

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 **June 1, 2004**.

Members Present:

Legislator Angie Carpenter • Chairperson

Legislator Pete O'Leary • Vice•Chair

Legislator David Bishop

Legislator William Lindsay

Legislator Andrew Crecca

Legislator Daniel Losquadro

Legislator Lynne Nowick

Also In Attendance:

Mea Knapp • Counsel to the Legislature

Alexandra Sullivan • Chief Deputy Clerk/Suffolk County Legislature

Doug Sutherland • Aide to Legislator Carpenter

Linda Bay • Aide to Presiding Officer Caracappa

Joanne Doering • Budget Analyst/Budget Review Office

Ben Zwirn • Assistant County Executive

Adam Santiago • County Executive's Office/Intergovernmental Relations

Bob Bortzfield • Director/County Executive's Budget Office

Ken Knappe • County Executive's Budget Office

Carmine Chiuiano • County Executive's Budget Office.

Donald Sullivan • Undersheriff/Suffolk County Sheriff's Office

Alan Otto • Chief of Staff/Suffolk County Sheriff's Office

Vito Dagnello • President/Correction Officer's Association

Bill Ellis • Director of Public Relations/Correction Officer's Assoc.

Vincent DeMarco • President/Deputy Sheriff's Benevolent Association

Mike Sharkey • 2nd Vice•President/Deputy Sheriff's Benevolent Assoc.
Tom Muratore • Vice•President/Police Benevolent Association
Cecilia Clausing • Commissioner's Office/SC Police Department
Thomas Bafundo • Lieutenant/Suffolk County Police Department
Timothy Grauer • Lieutenant/Suffolk County Police Department.
Aristedes Mojica • Deputy Inspector/Suffolk County Police Department.
Bill Gardner • Supervisor•Technical Services/SC Police Department.
Patrick Kalan • Suffolk County Police Academy/SCPD
Hal Jantzen • Deputy Inspector/SCPD/Marine Bureau
Robert Kearon • Division Chief/District Attorney's Office
Dr. Jeanne Alicandro • Director/Emergency Medical Services
Warren Horst • Suffolk County Fire Marshal
Peter Digilio • Fire, Rescue & Emergency Services
Tom Henry • Suffolk County Probation Department
John Desmond • Director/Suffolk County Probation Department
Kristine Chayes • Suffolk County Department of Civil Service
Elizabeth Harrington • Deputy County Attorney
Debbie Eppel • Director/Public Information Office
Vito Dagnello • President/Correction Officer's Association
Bill Ellis • Director of Public Relations/Correction Officer's Assoc.
Tom Muratore • Vice•President/Police Benevolent Association
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 1:27 P.M. *)

CHAIRPERSON CARPENTER:

Okay, we will begin the Public Safety Committee and ask that Legislator Bishop lead us in the Pledge of Allegiance.

Salutation

Okay, we have a few cards so we'll start with the cards. Kristine Chayes.

MS. CHAYES:

I will speak •• I'm waiting for that resolution to come up; when it comes up I will be here as a resource.

CHAIRPERSON CARPENTER:

Okay, fine. Liz Harrington.

MS. HARRINGTON:

I was going to speak when the resolution comes up, Madam Chair.

CHAIRPERSON CARPENTER:

Okey dokey. And John Desmond?

DIRECTOR DESMOND:

Same.

CHAIRPERSON CARPENTER:

Same thing; okay, fine.

LEG. LINDSAY:

We have no scheduled speakers?

CHAIRPERSON CARPENTER:

We have no scheduled speakers today, no.

LEG. CRECCA:

Do we have any agendas?

CHAIRPERSON CARPENTER:

We have agendas.

LEG. LINDSAY:

Would it be proper of me to ask a question?

CHAIRPERSON CARPENTER:

Absolutely, you certainly may.

LEG. LINDSAY:

Before we start on the agenda, being that the County Attorney is here, the County Attorney's Office, really if you could come up now because I have a question that's really pertinent to some pending legislation, and maybe that's what you were going to talk about anyway.

Ms. Harrington, what my question is, I'm sure that you're well aware that the last few years there has been a stir over ambulance response time or emergency service response time in the County and REMSCO, the State agency, has come up with standards that have been kicked around for a while, and in the middle of it Legislator Bishop has a bill pending to try and encourage ambulance companies to increase their response time. Last week I got a memo that came from the County Attorney's Office saying that the priority call-outs on ambulance calls should be ignored and the first call that comes in should be answered, and I don't know whether you're aware of it or not but it's raising havoc with the emergency service community and any progress that we've made in terms of increasing response time is sliding back down that slope.

LEG. BISHOP:

We have Dr. Alicandro here.

LEG. LINDSAY:

Okay, but the opinion came from the Attorney's Office; am I correct?

MS. HARRINGTON:

I'm not familiar with the opinion that you're speaking about but I was •• if you have it, I can certainly take a look at it.

LEG. LINDSAY:

I don't have it with me, it's in my office. Maybe Dr. Alicandro, could you shed some light on

this; would you mind, Madam Chair.

CHAIRPERSON CARPENTER:

Certainly not.

MS. HARRINGTON:

It may have come from Cristine Malafi, I don't know, I was out of the office a few days last week, I don't know.

