

**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 December 9, 2003.**

**Members Present:**

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

**Also In Attendance:**

Paul Sabatino - Counsel to the Legislature  
Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature  
Anthony Figliola - Aide to Presiding Officer Postal  
Ray Zaccaro - Aide to Legislator Bishop  
Tom Donovan - Aide to Legislator Guldi  
Jim Spero - Deputy Director/Budget Review Office  
Rosalind Gazes - Budget Review Office  
Kevin Duffy - Budget Review Office  
Bill Faulk - County Executive's Office/Intergovernmental Relations  
James Maggio - Assistant Deputy Commissioner/Suffolk County Police  
Joe Michaels - Suffolk County Police Department  
Alan Otto - Chief of Staff/Suffolk County Sheriff's Office  
Debbie Eppel - Public Information Office  
Dave Fischler - Commissioner/Fire, Rescue & Emergency Services  
Robert Kearon - Bureau Chief/District Attorney's Office  
Bill Ellis - Director of Public Relations/Correction Officer's Assoc.  
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

**CHAIRPERSON CARPENTER:**

Good afternoon. I would like to welcome everyone to the Public Safety & Public Information Committee. I would ask that you all rise for the Pledge of Allegiance led by Legislator Lindsay.

Salutation

Thank you. All right, let us go to the cards first.

**LEG. BISHOP:**

Are we having any presentations?

**CHAIRPERSON CARPENTER:**

They never -- I will do that. Before I call the first speaker up, we requested that the firm that did the needs assessment for the jail, Pulitzer & Bogard come make a presentation today, unfortunately we did not here back from them. And hopefully after the first of the year we can arrange to have them come address either the Public Safety Committee or perhaps we should just have them address the full Legislature. The first card is Ruth Cusack.

**MS. CUSACK:**

Good afternoon. Ruth Cusack for the League of Women Voters of Suffolk County. The jail report states that the return on investment to alternatives might be negligible, yet it also says that County officials have a potential role in shaping the jail population by promoting continued development of safe and appropriate alternatives to secure confinement. The League of Women Voters of Suffolk County urges you to adopt the latter view and not to dismiss the potential impact of alternatives on the jail population.

The study refers to the County's low incarceration rate compared to the major crime rate, listing many programs Probation already has in place, that major crime offenders go to prison not jail; that may not be a valid comparison. The League of Women Voters considers it always worth while to improve alternatives for rehabilitation as well as for cost and space.

With regard to local alternatives, the report documents the high number of drug and DWI offenders. We suggest you create a mechanism to focus on ways to improve how the County deals with these offenders at various stages of the criminal justice system, diverting more from incarceration and helping more quit substance abuse and thereby quit criminal behavior would reduce both present and future jail populations. We support the list of probation initiatives that would divert offenders from jail, noting especially the pretrial supervised release with the drug program and close monitoring.

We also support the Sheriff's Office's ongoing efforts for more

in-house drug and alcohol education and work programs to reduce recidivism, as well as we also support the recommendation to expand substance abuse programs for pretrial inmates which could provide an incentive for a lighter sentence later. The report singles out those serving 30 to 120 days in jail as candidates for a less secure

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setting, we agree that some might stay employed and monitored -- be monitored electronically in their own residence, whether drug or other offenders.

Now, the report mentions some State level effects. It implies that anticipated change in the State drug laws will have an immediate and profound effect on the jail population. However, the major proposals that are under consideration would not divert inmates from prison to jail. And by the way, New York already has an alternative definite sentence for any first time Class D or E and first time Class C drug offenders; the definite sentence is the one year or less which would put you in jail. The argument in Albany is really more between determinant and indeterminate at the State level.

(\*Legislator Guldi entered the meeting at 1:20 P.M.\*)

The report lists violation of parole as the most frequent inmate charge for Suffolk County inmates. Rule violations often involve drugs. Parolees come from prison rather than jail, but locals can support improved methods while in prison to reduce later VOP confinement in jail while the warrants are processed.

The report also refers to the JSAT study. It puts the report as non identifying any major additional opportunities to further reduce the jail population. However, the JSAT did recommend that the resource team review data for both pre-trial and sentenced cases for potential jail population reduction targets. In one example from their original data, they showed that the ROR score, release on recognizance, was not related to the charge. However, the decision for ROR or bail and the bail amount did relate to the charge. A review of the failure to appear record with judges might lead to more high scorers getting ROR without compromising public security. These are just a few examples of things that can be done that can reduce the jail population through alternatives to incarceration.

Now, I would like to mention some things maybe other people noticed as you look through the full report that might be errors or confusion. One rather straightforward error that I'm sure of is they list for the most frequent charge for females as criminal sale of a controlled substance in the seventh, there's no such charge; you do have possession in the seventh, it's an A Misdemeanor. So as you look at

why people are in the jail and try to figure you can do about it, it's important that what is reported be accurate and that, of course, focuses on the fact that the females have proportionately more substance abuse offenses than males and so this is an area that could be focused on.

