

**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 **March 13, 2002**.

**MEMBERS PRESENT:**

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

**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  
Jim Spero - Deputy Director/Budget Review Office  
John Ortiz - Budget Analyst/Budget Review Office  
Bill Faulke - County Executive's Office/Intergovernmental Relations  
Alfred Tisch - Suffolk County Sheriff  
Kerry Kneitel - Chief Deputy/Suffolk County Sheriff's Department  
Walter Denzler - Under-Sheriff/Suffolk County Sheriff's Department  
Wes Bednosky - Warden/Suffolk County Sheriff's Department  
Alan Otto - Chief-of-Staff/Suffolk County Sheriff's Department  
Joseph Rubacka - Lieutenant/Suffolk County Sheriff's Department  
John Gallagher - Commissioner/Suffolk County Police Department  
James Maggio - Deputy Commissioner/Suffolk County Police Department  
James Rooney - Suffolk County Police Department  
John Blosser - Lieutenant/Suffolk County Police Dept/Aviation  
Bill Rohrer - Suffolk County Police Department/Public Information  
Dave Fischler - Commissioner/Fire, Rescue & Emergency Services  
Bill Maggi - President/Correction Officer's Association  
Vito Dagnello - Vice-President/Correction Officer's Association  
Greg Johnson - 2nd VP/Correction Officer's Association  
Bill Ellis - Director of Public Relations/Correction Officer's Assoc.  
Tom Muratore - Vice-President/Police Benevolent Association  
Phyllis Garbarino - President/Association of Municipal Employees  
Ruth Cusack - Suffolk County League of Women Voters  
Elie Seidman-Smith - Director/Community Service Program/ARC  
Diana Weir - Councilwoman/Town of East Hampton  
Pat Mansir - Councilwoman/Town of East Hampton  
All Other Interested Parties

MINUTES TAKEN BY:  
Alison Mahoney - Court Stenographer

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(\*The meeting was called to order at 9:45 A.M. \*)

CHAIRPERSON CARPENTER:

I would like to begin the Public Safety Committee and I would ask Legislator Caracappa to lead us in the Pledge of Allegiance.

### Salutation

Good morning. Sorry we're a little late in starting. With the weather, I guess there's a little bit more traffic on the road this morning. I would like to begin. We've had a request and I'm delighted that the Sheriff would like to make a presentation to the committee, an overview of where things are at the department. Sheriff Tisch, if you would come forward, please.

While the sheriff is coming forward, I just wanted to make an announcement. At the request of the Presiding Officer, at next month's Public Safety Committee we will be having a State of the Public Safety of the County Address, and we'll have an update from the Police Commissioner, the Sheriff, FRES, and most likely the District Attorney, where we are as a County. And all Legislators will be invited and of course the Presiding Officer will be here. So that will be next month's committee meeting. Sheriff?

SHERIFF TISCH:

Good morning, members of the Public Safety Committee, Chairman Carpenter, Deputy Presiding Officer Postal. If I may be seated, perhaps I could be more informal in this fashion.

CHAIRPERSON CARPENTER:

Certainly.

SHERIFF TISCH:

First of all, let me --

LEG. CARACAPPA:

Sheriff, could you please use the microphone?

SHERIFF TISCH:

Let me express my appreciation to you for giving me the opportunity to appear before you.

MS. MAHONEY:

Excuse me. Would you mind pulling the microphone closer, please? I'm sorry.

SHERIFF TISCH:

I'll try, unaccustomed as I am to public speaking.

CHAIRPERSON CARPENTER:

Give it you best shot.

SHERIFF TISCH:

It has not been my practice to use a microphone, even in court, but for your benefit, I'll try.

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MS. MAHONEY:

Thank you.

SHERIFF TISCH:

Again, let me thank you for the opportunity to come before you to address you and to give you a brief overview of what I found in my first almost nine weeks in office. It has been very, very interesting. As you may be aware, I got some quick on-the-job training; ten hours into my administration we had a suicide, on day four we had a problem with the count, but we've learned a lot.

I wish to express my appreciation to this committee and to the Legislature for the support that has already been given to my department. We have reached out for some things and I know that we've had people willing to listen and be convinced that we what we're asking for is not something that we want but something that we need. I'd also like at this time to publicly thank County Executive Gaffney, Deputy County Executive Kopp, Joe Michaels, Ken Weiss, Ken Knapp, Charlie Bartha and Fred Pollert, along with Alan Schneider from personnel, who have given a lot of consideration to things that we've requested and have delivered. I must say that I'm very, very pleased with the response that I've gotten from all levels of County government.

I want to indicate that we have had the opportunity to get together with other branches of County government and establish some collegiality. I had an opportunity to meet with my contemporary in law enforcement, the Commissioner, Deputy Commissioner and Chief of Department of the Suffolk County Police Department. It was a very cordial meeting, we discussed matters of mutual concern. I had an opportunity to meet with the Director of the Department of Probation who also must interact with us. We had a very nice meeting with the Commissioner of Health, Clare Bradley, and addressed some issues which I'll mention later.

What I must tell you is that coming on board was a mixed blessing for me. I looked forward to it as a challenge, yet I knew that I was going to be working very, very hard, long hours to try to accomplish the mission that I had set out for myself. I came on board with anticipation and some anxiety. I found what I expected; I found a crumbling infrastructure, I found a lack of clear authority with levels of responsibility. I found acrimony within the uniform divisions of my department. I must say that I was in a very good position with the members of my department since all three bargaining units that represent every single employee in the department had endorsed my candidacy. As a result of that endorsement, I had a lot of time between my designation as a candidate and actually showing up at Riverhead to take office to sit and discuss with each of the unions the problems that they perceived, the things that they were concerned about so that I can take those into consideration and address them.

I say to my friends at the Correction Officers Association, Deputy Sheriff's Benevolent Association and AME, the {bard} once said, "Be careful what you wish for, you may get it; " well, you got me. I promise to work hard and to put the pieces back together. Now, I know I'm not always going to make each of the three bargaining units happy

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with the things I do. I promised them and I promise you that I'm motivated by only one thing and that is the betterment of the department and to serve the people of Suffolk County to the best of my ability. I promise the people in my department a level playing field, I hope I'm rewording them with that sense. All of my actions so far I think have been for the betterment of the department and not to the detriment of anyone individually.

My hallmark for this administration will be with regard to the job just do it. We don't have to bicker, we don't have to complain. It's a good job, everyone in the department is well paid, it's a difficult job and at times it's a dangerous job, but you asked for the job. My word is just do it.

Accomplishments. What have we accomplished? A brief overview, we have eliminated some things that I found particularly troubling. There were some pseudo investigators that had been appointed -- for whatever reason, I don't know -- that did not come within the framework or guidelines of the Civil Service Department; those were eliminated. There were people who were improperly assigned in violation of collective bargaining agreements, within the first seven weeks all of those were resolved and rectified. We eliminated the lack of accountability for overtime. There were people that were reporting to no one, apparently had been given carte blanche by the prior administration to do whatever they pleased and answer to no one;

that's done, that's over. We eliminated unnecessary, costly shifts where people were being asked to report for whatever reason at times that they weren't needed. We've eliminated the use of vehicles by personnel who don't need vehicles. We have recreated I believe a table of organization, a paramilitary organization that we are, people that have military responsibility or pseudo military responsibility in the chain of command.

Our meetings, as I say, with other levels of government, others branches of government have been very meaningful. Some of the things that we've become involved in since I came on board, we're now a member of the Anti-Terrorism Task Force set up by Governor Pataki and Jim Kalstrom. We are now a member of the reconstituted East End Drug Task Force. I tell you what. We're doing something that we've never seen done before in this department and that is we are trying to find true direction. We don't have any hidden agenda, we're not intending to become in competition with any other branch of government. I just want to do the constitutional job to which I've been elected; that's my promise to you. I said it before, I'll say it again, I will never come to you and give you a wish list or a want list. If I find a need I'm going to mention it to you, I'm going to ask you to help me.

We've had some meetings with budget people and I know that this is a bad time to come on board and ask you to look at my department with a view toward making some financial commitments. We have a financial situation now, as we all heard in County Executive's Gaffney's State-of-the-County Address, that is troubling, there are financial restraints because of the economy. I find myself in the unenviable position of representing a department that because of acrimony between the administration there, the County Executive's Office and the County

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Legislature, has not received the tools to the extent it should have over the last several years to do its job.

We have all been asked by budget people and by the County Executive's Office and by your staff to look to ways in which we could tighten the belt. I made a comment that I'm perfectly willing to tighten the belt, but at least let me get up to the level where I should have been and then I'll share with every other branch of government in restricting our requests and requirements to the best of our ability. But I make that statement seriously. We do need some things just to stay in business and they're things that can't be ignored.

I'm going to briefly go through some of the items that were furnished to the County Executive from our department for perhaps his consideration and incorporation of his State-of-the-County Address. Our department collected over \$22 million worth of revenue for the year 2001; 17.2 million of that was obtained from the lawsuit

regarding State-ready inmates. This year during my watch we've already received almost approximately a million dollars for additional problems that the State had with State-ready inmates. As you know, we have been taking over the security at the Gabreski Airport. I understand from your committee and from other members of the County Legislature that you're well pleased with the services that we've been providing there.