LEG. LINDSAY:

I have it on my desk and, you know, there's always been a priority call out, if somebody is in cardiac arrest, that's a high priority, you go get them first instead of the person who has a toothache that has to go to the emergency room. It made a lot of sense and now we're being told, you know, there could be a potential liability and throw out that priority system.

CHAIRPERSON CARPENTER:

Okay. Well, obviously you're not prepared to answer it so why don't you take your seat. And Dr. Alicandro, if you feel that you can, I suppose you can come forward.

MS. HARRINGTON:

I don't have it.

DR. ALICANDRO:

I can give a little bit of background. The intent of the Emergency Medical Dispatch Priority System is not actually to divert from one call to another but to ascertain what resources are necessary to respond to that emergency call and what the response mode should be, that is lights and sirens. Once committed to a call, if a second call comes in than every effort should be made to procure resources to respond to that second call. That's really the background of the system. It nowhere advocates diverting once committed to respond to an individual ••

LEG. LINDSAY:

Are you familiar with the memo I'm talking about?

DR. ALICANDRO:

Yes.

LEG. LINDSAY:

Okay. Then what does it do, if I'm not describing it properly?

DR. ALICANDRO:

No, I'm just giving you the background of the system. That's why the memo went out because it was common practice to divert from one call to another when already committed to the original call when a second call came in, rather than attempt to get resources for the second call. And that's not the intent of the license system that's being used in the County, the Priority Medical Dispatch System.

LEG. LINDSAY:

What does the memo say?

DR. ALICANDRO:

The memo indicates that this diversion practice should not be continued because it's not what's advocated by the system.

LEG. LINDSAY:

But it is being practiced, it was being practiced.

DR. ALICANDRO:

It had been, yes.

LEG. LINDSAY:

Okay. And what is your opinion of that?

DR. ALICANDRO:

My opinion is based on cases I've seen that that is not a valid practice and the more quality improvement needs to be in place first in order to have anything like that in place.

LEG. LINDSAY:

How is it going to improve the system if we have an ambulance on route to •• it could be a nursing home, it could be a motel that I have in my area that transports someone with •• really, it's obvious from the caller it isn't a life threatening situation, that we have someone in

cardiac arrest in the same neighborhood and we're to ignore that and go on this routine call?

DR. ALICANDRO:

Well, if you have a facility that's an issue with their types of calls that they're giving to the ambulance, I would appreciate being able to review those. The nursing home calls that I have reviewed have all, for the most part, been critical and there have been very few unnecessary uses of the ambulance for that population, so I would be interested in reviewing that. You know, I think to partially manage the system by diverting ambulances without having the capacity to immediately send a second ambulance to the other call, you know, it doesn't make sense, it needs to be either totally managed or you need to go on a first come/first serve basis.

LEG. LINDSAY:

So you do agree with the memo that was issued by the legal department?

DR. ALICANDRO:

Yes, at this time, yes.

LEG. BISHOP:

May I?

CHAIRPERSON CARPENTER:

We have a list.

LEG. BISHOP:

Oh, okay.

CHAIRPERSON CARPENTER:

Legislator Losquadro and then Legislator Bishop.

LEG. LOSQUADRO:

I had also heard, just to follow•up on Legislator Lindsay's comments, whether or not as a particular institution it could be someone's home for a non•life threatening injury. I had also heard some concerns from departments that do pay to have 24•hour coverage, and their taxpayers are paying for that in their fire district. The concern is that through this they would be pulled out of their own districts being that they have the man coverage that they're paying

for on a 24-hour basis to cover some of these life threatening calls that are now not being covered because someone else is out on a lower priority call that they cannot divert from. Have you heard any of the same concern, is there an issue to address that for districts that do pay for full-time coverage versus districts that do not?

DR. ALICANDRO:

I haven't heard that particular concern raised, although there does need to be coordination amongst corps for mutual aid procedures and that's something we're trying to work on with them.

LEG. LOSQUADRO:

Please keep that in mind because I know some districts do and some districts do not pay for that type of coverage. Thank you.

CHAIRPERSON CARPENTER:

Legislator Bishop.

LEG. BISHOP:

I just want to begin by taking a step back. The priority dispatch system is relatively new, correct?

DR. ALICANDRO:

It's been in the County for several years, actually.

LEG. BISHOP:

Well, when you say several; twenty years, five years?

DR. ALICANDRO:

No, I believe it's five but I'm not positive.

LEG. BISHOP:

Okay, so it's relatively new.

DR. ALICANDRO:

Maybe more, maybe seven.

LEG. BISHOP:

And it's not designed to prioritize which calls you go on and which you don't, that's not what the system is in place for?

DR. ALICANDRO:

If calls are received simultaneously, clearly you could prioritize, but once committed to a call, once you're on your way to respond to a call and a second call comes in ••

LEG. BISHOP:

Not to divert.

DR. ALICANDRO:

•• there's no literature that is put forth by the company that licenses this product, nor in my conversations with the author of the product that advocates that, nor is any other region in the State that I could find have that in written policy that they do that.

LEG. BISHOP:

Okay. And the dispatch in this case is FRES and they were taking it upon themselves, for whatever reason, probably because they felt it was logical, to divert ambulances to higher priority calls and the memo essentially says stop doing that.

DR. ALICANDRO:

No, they actually weren't doing that, they were actually informing the ambulance that was on the road that they had a second call and leaving it to the agency to decide what they would do, is my understanding.

LEG. BISHOP:

So how would that work in a real life example?