And there are several charts -- I don't know if anybody up there has the full report in front of them, but there are several charts that seemed a little weird and I had some trouble trying to figure them out and I think there are just some straightforward errors and if they -- it's either errors or confusing, and if it's errors it might call into question a lot of the data on the inmate -- the daily beds and so forth. I mean, if anybody has it there, it's on page 213 and 215. You have the charts that say the total admits and the one thing that -- the first comment was that it has 245 people pending transfer

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to the State. State-readies were a problem several years ago but that has all been straightened out I thought, so there wouldn't be on any given day as many as 245 there.

LEG. BISHOP:

No. They're -- the straightening out of the problem is that we now get reimbursed; it's a fiscal straightening out. But I think that there are still many State-ready prisoners in our jail, just in the past they would leave them there and not pay for them and now the County is reimbursed for their cost.

MS. CUSACK:

Yes, they are. But actually remembering back to 1999, the total number that were there is the problem. For example, the JSAT Study which was a snapshot study of just one day, I looked back on that for comparison, they had 80 which was high and they said, "We're not going to get excited about this because the numbers are going down." You would not have as many as 245 on a given day.

Now, the other thing is to see -- I'm trying to see is it me or am I just not understanding this, is I added up -- I wish they had done the totaling but they didn't, but they have the average daily beds adding up to over 2,000 in there, there's another chart later which does; but the average data beds are not 2,000, it's down to like 1,480. And also, looking at the total admits which don't add up from the Suffolk County budget, it may be in the report but I missed it, the number of total admits for a year has been for about five years straight on the order of 14,000 and here it's 17 or 16,000 on these two.

Now, earlier on the report mentions some trouble with the computer system. So the point I want to make is that really needs to be looked

into. In fact, there's this one chart, if you happen to be on 213, one of the things that leaps out is those awaiting transfer to the Mid-Hudson Correctional Facility. If there were only four admits during the whole year for a total of 800 days, your average daily beds are not two, it's 200. So I thought -- but it's not a simple decimal error, I calculated all the others and it just doesn't make sense.

So I really would -- I think that needs to be looked into and to see what the problem is; it doesn't add up right. And if you want to decide -- the point of doing -- collecting all that data was to see who is there, why and for how long, and then that's going to drive what kind of a facility is built, and also it shows where the possibility is for finding alternatives. I thank you very much for your attention.

CHAIRPERSON CARPENTER:

Thank you very much, Ruth, for your analysis.

LEG. BISHOP:

I have a question.

CHAIRPERSON CARPENTER:

Yes, Legislator Bishop. In the meantime, I would just like to say that I'm going to take these comments and forward them to the Sheriff's Office.

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LEG. BISHOP:

I don't think it's the Sheriff that we would want to send them to.

MS. CUSACK:

It should go to the people who did it.

LEG. BISHOP:

Right, exactly. Do they have an open process, have you been able to attend their meetings?

MS. CUSACK:

No. I had wanted to be contacted during the process and I never was. Although Mr. Caracappa very nicely saw that I got a copy of the full report when it was out, but I was not contacted before that which surprised me, to tell you the truth.

LEG. BISHOP:

All right. Legislator Caracappa, are there ongoing -- this was a Phase I, I understand. Are their meetings public meetings; how are they operating?

LEG. CARACAPPA:

They're not so much public meetings, Legislator Bishop, but they're collecting data. They're collecting data, working through the Sheriff's Department and other agencies that would have data associated with prisoner counts and that nature.

LEG. BISHOP:

Yeah, that's logical --

LEG. CARACAPPA:

So there's not --

LEG. BISHOP:

-- but are there any public work sessions where they discuss their issues or are open to questions?

LEG. CARACAPPA:

Not that I've been made aware of. I've been contacted by Pulitzer and Bogard on a couple of occasions and I have reached out to them as well asking them how things were going along and they have been telling me bits and pieces.

LEG. BISHOP:

Your role, you were on the RFP committee, so --

LEG. CARACAPPA:

Right, RFP Committee and the Needs Assessment Committee prior to that.

LEG. BISHOP:

Okay. The Needs Assessment Committee would be the forum that -- that no longer exists?

LEG. CARACAPPA:

No. What that did was take a snapshot view of the overcrowding situation in the jail.

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LEG. BISHOP:

Is that the JSAT?

LEG. CARACAPPA:

That was part of it, JSAT was separate but they came down and met with us as well, but it was separate. What we did was at that point we as a committee, the Needs Assessment Committee put together the RFP criteria and those who would sit on the RFP committee, then it went into that long hiatus and then we finally got back together through resolution and more funding and we're where we are today, so.

LEG. BISHOP:

Now, am I correct that the RFP explicitly required them to examine the potential for alternative sentencing, increased efficiency and the value of treatment programs?

LEG. CARACAPPA:

Yes.

