

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

Minutes

A special 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 **October 20, 2003**, to discuss the matter of the Operating Budget.

Members Present:

Legislator Angie Carpenter - Chairperson
Legislator Joseph Caracappa - Vice-Chair
Legislator David Bishop
Legislator William Lindsay
Legislator Andrew Crecca
Legislator George Guldi
Legislator Peter O'Leary

Also In Attendance:

Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature
Anthony Figliola - Aide to Presiding Officer Postal
Doug Sutherland - Aide to Legislator Carpenter
Fred Pollert - Director/Budget Review Office
Gail Vizzini - Budget Review Office
Kevin Duffy - Budget Review Office
Rosalind Gazes - Budget Review Office
Joe Muncy - Budget Review Office
Bill Faulk - County Executive's Office/Intergovernmental Relations
Alfred Tisch - Suffolk County Sheriff
Donald Sullivan - Undersheriff/Suffolk County Sheriff's Office
James Kevins - Asst to the Sheriff/Suffolk County Sheriff's Office
Alan Otto - Chief of Staff/Suffolk County Sheriff's Office
Thomas Murphy - Warden/Suffolk County Sheriff's Office
William Conover - Deputy Warden/Suffolk County Sheriff's Office
Joseph Rubacka - Deputy Warden/Suffolk County Sheriff's Office
Robert Bologna - Lieutenant/Suffolk County Sheriff's Office
Robert Hobel - Lieutenant/Suffolk County Sheriff's Office
Mike Franchi - Sergeant/Suffolk County Sheriff's Office
Thomas Evans - Deputy Sheriff/Suffolk County Sheriff's Office
Richard Heuer - Deputy Sheriff/Suffolk County Sheriff's Office
Bob Hughes - Deputy Sheriff/Suffolk County Sheriff's Office
Vincent DeMarco - President/Deputy Sheriff's Benevolent Association
Mike Sharkey - Secretary/Deputy Sheriff's Benevolent Association
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept
Phil Robilotto - Chief of Department/Suffolk County Police Department
Mike Pirone - Suffolk County Police Department
Ed Weber - Chief of Support Services/Suffolk County Police Department

William Murphy - Deputy Inspector/Suffolk County Police Department
Debbie Eppel - Public Information Office
Allen Kovesdy - County Executive's Budget Office
Ken Knappe - County Executive's Budget Office

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Jim Burt - County Executive's Budget Office
Jan Moore - County Executive's Budget Office
Rick Bellatari - County Executive's Budget Office
Steven Forst - County Executive's Budget Office
Elie Seidman-Smith - Director/Community Service Program/ARC
Vincent Iaria - Director/Suffolk County Probation Department
Anne Martin - Deputy Director/Suffolk County Probation Department
Carlene Maimoni - Suffolk County Probation Department
Jim Golbin - Suffolk County Probation Department
Robert Kearon - Division Chief/District Attorney's Office
Lon Kochany - District Attorney's Office
Bob Mitchell - Attorney-in-Charge/Legal Aid Society
Lou Mazzola - Legal Aid Society
Dave Fischler - Commissioner of FRES
Fred Daniels - Deputy Commissioner of FRES
Warren Horst - Chief Fire Marshall/FRES
Don Gackenheimer - Deputy Director/Suffolk County Fire Academy
Anthony LaFerrera - FRES
David Carrigan - President/SC Fire District Officer's Association
Cheryl Felice - President/AME
Don Grauer - Executive Vice-President/AME
Dan Cicilian - 3rd Vice-President/AME
Dan Farrell - 4th Vice-President/AME
Anne Abel - Treasurer/AME
Steve Casarda - Counsel/AME
Barrie Abrams - AME Auditor Consultant
David Fitzsimmons - AME Auditor Consultant
Robert Fuchs - Abrams, Herde & Markel, LLP
Fred Palm - Abrams, Herde & Markel, LLP
All Other Interested Parties

Minutes Taken By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 1:04 P.M.*)

CHAIRPERSON CARPENTER:

Okay, we will begin the Public Safety and Public Information components of the County. I'd ask Legislator Caracappa, if you would, please lead us in the Pledge of Allegiance.

Salutation

Thank you. Okay, we will begin and I think what we're going to do, in the interest of fairness -- yeah, we're going to go home, no. I have an alphabetical order here, so we're going to start with the District Attorney, so if you would just come forward. Good afternoon.

MR. KEARON:
Good afternoon.

CHAIRPERSON CARPENTER:
Before you begin, I just -- this is the first hearing of the week and I just want to thank all the members of the Budget Review Office, especially Fred and Jim and everyone else that has worked so hard on

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gathering the information up, especially in such a timely fashion, I do appreciate the herculian effort. So begin.

MR. KEARON:
Thank you.

CHAIRPERSON CARPENTER:
Just identify yourself for the record, too, please.

MR. KEARON:
Sure. My name is Bob Kearon and my title is Division Chief with the District Attorney's Office.

CHAIRPERSON CARPENTER:
He doesn't want anyone to know what he does. No, your microphone went off.

MR. KEARON:
Okay, it's back on now. And with me is Lon Kochany, he's our budget guru for our office who prepared our submission to the County Executive's Office. We had the opportunity this morning to review the analysis prepared by the Legislative Budget Review Office and there is nothing in their analysis that we take issue with.

LEG. GULDI:
Next?

LEG. CRECCA:
Wow.

CHAIRPERSON CARPENTER:
Wow, we're off to a flying start.

LEG. O'LEARY:
Up till now, Bob.

MR. KEARON:
Yeah, that's correct, up till now. But as far as we're concerned, the submission by the County Executive we think was fair. And we want to thank the Legislative Budget Review Office for taking the time to meet with us to go over that budget and to listen to our concerns which were minor in nature. There were just a couple of items that we asked for some reconsideration and it appears that the Legislative Budget Review analysis is adopting some of our concerns and recommending them to you.

Other than that, I would just like to thank you for your support in 2003. Your support, your financial support enabled us to do our job and we look forward to doing the same in 2004.

LEG. CARACAPPA:
You are speaking for all public safety agencies, I assume?

MR. KEARON:
I can't speak for them all, but I can enthusiastically tell you that we are very happy with our relationship.

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LEG. CARACAPPA:
Very good. Thank you.

CHAIRPERSON CARPENTER:
Thank you. And from this Legislator's perspective, I would just like to commend the department and all the departments for the increase in coordination amongst the various departments, the Police, you know, Sheriff, DA, FRES, everyone. There seems to be more of a communication that's taken place and more joint things happening and I think that in the interest of everyone served, it really is a major benefit. So we thank you for that. Does anyone have any questions or comments? Legislator Guldi.

LEG. GULDI:
I want to thank you for reviewing the Budget Review Report before today's meeting and commend the District Attorney's Office for being able to do that. Since the copy they just handed me is still warm off the copier, I just wanted to know how you did that, but I don't want you to reveal any secrets here.

CHAIRPERSON CARPENTER:
Well, I would just like to -- I guess you missed my comments in the

beginning, but the Budget Review Office went out of their way to make sure that all the departments affected had this end of day Friday, early Saturday morning, and was available over the weekend for any questions or issues that needed to be discussed. So with that being said, I don't want anyone to think that any department did not do their due diligence before coming forward before the committee today.

MR. KEARON:

This analysis was faxed to our office Saturday.

LEG. GULDI:

Good. Thanks.

CHAIRPERSON CARPENTER:

Any other comments or questions from the members? All right, thank you very much, gentlemen.

MR. KEARON:

Thank you

CHAIRPERSON CARPENTER:

And we will move then to FRES, Dave Fischler.

(*Legislator Bishop entered the meeting at 1:09 P.M.*)

COMMISSIONER FISCHLER:

Members of the committee, I'm Dave Fischler, Commissioner of Fire, Rescue and Emergency Services. With me to my left is Deputy Commissioner Fred Daniels and to my right, Chief of the Fire Academy, Don Gackenheimer. We will try to beat the District Attorney's time.

We're very pleased with the budget that was submitted by the County Executive and the subsequent report from Budget Review, primarily we're very pleased with two which is few minor exceptions, we feel

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it's a fair evaluation of the -- our program. But before we get to the evaluation, I have to note that both the County Executive and Budget Review left in tact the monies identified for the fire academy. The monies that this body felt was necessary to restore this current year with a slight increase for next year, that is definitely going to help us within our training program and we ask that to stay basically the same.

The Budget Review Office definitely identified some additional needs that were not included in the County Exec's budget that will be beneficial to us. One is the inclusion of an Office Systems Technician which we had requested because we only have one person for

five different computer programs. The other addition was a Training Officer for Emergency Preparedness, that position was -- we also concur should be included. And in particular, the excellent work that this Legislature accomplished by resolution last year and by actually a funding resolution this year was the adoption of \$50,000 for a scholarship program to Suffolk Community College for Volunteer Fire and EMS Personnel; again, that's something that was inadvertently left out of the County Exec's budget and was included by BRO and we concur with that.

The one exception that we do really take is in the two Fire Marshal positions slated for the Domestic Preparedness Program under 3405. We are receiving a great deal of equipment from the federal government, actually it's money that goes to the State, the State buys equipment for all the counties that provides a standardized program throughout the State so that deployment anywhere in the State brings the same equipment with the same training, the same operation. So concur with that idea of buying that equipment by the State. We are receiving that equipment but it involves maintenance, care, training. We also have identified the need to provide additional training in exercises for the not only volunteer fire and EMS communities but all the public safety providers. We work with tabletop exercises in going -- learning about it and working together under the Domestic Terrorism Program.

We need to be serious about where we are in our preparedness. I can not afford, I need these additional two Fire Marshals to do this work. My other Fire Marshals are already over burdened with the other work from inspections, the public education to fire investigation to technical assistance to the fire EMS community that we do not have the luxury of pulling off -- having people devoted to the Domestic Terrorism Program. I think all of us here, this body has seen it post 9/11 when you took the actions to create the separate funding for domestic preparedness. These two Fire Marshals are included in that budget line to do the work that's necessary so as this equipment goes out and is made available to our fire/EMS/police personnel, then we can maintain it. Their lives are at stake and if there's equipment out that's not properly maintained, not properly calibrated, the wrong things will occur, the wrong decisions, the wrong actions made. So we need to assure that that equipment is always ready, available, trained on, maintained in the proper way, that's what we'll be using the two Fire Marshals for.

And the reason we're using the Fire Marshals is that -- and that's not another title, is that we're able to rotate people around it so it wouldn't be only two. So over a period of time I could switch between the other budget line and other Fire Marshal positions and bring other

people into that so that we have a larger cadre of people who are familiar so that in the event that we do have another incident that they're ready and able to respond, we have more people to work with the public safety community. So we asked that those two positions be included.

In addition, since Legislator Carpenter has become Chairwoman of this committee, we've had some discussions concerning our Emergency Preparedness/Emergency Management Office and the need to expand on what we do there. We're a small office, that section in the department is small. I have a Deputy Commissioner, Fred Daniels, who has been overseeing that, but unfortunately having a Deputy Commissioner overseeing a small section but a very busy section takes him away from doing other duties that I need, administrative duties that involve from operating policies and payroll and purchasing and all those types of things. And we need somebody who is going to be devoted to work full-time in supervision of emergency management. We're planning on all hazardous approach, we're just going to by the end of the year complete an update of our new Comprehensive Emergency Management Plan as a Federal mandate that's required.

Over the next few years we will be developing additional plans, some of them we're close to publishing now, one is going to be a pet plan for pet sheltering, we're finalizing and rewriting the Heat Emergency Plan, we have other weather plans that we need to expand on. So we have a lot of different things that we're working on so we need somebody who's going to be able to do all overall supervision of emergency management only and allow us access. The Deputy Commissioner's job is a job that's going to be administrative where we need that support. I have no other administrative staff in my office, I'm it in terms of what I do.

So those -- we ask that position to be included even though it was not in the initial budget that I submitted, in discussions with the Chairwoman we told her it was probably appropriate to put that in.

CHAIRPERSON CARPENTER:

Okay. Is that it?

COMMISSIONER FISCHLER:

That's it. Thank you.

CHAIRPERSON CARPENTER:

All right. Thank you very much, Fred. And I do appreciate you raising --

COMMISSIONER FISCHLER:

I'm Dave, this is Fred.