DR. ALICANDRO:

If an ambulance was in route to a lower priority call, the alpha, brava, lower priority call, the dispatcher, when they receive the second call, would notify that ambulance that a second call

had been received for their district and then leave it up to them to decide whether they would divert or not.

LEG. BISHOP:

Now, all our volunteer ambulance services want to be able to prioritize, they want the system to prioritize because they say there are many frequent fliers, people who, you know, the town drunk; I've heard about the infamous town drunk now from 20 different ambulance corps, who they go at least once a week, if not more, and he's, quote, "playing the system." So they want the ability to prioritize out and they say that other jurisdictions have that ability, New York City and Nassau County are cited by them to me as jurisdictions which have that ability; is that your understanding?

DR. ALICANDRO:

Ability to not respond?

LEG. BISHOP:

Ability to prioritize lower to say, "We'll get to him when we can but first we've got to take care of others."

DR. ALICANDRO:

I'm not sure, I'd have to check on that. The question I received regarding this from you ••

LEG. BISHOP:

And actually, in the case of ••

DR. ALICANDRO:

•• was whether they can choose not to transport which is not the case, that violates State regulation.

LEG. BISHOP:

And I'm told in the case of New York City that there is actually denials, outright denials.

DR. ALICANDRO:

Yeah, no, that's against State policy, I checked with the Director of the Bureau of EMS when I

got that question and that's not in place; actually, they pursue charges against individuals who are doing that.

LEG. BISHOP:

You know, it's not a matter of against State policy but it actually happens; you actually believe that does not happen?

DR. ALICANDRO:

Which thing now, the refusal?

LEG. BISHOP:

In other words, in New York City there will be calls where they say to the person who called in, "No, you are not entitled to an ambulance, we will not send an ambulance."

DR. ALICANDRO:

It's my understanding that does not happen, although in isolated instances they have had cases of that which they have pursued with formal charges against the technician doing that because it's not safe, there's literature.

LEG. BISHOP:

With the right •• I'm sorry.

DR. ALICANDRO:

There's just literature to support that it's not safe.

LEG. BISHOP:

With the right product system training, can we have in Suffolk County a system that will allow that type of flexibility? Not the outright ••

DR. ALICANDRO:

Not to refuse transport ••

LEG. BISHOP:

•• denial but the prioritization.

DR. ALICANDRO:

There have been a lot of studies done on refusal of transport that's initiated but probably not good. For prioritizing calls, if there's a robust quality improvement process in place and there's a reasonable assurance that a second ambulance will be coming in a timely fashion or a responder on scene, for instance, then that could be re-evaluated, yes.

LEG. BISHOP:

So in your opinion, with a well trained and accountable PSAP and with the proper amount of ambulances, we could have that system.

DR. ALICANDRO:

Correct.

LEG. BISHOP:

The only problem with that •• I agree, but the only problem is that the system suffers from a lack of ambulances so it seems like it's even more necessary to have some form of privatization when you lack ambulances as opposed to ••

DR. ALICANDRO:

Well, it's more a coordination. And we had a couple of cases where it was diverted and there was a problem because there was no subsequent ambulance arriving, that's the issue, so the coordination •• because that piece isn't there, if an ambulance is diverted, it's not that every surrounding corp has access to respond to that ••

LEG. BISHOP:

I know all my colleagues are hearing from their •• you know, because of legislation that I filed there's a lot of dialogue now. A lot of them are hearing extensively about the calls, you know, the 80% of the calls that they feel are not true emergencies and one of the things, the criticisms that they're raising is this lack of flexibility. So if you could share information with my colleagues so that they understand where you're coming from, it would be helpful because as you can imagine, the ambulances are saying it's an unreasonable demand not to have this flexibility in the system. Thank you.

DR. ALICANDRO:

Thank you.

CHAIRPERSON CARPENTER:

Thank you very much, Dr. Alicandro. We will move to the agenda.

-

Tabled Resolutions

1418•04 • Amending the 2004 Capital Budget and Program to establish affordable County Jail Cost Containment Policy (replacement of jail facility at Yaphank) (replacement of jail facility at Yaphank) (CP 3008) (County Executive). Motion by Legislator O'Leary to table, I will second it. All those in favor? Opposed? **The resolution is tabled (VOTE: 7•0•0•0).**

-

Tabled Procedural Motion

Procedural Motion No. 1•2004 • To retain consultant for the purpose of reviewing and evaluating alternatives to incarceration to reduce our daily jail bed population (Bishop). Is there a motion?

LEG. BISHOP:

I will make a motion to table but •• motion to table.

CHAIRPERSON CARPENTER:

Motion to table by Legislator Bishop, second by Legislator O'Leary.

LEG. BISHOP:

And I have good news. As you know, I benefitted from the work of an intern from SUNY Stony Brook who is pursuing a graduate degree and one of the things she found in her research was that the United States Justice Department offers free consultations for municipalities who are contemplating constructing jails. And so the County Executive will make application to the Justice Department, she's been in contact with them, they are looking forward to the application, so it looks like we're going to end up with free consulting services, which is what we need.

CHAIRPERSON CARPENTER:

Thank you very much.

LEG. CRECCA:

Legislator Bishop, on that, because I had a conversation with the Sheriff; did you talk to the Sheriff about that?

LEG. BISHOP:

No; I don't talk to the Sheriff generally.

