trade Center response of September 11th and thereafter, the process is the same that has been going on for I don't know how many years, tens of years under the Stafford Act, you know, of Federal regulation which allows reimbursement to local agencies. The Stafford Act is run by FEMA, Federal Emergency Management Agency, there's specific guidelines. It's the same act that we use for reimbursement for natural storms, hurricanes or anything where a disaster has been declared by presidential decoration. So we have processed the paperwork, we're responsible to do that within my department. We have processed not only for the County but also for the towns, villages that supplied personnel and other agencies, not-for-profit agencies such as Red Cross and the Salvation Army.

We have received reimbursement back from many of them. We are taking some appeals where we felt that the decision making was wrong, those appeals are supported by New York State and states like Connecticut and New Jersey. In particular, we're appealing straight time, we applied for straight time, under the regulations there's some gray areas we believe this may be a little different that we can get straight time but we have applied for that appeal, New York State has because they have also a substantial amount invested in getting that money back.

Normally in the past under our hurricane scenario we have not gotten -- we have never gotten straight time back, we've always gotten just, you know, the overtime monies back and certain equipment expenses. For example, if you use a chain saw, a chain saw comes with so many hours, so many dollars per hour of use. If you use a vehicle, a fire truck pumping water, it involves a dollar amount, a predefined dollar amount for that, and so that's where we applied those monies that were coming back to the County.

In terms of other monies that are coming related to response to terrorisms, Suffolk County has really been productive and is really -- in receiving monies and equipment. Suffolk County started in 1999 and the next year, 2000, combined years of Federal grants from the Department of Justice. We received the fifth largest grant in the country, the largest grant in New York State; we got \$114 more than New York City, which I like to say that because that usually doesn't happen.

Since then, the legislation at the Federal level has changed in that the monies now go to the State for pass-through to local law enforcement, fire, EMS agencies for response to a terrorism incident. It has nothing to do with the intelligence community, that's a separate group of funding. That legislation and those rules and regs at the Federal level states that the State cannot take more than 25%

from the money that is given to it, the rest of it must be passed along to the local agencies.

We have been working closely with the Governor's WMD Task Force. We'll be receiving, probably starting this fall, a substantial amount of equipment that they will give us. There's no monies. These monies that go to local municipalities by Federal regulations cannot be used for salaries, cannot be used for any personnel costs, it's strict equipment costs. We're going to be receiving a substantial amount of equipment through this program for response to terrorism incidents, that equipment will be distributed not only to the Suffolk County Police Department, my office, it will also be given out to local fire and EMS agencies over a period of time. Also, the HAZMAT teams that exist in the various townships such as Babylon, Islip, Brookhaven, Southampton, East Hampton will also realize monies and equipment from that.

So we have been getting a lot from that program, more than many of the other counties within the state. As I said, the cap that the State can use for its own equipment and cash use is limited to 25% of those dollars, just to clarify so everyone knows what's happening.

CHAIRPERSON CARPENTER:

I appreciate it. Thank you very much. Okay, let us move then to the agenda.

TABLED RESOLUTIONS

1251-02 (P) - Adopting Local Law No. 2002, to expand SCOPE of County Forfeiture Law to cover driving while impaired (Towle). I'll make a motion to table, second by Legislator Postal. All those in favor? Opposed? The resolution is tabled (VOTE: 6-0-0-0).

1564-02 (P) - Establishing Leadership Education Program for Volunteer Firefighters and Ambulance Corps (Postal).

LEG. POSTAL:

I'll make a motion to table that. My intention is to withdraw it. I did receive a copy of comments from the Fire Chiefs and I did speak with Commissioner Fischler who pointed out to me that there would be some problems with liability and requirements for fire and rescue squads if we were paying for increased insurance. So I think that it needs some more work, obviously the intent was to assist the fire and rescue squads but I think that it needs to go back to the drawing board. So I am going to withdraw it but I'll make a motion to table it now.

CHAIRPERSON CARPENTER:

I will second that. All those in favor? Opposed? The resolution is tabled (VOTE: 6-0-0-0).

1638-02 (P) - Establishing Anti-Gang Youth Bureau to educate school children (Fields). As Legislator Postal said, Commissioner Fischler had reached out to her and gave her input on the bill and I'm hoping that that is what's going to happen with this next resolution, 1638,

Probation will reach out to the sponsor. So I'll make a motion to table.

LEG. NOWICK:
Second.

