

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

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **April 15, 2003**.

Members Present:

Legislator Fred Towle - Chairman
Legislator Joseph Caracappa - Vice-Chair
Legislator David Bishop
Legislator William Lindsay
Legislator Andrew Crecca
Legislator George Guldi

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Bill Doyle - Aide to Legislator Towle
Greg Miglino - Aide to Legislator Towle
Tim Motz - Aide to Presiding Officer Postal
Anthony Figliola - Aide to Presiding Officer Postal
Tom Donovan - Aide to Legislator Guldi
Ray Zaccara - Aide to Legislator Bishop
Terrence Pearsall - Aide to Legislator Lindsay
Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature
Kevin Duffy - Budget Analyst/Budget Review Office
Bill Faulk - County Executive's Office/Intergovernmental Relations
Donald Sullivan - Undersheriff/Suffolk County Sheriff's Department
Alan Otto - Chief of Staff/Suffolk County Sheriff's Department
James Maggio - Deputy Commissioner/Suffolk County Police Department
Phil Robilotto - Chief of Department/Suffolk County Police Department
Robert Kearon - Division Bureau Chief/District Attorney's Office
Mike Sharkey - Deputy Sheriff's Benevolent Association
Tom Muratore - Vice-President/Police Benevolent Association
Warren horst - Chief Fire Marshal/Suffolk County Fire academy
Douglas Deadh - Suffolk County Stop DWI
Ruth Cusack - Suffolk County League of Women Voters
Elie Seidman-Smith - Director/Community Service Program/ARC
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 1:10 P M*)

CHAIRMAN TOWLE:

We'll start meeting with a Pledge of Allegiance led by Legislator Bishop.

Salutation

I don't have any -- I do have a card, excuse me. This may have been the last committee. Mary Terry? This is the last committee I think. Okay. I don't have any cards so we're going to move right to the agenda if we could. We'll pass over Tabled Subject to Call and move right on to Introductory Resolutions.

Introductory Resolutions

Resolution 1219-03 (P) -To establish special hauling fees and fines for County Police Department. Motion on that?

LEG. BISHOP:

We need Counsel's explanation.

CHAIRMAN TOWLE:

If Counsel could join us, that would be great.

LEG. CARACAPPA:

It's fairly easy. It just adds fees for over-the-road hauling of certain size trucks and loads that we -- when we escort on their behalf we charge a certain fee.

LEG. BISHOP:

Oh, I see.

LEG. LINDSAY:

I will make a motion.

LEG. CARACAPPA:

Second.

CHAIRMAN TOWLE:

Okay, we had a motion by Legislator Lindsay, a second by Legislator Caracappa.

LEG. GULDI:

On the motion.

CHAIRMAN TOWLE:

Legislator Guldi.

LEG. GULDI:

Yeah, I see Legislator Carpenter is the sponsor. Has the department got a position on the rate schedule? You need to use a microphone.

CHIEF ROBILOTTO:

It's the department's opinion that the rate schedule should be raised.

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LEG. GULDI:

To the levels in the bill or --

CHIEF ROBILOTTO:

At a minimum.

LEG. GULDI:

Or should they be increased above that?

CHIEF ROBILOTTO:

Let's try the levels in the bill.

LEG. GULDI:

Okay.

CHAIRMAN TOWLE:

Okay. Any further discussion? There being none, all those in favor? Opposed? Abstentions? 1219 is approved (VOTE: 6-0-0-0).

1234-03 (P) - Adopting Local Law No. 2003, To regulate Indoor Firework Displays in Suffolk County (Cooper).

MR. SABATINO:

There is a public hearing.

CHAIRMAN TOWLE:

There's a public hearing on that so I'll make a motion to table, second by Legislator Bishop. Any discussion? There being none, all in favor? Opposed? Abstentions? 1234 is tabled (VOTE: 6-0-0-0).

Resolution 1237-03 (P) - Renaming County Road 31 (Guldi).

LEG. GULDI:

Motion.

LEG. BISHOP:

What are you renaming it?

CHAIRMAN TOWLE:

Motion by Legislator Guldi, second by myself. On the motion.

LEG. GULDI:

Actually -- as I just told one of my colleagues off the record, you have to wait until that's Guldi Memorial Highway.

CHAIRMAN TOWLE:

Don't give him the opportunity.

LEG. GULDI:

They had suggested that that was what they had in mind.

LEG. BISHOP:

I think that's in the next packet then.

LEG. GULDI:

This one is Volunteers Way for County Road 31.

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LEG. BISHOP:

Volunteer's Way?

MR. SABATINO:

No, it's going from Volunteer's Way to Volunteer's Way-Sunrise wildfires of '95.

LEG. GULDI:

Oh, okay.

LEG. BISHOP:

Oh, I see.

LEG. GULDI:

That's right, we had already done Volunteer's Way and it's been suggested that it's less -- it's been suggested that simply Volunteer's Way is less than clear.

LEG. BISHOP:

I would just hope that people are traveling slowly so they can read that.

LEG. GULDI:

It's right next to Gabreski Airport; if they can read that they can handle the other one.

LEG. LINDSAY:

I make a motion.

CHAIRMAN TOWLE:

We had a motion by Legislator Guldi, seconded by myself. Any further

discussion? There being none, all in favor? Opposed? Abstentions?
The resolution is approved (VOTE: 6-0-0-0).

1260-03 (P) - Accepting and appropriating grant funds in the amount of \$12,500 from the U.S. Department of Justice Local Law Enforcement Block Grant for the Career Criminal Task Force Program operated by the Departments of Police and Probation with 88.48% support (County Executive). Motion to approve and place on the consent calendar by Legislator Guldi, seconded by myself. Any discussion? There being none, all in favor? Opposed? Abstentions? 1260 is approved and placed on the consent calendar (VOTE: 6-0-0-0).