Our domestic violence unit services orders of protection, as you know. Over 4,500 orders of protection were served in the year 2001 representing a 25% increase in the number of orders issued over the previous year. Our Investigative Services Unit which conducts criminal investigations reported an increase of 5% for assault cases. Those assault cases involve both inmates versus inmates and inmates versus officers. Also on the rise was a 13% increase in criminal charges for promoting prison contraband. The Sheriff's Department transported over 67,000 prisoners in 2001.

We have now on board two part-time physicians tasked to work with our Medical Evaluation Unit. This unit has already demonstrated its efficiency by returning many department employees to full duty who were on lighter restricted duty; this has caused a reduction in sick time and return of able bodied employees to the work force. Our capital project to move the Civil Bureau from West Hampton, where the building is falling down, to the Yaphank Infirmery is on target. And I am happy that we've been given authorization to temporarily move that unit to rented space in Riverhead so that at least they have a healthy and worth while work environment to do the necessary tasks they perform.

Our academy has successfully moved to a shared space in Brentwood where they share space with the Suffolk County Police Department. I'm glad that we are in a spirit of collegiality. I was very honored to be invited by the Commissioner to attend the graduation class at the academy last week. I'm looking forward to the next graduating class where I'm pleased to inform you that through your good office as well as those of the County Executive and the budget department, I believe we will have 22 Deputy Sheriff recruits in the next police recruit class.

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Through Asset Forfeiture Funds, our department was able to purchase three boss chairs; those are electronic devices which have been used to detect weapons and contraband in the correctional facilities. New equipment has already been responsible for recovering contraband items

that could be used as weapons and has increased officer safety providing a new tool for internal security and operations.

As you know, you were kind enough to sign the paper work to put the consultant in place for the security cameras. We're expecting to receive the initial report by the end of March. It's anticipated that phase two, the purchase of the actual security cameras and equipment could be initiated some time this year.

We also have two ATV's that were purchased for the Pine Barrens Coalition through Asset Forfeiture Funds, three all-terrain vehicles purchased for ongoing construction work at both facilities. These vehicles will be used to do landscaping, maintenance and were purchased, again, with Asset Forfeiture Funds.

Overtime for the year 2001 was reduced approximately 26% in corrections, appropriations due to the ability and authorization to higher new Correction Officers. Shortly before I came on board, the Correction Officers class graduated 35 new CO's. I made a commitment to the Correction Officers that when I came on board food would no longer be handled by inmates. Correction Officers, as you know, are required to remain within the facility for their eight hour shift; unlike us, they can't go out to lunch. They were eating indoors and they were being served food that was being handled and, in some cases, prepared by inmates, a totally unhealthy and unworthy operation. As of January 1st, that came to an end. We were able to obtain a position to hire another cook to come on board to assist because of the additional workload that required.

Our goals and programs as outlined in the -- in our input to the State-of-the-County address included reviewing the feasibility and funding for Mobile Data Terminals which I'll get to later; requesting body alarms for all posts utilized by Correction Officers at the Riverhead Facility; working with the Police Department on a live-scan fingerprint system; starting construction on a Capital Project to replace the DWI Building; completing construction of tier renovations at Riverhead, completing construction of the Yaphank renovations; relocating the Civil Bureau, as I've already mentioned; and regarding the subject of in-service training, we will be attempting to secure additional funding for that purpose; to continue to pursue the Capital Project to build a 240 bed replacement facility for the Yaphank dormitories; pursuing Capital Project to expand the administrative offices where I'm located; and to consolidate, update and modernize all employee personnel files.

I won't be much longer but I do want to address the specific concerns of the two divisions, the uniform divisions within my department. I'll start with the one which has the most personnel. As you know, we have approximately 750 Correction Officers, that number goes up and down depending upon hires and retires. But let's use that as a number, it's

approximately three-quarters of the uniform force within the Sheriff's Department.

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The history of the Suffolk Sheriff's Department is replete with accounts of overcrowding at its correctional facilities; that's true even today. In correspondence directed to us from the State Commission of Corrections which was directed to us dated February 26th, so this is something very, very contemporaneous with our presentation, they have advised us of the following. The Riverhead facility shall not, and I stress not, on any day house more than 1,065 inmates. The Yaphank facility shall not on any day house any more than 647 inmates. In the event that the total inmate count at either facility exceeds the aforementioned limits, all excess inmates shall be removed from the facility and housed elsewhere. I tell you this. We have done an investigation, we believe the cost of that alternate housing in a sister community will be at least \$200 per day per inmate plus the cost of transportation.

Keep in mind that the classification requirements, we've been advised, as set forth in the Correction Officer's rules reduce in practice the usable space to approximately 90% of those figures which I gave you. As of yesterday, the count in Riverhead was 959, the allowable count applying the 90% factor was 959, which meant we did not have the room for one additional body. At Yaphank we had an allowable number of 582 and we had an actual population of 593, eleven over allowable limits. We are doing everything we can to address this.

Under-Sheriff Denzler who is in charge of the Corrections Division has met with the Division for Parole to see if they can speed the processing of the number of parole violators or alleged parole violators that are presently housed in our facility numbering well over a hundred. We have in place a meeting set up for this afternoon with the cooperation of the District Attorney's Office, the Probation Department, Division for Parole and the Suffolk County Probation Department to try to evaluate those people who are languishing within my facility on ridiculously low bail. When I say ridiculously low bail, if their threat to the community or their threat to flee is such that they can be held in lieu of \$200 bail, I don't think their release is cause for alarm. But nonetheless, it's not my job to release them, I am mandated to house them as long as there's an order directing that. I'm asking the other agencies to please reevaluate the necessity for some of these people to be in our facility. I indicate to you that there are State mandates. These State mandates are absolute. If we violate them, not only can they shut down our

facility, but they will fine the County on a daily basis substantial sums of money.

As a result of the overcrowding in our facility right now, we have seen a 20% increase in overtime by our Correction Officers since the first of the year. This is extremely troubling since my pledge to you and to the County Executive was that I was going to reduce overtime, not increase it. We are short presently by about 25 Correction Officer spots that should be on board. Because of the mandates, we don't have any choice; if the numbers of Correction Officers that we must have on a crew because of the number of inmates is lacking in real live bodies assigned to that crew, we must bring in people on overtime. There are two things that troubles me about that; number one is the cost to the taxpayer and the other is the public safety concern. If someone has worked an eight hour shift and they're tired

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at the end of that shift and they're required to work an additional shift, they can't be as prepared, they can't be as mentally alert and that's when things happen. And I don't want things happening, either to the detriment of a Correction Officer or to a resident in my facility, because people are tired and can't concentrate; it's a dangerous situation.

It's been approximately ten years since the expansion of the Riverhead facility. And while there is an approved project for a minimum facility in Yaphank for 280 beds, that project is to replace existing housing which will be demolish once the new facility is completed, it's not additional housing.

Back in 1989, the Sheriff of this County cautioned the following concerning inmate crowding. I quote, "However, it must be emphasized, it's taken Suffolk County almost a decade to realize its current generation of responses to inmate crowding. The next evolution is certain to require even more patient preparation and foresight but cannot be permitted the luxury of more time. To call for such reflective planning and to ask for more considered change in an environment steeped in perpetual crisis is clearly a monumental feat. Yet if we continue to respond with solutions that will only last until the next crisis, we have nothing greater than a legacy of problems and we therefore forfeit an important opportunity to fashion a new future for public safety in Suffolk County. If we ask for less, we're permitting the future of the Suffolk County Sheriff's Department to resemble its troubled past, allowing overcrowding to build until crisis occurs, fixing the crisis and awaiting the next." Those words

were true in 1989 and they're certainly true today.

There is a direct connection between overcrowding and safety in a correctional facility. There have been quantive advances in technology relative to safety in the past ten years. Unfortunately, the technology currently utilized in the Sheriff's Department today is antiquated. We recently surveyed all 62 counties in the State of New York relative to the employment and use of security cameras in their correctional facility. Out of the 60 departments that we were able to pole, 60 counties in this State, Suffolk is one of only six counties which do not have security cameras in their facility. And we're certainly the largest; the other five that don't are very, very small communities that don't have the overcrowding problems that we have. The safety of our inmates and our Correction Officers demands that this be rectified immediately. Integrated computerized technology exists for inmate identification, movement control, classification, etcetera, we have relatively little. A complete review needs to be conducted.

In addition to the comment I just made, I can tell you that because of today's technology, my friends at Symbol Technology have established a bar code system where the supermarket can tell you how many cans of peas they have and where they are. UPS can tell you where your package is this very moment, it can be identified that it's on the Long Island Expressway approaching Exit 60. At this moment, my Warden, Under-Sheriff in charge of corrections can't tell you with any certainty where our prisoners are.