LEG. CRECCA:

Well, because the Sheriff was applying for the same program and the County Executive, I understand, initially resisted, but I understand that that's already been arranged. So that's why I say it.

CHAIRPERSON CARPENTER:

It certainly sounds, just from listening to this dialogue, that communication certainly would be in order with the Sheriff on any of the issues addressing the jail. In any event, ***the resolution is tabled (VOTE: 7•0•0•0).***

-

Introductory Resolutions

IR 1508•04 • Adopting Local Law No. 2004, a Local Law licensing businesses which service portable fire extinguishers and automatic fire extinguishing systems (Bishop). This is a Local Law, public hearing. Motion by Legislator Nowick to table pending the public hearing.

LEG. BISHOP:

Is it here or ••

CHAIRPERSON CARPENTER:

No; there will be no public hearings in committee, for this committee, unless it's deemed by the sponsor, but I would not •• I personally think they should be at the full Legislature. So we have a motion by Legislator Nowick, second by Legislator Bishop to table 1508. All those in favor? Opposed? ***The resolution is tabled (VOTE: 7•0•0•0).***

1521•04 • To secure Police Officer positions for returning veterans (Caracciolo). This

is the resolution that both Civil Service and the County Attorney's Office wish to speak on; Kristine, come forward please, and Ms. Harrington. Go ahead, Kris.

MS. HARRINGTON:

You want me to start?

MS. CHAYES:

Sure, you can start.

MS. HARRINGTON:

Good afternoon. The County Attorney has asked me to just bring to your attention some potential problem with the legislation. And again, I just want to reiterate that although the office is very much in favor of helping veterans in whatever way it can, this legislation has some issues with regard to Military Law and Civil Service Law.

I guess the primary issue is that it's unclear, at least to me reading it, about the 14 people who are on the list. It would appear that they have not completed the application process which means that they can't be appointed until they do, and to do that it would allow them to become police officers without taking I believe it's agility, psychological.

CHAIRPERSON CARPENTER:

Kris, do you want to address it, please?

MS. CHAYES:

All right, let me just briefly go through what that process is.

If someone in the military on active duty let's say is on the police officer list and their score is reached •• now, for the 1999 list we got down to 92.5% •• their score is reached but they are unable to take the qualifying, medical, psychological, physical exams because they're on active duty, they may make application under Military Law for •• to go on a special list which means that when they go off active duty •• and that could be at any time, it could be 20 years later when they're off active duty •• they apply to take the qualifying exam at that point. They have only taken the written portion of the exam now, so now they are •• they come back, they're off active duty, they can take the medical, physical, psychological, they have to pass those to go on the military list, at which point that list is given preference for use in hiring of police officers over any promotional or open competitive list.

MS. HARRINGTON:

So the issue becomes with regard to these •• this legislation talks about 14 people then it talks about 25 people; there's an issue as to whether the 14 people have taken all of the other qualifying exams because they would need to do that. The failure rate, according to the Police Department, is quite high, it's like 80%, and the legislation is silent on that point, so there's a little confusion with regard to that.

The next issue is it talks about 25 people, I don't know whether the other 11 have actually taken the test or their number wasn't reached; do you know, Kris?

MS. CHAYES:

We have 14 people •• we have 14 people on the military list with two additional pending completion of their portions of the exams they haven't completed.

MS. HARRINGTON:

So a reading of the Military Law would be that their only remedy under the Military Law would be to be allowed these 11 people, if their number wasn't reached it wouldn't have been reached whether they were here or overseas or anywhere else, it would be to make application within 90 days to take the new test, if you take a remake on the new test and to get on that list as well. So this legislation seems to be preempted by the Military Law because it already sets forth all of these parameters already with the exception of simply appointing the 14. You still have to have a class and the hiring and firing has to be from the department head and not the Legislature, which Kristine can address as well.

MS. CHAYES:

I think •• what's being referred to is the power to hire and fire is always vested with an appointing authority; in this case, the Police Commissioner would have the power to hire and fire and cannot be directed to do so through Legislative action.

CHAIRPERSON CARPENTER:

I have one question. My office received calls and e-mails from the County Attorney's Office •• I guess, Ms. Harrington, from your office •• requesting the opportunity to address the committee on this resolution. Did you contact the sponsor of the resolution?

MS. HARRINGTON:

I believe they contacted your office because you were listed on it as well ••

CHAIRPERSON CARPENTER:

I'm a cosponsor.

MS. HARRINGTON:

•• and he's not on this committee.

CHAIRPERSON CARPENTER:

Did you contact the sponsor of the resolution?

MS. HARRINGTON:

I don't know if they did, Ms. Carpenter.

CHAIRPERSON CARPENTER:

My guess is that you probably didn't. Secondly, my question is ••

MS. HARRINGTON:

Generally we'll •• if I might finish. We always try to, if possible. It is also quite possible that it was after hours, I know that I didn't leave the office Friday until almost eight o'clock, so I don't know whether or not they did or whether they were able to.

CHAIRPERSON CARPENTER:

Did you contact the County •• the Legislative Counsel about the issues that you're raising here today?

MS. HARRINGTON:

I think that they did send a fax, yes, I believe so.

CHAIRPERSON CARPENTER:

Counsel, did you receive any correspondence on this particular resolution?

MS. KNAPP:

I didn't receive a fax and I was here late Friday and I was here Saturday and I was here yesterday and I didn't see a fax, no.