LEG. BISHOP:

And -- I mean, I know I'm correct, but that's not really done in this phase of the report, so I guess I have to be hopeful that it's going to be done in the next phase.

LEG. CARACAPPA:

We should all be hopeful, that's what we asked for.

LEG. BISHOP:

Right.

LEG. CARACAPPA:

Especially you and I in the early goings.

LEG. BISHOP:

And again, you know, this has been my criticism of the way the Legislature acted, now I'm criticizing the consultant, it seems like you can't really evaluate your needs until you know what your alternative potential is and I don't feel that that was done in the first phase.

LEG. CARACAPPA:

I think it's --

LEG. BISHOP:

Excuse me, I'll yield.

LEG. CARACAPPA:

I think it's mentioned in the introduction that that's going to be part. If I read the introduction correct on the Phase I that we've received, they mention that they will talk about alternatives. I don't know if it was in Volume I or Phase I, but it is going to be part of the report.

LEG. BISHOP:

There are some conclusary remarks --

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LEG. CARACAPPA:

Right.

LEG. BISHOP:

-- like that there is no potential or there's limited potential, but the data suggests otherwise. For example, there are more than 300 mentally ill chemical abusers, or MICA's, in our jail population right now. Clearly that's a population that's not going to be served well, the problem is not going to be solved, you know, by just having them in the jail as treating them as prisoners, you know, there's a lot more that needs to go on there and perhaps that's right for alternative sentencing as well.

So those -- I mean, obviously I have a lot of questions and I'm frustrated that they're not here. I just want to see, Madam Chair, you contacted them and they declined to come or they didn't respond?

CHAIRPERSON CARPENTER:

My office put two phone calls in to them and we did not get a response.

LEG. CARACAPPA:

If I could, Madam Chair?

CHAIRPERSON CARPENTER:

Certainly.

LEG. CARACAPPA:

I was going to suggest earlier before, even before the questions and answers started, that we defer to have a discussion on the report until all phases are in. It's expected to be done -- it's going faster than anticipated, actually, and is expected to be done early next year. So once the Legislature reorganizes and this committee starts meeting again, there's a very good chance after the first or even maybe the second meeting we'll have the full report and then we can comment on the full --

LEG. BISHOP:

Yeah, but I would hate to have the full report and then have these questions and find it's too late to have them answered.

LEG. CARACAPPA:

Well, the scope --

LEG. BISHOP:

You know, I wanted the dialogue and I don't think it's --

LEG. CARACAPPA:

The scope of the RFP is clear, we've made it clear through legislation.

LEG. BISHOP:

No, I think the RFP sounds like it was exactly what we needed.

LEG. CARACAPPA:

Right. So we've laid out --

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LEG. BISHOP:

The report in all fairness is probably half done, but it reaches a lot of conclusions at the halfway point and that's troubling to me.

LEG. CARACAPPA:

Well, that's where we are in the study, too, the halfway point.

MS. CUSACK:

Can I be assured we'll come back to this idea of checking those numbers to see if they are correct? And Mr. Bishop brought up the idea of the cost with the State-readies, another source is the budget narrative on the Sheriff's office which does give -- there are reimbursements because obviously the violators have to sit here until their case is decided. And the State-readies, there are a lot of them but for a short period.

The reimbursement for the State-readies for transfer was 125,000 for 2002; the reimbursement for violators was 1,400,000, so you would expect more than -- I presume they're at the same rate, you would expect more than ten times the parole violators as you have State-readies. So that, again, speaks that the State-ready number here just isn't right and if that one is wrong, what others are wrong? So I think that's really a serious thing to look into.

And in line with what you are all saying right now, there probably was a limit to what this company could do in the time they had and maybe the dollars to pay for it, I don't know. But this committee might get a few people together, I don't mean a big room of people that meets and never accomplishes anything, to get a few people together who are knowledgeable and don't have the self-interest and might look into some of these things Mr. Bishop is looking at. Alternatives are important and they were sort of dismissed, although a bone was tossed to them.

CHAIRPERSON CARPENTER:

You've raised some valid points but the one thing -- no but, but the thing I would just like us to keep in mind is that when it comes to alternatives for incarceration, that the Commission of Corrections sat at this Legislature and basically said that the County has been a leader in those initiatives more so than in any other facility in the State of New York. So I need to bring that up again because I don't want anyone to feel that there's, you know, some things out there that are going to, you know, be a magic wand in the idea of alternatives

that we have not employed. Legislator Lindsay. Excuse me; Legislator Bishop, are you finished?

LEG. BISHOP:  
I will yield.

CHAIRPERSON CARPENTER:  
Okay. Legislator Lindsay.

LEG. LINDSAY:  
Yeah, I just want to add my comments. I would like to see this company at our next meeting, if possible, if we're all still here, whatever. I thought the report was rather informative but I, too, was disturbed about some of the numerical errors in the report and it

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really boils down to that; I mean, we're talking about numbers here. You know, when we start talking about whether to build a new jail and the size of the jail and how many people we can use in an alternative program, it's all about numbers and if the numbers are wrong then certainly the report is faulty and I would like to see that corrected or at least explain how they derived some of these conclusions numerically before they finalize the second phase of the report.