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I have mentioned to some of you that on my fourth day in office, at three o'clock on a Friday afternoon, the warden came in with a somber expression and said, "We're two short on the count." Now, since I was new on the job, it took me a while to figure out whether he meant T-O-O or T-W-O; it was quickly apparent he meant T-W-O, a serious concern. Now, there is in place an escape plan. If we know someone is gone, the sirens go off, the bells and whistles clang, the red lights flash and every law enforcement community within commuting distance is notified, the alerts go out; the State Police, the Suffolk Police, east end police, the FBI, everybody is put on alert. Now, since we don't want to be the boy that cried wolf and cause an alarm when it's not necessary, we held off, and I can say we held off with a great degree of trepidation.

I know from my own experience as a County Judge, I had one prisoner, Mark Daniels, escape twice from custody; we refer now to the razor

wire fence on top of the facility at Riverhead as the Mark Daniels Memorial Fence. Mark leaped over the existing fence, got into the parking lot behind the Criminal Courts Building and commandeered a car with a very frightened motorist. I don't want that duplicated, I don't want that replicated and I was praying to God that it wasn't happening again. If we take no action, every moment that goes by provides an opportunity for that inmate to get further and further away. And if, in fact, he has kidnapped someone or taken someone hostage, there is more time for harm to come to one of our citizens.

I learned quickly how our count was taking place to try to locate the missing prisoners. It's done by paper and physical observation. There's no technology involved. We're dealing with 21st Century issues with 19th Century technology. The last count, the last count was with an identification card with a picture where the Lieutenants and Sergeants went from cell to cell holding it up to see if the person in there was, in fact, the one we thought was in there or should be in there. Well, it turned out nobody was missing. Two prisoners had to be taken to the emergency room at Central-Suffolk Hospital and as you may know, they're transported by Deputy Sheriffs who signed for them on a paper receipt. And they actually were still in the custody of the Sheriff sitting in headquarters about 300 yards away, but the receipt had been misplaced and therefore we didn't know where they were. That's inexcusable, it can't go on. People are at risk, our citizens are at risk.

It goes without saying also that manpower, or more accurately lack of manpower, is an ongoing concern. I have mentioned we're down 25 CO's, we're going to be asking for those slots to be filled, we're going to be asking that a new Correction Officers class form and that we be provided within the opportunity to fund those positions. Not having an adequate staffing level prevents us from being able to conduct much needed training for our officers and results in costly overtime to staff all the mandated posts within the facility.

I'm going to indicate and tell you that I've had an opportunity to meet with a good number of our Correction Officers. They're well motivated, well dedicated people who do a very, very difficult job. As they say, they work there but they spend their lives there, the inmates come and go. A correction officer spends 25 years in

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facility. Once he enters, he's there for eight hours in an environment with hostile people, a hostile environment with questionable air quality and real safety concerns. One of the issues

which I think must be addressed is the one I mentioned before which is personal body alarms. It's necessary that every Correction Officer within the Maximum Security Facility at Riverhead, and perhaps the minimum as well if the funding can be obtained, have a personal body alarm that if he gets into a situation or she gets into a situation where help is needed immediately, that button can be depressed, the console can alert the other people to exactly where the problem is and it can be addressed immediately, not only for the safety of the Correction Officer but also for the inmate.

Now, with regard to the enforcement side of our operation, that's the Deputy Sheriff side. We have multi-tasks within the Deputy Sheriff side of the department. We don't do road patrol, that's the function on the west end of the Suffolk County Police Department, on the east end there are east end Police Departments. Although we do have the lawful authority to do it and when something comes to the attention of our Deputies that certainly indicates public safety is at risk, they do take action; however, they're not patrolling they're not sitting watching stop signs, etcetera. They do have lots of jobs to do which prevents them from doing that even if they wanted to.

Most of our people are in the Headquarters Bureau which provides transportation, we have 75 Deputy Sheriffs there. The current staffing level of Deputy Sheriffs in the Headquarters Bureau is the same number as was assigned there in 1987, 15 years ago. The workload has expanded with an approximate 100% increase in the intervening years. This increase has historically required us to rely on Deputy Sheriff overtime to meet its mandates with respect to prisoner transportation, Correctional Facility Parameter Security, that bureau operates 24/7. We have requested assistance there with more Deputy Sheriffs and more vehicles. We can only say to you that the more people working on overtime the more hazard is involved, not only to the members of my staff but also to the general public. When they're tired, they can't be as alert and things can happen, I don't want that to happen on my watch.

The District Court Bureau operates seven days a week staffed with 35 Deputy Sheriffs. That number is down 24% from previous staffing levels, it equates to being down eleven Deputy Sheriffs. We're asking for more personnel there as well.

Our Domestic Violence Unit, perhaps one of the most active units in terms of people issues, the things that are really, really important to the general public. Although the others are important, they're not hot button issues, domestic violence certainly is and justifiably so. This unit's workload has increased approximately 25% in the last year while it experienced an 8 1/2% reduction in available personnel. Requests for service from the courts went from 3,496 to 4,890 court order to be enforced. The Domestic Violence Unit needs additional personnel as well.

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Our Civil Enforcement Bureau. And unfortunately, the members of the public have an absolute right to have the civil process of the court enforced. But when we're short people and we have mandates to transport prisoners, we have mandates to enforce warrants for the Family Court, we have mandates to accept prisoners at the Cohalan Court Complex, if we're short people Civil pays the price. People who are looking for evictions who have had tenants not paying rent or damaging the premises get an order from the court giving them a judgment of possession and a warrant of eviction and they're told you can have your tenant evicted within 72 hours; it can't happen, I don't have the people to do that. There are sometimes four or five weeks people are waiting to get enforcement because I don't have the people.

The bureau -- the Civil Enforcement Bureau's workload has increased 10% in the past year with a 23% reduction in available personnel. I think you know that the last time we had a Deputy Sheriff class graduate was in 1999, at that time, the staffing level was 252. When I was elected there were 44 vacancies in the Deputy Sheriff ranks, one more has since been added. I learned, to my chagrin, late in the year that it was the intention of the Legislature to eliminate staffing positions from my department for Deputy Sheriffs by 26 funded positions; obviously, this was a matter of immediate concern. I was about to embark upon the administration and an office that was being decimated by attrition. I reached out to Chairman Carpenter and to Presiding Officer Tonna and I said, "Please, give me the tools to do my job. Let me at least get there and see what we need and then we'll discuss staffing requirements, but don't cut my legs out from under me." We were able to restore the number of 26, however they're not funded at present. Therefore, I couldn't put those 26 bodies in the incoming recruit class. I'm hoping that we can address that between now and the end of the year. I am pleased to report again, with the assistance of the people in this room as well as the County Administration of County Executive Gaffney and his staff that we have been given a commitment that we will have 22 recruits in the next class. We need it, the public deserves it and I thank you for your efforts.

Two things that I mentioned to you were the personal body alarms, I think I've covered that fully. The other last item that I will bring to your attention is mobile data terminals. I'm sure you all know what they are, they're mounted -- vehicle mounted computer system, keyboard, mouse, monitor, etcetera, that access a variety of law enforcement information databases including { Niceban }, DCJS, DMV and

CIC, Boroughs, orders of protection, local arrest warrants, Civil Bureau Information System. With what would amount to instant access to these information systems, it's anticipated that the Sheriff's units assigned these computers would free up valuable radio air time, it would increase worker productivity with the potential for possible overtime savings as workplace efficiency increases when these vehicle mounted computers are put in service. The number proposed to start their introduction into our department work sites would be 30 units which would be to outfit the DVU, the Civil Bureau and the security booths at Riverhead and Yaphank.

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As you know, the Police Department is currently using 600 MDT's, Riverhead and Southold are coming on line shortly. The following PD's are already on line with MDT's and are accessing data through the Suffolk County Police Department System; Southold PD, East Hampton PD, Southampton Village PD and the Parks Police. These units have the ability to send e-mail messages from individual car to individual car. Now, apart from public safety and apart from the fact that having these units will free up some necessary communications time, in the Civil Bureau alone, since there is no method for updating the information from the Deputy Sheriff on the road to the Civil headquarters, when an attorney calls in and wants to have a status report on his request for an eviction or a seizure of an automobile, the answer can't be given with any degree of certainty. We have to reach out and find out from the officer on the road, the reports are brought in several times a week, there are paper files that are updated, it is antiquated technology. The public deserves better and I hope that you can provide us with the wherewithal to address these issues.

I know that I've already introduced to you my Under-Sheriffs at the Swearing-In Ceremony; Under-Sheriff in Charge of Enforcement, Donald Sullivan; Under-Sheriff Denzler in charge of the Corrections Division; I believe you all know my Chief-of-Staff, Alan Otto; Chief Deputy Kerry Kneitel and Warden Wesley Bednoski. The six of us comprise a management team which meets at least once a week. We have a staffing meeting, I think we've been very, very successful in reestablishing a chain of command within the department. We address issues immediately as they come up, whether it's a matter of immediacy within our department or in response to a question from a member of the Legislature, the County Executive's Office or the general public. We meet through my Under-Sheriffs and the staff on the level just below with the representatives of each of the bargaining units to address the concerns of their membership.

I think that we can be proud of what we've accomplished thus far with

your assistance. I look forward to working with you in a healthy and wholesome relationship and I thank you for giving me the time to speak to you. I would be more than happy to address any questions that you might have.