CHAIRPERSON CARPENTER:

Thank you.

MS. KNAPP:

On the other hand, my Outlook wasn't working yesterday, so if you did it on Sunday I could have missed it.

CHAIRPERSON CARPENTER:

Well, my point in asking that is clearly that it certainly seems time and communication would have been better spent contacting Legislative Counsel and the sponsor of the resolution with these concerns rather than having a secretary contact my office on a number of occasions, requesting something in writing that you had permission to come to the committee; it just seemed rather ridiculous, quite frankly.

If there are concerns on a resolution, this is just from my own perspective, it seems to me time would be better spent and it would be much more efficient to contact the sponsor of the resolution and Legislative Counsel who more times than not helped draft the resolution. And I do believe Legislator O'Leary has a question.

LEG. O'LEARY:

Yeah, the question is of Civil Service. The 14 who are mentioned in the resolution, I'm assuming that of the 25 that were on the original list only 14 are •• have qualified or ••

MS. CHAYES:

I understand that there are 14 that have qualified on that list.

LEG. O'LEARY:

Okay.

MS. CHAYES:

I don't know where the 25 comes from, I know there are 14 who have qualified.

LEG. O'LEARY:

Are the 14 still current ••

MS. CHAYES:

With two pending.

LEG. O'LEARY:

Are the 14 still currently in the military or are they out?

MS. CHAYES:

I don't know, I would have to check that.

LEG. O'LEARY:

Okay, because I ••

MS. CHAYES:

Well, actually, wait a minute, they would have to be out in order to take the qualifying exam; they cannot take the qualifying portion of the police exam until they are no longer on active duty.

LEG. O'LEARY:

I understand that, but what's confusing me is that these individuals were on a list that is no longer in existence?

MS. CHAYES:

That's right.

LEG. O'LEARY:

And they would have been reached had they not been serving in the military for purposes of the employment process, to check the background, etcetera?

MS. CHAYES:

Their score was reached; it doesn't mean that they were eligible to be appointed, it means their score was reached and if they were home and not on active duty they would have then gone on to take the qualifying portions of the exam; medical, psychological, physical exams. They were unable to do that because they were in the military on active duty, so the Military Law gives them the opportunity to do that when they come back home and are off active duty.

LEG. O'LEARY:

I mean, I can identify with this because I was in that exact same situation in 1965. I had taken the police test and I was going through the employment process and hadn't quite finished that and I was drafted into service and I was put on a military list and once I was discharged from the military I was given preferential treatment to go into the very next class and that list had expired some two years previously.

MS. CHAYES:

That's how it works.

LEG. O'LEARY:

That's not what's happening here? Counsel, is that what's happening here?

MS. KNAPP:

I have a little bit more information about this only because I was in the e-mail chain between Legislator Caracciolo whose bill it is and Allen Hartvik who handles the military list in Civil Service. And I think it started when Legislator Caracciolo wanted to make sure that anyone who was actively serving in the military who had scored high enough to be eligible had they not been in the military could have an opportunity to go into a class. And he made inquiry of Mr. Hartvik who said that there were I believe 14 people who are so situated and in the course between the time the Legislator first made inquiry and now, I believe that two more have been •• have come home. And there was a discussion between the Legislator and Mr. Hartvik about how many he could anticipate the maximum number would be by the end of this year and I believe that they settled on 25 as being the number and it was the Legislator's intent that a class be offered if these people finish their qualification process and were eligible to be appointed otherwise, that they would have the opportunity to do that.

LEG. O'LEARY:

Yeah, and thank you for that explanation. Even if there isn't a special class for these individuals,

they should certainly be given consideration for the next class that is formed and that is hired providing they pass all the qualifying events for purposes of employment.

MS. HARRINGTON:

They get that.

LEG. BISHOP:

She said they have to take the test again.

LEG. O'LEARY:

No; why would they have to take the test again?

CHAIRPERSON CARPENTER:

No.

MS. CHAYES:

They don't have to take the test again.

LEG. O'LEARY:

I thought you said the ••

MS. CHAYES:

The qualifying test, if they •• the 14 that are on there have passed the qualifying test.

LEG. O'LEARY:

The written exam.

MS. CHAYES:

They have already passed that, the qualifying tests are the physical, medical, psychiatric parts.

LEG. O'LEARY:

Right, and we all go through that.

MS. CHAYES:

Yes. And if a class is to be started, their list, the list they are on is preferential over any promotional or open competitive list, they must •• their list must be used first for filling in a class.

LEG. CRECCA:

List me as a cosponsor, please.

MS. HARRINGTON:

They get it anyway, exactly.

LEG. O'LEARY:

All right, so that ••

LEG. BISHOP:

Then what does the bill do?

LEG. O'LEARY:

So what's the legal ramifications or legal impediments, if you will, of this bill?

MS. HARRINGTON:

What the bill does is according to the Military Law, they are the first on the list when a new class is called and they must come off the eligible list. This does two things, it allows them to be appointed without a class being called, having a special class, and it's requiring the appointment to come from the Legislative body instead of the department head; so those are the two issues with the bill as it sits now.

LEG. O'LEARY:

But if this Legislative body is of the mindset to do just that, then there's no legal impediment.

MS. HARRINGTON:

No, under the County Charter the only authority to do that is with the department head and the County Executive under, I think it's Article 13.