1261-03 (P) - Accepting and appropriating a grant in the amount of \$289,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department Wyandanch Targeted Enforcement IV and Supplemental Enforcement Program with 75% support (County Executive).

LEG. GULDI:
Motion.

LEG. BISHOP:
I don't think you -- I'm sorry.

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CHAIRMAN TOWLE:
Motion to approve and place on the consent calendar by Legislator Guldi, seconded by myself. Now Legislator Bishop.

LEG. BISHOP:
Can you do that?

MR. SABATINO:
1261 is 75% Federal, 25% County.

LEG. BISHOP:
So it can't go on the consent calendar, correct, or is that not a rule?

MR. SABATINO:
It's not a legal rule, it's a judgment discretion.

CHAIRMAN TOWLE:
Okay. There was a motion to approve and place on the consent calendar, seconded by myself. Any further discussion? There being none, all in favor? Opposed? Abstentions? 1261 is approved and placed on the consent calendar (VOTE: 6-0-0-0).

Resolution 1268-03 (P) - Accepting and appropriating grant funds in

the amount of \$25,000 from the U.S. Department of Justice Local Law Enforcement Block Grant for the Career Criminal Task Force Program operated by the Departments of Police and Probation with 100% support (County Executive).

LEG. GULDI:
Same motion.

CHAIRMAN TOWLE:
Same motion to approve and place on the consent calendar by Legislator Guldi, second by myself. Any discussion? There being none, all in favor? Opposed? Abstentions? 1268 is approved and placed on the consent calendar (VOTE: 6-0-0-0).

Resolution 1270-03 (P) - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the repowering of Police Patrol Boats (CP 3198) (County Executive).

LEG. CARACAPPA:
On the motion.

CHAIRMAN TOWLE:
On the motion, Legislator Caracappa.

LEG. CARACAPPA:
Didn't we just go through this I'd have to say less than 12 months ago? This is engines, I assume, for the boats; did we do for one, how many are there? I know the amount for the engines were substantial. Why are we doing it again so quickly? Did we ever get through the last process; these are questions I have.

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CHAIRMAN TOWLE:
Anybody want to talk to us on this or do we want to hold off on this and move to --

LEG. GULDI:
It's \$170,000 from the bill but it doesn't specify how many boats or reference the other project.

MR. SABATINO:
Just a quick technical point that might save you some time is that this is converting the funding from pay-as-you-go and we have to wait one more cycle to get the conversion law in place because it was just recently filed in Albany and we haven't gotten back an effective date.

LEG. GULDI:
All right. So motion to table because the bill wouldn't comply but we still need the information, even when we get past the technical

threshold.

CHAIRMAN TOWLE:

Do you want to do a briefing just to the members of the committee on this in writing between now and the next meeting? That way we can move on right on to the next item because we've got to table it today no matter what.

CHIEF ROBILOTTO:

Okay.

CHAIRMAN TOWLE:

All right? So that's acceptable, Legislator Caracappa?

LEG. CARACAPPA:

Yeah, I just want to know -- Jimmy, we did it not too long ago, and maybe it was for other boats.

CHIEF ROBILOTTO:

North Shore-South Shore.

LEG. CARACAPPA:

North Shore-South Shore, okay. I just want a better understanding as to what we're -- because I know that they're expensive.

CHIEF ROBILOTTO:

These are the new diesels for the boats, we'll give you a work-up on which boats and where they're coming from.

LEG. CARACAPPA:

That would be perfect.

CHIEF ROBILOTTO:

Is that what you want?

LEG. CARACAPPA:

Yes, thank you.

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CHIEF ROBILOTTO:

Sure, okay.

CHAIRMAN TOWLE:

We had a motion by Legislator Guldi, second by Legislator Caracappa to table. Any discussion? All in favor? Opposed? Abstentions?
1270 is tabled (VOTE: 6-0-0-0).

Moving on to 1280-03 - (P) - Approving the appointment of David Carrigan as a member of the Suffolk County Fire, Rescue & Emergency

Services Commission (County Executive). Are any of these appointments here?

MR. FAULK:
(Shook head no).

CHAIRMAN TOWLE:
Were they invited?

MR. FAULK:
Yes.

CHAIRMAN TOWLE:
If a member of the County Executive staff would come on up for a second.

MR. FAULK:
We called the appointments, because of the timing with the General Meeting and this meeting there was no time for them to schedule. So hold it for the next meeting.

CHAIRMAN TOWLE:
Okay, we'll move to table them then.

LEG. GULDI:
Motion to table 1280 through 1284.

CHAIRMAN TOWLE:
Second by myself. Any discussion? There being none, all in favor? Opposed? Abstentions? 1280, 81, 82, 83 and 84 are tabled to our next meeting (VOTE: 6-0-0-0).

Introductory Sense resolutions

Sense 21-2003 - Memorializing Resolution requiring State of New York to implement Suffolk County Red Light Running Law (Lindsay).
Legislator Lindsay, your pleasure.

LEG. LINDSAY:
Motion to approve

CHAIRMAN TOWLE:
Motion to approve by Legislator Lindsay.

LEG. GULDI:
I have a second for Red Light Lindsay.

CHAIRMAN TOWLE:

Second by Legislator Guldi. Any discussion? There being none, all in favor? Opposed? Abstentions? Sense 21 is approved (VOTE: 6-0-0-0).