CHAIRPERSON CARPENTER:

Dave, I'm sorry. I said Fred because I'm going to talk to Fred. No,

Fred and I have had discussions about that. I would hope that we would include that position in the Omnibus, but if not I will have a

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stand-alone resolution for it. Are there any questions of FRES, any comments? Okay, thank you very much.

COMMISSIONER FISCHLER:
Thank you.

CHAIRPERSON CARPENTER:
Next, Legal Aid, I saw the gentleman here from Legal Aid.

MR. MITCHELL:
Good afternoon.

CHAIRPERSON CARPENTER:
Hi, Bob, how are you?

MR. MITCHELL:
Fine. Pull it closer; can you hear me now? Good afternoon, Madam Chairman, gentlemen. My name is Bob Mitchell, Suffolk County Legal Aid. And we did not receive the Budget Review write-up over the weekend, we got it this morning at eleven o'clock, so we haven't had enough time to review it thoroughly. But I would just like to make a few tertiary remarks and if there's any questions I could handle at this time I would, but also I would like an opportunity to come back in case I don't have the necessary information.

Basically what happened is that we went to see Mr. Gaffney and we asked him if we could have some type of parity with the District Attorney and the County Attorney's Office because we were losing an awful lot of people, the turnover is great. The DA took about six of our people, the County Attorney has taken our people, insurance companies, what have you; there was approximately a \$10,000 discrepancy in the hiring. Mr. Gaffney came in with a budget giving us approximately 12.5% in order to bring some parity with the County departments, which we were very happy to get. We spoke to Mr. Burke today who is the budget man for Mr. Gaffney and he seems to think that we were well in line with everything.

Looking at Legislative Budget Review's report, it comes out that there's one line there where they said we've got \$106,000 that seems to be out of line. Well, okay, 106,000 out of a \$10 million budget is about 1% which we could rectify very easily. They go on to mention that the health insurance is the same as the County. And our pension, we've been working on that for a while trying to keep the cost down and we have not lost money while other -- while the County has lost

money, we were able to maintain our pension at a fairly relative -- at a good rate. So far as our salaries and the way we give them out, if you look at budget review for the last several years you will see that in every write-up they said that we followed what Budget Review had requested we do with the money on all these years, so now all of a sudden they said we've got discretion, but we do but we follow up with what we're told to do.

And I think that's basically what I'm saying, is that we need the money in order to continue to sustain the operation. With 18-B coming in, the rates are going to jump in January and they'll probably jump thereafter.

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CHAIRPERSON CARPENTER:

Okay. Legislator Crecca?

LEG. CRECCA:

I'm not so sure what you meant by the salary increases, the 106,000.

MR. MITCHELL:

Well, if you look at page two of the --

LEG. CRECCA:

Yeah, I'm familiar --

MR. MITCHELL:

It says over here, "28% of Legal Aid employees receive higher salaries than County employees currently performing comparable professional services. The total salary variance is \$106,000."

LEG. CRECCA:

Is that, Fred -- I'm sorry. Is that comparing it to the County Attorney's Office, is that what you're doing, or the District Attorney's Office?

MR. POLLERT:

The District Attorney and to the County Attorney both.

MR. MITCHELL:

I would like -- if that's case, I would like to see those figures, those backup figures.

MR. POLLERT:

Okay.

MR. MITCHELL:

Not today but, I mean --

LEG. CRECCA:

No, I understand.

CHAIRPERSON CARPENTER:

All right. Well, certainly --

LEG. CRECCA:

I know you can address that specifically, I think some of the concern is is that increasing the funding, where is that money going to go at Legal Aid. You know, in other words, it's a contract agency so if we give you an extra, you know -- I don't know, I'm being hypothetical -- half of million dollars, is it going to hire more line ADA's if you want to call them that, the lower level or is it going to, you know, administration? I guess that's what that's driving at.

MR. MITCHELL:

Basically it's going to go to enable us to keep the lower -- the entry-level people, to raise them from 40, 41,000 to 45, \$46,000. Now, we have people on top we have to give money to in order to keep them around. How are we going to have training programs, how are we going to try these heavy cases out in Riverhead on the kidnappings and

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the bank robberies, you know, etcetera, etcetera. So we have to have people with some salaries, otherwise they're going to go to the DA or they're going to leave; I mean, we have to have some depth.

LEG. CRECCA:

Yeah, I wasn't saying it as a criticism, I'm just saying I think that's where the -- when you review the numbers, take a look and see where that is.

MR. MITCHELL:

Yeah, right, that's no problem. I said 106,000 out of ten million is, you know --

CHAIRPERSON CARPENTER:

Well, I'm sure that Budget Review will have no problem in sitting with you gentlemen and going over the particulars and we will be in communication with them.

MR. MITCHELL:

Okay.

LEG. LINDSAY:

Madam Chair?

CHAIRPERSON CARPENTER:
Legislator Lindsay.

LEG. LINDSAY:
Yeah, I have the page in front of me, that was the first item; the second item says, "72% of Legal Aid Society Employees receive lower salaries." I mean, I think you have to take it in its total context.

MR. MITCHELL:
See, we only received this at ten, eleven o'clock this morning, so we don't know where these numbers come from. We don't have any backup information for this either. So therefore, we have to talk to Budget Review and sit down and get that information, we don't have it.

CHAIRPERSON CARPENTER:
Okay, and they will do that.

LEG. LINDSAY:
All right.

CHAIRPERSON CARPENTER:
Any other questions or comments? Thank you very much for coming down.

MR. MITCHELL:
Thank you.

CHAIRPERSON CARPENTER:
And we'll be in touch. Okay, that takes us to the Police Department. Gentlemen, if you would come down.

DEPUTY COMMISSIONER ABBOTT:
Good afternoon.

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CHAIRPERSON CARPENTER:
Good afternoon.

DEPUTY COMMISSIONER ABBOTT:
My name is Jim Abbott, I'm Deputy Police Commissioner. Next to me is Chief of the Department, Philip Robilotto. Next to him is Chief of Support Services Ed Weber. And in the audience we have Deputy Inspector Bill Murphy of Informational Technology.

Relating to the budget overall -- and I'm sorry the Commissioner nor Deputy Commissioner Maggio is here, they're both indisposed, but there are a number of issues that I would like to bring to the attention of the committee. Starting out with the fact that we would probably need a \$30 million stand-alone resolution or an estimated 397 Police Officers will be laid off. As it pertains to staffing, there's no

hiring of sworn officers in the 2004 recommended budget. The department requested 100 officers to be hired in October of 2004 at a cost of 1,072,000, the estimated -- we're estimating at least a hundred retirements in 2004. Eligible to retire with 20 years or more, we have 660 officers eligible with 20 years or more to retire; with 30 years or more plus 55 we have 228 sworn officers that are eligible to retire. The present class, while it's a small number, is down to 145 from the original 150 that we had budgeted for. On the civilian side of it we are requesting six Office Systems Analysts I's to provide seven times 24 support for our new Field Reporting System.

The County Executive's Budget reduced the department's equipment request by \$1,545,000, we're asking you to take a look at it to restore approximately 5% of that or \$78,000 in that disallowed original request, the details of which Chief Weber can give to you. We're also requesting 25 color laser printers that were requested as part of a new time and attendance system that's going in. Myself and the Commissioner were given a show and tell on that last week, it's a very impressive system that's going to save literally thousands of man hours of work once this thing is fully computerized, it's relatively fail-safe. We've asked a lot of questions of it, it's going to save money, it's going to keep accurate records. There will be no ability to go in and change the records once they're in there without a supervisor's oversight and it will all be done electronically and stored in a central database. We're requesting four Dell Latitude Notebook Computers, three for the Arson Squad and one for Crime Stoppers; that's at a cost of approximately \$3,400. I apologize, the laser printers are approximately \$37,500 total cost.

And then we come to the Special Operations Section where we have Narcotics Division, Intelligence Division and the Commissioner's Office with Internal Affairs where we're requesting numerous miscellaneous video cameras, electronic equipment, overhearing equipment for our increased surveillances and listening devices that we have to use, there's some sophisticated investigations relative to homeland security and those other things, drugs and organized crime type investigations; that total cost is approximately \$37,796.

The total cost of what we're requesting that the committee consider or reconsider is approximately \$203,907. And just by way of note, the Chief has given me a note that we have not spent or over spent our

overtime in several years, that we've civilianized or removed 53 sworn officers since 2001. The civilian positions that were authorized by the budget for civilianization were 81, we've hired 53 and we're waiting two hire 28 more, 26 of which are the POA's that were requested. So basically that's what we're asking the committee to

consider. And any questions I would appreciate if you would talk to Chief Weber.

CHAIRPERSON CARPENTER:

Thank you very much. I had had an opportunity to meet with Chief Weber and he gave me some of the information that you've outlined this morning and I've shared it with the Budget Review Office and spoke with a number of my colleagues.

Chief Weber, I would like to ask you to share a little bit more of the particulars of the time keeping system because I think that that was something I wasn't aware of and I think it will be helpful for us to understand the complexities because of all of the different reasons for why someone might be at work or not be at work and how it all needs to be recorded, that the system will enable you to save the time that the Deputy Commissioner outlined. Did I make myself clear?

CHIEF WEBER:

I believe so.

CHAIRPERSON CARPENTER:

Oh, okay.

CHIEF WEBER:

Basically we have what I would consider an antiquated system, a manual system of recording attendance for all of the 2,669 sworn officers that we have. It's a very labor intense because it must account for every day's attendance, whether you're off, whether you're on a swing, whether you're sick, whether you're at training. So there is -- in each precinct there is one individual whose sole function is to maintain the records. This becomes very important when we have a limited number of DL days, we want to ensure we don't exceed the DL days, sick days, vacation days. And the new system, as the Commissioner alluded to, has all these built-in verification processes which will not allow us to exceed the time either that we accrue for this year or previously have in the books. Every other command within the department has someone assigned to some period of time to address the very same attendance records, the very same concerns, whether you're on today or off today, whether you're at a special training. This new system will actually articulate what training we're going to, it will dictate the range, for example, or HAZMAT training or any bomb school we may be going to or any type at all. It will tell us if we have a death in the family who passed on so that we can verify that data. It really makes the records a very articulate system which is verifiable and mathematically accurate.

By the way, I did have the Department of Audit Control in and they reviewed it and they're ver impressed with the system. And as I mentioned, all the verification process is built in.

CHAIRPERSON CARPENTER:

Okay. Did Budget Review have an opportunity to review that display?

MR. POLLERT:

The computer requests of both the Police Department as well as all the departmental computers requests were reviewed by the Information Processing Voting Committee which also includes a member of the Budget Review Office. We looked at the request for the color printers, it was turned down by the Information Processing Voting Committee because it was basically going to be using just the color printers to print up time sheets and that was not seen as a high priority by the Information Processing Voting group.

CHAIRPERSON CARPENTER:

But I think when you understand how they're doing this manually and need to do it because of all the different reasons for why someone might not be at their post, I think we can all agree that this is probably something that would be very cost effective for us to fund.

MR. POLLERT:

Yes.

CHAIRPERSON CARPENTER:

Thank you. Are there any questions?

LEG. O'LEARY:

I have a question.

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Fred, with respect to the analysis of the police -- of the proposed Police Department budget, is it your opinion that there's sufficient funds to fully staff and operate the 7th Precinct in the year 2004?

MR. POLLERT:

Just as the Commissioner had mentioned, the first resolution that the Legislature has to deal with is restoring \$30 million to the Police which was broken out to a separate resolution by the County Executive's Office. If that resolution is approved, we believe that there will be sufficient funds in 2004 for the operation of the 7th Precinct.

LEG. O'LEARY:

Okay. So that's a stand-alone, that's separate from the actual vote proposed budget.

MR. POLLERT:

Right. Once that resolution is approved, then there will be sufficient funds.

LEG. O'LEARY:

Okay.

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CHAIRPERSON CARPENTER:

I just would like to ask Budget Review to clarify that because I think they have raised something that, you know, we've heard and perhaps don't realize the import of it. Because it's not just the 7th Precinct which I think we can all agree after all this time, and we appreciate Legislator O'Leary's efforts in trying to get it opened even sooner than 2004 which I'm confident we will do, but the reason why we're faced with this separate resolution, why is it that it wasn't just included in the County Executive's budget?