CHAIRPERSON CARPENTER:

Okay. Are there any other questions for the speakers? Ken, you would like to chime in on

this?

MR. KNAPPE:

I just wanted to add one point, and Budget Review could correct me if I'm wrong. The resolution does not appropriate or earmark any funding for this new class whenever it would materialize. It doesn't ••

CHAIRPERSON CARPENTER:

And that certainly is something that could be addressed down the road.

MR. KNAPPE:

I just wanted to point that out because it fails to mention that.

CHAIRPERSON CARPENTER:

Okay, thank you.

LEG. CRECCA:

Motion to approve.

CHAIRPERSON CARPENTER:

We have a motion by Legislator Crecca to approve.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?

LEG. NOWICK:

Cosponsor.

CHAIRPERSON CARPENTER:

Legislator Nowick would like to cosponsor.

LEG. CRECCA:

Me, too.

LEG. O'LEARY:

Cosponsor as well.

LEG. LOSQUADRO:

Cosponsor.

CHAIRPERSON CARPENTER:

And O'Leary, okay.

LEG. LINDSAY:

Cosponsor.

CHAIRPERSON CARPENTER:

And Lindsay. Okay, all those in favor? Opposed? ***Resolution 1521 is approved (VOTE: 7•0•0•0).***

LEG. BISHOP:

I thought you were going to table.

CHAIRPERSON CARPENTER:

No. Did you wish to ••

LEG. O'LEARY:

You want to be a cosponsor?

LEG. BISHOP:

No, I don't want to cosponsor it, but I will vote for it.

CHAIRPERSON CARPENTER:

Okay, good.

All right, ***1527•04 • Accepting and appropriating a grant in the amount of \$397,400***

from the United States Department of Justice, Office of Community Oriented Policing Services, to implement regional communications improvements with 100% support (Presiding Officer at the request of the County Executive). I will make a motion to approve and put on the consent calendar, second by Legislator O'Leary. All those in favor? Opposed? **Approved and put on the consent calendar (VOTE: 7•0•0•0).**

1540•04 • John, did you want to come forward? I think you wanted to address this particular resolution, **Transferring and appropriating funds from 1% Bail Fee Account into the Department of Probation to enhance an Alternative to Incarceration Program and reduce jail overcrowding (Presiding Officer at the Request of the County Executive).**

DIRECTOR DESMOND:

Good afternoon. I'll try to make this quick. We originally had a multi-year process by which we were going to move from the current electronic monitoring to the global positioning, the passive system and then from that to the active. We believe that the technology is improving at such a rate that the active is becoming possible soon.

We have in the '05 Capital Budget a request to purchase ten units as experimental, if they work they won't transition into those. To keep us going until that point, we're looking to get these 50 units, we anticipate that should take care of our needs for the next couple of years. That's it.

CHAIRPERSON CARPENTER:

Thank you very much. Bill?

LEG. LINDSAY:

After we're done with the agenda I have a question for Mr. Desmond.

CHAIRPERSON CARPENTER:

Okay. Well, why don't we act on this resolution and while he's sitting there you can ask him your questions. All right, we have a motion ••

LEG. CRECCA:

Motion.

CHAIRPERSON CARPENTER:

•• by Legislator ••

LEG. CRECCA:

Crecca.

CHAIRPERSON CARPENTER:

Crecca, yes, second by Legislator O'Leary.

LEG. CRECCA:

Thanks for remember.

CHAIRPERSON CARPENTER:

I know, how quick we forget.

LEG. CRECCA:

I used to sit next to you before you became the powerful DPO.

CHAIRPERSON CARPENTER:

Not as powerful as a judge. All those in favor? Opposed?

The resolution is approved (VOTE: 7•0•0•0).

Next we have ***IR 1547•04 • Amending the 2004 Capital Budget and Program and appropriating funds in connection with the purchase of a prisoner transport bus • Police Department (CP 3175) (Presiding Officer at the Request of the County Executive).*** I'll make that motion, second by Legislator O'Leary. All those in favor? Opposed?
Approved (VOTE: 7•0•0•0).

And I'm sorry, John, you know, I realized as I started reading it that •• but go ahead, we'll •• go ahead, Bill.

LEG. LINDSAY:

John, we have a letter before us from the New York State Office of Children and Family Services recommending that we not build a juvenile detention center; is that ••

DIRECTOR DESMOND:

Well, that's basically the gist of it. What it says is that they would like us to conduct a new

system's analysis of the need for the children's shelter. But basically the tone of it is such that you get the impression they don't want us to build this facility and that tone is enhanced by the fact that the Governor proposed in his State of the State in January that there be a moratorium on shelter destruction and we're the only County that is in the planning process for that.

LEG. LINDSAY:

But right now we don't have a facility and we ship everybody out of County, right?

DIRECTOR DESMOND:

Absolutely correct.

LEG. LINDSAY:

How many kids are we shipping out of County?

DIRECTOR DESMOND:

We currently have 18 children out of County, that fluctuates, it's been as high as 40 at one time.

LEG. LINDSAY:

Roughly what is our annual cost for that?

DIRECTOR DESMOND:

I don't have that off hand; about 12 million I think.

LEG. LINDSAY:

Twelve million for 18 people?

DIRECTOR DESMOND:

That's all the children over the course of the year, the cost of moving them, the •• all the costs involved.

LEG. LINDSAY:

There's \$12 million annually?