CHAIRPERSON CARPENTER:

Thank you very much, Sheriff Tisch, for that very thorough overview of the department. I'm sure there are some questions. I would just like to make one comment. I appreciate the fact that you're meeting with the other departments and I was particularly pleased to hear that you had met with Fred Pollert from Budget Review. Because as you stated, we are in some pretty tough financial times and that kind of communication between the Budget Review Office and your department as the year progresses is very important, not just to do it when we're addressing budgets but on a regular basis.

I had one question that I would ask you to explain. When you talked about the mandated numbers or the numbers of prisoners that we could have in place and then you said there was a 90% factor; would you explain that again, please?

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SHERIFF TISCH:

I'll give you a very, very brief statement and then I'm going to ask Under-Sheriff Denzler to explain it further. We have a number of units within the correctional facility that were planned as housing areas for inmates. They're very specific, they were approved when the facility was built, they're totally inadequate in the number of cells. With the request being initiated from Suffolk County, the Commissioner of Correction came down and awarded to us things that are called variances to allow us to engage in double bunking. Some of our cells are not large enough, under State standards, to house two prisoners, so in order to do that we get a variance. We have people bunked in the gymnasium, we have people bunked in day rooms; this is all with the permission of the Commission of Correction. And they establish a number, with all of their variances, how many people you can actually have in the facility. There is a classification system which I don't clearly understand, and I'm going to ask Under-Sheriff Denzler to explain it, that applies a 90% classification limitation which means that even though they say to you that you can have X number of people in the facility, you probably can't and they apply a 10% reduction figure to that.

CHAIRPERSON CARPENTER:

So what was the number for Riverhead again?

SHERIFF TISCH:

One thousand and sixty-five.

CHAIRPERSON CARPENTER:

Okay. So that with a 10% factor it brings it down to 959?

UNDER-SHERIFF DENZLER:

Yes, that's correct. The classification, what would affect that number -- and that 90% is a working number, so the number will fluctuate, but they use it as a general rule. What can affect that total number, a very good example is we've seen an increase in female inmates; females used to represent 8% of the total population, now it's up to 11%. That increase has been attributed to the mandatory drug sentencing. When you have that -- as you can imagine, we cannot mix male and female prisoners within the facility. So as the number might increase we would wind up having to have to move the females to another area where we could have empty beds or empty space because we don't have enough females to fill it up, but it was more than what we had in the other place. So what's where your total number of what you could put in could fluctuate. We have specialized areas where we have to put people if they're going to be on mental observation or on suicide watch, things of that nature. So if you've got X number that goes in there but it's not enough to fill up what's available, your total number that you can house is going to reduce.

CHAIRPERSON CARPENTER:

Okay, I understand. Thank you very much.

SHERIFF TISCH:

One last thing that I mentioned, Chairman. I don't know that I made this clear with variances. If the Commission of Correction comes down and finds that we are in violation, not only will they require us to

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ship out the ones that are in violation of the standards that were in place that morning, they will remove all of our variances which will require us to move several hundred more. Even if we were over by 15, once we lose our variances we're in deep you know what.

CHAIRPERSON CARPENTER:

Thank you. Also, I just want to make one final comment. I'm happy to hear the Sheriff advocating for the body alarms for the staff because this was something that the Legislature was very supportive of but was very difficult to get through absent the support of the Sheriff at the facility. There are some questions, I know Legislator Bishop had asked but he's had to step out. Legislator Nowick and then Legislator

Lindsay.

LEG. NOWICK:

First let me say thank you, the presentation was excellent. And I'm not sure whether I should call you Judge Sheriff or Sheriff Judge, but in this case I'll refer to you as Sheriff. Just a question. You spoke about bringing prisoners to Central-Suffolk Hospital if they're ill.

SHERIFF TISCH:

Yes.

LEG. NOWICK:

How do we handle the payment of that; who pays for that? Surely not the prisoner's health insurance.

SHERIFF TISCH:

Chief Otto will address that issue.

CHIEF OTTO:

We have an agreement, okay, with Central-Suffolk Hospital where they have sort of like a couple of rooms, we call it a ward that we pay for for the entire year, and most of these expenses come from the Health Department.

LEG. NOWICK:

What does that cost us a year, to bring the prisoners to a private hospital?

CHIEF OTTO:

I don't have those figures with me right now, but it's quite substantial. The Health Department could provide you that information.

LEG. NOWICK:

So the County does pay for that. If you had a chance, I would love to know what that cost.

CHIEF OTTO:

I'll contact the Health Department and then contact your office.

LEG. NOWICK:

Thank you.

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LEG. CARACAPPA:

Madam Chair?

CHAIRPERSON CARPENTER:  
Legislator Caracappa.

LEG. CARACAPPA:  
Just to take that further. Paul, don't we have a third party type of billing procedure in place in the County of Suffolk with relation to inmates and charging their health insurance, if they have it, if they need medical attention while they're in the jail?

MR. SABATINO:  
Excuse me. Yes, we adopted that law a long time ago. My understanding over the years has been it's been difficult to collect large amounts, but the authority is in place.

LEG. CARACAPPA:  
Chief Otto, obviously it's --

CHIEF OTTO:  
The majority of our inmates we couldn't collect any money from.

LEG. CARACAPPA:  
Yeah, okay.

CHIEF OTTO:  
We just can't do it

LEG. CARACAPPA:  
All right, just for the committee's -- we have a law on the books to actually recoup some of this money but it's just almost impossible.

CHAIRPERSON CARPENTER:  
Legislator Lindsay.

LEG. LINDSAY:  
Yeah, I had a question or just a comment to Sheriff Tisch. You talked about the laptop computers in the vehicles and you cited about the Police Department having a lot of their vehicles equipped with that, and I know Commissioner Gallagher is here, maybe I'm wrong about this, but I believe all that equipment was acquired through a Federal grant. Have you's looked into any type of grant that would allow you to purchase that equipment off of federal instead of from the County?

SHERIFF TISCH:  
You want to handle it?

UNDER-SHERIFF DENZLER:  
You can it, sir.

SHERIFF TISCH:

We are in the process of trying to locate grants that we can get some money. We were very dismayed to find out that out of all of the Federal grant money that came to Suffolk County last year, the Sheriff's Department got none. Perhaps that was because the focus

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wasn't there in the upper level management of the Sheriff's Department. We have tasked Captain Lenny LoGrande as our Grants Officer and he is feverishly working to achieve that. As a matter of fact, there was a request that we make submissions to the County Executive's Office, unfortunately we're not going to be able to obtain things directly that way, we're going to have to take a different direction and we're initiating that as we speak. Today our request from our department will go in. What we're going to be able to achieve I don't know. There is money out there, you just have to find it, but if we can't find it we're going to have to ask -- it has to come from somewhere and we're going to do our best to locate it. And I know that Joe Michaels has been very helpful in that regard and I think that we will make giant steps forward in locating grant money, but we can't rely totally on that either.

CHIEF OTTO:

And in addition, I think that was one of the pieces of information that you had requested. The original legislation that came out for the grants for the mobile data terminals which the Police Department did get, we were part of that and we were removed from that, from the final submission.

LEG. LINDSAY:

Who removed it?

CHIEF OTTO:

I don't know offhand, you can research that by the latest, you know, resolution that came out. But we were submitted as part of that grant.

CHAIRPERSON CARPENTER:

All right. Legislator Postal?

LEG. POSTAL:

Following up on the issue of medical care, both at the facility and at the hospital. I know that if an inmate is a Medicaid client there can be a Medicaid, I guess, reimbursement filed for the cost of the care. Do we do anything to, I guess, apply for Medicaid for inmates who are

not Medicaid eligible? You know, it seems to me, having visited the facility many times, that a tremendous percentage of the inmates are very young, it just looks to me like, you know, they're young, they don't own houses, they don't have a lot of assets. They're probably -- their income is probably low enough. And I'm just wondering whether if we do it or if it might be cost effective to get somebody from Social Services to just look over?

SHERIFF TISCH:

Exactly. I don't think that we're geared up for it, I don't have the staff to do that. But certainly if Social Services has people available to work with us to inquire of our inmates, I would have no problem with giving the County the opportunity to recoup that money. But frankly, I don't see that we have the staff to do it.

LEG. POSTAL:

You know, I just think that it might be productive to have somebody from the Sheriff's Department communicate with somebody from DSS to

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see if somebody from DSS could look at the inmate population and speak with those inmates who might be eligible, because we could get some reimbursement for care that we're already providing.

UNDER-SHERIFF DENZLER:

Maybe I can help you out on that. All new inmates coming into the facility are screened by the Health Department. The health needs, the medical needs for all of the inmates is actually provided to them by the Department of Health, so that is the agency that is actually doing all of that coordination and what have you. We merely house them but all of their health needs are provided for them by the Health Department.

LEG. POSTAL:

Right. When they're screened, does the Department of Health screen them for eligibility, for Medicaid eligibility?

UNDER-SHERIFF DENZLER:

I honestly don't know, we'd have to ask the Health Department.