MR. POLLERT:

When the County Executive prepared his operating budget, the recommended budget that he wished to propose to the Legislature was over both the expenditure cap as well as the tax levy cap. So the County Executive resolution which is shown as a last page in Volume No. 1 which broke out day-care costs which are 100% funded, that then would bring him into compliance with the expenditure cap. With respect to the tax levy cap, the proposed budget was roughly \$30 million over the expenditure cap. So the County Executive is proposing that the Legislature approve with a super majority the restoration of \$29,978,210 for police salaries.

If that resolution is not approved by the Legislature with a super majority, the Police Department will have a shortfall in appropriations and will be unable to meet payroll. By the time any layoffs take place you would be basically shutting down the entire department, there would not be enough lead time to makeup that shortfall. In all probably, the County would have to do a budget note would which would severely punish the County with the rating agencies. So clearly the best course of action is the first resolution that the Legislature votes on needs to be the 14 votes to restore the funding for the Police Department.

CHAIRPERSON CARPENTER:

It sounds like what you're saying is that, you know, one of the very things that people come to expect from County government is public safety, the ability to feel safe wherever they go throughout this County. So it sounds like from what you're saying that the County Executive certainly has great deal of confidence in this Legislature

that we are, in fact, going to move forward and approve this resolution, because even though it is going to require a super majority, that 14 Legislators out of only 17 will do the right and responsible thing because absent that there would totally be chaos in this County. Are there any other comments or questions for the Police Department? No? Okay, thank you very much, gentlemen.

DEPUTY COMMISSIONER ABBOTT:

Thank you.

CHAIRPERSON CARPENTER:

Okay, moving down the alphabetical ladder, it takes us to Probation. If the members of the department would come forward, I'd appreciate it. I see Vinny Iaria here, Anne Martin.

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DIRECTOR IARIA:

Good afternoon, Legislator Carpenter. First of all, I would like to compliment the Legislative Budget Review Office for another excellent and thorough budget analysis and we appreciate their effort. Some of the budget highlights, we're going to hand out a report that we ask for you to put into the record, I won't read the entire report, if that's okay with you.

CHAIRPERSON CARPENTER:

Yeah, I think everyone has a copy of it, Vinny, I appreciate that. If you could just kind of touch on the highlights.

DIRECTOR IARIA:

I'll go over some of the highlights. Our 2004 recommended expenditures are 37.9 million in the County Executive's budget, that's 1% more than the 2003 adopted expenditures. We're requesting no new positions in any of the 35 discretionary appropriations except in mandated -- one position in a mandated appropriation for a supervisory position in the Juvenile Detention operation in preparation for the opening of the facility in 2005; a lot of program material needs to be written, manuals and stuff of that nature.

We have some major initiatives to reduce cost of mandated juvenile residential placements in this budget. These initiatives have come as a result of our efforts, others came as a result of the institutional strike force, foster care strike force to reduce residential placements. The Juvenile Day Reporting Center is one that's discussed significantly in the Budget Review Report and essentially we concur with the recommendation of Budget Review that this go out to bid; in fact, we're preparing the RFP now. There's also some new initiatives to reduce jail overcrowding that have been funded this year including expediting some presentence investigations for custody cases, some new

uses of electronic monitoring which cut down on split sentence time in jail. For example, split sentence is typically a five year probation sentence with six months of that five year term in jail and which translates into four months of actual days, we're saying let's recommend one month of that jail time be on electronic monitoring so we have a transition of say three months in jail, a month on electronic monitoring and then five years supervision, that will impact on those cases.

We also have the Veterans Program that you passed and supervised release to divert some people on the front end to pretrial cases, people who haven't been convicted of a crime as of yet and may not be able to raise bail money and need to be stabilized, so we've offered some programming in that area as well. Residential placement, we're expecting it to continue to decrease, based on our programming we actually have seen a decrease this year and hope to continue that.

Regarding community service, after our Public Safety meeting we sat down with Community Service and we're recommending that the graffiti program receive maybe \$6,155 to put some more graffiti crews out since there is a backlog in crews going out in that area. In terms of some of -- our caseload sizes are fairly high right now in the criminal court area, they're adequate in the Family Court area. We're requesting -- one of the levels of staffing that was hit particularly

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hard with the early retirement incentive in 2002 was the supervisory level and the span of control has increased tremendously. So we're looking to add three supervising Probation Officers and we're asking the Legislature to do that.

The other problem that we have is with drug testing, we do a lot of -- we do over 30,000 drug tests a year and people are coming up with new ways of beating those drug tests including such devices on the Internet as the Whiznator which I don't want to describe here. One of our problems is our staffing pattern, we have about 50% female officers and we have about 85% male probationers, so we're looking to do better supervised drug testing and we're looking to hire three Probation Assistants to develop a new drug testing protocol to help out and that will take pressure off the Probation Officers. So that's on our wish list. And we also want to thank you again for the additional cars, that has helped the department tremendously in increasing field supervision efficiency and safety of staff.

The other thing we'd like to mention is we have some new gang initiatives going on. As you've mentioned before, law enforcement is cooperating better and better each day and we're working with the PD on a new HIDTA Center, we're working with the Marshal's Program on

recovering people who abscond on warrants that are on probation, they're helping us with national searches in that area. We're working with immigration on illegal alien felons and ways to deport those individuals that are in the country illegally.

On another request, we're requesting the -- we have a mentoring program that came under the grant -- came into the County under a grant program and it lapses, as a result we need a super majority to put that back into the budget and it's a mentoring program, Partners Against Crime where we use such mentors as people from the Bar Association, they have been great in helping us mentor young juveniles and that has been very successful, not one of the children mentored has been rearrested. Do you have any questions?

CHAIRPERSON CARPENTER:
Legislator Lindsay.

LEG. LINDSAY:
Just really a comment. One Legislator anyway appreciates you sitting down with Red Cross and getting the graffiti program worked out because besides what it represents to the communities, represent about cleaning it up, I think it's really important that that be removed as rapidly as possible, not to encourage the behavior any further. So it's great that you --

DIRECTOR IARIA:
Well, it still needs your support to put that money back into the budget.

LEG. LINDSAY:
We realize that.

DIRECTOR IARIA:
Okay.

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CHAIRPERSON CARPENTER:
Thank you. Any other questions or comments? Okay, I thank you very much for coming down. One other thing I just wanted to mention, I appreciate you touching on the gangs and it gives me reason to -- or it reminds me to thank the department for participating as did the Police Department and the DA's office on the gang workshop that we did here at the Legislature, we got a lot of very, very positive feedback on it so I thank you for that.

DIRECTOR IARIA:
Thank you.

CHAIRPERSON CARPENTER:

Okay, that brings us to the Sheriff's Department. Good afternoon, gentlemen. Thank you for coming down, and whenever you're ready.

SHERIFF TISCH:

Thank you, Madam Chair, Members of the Public Safety Committee. I would like to thank you and also Budget Review Office for working diligently to provide us with the recommendations of Budget Review in sufficient time for my staff to review the recommendations and prepare our response. For a while, as you know, Legislator Carpenter, it was questionable whether we were going to be able to accomplish this, I'm happy that you and Budget Review coordinated and made certain that we were furnished the information in a timely fashion.

I first would like to thank you for affording me the opportunity to discuss with your office and our office the concerns we have about the Sheriff's Office 2004 Operating Budget as recommended by the County Executive and your Budget Review Office. We'll first direct our attention to the fiscal 2003 Operating Budget. A year ago on October 23rd our office came before committee and stated on the record that the operating budget recommended for the Sheriff's Office for fiscal year 2003 was not a cost to continue budget but one rather that was destined to fail. We were correct because when we prepared our budget request it represents an accurate assessment of our future needs and it cannot afford to survive with the drastic cuts that have been made. I will ask Chief Otto to address those specific concerns.

CHIEF OTTO:

Good afternoon. The first point I would like to discuss would be the estimated 110 or Permanent Salary accounts as it relates to the 123, which is called the Workman's Compensation Account and the 134 Peace Officer Compensation Account. When we prepared the 2003 year end estimates from the County Executive's Budget Office with ours, our 110 Permanent Salary Accounts estimated were higher than those of the County Executive. The main reason for this disparity is that when the Sheriff's Office calculated its year-end estimates for the 10 Permanent Salary Accounts, we also included the salaries that are being paid for the individuals who are out on Workman's Compensation. The projected 2003 year-end figures for those Workman Compensation accounts in all of our appropriations is just over \$1 million. However, the 2003 estimated budget does not include these funds in any of the accounts and, therefore, is underestimated by at least \$1

million. The Legislative Budget Review Office agrees with our findings and recommends an additional \$1.2 million be added to correct this discrepancy.

The fact that the County Executive's 2003 year-end estimates in permanent salaries is between 1.1 and 1.2 million lower than the actual amount greatly distorts the comparison between this year's estimates and next year's recommended figures. It gives a false impression that the 2004 recommended amounts are 1.1 to 1.2 million higher than this year's year-end estimates, thereby making the 2004 recommended budget appear to be more adequate or reasonable than what it really is.

SHERIFF TISCH:
Deputy Warden Rubacka?

DEPUTY WARDEN RUBACKA:

With regard to overtime for 2003, we are projecting that we will spend an estimated \$18.1 million in overtime at year-end; this is 3.3 million over the adopted amount. One year ago in their analysis of our 2003 Operating Budget, the Legislature's Office of Budget Review clearly stated that, "The Sheriff requires a minimum of 1.2 million in additional overtime funding which should be included in a contingency account." Our overtime funding was not increased at all. Moreover, we also stated on the record last year that, "This 1.2 million in additional overtime recommended by the Budget Review office is a very optimistic figure. It could only occur if 35 Correction Officers and 10 Deputy Sheriffs are hired in November of this year," that is 2002, "and all abolished positions are restored and filled this year, 2002, along with their accompanying backfills."

We then went on to state, "In the worst case scenario, if the recommended budget is adopted without modifications and the current vacant positions remain unfilled for most of 2003, then there is a very real possibility that our overtime could exceed \$22 million in 2003." The fiscal year 2003 recommend and adopted budgets provided \$14.75 million, so we had the potential to be short 7.25 million in overtime. The reason why we will only be 3.3 million over in the overtime accounts instead of the 7.25 million is that the worse case scenario did not occur. The Correction Officer positions slated to be abolished were restored; in fact, 17 additional Correction Officer positions were created by this Legislature. However, these 17 positions newly created in 2003, along with 34 created prior to 2003 or old positions, remain vacant today and will not be filled until November 3rd of this year. The 34 old vacant positions just mentioned represents one of the main reasons why we will be \$3.3 million over in our overtime accounts. Back in May of 2002 when we prepared our overtime projections for this year, we based these projections on having only 21 vacant Correction Officer positions for a half of year; in reality, we have 47 vacant positions for the entire year. This fact alone accounts for an estimated 1.3 million in additional overtime.

CHIEF OTTO:

We would like to address the Legislative's Budget Review Office's recommendations. First, when the Budget Office compares the 2002

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staffing with that of 2003, it states that there were 695 Correction Officers in 2002 compared to 733 in 2003; the 695 figure is not correct, it's not accurate. During the course of 2002 we had a high of 742 Correction Officers and a brief low of 702. In fact, on average we have the same amount of Correction Officers this year as we had last year. We also have about the same amount of overtime this year as last year, even though the Correction Officers salaries are 3.25% higher this year.

In the Deputy Sheriffs staffing portion of the Budget Review's Office analysis, it stated that in 2002, 215 of the top 300 overtime earners in the County were in the Sheriff's Office and earned an average \$41,957 in overtime. One hundred and six of the top 215 were earners Deputy Sheriffs, even though only 65 Sheriff positions are on the mandated side of the budget.

First we must state that the competitive salaries and attractive benefits are necessary to recruit and to retain high caliber personnel. It must also be stated that even with the inordinant amount of overtime hours that must be worked by the average Deputy Sheriff who is a Police Officer, he or she still earns significantly less than the average Suffolk County Police Officer who works an insignificant amount of overtime. It should also be noted that today, three more Deputy Sheriffs resigned from the Sheriff's Office to become Police Officers. This is a very common occurrence. When was the last time a Suffolk County Police Officer resigned to become a Deputy Sheriff? The answer is never.