CHAIRPERSON CARPENTER:
Second by Legislator Nowick. All those in favor? Opposed?
The resolution is tabled (VOTE: 6-0-0-0).

1646-02 (P) - Establish Police boat Emergency Response Policy (Towle).
I think we're all pretty much aware of the Commissioner's feelings on that. It does seem to have been put together in response to a situation that certainly has been addressed in a very positive fashion in the staffing at the Marine Bureau. So I'm going to make a motion to table subject to call, second by Legislator Postal. All those in favor? Opposed?

LEG. CARACAPPA:
Opposed.

CHAIRPERSON CARPENTER:
Legislator Caracappa, note him as opposed.

LEG. BISHOP:
Opposed.

CHAIRPERSON CARPENTER:
Tabled subject to call (VOTE: 4-2-0-0 Opposed: Legislators Caracappa & Bishop).

1647-02 (P) - Authorize and empower County Executive to negotiate Volunteer Personnel Release Day Police (Towle). Is there a motion?
Fails for lack of a --

LEG. CARACAPPA:
Motion.

CHAIRPERSON CARPENTER:
Motion by Legislator Caracappa.

LEG. BISHOP:
Explanation from Counsel.

MR. SABATINO:
This is Legislator Towle's initiative to set up a process for the County Executive to negotiate seven release days per calendar year for the sole and exclusive purpose of training or recertification of any County employees who are members of volunteer fire departments or volunteer ambulance companies beginning in 2003. The theory behind it is that Legislator Towle has been allegedly receiving complaints that the volume of hours that are necessary for the training discourages recruitment because people can't do the training within the weekends and night times. That's the theory.

CHAIRPERSON CARPENTER:
Well, it's interesting to note that from everything I've been told

that the amount of volunteers has gone up. You know, we had started that recruitment procedure last year and then of course in the wake of what happened on 9/11, the volunteer community has really seen an upsurge in members.

LEG. BISHOP:

But not for ambulances.

LEG. POSTAL:

May I?

CHAIRPERSON CARPENTER:

Yes, please, Legislator Postal.

LEG. POSTAL:

That's not quite true. As a matter of fact, Legislator Bishop and I attended a meeting at the Health Department with Dr. Alicandro specifically on a number of issues related to rescue squads and ambulance corps, and what we were hearing was that the problems are not necessarily related to a shortage of volunteers. But I would think that this resolution presents some problems, in my opinion.

First of all there are -- we hear from volunteers all the time about the obligation of putting in my many hours to attend training. I certainly understand that very often the County has to act as a model and set an example, but I have some serious reservations about providing a release time through negotiations to volunteers who happen to work for the County and not making any kind of similar commitment to assist people who work in the private sector who are volunteers, I think they have just a difficult a time, in many cases they may have a more difficult time.

But also we yesterday heard about some of the difficulties that we're going to face in putting together the budget for 2003. And we heard Chief Robilotto tell us what the cost would be in the Police Department for doing this. And while I think, again, it's intention is good, I don't think it's something that we can address at this time.

CHAIRPERSON CARPENTER:

Thank you. We have a motion. Is there a second? The resolution fails for --

LEG. BISHOP:

No, I'll make a motion to table. I'll make a motion to table, and if I may be recognized.

CHAIRPERSON CARPENTER:

Oh, definitely. Go ahead.

LEG. BISHOP:

I think that Legislator Postal hit the nail on the head in the second half of her statement, it's obvious that this comes with a fiscal cost and it's a very difficult fiscal time. That doesn't mean that this is

a bad idea. And therefore, it seems to me that we have a very fluid fiscal situation as well and it may be later in the year that we find that we're not in as bad a shape as we are now, we may find that we're

in worst shape. So I don't think we should kill this bill, I think we should just table it until there's more certainty on our fiscal situation.

CHAIRPERSON CARPENTER:

I appreciate your comments. I would just ask everyone to review the memo that we got from the FRES commission because there was a very interesting point that was raised that even though the release policy sounds good, the feeling was that employees may be adversely affected such as not receiving promotions or being considered for special projects. So I think --

LEG. LINDSAY:

That doesn't have to do with this bill, Madam Chair.

CHAIRPERSON CARPENTER:

Well, it's a very similar one, 1649, exactly. But again, I appreciate what you're saying and --

LEG. BISHOP:

It's crazy.

CHAIRPERSON CARPENTER:

We'll table the resolution. What's your problem; do you have a comment to make?