LEG. POSTAL:

Well, that's what I'm suggesting. That, you know, it seems me that would be an ideal situation. If they're getting a medical screening, then DSS -- if DSS could, or even somebody from the Health Department because they're aware of what the situation is too, just do an initial

screening or prescreening so that we know if there's an inmate who then requires medical care -- I mean, we provide medical care, I know that, I know the Health Department does it, but it's just like our health centers. Why shouldn't we get Medicaid reimbursement if we're providing medical treatment on site at Riverhead to an inmate? You know, it would help us generate some revenue at a time that it's sorely needed. And especially if somebody is hospitalized, needs to be hospitalized, it would offset our costs.

CHAIRPERSON CARPENTER:

Thank you very much. I think Legislator Postal makes a very good point and I would hope when you follow-up and check on that you not only let her know but the rest of the committee on that. Thank you. Are there any other questions? I thank you very much, gentlemen, for coming down this morning.

SHERIFF TISCH:

Thank you.

CHAIRPERSON CARPENTER:

We have a couple of cards. And I know also that the Commissioner is here, Commissioner Gallagher, and also the FRES Commissioner, Dave Fischler; do either of you want to come forward and address the committee, or do you want to just wait until we go to the agenda?

COMMISSIONER GALLAGHER:

If I could, yes.

CHAIRPERSON CARPENTER:

Good morning, Commissioner Gallagher.

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COMMISSIONER GALLAGHER:

Good morning, Madam Chairwoman and Members of the Committee. I don't have a lot to address the committee this morning, I just sat listening to the Sheriff's report. Just one comment based on that department, and this is something I've said for 20 years now. With my exposure to law enforcement, they have the toughest job in law enforcement, the correction facility, the Correction Officers in the correctional facility. I know everybody pays homage to the officers in my department, and rightfully so, but when you come on a consistent basis I think it's the toughest job in law enforcement, day in and day out, to work with people who have already proven themselves to be of some danger to society, or at least assumed to be of some danger to society that wind up inside the correctional facility. And I think they're to

be commended.

Our comments, I brought Assistant Deputy Commissioner Maggio with me. We have one area of concern and that's over the Medevac helicopters. There are -- I know several attempts have been made and some bills are on the table to establish the Medevac helicopter service on the east end on a permanent basis or a year-round basis. It's only in the interest of full disclosure that I wanted to make sure that you understood that that service is contingent on, A, having the personnel to staff it, to actually continue it, and that can become a problem because some of our personnel are actually in some instances have been called up into active military service, they've been activated as members of the military reserve units that they belong to and pilots, and that can be, of course, a problem to then reducing the number of available pilots.

We have another issue in terms of maintenance of the helicopter which I think it's -- with three helicopters, it sounds like you can always have, you know, two available, but that doesn't always happen. Helicopters have extremely high levels of maintenance requirements in that there are so-called hundred hour checks and other kinds of checks that have to be done continuously on them. It literally can take down -- at any given time you may have one helicopter up in service and that's it, the other two are up for maintenance checks. So at times you can be -- you know, this is the -- we live with it, we understand it, we can work with it, but I just don't -- I didn't want to leave you with a false impression that there's always going to be two helicopters available. Sometimes there's only one because of the nature of the business. These maintenance checks are constantly -- and something can go wrong or even the normal routine maintenance, some other area of alarm that triggers a helicopter being put down in order to be checked.

And finally, the mechanic situation that Commissioner Maggio perhaps can explain to you is we are losing a police officer mechanic; correct? Could you elaborate on that?

**DEPUTY COMMISSIONER MAGGIO:**

Right now we have three helicopter mechanics, two of them are civilians, one is a police officer. The police officer mechanic is scheduled to retire this July leaving us with only two. If either one of these resolutions or a separate resolution were put together, we could civilianize, in essence, civilianize that position and put in

another civilian helicopter mechanic. It wouldn't require any additional funds because the salary from the police officer retiring would more than offset the new salary for the mechanic.

In addition, if we were to have to do this on a 12 month basis permanently, it would require an additional helicopter mechanic to be stationed at the Gabreski Airport in West Hampton. And it's not out of the question that if you would like to have two helicopters flying all the time, or almost a guarantee of two helicopters flying all the time, that an additional helicopter would have to be purchased.

CHAIRPERSON CARPENTER:

Okay, thank you. Legislator Lindsay?

LEG. LINDSAY:

So what do you think the cost would be to implement this resolution and do we have the funding to do it in the budget the way it stands now?

COMMISSIONER GALLAGHER:

I think it's less a matter of cost -- no, we don't have the funding in terms of if you're talking about right now, the resolution by its nature, that's the idea of the resolution, to find the funding to continue this program out at the east end. But I think it's -- you know, money is not the biggest problem here, the biggest problem here is the physical property of the helicopters themselves. And as Commissioner Maggio said, you know, I'm not here advocating a fourth helicopter, I'm very happy with the two you got me. But I am just saying, if you establish a program, a permanent program on an east end helicopter, I don't want anybody to be given the false impression perhaps that we could absolutely do that 12 months a year, seven days a week. You know, we may be down to one helicopter at any given time because of maintenance with three of them.

But I think mostly the problems are, as I said, the physical property itself and staffing, trained pilots who can fly these craft. That's -- well, in the case of the mechanic, I think it's a fairly simple adjustment to the budget to let us add a civilian mechanic. I'm all in favor of that because it's another area where we have a civilian to replace a police officer, but that too can be a problem.

CHAIRPERSON CARPENTER:

I think based on the fact that we have these resolutions out there and there seems to be -- and I know I have some cards here of people who have come forward, who will be coming forward to speak about the service at the east end I'm sure supporting it, advocating for it -- that there seems to be a move in that direction. And I think before we go forward and approve these resolutions, I think it's important, rather than just hearing you say what you think it might cost or what you think the staffing levels might be required, that perhaps you can

actually come up with that information for us. Especially as we're going forward, right now we're starting the Capital Budget process and within a couple of months we'll begin the Operating Budget cycle, that's the time for us to make those kinds of decisions. But I think we're going to really need that information first on, you know, equipment and staffing, and also from the Department of Public Works

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perspective, housing the helicopter in a more cost effective manner than perhaps we're doing now.

And that would be my recommendation, that we really sit down and study this issue so that we have all of that information and that we're not going forward passing a resolution that we really can't implement.

COMMISSIONER GALLAGHER:

Well, that's the only reason I even bring it up here, is to -- I want you to be aware that there's some, I'll call them reality checks, we feel that we're going to have some problems, we're going to have problems in implementing the policy that you would be setting by establishing year-round helicopter service. But I will get that to you this week.

CHAIRPERSON CARPENTER:

All right, why don't we informally. I mean, I don't think it's necessary, you know, we've had a very good working relationship and you have had a very good history with this committee, Commissioner, and with the Legislature, and I don't think we need a resolution asking you to do it.

COMMISSIONER GALLAGHER:

No.

CHAIRPERSON CARPENTER:

But if you can get back to us, would you say that 60 days is a reasonable amount of time to come back with the real information?

COMMISSIONER GALLAGHER:

Yes, we can do it in less time than that. We can get it to you.

CHAIRPERSON CARPENTER:

Okay. All right. Then in the meantime, I'm going to suggest that we table these resolutions because we've gotten a commitment, the service is going to be in effect for the season starting in May through the month of September. Pardon me?

LEG. BISHOP:  
(Inaudible).

MR. SABATINO:  
No, it was tabled.

LEG. BISHOP:  
Tabled in Budget.

MR. SABATINO:  
That was the funding component.

LEG. BISHOP:  
Right, there is no money.

CHAIRPERSON CARPENTER:  
Right. All right, so I think what we'll do is table these.  
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LEG. LINDSAY:  
I will second it.

LEG. BISHOP:  
So you have another problem?

COMMISSIONER GALLAGHER:  
Yes, I didn't mean to mix the two, but there is a funding problem if we continue the service, we have to find the money to continue to do that. Because the budget was built around the December 31st.

CHAIRPERSON CARPENTER:  
All right. So perhaps coinciding with the beginning of the service in May, we would have that information at the May meeting.

DEPUTY COMMISSIONER MAGGIO:  
Sure.

CHAIRPERSON CARPENTER:  
Okay?

COMMISSIONER GALLAGHER:  
Okay. Thank you.

CHAIRPERSON CARPENTER:

Is there anything else, Commissioner?

COMMISSIONER GALLAGHER:

No.

LEG. BISHOP:

Is it question time?

CHAIRPERSON CARPENTER:

Legislator Bishop, certainly.

LEG. BISHOP:

I don't know if Legislator Postal had asked this earlier, but at the last Public Safety Committee I think we were asking for an update on our minority hiring efforts in the Police Department; did we go through that?

LEG. POSTAL:

No, we didn't go through it. If I could, Madam Chair?

CHAIRPERSON CARPENTER:

Sure.

LEG. POSTAL:

We didn't go through it, but I got a memo from Chief Robilotto that broke down the, I guess, new recruits and the new class in terms of minority recruits. I sent you a copy.

LEG. BISHOP:

Right.

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LEG. POSTAL:

But I would really suggest it might be a good idea if the Commissioner could be sure that a copy of that was sent to every member of the committee. You don't have to send me a second copy, I have it.

LEG. BISHOP:

I have mine.

COMMISSIONER GALLAGHER:

Okay, we can make sure you each get a copy. It's simply an ethnic breakdown.