Secondly, the Sheriff's Office has been requesting additional Deputy Sheriffs for the last 25 years. If the County is so concerned about controlling the amount of overtime worked by Deputy Sheriffs, then why did it abolish 17 Deputy Sheriff positions in the fiscal year 2003 budget?

The third point is the ongoing debate of discretionary versus mandated. The Sheriff's Office has long maintained that each and every one of our appropriations is mandated. For example, it is the duty of the Sheriff as an officer of the court to serve the court's process and to execute its mandates. Accordingly, when the Sheriff receives a written direction of a court or judge, this is a mandate; he must do all that such mandate commands to be done within the time frame required by the law. To say that the functions of our Civil Bureau and the transportation of prisoners to the courts and hospitals are discretionary functions is simply ludicrous.

Next, for the second year in a row the Budget Office recommends that, quote, "Six Deputy Sheriffs assigned to provide security at Gabreski Airport should be reassigned to other discretionary Deputy Sheriff posts, preferably those incurring high overtime costs. Airport security guards can staff the security detail at the airport." The Federal Aviation Administration recommends that only law enforcement officers patrol and provide security at any airport to handle flights in and out of the United States; this apparently is one of the reasons why the Town of Islip recently supported their own Code Enforcement Officers at Islip McArthur Airport with a successful request to obtain New York State Peace Officer status. Since this is a County Airport

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and it is in Suffolk County property, for liability reasons alone I do not recommend removing Deputy Sheriffs.

DEPUTY WARDEN RUBACKA:

With regard to the overtime, the Budget Review office states, "The Sheriff continues to incur significant overtime expenses. In previous years overtime increases occurred despite increases in the number of filled sworn officer positions." It is indeed true that the Sheriff's Office has received additional Correction Officers with each new expansion of our correctional facilities. However, the problem has been the fact that each time the extra staff was less than the number we requested. As a result, this reduced staff has been insufficient to fully cover the newly created posts resulting in the need for yet more overtime. Consequently not only has it been impossible for the additional staff to assist in reducing the existing overtime but the expanded workload has led to an even greater need for overtime due to the compounding of the staff shortage.

For the second year in a row the recommended operating budget for the Sheriff's Office for fiscal year 2004 is not a cost to continue budget but rather one that is destined to fail. For example, in the 110 Permanent Salary Accounts, the Sheriff's Office estimates that we will be spending over \$69 million in 2003. This projected year-end estimate includes the hiring of 51 Correction Officers and seven Deputy Sheriffs in the last quarter of this year. However, the 2004 recommended budget only provides 70.2 million in permanent salaries for next year. Given the fact that these 58 uniformed staff hired at the end of this year will be employed all of next year, we are redestined to once again fall short in our permanent salary accounts. The only way this will not occur is if we have a retirement incentive program in 2004 and 65 or more people retire during the course of next year. However, when we calculated our overtime projections for next year, the Sheriff's Office did not consider such a high number of people leaving next year. Consequently, if this does occur, the

permanent salaries recommended by the County Executive's Budget Office may be sufficient. However, more importantly, the overtime necessary to replace that amount of people would increase dramatically resulting in a deficit in the overtime accounts. If this does not occur and instead we have an average year separation of service, then the opposite will be true, overtime amounts should be sufficient but then the permanent salaries will be short.

We, therefore, maintain that the recommend budget's turnover savings of \$2 million will not materialize unless there is a retirement incentive program in 2004. Since we have not been informed of any such incentive for next year, we urge that the turnover savings in each appropriation be reduced by 50%, from \$2 million to \$1 million. The corresponding increases in the 110 salary account should be adjusted as follows: Appropriation 3110 should be increased by \$218,000; appropriation 3150 should be increased by \$614,000; appropriation 3162 should be increased by \$134,000.

CHIEF OTTO:

It must be noted that these recommendation are consistent with those of Budget Review Office which specifically states in the report that, and I quote, "The \$4.7 million difference between the 2004 recommended

and requested levels of funding for combined permanent salaries in overtime can be attributed to a higher level of recommended turnover savings that can be reasonably expected. While the 2004 recommended budget is based on the department having a similar number of vacancies in 2004 as in 2003, the hiring of 45 Correction Officers, now actually 51, and three Deputy Sheriffs, now actually 7, scheduled to be in training this November will result in fewer vacancies in 2004. An additional \$1.5 million for salaries will be needed department wide in 2004.

DEPUTY WARDEN RUBACKA:

Another reason why the recommended permanent salaries are insufficient is the fact that the permanent requested salaries in the PIF 211 reports are not accurate for certain positions. The Sheriff's Office calculates the exact salary for these positions and then adds the difference to the other adjustment category of the budget; the County Executive's budget did not make these adjustments.

The first group of positions that require this adjusted salary increase are those employees going through the first three salary step increases. The first two step increases that a Correction Officer and a Deputy Sheriff receive are based on their date of employment. For the first two years of employment the step increase is received on the anniversary date, the last three step increases are received on

January 1st. The next group of positions that require this adjusted salary increase are those positions that were vacant at the time of budget preparation but will be filled by year's end. While the PIF 211 report does provide a requested salary figure for next year, it does not include line-up pay or either rotating shift or night shift pay which these officers are entitled to by contract. As a direct result of these inaccurate salary figures, the 110 permanent salary should be adjusted upward as follows: Appropriation 3150, the 110 salary should be increased by \$260,000; appropriation 3158, salaries should be increased by \$4,000; appropriation 3162, the 110 salary should be increased by \$113,000.

In summary, the total amount that the Sheriff's Office believes should be added to the permanent salaries is \$1.3 million. Once again, it must be pointed out that the Budget Review Office recommends an additional 1.5 million; our figures are, therefore, very close.

CHIEF OTTO:

Over the last 26 years each Sheriff has come before the Legislature requesting additional staff in lieu of overtime. At times they were totally unsuccessful and at times they were partially successful; however, we were never totally successful. When they were totally unsuccessful, overtime increased dramatically; when they were partially successful, overtime still increased accordingly.

There are two points to be made here. First, the Sheriff's Office has never had the full compliment of uniformed staff that they actually needed in any given year. And second, when we request additional staff, the figures are not inflated to allow for anticipated cuts, it's a true budget. Consequently, when we receive only a portion of the staff we requested, the void must be filled by additional overtime.

The entire workload of the Sheriff's Office is, for all intents and purposes, mandated; there is little room for discretion. Various elements in the programs and services for which this office is responsible are subject to change and is often rapid and dramatic. This change may be the result of new policies or problems of which the Sheriff has little, if any, control. On the other hand, the permanent salaries portion of this equation is a figure controlled for the most part by the County Executive's Office and the Legislature. Two elements, workload and permanent salaries, dictate what the overtime figures will be. Therefore, any attempt to evaluate the fiscal management of the Sheriff's Office must include not only an analysis of the overtime accounts but also the permanent salaries, for it is a combination of these two accounts that pays for getting the job done.

If vacancies remain unfilled or not filled in a timely fashion, there is a turnover savings and the permanent salaries accounts are reduced. However, in the Sheriff's Office, because the majority of functions are mandated, turnover savings is a misleading term. Any savings realized in our permanent salaries accounts equates to added expenditures in the overtime account. This year we're having a tremendous amount of problems with staff working the overtime hours equivalent to \$18 million. We must sharply condemn the County's practice of relying so heavily on overtime and strongly recommend hiring additional staff. The Sheriff's Office is in agreement with the staffing and manpower analysis performed by the State Commission of Corrections. We continue to request more staff in lieu of overtime. We prepare document after document showing that the County will not save money by keeping positions vacant and abolishing others and that the permanent salaries saved only goes to pay for more overtime.

DEPUTY WARDEN RUBACKA:

In summary of the reports, first, we're in complete agreement with the Budget Review Office recommendation that the Legislature add one class of 50 Correction Officers in March at a cost of \$2,075,000; our only concern is the March, 2004 hiring date. As the Budget Review Office points out, the expeditious hiring schedule requires the cooperation of Civil Service as well as other County departments to effectuate. The facts are that it usually takes seven to eight months from when we receive a new certification to hire Correction Officers. The new certification should be received in our office mid to late November. We have been instructed to look at the possibility of conducting two classes for 2004 so that it may be possible to hire a small number at an earlier date.

We strongly urge that the fiscal year 2004 Operating Budget adopt a phase-in approach to the hiring of additional Correction Officers. This phase-in approach would schedule the hiring of the staff in increments over the next four year period. In this way, when the new correction facility becomes operational, a significant portion of the staff will already be hired and trained. While the facility is being planned and constructed, these Correction Officers will have a direct and significant impact on reducing the inordinant amount of overtime now being worked.

Second, we agree with the Budget Review Office that to account for the class of 50 new Correction Officers, the Clothing and Accessory Account should be increased by \$197,000 and the Shooting Range Supply Account should be increased by \$14,000. We also agree with the Budget Review Office that the 2004 permanent salary costs are understated and that an additional 1.5 million is required to fund the

current budgeted positions. We agree with Budget Review that the 2003 estimated expenses should include \$1,230,000 for worker's compensation, retro and vacation pay and peace officer compensation.

CHIEF OTTO:

We further agree that at least the six Deputy Sheriffs positions should be hired in November, 2004. However, if the substitute jail funds are still available in November and are sufficient, we would urge you to increase that number to 17 which is the amount of Deputy Sheriff positions that were abolished this year.

Point six. With regard to the temporary retiree work force the Budget Review Office has mentioned, "It should be noted that the past administration had looked into this and felt that it would create more problems than it would solve. An example being the case of Deputy Sheriffs, the recertification of a retiree as a police officer; in the case of Correction Officers, the recertification of a retiree as a Peace Officer. Nevertheless, we would revisit it if requested."

Point seven. For the fiscal year 2005 budget preparation, we urge that the payroll registers be corrected so that they accurately reflect the current and requested salaries of our staff. It is not possible when we continue to provide our own -- if it's not possible, then we will continue to provide our own calculations under the other salary adjustments category.

Point eight. Commencing with the fiscal year 2005 Operating Budget request, we will provide the County with separate dollar amounts for the 123 Workman's Compensation and 134 Peace Officer Compensation accounts. These figures will be provided for both the fiscal year 2004 year-end estimates and fiscal year 2005 as requested.

Point nine. We urge that all vacant positions that occur during the course of 2004 be filled in a timely fashion which will limit the amount of overtime that is generated as a result.

DEPUTY WARDEN RUBACKA:

The tenth point is that a good portion of the Budget Review Office report discusses the airport security costs. Last week we submitted documentation to the Budget Review Office fully explaining the problem of overtime worked by the Deputy Sheriffs that are assigned to the Airport Security Unit. We also stated the problem on our Form 3C for the next year's overtime. Nevertheless, in their report the Budget Review Office states, "The Airport Fund will be overcharged by \$134,684 for nonairport security overtime in 2003 based on an analysis of the information submitted by the Sheriff. This is an improper practice, therefore this amount will need to be charged back to the Sheriff's Department." This may very well be an improper practice, but it is the one that the -- but it is one that the County, including

the Legislative Budget Review Office, was fully aware of long before the Airport Security Unit came into existence.

At least twice a year we have in-depth discussions with both the County Executive's Budget Office and the Legislature's Office of Budget Review about our overtime situation. Most, if not all, of the time we discuss the specific problem of our inability to automatically track the overtime to the specific assignment worked. It should, therefore, come as no surprise that if we are unable to track the overtime this way for the entire office, then tracking the overtime worked by the Deputy Sheriffs assigned to the Airport Security Unit would also be a problem. It should be noted that as part of the report submitted to the Budget Review Office last week, we included the overtime breakdown of one Deputy Sheriff assigned -- that is assigned to the Airport Security Unit. It took one of our senior staff members four hours to manually analyze and record this information and organize it by the specific overtime assignments that this one Deputy Sheriff worked. This highlights the fact that the magnitude of the overtime problem extends far beyond the financial cost to the County and of the overtime that is worked.

The amount of paperwork generated as a result of this inordinant amount of overtime is staggering and our payroll section is required to process it daily. The amount of time and effort spent by our supervisors pulling line officers to see if they want to work overtime is enormous. Moreover, these supervisors must make sure that they strictly follow the guidelines set forth in the contract for signing overtime or run the risk of facing a grievance. These are just a few examples of the hidden costs of this degree of overtime.