Home Rule Message No. 3-2003 - Home Rule Message requesting New York state Legislature to allow Suffolk County to install and operate Red Light Camera Program. Motion by Legislator Lindsay, seconded by Legislator Caracappa. Any discussion? There being none, all those in favor? All those opposed? Any abstentions? Home Rule Message 3 is approved. We stand --

LEG. CARACAPPA:
Mr. Chairman?

LEG. LINDSAY:
Wait, wait, wait.

CHAIRMAN TOWLE:
Legislator Caracappa first.

LEG. CARACAPPA:
I would like to go back just for Counsel's opinion on 1237. Last meeting we did two renamings, one for the County Court Library in Riverhead I believe it was who Legislator Guldi sponsored and the other was --

MR. SABATINO:
The park.

LEG. CARACAPPA:
Right, the County park. We do have a committee which I chair for any time we have the naming, renaming or putting a plaque or symbol on any County facility, roadway, infrastructure, that it go through that committee prior.

LEG. BISHOP:
Yeah, we do.

LEG. CARACAPPA:
Why wasn't the two prior resolutions asked to go through that committee and why isn't the renaming of the County Road 31 going through it? Though, let me put it on the record, I fully support all of the renames and the dedications, I just want to know if we -- do we need this committee anymore? If not, if we're not going to recognize it, can we just disband it because I'm not going to waste my time being the Chair of it when we don't need to go through it.

MR. SABATINO:
I believe that that committee is for -- it's for symbols and for structures that are being placed on property, not for the renaming of

buildings and parks. The language talks about when -- for example, like there was the issue of the statue, there was the issue of the memorial, these are just --

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LEG. BISHOP:

War dog.

MR. SABATINO:

These are just signs that are renaming, in this case, a road and I think the last case it was a library.

LEG. CARACAPPA:

I just want it on the record so it's clearer for me.

CHAIRMAN TOWLE:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, I would like to ask the Sheriff's Department to come up. I hate to bring up a sore subject but I --

LEG. GULDI:

But you're gonna.

LEG. LINDSAY:

-- want to hear what the latest is on the jail and if we're shipping more prisoners Upstate, is it held constant?

UNDERSHERIFF SULLIVAN:

I'm sorry, Mr. Lindsay, I'll answer any question I can.

LEG. LINDSAY:

First question, are we still at 50 prisoners we're shipping Upstate?

UNDERSHERIFF SULLIVAN:

No, I believe we're in the mid 60's. I think the number is actually 65 at the moment; if I'm off, I'm close.

LEG. LINDSAY:

Do you know what the monthly cost is up to now?

CHIEF OTTO:

Off the top of my head, I don't have the cost figure as of right now.

UNDERSHERIFF SULLIVAN:

It's over a hundred thousand dollars, Mr. Lindsay. I can find out with a phone call but I don't want to hazard a guess at a number.

CHIEF OTTO:

I do know that we did have to contact the Budget Office because we got our first invoice for a couple of days last month and that invoice totaled \$23,000, approximately \$23,000. We didn't have the money in our operating budget, you know, in the budget line. We had asked for \$2 million for alternate housing, that wasn't approved in the adopted budget. The Budget Office directed us to take that money, okay, out of the same appropriation where it would have been in but out of a different object code, so the only object code that we had money in at this time of the year was our food for inmates. So they transferred \$23,000 from one object code into the alternate housing object code and our first invoice was paid. The next invoice we're anticipating

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for the full month is going to be -- at the present rate, if we don't have any additional inmates -- 166,000 I believe.

LEG. LINDSAY:

Do you -- when we get the plans in order to go forward with the expansion, do you think the State will keep removing the waivers or do you think they'll cut us some slack at that point?

(*Legislator Crecca entered the meeting at 12:22 P.M.*)

UNDERSHERIFF SULLIVAN:

It's difficult to predict. The sense we have is -- I'd flip the question. They made it quite clear repeatedly in many ways -- publicly, privately and over a long period of time -- that if we did not go forward quickly and in some significant way that they would strip us of the majority, if not all, of our variances in a short period of time. So they left the impression that perhaps if the County did move forward quickly and in a significant way they would not be so draconian. But no one has given us any different information than they did when they came before this committee last December and established any quid pro quo or told us, "This is how many and then we'll let you go for this long." I wish I could -- we would have a concrete prediction ourselves but we don't.

Our best sense is that if the project would seem to be going forward significantly and rapidly, that they would be inclined to cut us some slack; exactly what that means in numbers, I would be making it up if I gave you numbers, Mr. Lindsay.

LEG. LINDSAY:

Okay. Which leads me to something that's really in Public Works but maybe you guys could clarify things a little bit. I received a letter from the Commissioner of Public Works that the initial RFP went out to select a consultant, but it goes back to a resolution in 1999 and there was only \$150,000 appropriated and the low bid was 193,000, but

my recollection is that we approved \$1.3 million in the beginning of December for the initial planning of this jail.

LEG. CARACAPPA:

That's the Jail Needs Assessment RFP you're talking about, Bill.

UNDERSHERIFF SULLIVAN:

Two different things; my understanding is they're two different things.

LEG. LINDSAY:

Is that what it is?

LEG. BISHOP:

Would you read that into the record?

LEG. LINDSAY:

Read what into the record?

LEG. BISHOP:

Mr. Bartha's letter; is it lengthy?

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LEG. LINDSAY:

Yeah, it's lengthy.

LEG. CARACAPPA:

I can explain it fully seeing that --

LEG. LINDSAY:

So this is the needs assessment?

LEG. CARACAPPA:

That's the needs assessment. There were two --

LEG. LINDSAY:

I see.