LEG. POSTAL:

But if you wanted a verbal report here, I didn't ask for that.

COMMISSIONER GALLAGHER:

I can give you the ethnic breakdown if you want. As far as recruitment efforts, I mean, that's an ongoing -- under the Consent Decree with the Justice Department, we have an ongoing recruitment requirement actually, it's an effort that is mandated by regulation with the United States Justice Department.

LEG. BISHOP:

I really have just one essential question. Do you think those numbers show compliance with the Consent Decree?

COMMISSIONER GALLAGHER:

Well --

LEG. BISHOP:

And if not, then where are we at?

COMMISSIONER GALLAGHER:

On an annual basis the Justice Department reviews our recruitment efforts and it shows compliance to their satisfaction that the -- remember now, the effort is distinct, a discreet issue of the effort and the results of the effort. As far as the effort we put in, we've always received, to my knowledge we have never gotten a complaint. Although I don't want to speak for the Department of Law, that's where the County Attorney's Office is where the prime, you know, correspondence goes back and forth from the Justice Department, but to my knowledge they have not complained to the County Attorney's Office about anything resembling a lack of compliance in recruiting efforts. Because of the nature of our recruiting, we break down all the high schools we go to, all the colleges we go to, the recruits, the military separation centers that we send our officers to. I'm not sure if you're aware of how many places we go to recruit minorities. And all of that meets Justice Department -- to the best of my knowledge, it meets the Justice Department's requirements, standards of compliance with the Consent Decree.

All of that does not yet add up to, in my judgment, a satisfactory, successful effort at actually putting a minorities into the police force in proportionate number to the minorities in the population. The effort is there, the results are disappointing given the effort.

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CHAIRPERSON CARPENTER:

Legislator Bishop, does that answer your question?

LEG. BISHOP:

Pretty much. So we're not under any current -- pressure is a bad word. There has been no official communication that there's a problem with the numbers; in fact --

COMMISSIONER GALLAGHER:

Not to my knowledge.

LEG. BISHOP:

And we assume that means there's been satisfaction with the efforts and we know that the efforts have been earnest and thorough; is that your --

COMMISSIONER GALLAGHER:

That would be the way I characterize the lack of communication from the Justice Department, yes.

LEG. BISHOP:

Okay. And then on another topic which is one that every Legislator has to go back to their district and explain, our overall manpower is such that we can expect thorough foot patrols this summer; is that correct? Where are we at with our overall manpower?

COMMISSIONER GALLAGHER:

We could expect foot patrols to the degree that I could provide them this summer given --

LEG. BISHOP:

Well, that's always the answer. So where are we at?

COMMISSIONER GALLAGHER:

-- given the number of officers I will have as of Memorial Day weakened.

LEG. BISHOP:

What do you think you're going to have?

COMMISSIONER GALLAGHER:

I -- we have now, we really devised through COPE and through the COPE Units that are on portable bicycle units, I think we've devised a fairly comprehensive foot patrol plan that will meet the village, the normal -- what we call the village patrols, that's normally where they are stationed, in the Incorporated Villages and I don't think we'll have any problem meeting that plan.

LEG. BISHOP:

Is that a plan that's, you know, pen on paper, that a Legislator who represents a village can get a copy of and say, you know, "I have a

reasonable expectation that there will be an officer?"

COMMISSIONER GALLAGHER:

Yes, we can -- through the Patrol Division I can supply you with -- again, with the expectation --

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LEG. BISHOP:

You have no idea -- any public event that a Legislator goes to who represents a downtown, this dominates the topic of discussion.

COMMISSIONER GALLAGHER:

I see. Well --

LEG. BISHOP:

We always need to know how much -- what we can expect in terms of foot patrol.

COMMISSIONER GALLAGHER:

You know, I can't sit here and tell you that as of Memorial Day every post will be covered because we have sufficient officers to cover them. But we will -- we do have a plan and the plan should work based on, you know, prioritization of our available resources at the time of the summer, once the summer season begins.

LEG. BISHOP:

Okay. So I for one am requesting a copy of it; just for the 1st Precinct, I don't need to know if Legislator Nowick is getting her foot patrol. I'm sure she is.

COMMISSIONER GALLAGHER:

I'm sure there will be other requests made, so we will give you an overall foot patrol plan for all the precincts.

CHAIRPERSON CARPENTER:

That would be very helpful and much appreciated.

COMMISSIONER GALLAGHER:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. Is there anything else then?

LEG. BISHOP:

Can you include bicycle patrol?

COMMISSIONER GALLAGHER:

Well, remember, foot patrol now has really migrated to become bicycle patrol. COPE Units on -- we don't -- I don't know that we actually have somebody walking a beat.

LEG. BISHOP:

You do in Babylon.

CHAIRPERSON CARPENTER:

You do.

COMMISSIONER GALLAGHER:

Actually, a foot post. Okay.

CHAIRPERSON CARPENTER:

And we like it and hope they continue. Thank you.

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COMMISSIONER GALLAGHER:

Anything else?

CHAIRPERSON CARPENTER:

No, that's it.

COMMISSIONER GALLAGHER:

Thank you.

CHAIRPERSON CARPENTER:

Thank you very much. Commissioner Fischler, are you still here?

COMMISSIONER FISCHLER:

Not necessary if you are going to table it.

CHAIRPERSON CARPENTER:

Oh, okay. Thank you. All right, we have two cards. Diana Weir?

COUNCILWOMAN WEIR:

Hi.

CHAIRPERSON CARPENTER:

Good morning. How are you?

COUNCILWOMAN WEIR:

Good morning and thank you for listening to us, once again. We will

wear a rut in the Long Island Expressway coming from East Hampton to beg you to consider that Medevac helicopter.

We have had two people whose lives were saved just recently because of the helicopter. We think it's important. We thank you for your support in the past for the summer season, but as you know, the season is getting longer and longer, and you have to understand that the population is growing on the east end. We promise you that this is going to be a bang-up season and your \$80,000, you'll get it in tax revenue. We expect a very heavy season because of a lot of travelers coming east who are not traveling to Europe and overseas. So we are seeing economic good times even though, you know -- and I think even you can see that throughout the country; it's not as bad as it was predicted to be. So hopefully your tax revenues and your mortgage revenues, because we are still building and the building boom is not stopping on the east end, will more than supplement the cost of this service.

It is a life-saving service. I mean, we understand the Commissioner and we respect his concerns and his challenges with keeping a helicopter up in the air or two helicopters at a time, but we understand that maybe one will be down. I mean, we have that problem in East Hampton, we have boats that patrol the harbors and sometimes the boat is down and we may not have the service for a couple of days, but the point is to have it there as many times as possible. We had a very serious accident this winter where two people were killed in Bridgehampton and it happens. I mean, the traffic is there, the people are there and we feel it's a very, very serious safety issue for the people of the east end. And we promise you we'll send you

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plenty of tax money this summer, okay, to pay for it. But it is important to us

**CHAIRPERSON CARPENTER:**

And we can respect and appreciate your concerns and glad that you're coming forward. But I think you heard this morning that there really is a sense that this -- you know, from everything I've gotten from Legislators that have talked about it, this is something we would like to see happen but we have to make sure we can do it. And the Commissioner has given us a commitment that he is actually going to sit down and come back to us with what it's going to cost to really do it.

**COUNCILWOMAN WEIR:**

We appreciate that.

CHAIRPERSON CARPENTER:

So the resolutions are there, they're not going to be passed, they'll be tabled, but at least the issue will be focused in and it's something that we're addressing.

COUNCILWOMAN WEIR:

Well, we thank you that we will have the helicopter this summer and I think we'll have it till the end of December? Did you pass something --

CHAIRPERSON CARPENTER:

You had it last year through December, right now it's on through September, until October 1st.

COUNCILWOMAN WEIR:

Okay. Well, as long as we can have it we want it, and we appreciate that.

CHAIRPERSON CARPENTER:

And we're here in March and we're discussing it and we'll keep you posted.

COUNCILWOMAN WEIR:

Well, we understand budgetary constraints, we work with that at the town level also. But again, we implore you to consider it as a major public safety issue. And thank you for listening to us every time. We'll be back.

CHAIRPERSON CARPENTER:

Great. Thank you. Councilwoman Mansir.

COUNCILWOMAN MANSIR:

Good morning. My name is Pat Mansir, Councilwoman from the Town of East Hampton. I represent over 800 volunteer emergency service personnel within the Town of East Hampton. I appreciate being able to speak to you this morning. The topic is the helicopter situation.