In the past we have requested assistance from the County Executive's Budget Office to help rectify this overtime tracking problem. We will now go on the record and request that both the County Executive's Budget Office and the Legislature Office of Budget Review assist us to develop a computerized system for tracking overtime so that we will know both the individual earning the overtime as well as the exact assignment he or she worked on overtime. It should be noted that the Suffolk County Police Department recently advised our office that they had developed an internal program for exactly this purpose. It is possible, according to the Suffolk County Police, that this same program could work for the Sheriff's Office. We also, therefore, formally request their assistance.

CHIEF OTTO:

Finally, the County Executive's Budget Office removed all funding designated for supporting the Sheriff's Office Marine Unit for maintenance and supplies; the Legislative Budget Review Office did not

restore this funding. In appropriation 3115-2130 titled Equipment: Boats and Marine, \$2,000. In appropriation 3115-3140, Supplies: Boats and Marine, \$2,000; and in 3115-3680, Repairs: Special Equipment, Winterization, Tune-ups, etcetera, \$8,000. Without the restoration of the \$12,000, the Marine Unit is in jeopardy. The Budget Office states that the Sheriff's Marine Unit operates two shifts a day with two officers on each shift. This also is incorrect in that the Marine Unit started on May 17th and it worked one shift a day until September 15th when it changed to working one shift a day

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only on Friday, Saturday and Sunday and it is due to be terminated for the winter on October 31st. This assignment is only part of the year and only in the summer months as designated; and again, only two officers are assigned for one tour. At this time, I would like to give it to the Sheriff for closing.

SHERIFF TISCH:

I thank you for your patience. As you know, we have a rather large budget, there were a lot of items that we felt compelled to discuss with you. And in preparing our 2004 budget request, we realized that the magnitude of the task ahead would be defined by our present problems. We, therefore, felt compelled to submit an operating budget that fully addressed all the deficiencies of the present, specifically the inordinant hours of overtime required to staff shortages. A great deal of time and thought went into the preparation of this budget request so that we may begin to activate the program changes that are so urgently needed. We believe that the way to begin is to recognize the need to begin. Our budget request accomplished that task; the Sheriff's Office stands ready to work with the County Executive and the Legislature to make these reforms a reality.

One of my primary goals is to provide a normal and professional work environment for all Sheriff's Office employees; this in turn will permit us to achieve all our other goals together. In order to achieve this, we must reduce the amount of overtime required because of the insufficient number of staff. A less stressful work environment is necessary for all staff. The hiring of additional staff to reach critical complement while representing both an initial and continuing outlay of funds is more cost efficient in the long run than rampant overtime. This is especially true since the opportunity to work overtime is based on seniority. We believe that the hiring of additional staff -- Correction Officer, Deputy Sheriffs and civilian staff -- will result in higher morale which will cause greater productivity and lower attrition rates, enable savings in employment and training costs of new employees and, above all, a reduction in overtime. Thank you for your consideration.

CHAIRPERSON CARPENTER:

Thank you very much for your presentation. Before I turn it over to Legislator Bishop who has some comments or questions, I just wanted to note that I want to make sure everyone received a copy from the -- Vinny DeMarco from the Deputy Sheriff's PBA regarding the issue of staffing and he outlines what he feels the current staffing is and what the recommending staffing should be. Legislator Bishop.

LEG. BISHOP:

It's de ja vu all over again. We're once again in the budget process and we understand that additional staffing will bring down overtime, or do we understand that? That's where I would like to begin. We have had increases in staffing relative to where we were, if you look back, you know, several years, and overtime continues to rise. So if you can begin by addressing why do you think that is if; we're increasing the number of staff and overtime is not diminishing, is that a trend that will continue if we add these 50 Correction Officers and a dozen Deputy Sheriffs?

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SHERIFF TISCH:

I'm going to give a brief response and then more comprehensive information could be gleamed from our staff. I would suggest that before I became the Sheriff I had read an audit report generated by the Comptroller's office -- and as you say, it's de ja vu all over again -- indicating that over the past number of years the observation of Comptroller Caputo had been that although staffing was increased, overtime did not go down. Well, as Chief Otto pointed out, we have not achieved adequate staffing to this day, therefore overtime will continue to occur. Has it gone down? Absolutely.

I can tell you this. Since I came on board I've made a concerted effort to recognize every area of our office, we did an internal audit which is ongoing to determine the work that was being performed by our staff and whether it is actually necessary, whether it's something that can be deferred. One of the highest cost factors with regard to overtime is training. Every single sworn officer that is trained is trained on overtime because we don't have any extra people. So if I take Correction Officer Smith out of the correctional facility or I take Deputy Sheriff Jones off the road where he's working in civil, his position has to be backfilled on overtime, somebody has to work his tour while he's in training. Training is mandated by the State, it's not a simple matter to say let's just defer training.

Unfortunately training was at an abysmal level when I came on board. We have tightened up the type of training programs that are available to make certain that they're more efficient in time and in program format. Every single request for training comes across my desk with recommendations by the line supervisor, by the department head, by the

Chief of Staff and by my Under-Sheriffs; I consider each and every one to determine whether it is probative, whether it is necessary and whether we can afford it.

Whether or not overtime has gone down, as a matter of fact, I'm pleased to report that it has. If you would examine the Office of Budget Review's report to the Legislature, you will find that specifically they refer to Deputy Sheriffs. Tracking the period from 2000 through August of 2003 by functional area, in 2002 the actual total overtime hours worked by the enforcement division was 157,000.

UNDERSHERIFF SULLIVAN:

No.

SHERIFF TISCH:

In the year 2003 it's projected to decrease to 135,000. This is a decrease in almost 20% of the overtime, so I think we have started to come to grips with this. I assure you that I will continue to monitor this to make certain that there is no inordinate overtime.

I would also indicate that my position as the supervisor of the staff in uniform is that any hour of overtime is an hour too much. Although the emolument to their salary at the end of the year certainly is welcomed by their families, the stress that they undergo in working overtime, and in a lot of instances forced overtime, certainly does not provide a helpful work environment or a safe one for them. I'll answer any further questions or defer to my staff.

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LEG. BISHOP:

That's appreciated. I understand what you're saying, you cut it back from 2002 which was the first year that your administration was in office but it's still significantly above; well, it depends on how you define significant, about six, 7% above what it was in 2001. But what I really am getting after and I think all Legislators want to know is if we hire the personnel, the 50 Correction Officers, and we hire the -- how many Deputy Sheriffs is it, a dozen; what's the number that we're --

CHIEF OTTO:

We've requested 17, I believe there's been a recommendation of six.

LEG. BISHOP:

Okay, six I think is it and it's an additional cost of \$1.3 million in permanent salaries?

CHIEF OTTO:

Two.

LEG. BISHOP:

Are we going to get an equivalent reduction in overtime expense, will we get a significant -- if not equivalent, will we get a significant reduction in overtime expenses?

CHIEF OTTO:

It depends on -- the answer is yes, but it also depends on the date they're hired, okay. Because you can hire them, it's going to take six months to get Deputy Sheriffs in and out of the academy and when you hire Correction Officers it's going to take, you know, that 12 week period to do the same.

In overtime overall, okay, we're almost the same as we were last year. And you have to also understand that on the corrections end, they got approximately a 3% raise on top of that so, you know, overtime has decreased. The numbers are there because they're getting raises and the same thing on the Deputy side.

SHERIFF TISCH:

Although we did have additional staff hired, as the Chief mentioned, during calendar year 2002. The Correction Officers and the Deputy Sheriffs did not work for the full year, although they were being paid while they were in the academy and while they were doing post graduation training, so although their salaries were present their bodies were not, we were still filling those functions on overtime. Hopefully when this all catches up, these reductions will be even more significant.

LEG. BISHOP:

I understand that you currently don't have the computer model but is it -- are you as in the dark as I would hope -- as it makes it sound that you have no handle on --

SHERIFF TISCH:

No, that's not --

LEG. BISHOP:

-- who's working overtime and which posts?

SHERIFF TISCH:

That's not quite true. We know who's working overtime, unfortunately the problem that we have come up with is that there are various salary line accounts and if an individual is doing work that transcends these lines, right now it's not really possible, unless you increase our administrative staff by X number of bodies, for us to isolate when an individual employee who is on a particular salary line works on a

different salary line. So you might have him working on all three salary lines yet all of that money is being reported on the salary line where he's being carried; for instance, the airport. The Deputy Sheriffs that are assigned to the airport, there are six of them over there, those people work overtime in headquarters, in transportation, in civil, in DVU, in warrants, yet any overtime hours they earn are being reflected on their line account for the airport because purely and simply, it's financial nightmare for us to break this out every time an employee works an hour of overtime to specifically categorize it, we don't have the computer programming right now that we could do it without someone sitting down with a pencil and paper and a calculator.

LEG. BISHOP:

So if their primary function is to be assigned to the airport, am I correct in understanding that it's considered a choice assignment and so it's the highest paid people who are choosing to opt in to do that?

SHERIFF TISCH:

Not at all, I wouldn't suggest that at all. What I would suggest is that unfortunately when it comes to assignments, we have to be guided by the exact strictures of the collective bargaining agreement which the County entered into, so we really don't have any say-so on who goes where and we don't have any say-so on which one of those Deputies or Correction Officers work overtime. It would be most cost effective to us if we had the people that are earning the least based salary to work the overtime, but that's not the way it works out.

UNDERSHERIFF SULLIVAN:

Mr. Bishop, could I make a comment?

LEG. BISHOP:

Sure.

UNDERSHERIFF SULLIVAN:

Illustrative? Every single day, and I found this amazing when I came to the Sheriff's Office 21 months ago. Every single day Superior Officers sit down, literally with calculators, pen and pencil and pads and have to figure out every single Deputy Sheriff's overtime to date, because the collective bargaining agreement requires us to offer the next hour of overtime to the Deputy with the least amount to date. When we became involved in the collective bargaining process in the last contract cycle, that was one of the few things that we came to the table because we're not allowed to participate in economic factors in collective bargaining, only work factors, how you can distinct -- every work factor has a dollar impact at the end of the day. We

wanted that just to reduce that to a quarterly accounting so that we didn't have Sergeants and Lieutenants sitting there every day, being counting, how many hours this Deputy has as opposed to how many hours that Deputy has.

We have an insoluble conflict with the structure of it right now. You have a budget line that says Gabreski Airport, six Deputy Sheriffs, X amount of dollars, but the collective bargaining gives those six Deputies the right to ask for overtime and we have to give it to them under the terms of the collective bargaining agreement if we come up with their name and they're the next guy on the list and they say yes. The point the Sheriff -- that was amazing to me when I find that out; every single day we have to make these calculations and we're literally doing them by hand so that you get the kind of result when you ask a question, how do you have this budget line for Gabreski Airport, but it appears as though far more was spent in overtime; yes, but not there.

LEG. BISHOP:

So what is the actual cost of Gabreski Airport, of patrolling?

UNDERSHERIFF SULLIVAN:

Close to what it was budgeted I think, but I don't want to guess with numbers. Hold on a second for the Chief. I know it was nothing like the total amount of overtime that appeared under the title Gabreski.

LEG. BISHOP:

So any overtime that's earned by the six officers who are at Gabreski --

UNDERSHERIFF SULLIVAN:

Got labeled Gabreski.

LEG. BISHOP:

Got labeled Gabreski.

UNDERSHERIFF SULLIVAN:

And it's not true.

LEG. BISHOP:

And so those officers earned how much in overtime outside of the airport?

LEG. GULDI:

\$544,570.

UNDERSHERIFF SULLIVAN:

Don't know.

LEG. BISHOP:

They -- well, it would appear that they have earned a remarkable \$500,000 in overtime, in addition to what they earn in their base salary.

UNDERSHERIFF SULLIVAN:
Wait for the numbers.

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LEG. BISHOP:
Maybe you will get cops coming over to be Sheriffs.

CHIEF OTTO:
With overtime, the projected cost, okay, is approximately \$430,000, that's with overtime.

LEG. BISHOP:
For the six.

LEG. GULDI:
With overtime at the airport.

CHIEF OTTO:
That includes overtime.

UNDERSHERIFF SULLIVAN:
Real Gabreski overtime.

SHERIFF TISCH:
That's not the overtime, that's the total figure itself.

CHIEF OTTO:
That's with their salaries.