CHAIRPERSON CARPENTER:  
Thank you, Legislator Lindsay. I was just commenting to Counsel that in light of some of the discussion today, before they come to that final phase and conclusion, I think I would like to have Counsel draft a letter from the committee raising some of the things that were outlined here this afternoon and more or less put them on notice.

LEG. LINDSAY:  
Wonderful. Thanks.

LEG. BISHOP:  
Should I -- if he's basing it on this discussion, should I go on with my lengthy problems with this?

CHAIRPERSON CARPENTER:  
Well, perhaps you -- if you've got them in writing, perhaps you can share them with the other members of the committee and we can give them to Counsel and include some of that in the correspondence that we send to the consultant.

LEG. BISHOP:  
Actually, am I to understand, the correspondence is our dialogue with them, we're not going to bring them in for --

CHAIRPERSON CARPENTER:

No, no, no, I'm not suggesting that.

LEG. BISHOP:

Okay, it's not in lieu of a discussion.

CHAIRPERSON CARPENTER:

But, you know, we are here in December, we will not be meeting until the third week of January, after the reorganization. So rather than let this sit and then have them go forward with data that may be incorrect --

LEG. BISHOP:

Why do we have to wait till the third week of January? We reorganize --

CHAIRPERSON CARPENTER:

That's when our Legislative cycle is, unless you're suggesting that we call a special meeting.

LEG. BISHOP:

Well, a special meeting of the Public Safety Committee --

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CHAIRPERSON CARPENTER:

Yeah.

LEG. BISHOP:

-- perhaps might be in order. I mean, this clearly is the biggest issue in the Public Safety sphere at the moment.

CHAIRPERSON CARPENTER:

And I'm not denying that and that's why I'm suggesting --

LEG. BISHOP:

And what I'm -- I understand that you're trying to come up with a process that's rationale, but what I'm suggesting is that if they write a report and we don't have a meeting before the report, the report may not be worth while. So we need to get the dialogue in order to make sure that the report is what we want --

CHAIRPERSON CARPENTER:

Exactly.

LEG. BISHOP:

-- and what we're paying for.

CHAIRPERSON CARPENTER:

And I think that's why --

LEG. BISHOP:

And that letter may not just get it done.

CHAIRPERSON CARPENTER:

-- it's important to put these things to paper rather than just phone calls, we put a letter together to the consultant raising these issues and asking for a response back and reminding them that we would like them to come meet with the committee before they issue the final report. But then again, I don't want to do anything to jeopardize the timeliness of having the report completed. Okay?

LEG. O'LEARY:

Through the Chair?

CHAIRPERSON CARPENTER:

Certainly, Legislator O'Leary.

LEG. O'LEARY:

This is a product of an RFP process; is that correct?

CHAIRPERSON CARPENTER:

Yes.

LEG. O'LEARY:

Was a preliminary report drafted that was reviewed; are you aware of any preliminary report?

MS. CUSACK:

No, I was just on the committee that selected among the two applicants

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which one got the RFP; that was the extent of my participation. I had hoped to be consulted while they were writing it but wasn't.

LEG. O'LEARY:

Just based on past practice, I would think it would be appropriate if the RFP had an opportunity to review a draft of a phase report before it's published. And often times when that occurs, these very issues are brought up in conference with the RFP committee and the company that's issuing the report. That's something that should have been considered, and if it hasn't been considered I would suggest that it be considered in Phase II and incorporate these suggestions in Phase I along with the Phase II report prior to coming out with a final report.

MS. CUSACK:

Yes. And I'm speaking up now at my first opportunity really because I

was on that committee specifically because it had one person statutorily who was to represent those interested in alternatives to incarceration. So I feel not only an obligation but a desire to --

LEG. O'LEARY:

You were a member of the RFP committee?

MS. CUSACK:

Not for the planning process, the Sheriff's Committee wrote the original RFP back in '99, but I was on the committee that picked between the two applicants. There was a committee that met and the persons who were to be on that committee was listed in a statute; there were, I think, ten people, the Sheriff's Office. All of the others were County employees, I believe.

LEG. O'LEARY:

And once this outfit was selected as the entity to submit a Needs Assessment Report, wasn't there someone or some entity responsible --

MS. CUSACK:

I don't know.

LEG. O'LEARY:

-- for them to report to?

MS. CUSACK:

I don't know who was in charge of it.

LEG. BISHOP:

I think that's us.

MS. CUSACK:

I don't know who followed through; was it Public Works?

LEG. LINDSAY:

The Public Safety Committee.

LEG. O'LEARY:

That hasn't been done, obviously.

LEG. BISHOP:

Right.

LEG. O'LEARY:

Well, that's something that should have been done and something that has to be considered in the future.