Back in the early 70's when I first became involved in emergency services we talked about this. And as I told you a couple of months ago, the thought back then is we will never see helicopter service on

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the east end, in order to have such a thing you need five counties and

in the center of the five counties you would have a helicopter. We're 25 years after that and I'm very proud of the fact that we do have access to a helicopter, but I'm very embarrassed by the fact that that helicopter is there to provide service to certain segments of a seasonal population and not to our people year-round. We are the caregivers, we are the givers of life, we are the people in the middle, we take care of our children, we take care of our parents. We hold life in our hands when we park by the side of the road and we wait to stabilize a victim to get him to the point where the helicopter can pick him up. This is life and death, this is quality of life out on the east end. And I am also begging you to please do everything you can to see that we can have access to a helicopter year-round. Thank you

**CHAIRPERSON CARPENTER:**

Councilwoman Mansir, I just want to state one thing that I want to make sure no one has the false impression. As you heard me say to Councilwoman Weir, this is something that we are very serious about in discussing and the Commissioner is going to come back to us with the information that we need so that during our budgetary processes we can make, you know, the appropriate decisions. But helicopter service is available to the east end year-round. Albeit, it may take 15 minutes longer for the helicopter to get there, but the helicopter service is in place seven days a week, you know, 12 months of the year for the residents of Suffolk county. So don't, you know, go away from here thinking that come September 30th, or whenever the time frame is, that the helicopter pulls up and you don't see a helicopter again, that isn't the case.

What we were trying to do in instituting that service during the season was in response to the request that we had gotten that the roads are that much more congested, it's very difficult for ambulances to get around during the summer season because of the traffic congestion, so the helicopter was housed out in West Hampton during those busy times. So again, helicopter service is available 12 months a year to the east end residents.

**COUNCILWOMAN MANSIR:**

I appreciate that. In the summer time we have more traffic and there are more accidents, traffic moves a little slower, the accidents are a little bit different. In the winter, speed is a little bit more easily attained and some of our accidents are even worse. Life and limb is 12 months a year.

**CHAIRPERSON CARPENTER:**

Absolutely.

**COUNCILWOMAN MANSIR:**

And the golden hour and the vital 10 minutes, 15 minutes makes a difference, when it comes from McArthur or whether it comes from West

Hampton makes a big difference. And when you're holding the life in your hand, those 15 minutes are a very, very long time. I appreciate you considering it. Thank you.

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CHAIRPERSON CARPENTER:

Thank you. Okay, let us move then to the agenda. I have no other cards, I don't know if anyone else wanted to address the committee. Then we will move to the agenda.

#### TABLED RESOLUTIONS

We'll start with Tabled Resolution 1072-02 (P) - To establish DARE Program in Suffolk County as a permanent program (Binder). Again, the Commissioner has made a commitment that the program will stay in effect through the school year, so I'm going to make a motion to table this resolution. Do I have a second?

LEG. POSTAL:

I will second it, and I would like to just make a comment on this resolution which also is -- relates to IR 1270. I got a memo from Suffolk County PTA, which I assume we all got, with recommendations related to anti-drug use programs for children. And I thought that it was an excellent memo, because what it recommended was that a committee be set up or a group of people be set up to look at what the most effective way to help young people withstand substance abuse is. And they listed a few points but the points included that it should be continuous and an ongoing program, not isolated at only certain grades, there should be involvement of police officers with children in the schools because that's beneficial.

But I think the important point is that Suffolk County PTA is saying let's keep an open mind and let's look at what's most effective. And I think that that's -- that's why I will second the tabling of this resolution and that's why I think that the second resolution is really important in setting up that committee.

CHAIRPERSON CARPENTER:

Thank you very much. Okay, we have a motion and a second to table. All those in favor? Opposed?

LEG. CARACAPPA:

Opposed.

CHAIRPERSON CARPENTER:

We have one opposed, the resolution --

LEG. BISHOP:

Opposed.

CHAIRPERSON CARPENTER:

Two opposed, the resolution is tabled (VOTE: 4-2-0-0 Opposed: Legislators Caracappa & Bishop).

#### INTRODUCTORY RESOLUTIONS

IR 1186-02 (P) - Renaming Hoffman Avenue in the Village of Lindenhurst as Angelini Avenue (Bishop). Legislator Bishop, I just have a question. Is this a ceremonial renaming?

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LEG. BISHOP:

I was informed by Counsel that we don't have ceremonial naming powers in the County. So it's a shared name, all the street signs will have both names on it and the post office will recognize both names. And there's also -- there's two Hoffman Avenues in Lindenhurst. When they raise the tracks they created a second Hoffman Avenue, in essence, so the County road is just the one south of the tracks, the one north of the tracks will be solely Hoffman Avenue and the County road will have the shared name.

CHAIRPERSON CARPENTER:

Okay. Is there a motion? I assume Legislator Bishop.

LEG. BISHOP:

Motion.

CHAIRPERSON CARPENTER:

Second by Legislator Postal. All those in favor? Opposed? The resolution is approved (VOTE: 6-0-0-0).

IR 1190-02 - Amending the Adopted 2002 Operating Budget and appropriating funds in connection with the extension of Medevac helicopter services from Suffolk County Gabreski Airport on a permanent year-round basis (Towle).

LEG. POSTAL:

Motion to table.

LEG. CARACAPPA:

Motion to defer.

CHAIRPERSON CARPENTER:

Well, I don't know if we should defer it because we want this to stay a subject of discussion. The Commissioner is going to be coming back to us with the information. And I think the import of it warrants that we should not just relegate this to the Budget Committee but table it here.

LEG. LINDSAY:

I would like to ask Counsel what the difference is between 90 and 91.

MR. SABATINO:

The difference is in the level of funding. But based on a corrected copy, the sponsor is now subordinating G eleven ninth at this one to eleven ninth at this that appears to 1191 to 1190. 1190 appears to have the more accurate dollar amount at this juncture. 1191 has a larger dollar amount, but subject to the study, it would appear that 1190 is the correct version.

CHAIRPERSON CARPENTER:

Great. I'll make a motion to table, second by Legislator Lindsay. All those in favor? Opposed? The resolution is tabled (VOTE: 6-0-0-0).

IR 1191-02 - Amending the Adopted 2002 Operating Budget and transferring funds in connection with the extension of Medevac helicopter services from Suffolk County Gabreski Airport on a 12

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months basis for 2002 (Towle). Same motion, same second, same vote. Tabled (VOTE: 6-0-0-0).

IR 1193-02 - Amending the 2002 Operating Budget and transferring funds to the Department of Public Works for the purchase of vehicles for the Probation Department (Binder). This is prime in the Budget Committee. Is there a motion?

LEG. LINDSAY:

I will make a motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. BISHOP:

Motion to defer to prime.

CHAIRPERSON CARPENTER:

Okay, that motion would take precedence. Legislator Bishop makes a motion to --

LEG. CARACAPPA:

1191 or 1193?

CHAIRPERSON CARPENTER:

No, 1193.

LEG. BISHOP:

1193, the cars. We did cars in the budget, we did 15 additional and I assume we'll do further cars in next year's budget. But to adjust this year's budget is going to be very difficult and that was the theme of yesterday's Budget Meeting, was that we don't have a lot of money in reserve any longer and we're really playing on the margins now and this would be a significant hit.

CHAIRPERSON CARPENTER:

All right. There is a motion and a second to defer to prime. All those in favor? Opposed? The resolution is deferred to prime (VOTE: 6-0-0-0).

1194-02 - Amending the 2002 Operating Budget and appropriating funds for the Adult and Juvenile Community Alternative Sentencing Programs (Bishop).

LEG. CARACAPPA:

Motion to defer.

CHAIRPERSON CARPENTER:

Motion by Legislator --

LEG. BISHOP:

Motion to defer. This was voted out and I just want to let Legislators know why. When we did the budget, the Operating Budget last year, Elie Smith came and said, you know, you did a bad thing, you cut us, my caseload continues to go up, judges refer more and more clients to me. I said to her at that time, there's nothing we can do about it

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because of our financial situation, if you can find an offset, fine; she went out and found the offset. The beginning of this year she said there is a fund, a 1% Bail Fund, everybody who makes bail in this

County pays 1% to this fund. It had a \$500,000 balance in it and the purpose of the fund is alternatives to incarceration, a perfect fit. Two weeks ago -- I filed a bill, Budget Review said everything was fine, two weeks ago I got a call from Budget Review which said there's a problem, and the problem is this. Over the years we had passed resolutions utilizing that bail fund, yet the Treasurer, for whatever reason, never sent the checks over to the other fund, to the General Fund; so in other words, the Bail Fund owed the General Fund hundreds of thousands of dollars. As a result, when we closed the books at the end of 2002, we're going to have hundreds of thousands of dollars that we did not anticipate, new revenue; that's a good thing to make up for the revenue that we should have received in the prior years. It's a bad thing for Elie, though, because now her offset disappeared. So we used instead snow removal money, or what is it, Paul?

MR. SABATINO:  
Snow removal.

LEG. BISHOP:  
Snow removal, it is called snow removal. Snow removal money, there have been no snow storms. And I think it's only fair, since she in essence has found the taxpayers hundreds of thousands of dollars, that we provide this measure.

LEG. CARACAPPA:  
Question.

CHAIRPERSON CARPENTER:  
Legislator Caracappa.

LEG. CARACAPPA:  
Using the offset, we didn't wipe out that offset, did we, because it's still March and hopefully we'll have enough monies --

MR. SABATINO:  
No, we didn't wipe it out with this one. There are several other proposals --

LEG. CARACAPPA:  
That would.

MR. SABATINO:  
-- which in the aggregate might do it, but this one by itself would not.

LEG. BISHOP:  
And this is the only one I think that got out.