SHERIFF TISCH:
With everything.

CHIEF OTTO:
Yes, that's with everything.

LEG. CRECCA:
Just Gabreski overtime?

CHIEF OTTO:
Gabreski overtime --

SHERIFF TISCH:
That figure he just gave you is the total salary cost including overtime, it's not just the overtime.

LEG. BISHOP:

The overtime they earned at Gabreski or the overtime they earned anywhere?

CHIEF OTTO:

That's the overtime they incurred at Gabreski Airport.

SHERIFF TISCH:

That is the expense --

LEG. BISHOP:

Okay, then they got other money because they were working in administration and transport, whatever.

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SHERIFF TISCH:

So to answer the question how much is it costing at Gabreski, our estimate is it's little over \$400,000 for the year for all of the officers that are working there, including their base salary and their overtime.

LEG. CRECCA:

Is that for all of 2003 or just year to date?

SHERIFF TISCH:

That's the projection for the entire year.

CHIEF OTTO:

The year in projection.

LEG. O'LEARY:

David, do you mind if I interject for a second; Dave?

LEG. CRECCA:

I apologize, too, I just wanted to get a clarification.

LEG. O'LEARY:

Can I just raise one point with respect to overtime?

CHAIRPERSON CARPENTER:

Go right ahead, Legislator O'Leary.

LEG. O'LEARY:

Thank you.

CHAIRPERSON CARPENTER:

You have been recognized.

LEG. O'LEARY:

Thank you. Being somewhat familiar with CBA's and how it pertains to the deployment of personnel, I'm just curious as to how the Sheriff's Department works with respect to if a Deputy Sheriff incurs or is about to incur overtime and another Deputy Sheriff has less overtime, is that individual removed from the current assignment to be brought in to work overtime within the assignment that's requiring overtime?

UNDERSHERIFF SULLIVAN:

When we see a need for overtime in the next shift -- and it's done, as I said, every day -- we have a large number of hospital details on a given day because we've got X number of sick people that were taken out of the jail and have to be in hospitals, we have to ask the Deputy at the bottom of the list first.

CHIEF OTTO:

Regardless.

LEG. O'LEARY:

That's my question.

UNDERSHERIFF SULLIVAN:

Deputy O'Leary, do you want to work?

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LEG. O'LEARY:

Is that the Deputy --

UNDERSHERIFF SULLIVAN:

If you say no --

LEG. O'LEARY:

Is that the Deputy --

UNDERSHERIFF SULLIVAN:

Then I have to go to Deputy --

LEG. O'LEARY:

-- that's assigned to the hospital security?

MS. MAHONEY:

One at a time, please.

LEG. O'LEARY:

Yeah. Let me just -- within the Police Department, which I'm quite familiar with with respect to incurring overtime on a command level basis, is that not the case with the Sheriff's Department?

UNDERSHERIFF SULLIVAN:

It is across the board all Deputy Sheriffs, there is no distinction between command or function.

LEG. O'LEARY:

All right, so there is no distinction between assignment of the Deputy Sheriff.

CHIEF OTTO:

Yes, there is.

LEG. O'LEARY:

There is a system in place where -- let's take the hospital, for example.

CHAIRPERSON CARPENTER:

Can I interrupt a moment? Vinny DeMarco I think would like to come forward and perhaps he can offer some clarification.

LEG. O'LEARY:

Well, I think clarification is in order because it's a bit confusing to some of the Legislators as to how Deputy Sheriffs incur overtime.

UNDERSHERIFF SULLIVAN:

I stand corrected, Pete. It's by command but they're very large commands, like the headquarter command, DBU, it's offered within the command structure initially; if it goes outside that command structure then it goes to Deputies and other commands.

LEG. O'LEARY:

Okay. But that's my point, if you have to go outside the command where the individual is coming from, he has to be replaced by another Deputy on overtime, correct; yes or no, Vinny?

MR. DeMARCO:

No.

LEG. O'LEARY:

No? All right. Then I am confused.

UNDERSHERIFF SULLIVAN:

Well, now you've confused me.

MR. DeMARCO:

Even -- is this on? Even Budget Review has our overtime agreement wrong. In the Budget Review Report it says that our overtime is by

seniority; it is not, our overtime goes by the person with the least amount of hours. We start by seniority on January 1st and then the next week the list turns over and the person with the least amount of hours who could be brand new making no money can be the number one guy and probably will be. All our overtime lists are set up by command and some commands that are large have more than one section in the command. If there's overtime in the transportation section, the people in transportation, say they work 7 to 3 and 3 to 11, if there's an opening on the 3 to 11, someone in transportation will be asked to fill that first; obviously he has to be off, maybe he was on a day shift or it's his regular day off and he comes in and he works, you don't have to backfill that person because he can't work two shift at the same time. And that's how it works in every command.

Now, it's a very liberal overtime polling policy, I will agree, but we like it. If nobody in transportation wants it and it comes off the list, everybody -- every section in that command will be asked and then if it goes out of command someone will be asked to work the 3 to 11 from another command, but obviously he's going to be off unless he can't work it, so there's no backfilling of the second person that comes in.

LEG. O'LEARY:

Okay. But the department does go outside the commands to get Deputy Sheriffs to work overtime within a command that they're not assigned to.

MR. DeMARCO:

Before they force, that's what the policy is that they have to do.

LEG. O'LEARY:

Okay.

CHAIRPERSON CARPENTER:

Thank you, Vinny.

LEG. BISHOP:

Can I reclaim my time?

CHAIRPERSON CARPENTER:

You certainly may.

LEG. CRECCA:

Can you put me on the list, Legislator Carpenter?

LEG. BISHOP:

So the overtime line for the Gabreski Airport reflects the total

amount of overtime earned by those six employees?

CHIEF OTTO:

That's correct.

LEG. BISHOP:

And that number is 300,000; is that correct?

CHIEF OTTO:

That's with salaries, just not overtime.

LEG. BISHOP:

Oh, what's the overtime?

CHIEF OTTO:

Total number is approximately \$430,000, that's the salaries for six people and the overtime that's for Gabreski Airport projected to the year-end.

LEG. BISHOP:

Okay.

LEG. LINDSAY:

A hundred and three thousand over.

LEG. GULDI:

At the airport.

LEG. BISHOP:

No, everywhere, not just at the airport.

LEG. GULDI:

No, that's not what he just said.

LEG. BISHOP:

Oh, okay, at the airport it's 130,000 but then they get overtime elsewhere. All right, could you quantify what the cost of the new marine initiative is? I know the boat was from Asset Forfeiture.

CHIEF OTTO:

The only cost for the Marine would be the actual backfill overtime, if there was any, for people where these individuals would be assigned from. So we have two officers that work one shift a day. Okay, if every individual, okay, was backfilled, okay -- and we don't backfill on the weekends, they don't count the weekends, Friday, Saturday, Sunday -- okay, you're talking approximately \$36,000 is what the cost was.

LEG. BISHOP:

How many hours were worked by the officers?

CHIEF OTTO:

Eight hundred and eight total.

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LEG. BISHOP:

So if they weren't on the boat then presumably there wouldn't be a need for 808 overtime hours elsewhere, is that it?

UNDERSHERIFF SULLIVAN:

No, it's not 800 hours overtime.

LEG. BISHOP:

Well, sure it is because if it's -- obviously you were short, as the presentation pointed out, to start off with, you felt that --

UNDERSHERIFF SULLIVAN:

I'm sorry, I misunderstand you. Those officers are not working on overtime while they're working --

LEG. BISHOP:

Right.

UNDERSHERIFF SULLIVAN:

-- to the extent there is a backfill deficit.

LEG. BISHOP:

But those officers earned overtime elsewhere.

UNDERSHERIFF SULLIVAN:

Some of them, yes.

LEG. BISHOP:

Presumably they wouldn't have to earn overtime elsewhere if they were not assigned to the boat is the point that I'm making.

UNDERSHERIFF SULLIVAN:

Yes, they fall under the same overtime rules as every other Deputy Sheriff; they get vetted when overtime is available. The actual backfill cost was about 35, \$36,000 for four months, four and a half months.

LEG. BISHOP:

Okay. Those answers are thorough and I appreciate it. Thank you. Oh, just one last thing. The gentlemen behind you in uniform, they're the management personnel for the department, is that why they're here?

UNDERSHERIFF SULLIVAN:

Some of them -- I understand some folks are here on their own time.

LEG. BISHOP:
In uniform?

UNDERSHERIFF SULLIVAN:
I believe so.

LEG. BISHOP:
Okay, just checking. Thank you.

CHAIRPERSON CARPENTER:
Legislator Crecca.

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LEG. CRECCA:
The Marine Unit, is that what it's called, I guess, if I'm using the right terminology?

UNDERSHERIFF SULLIVAN:
Marine Emergency Response Vehicle, in modern speak, we call it the Marine Unit.

LEG. CRECCA:
Okay. What is actually -- what Sheriff function do they actually serve as far as -- what does the Sheriff do on a boat?

UNDERSHERIFF SULLIVAN:
The Sheriff will tell you.

SHERIFF TISCH:
As a matter of fact, law enforcement officials are charged with the enforcement of law such as the navigation law, such as driving while -- operating a vessel while intoxicated, etcetera. Also, as you're aware, Police Officers are required to respond to emergencies. When I became Sheriff I found out that we had a marine complement and you may recall me appearing before the Public Safety Committee and showing you how inadequate the vessel that we had was. As a matter of fact, we're tasked with having one by the FRES and New York State Police, they believe that we have a competent vessel. I indicated that we did not and I asked that we be able to find the funding to replace it; we did, we managed to purchase it out of the Asset Forfeiture.

We then spoke to the three members of the Legislature that had an oversight function specifically in law enforcement on the east end which was then Chairman of Public Safety former Legislator Towle and Legislators Guldi and Caracciolo and discussed with them what we envisioned to utilize this vessel for. We then met with the Chiefs of

Police of each of the five east end towns and each of the villages within the east end to determine the scope of their marine response capabilities. We found out that there were no police officers operating marine vessels on the east end, none, zero, nada.

LEG. CRECCA:

I don't mean to cut you off, I just want to cut to the chase, not because -- is that then the Sheriff is patrolling the waters on the east end with the Sheriff boat, is that what it is, and enforcing --

SHERIFF TISCH:

That vessel is providing two functions on the east end. Number one, it's providing security, we collaborate in homeland security with the Coast Guard, with formally the Department of Agriculture of Plum Island and with each of the other Police forces out on the east end. We also provide emergency response. Fortunately, because the bad guys paid for it, we have the state of the art vessel --

LEG. CRECCA:

Right.

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SHERIFF TISCH:

-- that can provide at speed at flank speed in emergencies. As you probably are aware, Legislator Crecca, Eastern Long Island Hospital in Greenport put in an emergency receiving dock for the transfer of emergency persons that are coming on board to be treated in critical situations, previously they were dragged up the hill in gurneys, etcetera, they now have a dock. If an incident occurs, the response time from the time of rescue to the time of delivery to the hospital is critical, we can provide that at a much greater response, a quicker response time than any of the Boston Whalers or whatever else has been out there operated by bay constables and harbor masters. So we're performing a safety function in addition to a marine law enforcement presence.

LEG. CRECCA:

The Police Department meaning Suffolk County PD, their Marine Unit does not patrol the east end.

SHERIFF TISCH:

No, they do not.

LEG. CRECCA:

Okay.

SHERIFF TISCH:

It's outside the Police District and there is no present contract in

force for them to do that.

LEG. CRECCA:

Now, there are five towns out east that each have their own Police Departments; do those Police Departments provide marine services?

SHERIFF TISCH:

They provide -- their primary function is the enforcement of their town ordinances. They also provide emergency response if they're in the area where an emergency occurs. However, there are jurisdictional issues out there and they're very localized.

LEG. CRECCA:

That's what I mean, but do they have marine units for the most part?

SHERIFF TISCH:

They do but there's nothing compared to what we were able to provide, they have harbormasters and bay constables.

LEG. CRECCA:

Let me yield to Legislator O'Leary who has a question on this matter and I have another question.

LEG. O'LEARY:

Not a question, just a point of reference with respect to the assignment of Sheriff officers in the Marine Bureau on the east end. It's my understanding that the concept is fully supported and embraced by the municipalities on the east end, is that correct?