LEG. CARACAPPA:

There were responders, we sent out to 30 or 40, two responded, the committee picked one. The letter you received was seeing that the Department of Public Works was one of the members on the RFP selection, that was their selection which happened to be the overall selection of the committee. We had put a price on -- a dollar amount on the RFP and what we thought it would cost. Their bid was unsealed at that number but they also said they would negotiate down to the needs of the County as opposed to the other responder bid lower but said there was a significant additional cost that they would have to charge the County which would throw them much higher than that number

that was given by the final person that was awarded the bid. So that's why that number is there and that's why it was sent to you in that form.

LEG. LINDSAY:

Okay, I got confused with that as opposed to the initial planning steps for the jail. So let me go back, do we have -- do we know if there's any progress on the initial planning, I mean, that we approved the \$1.3 million for?

CHIEF OTTO:

The initial planning money that was approved only represents one-third of the planning money needed to build the initial 280 bed facility. I'm sure DPW is here, they can tell you they can't even really go much further ahead than just the very first stages of planning, and that's what they're trying to do. They're trying to get something going. We've had some meetings about it, but they're going to need the next two-thirds of that the planning money.

LEG. LINDSAY:

Wasn't that money supposed to initially be the funding source for an RFP to select an architect to start drawing this? No. Where is that coming from?

CHIEF OTTO:

With all due respect, I think these questions should be answered by DPW.

LEG. LINDSAY:

Okay. Well, I'll hold it for Public Works.

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LEG. BISHOP:

What is the initial money for?

LEG. LINDSAY:

I don't know.

UNDERSHERIFF SULLIVAN:

My understanding, if I recall correctly, is that was one-third of the money that was available at the time. But the understanding when it was voted was that it was insufficient to significantly start the planning process. As a result, there's been initial activity on the part of DPW in conjunction with our office but it has not proceeded very far at all, to answer Mr. Lindsay's question.

LEG. LINDSAY:

And again, maybe it's my misimpression and I'm not trying to give anybody a hard time here. But when we approved that \$1.3 million was

I believe the same day that the corrections people were here, and I was under the impression if we approved that and set forward that it would slow down this whole process and that we -- you know, this would at least accelerate the first part of this.

CHIEF OTTO:

We had asked, along with the Correction Officer's Association, to have all the planning money advanced and only one-third of the money was advanced.

LEG. LINDSAY:

Well, this came out of the County Executive's budget. But my point is approving that \$1.3 million at that time evidently did us no good at all.

UNDERSHERIFF SULLIVAN:

I wouldn't say no good, Mr. Lindsay, but it hasn't moved the process forward very much at all; I think that's accurate to say.

CHAIRMAN TOWLE:

Legislator Bishop.

LEG. BISHOP:

How do you select which prisoners are sent Upstate?

CHIEF OTTO:

That selection process is done through classification. Most -- in general, the facilities Upstate, okay, will not take just any prisoner, they want your best prisoners. They don't want your headaches, your problems, so it goes through our classification process.

UNDERSHERIFF SULLIVAN:

Also, you try to the extent you can, and it's always a fluid -- prisoner population is a fluid concept, your population ten days from now is qualitatively different than your population today. You try to send as best you can, and there's a lot of intuitive guesswork in it. The people who are going to give you the most room in your facility for having transported them, if you're going to take the expense of

transporting somebody up to Oneida County, you try to pick somebody who's going to be there, you don't want to have to go back and get them in three days. Also, within your classifications, as we've said, sometimes if you have just one extra female prisoner, one extra woman, it can close down an entire available tier in the Riverhead facility. And frequently, if you can vacate a certain classification of people, you can free up a lot more space than just the number of beds that were occupied by the number of people you're shipping out.

So you -- to answer your question, you make those choices based upon what will Oneida accept. Number two, we try to send sentenced prisoners as opposed to pretrial prisoners to the extent possible because the judges want their prisoners back next week or three weeks from now and then you're going to get them or you're disrupting the criminal justice system and we try to do it within the classifications on a fluid basis that gives us the most room for the move to person.

LEG. BISHOP:

That sounds like the right answer, it just sounds more complicated than what my intuition would tell me. I mean, wouldn't you take the prisoner who was sentenced to a -- you know, a misdemeanor sentence, less than a year but greater than a few months?

CHIEF OTTO:

In actuality, it's extremely complicated. It's a very long process, the classification process. In general, that's what we try to do, exactly what you said, but it has to go through the classification process and also the facility, whether -- right now we're just dealing with Oneida, any other facility has to actually say, "Okay, we will accept them."

LEG. BISHOP:

Right. Because you said we try not to do pretrial; why would we send any pretrials Upstate?

UNDERSHERIFF SULLIVAN:

Ultimately you may have no choice depending upon the number of beds. The facility roughly has about one-third sentenced, two-thirds pretrial at any given snapshot moment. Now, that goes up or down somewhat, but roughly 2-to-1 of the number of prisoners you have in the facility on any day are pretrial prisoners. You can have some pretrial prisoners who you can tell are going to be there a long time, that's a very small number of people actually, people in on very serious felony pretrial charges, experience teaches us, you know, this guy is going to be around for a long time even though he's a pretrial prisoner. So far we've been able to -- I don't want to say all of them are sentenced prisoners but I think that's true. I didn't come ready to have this dialogue today; again, if I'm off, I'm not off by much.

LEG. BISHOP:

If I'm not mistaken, Columbia County, is that the County that just recently received a variance extension in order to provide time to do a needs assessment study?

CHIEF OTTO:

I'm not aware of that.