MR. SABATINO:  
This is the only one that passed, you're absolutely right.

LEG. BISHOP:

Because she found the offset, she met the challenge.

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LEG. CARACAPPA:

Very good.

CHAIRPERSON CARPENTER:

Okay. We have a motion, Legislator Caracappa, to defer to prime, I will second that. All those in favor? Opposed? The resolution is deferred to prime and, as you know, has been passed out of the Budget Committee. (VOTE: 6-0-0-0).

1196-02 - Amending the 2002 Adopted Operating Budget and appropriating funds for the Vocational Education and Extension Board (VEEB) (Haley).

LEG. CARACAPPA:

Same motion.

CHAIRPERSON CARPENTER:

Same motion, same second. Deferred to prime (VOTE: 6-0-0-0).

1197-02 - Amending the 2002 Adopted Operating Budget and appropriating funds for the Police Athletic League (Haley). Same motion, same second. Deferred to Prime (VOTE: 6-0-0-0).

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

1270-02 (P) - Establishing Suffolk County Community Work Panel for effective 21st Century Drug and Alcohol Resistance Program (Carpenter).

LEG. BISHOP:

Are you moving that?

CHAIRPERSON CARPENTER:

Yes, I am moving that. I am going to make that motion, second by Legislator Postal.

LEG. BISHOP:

On the motion?

CHAIRPERSON CARPENTER:  
On the motion, Legislator Bishop.

LEG. BISHOP:  
I may make a motion to table, but I just wanted to discuss something with the sponsor. The 14th RESOLVED clause, if you could go to that; I'll read it because it's brief. It says, "The DARE Program and Police Officers shall continue in their capacity in the classrooms while the panel conducts its deliberations." Am I correct to presume, therefore, that once the panel concludes its deliberations, which by virtue of this measure I think is December 31st, 2002, the DARE Program would terminate automatically ?

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CHAIRPERSON CARPENTER:  
Well, no, that would be an erroneous assumption on my part because it's just -- well, let me ask Counsel to address that.

MR. SABATINO:  
No, it would not automatically terminate. The reason that clause was put in was because a concern was expressed that somehow the creation of this panel --

LEG. BISHOP:  
It's supposed to be like the injunction, right?

MR. SABATINO:  
In the absence of the other resolution, 1072, being adopted, because 1072 was not adopted and this bill were to be passed, there was a perception problem that while the study was going on somehow the administrative --

LEG. BISHOP:  
Right. But let's --

MR. SABATINO:  
-- action would take place. So the answer is that no, at the end of this it wouldn't automatically happen, although administratively the Commissioner would have the authority.

LEG. BISHOP:  
He would have the authority, right.

MR. SABATINO:

It's the good faith versus the 1072 argument at that point.

LEG. BISHOP:

I don't know if the sponsor's intention was to rely on the Commissioner's discretion like that. I thought that the purpose was that the program stays in place until we have an alternative. And what has happened in government, you know, once or twice over the history of government is that commissions are convened, reports are written and then they gather dust, so there's no alternative necessarily adopted.

CHAIRPERSON CARPENTER:

Well, I don't --

LEG. BISHOP:

And I think the wiser course of action would be, say, yeah, we're going to have this commission, it's important, and when they come up with an alternative and it's adopted, that's when the DARE Program will end. I think that's more in line with what the majority of the Legislature has in mind.

CHAIRPERSON CARPENTER:

Well --

MR. SABATINO:

Actually, I just -- I apologize for interrupting, but there is a 15th

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RESOLVED clause as well which was to supplement the 14th one, and that one says that the DARE Program itself can only be terminated, modified or expanded by duly enacted resolutions, so that was the second part of the --

LEG. BISHOP:

Well, in that case I would suggest that the terms are ambiguous and perhaps we should clarify it so that we don't have that problem. I wouldn't want the Commissioner relying on 14 to the contravention of 15 and then we're --

CHAIRPERSON CARPENTER:

Well, first of all, the report is due in six months which would bring you to about say September or the end of September, the commitment is already there to keep the DARE Program in place beyond the time that the panel is coming back with their recommendations. So I want to

move this to today, I want to, you know, approve it on Tuesday.

LEG. BISHOP:

Well, maybe you can --

CHAIRPERSON CARPENTER:

I think based on what Counsel has said today, you know, your concerns really are being addressed in this, I think you may have read it wrong, but the DARE Program will stay in place while this is happening and the report will be issued before the commitment that was made for the DARE Program. So I don't think --

LEG. BISHOP:

Counsel, is there a way to -- is there any provision in the County processes, Charter, can we do a memorandum of clarification of the sponsor's intent, anything that like that? I'm very concerned that once this panel concludes that there is only a Legislative injunction for the period that the panel is deliberating, and once they're done that the Commissioner can come in and say, "All right, they're done."

MR. SABATINO:

You know what happened here? It was -- it's the belt and suspenders approach which is because so many concerns were raised in the context of the debate that both clauses were put in. But you can't get any stronger than the 15th which is that the program can't be terminated, modified or expanded, you know, unless you've got a duly enacted resolution. This is to codify the notion that the DARE Program is not going to be an administrative program but a Legislative program.

LEG. BISHOP:

It says that the program established by the first RESOLVED and the first RESOLVED does not -- wait, I'm sorry, I'm reading the first WHEREAS, I'm sorry.

MR. SABATINO:

The first RESOLVED clause refers back to the DARE program as it existed on December 31st. It's kind of like frozen in place. But whatever that program was doing as of December 31st of last year, that program is locked unless or until the Legislature opts to change it.

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LEG. CARACAPPA:

We don't possess the ability to change it, we can just make recommendations -- I'm sorry. We don't possess that even through this bill, it's just a recommendation through a study, we still don't

possess the ability to change or have the policy decision. And I think that -- this goes back to the original argument when DARE first came up, is that we still need a mechanism to have the policy decision. I think we're slowly coming around to the fact that, yes, some changes need to be made and this is maybe a step in the right direction, but the bottom line is when the day is done on this issue with the new policy, we still do not have the decision making capabilities, all we have is the ability to make a recommendation. And I think that's very dangerous with relation to --

LEG. LINDSAY:  
Madam Chair?

LEG. CARACAPPA:  
-- the program, whatever program we decide to recommend, because the Commissioner still has the ultimate authority of ending it.

MR. SABATINO:  
No, I am not doing an effective job of explaining it. The 15th RESOLVED clause in this resolution is really identical to the second RESOLVED clause of 1072 which is the substance of that bill. 1072 is designed to convert the program currently from administrative discretion to a Legislative program. When I say Legislative, I mean Legislative in the sense that if the program can't fluctuate from where it was on December 31st without the Legislature doing something, which means approve it by resolution, okay?

LEG. BISHOP:  
Okay.

MR. SABATINO:  
This resolution contemplates the study and this period of time is going to go by. Because of the concern that was raised by 1072, I added this paragraph into 1270 so that the concern that while the study was going on somehow the program would be terminated would not be able to take place. So the language is identical to -- that one paragraph is identical to what's in 1072.

LEG. BISHOP:  
That's not the concern. The concern is afterward, when we're done.

LEG. LINDSAY:  
I think we're probably trying to do too much with one resolution.

CHAIRPERSON CARPENTER:  
Right.

LEG. LINDSAY:  
You know, this resolution is to look for alternatives. If you want to, you know, perpetuate the program after that's done, I think it's

going to take another resolution. I don't think you can buy them both in one.

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LEG. BISHOP:

No, we have the opposite -- Madam Chair, I have the opposite view as Legislator Lindsay which is that I think that the intention is that the program stay in place until we say otherwise, not that we have to say that it needs to stay in place in order for it to continue.

CHAIRPERSON CARPENTER:

But that's what we're saying here. The program --

LEG. BISHOP:

I agree, 15 is a marvelous provision, 14 is bad. So I'm trying to say how are we sure that the Commissioner who has in the past expressed a desire administratively to act in accordance with 14 would not do so in the future.

CHAIRPERSON CARPENTER:

Because 14 says that they should -- that the DARE officers will continue in their capacity while the panel conducts its deliberations or consideration. And I think it goes back to what the Counsel said, it's the belt and suspender approach; so 14 is the belt, 15 is the suspender and you've got the program in place. The report is going to come out sometime in September and the panel stays in place through the end of December which is when the DARE Program is staying in place through the school year, so it's beyond that anyway. And we certainly will have time, as Legislator Lindsay said, to do what you're getting at, doing this Legislatively. We have to take it a step at a time, all right? Now, there is a motion and a second. All those in favor? Opposed? The resolution is approved. Thank you.

LEG. CARACAPPA:

I'm going to abstain at this point.

CHAIRPERSON CARPENTER:

You certainly are welcome to do that.

LEG. CARACAPPA:

I just did.

CHAIRPERSON CARPENTER:

And that will be so recorded. So we have -- that motion has been approved with one abstention (VOTE: 5-0-1-0 Abstention: Legislator

Caracappa).

Is there anything else to come before the committee? The committee meeting is adjourned. Thank you.

(\*The meeting was adjourned at 11:17 A.M.\*)

Legislator Angie Carpenter, Chairperson  
Public Safety & Public Information Committee

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