DIRECTOR DESMOND:

Don't hold me to this.

LEG. LINDSAY:

Rough, rough.

DIRECTOR DESMOND:

Yeah, but it's a very expensive process.

LEG. LINDSAY:

So how can ••

LEG. CRECCA:

Will you yield for a second?

LEG. LINDSAY:

How can they justify saying not to build this facility if we're spending that much money to ship people out•of•County?

DIRECTOR DESMOND:

I haven't gotten a good explanation from the State. I think they're very concerned and not to spend the seven million.

LEG. CRECCA:

May I?

LEG. LINDSAY:

I'll yield.

CHAIRPERSON CARPENTER:

You'll yield to Legislator Crecca?

LEG. CRECCA:

Yeah, two things. Number one is the State is the one that told us we have to build a juvenile

detention center, number one. Number two is •• and we were out of compliance for many, many years, as you know, I'm not going to redebate that issue. Number two is that doesn't even include how many kids are now being placed in other programs which costs us even more money, okay, because the judges know they don't want to send them out•of•County, instead they're sending them to residential programs and places they would not normally send children. And that price tag •• and Jim, you probably know the number better than I do •• is up 25 million or 35 million for residential placement of juveniles. The number is off the charts, Bill.

LEG. BISHOP:

You have that many bad kids?

DIRECTOR DESMOND:

We're anticipating \$22 million just for the Probation part of State placements for next year.

LEG. CRECCA:

There you go. Don't get me wrong, some of those placements will still take place, but I guarantee you that less will take place as a result of having a juvenile detention center. This is all about •• this letter is all about them wanting to try to bag out on \$7 million that they're supposed to reimburse our County once we build it, that's all it is. And the bottom line is they're not going to be able to do that because, correct me if I'm wrong, but there's a paper trail where they're the ones who told us to build a 32 bed facility, not a 40 bed facility, etcetera, etcetera, you know, based on our needs. And the average lease as of a year ago, the average daily was well into the 20's, I think we were about 24, 25 on average.

DIRECTOR DESMOND:

Yeah, it varies greatly but that's a pretty good average.

LEG. CRECCA:

So to me, this is nothing, this letter is a political joke.

LEG. LINDSAY:

Thank you for your clarification. I'm sorry to interrupt the agenda but I had to ask.

CHAIRPERSON CARPENTER:

Not a problem. Thank you.

DIRECTOR DESMOND:

Thank you.

CHAIRPERSON CARPENTER:

Thank you very much, John.

1548•04 • Amending the 2004 Capital Budget and Program and appropriating funds in connection with the repowering of Police patrol boats (CP 3198) (Presiding Officer at the Request of the County Executive). These are for two boats on the north shore and the south.

LEG. O'LEARY:

Motion.

LEG. LOSQUADRO:

Second.

CHAIRPERSON CARPENTER:

We have a motion and a second. All those in favor? Opposed?

The motion is approved (VOTE: 7•0•0•0).

1561 •• oh, this has been amended to really have it be more of a Public Works bill, ***it has been reassigned to Public Works.***

1562•04 • Authorizing establishment of an ambulance service for Fire Island under the New York State Public Health Law (Presiding Officer for the County Executive). I just wanted to clarify because there had been some concerns about this from the EMS community that perhaps the County was moving towards a paid ambulance service and that is not the intent here at all. What this is is an order to have our police boats be •• in fact, I see the Inspector from the Marine Bureau, Hal Jantzen; do you want to come forward and explain it? You certainly can do it better than I.

DEPUTY INSPECTOR JANTZEN:

Am I on here? I guess so.

CHAIRPERSON CARPENTER:

Yes.

DEPUTY INSPECTOR JANTZEN:

Good afternoon. Basically what we're doing is trying to bring up to the next level the type of service we provide for those persons in need of medical treatment, either for illness or injuries. There are 17 communities over at Fire Island, two of which have their own ambulance service. Historically, and I'm going back 25, 30 years, we have been providing medical transportation for anyone in need that would have to go to the mainland if aviation wasn't able to accommodate them, and they cannot accommodate everybody in all weather conditions so we roughly average about 250 to 400 medical transports across the bay each year. Now, technology and training have brought us to this threshold where it would be incumbent upon us to provide the best care we can. And since 90% of our office is trained to the EMT level, we are now going to take the appropriate steps to outfit the boats with the necessary equipment to continue that treatment from the beach across the bay and to meet with a land ambulance. The need to do that I think is pretty obvious so that there is continuity and appropriate record keeping all the way from the time that a police officer or a first responder encounters someone in need of care all the way to the emergency room and able to document the vital signs and the type of treatment that was necessary.

We're also going to address the need to communicate with our people before we arrive on the scene by getting the appropriate radio frequencies installed in the boat so that we can be in communication with the patient before we arrive.

While we are transporting we can also communicate with the hospital emergency room and get instruction from them or a doctor present.

So that's basically the reason that we want to get our boats certified as ambulances. The seven boats that are going to be certified if this is approved have been inspected by Dr. Alicandro and they meet the standard of the State as far as appropriate size. There is going to be some upgrades in equipment that will likely result, adding additional backboards, some stuff for emergency child birth, burn victims, things of that nature that our officers have been trained in

but have not had to utilize in the past. So that will also be included on board and when they receive the certification all that stuff will be in place.