UNDERSHERIFF SULLIVAN:

No idea.

LEG. BISHOP:

I'm aware of it, it happened three weeks ago. I wanted to know if you had compared notes with them on how they were able to get those extensions.

CHIEF OTTO:

I know that the State Commission is in communication with our office almost on a daily basis. And I also know that they're eagerly awaiting the publication of the Capital -- the County Executive's Capital Project Report.

CHAIRMAN TOWLE:

Legislator Bishop, I also met with the State Commissioner of Corrections to discuss this issue, obviously since the last Public Safety Committee meeting and many of the variances that we have are five, six, seven and eight years old. In fact, he had made it a point to stress to me that this is the only County that has variances that are that far outstanding in the State and his staff is prepared to come in and answer additional questions of the committee, we're just trying to work out a date that would be -- would work as far as scheduling is concerned.

UNDERSHERIFF SULLIVAN:

Mr. Bishop, I don't know what's going on in Columbia County or what happened there. I can tell you that the State Commission has been telling us, virtually since the day we got here 15 months ago, that we are way out front statewide in their opinion. To compare us to another county, how they treat another county, I'm ill prepared to contrast how far out Columbia was to Suffolk County. They made it clear to us that they think we're way out of line.

LEG. BISHOP:

I understand. We approved planning dollars for the Minimum Security Facility in Yaphank; isn't that correct?

UNDERSHERIFF SULLIVAN:

What was proposed is the 280 replacement bed facility in Yaphank and my recollection is that the planning dollars that Mr. Lindsay was just referring to, that one point -- I think it was three, 1.2 or \$1.3 million was advanced last fall -- November, October, like that -- which represented approximately a third of the necessary planning money for what was then thought of as the 280 bed replacement facility, not addressing any larger facility at all.

LEG. BISHOP:

Right, exactly. And that was the only legislative action taken, was to release that one-third of the planning funds for that particular facility. So then the question arises why is it not moving rapidly; well, isn't it true that part of the problem is that there's been a change in focus?

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CHIEF OTTO:

That's negative. What had happened was the Sheriff's Office, okay, being actually on a daily basis pushed by the State Commission of Corrections had requested a thousand bed facility on two different occasions and it was disapproved. We're losing our two dormitories in Yaphank, everybody has visited those, that's why --

LEG. BISHOP:

Wait, stop there because I don't understand. I need to go -- you say that's negative on two -- you requested who, what?

CHIEF OTTO:

In our Capital Project request, previous years.

LEG. BISHOP:

But the only --

UNDERSHERIFF SULLIVAN:

The point is our focus had not changed, the Sheriff's Office; we weren't here, when I say our, we got here 14 months ago. The Sheriff's Office focus didn't change.

LEG. BISHOP:

Were you here in the Autumn when we passed the resolution?

UNDERSHERIFF SULLIVAN:

Yes.

LEG. BISHOP:

And then the discussion at that time was about Yaphank, correct?

UNDERSHERIFF SULLIVAN:

The discussion, the \$1.3 million that was voted out of the Legislature was about the Yaphank 280 bed replacement facility, correct.

LEG. BISHOP:

But then -- so Legislator Lindsay says why isn't that money being spent on that project or on any of these projects and I'm saying, well, isn't part of the problem that the focus has changed to something entirely different, now you want to build --

UNDERSHERIFF SULLIVAN:

If that's true, no one has said that to us from DPW or anywhere else.
Our impression is --

LEG. BISHOP:

How can you hire an architect for one project if you want to build a different project?

LEG. CARACAPPA:

The scope is different.

UNDERSHERIFF SULLIVAN:

Our impression is that that they could not go forward with significant planning with that much money. The suggestion that has been made but

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not decided is the 280 bed replacement facility could be part one of a staged project.

LEG. BISHOP:

Why couldn't it be part one of a staged project focusing on Yaphank exclusively?

UNDERSHERIFF SULLIVAN:

It could be.

LEG. BISHOP:

So then why didn't they move forward?

UNDERSHERIFF SULLIVAN:

Don't know.

CHIEF OTTO:

What had occurred with the 280 bed facility, the State Commission said to us, because they have to approve every plan for a correctional facility, they would absolutely reject any plans for a 280 bed facility, they said that. Therefore, we had to go back in and expand on the plan.

LEG. BISHOP:

They would reject --

CHIEF OTTO:

On the 280 bed facility alone they would reject the plans, absolutely, and they would pull our variances.

LEG. BISHOP:

Okay.

CHIEF OTTO:

I believe they said that on the record at the last meeting.

UNDERSHERIFF SULLIVAN:

Yes. I now recall, Mr. Bishop, when they appeared here in December Mr. Lawrence said, "You can't just plan this 280 bed facility, we won't let it go forward."

LEG. BISHOP:

But that doesn't speak to the -- the resolution was about the 280. You're arguing, they're telling you you have to do more, everybody says we have to do more, the Sheriff comes here and he says, "Time's up, we have to do more," and he does the whole show. But part of more is what we appropriated money for and he's saying why isn't the money being spent, and I'm suggesting that part of the issue seems to be confusion between the Sheriff's Department and DPW about what has to be done.

UNDERSHERIFF SULLIVAN:

We're not confused at all. And all due respect, I'll go back to Chief Otto's first remark --

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LEG. BISHOP:

Well, go back to what the architect said, he said that you have to sit down and figure out the operations of the facility before they can plan; isn't that correct?