LEG. BISHOP:

That's what I'm saying.

CHAIRPERSON CARPENTER:

Chief Otto, do you want to come forward? Ruth, thank you very much.

MS. CUSACK:

Thank you very much.

CHIEF OTTO:

Good afternoon. Sitting here listening to all the concerns, first I would like to say that Phase I report is finished, okay. The Phase I report should have addressed a lot of the concerns that were brought up today by Legislator Bishop and by Ruth. I had some questions when I saw the Phase I report and some of them were answered. I don't think there's a problem at all inviting them to attend a meeting here, I would like to see them myself address the full Legislature. I believe the next meeting is when, the 16th? I could possibly make a phone call for you directing them to do so and see if I can confirm that.

LEG. BISHOP:

That's probably going to be a long meeting.

CHAIRPERSON CARPENTER:

Well, we'll -- I know, it is the last meeting of the year. Let us -- we will take that under advisement, we'll have a discussion and see if that is practical. You know, given the time constraints, we don't want to bring them down and not have it be productive, but we will discuss that, that certainly is an option. But if not, immediately, you know, after this letter goes out to them, perhaps we can convene a special meeting just to address that.

CHIEF OTTO:

Phase II will have to deal with the financial end of it, so if there's any questions regarding Phase I they really should be addressed first.

CHAIRPERSON CARPENTER:

Thank you. Thank you very much. We have one more card, Dr. Richard Bartel.

DR. BARTEL:

Thank you, Madam Chairman. My name is Richard Bartel, I have been a resident of Suffolk County, Southampton, for over 30 years as a taxpayer. I'm now retired, I have had a career as a professional economist, it's taken me to work in Washington, in New York, at the Federal Reserve and also abroad. I come as someone interested in economic policy, public policy in particular, and I am a recent graduate of the {Diaconent} Program of the Lutheran Church here on

Long Island. So I'm working within the framework of the Long Island Council of Churches.

I am prompted to come before this committee because of my work with individual inmates in the Riverhead jail over the past five years, so I see this as a very personal and individual problem stemming, for the most part, from drug and alcohol abuse problems and addiction. I will make my major conclusion first and that is from what I've learned as an economist, as a Republican appointee to the Joint Economic Committee of Congress by Senator Jacob Javitz where we dealt with some of these issues, economic policy and their impact on the crisis in families for health and other social pathologies. Long ago, 30 years ago I came to the conclusion that simple incarceration would not work. I would remind the committee that in the nation as a whole we have 2.2 million people incarcerated at the present time, about 300,000 of those are mentally ill patients who should not even be in prisons, and about 300,000 or more are nonviolent drug offenders who should probably not be in prison either. I am against any program that would increase the number of jail cells and prisons in New York State.

And here I had some earlier experience when I formed a committee of professional economists in New York in support of Governor Cuomo and I remember writing a report, a policy report for that committee and they brought me to task for not stressing the important accomplishment of New York State in building prisons. And I had to confess to them that I didn't think this was an important element of progress that should benefit the Governor's reputation, but I thought it was an utter failure. And having worked in Europe for a number of years and knowing something about prisons and incarceration in Europe and how they treat drug offenders, I have to -- that reinforces my experience.

Indeed, Chief Justice Warren Burger of the Supreme Court in the 1970's had a very deep, personal interest in the Criminal Justice System and how other countries handled jails and incarceration. He made personal visits to most of the countries in Western Europe and even to the Soviet Union to see how prisons were run, what were the strategies, what were the issues and what was the outcome. And it's quite remarkable, he came down very strongly in favor of alternatives to prison, open prisons, treatment of medical problems of the inmates, as well as the psychological and emotional problems which most offenders seem to have.

The appalling thing about the American system is that we now have 2.2 million people incarcerated, that compares -- and this is the result of some of my experiences in Eastern Europe and Hungary and Eastern Germany in particular -- that compares to about two-and-a-half million people incarcerated in the Soviet {Goolog} in the middle of the 1950's. We are now the largest incarcerator, the largest prison

system in the entire world; I think that's appalling. In this richest country of the world, this greatest democracy and the history of western civilization that this is what we've come to. Especially when you recognize that not by any deliberate measure or intent, the prison population is very heavily weighted by minority populations. In fact, from some of the statistics I've learned of Suffolk County, about 40% of the inmates are black and Hispanic.

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Now, what can we do about it? First of all, as an economist I'm appalled by the cost of this project, over \$150 million. It will cost \$50 million a year or more just to operate this system. It's the largest construction project in the history of Suffolk County, something comparable to the entire County Center. When I talk to my friends and neighbors in Southampton, nobody has heard about this, yet it's going to have a profound impact on the increases in our taxes in the coming years. If we were to finance this program right now, we could get in on some really great interest rates for long-term debt financing. But within two years time, as an economist I promise you, the irresponsible budget deficits of the Federal government, and I speak as a Republican adviser, is going to yield a profound increase in the rates of interest, which means that we taxpayers are going to have to pay higher financing costs for this \$150 million of bonded debt as it must be renewed and refunded.