LEG. BISHOP:

I said that that notion sounds like a veiled threat, that if you provide them with days off for training they're not going to get promoted or be assigned to --

CHAIRPERSON CARPENTER:

Well, it's a comment that came from the FRES Commission, you know, read the memo and make your own opinion.

LEG. BISHOP:

It's either brutally frank or brutal.

LEG. CARACAPPA:

One or the other.

CHAIRPERSON CARPENTER:

Turn it over to the Human Rights Commission. Okay, we have a motion to table by Legislator Bishop, I'll second that motion. All those in favor? Opposed? The resolution is tabled.

LEG. CARACAPPA:

Opposed.

CHAIRPERSON CARPENTER:

Tabled (VOTE: 5-1-0-0 - Opposed: Legislator Caracappa).
(*SEE CHANGE IN VOTE ON PAGE 33*)

1648-02 (P) - Establish Common Sense Police Emergency Response Act of 2002 (Towle). Is there a motion?

LEG. CARACAPPA:

Motion to table.

LEG. BISHOP:
Second.

CHAIRPERSON CARPENTER:
Motion to table by Legislator Towle -- Legislator Caracappa, seconded
by Legislator Bishop. The resolution is tabled (VOTE: 6-0-0-0).

1649-02 (P) - Establishing Release Day Policy for Volunteer Firemen
and ambulance company workers within the County of Suffolk (Towle).
I presume you are going to have that same motion to table, Legislator
Bishop?

LEG. BISHOP:
Sure.

CHAIRPERSON CARPENTER:
Second by Legislator Caracappa. The resolution is tabled.

LEG. BISHOP:
Table it subject to call.

CHAIRPERSON CARPENTER:
Okay. Do you want to make that table subject to call?

LEG. BISHOP:
Yes.

CHAIRPERSON CARPENTER:
Okay, I'll second that motion to table subject to call on 1649. All
those in favor? Opposed?

LEG. CARACAPPA:
Opposed.

CHAIRPERSON CARPENTER:
1649 is tabled subject to call (VOTE: 5-1-0-0 Opposed: Legislator
Caracappa).

Did you want to go back and do that with 1647 also?

LEG. BISHOP:
Yes.

CHAIRPERSON CARPENTER:
Table subject to call on 1647, change that motion, and I will second
it. All those in favor? Opposed?

LEG. CARACAPPA:
Opposed.

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CHAIRPERSON CARPENTER:
1647 is tabled subject to call (VOTE: 5-1-0-0 Opposed: Legislator
Caracappa).

INTRODUCTORY RESOLUTIONS

1754-02 (P) - Approving the appointment of Joseph Arcuri as a member

of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).

LEG. POSTAL:

Motion to approve.

CHAIRPERSON CARPENTER:

Motion to approve by Legislator Postal, second by Legislator Bishop.

LEG. BISHOP:

It's my district. Second, please.

CHAIRPERSON CARPENTER:

All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1755-02 (P) - Approving the reappointment of Richard McGowin as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). I'm not sure what area he's from. Legislator Nowick, would you like to make that motion?

LEG. NOWICK:

Yes.

COMMISSIONER FISCHLER:

Do you want me to tell you where they're from?

CHAIRPERSON CARPENTER:

No, that's all right. That's okay, thank you. Second by Legislator Lindsay. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1756-02 (P) - Approving the reappointment of Charles Hoffman as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). Motion by Legislator Caracappa, second by myself. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1757-02 (P) - Approving the reappointment of Frank Thornhill as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). I'll make that motion, second by Legislator Bishop. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1758-02 (P) - Approving the appointment of Jay Egan as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). Motion by Legislator Caracappa, second by Legislator Lindsay. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1759-02 (P) - Approving the reappointment of Ralph Martin, Jr., as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). Motion by Legislator Bishop, second by

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Legislator Lindsay. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

Legislator Lindsay will make the motion for Robert Knight, second by Legislator Nowick, 1760-02 (P) - Approving the reappointment of Robert Knight as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1761-02 (P) - Approving the appointment of Joseph Birbiglia as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). I'll make that motion, second by Legislator Postal. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1799-02 (P) - Designating certain contract agencies for education component of Universal Child Sexual Abuse Reporting Policy for Suffolk County (Nowick).

LEG. NOWICK:
Motion.

CHAIRPERSON CARPENTER:
Motion by Legislator Nowick, second by Legislator Postal. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

The meeting is adjourned. Thank you very much.

(*THE MEETING WAS ADJOURNED AT 11:07 A.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee

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