UNDERSHERIFF SULLIVAN:

I don't know if DPW was reluctant to go forward in planning a small project in light of a looming, potential large project; I simply don't want to answer for them, I don't know. We're not confused at all and the impression we've gotten has not been that that's the big problem. The impression that we've gotten is that they don't have sufficient planning money to go forward in a very significant way. It may make sense, as you suggest, that they also don't want to go forward in a significant way on a small project when they're going to be hit with a much larger problem down the road, but I'm not prepared to comment for them, I shouldn't.

CHAIRMAN TOWLE:

Legislator Lindsay and then Legislator Caracappa.

LEG. LINDSAY:

I don't think I'm confused but maybe I am, you guys tell me. Didn't we just finish the kitchen that will service a thousand beds?

CHIEF OTTO:

At least a thousand beds.

UNDERSHERIFF SULLIVAN:

It's just about finished.

LEG. LINDSAY:

That's the core. Now, this 280 cells was what's envisioned as the first addition on to that core; am I correct?

UNDERSHERIFF SULLIVAN:

Yes.

LEG. LINDSAY:

And when that's all built out, the total complex will be a thousand beds.

CHIEF OTTO:

Just adding the 280 currently?

LEG. LINDSAY:

No, the 280 is the second phase, if you want to look at a multi-phase project. You built the core, the kitchen --

CHIEF OTTO:

That's correct.

LEG. LINDSAY:

-- that can service and is a medical facility, too, right, that will be able to service a much bigger facility and now we're going to add the hubs, the cells around it, no?

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CHIEF OTTO:

No, the medical facility has to be placed in the 280.

LEG. LINDSAY:

In the 280.

CHIEF OTTO:

Right.

LEG. LINDSAY:

Okay, but the medical facility will be capable of handling more than 280 cells.

CHIEF OTTO:

The medical facility should be able to handle over a thousand beds.

LEG. LINDSAY:

Okay. So the long-term plan eventually, whether we do it all at one once or we do it in pieces, how many people we -- is to build this thousand cells.

CHIEF OTTO:

That's the key. The key is, according to the commission, is to plan for the larger facility that we need; they have no problem doing it in stages, but the planning is what they need.

LEG. LINDSAY:

But for us to build a kitchen for a thousand cells, I mean, that goes beyond planning, that shows a direction that that's where we're going.

UNDERSHERIFF SULLIVAN:

You're right, Mr. Lindsay. Whenever the planning was done for the kitchen and the medical facility some years back, obviously there was a great deal of foresight involved. I was not part of this process so I can't comment on whose ideas there were, but the decision was essentially made to overbuild that kitchen looking towards the future, that's true. So you have a Capital Project on the ground in Yaphank right now that looks towards the future. Our understanding from the State Commission is that the conversations stopped there and they haven't heard anything significant about -- we can feed a thousand but men we can only sleep a couple of hundred of them. They want to have the other part of the conversation and they've been, how shall I say, beating us since we got here and that conversation has proceeded to this body in fits and starts for the last 14 months.

LEG. LINDSAY:

But going back to the original question that you fellas are not capable of answering and we're going to have to take up with DPW is why wasn't the \$1.3 million used for initial steps in planning? You can't -- I mean, what they're talking, you're talking about in planning is five to \$10 million for this facility ultimately.

CHIEF OTTO:

I think it's a lot more than that.

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UNDERSHERIFF SULLIVAN:

I think it was more than that, Mr. Lindsay.

LEG. LINDSAY:

More than 10 million.

CHIEF OTTO:

Yes, sir, I think it's more than that.

UNDERSHERIFF SULLIVAN:

Again, we didn't come here to have this conversation today, so I hate throwing numbers around, but my recollection is a lot more than that.

LEG. LINDSAY:

But whatever. I mean, it takes us so long to put out an RFP, at least we could have done that. And we should have enough money, \$1.3 million, to put out an RFP I would think, but we'll have that conversation next committee.

CHIEF OTTO:

I'm certain that DPW is prepared to give you some type of presentation on that because I do know they had been working on that every day for the last couple of weeks. And I believe they're ready to go out with something to start some type of planning.

LEG. LINDSAY:

Okay, that will make me feel better.

CHAIRMAN TOWLE:

Legislator Caracappa.

LEG. CARACAPPA:

Thanks. Under-Sheriff, you said for the last -- since you've come into office with the Sheriff the State has been pounding you over the head with the variances, clean it up, fix it, build, right, from day one?

UNDERSHERIFF SULLIVAN:

I think the first letter we got from the commission was in January of last year which essentially took a strident tone.

LEG. CARACAPPA:

Yeah, as soon as you came into office. Were you part of the creation of the Capital Budget, the County Executive's proposed Capital Budget for last year? I would assume if you were in in January, of course you were.

UNDERSHERIFF SULLIVAN:

Oh, last year, yes.

LEG. CARACAPPA:

Yeah. During that time, and I think I need Counsel to back me up on this, I think the only planning dollars put in the Capital Program last year presented to us as a Legislature was the amount that we approved in December. Granted, the Legislature during the Omnibus process of the Capital Budget plan had pushed that planning money to

subsequent years, the entire amount, and we pulled the entire amount back. So to say that -- this is where I'm confused. It was a dollar amount that the County Executive, I guess at the behest of the Sheriff's Office, put in a Capital Program and we eventually did approve that dollar amount. So I don't think we're piecemealing it, it was a dollar amount presented to us. Again, granted, we did push it off in subsequent years in the Omnibus bill, but we did forward it again into this year when we approved it in December. This is where I'm getting a little confused, where we say we're piecemealing it.

CHIEF OTTO:

No, you didn't --

UNDERSHERIFF SULLIVAN:

The Chief recalls this better than I do, so I'm going to let him respond.