So on the economic grounds, I'm absolutely opposed to this project. Especially since all the statistics we have in this country from New York State and also from European countries is that alternative programs, treating the emotional, mental as well as physical illnesses of inmates and helping them to find rehabilitation is a much lower, cost effective approach than using incarceration.

As you probably have read, New York City now finds that it costs about 50,000 a year to keep an inmate in jail; according to statistics that I have for Suffolk County, it's somewhat less, somewhat above 40,000 a year. How long do you think the taxpayers can afford this? Especially when the cost of alternative programs, medical care, counseling, advice on how to get jobs, housing, may cost something like a thousand dollars or less a year; this is a difference in the annual operating budget cost which we taxpayers will have to pay. We are now experiencing a massive budget hemorrhage at the Federal level with deficits exceeding \$500,000 a year. New York State and every other state in the union has the same problem, and what are they doing? They're cutting down, they're cutting back on all social services. We can expect less and less aid from the Federal government to the states and cities and less aid from the states to municipal -- to local communities like ours; this means we shall have to bear the burden of this project, we taxpayers. And it's the least effective,

highest cost approach to the problem.

I was brought into this problem of incarceration, as I say, after graduating from the Lutheran {Diacronate} Program here and through my counseling of individual prisoners. I see now how complex these issues are that these people face and the answer is not incarceration. I just came from a court session this morning from the sentencing of a young man, highly intelligent black man, age 42, a repeat offender who has now been sentenced to four and a half to nine years in jail as a nonviolent drug offender; that's going to cost me \$40,000 or more per year as a taxpayer. This young man had severe, chronic health problems which were not treated adequately and appropriately in Riverhead Jail Center and in September he was taken near death from the jail to Riverhead Hospital where he underwent two major surgeries, was near death on the critical list for 20 days in intensive care. He remained in that hospital for six-and-a-half weeks. Now, you say what is the relevance of this? Through budget cost cutting, a jail cannot

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possibly give adequate and appropriate medical care to all the patients. Did you know that -- and I get it from Suffolk County statistics -- the equivalent of one tier of that jail houses mental patients? Mental patients cannot get the psychiatric, psychological and social work counseling that they desperately need, not in a jail.

What I'm suggesting as an alternative is not necessarily something on the cheap, it's going to cost us money, but the end result will be more effective. The rate of recidivism -- which it varies, 70% or more if there's just simply incarceration -- will continue with just incarceration, and it means that over the next ten years we can expect the prison population to rise, not to fall; it will become cumulative. And I will conclude, Madam Chairman --

CHAIRPERSON CARPENTER:

Thank you.

DR. BARTEL:

-- by just this one observation. Not only is it a violation of all reasonable, economic principals, but it is a fundamental violation of Judaea/Christian ethics, and that's really where I come from. We're failing people who are in great need and the need is in a number of areas other than just having broken a law. Thank you very much.

CHAIRPERSON CARPENTER:

Thank you very much. I appreciate you coming down and sharing your feelings with us. I guess we will go to the agenda, there are no cards. Legislator Bishop.

LEG. BISHOP:

Can I just ask a question of Counsel? I ask Counsel because he's known as the institutional memory and perhaps he has an answer to this inquiry.

When we earlier in the year as a Legislative body approved these Capital Budget authorizations and appropriations for the jail, is money being spent right now on the design of the jail? Because what I'm concerned about is even if -- I don't agree with the report, most of the report but, you know, I do see in the report that they agree with my criticism that maximum security, you know, all maximum security is inappropriate. So what I want to know is are we spending money to design something that's completely maximum security?

MR. SABATINO:

Well, I don't know if the money is actually being expended. I know a big part of the compromise was to provide for a certain amount of planning money for the current year. In fact, you even made an adjustment after the Capital Budget was adopted by amending one of the bills that was on the floor of the Legislature. I mean, that was done in anticipation of the work beginning this year; whether, in fact, the contracts were signed and the work is being done I can't attest to. But the discussion that took place on the floor at that time was that, I think somebody used the phrase, parallel universe or parallel tracks which were that while your Needs Assessment Study was going forward

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the other process would also be going forward, but hopefully the two would meet at some point and the Needs Assessment information would be available.

LEG. BISHOP:

But now you have the Phase I of the Needs Assessment saying that a significant aspect of the design, underpinnings of the design or the premise is incorrect. So is there anything that we as the Public Safety Committee should do to put the breaks on a plan that's all maximum security if that's not what we want?

MR. SABATINO:

It's not a question of should, it's a question of would. I mean, you can always scale back, you can always make adjustments and scale back a project, it's like the court facility a few years ago that was going in one direction.

LEG. BISHOP:

You can always do anything if you spend more money.

MR. SABATINO:

You have to have the information in front of you assessed and evaluated; yeah, you could vote, you could adopt a resolution.