CHAIRPERSON CARPENTER:

Thank you very much. I know that many of the people over there, both those that come during the summer and those that reside there year round, are very much supportive of this and have a much better comfort level knowing that they are certified. Also, the resolution includes an ambulance that is at the Police Academy and while we were doing this they felt that it would make sense to also certify that ambulance so that in times of, you know, hazardous response scene that they could employ the ambulance that is at the academy. Thank you very much.

DEPUTY INSPECTOR JANTZEN:

Okay.

CHAIRPERSON CARPENTER:

I'll make that motion to approve, second by Legislator Bishop.

All those in favor? Opposed? **Approved (VOTE: 7•0•0•0)**. And please list me as a cosponsor.

-

Sense Resolutions

Sense 42•2004 • Memorializing Resolution requesting the Federal Government to enforce immigration laws (Caracciolo).

LEG. LOSQUADRO:

Madam Chairwoman?

CHAIRPERSON CARPENTER:

Do we have a motion?

LEG. LOSQUADRO:

If I could just ask a question ••

CHAIRPERSON CARPENTER:

Sure.

LEG. LOSQUADRO:

•• Madam Chairwoman? Didn't Legislator Caracciolo have Sense 25 earlier in the year that accomplished the same task, or was something ••

MR. TASSONE:

It failed.

LEG. LINDSAY:

Oh, I'm sorry, that did not pass, my apologies.

CHAIRPERSON CARPENTER:

Right, I think this ••

LEG. LOSQUADRO:

I remembered this earlier.

CHAIRPERSON CARPENTER:

Right. I think this resolution has been changed. Okay, basically it just •• the RESOLVED clause really just directs or asks •• let me get it out.

LEG. BISHOP:

Isn't it silent on hiring halls?

CHAIRPERSON CARPENTER:

Yes, it is.

LEG. BISHOP:

It speaks to immigration ••

CHAIRPERSON CARPENTER:

Right, as far as the RESOLVED cause is concerned, to enforce the law.

LEG. BISHOP:

Absolutely, I'm for it.

CHAIRPERSON CARPENTER:

Okay. All those in favor? We need a motion.

LEG. BISHOP:

Motion.

CHAIRPERSON CARPENTER:

By Legislator Losquadro, second by Legislator O'Leary. All those in favor? Opposed? ***The resolution is approved (VOTE: 7•0•0•0).***

Sense 45•2004 • Memorializing Resolution requesting the State of New York to reimburse Suffolk County for Police patrol costs on the Long Island Expressway and Sunrise Highway to promote community policing efforts in Suffolk County (Cooper).

LEG. BISHOP:

It's about time.

CHAIRPERSON CARPENTER:

This is probably the tenth time we've sponsored this resolution; hopefully this will be the time that the State listens, however I don't hold out much hope. I'll make that motion, second by Legislator O'Leary. All those in favor? Opposed? ***The resolution is approved (VOTE: 7•0•0•0•0).***

Sense 49•2004 • Sense of the Legislature Resolution requesting New York State to enact Zero Tolerance Law for certain traffic offenses committed by inexperienced drivers (Caracappa).

LEG. BISHOP:

That sounds terrible; what is that?

CHAIRPERSON CARPENTER:

Well, basically ••

LEG. BISHOP:

Zero tolerance.

CHAIRPERSON CARPENTER:

Zero tolerance. We have a motion?

LEG. O'LEARY:

Do we have an explanation?

CHAIRPERSON CARPENTER:

Well, sure; Counsel, if you would.

LEG. BISHOP:

What do you do, take away their license?

MS. KNAPP:

This is asking the State to deal with the issue of aggressive or reckless driving when the driver is under the age of 21. That inexperienced drivers, whether it's defined as an age or somebody who just had a license for a minimum period of time, would have their licenses revoked if they committed certain egregious traffic violations such as excessive speeding or reckless driving. I believe it was an attempt to deal with ••

LEG. BISHOP:

Kids.

MS. KNAPP:

•• you know, young people who ••

LEG. BISHOP:

Right. What is excessive speeding as defined?

CHAIRPERSON CARPENTER:

Faster than the speed of light.

LEG. NOWICK:

I will make a motion.

LEG. CRECCA:

I just want to know if I'm safe under this bill.

CHAIRPERSON CARPENTER:

Hopefully you're not inexperienced or 21, under 21. Okay, do we have a motion?

LEG. NOWICK:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Nowick. Second by?

LEG. O'LEARY:

I'll second.

CHAIRPERSON CARPENTER:

Legislator O'Leary. All those in favor? Opposed?

LEG. BISHOP:

I'll abstain.

CHAIRPERSON CARPENTER:

The resolution is approved, Legislator Bishop abstains (VOTE: 6•0•1•0 Abstention: Legislator Bishop).

Sense 50•2004 • Sense of the Legislature resolution in support of increasing fines for traffic violations in a school zone (Carpenter) particularly where there are crossing guards. I will make this motion, second by Legislator Nowick. All those in favor? Opposed?
The resolution is approved (VOTE: 7•0•0•0).

If there's anyone else who needs to address the committee?

Seeing no one, we stand adjourned. Thank you.

LEG. CRECCA:

Excellent. Thank you, Legislator Carpenter, for a fine job.

(*The meeting was adjourned at 2:12 P.M.*)

Legislator Angie Carpenter, Chairperson.

Public Safety & Public Information Committee