UNDERSHERIFF SULLIVAN:

Every single Police Chief on the east end, every single one told us it was a great idea, wrote us letters in support, we can provide them to anybody that wants. But after the course of --

CHAIRPERSON CARPENTER:

Just on that point, I have to interrupt, I'm sorry, and I apologize. But having letters of support from the east end police, and I have seen them and that's very wonderful, why wouldn't they support it when they're not paying for it? So, continue, Legislator O'Leary.

LEG. O'LEARY:

Well, that was -- I was getting there, I was going to be getting right there, Legislator Carpenter. With the tremendous amount of support that you've received from the east end municipalities which are outside the Police District, is there any anticipation on your part to ask those municipalities to be supportive in the funding for the enforcement activities?

UNDERSHERIFF SULLIVAN:

No, they pay already for Sheriffs operations through general revenues. But we think we put this together for the price that we mentioned before, I think it was about \$35,000 for four months of marine protection for the citizens of Suffolk County on the east end interior waterways. I can give you some anecdotal. We had people thrown from a boat without life vests, one fellow had two broken legs in the water, we pulled them out.

LEG. O'LEARY:

No, I mean clearly --

UNDERSHERIFF SULLIVAN:

We had a family on a boat that caught fire, we got the family off the boat; we had another family on a sinking boat, we got them off before the boat sank. The unit was out there -- the Coast Guard's vessel went down and called us and said, "Can you cover our area for 12 hours? We have no coverage, " we did that. Plum Island thought that they were going to have a demonstration where demonstrators would invade Plum Island, they asked us to patrol; I could go on and on and on. I think I gave you some of the reports from this just past summer, that's one tour a day, only one tour a day, and it cost us \$36,000, it cost the County \$36,000.

The Sheriff does make an initiatives. We make initiatives, Legislator Carpenter mentioned about gangs before, we have never discussed it here before the horseshoe. We have the best Gang Intelligence Unit in the metropolitan area out of the Suffolk County Sheriff's Office that we set up about 18 months ago, that's an initiative that we have engaged in on our own. {HIDA} as I'm sure you know, Mr. O'Leary, is opening up in a couple of weeks, the Police Department begged us to please come, bring our gang unit and our Deputies and Correction Officers into that situation from the intelligence boom. It's not the first time we tried to do something new and innovative. We have done many, many, many things, this one happens to catch everyone's interest. But I think for what we provided for the amount that it costs, \$36,000 is, in the scheme of our budget and in budgets in

general, a very small amount of money.

LEG. O'LEARY:

Once again, I'm not saying that the program, the initiative taken on by the Sheriff's Department east end has not been successful or effective, I totally agree that it has been. But if there's some resistance on the part of the County of Suffolk to continually fund that, perhaps they should be looking at some other alternatives for

funding purposes, that was my point. I support it, I would hope that the municipalities on the east end whose services are being supplemented by the Sheriff's Department would be as supportive.

SHERIFF TISCH:

I'd be more than happy to cooperate in any way the Legislature thinks appropriate with regard to funding, I'm always open. But the funding obviously is in your court, not mine.

CHAIRPERSON CARPENTER:

And because of that very reason, because it is in our court, I think in the future when any departments embark upon a new initiative, it probably would be in everyone's best interest to bring it to the attention of perhaps the entire committee not just, you know, selected Legislators. Because certainly they represent the east end, they're going to be supportive, and although one of them is no longer here, it sort of bound the rest of us to -- you know, everyone was so quick to say the boat came out of Asset Forfeiture Funds and that is, in fact, true, however the ongoing funding of the operation is not obviously coming from Asset Forfeiture Funds because you're looking for it in the General Fund. So that before we make a commitment, before a policy decision is made to embark upon expanded service, albeit a wonderful -- and I fully support it, I think we should be providing services for everyone in the County, I just think there needs to be better communication so that we all understand going forward what we're embarking on.

CHIEF OTTO:

I apologize if there was any perception on the part of either yourself or the other members of the Legislature that we slighted you by not coming forward. We presumed that by meeting with the Chairman of the Public Safety Committee and the Legislators whose areas are affected that they would have brought to your attention what was going on in their ballywick. I didn't know that we would have come to you --

CHAIRPERSON CARPENTER:

The first -- you know, as a Legislator, the first I learned of it was when we saw the press releases and the pictures of everyone standing by the boat. So I don't know if I can speak for anyone else but from this Legislator's perspective, that was the first time I had heard that we had embarked upon a new area of service in the east end. Legislator Crecca?

LEG. CRECCA:

Thank you. I'm sure that certainly wouldn't happen with you as the Chairman of Public Safety. But with that said, yeah, again, I'm just going to just very quickly reiterate the fact that I'm very supportive of the program, not looking to get rid of the program, just my

questioning was strictly in the area of the funding of that program and trying to make sure that it was an equitable funding of the program, whether it be from -- future funding come from asset forfeiture or not or from east end, but that's a policy decision, like you said, that has to happen on this end, not that end.

With that said, I have another very general question. In the past, we're always looking to reduce overtime costs in any of our departments, including the Sheriff's Department, and we understand the need for overtime and en some of the pressures that you face as a department with that. My question is if I -- if we give you more Sheriffs, is that going to reduce overtime? Because sometimes the concern is in the past policies -- and this is -- when I say the past, I'm talking about before your time, Sheriff Tisch. Sometimes we've authorized budgetarily additional Sheriff positions and, in fact, either not had them hired and increased overtime costs, or in some cases actually have had them hired and still have increased overtime costs. So I guess my question is if we give you more Sheriffs, will you -- can you reduce the overtime costs; will you give us a commitment if we do that?

SHERIFF TISCH:

As a matter of fact, I will give you the same commitment I've given you since day one, that I will endeavor to make certain that the assets that are afforded to the Sheriffs Office by the County Executive and the Legislature are appropriated to the most efficient and the fullest benefit to the taxpayer's dollar. For me to stand here and promise you that for every Deputy Sheriff you give me I will reduce the overtime by X percent would be disingenuous because I can't commit to that. What I can commit to is that I'm not asleep at the switch, we actually are watching this 24/7. As a matter of fact, we had, as I indicated before, embarked upon a Sheriff's Office wide survey of all functions performed to try to make certain that everything was vital and was not engendering overtime for cash cow purposes; we will continue to do that. And I also indicated to the County Executive and I extend it to you that we would be more than happy to cooperate with the Comptroller --

LEG. CRECCA:

Right.

SHERIFF TISCH:

-- the Legislature and the County Executive's Office to look at the appropriation of those overtime dollars and if you find something that you could bring to our attention where we can improve efficiency, we'll do it.

LEG. CRECCA:

Absolutely. Yeah, it wasn't meant as a criticism. What I'm saying to you is if -- you know, you run the department, though, you know, you and your staff; do you think that will help reduce the overtime by having additional staff? I guess that's probably a better way to put it.

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UNDERSHERIFF SULLIVAN:

Absolutely yes, and let me point to some statistical support for that; and I'm not sure if it went by in the colloquy with Mr. Bishop before. In 2002 when we had available on average 203 Deputies, we had just over 157,000 hours of Deputy overtime. In 2003 when we now have 225, less than we say we need but about 10% more than we had then, we project to the end of this year 135,000 hours in overtime.

CHIEF OTTO:

A decrease of 10%.

UNDERSHERIFF SULLIVAN:

A decrease in almost 22,000 hours of Deputy Sheriff overtime by adding 22 Deputy Sheriffs. That's not a promise into the future, that's the numbers, what actually happened when you added 22 Deputy Sheriffs in the course of a year. You can't count dollars because their salaries go up every year, but if you actually look at overtime hours worked, you're looking at a real number, they went down 22,000 hours in this year.

LEG. CRECCA:

And did the workload stay the same or would you say --

UNDERSHERIFF SULLIVAN:

Workload went up.

LEG. CRECCA:

The demands on the department, did the demands on the department you think remain the same or did they increase?

UNDERSHERIFF SULLIVAN:

Workload went up, transportation went up, domestic violence unit I know went up about 20% over two years.

LEG. CRECCA:

Right, that's what I thought.

UNDERSHERIFF SULLIVAN:

Your workload went up, your manpower went up and your overtime hours came down by about 10% because you added the manpower.

LEG. CRECCA:

So as a basic premise, you agree with the premise --

UNDERSHERIFF SULLIVAN:

Twenty percent.

LEG. CRECCA:

The basic premise is if we give you more, the overtime should continue to trend down. Again, I'm not --

UNDERSHERIFF SULLIVAN:

Yes, the answer is yes. And every good manager says there comes a point --

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LEG. CRECCA:

Right.

UNDERSHERIFF SULLIVAN:

-- if you have no overtime you're not running an efficient operation, but you certainly can have a lot less than we have and the frustration that you hear reflected is apparently year after year Sheriffs and previous Sheriffs have come and said I've never had enough people. The truth is I don't think anybody has ever actually tried the experiment. This one little snapshot I just gave you shows what happens when you increase your staffing.

LEG. CRECCA:

Last question is, and I just need a number, ideally what does the department think is the right number of Deputy Sheriffs? If you want I can talk to you after the meeting, too.

SHERIFF TISCH:

Oh no, we have it right here.

UNDERSHERIFF SULLIVAN:

It's at hand.

LEG. CRECCA:

No problem.

CHIEF OTTO:

We requested in the year 2004 Operating Budget Request a total of 56 Deputy Sheriffs.

LEG. CRECCA:

In addition to the 220 something that we have already?

CHIEF OTTO:

In addition to the 240 I think we have which includes, by the way, the Sheriff and both Undersheriffs.

LEG. CRECCA:
Right, okay. Thanks.

UNDERSHERIFF SULLIVAN:
We don't get overtime.

CHAIRPERSON CARPENTER:
Thank you. Thank you very much, gentlemen. And I would assume that you'll be in touch with Budget Review and they, in turn, with us. I just would like to bring everyone's attention on the committee to the last remaining --

UNDERSHERIFF SULLIVAN:
Thank you.

SHERIFF TISCH:
Thank you.

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CHAIRPERSON CARPENTER:
Thank you. The Information Services component and just to note that Budget Review concurs with their request, so I don't think there's any need for bringing them forward.

We do have two cards from the public and in the interest of time, I would just ask if you could adhere to the three minute rule. And first Eleanor Smith; Ellie?

MS. SEIDMAN-SMITH:
Thank you very much for listening to my request. It will be three minutes, I'm very good at it, I speak quickly. I am not asking for an increase over last year, I'm asking for a restoration of 2002. I'm asking for no new positions, I'm asking for six restored positions. So it's important to understand the request is in 2002 we're at our optimum, we had X amount of referrals, X amount of projects, X amount of staff and we worked at our optimum, it was just exactly what we needed and no more and no less.

Just to give you a reason why we're looking for the restoration, our money right now is \$1.99 per person per day versus \$203 per person per incarceration. In one month my statistics show that of the 434 adult offenders, and this is just the adult program that we service, the total number of hours done by those adult offenders in all of Suffolk County was 6,694 hours. If you times that by a savings 203 a day, you're going to come up with \$194,126 savings. Now, what I just did

sitting here is I said okay, we're asking for \$516,000 for the adult program which will bring us back to 2002, if you times that by 12 it's \$2.4 million it will cost the County to incarcerate the people and we're asking for 514,000. That's just for incarceration, that's not adding in the amount for how much it would cost to landscape and the beautification and going out and cleaning up the graffiti and doing all the projects on a daily basis. So I'm just talking about the operating budget of interviewing and supervising and placing these 434 people a month, so that's -- that cost alone is tremendous when you look at it. And I just came up with it, thank you for letting me be last because I just realized how much we do save the County.

Okay. Our numbers agree with Probation which said their case levels are continuously high and our case levels of course as conditional probation are continuously high. We haven't lost any referrals. The courts, the Family Court and the criminal Courts have continued to give us referrals; in fact, so much so that right now we could close our doors because we've completed all our contract numbers, all of our contract numbers have been completed for the year 2003. So we are going to continue continuing with referral numbers. It's important to know.