LEG. BISHOP:

Okay. So in other words, unless there is another resolution passed that says don't build all maximum security, then the expectation is that the design process is going to go through with a maximum security design; that's what I'm concerned about.

MR. SABATINO:

Well, I haven't -- I don't have all the information in front of me, but the other possibility, too, is, you know, someone at the administrative level is paying attention and will be troubled by something --

LEG. BISHOP:

Now, as an institutional memory, do you think that's likely?

MR. SABATINO:

No.

LEG. BISHOP:

No, of course not.

CHAIRPERSON CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, just to refresh everybody's memory, I think we did a couple of things with this whole thing. First of all, we did approve some planning money to be spent in '04 for design and part of that design is to try to figure out what kind of a facility that we need.

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The other thing that we did is simultaneously on the dual track that Counsel was talking about is we agreed to go forward with this needs assessment study to see the size/scope of what we're going to build.

And the third thing, of course, we did is we broke up the construction over a period of really four years in different phases so that we wouldn't overbuild if the need wasn't.

And I think, you know, the plan was a sensible plan, I think we just have to let it take shape, we have to see what's in the Needs Assessment to see whether we're doing everything that we can or can we implement other programs to incarceration, and we have to be guided by that in the planning of what we're going to build.

CHAIRPERSON CARPENTER:

Thank you, Legislator Lindsay. Legislator Caracappa.

LEG. CARACAPPA:

Legislator Lindsay is exactly right and that's exactly what is happening. Public Works is anticipating the results of this study as well, and the design team that's been chosen by the County for the jail is also awaiting for the Needs Assessment Study so that they can incorporate the findings hopefully into what is ultimately designed for a new correctional facility. So everyone is waiting and we are truly moving on that dual track as we set out in one way or another a compromise early on and that's exactly what's happening.

LEG. BISHOP:

I'm respectfully confused; are we waiting or moving? Because we're doing both simultaneously, I don't understand.

LEG. LINDSAY:

The planning money is in '04.

LEG. BISHOP:

And if we're planning, since the resolutions we've passed say maximum security, are we planning maximum security or do we have authorizations to plan something less than what we passed previously; does it require subsequent resolutions? Those are my questions.

CHAIRPERSON CARPENTER:

Chief Otto, if you would come forward, please.

CHIEF OTTO:

Thank you. The Sheriff took the liberty when the Phase I planning came out to ensure that the contracted architect got a copy of that Phase I, okay. Because of that, he's already looking at it, he's not looking at all maximum security. He has taken that into consideration, that's why we gave him the Phase I report at the same time we distributed it to everybody. So everybody is working together and there are two tracks going on. And your concern as far as all maximum security, that's not going to happen, it's --

LEG. BISHOP:

How do I know? I mean, the Sheriff takes -- what is done by resolution? Where is the -- that's good; first of all, I want to say

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that that's good, I'm glad that that's the answer in one sense. In another, I'm concerned that I don't think what we did last year when we said build maximum security. So when we did that, we really knew that we weren't going to do that? And everybody has this inside -- I

mean, what are we building, does anybody know?

CHAIRPERSON CARPENTER:  
Legislator Lindsay.

LEG. LINDSAY:  
I don't think we made a determination in the planning funds to what type of jail we're building, whether it be maximum or intermediary or whatever. We approved in '04 money to start planning --

LEG. BISHOP:  
A jail.

LEG. LINDSAY:  
-- a jail, all right.

LEG. BISHOP:  
All right. That's --

LEG. LINDSAY:  
And we haven't seen the plan yet.

LEG. BISHOP:  
I don't think that's true, but I'm glad that that's what everybody is acting on.

CHAIRPERSON CARPENTER:  
No, and I agree, that was my understanding. And those of us that worked with the working group during the Capital Program, that it was to have that kind of flexibility, that we weren't locked in to any one definite group.

CHIEF OTTO:  
Legislator Bishop, you brought up that point about the maximum security facility. The reason why the Sheriff went forward with that request, at that time that would have given the Sheriff's Office an opportunity to move anybody into a maximum security cell if they had to, we were figuring that's one of the ways to save space and there was other ways to do this.

When the Phase I study came out, we looked at it and they had other suggestions and we agreed with them and we made certain that the architect got that to start the initial planning phases. So, you know, your point was correct, you were correct in what you were assuming. And the consultant that did this study actually backed up what you said, so it worked really well for everybody.

LEG. BISHOP:  
The consultant also says to build a bigger -- more cells than we contemplated last year.

CHIEF OTTO:

Yes, he did.

LEG. BISHOP:

Is that being presumed now or does that require --

CHIEF OTTO:

This is an ongoing -- it's not -- no, they're not planning this tomorrow, there's many things going on all at once. What you should do, and you've already recommended it, have the consultants come here to answer your questions.