CHIEF OTTO:

Did have the correct number at the time for 280 for planning and it was put in and it was continued forward, although it was in subsequent years. We had asked in our presentation to have it, you know, moved up, okay.

LEG. CARACAPPA:

Right.

CHIEF OTTO:

And what they did, they moved up one-third. But the full entire planning money for the 280 is in the project, it's just in subsequent years.

LEG. CARACAPPA:

Okay, so we only moved up a third.

CHIEF OTTO:

That is correct.

LEG. CARACAPPA:

Then I stand corrected.

UNDERSHERIFF SULLIVAN:

That is my recollection, too.

LEG. CARACAPPA:

I'll check the numbers with Budget Review. Okay, so its clear to say I think we're -- through the unfortunate acrimony that has gone on between all of this lately and since the County Executive's State-of-the-County Address stating his deep concern and the Sheriff's constant concern and the Legislature's dual track thought process as

to how to move forward, I think it's clear that we need to make it exceptionally clear, not only here today on the record but to the public that the scope has changed and it's changed dramatically. And we're not a year back, we're today and that's where everything is getting I think stuck in the mire and the muck where things have quadrupled in size with relation to the scope and some of us are still

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thinking about what you were asking for a year, a year-and-a-half ago as opposed to what you're asking for today.

So hopefully we can move on, put all the acrimony behind us, due this still on that dual track. I think our side of the track will finish first with relation to the planning, and what I mean about that is that needs assessment RFP, but hopefully we can move forward together and in a way that's conducive to the people of Suffolk County.

And one final point, not to blow smoke so to speak, but I have to say to Chief Otto. Having you come to the table and being at all these meetings is a relief, at least for one Legislator, myself, and actually is slightly comforting because your institutional knowledge of Suffolk County's correctional system and the facts, the figures and the numbers are usually 100% accurate and we do appreciate it as a committee and as a body.

CHIEF OTTO:
Thank you, Legislator.

LEG. BISHOP:
May I ask a couple of questions?

CHAIRMAN TOWLE:
Legislator Bishop.

LEG. BISHOP:
How many CO's are currently in uniform?

UNDERSHERIFF SULLIVAN:
Under 750, isn't it now?

CHIEF OTTO:
You can say approximately 750, I don't have the exact number off the top of my head.

UNDERSHERIFF SULLIVAN:
I would say shy 750.

LEG. BISHOP:
Did we make a difference in last year's budget? Looking back from

let's say 2000 --

CHIEF OTTO:

With regards to the numbers?

LEG. BISHOP:

Yeah.

CHIEF OTTO:

Well, I can tell you this. For the first time in history, okay, the budgeted numbers of Correction Officers that were budgeted for, okay, if we were able to hire all the remaining -- we've got 50 vacancies right now for this year, we would be able for the first time in history to actually hire all as required by minimum standards, all vacancies.

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UNDERSHERIFF SULLIVAN:

State minimum standard.

LEG. BISHOP:

Okay. You have 750. How did we do last year, what did we have? Are we making progress is what I'm trying to get at.

CHIEF OTTO:

We are making progress with the numbers of Correction Officers, yes.

LEG. BISHOP:

What did we have last year?

CHIEF OTTO:

Don't want to give you that number without researching it.

LEG. BISHOP:

I mean, you had to make a pitch for the budget, right?

UNDERSHERIFF SULLIVAN:

My sense was we were down in the tens or teens, seven.

LEG. BISHOP:

Okay, so we've added about 35,40, somewhere in there.

UNDERSHERIFF SULLIVAN:

And that's also a number that's always influx with retirements and so forth, but I think you're in the range.

LEG. BISHOP:

Are we doing better with Deputy Sheriffs?

UNDERSHERIFF SULLIVAN:

We have I believe at the close of business yesterday 237 Deputy Sheriffs.

LEG. BISHOP:

Exact, I like that.

UNDERSHERIFF SULLIVAN:

And yes, we did better but we were close to shut down last summer with the number of Deputies we had. Chief?

CHIEF OTTO:

We did better because everybody is working a lot of overtime. One of my concerns is that we actually lost, we had 17 Deputy Sheriff positions abolished. So as pure numbers, no, we lost 17 Deputy Sheriffs.

UNDERSHERIFF SULLIVAN:

Mr. Bishop, one more comment in response --

LEG. BISHOP:

I want to keep it on the simplest plane as I -- because once you start doing the budget mumbo jumbo you're going to --

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UNDERSHERIFF SULLIVAN:

But one more comment with response --

LEG. BISHOP:

How many guys are in uniform today and how many guys were in uniform last year at this time? And you could add your response, I'm sorry.

UNDERSHERIFF SULLIVAN:

With regard to Deputy Sheriffs, as we start transporting people Upstate, that impacts tremendously on Deputy Sheriff overtime. They're the transporters, they're the folks in the black and white buses and the black and white cars going up the thru-way. So -- and this -- so the compliment of Deputies wasn't really designed with that in mind and that's going to have -- I don't want to start estimating, I would be making numbers up, but it's going to have a huge impact.

LEG. BISHOP:

How many did we have last year, how many do we have this year?

CHIEF OTTO:

I can give you those numbers a little bit later, I don't have them off the top of my head but I know we have less than now than we did last year.

LEG. BISHOP:

So we actually have less people in uniform today than we had last year, that's what I'm trying --

CHIEF OTTO:

To the best of my knowledge, yes.

UNDERSHERIFF SULLIVAN:

After the retirements I think that's right.

LEG. BISHOP:

Thank you.

CHAIRMAN TOWLE:

Final question, Legislator Caracappa.