I do want to thank Probation for meeting with us, I do want to thank Probation for requesting the 86,000, it was a very good meeting and I think that we came to some really good terms on that meeting. I would like to pass this out if somebody could -- thank you, Doug. I just want to refer to that for two seconds for the 86,000, what do we do for the 86,000 and what are we doing continuously. We have projects lined up until Spring of '04, so we are now projecting to the Spring of 2004. This year with a cut of the six positions that could not be

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refilled, we have a waiting list for both crews and placements, we have been able to do our work because we have student interns from universities. These are nonpaid interns, but like any other interns, they come and they go as they complete their course work so we can't really rely on them. They've been an interim solution to the six positions but certainly they haven't been able to give us the level that we need to continuously monitor the people that we have.

The restoration, we can in position -- we are in position with the restoration of the 2002 budget levels to continue to accept all referrals for the County, restoration of 2002 budget levels to continue to accept all referrals for the County, Family and Juvenile Court Judges without a waiting list. As you heard from the jail, there is overcrowding, they need more people and that's just reflective and I agree because we are having an increasing amount of people who are coming into the system, both in probation and arrests

and everything, we're the last in the ladder of course because we're the alternative.

We would like to continue to be a viable alternative. One thing that happened this year that you're going to be seeing, I do not want to come back to you in 2004 if we get restored, I would like not to; of course, I will if the need is there but I would really like not to come back to you and request any more money. I would like just for you to see me once a year. But there's a new law, a State law that just came into effect and the law says 1193's which DWI's, if a DWI gets convicted the second time in five years they must do mandatory community service time or jail. We don't want to go into jail because that's overcrowding, but with community service we are projecting 200 more people in June of 2004. Again, another reason for us to go back to our 2002 levels of funding, we're not asking for more than that, we're not asking for a percentage increase, just bring us back to 2002, we will make due, and that's all I'm asking.

And again, I want to thank Probation, you know, for encouraging us to do the 86,000. I really appreciated that meeting and it was a well thought out -- my Executive Director appreciated the meeting as well. I just want to show the list of work sites that are on backlog and this will be the end of my three minutes. If you refer --

CHAIRPERSON CARPENTER:

I think we all have a copy of that.

LEG. CRECCA:

We do, I have it right here.

MS. SEIDMAN-SMITH:

Do you all have a copy of that?

CHAIRPERSON CARPENTER:

Yeah, we do, we all have a copy of it listing them all.

MS. SEIDMAN-SMITH:

Okay. It's Vinny's request to Mrs. Iaria, Mrs. Iaria's request back to Vinny. And the graffiti locations that are in need of ongoing maintenance and the backload of the beautification projects that are

on hold until the spring or until we could get our money. Again, I thank you as always and I'm so appreciative of the 23 years you have worked with us. And I think my three minutes is up so I will say no more. Thank you very much.

CHAIRPERSON CARPENTER:

Okay, thank you very much. Are there any questions? Okay, we have one more -- actually two more speakers, someone has been added. Phil Goldstein. Good afternoon, Phil.

MR. GOLDSTEIN:

Good afternoon, Angie. First I would like to object to the fact that you're only granting me three minutes. This is a very involved document, you have allowed the authorities to speak at length with regard to their requests and so on and I think that I ought to be afforded a greater opportunity to express some of my thoughts.

CHAIRPERSON CARPENTER:

Well, Phil, excuse me. Before you waste all of your time talking about why you should have more time, why don't you go say what you have to say and we'll see how time goes because we have one other presentation.

MR. GOLDSTEIN:

All right. First of all, with regard to the matter of arbitration, I note here in this document that the horse has been stolen with regard to the fact that the Legislature has already granted the authority to the arbitrator to create a binding -- a final and binding agreement for up to four years. There is on page 23 of this document a description of the State law regarding arbitration, and initially arbitration should only be for two years but you have, in a sense, given away the store by granting a four year contract. And one of the great issues in this County Executive race is the issue of defining the extent to which the arbitrators have the right to impose their will on the conduct of the affairs of the Police Department of Suffolk County. And I think this is an outrage and I have spoken to this before.

Two thousand years ago in Ancient Rome, the Protorian Guard exercised undue influence in the selection of the Emperors of Rome. They were bribed, quite blatantly, by those who sought to become Emperor, because only that legion was permitted to operate within the confines of Rome and they exercised control over the population, and thus if you wanted to be Emperor you just greased their palm and if they granted you the support you became the Emperor of Rome. Well, here we are 2,000 years later and we haven't learned a lesson from history. The American revolution based upon the fact that there should be no taxation without representation, yet the State Legislature has seen fit to grant to an unelected group of officials, three arbitrators, the right to create a contract -- and in this case you're giving them four years of a contract -- which they can impose upon the County of Suffolk and, in turn, under contract law you must fulfill the requirements of that contract regardless of what impact it may have upon the spending of the County with regard to other services that may be vitally necessary to the lives of many of the citizens of Suffolk County.

So in a sense, what we have here is these three arbitrators who are going to impose their will. And I sat here and I listened to the way these arbitrators are willing to grant such rules as to allow the managers of the department an inability to control the conduct of affairs within their own apartment. You talk about overtime and assignment of personnel, etcetera, and so forth, and all of this is embodied within that contract and the end result is we have managers who cannot manage. We have a County that is out of control with regard to the cost of the police services that are rendered in this County. We're heading down the exact same road that Nassau has gone down.

I have read in the papers how now the arbitrators are once again, what, they've given away 19%; it's what, more than 3% a year? Who gets 3% a year in salary increases? Look at the people on Social Security; what is Social Security granting in the form of a COLA? You are not governing, you are not leading. I cannot believe what is being done to the people of Suffolk County. Politicians seeking to buy the favors of the Police Department because they are an organized force who has become so dominant in the politics of this County; it's an outrage and it shouldn't be permitted. And that four year agreement granting the arbitrators the right to impose that lengthy contract is absolutely wrong because it is an issue in this election. And if Mr. Levy succeeds in winning the election, which I hope he does, he wants to have a voice in doing something about the functioning of the Police Department and the civilianization.

There are many -- you know, there are many issues here. For example, you see an automobile accident on the road and numerous police cars arriving on the scene; do we really need armed police, sworn officers to attend to these accidents and write up these reports which are used for insurance purposes and civil suits and so on, is that really a function of the Police? We can have Community Service Officers, in New York City they have Traffic Enforcement Officers and so on, at far less cost to the citizens of New York City. I mean, are we utilizing our police officers to the best advantages of the citizens of Suffolk County? I don't believe so. I think there ought to be a commission that audits the function of this department, and not just made up of former police officers and so on but outside business management experts who can take a look at the this department functions and see to it that we are utilizing these police officers in the best possible manner and it doesn't appear to be the case.

Between the salaries that they're getting, the parks that they're getting upon retirement and so on, you are crushing the citizens of Suffolk County by virtue of the cost that you are imposing upon them

for these police services. Do we really have crimes to the level that exist in New York City? Look at what New York City Police Officers are getting paid; is there a comparability to the services that are rendered by them as compared to the services here in Suffolk County? How is it we can afford to pay them in a city that's far more complex and crime ridden and so on than Suffolk County; knock on wood. I mean, there are so many --

CHAIRPERSON CARPENTER:

Okay. Phil, I think you need --

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MR. GOLDSTEIN:

-- things that are wrong here.

CHAIRPERSON CARPENTER:

I think you need --

MR. GOLDSTEIN:

And you're restricting me. There is also this question of the 7th Precinct.

CHAIRPERSON CARPENTER:

Excuse me. Excuse me, Phil?

MR. GOLDSTEIN:

Yes.

CHAIRPERSON CARPENTER:

You're certainly like 300% over the three minutes, but --

MR. GOLDSTEIN:

But this is what I mean, Angie, in all fairness. Look at the 7th Precinct, you're shifting command officers, you're shifting patrol officers, I forget the exact number here but it's something like four out of the 5th and sixth out of 6th or something like that. The patrol officers are being shifted over, the command officers who formally commanded them are remaining in their respective precincts, but now you've created new opportunities for promoting more officers and adding additional costs. You haven't increased the number of patrols that are performing a police function, what you've done is you've increased the salary costs by promoting more command officers in this new precinct. It doesn't make sense and that's why I say there needs to be a careful analysis of what is being done. And if you allow this four year arbitration of the contract to be imposed upon the citizens of Suffolk County, you are failing in your obligation to the citizens of Suffolk County. There needs to be that opportunity for the next County Executive to impose his leadership on the manner in which the

uniform forces in Suffolk County are being employed and you're depriving that next Executive of that opportunity, be it Mr. Levy or Mr. Romaine.

CHAIRPERSON CARPENTER:

Thank you.

MR. GOLDSTEIN:

There are other things I would like to say as well, but --

CHAIRPERSON CARPENTER:

Thank you very much, Phil; we've heard what you said.

MR. GOLDSTEIN:

You're welcome.

CHAIRPERSON CARPENTER:

And I'm certainly not going to respond except to say that I do believe that the safety and the peace of mind that the residents of this County enjoy is certainly due to the fine work of our Suffolk County

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Police Department, and I'm not about to compare New York City to Suffolk County but they do a fine job.

MR. GOLDSTEIN:

Do we have to have a driver who drives the County Executive --

CHAIRPERSON CARPENTER:

Okay, thank you.

MR. GOLDSTEIN:

-- at a salary greater than the County Executive salary?

CHAIRPERSON CARPENTER:

I don't know, you'll have to ask the next County Executive that. Our next speaker is Cheryl Felice.

MR. GOLDSTEIN:

Do we need to defend the politicians when there's security forces and contracts awarded? I mean, what goes on out there in Riverhead, it's a farce, we know that the security is a farce, we're spending money on it needlessly.

CHAIRPERSON CARPENTER:

Cheryl, thank you for coming down. It was really very heartwarming to see so many members of AME here today and caring enough to come to the public hearings on our operating budget.

MS. FELICE:

Thank you. Thank you very much.

CHAIRPERSON CARPENTER:

Please don't yell. Please don't yell at us, we just heard enough yelling, thank you.

MS. FELICE:

We will not yell at you. We are actually here --

CHAIRPERSON CARPENTER:

It never ceases to amaze me that people don't understand that the whole idea of a microphone is that you can speak in a normal voice and you don't have to yell. But go ahead.

MS. FELICE:

Well, thank you very much, Chairwoman Carpenter and members of the Public Safety Committee. My name is Cheryl Felice, I'm President of AME, and along side of me is Ann Able, our Treasurer. We have many members of our Executive Board in the office -- in the audience today as well as our AME Counsel, Steve Kasarda and members from Abrams, Herdd and Merkel, an accounting firm in New York City who we have retained to do an analysis for us of the County budget with an eye towards negotiations.

As you know, our contract expires at the end of this year so everything that we are looking in the budget we will provide to the Legislature, each and every Legislator, in a written report so that you can see where we are going to point to avenues that we can work in

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cooperation, offer cost saving measures and where we can also accommodate our members with the needs they have to provide services to the residents of Suffolk County.

Just very, very briefly, going into some of those examples, we would stand in support of Budget Review Office and where they talk about AME members being able to staff programs at a much cheaper rate than contract agency, many of those are listed in Probation. So we would stand in support of that and we'll have written documentation to that fact. Will stand in support of filling positions that are currently filled only with overtime, as the budgets states, and some of the Sheriff's Office positions. We would also stand in support of staffing the detention center for Probation Office -- for the Probation Department with full-time Probation Officers. There is a comment here about full-time and part-time positions and we would just be concerned that those are not seasonal positions. As you know,

seasonal positions are not union positions so we're just concerned as to what that looks like and would want more information on that. As well as we also would stand in support of going back to what Budget Office Review actually commented on with the monitoring program for Community Service, with the American Red Cross. It was identified last year in the budget process that it could be offered at a cheaper rate by Probation Officers, that was not adopted and we would look to you for seeking those particular changes this time around.

CHAIRPERSON CARPENTER:

Well, thank you very much. And I appreciate you being so proactive in the process and I would just ask that you check on what the deadline is because I don't really know that I have it.

MS. FELICE:

We'll have our report for you by Thursday.

CHAIRPERSON CARPENTER:

Okay, great.

MS. FELICE:

Okay? So I think that will accommodate all the deadlines.

CHAIRPERSON CARPENTER:

Very good.

MS. FELICE:

All right? Thank you very much. Thank you for your time.

CHAIRPERSON CARPENTER:

Thank you so much. Any questions or comments? Okay, thank you very much and we stand adjourned.

(*The meeting was adjourned at 3:13 P.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee

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