LEG. BISHOP:

All right. I guess I can boil my concern down to this; do I need to also have the architect come to this meeting as well? I want to know -- my bottom line concern is that we have a report that leaves -- that needs a lot -- well, it's only half a report, leave it at that. We have half a report, we're making changes on the fly to a concept and are the architects now acting on half a report and spending money, are they billing the County, are they proceeding, or are they waiting until we have a final determination of what exactly we want? That's my concern; I don't know if you can answer that.

CHIEF OTTO:

I can't answer that.

LEG. BISHOP:

Right. So maybe I also -- we also need to communicate with the architect to say this is a fluid process and it's not concluded and don't design until it's concluded.

CHAIRPERSON CARPENTER:

I would -- I agree with what you're saying and I think that we can count on Legislator Caracappa, as Chair of Public Works, to communicate that to the architects because he's been very much involved in this process.

LEG. BISHOP:

Okay.

CHAIRPERSON CARPENTER:

Okay, let us move on then to the agenda.

Tabled Resolutions

1858-03 - Requiring annual emergency preparedness reporting (Tonna). I know Dave Fischler from FRES spoke to this, there were some concerns and subsequently there was a communication from the Health Department, Dr. Mermelstein also. So I'm going to make a motion to table, seconded by Legislator Caracappa. All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

IR 1873-03 - Establishing the requirement for adult childhood sexual abuse prevention education for Suffolk County vendors (Postal).

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LEG. CARACAPPA:  
Madam Chair?

CHAIRPERSON CARPENTER:  
Yes, Legislator Caracappa.

LEG. CARACAPPA:  
If I could, first I'd like to thank Counsel for his memo that I had requested at the last meeting regarding this legislation. I would like to table this to a date certain, that being the next Legislative -- the next Public Safety Committee of the year 2004.

CHAIRPERSON CARPENTER:  
Okay, I will second that motion. All those in favor? Opposed? The resolution is tabled to the first Public Safety Committee meeting in 2004 (VOTE: 6-0-0-1 Not Present: Legislator Bishop).

#### Introductory Resolutions

2017-03 - Allocating Pay-as-you-Go Funding for Personal Body Alarm System for Riverhead Medium and Maximum Security Correctional Facilities (Carpenter). This was something we had talked about, the body alarms. Let me just check the backup and then I'll tell you exactly, I think it's 600,000.

MR. SABATINO:  
It's 600,000, 50 is for planning and --

LEG. LINDSAY:  
Is that in the Capital Budget?

LEG. CARACAPPA:  
No, pay-as-you-go.

CHAIRPERSON CARPENTER:  
Pay-as-you-go.

LEG. BISHOP:  
Is it part of the plan?

CHAIRPERSON CARPENTER:  
Exactly.

LEG. CARACAPPA:  
No, no, no.

CHAIRPERSON CARPENTER:  
Legislator Caracappa.

LEG. CARACAPPA:  
This was -- there were additional monies on top of -- leftover after we handled all those resolutions last month, this is some of that.

LEG. BISHOP:  
We're not over subscribing?

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LEG. CARACAPPA:  
That was my question, if I could, Madam Chair.

CHAIRPERSON CARPENTER:  
Kevin, if you would.

LEG. CARACAPPA:  
The pay-as-you-go that we have made available for the year's-end here, the \$5 million, we initially did two point something with backlog resolutions, we approved another \$400,000 at the last General Meeting, this is for \$600,000; I would assume that we're still in good shape.

MR. DUFFY:  
Jim is signaling me from behind you that yes, we're still okay.

LEG. CARACAPPA:  
Thank you, Jim and thank you, Kevin.

CHAIRPERSON CARPENTER:  
Thank you ver much. Okay, I'll entertain a motion to approve --

LEG. CARACAPPA:  
Second.

CHAIRPERSON CARPENTER:  
Legislator Caracappa, second by Legislator O'Leary. All those in favor? Opposed? The resolution is approved (VOTE: 6-0-0-1 Not Present: Legislator Bishop).

2034-03 - Accepting and appropriating a grant in the amount of \$85,710 for the State of New York Governor's Traffic Safety Committee to enforce motor vehicle passenger restraint regulations with 91.83% support (County Executive). Motion to approve by Legislator Lindsay, second by Legislator Bishop. All those in favor? Opposed? The resolution is approved. (VOTE: 6-0-0-1 Not Present: Legislator Bishop). And we'll change that second to Legislator Guldi.

2038-03 - Accepting and appropriating a grant in the amount of \$54,500 for the New York State Division of Criminal Justice Services for the Suffolk County Police Department to implement an In-Car Cameras Program with 75% support (County Executive). Motion by Legislator Lindsay, second by myself. All those in favor? Opposed? Approved (VOTE: 6-0-0-1 Not Present: Legislator Bishop).

Anything else to come before the committee? If not, we stand adjourned. Thank you.

(\*The meeting was adjourned at 2:03 P.M.\*)

Legislator Angie Carpenter, Chairperson  
Public Safety & Public Information Committee

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