LEG. CARACAPPA:

I'm sorry, I forgot to ask this before and it's probably going to sound like a very strange question right off the bat. But currently are there any empty cells in the Riverhead facility?

UNDERSHERIFF SULLIVAN:

Didn't walk the place this morning.

LEG. CARACAPPA:

For reasons being -- and let me explain. Painting and infrastructural improvement, environmental control problem, if one of those things happen, if one of those things are happening as we speak, how long is it going to take, how many empty cells is it creating and what's the affect -- what affect is it going to have on us fiscally and how fast can we get those cells filled up again?

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CHIEF OTTO:

I could probably say safely that we absolutely have some empty cells, but --

UNDERSHERIFF SULLIVAN:

Always.

CHIEF OTTO:

-- a perfect example is if you're dealing with females, okay, if you have one female inmate on a tier, the whole tier has to be female, you can't put males up there; that's one of the reasons why we shipped 19 females out. So your first question was do you think we have any empty cells, I would say I believe we do on the female tier at this time, or maybe we have someplace else, maybe mental observation. We still lay over our, you know, our legal limit right now by approximately -- I think it's over 1,500 already.

UNDERSHERIFF SULLIVAN:

To address what I think was your real concern, there are no major projects going on right now which significantly impact on making unusable cells. There's always going to be some empty cells in that facility on any given day because of classification reasons. A spike or even drop in a mental observation population which leaves you with space you can't use because you can't put anybody else into that small piece of space. As we've mentioned, the gender separation which is always -- which is really a critical problem every day, that probably causes on a day-to-day basis the most unused space that you simply are not able to use.

But there is -- to answer your question, there's no big project going on at the moment that if we stopped it or if we did it three times as fast as we thought we could do it that would significantly impact the number of open cells we have on any given day, if that was your question.

LEG. CARACAPPA:

Yeah. The reason I ask, of course, as Legislators we get phone calls from the public, people who work for the County, so forth so -- and so on and so on and I had received a phone call the other day saying, you know, because of the press that the Sheriff's Office and myself had been getting recently and I was shocked to get a phone call from someone saying, "Hey, there's 20, 30 empty cells I just walked past, what about that?"

UNDERSHERIFF SULLIVAN:

Not only that, if you walk in there at eleven o'clock in the morning or one o'clock in the afternoon, the two-thirds of those prisoners that are pretrial, well, X number of them are off to court.

LEG. CARACAPPA:

Okay.

UNDERSHERIFF SULLIVAN:

There will always be -- quite frankly, and in good faith, I invite you, please come out. You know, we'll give you the cook's tour and

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walk through this place and see the realities of it yourself, and I extend that invitation, it's been extended many times before.

LEG. CARACAPPA:

Yes.

UNDERSHERIFF SULLIVAN:

It's genuinely extended. But you'll never walk through that jail and

it won't look like a George Raft movie where there are three faces behind every set of bars, that's never going to be the reality of that jail.

LEG. CARACAPPA:

No, I've toured the facility on separate occasions and, in fact, as an outsider.

UNDERSHERIFF SULLIVAN:

I'm dating myself.

LEG. CARACAPPA:

As an outsider, as a guest; knock on wood. I'm laughing and the Police Chief is laughing, too, as I say that.

CHIEF ROBILOTTO:

I was laughing at George Raft.

LEG. CARACAPPA:

The George Raft joke, okay.

UNDERSHERIFF SULLIVAN:

Chief Robilotto is the only idiot in the room that knows who George Raft is.

LEG. CARACAPPA:

Right. The Public Works Committee is going to be putting together a tour with the permission of you guys and you just extended that. But what I'd like it to be --

UNDERSHERIFF SULLIVAN:

Invitation.

LEG. CARACAPPA:

An invitation. I would like it to be a surprise, we're going to show up one day unexpectedly, if you don't mind, and we would expect the same invitation and be brought through the facility quickly if we showed up on your doorstep. I would be hopeful of walking the halls ten minutes later as a committee along with you.

UNDERSHERIFF SULLIVAN:

Sure.

CHIEF OTTO:

Just listening to what you had mentioned before, Legislator. Not too long ago, maybe a week, maybe it was earlier this week, we had a clean-up project going on in the facility that I was aware of where we had most of the inmates in a certain tier were brought out to the

recreational yards and then we had maintenance come into the cells; that almost describes exactly what you just mentioned to me and I think that could have occurred.

UNDERSHERIFF SULLIVAN:

And by the way, with the new Warden, Tom Murphy is the new Warden, there's been a significant increase in painting and cleaning details. He's reorganized some of the interior procedures at the jail to clean the place up, quite frankly, and there's been a significant increase in the appearance of the interior spaces of the jail, but that means a lot of prisoners are not in bed, not in their cells at any given moment. But as I said, there are no big gaps in there where we could fit people, and especially Warden Murphy, he's real inventive in finding spots to stick guys and he's full up.

LEG. CARACAPPA:

Just keep in mind, I ask that question because it's brought to me and in fairness I have to ask you before I shoot my big mouth off and I wouldn't want to do that more so than I already do before asking you. All right? So that's basically what I meant by that.

UNDERSHERIFF SULLIVAN:

Ditto.

CHAIRMAN TOWLE:

There being no further questions, we now stand adjourned at just about two o'clock.

(*The meeting was adjourned at 1:57 P.M.*)

Legislator Fred Towle, Chairman
Public Safety & Public Information Committee

NOTE: Chairman Towle requested that Legislator Crecca's votes be included with the majority on all resolutions.

{ } - Denotes Spelled Phonetically